



## Council Report

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<b>Report Number:</b>	<b>PLAN2024-027</b>
<b>Meeting Date:</b>	April 30, 2024
<b>Title:</b>	<b>Lindsay 2017 Developments Inc. Sugarwood Phase 2 – Block Development – Exemption from Part Lot Control Provisions of the Planning Act at Concession 4, Lot 22</b>
<b>Description:</b>	Part Lot Control exemption request to permit 29 townhouse units in Sugarwood Subdivision Phase 2 – Block Development by exempting Blocks 94 to 99 inclusive, Plan 57M-814 from the Part Lot Control Provisions of the Planning Act in the Geographic Township of Lindsay on properties identified as vacant land on Walter Street and Bulter Boulevard, Lindsay
<b>Author and Title:</b>	Matt Alexander, Practice Lead, MCIP, RPP; WSP Canada Inc., on behalf of Kawartha Lakes Planning Division

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### Recommendations:

**That** Report PLAN2024-027, **Lindsay Developments Inc. – Part Lot Control Exemption Request, Application D05-2024-002**, be received;

**That** the Part Lot Control By-law, substantially in the form attached in Appendix D to Report PLAN2024-027 be approved for adoption by Council; and

**That** the Mayor and Clerk be authorized to execute the documents required by the approval of this application.

**Department Head:** \_\_\_\_\_

**Legal/Other:** \_\_\_\_\_

**Chief Administrative Officer:** \_\_\_\_\_

## **Background:**

The Plan of Subdivision known as Sugarwood Development – Phase 2 was approved by Council and registered as Plan 57M-814. The proposed lots in Plan 57M-814 were intended for a combination of single detached and townhouse dwellings. Included in Plan 57M-814 were blocks 94 to 99 inclusive, intended for townhouse development but not individually lotted until they are created through the lifting of Part Lot Control.

The applicant has applied to exempt Blocks 94 to 99 inclusive, Plan 57M-814, being 6 Blocks which results in the creation of 29 townhouse units on individual lots fronting on Walter Street and Butler Boulevard (see Appendices A and B).

The owner has entered into Subdivision and Site Plan Agreements with the City to facilitate construction of the roadways and municipal services.

Owner:	Lindsay 2017 Developments Inc.
Applicant:	D.G. Biddle & Associates Ltd. c/o Lisa Klets
Legal Description:	Blocks 94 to 99 inclusive, Plan 57M-814, former Town of Lindsay, now City of Kawartha Lakes
Official Plan:	Urban Settlement Boundary in the City of Kawartha Lakes Official Plan Schedule A3 (2012), General Commercial in the Lindsay Secondary Plan Schedule F-1 (2017)
Zones:	Residential Multiple One Special Exception Twenty-Two (RM1-S22) Site zoning is subject to Minister's Zoning Order O.Reg 355/20 as amended by O.Reg. 168/21 and O. Reg. 457/22
Site Servicing:	Full municipal water, sanitary and storm sewer services
Existing Uses:	Townhouse dwellings and single detached dwellings in various stages of completion
Adjacent Uses:	North – Butler Boulevard, Residential Development East – Residential Development South – Walters Street, Residential Development West – Residential Development

## **Rationale:**

The owner has applied for an exemption for Blocks 94 to 99 inclusive, Plan 57M-814. All draft Reference Plans are attached as Appendix C.

The land has been serviced in accordance with the Subdivision Agreement and the units are in various stages of completion. The purpose of an exemption from Part Lot Control is to permit the further division of the subject blocks into transferable lots. The owner will then transfer ownership of each lot and apply for building permits to construct the townhouse dwellings. The proposed exemption will permit these transfers to occur.

Part Lot Control is provided as an alternative process to Consent under the Planning Act and is used where the subject lands are included in a Plan of Subdivision and described either as a Lot or a Block:

- where the subject land is covered by a zoning by-law (MZO in this case) that clearly establishes the minimum lot frontage and the minimum lot area for the proposed use; and
- where the subject land is covered by a subdivision agreement registered on title that will be in effect during the time the Part Lot Control By-law is in effect and which provides for the passing of a Part Lot Control By-law under Section 50(7) of the Planning Act.

The subject land complies with all the above criteria. The proposed By-law exempting these Blocks from Part Lot Control is attached in Appendix D.

## **Provincial Policies:**

### **A Place to Grow - Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan)**

These lands are identified as being within the Settlement Area of Lindsay. Section 2.2.1 of the Growth Plan, Managing Growth provides that growth should be directed towards settlement areas, and utilize existing or planned infrastructure.

The policies of the Growth Plan encourage cities and towns to develop as complete communities which feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities; provide a diverse range and mix of housing options to accommodate people at all stages of life, and integrate green infrastructure and low impact development. This development provides for additional low impact development measures.

This application conforms to the policies of the Growth Plan.

## **Provincial Policy Statement, 2020 (PPS)**

The Provincial Policy Statement (PPS, 2020) provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. The PPS requires planning authorities to manage and direct land use to achieve efficient and resilient development and land use patterns.

Settlement areas are the focus of growth, including redevelopment which utilizes existing or planned infrastructure.

Development and site alteration shall be directed in accordance with the policies of Section 2 and 3 of the PPS. This includes natural heritage and hydrologic features (Section 2), and natural and man-made hazards (Section 3). Planning for sewage, water, and stormwater shall be in accordance with Section 1.6.6 of the PPS. This includes the efficient use and optimization of existing municipal sewage and water services in a sustainable manner, and the use of low impact development techniques for stormwater management. This development is outside of natural heritage and hydrologic features, and outside of natural hazards.

This application is consistent with the PPS.

## **City of Kawartha Lakes Official Plan (Official Plan):**

The City of Kawartha Lakes Official Plan (City Official Plan) was adopted by Council in September 2010 and approved by the Minister of Municipal Affairs and Housing (MMAH) in 2012. The City Official Plan included the entire subject property within the Urban Settlement Boundary of Lindsay as recommended by the City's 2011 Growth Management Strategy (GMS).

The property is designated Urban Settlement Boundary within the Town of Lindsay in the City of Kawartha Lakes Official Plan. The Urban Settlement policies of the Official Plan provide valuable guidance in shaping lands within the Urban Settlement Designation. Per Section 18.2 the Urban Settlement Designation is intended to permit a wide range of uses, and guide responsible growth. Predominant land uses within the Urban Settlement Designation shall be residential, commercial, institutional, recreational, cultural and industrial uses.

Housing objectives of the Official Plan aim to accommodate the present and future population by providing a variety of housing options as detailed in Section 5.1. Section 5.2 provides that residential growth should occur on full municipal services, and should occur at densities that are appropriate based on the surrounding community context.

The owner has obtained the necessary approvals and the site is connected to municipal services. The Part Lot Control will contribute to adding additional housing in the community.

On this basis, the application conforms to the Official Plan.

### **Lindsay Secondary Plan**

The site is also located within the Lindsay Secondary Plan Area, and is designated as General Commercial and Special Policy Area #2 (Ops No. 1 Drain/Jennings Creek Floodplain Area), also identified as subject to a Ministerial Zoning Order per Schedule F-1.

The Lindsay Secondary Plan (LSP) was prepared under the City of Kawartha Lakes Official Plan and was adopted by Council in June 2017. The LSP was previously under appeal to the Ontario Land Tribunal (OLT). Due to the appeals of both the City of Kawartha Lakes Official Plan, and the LSP, the lands were previously under the jurisdiction of the Town of Lindsay Official Plan (Lindsay Official Plan), where the subject lands were designated 'Residential' and 'Local Commercial' on Schedule A of the Lindsay Official Plan. The owner previously received Council approval to replace the 'Local Commercial' land use designation in the Town of Lindsay Official Plan with a 'Residential' land use designation; however, this approval was appealed by a third party. As a result, the developer applied for and received a Ministerial Zoning Order (MZO), which is not required to conform to the Town of Lindsay Official Plan. Notwithstanding, the MZO does take into consideration Council's direction on land use policy for the lands in question. The predominant use of lands shall be for townhouse dwellings.

Staff note that since the MZO was received, in February 2024 the Town of Lindsay Official Plan was officially repealed, and the LSP was brought into force and effect, with modifications. Notwithstanding the Commercial land use designation per Schedule F-1, a new policy, Section 31.2.2.12 was introduced to the LSP. This policy states that on land subject to MZOs identified on Schedule F-1, pursuant to Section 47 of the Planning Act, if there is a conflict between the permitted land use in the LSP and the MZO, then the provisions of the MZO shall prevail. In this instance there is a conflict between the land use designation in the LSP and the MZO, as the LSP designates the site General Commercial, but the MZO designates it Residential. Per the in force LSP, the MZO provisions shall prevail and the Residential provisions detailed per the MZO shall continue to apply to the site.

As such, this application conforms to the Lindsay Secondary Plan.

### **Zoning By-law Review:**

Zoning for the residential portion of the property is subject to Minster's Zoning Order O. Reg. 355/20 as amended by O. Reg. 168/21 and O. Reg. 457/22. The MZO does reference certain Town of Lindsay Zoning By-law provisions. The proposed development complies with MZO provisions for use, lot frontage and lot area.

The site is zoned Residential Multiple One Special Exception Twenty-Two (RM1-S22). Per the MZO, within the RM1 zone, triplex, fourplex and townhouse dwellings are permitted, subject to the following provisions:

1. The minimum front yard setback is 4.0 metres to the main front wall of a building or covered porch, and 6.0 metres to a garage;
2. The minimum exterior side yard setback is 2.4 metres;
3. The minimum interior side yard setback is 1.2 metres, but this requirement shall not apply to the common wall between dwelling units;
4. There is no maximum gross floor area as a percentage of lot area;
5. The maximum lot coverage for all buildings is 55 percent

The proposal includes townhouse dwellings which is a permitted use, and the dwellings comply with the lot provisions detailed in the MZO.

### **Other Alternatives Considered:**

While the owner could apply to the Committee of Adjustment for Consents, staff considers Part Lot Control Exemption a more appropriate and efficient process to create these lots given the public process and consultation that has already been undertaken through previous approvals. No other alternatives have been considered at this time.

### **Alignment to Strategic Priorities:**

For reference the four strategic priorities within the 2024-2027 Kawartha Lakes Strategic Plan are:

1. Healthy Environment
2. An Exceptional Quality of Life
3. A Vibrant and Growing Economy
4. Good Government

This application aligns with an Exceptional Quality of Life by increasing the availability of housing stock in the community.

If approved, this proposal would help the City achieve its target of constructing 6,500 housing units by 2031 as stated in the Housing Pledge adopted by Council on November 21, 2023.

### **Financial/Operation Impacts:**

There are no financial considerations as Council's approval or refusal to grant the Part Lot Control Exemption cannot be appealed to the Ontario Land Tribunal.

### **Servicing Comments:**

All of the lots have been serviced with full municipal water, sanitary sewer and storm sewer services, which has been approved and secured through the Subdivision Agreement registered on title to the property.

### **Consultations:**

There are no notice requirements for Part-Lot Control applications under the Planning Act; however, the City's Engineering Division along with KRCA reviewed the engineering submissions and contributed to the Development Agreement.

### **Development Services – Planning Division Comments:**

The application conforms to the 2020 Growth Plan, and is consistent with the Provincial Policy Statement, 2020. Conformity with the Minister's Zoning Order as amended, the intent of the City of Kawartha Lakes Official Plan, and the Lindsay Secondary Plan are maintained.

### **Conclusion:**

In consideration of the comments and issues contained in this report, Staff respectfully recommend the proposed By-law be approved.

## **Attachments:**

Appendix A – Location Map



Appendix A

Appendix B – Subdivision Plan 57M-814



Appendix B

Appendix C – Draft Reference Plans



Appendix C

Appendix D – Part Lot Control By-law



Appendix D

**Department Head email:** [ibarrie@kawarthalakes.ca](mailto:ibarrie@kawarthalakes.ca)

**Department Head:** Leah Barrie, Director of Development Services

**Department File:** D05-2024-002 PLC