



## Council Report

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<b>Report Number:</b>	<b>PLAN2024-028</b>
<b>Meeting Date:</b>	April 30, 2024
<b>Title:</b>	<b>Morningside Subdivision Phase 2 – Exemption from Part Lot Control Provisions of the Planning Act, Lot 57 Plan 57M-813</b>
<b>Description:</b>	Part Lot Control exemption request to permit two semi-detached units in Morningside Subdivision Phase 2, Lot 57, Plan 57M-813 from the Part Lot Control Provisions of the Planning Act in Geographic Town of Lindsay on the southeast corner of Bakogeorge and Traux Street
<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 PLAN2024-028, **Morningside Subdivision Phase 2 – Exemption from Part Lot Control Provisions of the Planning Act, Lot 57 Plan 57M-813**, be received;

**That** the Part Lot Control By-law, substantially in the form attached in Appendix D to Report PLAN2024-028, 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:**

A Plan of Subdivision on the subject lands, known as Morningside Subdivision – Phase 2, was approved by Council and registered as Plan 57M-813. The proposed lots in Plan 57M-813 were for a combination of single-detached and semi-detached dwellings. Lot 57 in Plan 57M-813 is intended for semi-detached dwellings but not individually lotted until they are created through the lifting of Part Lot Control.

The applicant has applied to exempt Lot 57 from Part-Lot Control, resulting in the creation of two (2) semi-detached dwellings located at 1 Bakogorge Street and 3 Bakogorge Street. The owner has entered into a Subdivision Agreement with the City to facilitate the construction of the roadways and municipal services.

Owner:	1000561448 Ontario Limited.
Applicant:	H.F. Grander Co. Ltd.
Legal Description:	Lot 57, Plan 57M-813, Bakogorge Street, Geographic Town of Lindsay
Official Plan:	Urban Settlement Boundary, City of Kawartha Lakes Official Plan (2012), Residential in the Lindsay Secondary Plan Schedule F-1 (2017)
Zones:	Residential Three Special Exception Eleven (R3-S11) Zone, Town of Lindsay Zoning By-Law 2000-75
Site Servicing:	Full Municipal water, sanitary, storm sewer services
Existing Uses:	Townhouse dwellings and single detached dwellings in various stages of site clearing and construction
Adjacent Uses:	North – Residential East – Residential South – Open Space and Community Facility Zone West – Residential

## **Rationale:**

The applicant has applied for an exemption from Part-Lot Control for Lot 57, Plan 57M-813. The registered Reference Plan is attached as Appendix C.

The land has been serviced in accordance with the subdivision agreement, and dwelling units are in various stages of completion. The purpose of an exemption from Part Lot Control is to permit the further division of the lands into transferable lots. The owner will then transfer ownership of each lot and apply for building permits to construct the semi-detached dwellings. The proposed exemption will permit the transfer 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 as either a Lot or Block:

- where the subject land is covered by appropriate zoning 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 of 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 the above criteria. The proposed by-law exempting Lot 57 from Part Lot Control is attached as Appendix D.

### **Provincial Policies:**

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

The lands are identified as being within the Urban Settlement Boundary of Lindsay.

Section 2.2.1, Managing Growth, provides that the majority of growth will be directed to settlement areas within delineated built boundaries that have existing or planned services and infrastructure.

Section 2.2.6, Housing, requires the municipality to support housing choice through the achievement of minimum intensification and density targets established in the Growth Plan by utilizing mechanisms such as land use planning tools to support implementation of these targets.

The request for exemption from Part Lot Control represents a low impact development approach that will support the creation of new housing within lands designated for residential growth that have access to existing or planned infrastructure.

Therefore, the application conforms to the policies of the Growth Plan.

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

The PPS requires planning authorities to manage and direct land use to achieve efficient and resilient development and land use patterns. Section 1.1.3.4 and 1.1.3.5 prescribes that planning authorities promote the appropriate development standards to facilitate intensification as well as establish and implement minimum targets for intensification within built-up areas, based on local conditions.

Section 1.4.3 states that planning authorities should provide for an appropriate range and mix of housing options and densities to meet projected needs by establishing development standards for residential intensification and new residential development while minimizing the cost of housing and facilitating a compact built form.

The exemption from Part Lot Control will permit the further division of an existing residential lot within a registered subdivision in a settlement area. The proposed exemption represents an appropriate standard to facilitate the development of housing in the municipality.

On this basis, the application is consistent with the policies of 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 5.2.1 of the Official Plan provides for the accommodation of present and future population of the City by providing a wide choice of housing proportionate to the overall growth of the City. The proposed exemption from Part Lot Control supports the housing objectives of the Official Plan as it represents growth on lands intended for residential use.

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 subject site is located within the Lindsay Secondary Plan Area. The Lindsay Secondary Plan came into force and effect in February 2024 with the Minister's approval of the City's by-law repealing the Town of Lindsay Official Plan. The subject site is designated as Residential in the Lindsay Secondary Plan.

The residential designation of the Lindsay Secondary Plan permits a variety of residential dwelling types at various densities to accommodate residential development. Semi-detached dwellings are a permitted use. The proposed semi-detached dwellings support the objectives of the Residential designation in the Lindsay Secondary Plan, and the overall goals and objectives of the City of Kawartha Lakes Official Plan.

On this basis, this application conforms to the Lindsay Secondary Plan.

### **Town of Lindsay Zoning By-law 2000-75:**

The site is zoned as Residential Three Special Exception Eleven (R3-S11) Zone. Semi-detached dwellings are permitted in the R3-S11 Zone. Semi-detached dwellings are subject to the following lot provisions:

- |      |                      |   |
|------|----------------------|---|
| i.   | Minimum Lot Area     | 270 m <sup>2</sup>                        |
| ii.  | Minimum Lot Frontage | 8.5 m (interior lot)<br>10 m (corner lot) |
| iii. | Minimum Front Yard   | 6.0 m                                     |
| iv.  | Maximum Lot Coverage | 47%                                       |

The semi-detached dwellings comply with the lot provisions detailed per the R3-S11 zone. The proposal complies with the Zoning By-law.

### **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 would align with An Exceptional Quality of Life by contributing to added 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 Implications:**

All of the lots have been serviced with full municipal water, sanitary 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 under the Planning Act; however, the City's Engineering Division reviewed the engineering submissions and contributed to the Development Agreement.

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

The application conforms to the Growth Plan and is consistent with the Provincial Policy Statement. The application also conforms to the policies of the City of Kawartha Lakes Official Plan, Lindsay Secondary Plan and Town of Lindsay Zoning By-law.

## **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-813



Appendix B

Appendix C – Deposited Reference Plan



Appendix C

Appendix D – Part Lot Control By-law



Appendix D

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

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

**Department File:** D05-2024-003 PLC