



## Council Report

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**Report Number:** PLAN2024-042

**Meeting Date:** June 25, 2024

**Title:** **Amend the Lindsay Zoning By-law 2000-75 at 158 Colborne Street West - Francoeur - Information Update**

**Description:** To rezone a portion of the land in the Town of Lindsay Zoning By-law from the "Residential Two (R2) Zone" to the "Residential Multiple One Special Twenty (RM1-20) Zone" and to the "Residential Two Special Forty-Three (R2-S43) Zone" to permit three townhouses with site specific development standards and facilitate a future severance

**Author and Title:** Leah Barrie, Director of Development Services

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### Recommendation:

**That Report PLAN2024-042, Part Lot 22, Concession 4, Former Town of Lindsay, City of Kawartha Lakes, identified as 158 Colborne Street West, Michel Francoeur and Jean-Guy Francoeur – D06-2022-021, be received for information.**

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

**Financial/Legal/HR/Other:** \_\_\_\_\_

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

## **Background:**

At the April 10, 2024 Planning Advisory Committee ('PAC') meeting, Staff recommended through Report PLAN2024-019 that application D06-2022-021 to rezone lands at 158 Colborne Street West to permit three townhouse dwelling units and to facilitate a future severance be approved (see Appendix A). The following PAC motion was adopted:

### **PAC2024-025**

That application D06-2022-021, being Application to Amend the Town of Lindsay Zoning By-law 2000-75 at 158 Colborne Street West, Lindsay - Francoeur, be forwarded to Council for consideration; and

That Council be notified that the Planning Advisory Committee does not support the staff recommendation as printed on report PLAN2024-019.

At the April 30, 2024 Regular Council meeting, the following resolution was adopted:

### **CR2024-208**

That Report PLAN2024-019, Part Lot 22, Concession 4, Former Town of Lindsay, City of Kawartha Lakes, identified as 158 Colborne Street West, Michel Francoeur and Jean-Guy Francoeur – D06-2022-021, be received;

That the application be referred to Staff to offer consideration to the Developer for the development of a two-unit proposal at the subject property; and

That Staff report back to Council at the Regular Council Meeting of June 25, 2024.

This report addresses that direction.

## **Update:**

In response to direction from Council, Staff discussed with the applicant further revisions to their proposal that could achieve a lesser density. The applicant considered various options, and ultimately decided to maintain the proposal as presented in Report PLAN2024-019.

On June 5, 2024 the owner appealed to the Ontario Land Tribunal ('OLT') in accordance with Planning Act section 34(11) on the grounds that Council failed to make a decision on the application within the statutory timeline (that being 90 days after receipt of the

application by the municipality). The decision to amend the zoning by-law no longer rests with Council.

Staff are presently compiling the municipal appeal package for submission to the OLT. Council will be a party to the appeal proceedings and engage in future deliberations.

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

There will be costs as a result of the appeal proceedings to support Council's position.

### **Attachments:**

**Appendix A** – Report PLAN2024-019 Application to Amend the Town of Lindsay Zoning By-law 2000-75 at 158 Colborne Street West, Lindsay – Francoeur



PLAN2024-019  
Amend Lindsay Zoning

**Appendix B** – April 30 2024 Regular Council Meeting Minutes



April 30 Council  
Meeting Minutes

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

**Department File:** D06-2022-021