



TO: Chair Edwards and Members of Planning Committee

AUTHOR: Emily Crowder, Intermediate Planner

SUBJECT: B/18/20/24/ML - Amended, ZBA-26/24 - Amended (2159670 ONTARIO LIMITED AND GOLDHAR), Part of Lots 32 and 33, Concession 2, Parts 1-6, Plan 35R-23576, Parts 2, 4 to 11, 22, and 24, Plan 35R-21995, Parts 1 to 5, 9, and 17, Plan 35R-22610 (Cardwell), Civic Address: No Civic Address Assigned, Roll #s: 1-3-051, 1-3-052, and 1-3-052-02

RECOMMENDATIONS

B/18/24/ML – Amended

THAT Consent Application B/18/24/ML – Amended (2159670 ONTARIO LIMITED) be APPROVED, subject to the following conditions:

- That a satisfactory registrable description (deed) of the Severed Lot, together with any required rights-of-way or easements, be submitted to the Township along with a registered copy of the reference plan(s);
- That confirmation be received that the Township is satisfied that the Resultant Lots are satisfactory for on-site sewage disposal and that any problems identified with any existing sewage system be corrected to the satisfaction of the Township;
- That a legal undertaking be submitted by the acting solicitor which confirms that the Severed Lot will merge in title to the Benefitting Lot upon registration of the transfers/deeds, which may include cancellation of the consent if necessary;
- That Subsection 3 of Section 50 of the Planning Act applies to any subsequent conveyance;
- That satisfactory confirmation be received from the Township's Operational Services Department that any necessary Entrance Permits are available for the Resultant Lots; and
- That a rezoning be approved to partially rezone Severed Lot A in Consent Application B/18/24/ML – Amended to Waterfront Residential (WR1) and Open Space – Private (OS2), and to prohibit agricultural uses, forestry operation, hunt camp, and wayside pit or quarry uses on the OS2 zoned portion of the lot.

B/20/24/ML – Amended

THAT Consent Application B/20/24/ML – Amended (2159670 ONTARIO LIMITED) be APPROVED, subject to the following conditions:

- That a satisfactory registrable description (deed) of the Severed Lot, together with any required rights-of-way or easements, be submitted to the Township along with a registered copy of the reference plan(s);
- That confirmation be received that the Township is satisfied that the Resultant Lots are satisfactory for on-site sewage disposal and that any problems identified with any existing sewage system be corrected to the satisfaction of the Township;
- That cash-in-lieu of parkland be dedicated to the Township in the amount of 5% of the assessed value of the Severed Lot, or the entire lands, whichever is less;
- That satisfactory confirmation be received from the Township's Operational Services Department that any necessary Entrance Permits are available for the Resultant Lots; and
- That the owner(s) enter into a satisfactory Consent Agreement with the Township pursuant to Section 51(26) of the Planning Act. Said Agreement shall be registered against the title of the lands and contain provision(s) to the satisfaction of the Township whereby the owner agrees:
 - To use soils that have a demonstrated ability to effectively retain phosphorus or equivalent septic abatement technologies, which may include the use of soils with appropriate elemental composition to bind phosphorus or pre/post-treatment phosphorus controls over the long-term, for a private on-site sewage disposal system on Retained Lot B and Severed Lot B of Consent Application B/20/24/ML - Amended.

ZBA-26/24 – Amended

THAT Zoning By-law Amendment Application ZBA-26/24 – Amended (GOLDHAR) be APPROVED.

REPORT HIGHLIGHTS

This report provides an overview and analysis of Consent Applications B/18/20/24/ML – Amended (2159670 ONTARIO LIMITED) and Zoning By-law Amendment Application ZBA-26/24 – Amended (GOLDHAR), subsequent to a decision made by Township Council on September 11, 2024, whereby at the applicant's request, the applications were referred back to the October Planning Committee meeting for further consideration.

BACKGROUND

Referral Back to Planning Committee

On August 15, 2024, Planning Committee recommended to Council that the above noted applications be approved, subject to a number of conditions of consent and revisions to the By-law. The initial [staff report \(PLAN-2024-117\)](#) dated August 15, 2024

includes a description of the purpose and effect of the applications, a description of site characteristics and photos, a detailed planning analysis and discussion, and an appendix with relevant Official Plan policies. A [draft by-law](#) was also included in the agenda package.

Since this time, the Applicant’s Agent has conveyed that they wish to amend the applications to change the configuration of the resultant lots, and the applications have been amended accordingly. Due to the change to the proposed resultant lot configurations, Consent Application B/19/24/ML (GOLDHAR) is no longer required. As part of the amended applications, the applicant/agent has further amended the applications to incorporate the revisions to the B-law that Planning Committee had previously recommended. These revisions include an enlargement of the area to be rezoned on Resultant Lot A from Waterfront Residential – Backlot (WR2) and Waterfront Residential – Steep Slopes or Narrow Waterbody (WR5) to Open Space – Private (OS2), and to restrict the permitted uses within the Open space – Private (OS2) Zone to Conservation and Open Space Recreation Uses only.

Details on each amended application are summarized in Tables 1-3 and Figures 1-7 below.

Table 1: Comparison of Existing and Resultant Lot Frontages and Areas for Consent Application B/18/24/ML – Amended

| Lot | Property Characteristic | Existing | Resultant | By-law Requirements |
|--|-------------------------|---------------------------------|-------------|------------------------|
| Resultant Lot A (Severed Lot A + Benefitting Lot A) | Lot Frontage | 772 ft. (Benefitting Lot A) | ± 844 ft. | WR1: 200 ft. & 1 ac. |
| | Lot Area | 6.35 ac. (Benefitting Lot A) | ± 23.96 ac. | WR5: 300 ft. & 1.5 ac. |
| Severed Lot A | Lot Frontage | N/A | ± 1,380 ft. | WR2: 660 ft. & 5 ac. |
| | Lot Area | N/A | ± 17.61 ac. | WR5: 300 ft. & 1.5 ac. |
| Retained Lot A | Lot Frontage | ± 886 ft. | ± 786 ft. | WR5: 300 ft. & 1.5 ac. |
| | Lot Area | ± 30.83 ac. | ± 13.22 ac. | |

Table 2: Comparison of Existing and Resultant Lot Frontage and Areas for Consent Application B/20/24/ML – Amended

| Lot | Property Characteristic | Existing | Resultant | By-law Requirements |
|-----|-------------------------|----------|-----------|---------------------|
|-----|-------------------------|----------|-----------|---------------------|

| | | | | |
|---|--------------|-------------|------------|------------------------|
| Resultant Lot C (Severed Lot B) | Lot Frontage | N/A | ± 504 ft. | WR5: 300 ft. & 1.5 ac. |
| | Lot Area | N/A | ± 6.23 ac. | |
| Retained Lot B (Resultant Lot B) | Lot Frontage | ± 786 ft. | ± 592 ft. | |
| | Lot Area | ± 13.22 ac. | ± 7.0 ac. | |

ANALYSIS

Consent Applications B/18/20/24/ML

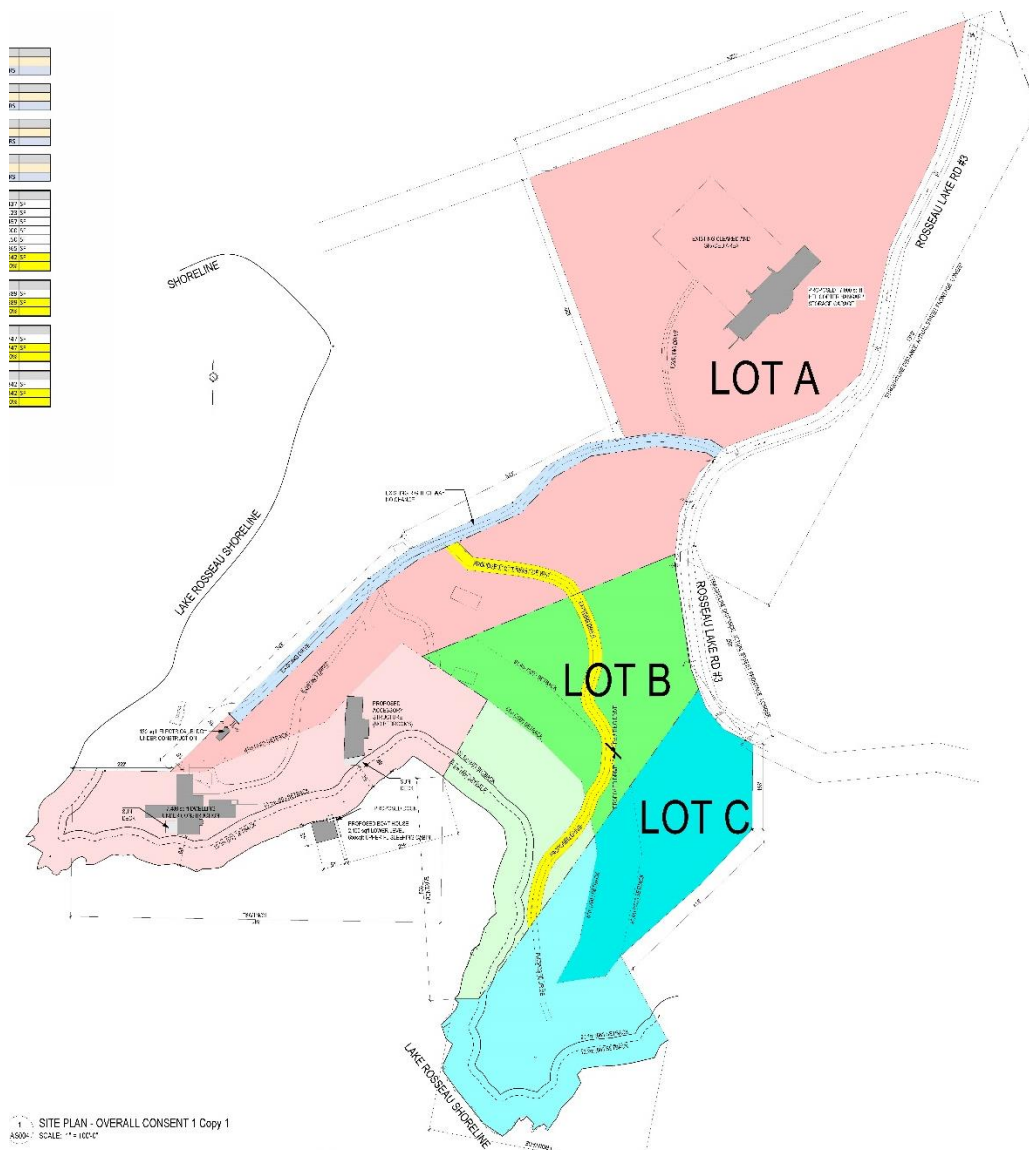


Figure 1: Consent Sketch illustrating amended resultant lot configurations.

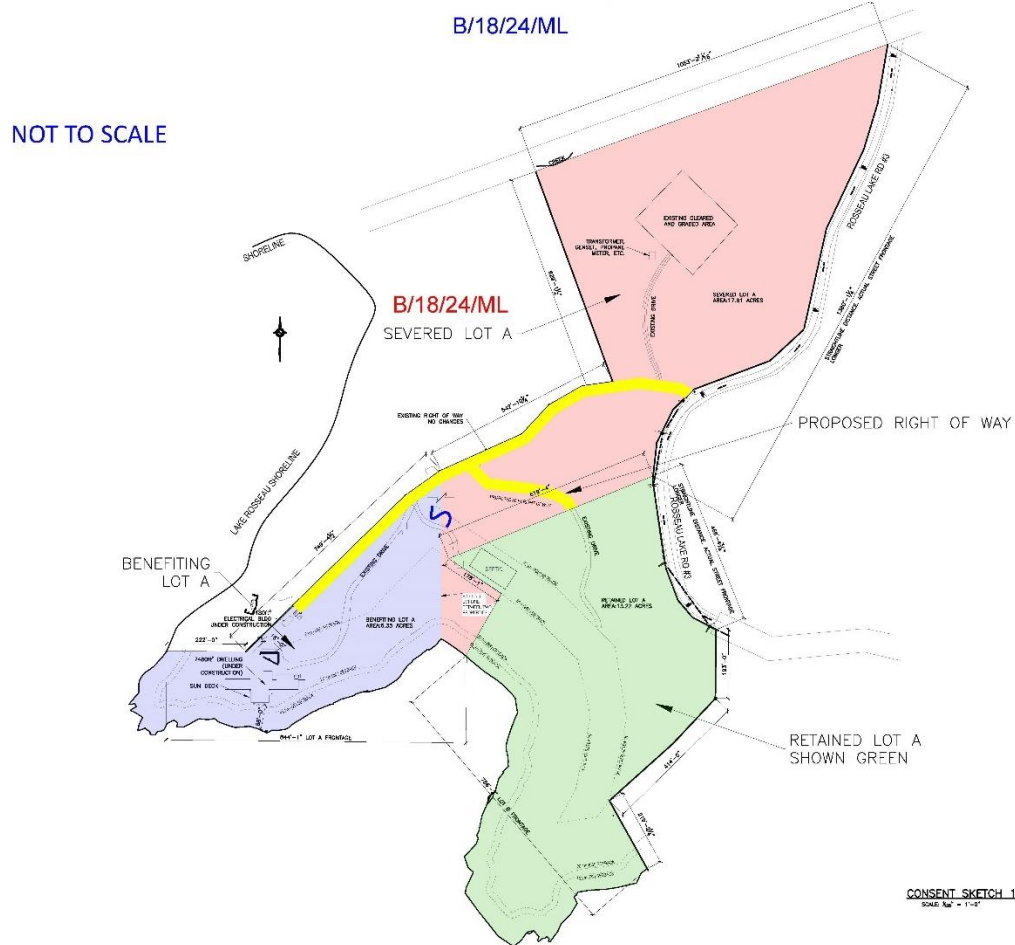


Figure 3: Revised Consent Sketch for B/18/24/ML – Amended.

The considerations of Consent Application B/18/24/ML as laid out in the initial staff report linked above remain relevant to the amended application, with the following additional key considerations:

- The purpose of the proposed amendment to Consent Application B/18/24/ML is to increase the lands of Resultant Lot A (Benefitting Lot A + Severed Lot A) within 200 feet of the high water mark to allow for the construction of an accessory storage building without exceeding the maximum permitted lot coverage of 10% within 200 feet of the high water mark. The benefitting landowner also wishes to construct the accessory storage building imminently, prior to the construction of a main building/use (dwelling) on Resultant Lot B. The revised lot lines will allow for the immediate construction of this building while avoiding non-compliance with the permitted uses or construction sequence provisions of the zoning by-law.
- The lands where the accessory storage building is proposed are zoned Waterfront Residential (WR1), which are not automatically subject to the Site Plan Control process due to zoning. If Committee is considering approval of Consent Application B/18/24/ML, staff recommend that a condition be imposed to subject the portion of land currently zoned WR1 to be made subject to Site Plan Control for future development (i.e: the development of the proposed accessory storage building). This will ensure that the finer details of development are closely looked at when plans for development are solidified.
- The conditions of consent as originally recommended remain the same for this

amended application, with the addition of a condition to subject Resultant Lot A (Benefitting Lot A + Severed Lot A) to Site Plan Control, as described above, and a condition to implement Zoning By-law Amendment Application ZBA-26/24 – Amended, as described below.

- Upon reviewing the revised application, staff from the Township’s Building Division have flagged that the proposed future accessory building is shown on the submitted consent sketch as being in the same location as a recently issued building permit for a septic system. Accordingly, if the accessory building is to be located where shown on the consent sketch, Building Permit 2022-0805 will be required to be amended. Building Permit 2022-0805 was issued to service the dwelling currently under construction on Resultant Lot A (Severed Lot A + Benefitting Lot A) and a future accessory building.

B/20/24/ML – Amended

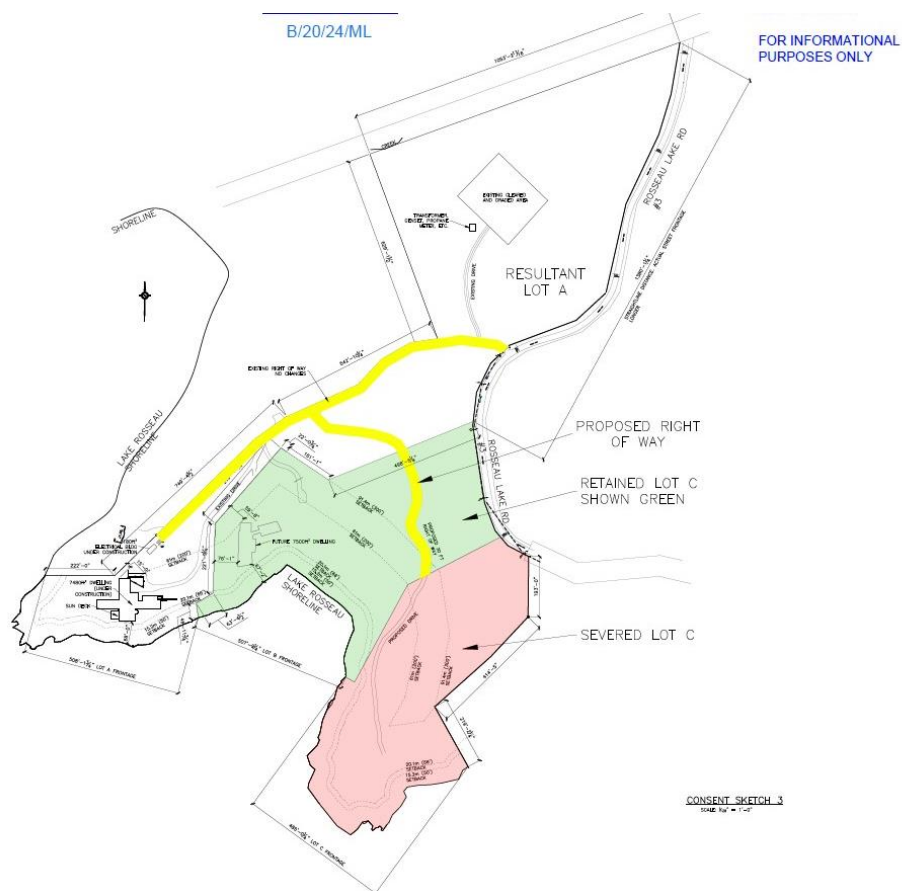


Figure 4: Original consent sketch for B/20/24/ML.

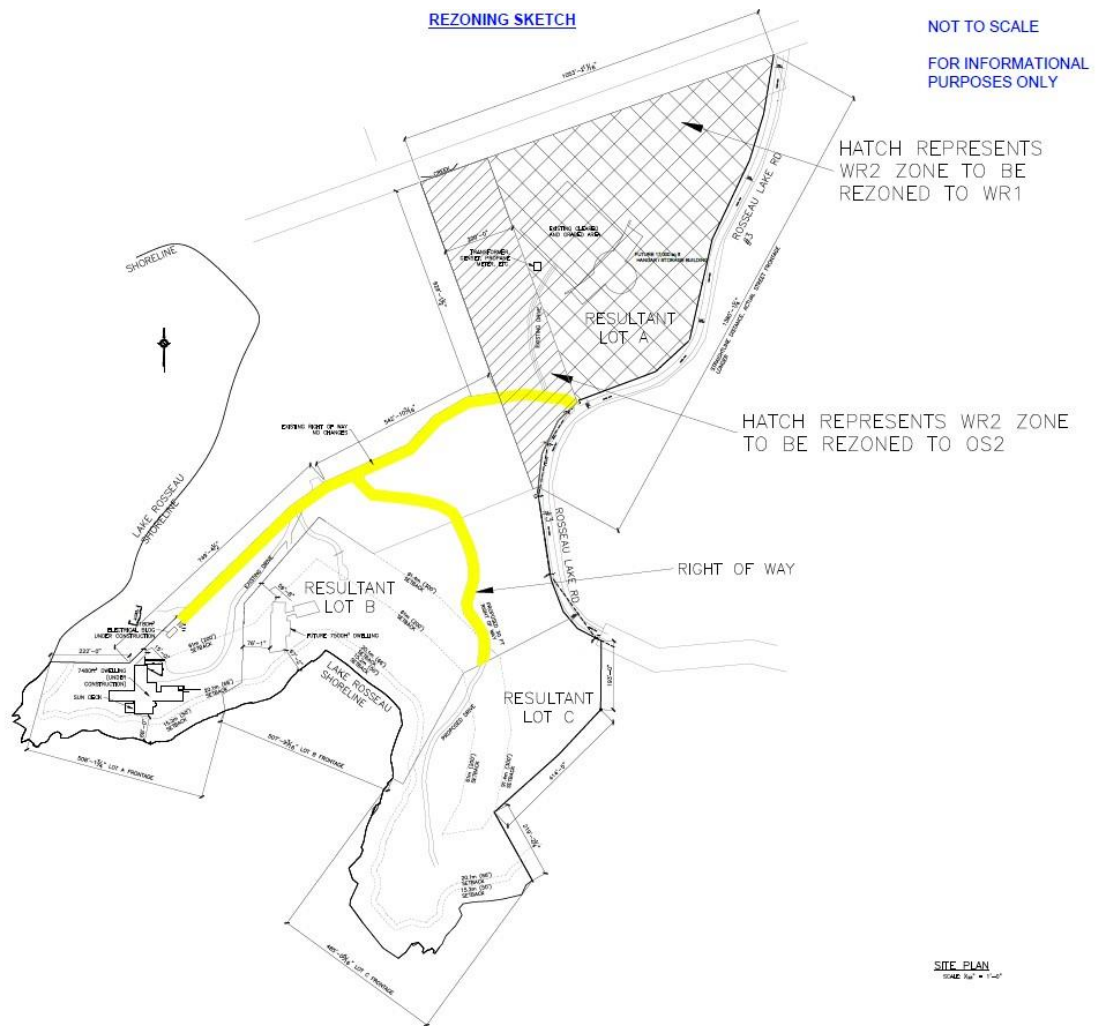


Figure 6: Original rezoning sketch for ZBA/26/24.

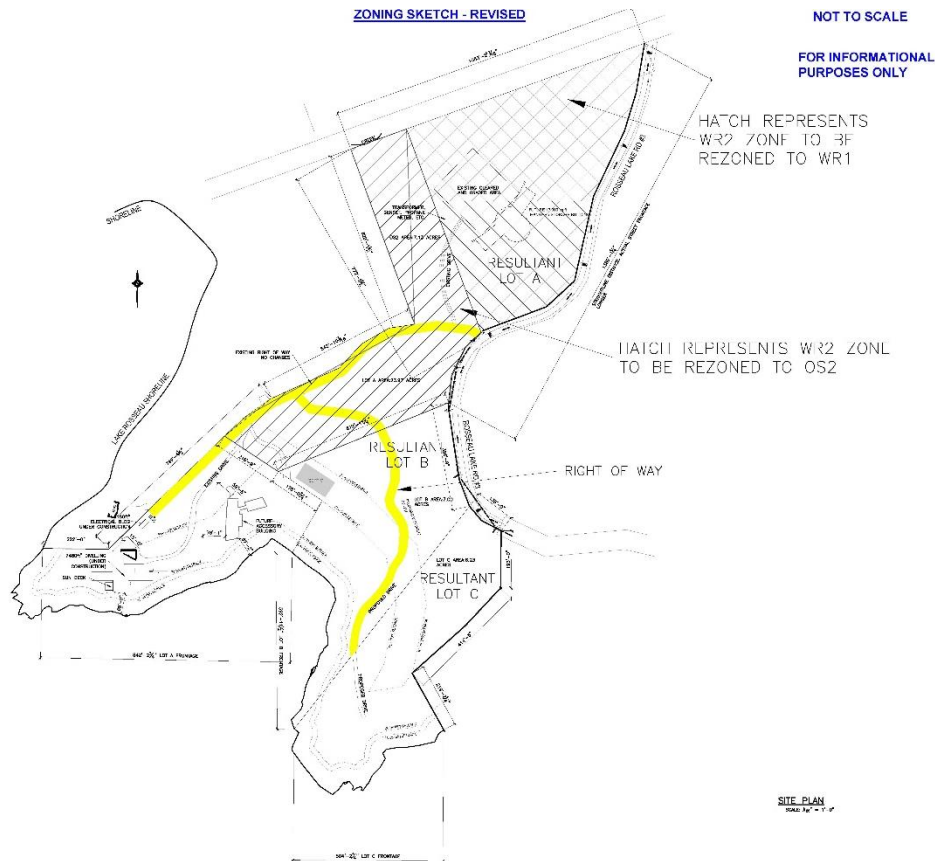


Figure 7: Revised rezoning sketch for ZBA/26/24 – Amended.

Proposed Rezoning: Rezone Part of Resultant Lot A (as shown in Figure 7) from Waterfront Residential – Backlot (WR2) to Waterfront Residential – No Constraints (WR1) and from Waterfront Residential (WR2 and WR5) to Open Space – Private (OS2)

Planning staff have no concerns with the approval of the amended requested rezoning. In making this determination, key considerations include:

- The initial staff report (linked above) recommended that two revisions be made to the zoning by-law amendment. The recommended revisions were to enlarge the area and extent to be rezoned to Open Space – Private (OS2) to negate any potential visual impacts of a second tier of development when viewed from the waterfront, and to restrict the uses within the OS2 Zone to prohibit agricultural uses, forestry operation, hunt camp, and wayside pit and quarry. ZBA-26/24 – Amended implements these recommended revisions.
- Staff considered recommending that development be prohibited along the southeastern shore of Resultant Lot B, considering the potential for visual impacts to appear as a second tier of development, however, upon closer consideration, the required setback for future development will severely limit any potential development envelope in this area.

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