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## **Zoning By-Law Amendment 292-294 Court Street Staff Report to Council**

Report Number: 2020-64

Department(s): Planning and Building Services

Author(s): Alannah Slattery

Meeting Date: September 14, 2020

### **Recommendations**

1. That the report entitled Zoning By-Law Amendment 292-294 Court Street dated September 14, 2020 be received; and,
2. That the application for Zoning By-Law amendment, as submitted by Jawad Ali, for lands known municipally as 292-294 Court Street, be approved, and that staff be directed to present the Zoning By-law amendment to Council for approval, substantially in accordance with Schedule 1; and,
3. That staff be directed to do all things necessary to give effect to the recommendations in this report; and,
4. That Deborah Alexander, of Alexander Planning Inc., 72 Herefordshire Crescent, East Gwillimbury, L9N 0N6, be notified of this action.

### **Executive Summary**

Staff have reviewed the application to amend Zoning By-law 2010-40 to permit the development of two single-detached dwellings on the subject lands known municipally as 292-294 Court Street.

Staff have reviewed the development proposal against the relevant Provincial, Regional and local policy documents and have concluded that the proposal is in general conformity with the policy frameworks.

This report provides (1) the context of the site, (2) the details of the proposal, (3) a discussion of the relevant planning policies and how the application addresses them, and (4) an outline of feedback received.

## Purpose

This report serves to provide information and recommendations on the application for Zoning By-law Amendment for subject property 292-294 Court Street.

This report discusses the application as it has been revised based on comments from Town staff and development review partners, along with feedback provided by members of Council and the public. The recommendations of the report, if adopted, would result in amendments to Zoning By-law 2010-40 to permit the proposed development and apply necessary holding provisions, in accordance with Schedule 1 of this report.

## Background

### Subject Lands

The subject lands are located along Court Street, south of Gorham Street and east of Prospect Street. The subject lands currently contain two semi-detached dwelling units. The lands have an area of approximately 1,049 square metres and a lot frontage of approximately 21.1 metres along Court Street. The surrounding land uses are as follows:

**North:** Residential

**East:** Residential

**South:** Residential

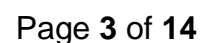
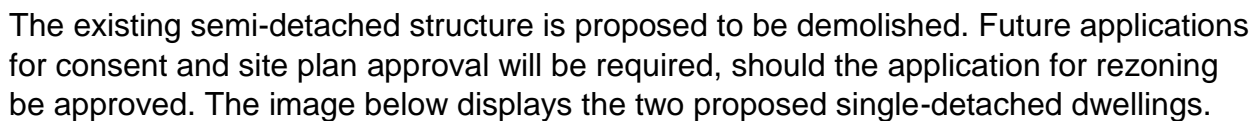
**West:** Residential



The subject lands are currently zoned Residential Semi-Detached Dwelling 21.3 (R2-K) Zone under Zoning By-law 2010-40, and are designated Stable Residential under the Town's Official Plan.

The subject lands were previously listed on the Town's Register of Non-Designated Heritage Properties, and were removed by Council in January 21, 2019 (Staff Report 2019-04).

The applicant is proposing to amend the zoning from the Residential Semi-Detached Dwelling 21.3 (R2-K) Zone to the Residential Detached Dwelling 9.7m (R1-F) Zone, to facilitate the division of the land into two separate lots, and the development of two single-detached dwellings. The created lots are proposed to have a minimum lot frontage of approximately 10.5 metres and lot areas between 508 square metres and 538 square metres.



## **Discussion**

The following section will review the development proposal against applicable planning policy.

### **Provincial Policy Statement**

The Provincial Policy Statement (PPS) 2020 provides policy direction on matters of provincial interest related to land use planning and development. As a key part of Ontario's policy-led planning system, the Provincial Policy Statement sets the policy foundation for regulating the development and use of land.

The PPS provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. The PPS supports improved land use planning and management, which contributes to a more effective and efficient land use planning system.

The policies set out in the PPS outline how healthy, liveable and safe communities are to be sustained. This includes promoting efficient development and accommodating an appropriate range and mix of residential, employment, recreation, park and open space and other uses to meet long term goals.

The Town of Newmarket is considered a "Settlement Area" within the PPS, which is indicated as a focus area for growth and development. The PPS indicates that planning authorities shall identify appropriate locations for intensification and redevelopment. Through the Official Plan, the Town has identified that intensification, such as infilling, may occur in Stable Residential areas subject to compatibility criteria.

The proposed development is consistent with the PPS as it supports residential intensification through infilling within a settlement area, and promotes the use of existing infrastructure and services.

### **A Place to Grow – Growth Plan for the Greater Golden Horseshoe**

The Growth Plan for the Greater Golden Horseshoe 2019 (Growth Plan) provides a framework for implementing the Government of Ontario's vision for building stronger, prosperous communities by better managing growth in the region. It demonstrates the ways in which our cities, suburbs, towns and villages will grow over the long term. The Growth Plan guides decisions on a wide range of issues, including transportation, infrastructure planning, land-use planning, urban form, housing, natural heritage and resource protection.

The Growth Plan directs growth to settlement areas and prioritizes intensification, with a focus on strategic growth areas, including delineated built-up areas, urban growth centres and major transit station areas. The proposed development is consistent with the Growth Plan by encouraging infill development that promotes the use of existing infrastructure and servicing, within a delineated built-up area.

## York Region Official Plan

The YROP designates the subject lands as part of the “Urban Area”, which is the primary area for accommodating growth. A minimum of 40% of all residential development in York Region is to occur within the built-up area, which includes the subject lands. This application supports the achievement of this target.

York Region has stated that they have no comment on the proposed Zoning By-law Amendment.

## Official Plan Considerations

The Subject Property is designated Stable Residential on Schedule A - Land Use Plan to the Town’s Official Plan. The main objective of the Stable Residential designation is to sustain and enhance the character and identity of existing residential communities, as well as encourage the preservation and maintenance of existing housing stock.

Section 3.9 of the Official Plan indicates that infill units through the creation of new lots consistent with the size and form of housing in the neighbourhood as a whole is a permitted form of intensification within the Stable Residential designation. The creation of new lots for the purpose of infilling shall be permitted subject to compatibility with the scale of the surrounding neighbourhood, the physical suitability of the site to accommodate the proposal, availability of hard services and road access requirements.

As the proposed rezoning is intended to facilitate a future consent application to create a total of two building lots, compliance with Section 16.1.5 Consents is required. This section indicates that applications for consents shall only be granted where:

**a. the severance is for the purpose of infilling within existing development;**

The proposed development is for infill within an existing development.

**b. a plan of subdivision is not necessary;**

A plan of subdivision is not required for the proposed development.

**c. the number of lots created is three or less;**

The proposal will create two lots (one existing, and one new).

**d. the lot can be adequately serviced by sanitary sewage disposal, water supply, and storm drainage facilities;**

The applicant has provided a functional servicing report that has been reviewed by Engineering Services.

**e. no extension, improvement or assumption of municipal services is required;**

This will not be required for the proposed development.

- f. the lot will have frontage on an improved public road, and access will not result in traffic hazards;**

The proposed lots will both have frontage on Court Street.

- g. the lot will not restrict the ultimate development of adjacent lands;**

The proposed lots will not restrict the development of adjacent lands.

- h. the size and shape of the lot conforms with the requirements of the Zoning By-law, is appropriate to the use proposed and compatible with adjacent lots; and,**

The proposed lots will conform to the size and shape requirements of the proposed R1-F Zone and will be similar in size and frontage to adjacent lots.

- i. the consent complies with all relevant provisions of this Plan.**

The consent will comply with the Town's Official Plan, which permits infill through consent.

The proposed development would meet all provisions of Section 16.1.5 Consents, should the rezoning application be approved.

Section 16.1.1 of the Official Plan discusses the items that need to be considered by Council when considering an amendment to the zoning bylaw:

- a. the proposed change is in conformity with this Plan;**

The proposal would rezone the subject from the current Residential Semi-Detached Dwelling 21.3 (R2-K) Zone to the Residential Detached Dwelling 9.7m (R1-F) Zone, in-keeping with the residential built-forms permitted within the Stable Residential designation (which includes single and semi-detached dwellings).

- b. the proposed uses are compatible with adjacent uses, and where necessary, buffering is provided to ensure visual separation and compatibility between uses;**

The proposed residential use is similar to the surrounding land uses, which is predominantly comprised of similarly-sized single-detached dwellings.

- c. potential nuisance effects upon adjacent uses are mitigated;**



The adjacent uses (low-density residential) are similar to those proposed for the subject lands and thus nuisance effects are expected to be minimal.

**d. adequate municipal services are available;**

The applicant has provided a functional servicing report that has been reviewed by Engineering Services.

**e. the size of the lot is appropriate for the proposed uses;**

The size and frontage of the proposed parcels will meet all zoning requirements of the R1-F Zone.

**f. the site has adequate road access and the boundary roads can accommodate the traffic generated;**

The site has two existing driveway access points onto Court Street and would not require any additional access onto the street.

**g. the on-site parking, loading and circulation facilities are adequate; and,**

The on-site parking for each dwelling will sufficiently meet the zoning requirements.

**h. public notice has been given in accordance with the Planning Act.**

Notice has been provided in accordance with the Planning Act.

The proposed development would meet all provisions of Section 16.1.1 of the Official Plan.

### **Compatibility and Site Suitability**

The greater neighbourhood contains a mix of low density dwellings, primarily single-detached dwellings, interspersed with some semi-detached, triplex and apartment dwellings. The majority of the immediate neighbourhood is comprised of older single-detached dwellings (1950-1970), many of which are listed on the Town's Municipal Register of Non-Designated Properties.

The proposed rezoning will result in the lot being severed into two parcels for the development of two single-detached dwellings. The size of the proposed lots is in-keeping with the surrounding lot sizes and frontages. The chart below outlines the approximate lot areas and frontages of surrounding properties:

Property	Lot Area	Lot Frontage
<b>286 Court Street</b>	408 square metres	12 metres

<b>300 Court Street</b>	417 square metres	12 metres
<b>288 Court Street</b>	690 square metres	12 metres
<b>286 Court Street</b>	383 square metres	13 metres
<b>292-294 Court Street</b>	<b>500 square metres</b>	<b>10.5 metres</b>

The existing semi-detached dwelling is set back approximately 5.4 metres from the front lot line, and the proposed dwellings will be set back approximately 7.0, maintaining a similar streetscape.

With regard to the physical suitability of the site to accommodate the proposed development, Engineering Services have reviewed the grading, water distribution, sanitary service and stormwater, and have indicated that the proposed use can be graded and serviced in an acceptable manner. Further review will be required at the site plan approval stage.

### **Heritage**

The subject lands were previously listed on the Town's Register of Non-designated Properties, and were removed by Council in January 21, 2019. For more information on the removal of the subject lands from the list, please see Staff Report 2019-04.

The applicant has indicated that the proposed dwellings will be constructed in a design which respects and reinforces the heritage character of the area. The proposed dwellings include design elements borrowed from the features and elements of other homes on the street and in the surrounding area. The applicant has stated that the architectural style of the proposed dwellings has been inspired by the designated house at 339 Millard Avenue. Additionally, the applicant has advised that the materials and colours to be utilized in the construction have been selected to complement the Herbert Paxton and Myrtle Kidd Houses, located immediately to the north and south of the subject property.

### **Affordable Housing**

Section 3.10.2 of the Town's Official Plan requires a minimum of 25% of new housing development outside the Urban Centres Secondary Plan to be affordable to low and moderate income households. This 25% minimum is comprehensive of all development applications outside of the Urban Centres and may not necessarily be achieved by each individual application. The proposed development does not contribute to the Town's affordable housing goals, as single-detached dwellings are generally more costly than semi-detached dwellings. However, due to the limited size of the lot and the character of the surrounding neighbourhood, the proposal is in-keeping with the compatibility of the area and represents a desired built-form.

### **Parkland Dedication**



Parkland Dedication in accordance with Parkland Dedication By-law 2017-56 will be required as part of the development and will be collected during site plan approval.

### **Waste Disposal Assessment Area**

The subject lands fall within a Waste Disposal Assessment Area as shown on Schedule 1 – Land Use, within the Town’s Official Plan. Section 10.3 Waste Disposal Assessment Areas outlines policies related to these areas. The applicant has provided a Phase One Environmental Site Assessment which has been reviewed by the Town’s Engineering Department, who have stated that there are no further investigation activities required for this site.

### **Zoning By-law Considerations**

The subject property is currently zoned Residential Semi-Detached Dwelling 21.3 (R2-K) Zone, which permits semi-detached dwellings.

The applicant is proposing to rezone the property to the Residential Detached Dwelling 9.7m (R1-F) Zone, to permit the development of two single-detached dwellings. The proposed lots will meet all zone standards of the R1-F Zoning, and will not require any site-specific zoning. The applicant has supplied the following chart which outlines the zoning standards for the proposed R1-F zone, and shows that all such standards will be met:

	<b>R1-F Zoning</b>	<b>Proposed</b>	<b>Complies?</b>
Use	Single detached	Single detached	Yes
Minimum Lot Area	265 m <sup>2</sup>	508 m <sup>2</sup>	Yes
Minimum Lot Frontage	9.7 m	10.5 m	Yes
Front Yard Setback	4.5 m	4.5 m	Yes
Rear yard Setback	7.0 m	22 m (approx.)	Yes
Side Lot line (one side)	0.6 m	0.9 m	Yes
Side Lot line (other side)	1.2 m	1.2 m	Yes
Building Separation	1.8 m	1.8 m	Yes
Lot Coverage	47%	30.2%	Yes
Height	11.0 m	9.0 m	Yes
Minimum Driveway Width	3.0 m	3.66 m	Yes
Maximum Driveway Width	5.5 m	3.66 m	Yes
Minimum Driveway Length (*11) (segmented garage door)	10 m (*12)	13.5 m	Yes

### **Holding Provision**

This report recommends a holding provision be employed as part of the zoning. In accordance with Section 36 of the Planning Act, Council may impose holding provisions (“H”) on a zoning by-law to limit the use of lands until the provision is removed. The

amending zoning by-law will include holding provisions that are typical for zoning by-law amendments for residential developments such as the requirement to obtain approval for consent to sever the property, enter into a site plan agreement and to obtain servicing allocation.

### **Parking**

Zoning By-law 2010-40 requires two (2) exterior parking spaces for single-detached dwellings. As proposed, there is adequate space for two external parking spaces on each lot.

### **Drainage, Water and Grading**

Engineering Services note that the proposed grading shall not adversely affect adjacent properties, and that it appears that a satisfactory grading design can be accommodated. A detailed grading plan for the property will be required at the time of the Site Plan Application.

### **Servicing**

Servicing allocation has not been granted to this development. This report recommends a holding provision be employed to require that servicing allocation be granted before any development occurs.

### **Vibration**

On March 18 2019, staff brought forward Report 2019-29 to Council recommending vibration impact assessments be required as part of a complete application for development proposals. The applicant has provided an assessment of construction vibration potential related to the proposed development. The vibration impact assessment has been reviewed by the Town's Engineering Department, who have stated that the vibration impact assessment will be reviewed in detail, and any vibration comments will be addressed, at the time of site plan approval.

### **Environmental Site Assessment**

The submitted Phase One Environmental Site Assessment have been reviewed by Engineering Services. The Phase One ESA found that there were no further investigations activities recommended for this site.

### **Agency and Public Comments**

The development proposal has been circulated internally and externally to the public and the Town's internal and external review partners. Many of the comments provided are outlined in the discussion section above. Additional comments from several review partners are provided below for greater context.

### **York Region**

Staff from the Regional Municipality of York note that they have no comment on the proposed Zoning By-law Amendment.

### **Central York Fire Services**

Central York Fire Services have reviewed the application and stated they have no objection to the proposed application.

### **Engineering Services**

Staff from Engineering Services have provided comments on the application outlined in the above sections.

### **Lake Simcoe Region Conservation Authority**

The Lake Simcoe Region Conservation Authority (LSRCA) has reviewed the application in accordance with the Natural Heritage and Natural Hazard policies of the Provincial Policy Statement (PPS), the Greenbelt Plan, the Lake Simcoe Protection Plan (LSPP), and Ontario Regulation 179/06 under the Conservation Authorities Act, and have provided comments applicable to the application.

The LSRCA notes that based on their review of the submitted information it is determined that the proposal is generally consistent and in conformity with the natural heritage and natural hazard policies of the applicable Provincial Plans. As such, the LSRCA notes that they have no further requirements related to the approval of this application for Zoning By-law Amendment.

### **Other Review Partners**

- The Town's Building Department has advised of no comments on this application.
- Enbridge Gas Inc. has advised that they do not object to the proposed application.
- Rogers has advised that they do not object to the proposed application.
- The Southlake Regional Health Centre has advised of no comments on this application.

### **Effect of Public Input**

A virtual/electronic statutory public meeting was held in June of 2020. Comments were received at the public at the statutory public meeting and have been received via email to the Planning Department. The comments centered on the following themes:

- Property value of adjacent properties
- Drainage and run-off issues
- Elevation/height of the of proposed dwellings (including impacts to sunlight)
- Location of proposed dwelling to interior property line

Staff advise that re-sale value is dependent on numerous market variables and is typically not considered when evaluating a proposal from a planning perspective.

Staff advise that Engineering Services have stated that the proposed grading shall not adversely affect adjacent properties, and that it appears that a satisfactory grading design can be accommodated. A detailed grading plan for the property will be required at the time of the Site Plan Application.

Staff advise that the height of the proposed dwellings is 9.0 metres, measured from finished average grade to the mid-point of the roof, whereas the R1-F Zone permits a maximum height of 11.0 metres. Court Street is located along a slope, with the grading sloping from south to north. As such, many of the dwellings along Court Street are adjacent to a dwelling which is situated slightly higher. For example, 280 and 282 Court Street, shown in the image below:



Another example can be found at 296 and 300 Court Street, shown in the image below:



Staff note that due to the grading of the street, having a dwelling situated higher than its neighbour is not considered out of character for the neighbourhood.

Staff note that the proposed dwelling will meet the interior side yard setbacks of the R1-F Zone.

In an effort to try to resolve the elevation/height concern, staff facilitated a meeting with the applicant and adjacent neighbours. At this meeting the applicant provided additional details regarding the proposed grading and height. It was also discussed that the proposed development at 292-294 Court Street will be subject to Site Plan Approval, which will allow the Town to ensure the development of the lands is in accordance with the proposed Zoning By-law Amendment.

## **Conclusion**

The amendment application meets the intent of, and is consistent with, the Town's Official Plan, the York Region Official Plan, Growth Plan for the Greater Golden Horseshoe, and Provincial Policy Statement.

Staff recommend approval of the application, subject to certain holding provisions. Further refinement of the application will take place as part of the site plan approval application.

## **Business Plan and Strategic Plan Linkages**

This report has linkages to the broader Official Plan policies relating to building a strong community by implementing growth management to create a clear vision for existing residential neighbourhoods.

## **Consultation**

The Zoning by-law Amendment application has been provided to the Town's internal review partners and external agencies per standard practice. Notice has been provided to persons and bodies as required by Ontario Regulation 545/06 of the Planning Act.

A statutory public meeting was held virtually in June of 2020.

## **Human Resource Considerations**

N/A

## **Budget Impact**

The appropriate planning application fees have been received for the Zoning By-law Amendment. The Town will also receive revenue from development charges and assessment revenue with the development of this proposal in the event the applications are approved.

## **Attachments**

- Schedule 1 – Zoning By-law Amendment
- Location Map
- Proposed Site Plan

## **Submitted by**

Alannah Slattery, BES, MCC

Planner, Planning and Building Services

## **Approved for Submission**

Adrian Cammaert, MCIP, RPP, CNU-A

Acting Manager, Planning Services

Jason Unger, MCIP RPP

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Peter Noehammer, P.Eng

Commissioner, Development & Infrastructure Services

## **Contact**

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