



Brant County Council Report

To: To the Mayor and Members of Brant County Council

From: Ryan Cummins, Planner

Date: August 4, 2020

Subject: RPT-20-99 (Brookfield Residential (Ontario) Limited)
Zoning By-Law Amendment Application ZBA13-20-RC
113 Hartley Road, County of Brant

Purpose: **Recommendation Report** for an Application to proposing to amend the current Special Exception Residential Multiple Medium Density (RM2-7) Zoning on the subject lands to permit back-to-back rowhouse dwellings, as well as site-specific provisions related to lot coverage and minimum setbacks.

Recommendation

That Application **ZBA13-20-RC** from Malone Given Parsons Ltd., agent on behalf of Brookfield Residential (Ontario) Limited, owner of Block 100, Plan 2M1947, geographic former Town of Paris, County of Brant, located at 1113 HARTLEY AVENUE, proposing to amend the current Special Exception Residential Multiple Medium Density (RM2-7) Zoning on the subject lands to permit back-to-back rowhouse dwellings, as well as site-specific provisions related to lot coverage and minimum setbacks, **BE APPROVED**.

THAT the reason(s) for approval are as follows:

1. The application conforms to the policies of the Growth Plan for the Greater Golden Horseshoe (Growth Plan), 2019 and is consistent with the *Provincial Policy Statement* (PPS), 2020.
2. The application conforms to the policies of the County of Brant's Official Plan (2012) to permit the proposed Zoning By-Law Amendment.

Key Strategic Priority

1. To grow in a responsible manner that protects and enhances the attributes that are unique to each individual community; and
2. To engage citizens in a dialogue that is transparent, multi-faceted, and mutually respectful.

Financial Considerations

None

Executive Summary / Proposal

The purpose of this report is to provide County of Brant Council and public with information from the Applicants and Staff regarding the details of an application to amend the County of Brant Zoning By-Law 61-16.

This application proposes to amend the current Special Exception Residential Multiple Medium Density (RM2-7) Zoning on the subject lands to permit back-to-back rowhouse dwellings, as well as site-specific provisions related to lot coverage and minimum setbacks. As part of the submission for this application, the Applicant has provided an application form, planning opinion letter, draft By-Law, concept elevations and site plan containing information related to the proposal.

The planning analysis focuses on a review of applicable policy (i.e. *Planning Act*, PPS, Growth Plan, and County of Brant Official Plan (2012) & Zoning By-Law 61-16), consultation with departments, an inspection of the subject lands and discussions with both the agent/public.

Planning Analysis indicates that the proposal is in conformity with the policies of The Growth Plan for the Greater Golden Horseshoe, consistent with the policies of the *Provincial Policy Statement* (2020) and in conformity to the County of Brant Official Plan (2012). The report recommends that the application be approved.

Location / Existing Conditions

The subject lands are located on the north side of Hartley Avenue, west of Drake Avenue, in the former Town of Paris. The subject lands are surrounded by low-density residential uses to the south and east, and open space uses to the north and west.

The subject lands have a frontage of approximately 130.4 metres (427.9 feet) on Harley Road, and frontage of approximately 28.3 metres (92.84 feet) along Drake Avenue and are approximately 1.87 hectares (4.62 acres) in size. The subject lands are currently vacant, and are serviced by municipal water and sanitary services.

Report

Planning Act, R.S.O (1990)

Section 34 of the *Planning Act* provides policy direction to be considered when reviewing Zoning By-Law Amendment Applications.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)

Policy 2.2.1 of the Growth Plan provides direction for how and where to direct new developments. Specifically, Section 2.2.1.2 speaks to growth within designated settlement areas, and stresses the focus of growth should be directed to settlement areas with a delineated built boundary, existing or planned municipal water and wastewater systems, and can support the development of complete communities. Furthermore, Section 2.2.1.4 outlines the key goals of the Growth Plan as it applies to developing complete communities, including supporting a diverse mix of land uses and a wide range of housing options. In addition, this section of the Growth Plan stresses the importance of promoting compact forms of development, which the proposal accomplishes with a variety of medium-density housing types.

Furthermore, Section 2.2.6 of the Growth Plan speaks to housing policies for future growth with the Greater Golden Horseshoe. Specifically, Section 2.2.6.1(a) directs municipalities to support

housing choices, and to provide for a diverse range and mix of housing options. Based on the above, Staff is of the opinion that the proposal conforms to the policies set out in Sections 2.2.1 and 2.2.6 of the Growth Plan.

Provincial Policy Statement (PPS) (2020)

Section 1.1.1 of the PPS provides policy direction for planning authorities to consider matters relating to land use planning and development. It provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment. It supports improved land use planning and management, which contributes to a more effective and efficient land use planning system. In accordance with PPS, land use must be carefully managed to accommodate appropriate development to meet the full range of current and future needs, while achieving efficient development patterns and avoiding significant or sensitive resources and areas which may pose a risk to public health and safety.

Section 1.1.3 of the PPS speaks to development within Settlement Areas. Specifically, this section of the PPS states that “*Settlement areas* shall be the focus of growth and development.” Section 1.4 of the PPS outlines land-use policies related to housing. This section of the PPS directs municipalities to provide for a mix and range of housing options, with an objective of meeting the needs of a broad housing market. Specifically, Section 1.4.3(b) directs municipalities to provide for a wide range of housing options, and to promote residential intensification. Further, Section 1.4.3(c) directs new housing development to areas with appropriate levels of municipal infrastructure and servicing. Staff is of the opinion that the proposal is consistent with the policies outlined above, as the applicant is proposing to provide for a form of housing that is not currently spoken to in the County’s Zoning By-Law, and is directing this development to an established, fully serviced settlement area.

County of Brant Official Plan (2012)

Schedule ‘A’ mapping within the County of Brant Official Plan identifies the subject lands as being currently designated Urban Residential in the County of Brant Official Plan. Section 1.11.2.2 of the Official Plan provides context for the objectives of the Official Plan as it relates to Housing. Specifically, this section of the Official Plan directs new urban development to the County’s Primary Urban Settlement Areas, which includes Paris. Staff is of the opinion that the applicant’s proposed use of the subject lands is in conformity with the provisions of Section 1.11.2.2 of the Official Plan, as new urban development is being proposed within an identified Primary Urban Settlement Area.

Section 2.2.3.1 of the Official Plan defines the context for development within the County’s Urban Settlement Areas. Specifically, Section 2.2.3.1.1 states that the County shall direct the majority of new urban growth to appropriate areas of designated Primary Urban Settlement Areas, including Paris. This section also stipulates that new residential growth proposed between the established settlement area and built boundary may require the completion of an Area Study. Staff note that an Area Study was completed as a precursor to the subdivision application, known as the Northwest Paris Area Study.

Section 3.4 of the Official Plan provides land use policies for lands designated as Urban Residential in the County’s Official Plan. The intent of the Urban Residential designation is to allow for the development of safe and well-designed neighbourhoods, with the goal of developing complete communities. Permitted uses within the Urban Residential designation include, predominantly, a variety of residential housing types, as well as limited neighbourhood

commercial and institution type uses. Staff is of the opinion that the proposal is in conformity to the policies of Section 3.4.2, as the applicant is proposing to provide for a housing type that will promote intensification, as well as provide for additional housing options within the market.

Section 3.4.3 of the Official Plan outlines the general policies of the Urban Residential designation, including in the case of applications to amend the County's Zoning By-Law. Specifically, Section 3.4.3(a) provides a list of criteria for consideration when reviewing a development proposal within the Urban Residential designation. Some key criteria include consideration for the density and character of the proposed development in the context of the surrounding area, meeting intensification targets, and the provision of adequate municipal services. Staff is of the opinion that the proposal meets all of the criteria outlined in Section 3.4.3(a).

Section 3.4.5 of the Official Plan provides direction for Medium Density Residential developments, including criteria and locational analysis. The applicant is proposing to provide for an alternative townhouse-type development, which is consistent with the permitted uses outlined within policy 3.4.5(a). The applicant is also proposing to provide a density of 38 units per hectare, which is consistent with Section 3.4.5(b), which stipulates a maximum density of 50 units per hectare. Furthermore, the proposed development directly abuts a future park block, which is in conformity to policy 3.4.5(c) (ii). Staff is of the opinion that the proposed development is in conformity to the policies of Section 3.4.5.

Based on the above, Staff is of the opinion that the proposal conforms to the policies of the County of Brant Official Plan (2012).

County of Brant Zoning By-Law 61-16 (2016)

Schedule 'A' mapping within the County of Brant Zoning By-Law 61-16 identifies the subject lands as being currently zoned Special Exception Residential Multiple Medium Density (RM2-7).

This application proposes to amend the current Special Exception Residential Multiple Medium Density (RM2-7) Zoning on the subject lands to permit the construction of back to back rowhouse dwellings, as well as to establish minimum setbacks, lot coverage and landscaped open space.

The applicant is proposing the following definition be added to the existing site-specific zoning category (RM2-7) as a permitted use:

Back to Back Rowhouse Dwelling: Means a residential building containing a minimum of 4 and a maximum of 16 units, having attached units separated by a common or party wall above grade, including a common or party rear wall without a rear yard setback, and whereby each unit has an independent entrance to the unit from the outside accessed through the front elevation or exterior side elevation of the dwelling unit.

The applicant is proposing the following site-specific provisions apply to the subject lands:

- a) Rowhouse dwellings and back to back rowhouse dwellings shall be permitted.

- b) Rowhouse dwellings and back to back rowhouse dwellings may have frontage on a public or private street.
- c) Notwithstanding Section 4.18(d)(ii), no less than 35% of the area of the required front yard shall be maintained as landscaped open space and be kept free of accessory buildings and parking lots.
- d) Notwithstanding Section 4.44, eaves are permitted to encroach into any required yard by 0.8 metres and exterior stairs are permitted to encroach into any required yard by 2.0 metres.
- e) For back to back rowhouse dwellings, the minimum required off-street parking spaces is 2 spaces per unit.
- f) The following standards shall also apply:

Minimum Lot Area (Per unit)	
Rowhouse Dwellings	180 square metres
Back to Back Rowhouse Dwellings	100 square metres
Minimum Lot Frontage	6.0m
Minimum Front Yard	4.4m (provided no part of the structure used as a carport or garage is closer than 6.0m to the front lot line.
Minimum Interior Side Yard	1.5m
Minimum Exterior Side Yard	
Rowhouse Dwellings	4.5m
Back to Back Rowhouse Dwellings	4.0m
Minimum Rear Yard	
Rowhouse Dwellings	6.0m
Back to Back Rowhouse Dwellings	n/a
Maximum Lot Coverage	
Rowhouse Dwellings	55%
Back to Back Rowhouse Dwellings	65%
Minimum Landscaped Open Space	
Rowhouse Dwellings	30%
Back to Back Rowhouse Dwellings	15%
Maximum Building Height	12.0m
Minimum Separation Distance Between Buildings on the Same Lot	3.0m
Minimum Driveway Width	2.8m

Maximum Driveway Width	55% of the lot width or 3.5m, whichever is lesser.
Minimum Driveway Setback	0.0m from the common lot line and 0.6m from the side lot line.

All other requirements of the By-Law shall apply.

Staff note that many of the site-specific provisions related to back-to-back rowhouse dwellings are entirely new, as the County's Zoning By-Law does not give any consideration to this form of housing. Staff is of the opinion that the site-specific provisions related to back-to-back rowhouse dwellings are appropriate for the development of this site. Staff note that this form of housing is very common in other growing municipalities, and will assist in bridging a noted housing gap within the County.

Furthermore, Staff has prepared the following analysis of provisions related to rowhouse dwellings within the proposed Zoning for the site, and the current RM2-7 Zone:

Development Standards	RM2-7 (Current)	RM2-7 (Proposed)
Lot Area (minimum)	180m ²	180m ²
Lot Frontage (minimum)	6.0m	6.0m
Front Yard (minimum)	4.5m	4.4m
Interior Side Yard (minimum)	1.5m	1.5m
Exterior Side Yard (minimum)	4.5m	4.5m
Lot Coverage (maximum)	50%	55%
Rear Yard (minimum)	6.0m	6.0m
Landscaped Open Space (minimum)	30%	30%
Building Height (Maximum)	12.0m	12.0m
Separation Distance Between Buildings on the Same Lot	3.0m	3.0m
Minimum Driveway Width	2.8m	2.8m
Maximum Driveway Width	55% of lot width or 3.5m, whichever is lesser.	55% of lot width or 3.5m, whichever is lesser.

Staff is of the opinion that the proposed site-specific provisions relative to rowhouse dwellings are appropriate for the orderly development of the subject lands. It is noted in the table above

that the site-specific provisions related to rowhouse dwellings are similar to those previously approved for this site, with the exception of a 5% increase in lot coverage, and a 0.1 metre front yard setback reduction. Staff note that the requested 5% increase in lot coverage is to provide for flexibility in future deck or accessory structure plans for rowhouse dwellings. Further, the proposed 4.4 metre front yard setback accounts for one unit within the development where one back to back rowhouse dwelling is setback approximately 4.48 metres from the private street. Staff is of the opinion that the proposed site-specific revisions will allow for the orderly development of the site. Staff is therefore recommending that these proposed minor revisions related to rowhouse dwellings on-site be approved.

Interdepartmental Considerations

Development Engineering Department:

- An Access easement 1.5m wide is required along the west limit of Blocks 1 & 2, so the internal Units can have outside access to/from their rear yards.
- The Storm Water Management easement from Laneway 'A' is required to match what is proposed on the Draft R-Plan.
- Additional Parts are required on the Draft R-Plan for Block 114, 2M-1947 (0.3m reserve) to address the access to Laneway 'A' from Hartley Avenue.
- Block 121, 2M-1947 (0.3m reserve) will be lifted for legal access to Laneway 'A' from Drake Avenue.

Community Services:

- Access through the parkette to the trails would like by desired by the residents. An opening in the chain link fence would need to be left or a gate. If the parking is insufficient, this will lead to parking on Hartley which we are trying to avoid near the park. No approvals for this phase should be made until the last phase commitments are complete. The park grading is still an issue from Phase 1.

Grand River Conservation Authority:

- We have previously reviewed the development as part of the subdivision proposal and we understand that the current zoning and site plan control applications are to recognize the back-to-back townhomes proposed and review the proposed site layout of the condo block. We understand that the stormwater management approach for the site is in conformance with the Stormwater Management Pond C1 Report prepared by SCS Consulting Group Ltd., dated May 2018. Pre-grading work has been undertaken on the subject property, in accordance with GRCA permit 644/17.

Energy Plus: No objections.

Legal Division: No objections.

Fire Department: No objections.

Canada Post: No objections.

The following departments/agencies did not provide any comments with regard to this application:

- Building Division
- Bell

- Economic Development Division
- Grand Erie District School Board
- Brant Haldimand Norfolk District School Board
- Brant Heritage Committee
- Forestry
- Six Nation/New Credit
- Union Gas

Previous Public Considerations

County Staff circulated 69 Notices of Statutory Public Meeting to neighbouring owners on July 17th, 2020. Staff have not fielded any inquiries related to this application to-date.

Conclusions and Recommendations

The subject lands are located on the north side of Hartley Avenue, west of Drake Avenue, in the former Town of Paris. The subject lands are surrounded by low-density residential uses to the south and east, and open space uses to the north and west. The subject lands have frontages of approximately 130.4 metres (427.9 feet) on Hartley Avenue and approximately 28.3 metres (92.84 feet) along Drake Avenue, and are approximately 1.87 hectares (4.62 acres) in size. The subject lands are currently vacant, and are serviced by municipal water and sanitary services.

The applicant is proposing to add the term “Back to Back Rowhouse Dwelling” as a permitted use under the proposed Special Exception Residential Multiple Medium Density Zone. The applicant is also proposing several new site-specific provisions which would apply specifically to a back to back rowhouse dwellings, which are outlined in the attached draft By-Law. Staff is of the opinion that the proposed site-specific provisions will allow for the orderly and desirable development of the subject lands, while providing for additional forms of housing which are otherwise not available in the County at the current time. The applicant has also recently applied to lift the Holding “h” prefix from the current zoning on the subject lands. Section 15 of the County’s Zoning By-Law sets out the criteria for establishing, and lifting, a Holding “h” prefix. Staff note that a By-Law was adopted at the June 2, 2020 Council meeting to lift this holding provision from the subject lands.

Staff note that the applicant has submitted a concurrent Site Plan Control application, which is currently under review. The review of the site plan application would include items such as storm water management, grading, landscaping and traffic design, among others. Staff note that this is representative of a standard site plan control review, and are confident that the technical details of this development will be addressed through the site plan approvals process. Further, Staff note that the applicant’s application for site plan control and entry into a Site Plan Agreement will satisfy the intent of the Holding “h” provision previously lifted from the subject lands.

As a follow up to a question posed at the July 7 Council Meeting, Staff can confirm that this development has been accounted for in the Rest Acres Road Class Environmental Assessment. Staff can further confirm that the unit counts associated with the entirety of the Brookfield Subdivision have been allocated for within the Grand River Street North Class EA. Further, Staff note that since the July 7 Information Meeting, the applicant has since revised their proposal to meet the minimum visitor parking spaces to be provided on-site. The applicant

had originally proposed to provide 18 visitor parking spaces, at a rate of 0.25 spaces per unit. The applicant's current proposal will provide 30 visitor parking spaces, at a rate of 0.42 spaces per unit. This figure exceeds the minimum visitor parking requirement of 0.35 spaces per unit, as outlined in Table 5.4 of the Zoning By-Law.

In summary, Staff is of the opinion that the proposal is consistent with the policies of the PPS 2020, and in conformity with the Growth Plan for the Greater Golden Horseshoe (2019) and the County's Official Plan (2012). Staff is also of the opinion that the proposal will not have any adverse impacts on neighbouring residential uses, and is appropriate for the use and development of the lands. Based on the foregoing, Planning Staff recommends that the application be **approved**.

Prepared By: Ryan Cummins, Planner

Reviewed By: Mat Vaughan, BES, MPLAN, MCIP, RPP, CMM3 Director of Planning

Submitted By: Pamela Duesling, MAES, MCIP, RPP, Ec.D., CMM3, General Manager of Development Services

Attachments

- 1. Zoning Map
- 2. Official Plan Map
- 3. Aerial Photo
- 4. Draft By-Law
- 5. Concept Elevation
- 6. Site Plan

Copy to

- 1. Pam Duesling, General Manager of Development Services
- 2. Mat Vaughan, Director of Planning
- 3. Heather Boyd, Clerk/Manager of Council Committee Services
- 4. Jennifer Mayhew, Planning Clerk
- 5. Applicant/Agent

File # ZBA13/20/RC

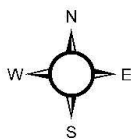
In adopting this report, is a bylaw or agreement required?

If so, it should be referenced in the recommendation section.

- By-Law required (Yes)
- Agreement(s) or other documents to be signed by Mayor and /or Clerk (No)
- Is the necessary By-Law or agreement being sent concurrently to Council? (Yes)

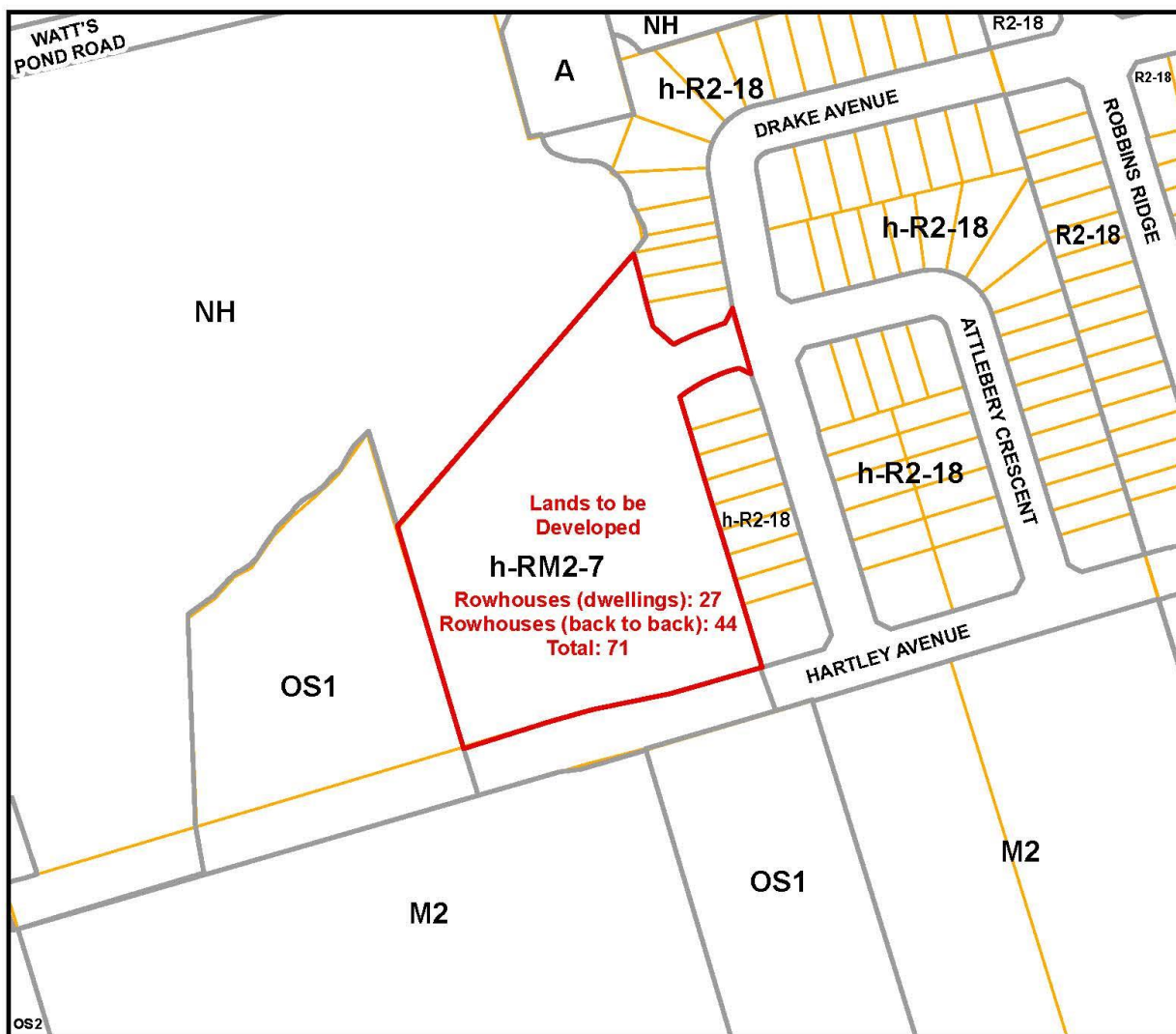
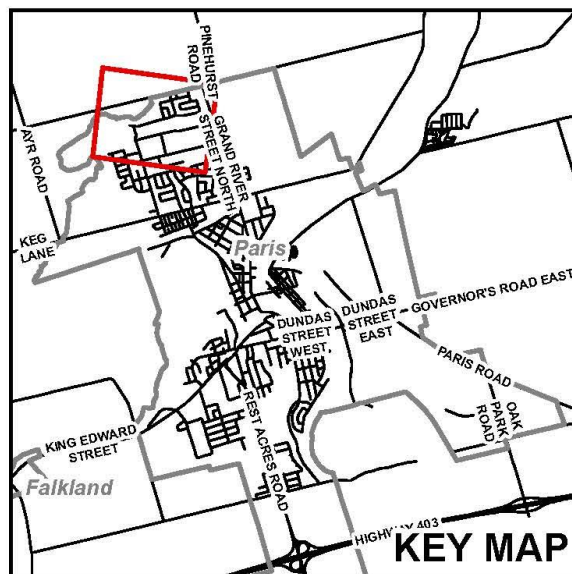
MAP 1: ZONING MAP **File Number: ZBA13-20-RC**

Former Town of
PARIS

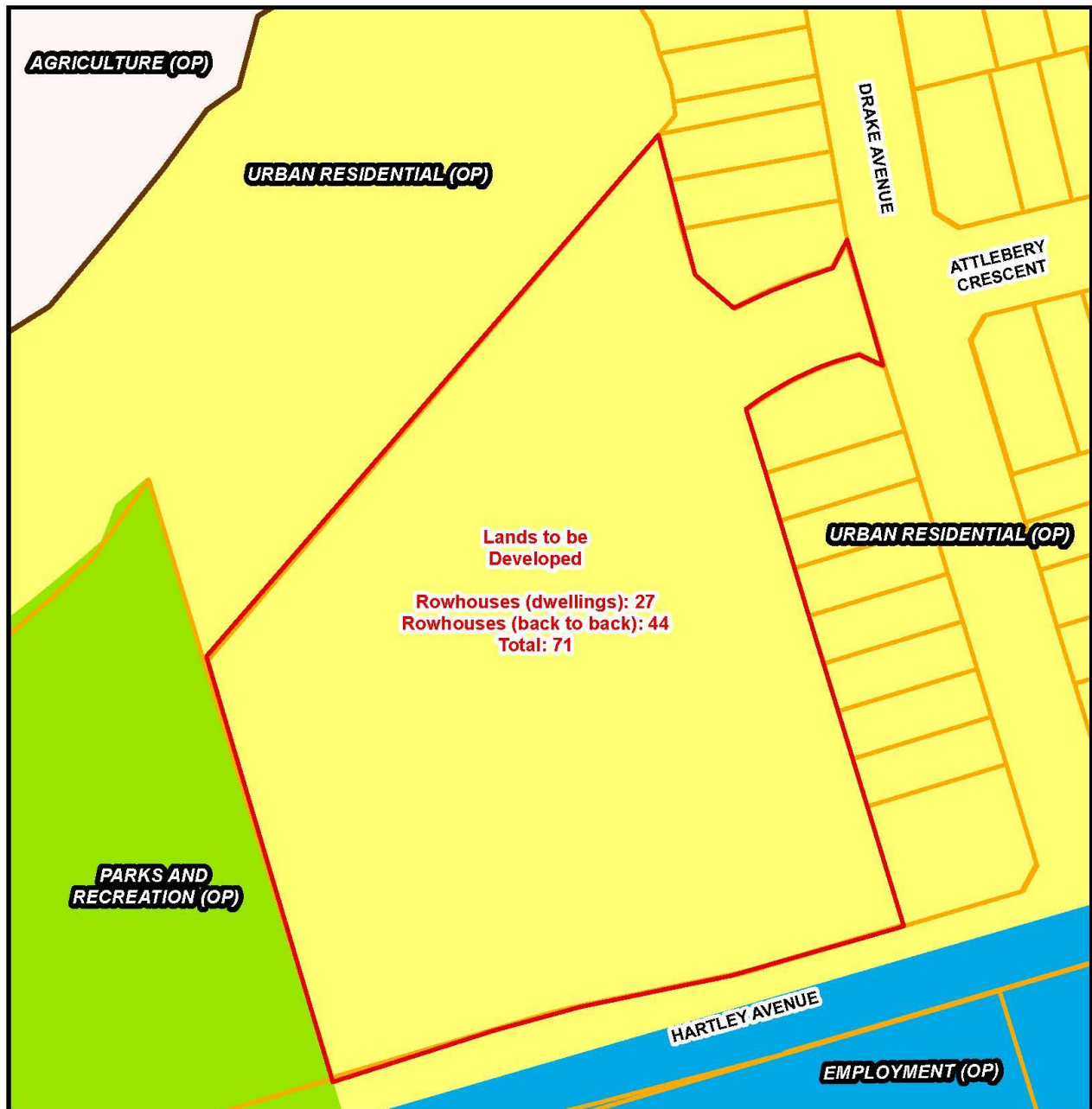
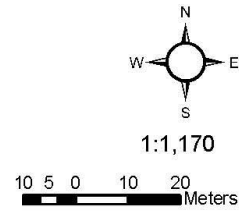


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MAP 2: OFFICIAL PLAN MAP
File Number: ZBA13-20-RC
Former Town of PARIS



MAP 3: AERIAL MAP
File Number: ZBA13-20-RC
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