

Planning and Development Committee Report

To: To the Chair and Members of the Planning and Development Committee

From: Dan Namisniak, Senior Planner

Date: April 4, 2023 **Report:** RPT-0532-22

Subject: ZBA38-20-DN - Zoning By-Law Amendment Application

Purpose: For Approval.

Recommendation

That Zoning By-Law Amendment Application ZBA38-20-DN from MHBC Planning, Agent, on behalf of Grover Developments Ltd, Applicant/ Owner of lands legally described as Plan 727, Lot 98 & Lot 99, in the geographic Township of Burford, municipally known as 6 Maple Ave North, proposing to change the zoning on the subject lands from Suburban Residential (SR) to Residential Multiple Low Density (RM1) subject to a 'Holding Provision (h-RM1)' being applied to the entirety of the Subject Lands until such time that a desirable and appropriate level of municipal servicing is available, determined and guided by the completion of the Burford Master Servicing Class Environmental Assessment to the satisfaction of the County of Brant, be approved;

And that the reason(s) for approval are as follows:

- The application represents desirable infill redevelopment, permitting a range of housing types within an established neighborhood, utilizing existing surrounding infrastructure and amenities;
- The Holding Provision (h) will determine the timing for desirable and appropriate development of the subject lands based on planned and/or available services;
- The application is consistent with the policies of the Provincial Policy Statement and in conformity with the Growth Plan for the Greater Golden Horseshoe; and
- The application is in conformity with the policies of the County of Brant Official Plan (2012) and meets the general intent of Zoning By-Law 61-16.

Key Strategic Priority

Undertaking actions that elevate customer service to those we serve.

Financial Considerations

None.

Executive Summary

The purpose of this report is to provide the Planning and Development Committee and the public with information from the application to amend the County of Brant Zoning By-Law 61-16.

Zoning By-Law Amendment Application **ZBA38-20-DN** proposes to change the zoning on the subject lands from Suburban Residential (SR) to Residential Multiple Low Density (RM1) to permit a range of residential unit types including Single-Detached, Semi-Detached, Stacked Townhouse, Street Fronting Rowhouse, Triplex, Group Home and Lodging House.

This report recommends approval of the application to permit the Residential Multiple Low Density (RM1) zoning subject to the following:

1. That a 'Holding Provision (h-RM1)' be applied to the entirety of the Subject Lands until such time that a desirable and appropriate level of municipal servicing is available, determined and guided by the completion of the Burford Master Servicing Class Environmental Assessment.

The County of Brant is currently in the public consultation stages of a process toward developing a 'Burford Water and Wastewater Servicing and Drainage Plan'. The plan is required to determine the most preferred alternatives for water servicing, wastewater servicing, and stormwater/drainage infrastructure to meet the needs of the Burford community within the 2051 planning horizon.

The outcome of the 'Burford Water and Wastewater Servicing and Drainage Plan' will determine and guide the appropriate timing and phasing of development proposing a minor rounding out and infill redevelopment within and adjacent to the built up area of the Secondary Urban Settlement Area of Burford.

A concept plan submitted in support of this application contains a proposed condominium plan, consisting of townhouse blocks having a mix of one & two storey units along a private access road with visitor parking.

The concept design currently accommodates 46 residential units on private services (well, septic and stormwater management). The concept design contemplates further intensification subject to the availability of future services where if it is determined that the proposed on-site wastewater disposal system is not required, the concept allows for the inclusion of an additional 8 units townhouse block.

This latest proposal is a result of feedback received as part of previous public information meetings held in 2021 & 2022. More information about the history of this application is included in the 'Background' section of this report.

The technical studies, reports and plans submitted in support of this Zoning By-Law Amendment Application consisted of the following:

- Planning Justification Report prepared by MHBC Planning Ltd., dated January 2023
- Concept Plan prepared by MHBC Planning Ltd., dated January 2023
- · Functioning Servicing Report prepared by MTE, dated January 2023
- · Hydrogeological Report prepared by MTE, dated January 2023
- Preliminary Tertiary Treatment Design Report prepared by MTE, dated January 3, 2023

Detailed design will be facilitated through the required Site Plan Control Application where additional information related to lighting, landscaping, fencing, building placement and

elevations, tree inventory/ protection and species at risk screening etc will be required.

This Zoning By-Law Amendment Application will result in permitting a range of residential unit types suitable for efficient infill re-development within an established neighborhood with access to a wide range of amenities located within and around Burford's downtown core. The Holding Provision (h) proposed with the recommendation will ensure that the County of Brant has had an opportunity to complete the on-going Burford Master Servicing Class Environmental Assessment.

Adequate public notice and technical circulation of this application have been provided and comments received have been incorporated into the recommendations of this report.

The planning analysis focuses on literature reviews of applicable policy (i.e. *Planning Act, Provincial Policy Statement (2020*), Growth Plan for the Greater Golden Horseshoe (2020), County of Brant Official Plan (2012), and County of Brant Zoning By-Law 61-16.

For the reasons outlined in this report, it is my professional recommendation to the Planning and Development Committee that Zoning By-Law Amendment Application **ZBA38-20-DN** be **Approved** with a Holding Provision (h).

Location / Existing Conditions

The subject lands are located within Secondary Urban Settlement Area of Burford, north of King Street, south of Broadway Drive along the east side of Maple Ave North across from Dufferin Street.

The subject lands are rectangular in shape and having 98 metres (322 feet) of frontage along Maple Ave North a depth of 168 metres (550 feet) and area of approximately 1.7 hectares (4.1 acres).

Historically, the subject lands functioned as a school site and contain an existing building with a footprint of approximately 12,000 square feet. The existing building is proposed to be removed as part of future re-development of the site.

The immediate surrounding area consists of a mix of residential dwelling types including, single detached, and multi-unit converted dwellings. The subject lands are located within close proximity to the commercial core of downtown Burford consisting of a wide range of retail, commercial and service uses.

Burford Servicing

The Secondary Urban Settlement Area of Burford is currently serviced by private water, sanitary and storm infrastructure.

The following information was sourced from a November 6, 2019 – 'Burford Water & Wastewater Servicing and Drainage' Public Meeting.

Water Quality

- In the summer of 2019, the County of Brant sampled monitoring wells and public and privately owned wells within Burford to measure nitrate concentrations.
- The Nitrate Sampling Program results identified an Average Nitrate Concentration of 8.2 mg/L based on a sample size of 49 public and private well systems.
- The Ontario Drinking Water Standards maximum allowable concentration (MAC) for nitrates is 10.0 mg/L.
- 21 of 375 private wells sampled for showed some level of E. coli contamination.

- The Ontario Drinking Water Standards maximum allowable concentration (MAC) for E.coli is 0 CFU/100mL.

Wastewater / Septic System

- Approximately 540 (72%) of private septic systems within Burford were installed pre-1979 or date unknown (41+ years).
- A large majority of residential lots within Burford are considered undersized in relation to the minimum 3,000 square metres required in the Suburban Residential (SR) zone.

Background Summary

The following represents a historical timeline and evolution of this Zoning By-Law Amendment Application:

Timeline	Process / Proposal Details
2017 & 2018	Preliminary discussions occurred with County Staff in 2017 & 2018 regarding future development of the subject lands.
May 2019	Formal pre-consultation meeting proposing 96 residential units, within four low rise apartment buildings on private services.
October 7, 2020	Zoning By-Law Amendment application received proposing 80 residential units, within two 3-storey apartment buildings on private services.
December 1, 2020	Information Meeting (Virtual) Presentation to County of Brant Council.
April 21, 2021	Neighbourhood Meeting (Virtual) Hosted by MHBC.
December 7, 2021	Information Meeting (<i>Virtual</i>) Presentation to Planning and Development Committee.
April 27, 2022	Neighbourhood Meeting (<i>Virtual</i>) Hosted by MHBC proposing 47 residential units within, townhouse blocks on private services.
May 3, 2022	Information Meeting (<i>Virtual/ In Person</i>) Presentation to Planning and Development Committee.
April 4, 2023	Statutory Public Hearing (<i>Virtual</i>) Presentation to Planning and Development Committee proposing 46 residential units , 1 & 2 storey within , townhouse blocks on private services with consideration for development on future municipal services.

Report

Planning Act R.S.O (1990)

Section 2(a-s) of the *Planning Act* outlines matters of provincial interest that decision making bodies shall have regard for.

This *Planning Act* application includes and has regard for the following:

- a) the protection of ecological systems, including natural areas, features and functions;
- b) the protection of the agricultural resources of the Province;
- c) the conservation and management of natural resources and the mineral resource base:
- d) the conservation of features of significant architectural, cultural, historical,

- archaeological or scientific interest;
- e) the supply, efficient use and conservation of energy and water;
- f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- g) the minimization of waste;
- h) the orderly development of safe and healthy communities;
- i) (h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;
- j) the adequate provision and distribution of educational, health, social, cultural and recreational facilities:
- k) the adequate provision of a full range of housing, including affordable housing;
- I) the adequate provision of employment opportunities;
- m) the protection of the financial and economic well-being of the Province and its municipalities;
- n) the co-ordination of planning activities of public bodies;
- o) the resolution of planning conflicts involving public and private interests;
- p) the protection of public health and safety;
- q) the appropriate location of growth and development;
- r) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;
- s) the promotion of built form that,
 - i. is well-designed,
 - ii. encourages a sense of place, and
 - iii. provides for public spaces that are of high quality, safe, accessible, attractive and vibrant:
- t) the mitigation of greenhouse gas emissions and adaptation to a changing climate.

Section 34(1) of the *Planning Act* establishes that Zoning By-Laws may be passed by Councils of local municipalities.

Review of this Application has consideration for the proposed development as it relates to matters of provincial interest, public health safety, existing conditions and surrounding uses, land use compatibility, utilities, municipal infrastructure, vehicular and pedestrian traffic, and natural resources.

Section 36(1) of the Planning Act provides the council of a local municipality through the passing of a By-Law, the use of the holding symbol "H" (or "h") in conjunction with any use designation, specify the use to which lands, buildings or structures may be put at such time in the future as the holding symbol is removed by amendment to the By-Law.

- Review of the merits of this Application has had regard for Section 36(1) of the Planning Act.
- Generally, a 'Holding Provision (h)' may be applied to an amending By-Law to delay development until local municipal services, such as roads and sewers, are in place or as a tool to achieve orderly staging of development, to ensure adequate infrastructure and community services and facilities are or will be available.
- It is my professional opinion that the proposal has had consideration for the applicable provisions of under the Planning Act.

Provincial Policy Statement - 2020

The Provincial Policy Statement (PPS) provides policy direction on matters of Provincial interest regarding land use planning and development and sets the policy foundation for regulating land use and development of land. All decisions affecting planning matters shall be 'consistent with' policy statements issued under the Planning Act.

The following demonstrates consistency with the applicable policies of the Provincial Policy Statement (2020):

Provincial Policy Statement – 2020	Planning Analysis
Section 1.1.3.1, Settlement areas shall be the focus of growth and development.	The subject lands are located within the limits of the Secondary Urban Settlement Area of Burford.
Section 1.1.3.2, Land use patterns within settlement areas shall be based on densities and a mix of land uses which:	The higher density form of development is considered an appropriate and efficient use of the subject lands given
a) efficiently use land and resources;	its location in proximity to established commercial and institutional uses.
 b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion; 	The County of Brant is currently in the process of completing a Burford Master Servicing Class Environmental Assessment and development of a
 c) minimize negative impacts to air quality and climate change, and promote energy efficiency; 	'Burford Water and Wastewater Servicing and Drainage Plan'.
d) prepare for the impacts of a changing climate;	The plan is required to determine the most preferred alternatives for water servicing, wastewater servicing, and
e) support active transportation;	stormwater/drainage infrastructure to
 f) are transit-supportive, where transit is planned, exists or may be developed; and 	meet the needs of the Burford community within the 2051 planning horizon.
g) are freight-supportive.	
	Increased density within close proximity to the commercial core will support local business and promote opportunities for active transportation patterns for residents and employees.
Section 1.1.3.3 Planning authorities shall	The subject lands location within the
identify appropriate locations and promote opportunities for transit-supportive	Secondary Urban Settlement Area of Burford is considered to be a desirable
development, accommodating a significant	site for redevelopment and
supply and range of housing options through	intensification of a previous school site
intensification and redevelopment where this	for residential purposes.
can be accommodated taking into account existing building stock or areas, including	The application considers future
brownfield sites, and the availability of suitable	development of the subject lands on

existing or planned infrastructure and public	private, partial and/ or full municipal
service facilities required to accommodate	services.
projected needs.	The proposed Decidential Multiple Law
Section 1.1.3.4 Appropriate development	The proposed Residential Multiple Low
standards should be promoted which facilitate	Density (RM1) zone contains
intensification, redevelopment and compact	development standards that will ensure
form, while avoiding or mitigating risks to	appropriate setbacks and building
public health and safety.	heights are compatible with the existing
Continue 1 1 2 F Diamping outborition shall	built up area.
Section 1.1.3.5 Planning authorities shall	The concept provided identifies potential
establish and implement minimum targets for	for a 46-54 Street Fronting Rowhouse
intensification and redevelopment within built-	units on a parcel having an area of 1.7 hectares.
up areas, based on local conditions. However,	nectares.
where provincial targets are established	This provides a range of 27 22 units per
through provincial plans, the provincial target	This provides a range of 27-32 units per
shall represent the minimum target for affected	net hectare (46-54 units / 1.7 hectares =
areas.	27-32 units / hectare).
	27-32 units / hectare is in keeping with
	the intent of the density target for Low
	Density Urban Residential development
	given that the size and scale of the
	proposed Street Fronting Rowhouse
	development is appropriate given the
	location and context of the area.
Section 1.1.3.6 New development taking place	The subject lands are located within a
in designated growth areas should occur	designated growth area and within the
adjacent to the existing built-up area and	built-up area proposing an alternative
should have a compact form, mix of uses and	housing type promoting an efficient use
densities that allow for the efficient use of land,	of land within of the Town of Burford.
infrastructure and public service facilities.	
Section 1.6.6.2 identities that municipal	The Secondary Urban Settlement Area of
sewage services and municipal water services	Burford is currently serviced by private
are the preferred form of servicing for	water, sanitary and storm infrastructure.
settlement areas to support protection of the	
environment and minimize potential risks to	The County of Brant is currently in the
human health and safety.	process of completing a Burford Master
	Servicing Class Environmental
	Assessment and development of a
	'Burford Water and Wastewater Servicing
	and Drainage Plan'.
Section 1.6.6.4 states that where municipal	The outcome of the Burford Master
sewage services and municipal water	Servicing Class Environmental
services or private communal sewage	Assessment will determine whether or
services and private communal water services	not development of the subject lands is
are not available, planned or feasible,	appropriate and/or required to occur on
individual on-site sewage services and	private, partial or full municipal services.
individual on-site water services may be used	
provided that site conditions are suitable for	The redevelopment and intensification of

the long-term provision of such services with no negative impacts. In settlement areas, individual on-site sewage services and individual on-site water services may be used for infilling and minor rounding out of existing development. the subject lands for residential purposes considered infill due to the site location within and adjacent to the built up area of Secondary Urban Settlement Area of Burford.

In summary, based on the review of the Provincial Policy Statement:

- The subject lands are located within an identified Secondary Urban Settlement Area, within the existing built up area.
- The proposal promotes infill redevelopment of a residential built form that will contribute to a compatible and desirable mix of housing options within the established built-up area boundary.
- The Holding Provision (h) included with this recommendation will allow for the outcome of the Burford Master Servicing Class Environmental Assessment to determine whether or not development of the subject lands is appropriate and/or required to occur on private, partial or full municipal services.

It is my professional opinion that the request is consistent with the policies of the Provincial Policy Statement.

Growth Plan for the Greater Golden Horseshoe (2020)

The Growth Plan is a framework that provides policy direction to implement strong and prosperous communities and how to manage growth in Ontario to 2051. The Planning Act requires that all decisions that affect a planning matter shall 'conform with' Provincial plans, including but not limited to the Growth Plan.

Growth Plan for the Greater Golden		Planning Analysis
Horseshoe – 2020		
Policy 2.2.1.a The vast majority of growth will be directed to settlement areas that:		The subject lands are located within the designated Secondary Urban Settlement
i.	have a delineated built boundary;	Area of Burford.
ii.	have existing or planned municipal water and wastewater systems; and	The Secondary Urban Settlement Area of Burford is currently serviced by private
iii.	can support the achievement of complete communities:	water, sanitary and storm infrastructure.
of complete communities;		The County of Brant is currently in the process of completing a Burford Master Servicing Class Environmental Assessment and development of a 'Burford Water and Wastewater Servicing and Drainage Plan'.
		The subject lands are located within close proximity amenities such as institutional, commercial uses and park / open spaces supporting and contributing to the achievement of 'complete communities'

encouraging active modes of
transportation and support the
commercial core of Burford.

It is my professional opinion that the recommendation conforms to the policies of the Growth Plan.

County of Brant Official Plan 2012

The County of Brant Official Plan sets out the goals, objectives and policies to guide development within the municipality. The Planning Act requires that all decisions that affect a planning matter shall 'conform to' the local Municipal Policies, including but not limited to the County of Brant Official Plan.

County of Brant Official Plan - 2012	Planning Analysis
Community Structure Section 2.2.3 The Community Structure is based on the land needs analysis and represents the desired form and composition for the County's multiple settlement areas. It provides long-term guidance for planned change and physical development in Brant.	The subject lands are located within the designated Secondary Urban Settlement Area of Burford. The subject lands are designated as an 'Urban Residential' land use within Schedule 'A' of the County of Brant Official Plan.
Section 2.2.3.c have either full or partial municipal services, or private water and sanitary sewage systems and are not intended to accommodate major commercial, residential, institutional, employment and recreational growth, but rather limited infilling, minor rounding out within the existing boundary of the settlement area and small scale intensification subject to the availability of appropriate servicing systems.	The outcome of the Burford Master Servicing Class Environmental Assessment will determine whether or not development of the subject lands is appropriate and/or required to occur on private, partial or full municipal services. The redevelopment and intensification of the subject lands for residential purposes is considered infill due to the site location within and adjacent to the built-up area of Secondary Urban Settlement Area of Burford.

Secondary Urban Settlement Areas

Section 2.2.3.1.2 The following policies shall apply to the County's Secondary Urban Settlement Areas:

- a. The Secondary Urban Settlement Area of Burford has a built boundary as identified in Section 2.2.5.1(b) of this Plan and as shown on Schedule A.
- b. All other Secondary Urban Settlement Areas have a built-up area that is made up of existing developed urban areas within the settlement area
- c. A limited amount and type of growth and development shall be permitted in the County's Secondary Urban Settlement Areas.
- d. Secondary Urban Settlement Areas shall contribute to achieving the County's goals with respect to intensification, as established in Section 2.2.5.2 of this Plan, by accommodating limited infill development, and small scale intensification within the built boundary/built-up area, subject to the availability of appropriate servicing systems.
- e. New residential development that is located outside the built boundary/built-up area may be subject to the preparation and approval of an Area Study, in accordance with Section 2.2.4 of this Plan.
- f. A mix and range of urban land uses and activities shall be permitted, including residential, commercial, employment, office, institutional, entertainment, cultural, recreational, and open space uses.
- g. All development shall be consistent with and guided by the Servicing System policies in Section 5.2 of this Plan.
- h. All development, redevelopment, and intensification shall take into account existing building stock and the availability of suitable existing or planned infrastructure and public service facilities to accommodate projected needs.
- i. All development, redevelopment, and intensification shall be designed to create high quality urban spaces and public open

The subject lands are designated as an 'Urban Residential' land use within Schedule 'A' of the County of Brant Official Plan.

The subject lands are located within the built-up area of Secondary Urban Settlement Area of Burford.

This application proposes to permit an alternative residential unit type to facilitate limited redevelopment and intensification of the subject lands.

The Secondary Urban Settlement Area of Burford is currently serviced by private water, sanitary and storm infrastructure.

Detailed application of Servicing System policies as outlined in Section 5.2 of the Official Plan are included within the 'Servicing Systems / Allocation' and Phasing section of this Report.

The subject lands are located within close proximity to amenities such as institutional, commercial uses and park /

spaces that promote opportunities for walking and cycling.	open spaces supporting and contributing to the achievement of 'complete communities' encouraging active modes of transportation and support the commercial core of Burford.
Urban Residential Land Use Section 3.4.1 The intent of the Urban Residential designation is to accommodate safe and well-designed neighbourhoods and to contribute to the creation of complete communities.	The subject lands are designated as an 'Urban Residential' land use within Schedule 'A' of the County of Brant Official Plan.
Section 3.4.2 a. The predominant use of land in the Urban Residential designation shall be for a variety of residential housing types, in accordance with the density and location criteria outlined in the following Urban Residential designation policies and in the County Zoning By-law.	This application proposes to permit a range a residential housing types in order to achieve efficient use and density of the subject lands.
Section 3.4.3 new development, redevelopment, and intensification within any Urban Residential designation, including applications to amend the County's Zoning By-law in order to permit a proposed development, shall be subject to the following criteria: i. the density, height and character of the proposed development project shall be compatible with existing adjacent uses;	The housing types permitted within the proposed RM1 zone are considered to be compatible with the surrounding built form. The overall compatibility of new development as it relates to site layout, building height and placement will be considered and implemented as part of the Site Plan Control, detail design / review process.
iv existing water and sanitary sewer systems shall be capable of accommodating the proposed development project, or the proponent shall commit to extending services at no cost to the County, save and except where private septic systems are permitted;	The outcome of the Burford Master Servicing Class Environmental Assessment will determine whether or not development of the subject lands is appropriate and/or required to occur on private, partial or full municipal services.
Low Density Urban Residential Policies Section 3.4.4 Low Density Urban Residential development shall be limited to single detached dwellings, semi-detached dwellings, duplex dwellings, streetfronting townhouse dwellings and additional residential units.	The proposed Residential Multiple Low Density (RM1) zone permits a range of residential unit types including Single- Detached, Semi-Detached, Stacked Townhouse, Street Fronting Rowhouse, Triplex, Group Home and Lodging House.
Section 3.4.4.b The maximum density of new Low Density Urban Residential development shall not exceed 20 units per net hectare.	The concept provided identifies potential for a 46-54 Street Fronting Rowhouse units on a parcel having an area of 1.7 hectares.

This provides a range of 27-32 units per net hectare (46-54 units / 1.7 hectares = 27-32 units / hectare). 27-32 units / hectare is in keeping with the intent of the density target for Low **Density Urban Residential development** given that the size and scale of the proposed Street Fronting Rowhouse development is appropriate given the location and context of the area. Section 3.4.4.d. Proposals for new Low Review of appropriate application of the Holding Provision (h) in included within Density Urban Residential development may be subject to a subdivision agreement and the Holding By-Law section of this report. the use of holding zones, in accordance with the policies of Section 6.0 of this Plan. Servicing Systems / Allocation and **Phasing** Section 5.2 of the County of Brant Official Plan Table 5.1 identifies the Secondary Urban outlines the Servicing System policies for the Settlement Area of Burford as being County of Brant Community Structure. Table serviced by private water, sanitary and 5.1 - the Servicing Hierarchy prioritizes and storm infrastructure. directs development to areas of Community Structure, in accordance with the Growth Management policies in Section 2.2. Section 5.2.b. Partial or private services shall The County of Brant is currently in the continue to provide the primary means of process of completing a Burford Master **Servicing Class Environmental** water and sanitary sewage systems within the Secondary Urban Settlement Area Assessment and development of a boundaries, until it is financially feasible to 'Burford Water and Wastewater Servicing extend or develop full County services as and Drainage Plan', expected to be required to accommodate projected growth completed within the next 2 years. and development within the planning horizon. The plan is required to determine the most preferred alternatives for water servicing, Section 5.2.d. Priority shall be given to the development, redevelopment and wastewater servicing, and intensification of land that is currently stormwater/drainage infrastructure to meet the needs of the Burford community serviced by County water and sanitary sewage systems, or to areas that within the 2051 planning horizon. can most easily be serviced at minimal cost. Section 5.2.g. The County shall undertake Master Servicing Plans in accordance with the Master Plan Approach of the Municipal Class Environmental Assessment (Class EA)

in order to identify and plan for future

servicing needs.

Section 5.2.2.c When allocated servicing capacity does not exist for a proposed development, the County may consider the application premature and defer final approval until capacity is available, or until a servicing agreement in the form of a prepayment or front ending agreement is in place prior to the entering into the subdivision agreement to ensure that such capacity will be available to service the development within three years of the granting of the planning approval. Where a subdivision is draft approved, the land will be placed in an "h" holding zone. This "h" holding zone shall not be removed unless or until actual servicing capacity for both water and sewers will be available to the site in time for the completion of housing units for occupation. Prior to the removal of the "h" the applicant must sign the required subdivision or site plan agreement.

A Holding Provision (h) is included with this recommendation to allow for the outcome of the Burford Master Servicing Class Environmental Assessment to determine whether or not development of the subject lands is appropriate and/or required to occur on private, partial or full municipal services.

The 'Holding Provision (h-RM1)' is to be applied to the entirety of the Subject Lands until such time that an appropriate level of municipal servicing is available, determined and guided by the completion of the Burford Master Servicing Class Environmental Assessment.

Further consultation with the County of Brant will be required to determine the appropriate timing for the removal of the Holding Provision. Removal of the 'Holding Provision (h)' will require a subsequent *Planning Act* Application, demonstrating that the above has been met.

Section 5.2.2.g Alternative servicing proposals shall be considered based on sound engineering, environmental and financial assessments to the satisfaction of the County of Brant dealing with both the capital cost and the long term operating costs.

Through the completion of Functioning Servicing Report, Hydrogeological Report and Preliminary Tertiary Treatment Design Report, the application submission has consideration for development on private, partial or full services.

Stormwater Management

Stormwater Management is required to control flooding, erosion and sedimentation and to enhance water quality, aquatic habitat and groundwater recharge as outlined in Section 5.2.4.

The development will require a stormwater management facility that conforms to the policies outlined in Section 5.2.4 of the Official Plan.

The stormwater management design will be reviewed as part of a subsequent site plan control application.

Road Classificiation

The classification of roads and the existing and proposed road system is shown on Schedule B.

The subject lands are located along an 'Urban Residential Collector Road' as shown on Schedule 'B' of the County of Brant Official Plan.

Section 5.3.2.1.4 Urban Residential Collector Roads are adjacent to residential and commercial uses and provide connections to local, collector and arterial roads.

The level of service permitted along an Urban Residential Collector Road will be considered and implemented as part of the Site Plan Control, detail design /

With respect to Urban Residential Collector Roads, the following shall be the policies of the County:

- c. Direct access to collector roads shall be permitted, subject to geometric design considerations.
- d. In the Primary and Secondary Urban Settlement Areas, sidewalks shall generally be constructed on both sides of Urban Residential Collector Roads.
- e. Dedicated bikeways, separate cycling facilities or wider curb lanes are permitted.
- f. Passive traffic calming devices are permitted, where appropriate.
- g. Transit service is permitted on Urban Residential Collector Roads.

Holding By-Laws (h)

Section 6.5.2 a. The County may, through its Zoning-By-law and by the use of the symbol "h" as a prefix or a suffix in conjunction with any zone, specify the use of land, buildings or structures.

- b. A Holding Symbol shall enable the holding of land designated for specific land uses in this Plan until such time as the land is required for that use for phasing purposes, or until necessary concept plans or subdivision approvals have been given and agreements signed, or until other land use planning approvals are in place.
- c. A Holding Symbol shall be removed by amendment to the By-law.

review process.

This includes the ability to incorporate design amenities such as sidewalks, bike lanes and traffic calming, intended guide pedestrians in and out of the downtown core safely utilizing active modes of transportation.

The 'Holding Provision (h-RM1)' is to be applied to the entirety of the Subject Lands until such time that an appropriate level of municipal servicing is available, determined and guided by the completion of the Burford Master Servicing Class Environmental Assessment.

Removal of the 'Holding Provision (h)' will require a subsequent *Planning Act*Application, demonstrating that the above has been met.

In summary, based on review of the Official Plan policies:

- The proposal represents desirable infill redevelopment of a residential built form that will contribute to a compatible and desirable mix of housing options within the established built-up area boundary.
- Development is subject to the Growth Management Policies (Section 2.2) and Servicing System policies (Section 5.2) which requires lands within the Secondary Urban Settlement Area to be developed utilizing available or planned municipal services.
- The County of Brant is currently in the process of completing a Burford Master Servicing Class Environmental Assessment and development of a 'Burford Water and Wastewater Servicing and Drainage Plan', which is expected to be completed within the next 2 years.
- The Holding Provision (h) included with this recommendation will allow for the

outcome of the Burford Master Servicing Class Environmental Assessment to determine whether or not development of the subject lands is appropriate and/or required to occur on private, partial or full municipal services.

Based on the foregoing, ilt is my professional opinion that the recommendation conforms to the policies of the Official Plan.

Source Water Protection

Source water protection plans contain a series of locally developed policies that, as they are implemented, protect existing and future sources of municipal drinking water. Municipalities, source protection authorities, local health boards, the Province and others, are responsible for implementing source protection plan policies.

- Staff have reviewed Source Water Protection Area mapping, and the subject lands are not within a Source Water Protection zone.
- Further protection and mitigation measures may be required to be considered as part of the Site Plan Control detailed design/ review process.

County of Brant Zoning By-Law 61-16

Zoning By-law 61-16 identified that the subject lands are currently zoned Suburban Residential (SR).

Section 9.1 of Zoning By-Law 61-16 limits the permitted use to Single Detached Dwellings.

Table 9.2.1 of Zoning By-Law 61-16 outlines the standards for development within the Suburban Residential (SR) zone.

Residential Multiple Low Density (RM1)

This application proposes to change the zoning on the subject lands to Residential Multiple Low Density (RM1) to permit the following:

Section 8.1 of Zoning By-Law 61-16 outlines the permitted uses within Residential Multiple Low Density (RM1) zone.

Section 8.1 – Zoning By-Law 61-16 Zone Permitted Uses:

Existing		Proposed
Suburban Residential (SR) · Dwelling, Single Detached	to	Residential Multiple Low Density (RM1) Dwelling, Duplex Dwelling, Rowhouse Dwelling, Semi Detached Dwelling, Single Detached Dwelling, Stacked Townhouse Dwelling, Street Fronting Rowhouse Dwelling, Triplex

Table 8.2.1 of Zoning By-Law 61-16 outlines the standards for development within the Suburban Residential (SR) zone.

Development Standards	Existing Suburban Residential (SR)	Proposed Residential Multiple Low Density (RM1)
Lot Area, Min (Private Services)	3,000 sq.m.	185 sq.m.
Lot Area, Min (Partial Services)	2,000 sq.m.	per unit
Lot Frontage, Min (Private Services)	30 metres	9 metres
Lot Area, Min (Partial Services)	20 metres	
Street Setback, Min (to the attached garage)	7.5 metres	6 metres
Street Setback, Min (to the habitable area)		4.5 metres
Interior Side yard Setback	1.5 metres	7.5 metres
Interior Side yard Setback (between units)		3 metres
Lot Coverage, Max %	30 %	40 %
Building Height, Max	10.5 metres	12 metres
Landscaped Open Space, Min	30%	30%
Driveway, Width, Min	7.3m	7.3m

- Review and comparison of Zoning By-Law 61-16 Section 8.1 & Table 8.2.1 as shown above demonstrate that permitting future development to occur utilizing the permissions of the Residential Multiple Low Density (RM1) zone will encourage a more desirable and efficient use of land consisting of a wide range of housing options.
- The appropriateness and compatibility of this zone change is supported by the subject land's proximity to the downtown Burford commercial core as development of these lands at a higher density will support local business and encourage active modes of transportation.

Section 5 of Zoning By-Law 61-16 outlines the minimum parking standards for development of a residential Plan of Condominium.

Section 5 - Zoning By-Law 61-16 Parking Requirements:

<u> </u>			
(Dwelling, unit)	Calculation	Required	Proposed
2 space per unit (54 units)	(2 x 54)	108	108
+ 0.35 visitor spaces	(0.35 x 54)	19	27
3% +1 barrier free space	(19 x 0.03) +1	2	5
	Total	129	140

The parking calculation provided above is conceptual only based on the concept plan submitted with the application.

- New development will be required to provide adequate parking for each unit and visitors.
- Parking spaces proposed to be located within the garage will be required to meet the minimum parking space dimensions as outlined in the Zoning By-Law.

It is my professional opinion that the request is appropriate and maintains the intent of the County of Brant Zoning By-Law (61-16).

Interdepartmental Considerations

The following comments were received from departments/agencies as part of the circulation of this application:

Development Engineering Division:

- The County of Brant Official Plan 'Schedule B', identifies Maple Avenue North as a Urban Residential Collector Road. Urban Residential Collector Roads are to have a road allowance width of 20m to 26m. Road widening of 2m is required to retain existing utility boxes onto the municipal road allowance.
- Soil infiltration rates should be determined in the septic bed and dry pond areas prior to detailed design. The SWM and Hydro Geological Reports indicate that this will be completed. Additional SWM comments may be forthcoming in future applications once infiltration rate is demonstrated.
- An ECA will be required for the on-site treatment facility as it exceeds 10,000L/Day in capacity.
- ECA approvals will be required for the proposed private SWM facilities.
- · Comments for the proposed wastewater treatment facility will be provided by Others.
- Additional items such as Traffic and Noise reports may be required as part of a future Site Plan Application.
- Detailed engineering comments will be provided once a site plan application is provided.
- Comments to the Hydro Geological Report are under peer review and will be provided at a later date.
- Section 4.1 of the SWM Report should include meeting pre to post development drainage conditions.
- SWM Report is to identify a suitable overland flow route for storms exceeding the 100 year event.
- ODR to provide comments pertaining to the receipt of drainage from the overland flow route.
- Truck turning plans will be required to demonstrate that the internal road platform width is sufficient to accommodate EMS and waste collection vehicles.
- We recommend that a Pre-Con Meeting be required prior to the submission of a Site Plan Application to discuss required supporting documentation.

Planning Response:

A further pre-consultation meeting will be required prior to the submission of the Site Plan Control Application to determine any additional technical studies, reports and plans required to facilitate development of the subject lands.

Operations Division:

- We agree that a holding should be placed on this development property until the servicing study is completed. If the servicing study does not result in municipal services for Burford, we still have concerns that their proposed on-site septic system could impact neighboring wells.
- The County of Brant is currently conducting a Water/Wastewater Servicing and Drainage Master Plan for the Community of Burford. The study will investigate and evaluate the various water and wastewater servicing alternatives to meet the needs of the community to the planning horizon year of 2051. Alternatives will include individual private services (wells and septic systems), municipal servicing, or a partial servicing solution. The Master Plan will complete phases 1 and 2 of the Municipal Class Environmental Assessment, and will be informed by the County's on-going Official Plan update with respect to community growth..
- The County of Brant is not supportive of a private septic system of this size within the Burford limits. The septic system would also have to be approved by the MECP.
- The County requires more information regarding stormwater and what the plan is to handle it.
- If the development proceeds on private services, the MECP will want the proponent to enter into a Municipal Responsibility Agreement with the County. Staff are reluctant to accept an MRA because that would put the responsibility on us to remedy any issues with their private system. It should be the responsibility of the proponent to prove that their private system will not impact nearby private wells (ie. Reasonable Use Guidelines).

Wastewater

They acknowledge that the ww system will be subject to the MECP Reasonable Use Guidelines, and therefore, must achieve a nitrate concentration of <2.5mg/L at the property line. They're proposing a Newterra MBR to treat the ww to the proposed limits, including the nitrate limit of 2.5mg/L. Estimated average day flow for full build-out is 74m3/d, max day flow of 160m3/d.

Water

- The hydrogeological study notes that a new well will need to be tested to confirm the yield and the potential for impacts to neighboring wells. Existing wells are not shown on the properties to the north and south of the subject property. These are the private wells that we would be most concerned about. If they're not shown on the MECP registry, they should still do some field work to determine their locations and characteristics.
- They're proposing water reservoirs for fire protection, and they propose to provide more info later.
- The Functional Servicing Report should discuss the County's current Master Servicing Plan and the implications for the development if municipal services are recommended.

Environmental Planning:

Section 2.7.5.1 b. vii. of the Official Plan encourages tree retention and replacement. A tree inventory and preservation plan including a species at risk screening should be completed. Any trees to be preserved should incorporate zoning that protects them such as in the form of a planting strip.

Planning Response:

- A tree inventory and preservation plan will be required as part of the site plan control application.
- A further pre-consultation meeting will be required prior to the submission of the Site Plan Control Application to determine any additional technical studies, reports and plans required to facilitate development of the subject lands.

Parks & Forestry:

- · Cash-in-Lieu of Parkland will be required.
- A Tree Inventory and Tree Protection plan will be required A copy of the Tree Protection Guide can be made available for review.
- A detailed Landscape Plan will be required we acknowledge that details associated with landscaping, lighting & building design will be addressed as part of a future Site Plan Agreement.
- · Please include an amenity area situated within the lot for intended use by residents:
 - a. This would entail a small play area, gathering space, etc.
 - b. It is recommended to incorporate elements such as the extensive use of trees, shrubs, hedges or other groundcovers, permeable paving materials, site furniture, waste and recycling containers, bicycle parking facilities, and utilization of green infrastructure.

Mississaugas of the Credit First Nation (MCFN):

- We are the Mississaugas of the Credit First Nation (MCFN), descendants of the Mississaugas of the River Credit. This project is being proposed for development on the treaty lands of the MCFN, more precisely, the Between the Lakes Treaty No. 3 of 1792.
- In light of this, the MCFN Department of Consultation and Accommodation (DOCA) must be in receipt of all Environmental Assessment reports and must be engaged for all Archaeological Assessments. This engagement includes in-field participation by having MCFN community members present when any archaeological assessments are being conducted and a review of all reports prior to submission to the ministry for clearance. This engagement is at cost of the proponent.

Planning Response:

- It may be determined that an Archaeological Assessment may be required as part of the site plan control application.
- A further pre-consultation meeting will be required prior to the submission of the Site Plan Control Application to determine any additional technical studies, reports and plans required to facilitate development of the subject lands.

Source Water Protection:

This property is not located within a source water protection area and there are no Part IV policies of the Grand River SPP are applicable at this time.

Grand River Conservation Authority (GRCA):

the subject property does not contain any features regulated by the GRCA. As such, we will not participate in the review of this application.

Enbridge Gas:

It is Enbridge Gas Inc.'s request that as a condition of final approval that the owner/developer provide to Enbridge the necessary easements and/or agreements required by Enbridge for the provision of gas services for this project, in a form satisfactory to Enbridge.

Canada Post:

 Canada Post will work with the developer on a site location for the Community mailbox to be installed and requirements for a concrete pad for installation of the modules.

The following departments/agencies <u>did not provide any comments/ concerns</u> as part of the circulation of this application:

Field Services

Fire

Building

Economic Development

Grandbridge Energy

· Bell Canada

· GIS Mapping / Civic Addressing

Parks & Facilities

Union Gas

Imperial Oil

Six Nation

Public Considerations

Notice of this Application has been circulated to all property owners within 125 metres of the subject lands in accordance with the *Planning Act* as follows:

Timeline	Process / Proposal Details
December 1, 2020	Information Meeting (Virtual) Presentation to County of Brant Council.
April 21, 2021	Neighbourhood Meeting (Virtual) Hosted by MHBC.
December 7, 2021	Information Meeting (<i>Virtual</i>) Presentation to Planning and Development Committee.

Public Comments:

- Public Comments received and reviewed as part of the above public information and neighbourhood meetings were based on previous concepts consisting of 80 residential units, within 3-storey apartment buildings on private services.
- Previous comments / petitions received identified concern with compatibility of development of this size and scale on private services. Some comments identified the

desire for a form of development similar to Westside Village Senior Housing.

- Comments received did form part of the agenda package for Committee consideration ahead of the information meeting.

- M. Robinet – 10 Maple Ave S. - M. Henderson

- L. Spriet – 25 Broadview Dr. - T. Peterson

- M. Manning – Stewart Dr. - J. Waters

- M. Fritz – 368 Maple Ave S. - A. Patierno

R. Ramsay – 164 King St. - Katie

- J. Ramsay - 164 King St. - J. Waters

- B. Ferguson – Dufferin St. - T. Carter

- D & A. Walsweer - K. Ovington

Petition – July 13 2021 – S. Ames

Signed by 225 individuals - P. & S. Clark

April 27, 2022 Neighbourhood Meeting (Virtual) Hosted by MHBC

May 3, 2022 Information Meeting (Virtual/ In Person) Presentation to Planning and

Development Committee.

Public Comments:

 Comments received as part of the circulation of this revised application are summarized below and form part of the agenda package for Committee consideration ahead of the statutory public meeting.

- B. Banks – 7 Messecar Dr. - M. Henderson

- W. Bell - 387 Maple Ave S. - T. Peterson

- M. Robinet – 10 Maple Ave S. - J. Waters

- The following themes have been identified as comments / concerns noted within the public comments received as part of circulation of the revised development proposal:

- Increased density / population

Maintaining character and compatibility

- Development on Private Services

Implication of introducing partial or full municipal services to Burford

- Impact on local businesses / downtown core

- Impact on Emergency Services

- Increased Traffic

Tree removal

 Meeting the overall needs of the community

April 4, 2023 Statutory Public Hearing (*Virtual*) Presentation to Planning and Development Committee

A site visit along with the posting of the Public Notice sign was completed on March 14, 2023

Public Comments:

- Comments received as part of the circulation of this revised application are summarized below and form part of the agenda package for Committee consideration ahead of the statutory public meeting.
 - B. Banks 7 Messecar Dr.

- M. Henderson

- W. Bell 387 Maple Ave S.
- The following themes have been identified as comments / concerns noted within the public comments received as part of circulation of the revised development proposal:
 - Increased density / population

- Private Services

- High Nitrate Levels
- Consideration for Affordable Housing

No Further Comments were received in writing at the time of finalizing this report.

Conclusions and Recommendations

Zoning By-Law Amendment Application ZBA38-20-DN proposes to amend the current zoning on the subject lands from the Suburban Residential (SR) zone to Residential Multiple Low Density (RM1) zone. The Holding Provision (h) proposed with the recommendation will ensure that the County of Brant has had an opportunity to complete the ongoing Burford Master Servicing Class Environmental Assessment.

The planning analysis confirms that the proposal represents desirable infill redevelopment consisting of a residential built form that will contribute to a compatible and desirable mix of housing options within the established built-up area boundary.

Application of the Holding Provision (h) is considered appropriate as development is subject to the Growth Management Policies (Section 2.2) and Servicing System policies (Section 5.2) of the Official Plan requiring lands within the Secondary Urban Settlement Area to be developed utilizing available or planned municipal services. The Holding Provision (h) included with this recommendation will allow for the outcome of the Burford Master Servicing Class Environmental Assessment to determine whether or not development of the subject lands is appropriate and/or required to occur on private, partial or full municipal services. The Holding Provision (h) is also required in order for the development application to maintain consistency with the *Provincial Policy Statement* and Conformity with the Growth Plan as it relates consideration for available or planned services within a designated settlement area.

If it is determined that development on private services is appropriate, the following will be required as part of the Site Plan Control Approval process:

- Environmental Compliance Approval (ECA) from the Ministry of the Environment, Conservation and Parks (MECP) related to the proposed onsite wastewater disposal system; This will require the County of Brant to enter into a Municipal Responsibility Agreement which puts the responsibility on the County to remedy any issues with their private system.
- The waste water system will be subject to the MECP Reasonable Use Guidelines, and therefore, must achieve (through treatment) a nitrate concentration of <2.5mg/L at the property line.
- The potable drinking water supply well will be subject to Ontario Regulation 170/03 and

will require treatment, ongoing monitoring and laboratory testing.

 Ensure implementation of recommendations and conclusions based on findings in the technical studies submitted in support of the proposal.

Similar form of development exists on a 2.5 hectare parcel, located 700 metres from the subject lands at 15 Potter Drive, Burford (West Side Village), initiated in 1997, contains 35 Townhouse Units within a Condominium on Private Services, on 2.5 ha parcel.

Public comments received as part of the circulation ahead of this statutory public meeting and previous information and neighborhood meetings have been reviewed and considered as part of this recommendation. A significant amount of concern has been identified with the proposal as it relates to development of this size and scale on private services.

It is my professional opinion that the recommendation outlined in this report allows for the appropriate servicing considerations to be determined prior to development of this site. Once the Burford Master Servicing Class Environmental Assessment is complete, and a servicing strategy has been determined, future redevelopment and intensification of this site is desirable due to the close proximity to various institutional, commercial, park and open spaces amenities.

Future development of these lands will support and contribute to the achievement of 'complete communities' encouraging active modes of transportation and support the commercial core area of Burford.

A further pre-consultation meeting will be required prior to the submission of the Site Plan Control Application to determine any additional technical studies, reports and plans required to facilitate development of the subject lands. The Site Plan Control Application will involve detailed review of lighting, landscaping, fencing, building placement and elevations, tree inventory/ protection and species at risk screening etc.

Based on the analysis above, I confirm that the appropriate measures have been taken to ensure that the rezoning is consistent with the *Provincial Policy Statement* and conforms to the Growth Plan and County of Brant Official Plan and is in keeping with the general intent of Zoning By-Law 61-16.

It is my professional opinion that the request is appropriate and represents good planning and therefore I recommend that Zoning By-Law Amendment Application **ZBA38-20-DN** be **Approved**.

Prepared by:

Dan Namisniak, BA, CPT, MCIP, RPP

Senior Planner

Reviewed by: Mat Vaughan, BES, MPLAN, MCIP, RPP, CMM3, Director of Planning **Submitted By:** Pamela Duesling, PhD, MCIP, RPP, Ec.D., CMM3, General Manager,

Development Services

Attachments

- 1. Zoning Map
- 2. Official Plan Map
- 3. Aerial Map
- 4. Site Context Mapping
- 5. Overall Site Concept Plan
- 6. Site Photos

Copy to

- 1. Pam Duesling, General Manager of Development Services
- 2. Mat Vaughan, Director of Development Planning
- 3. Alysha Dyjach, Clerk and Director of Council Services
- 4. Alyssa Seitz, Planning Administrative Assistant
- 5. Applicant/Agent

File # ZBA38-20-DN

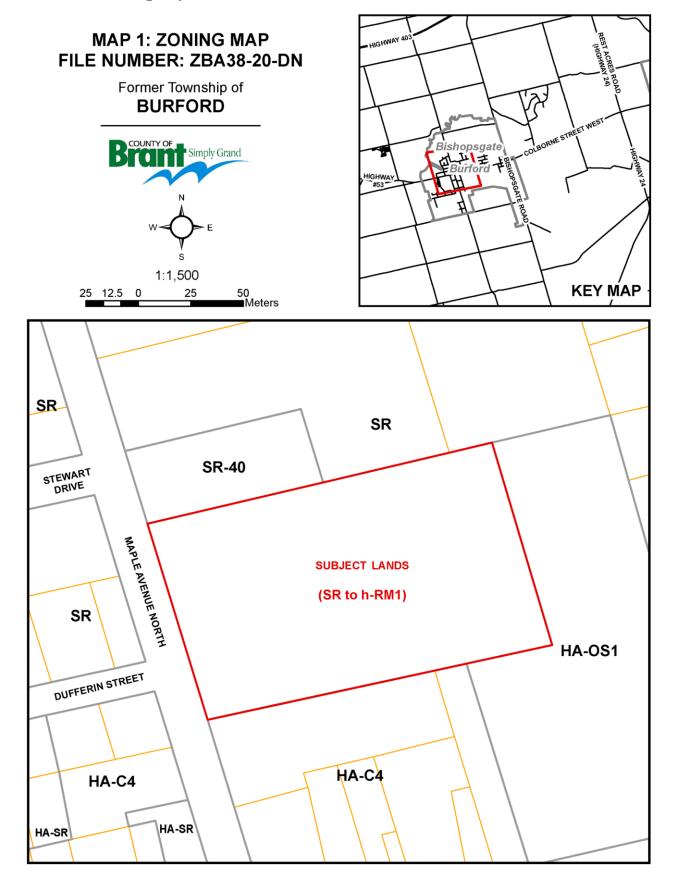
In adopting this report, is a By Law or agreement required?

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

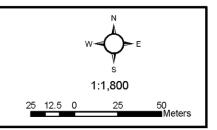
By-Law required? (Yes)

Agreement(s) or other documents to be signed by Mayor and /or Clerk? (No)

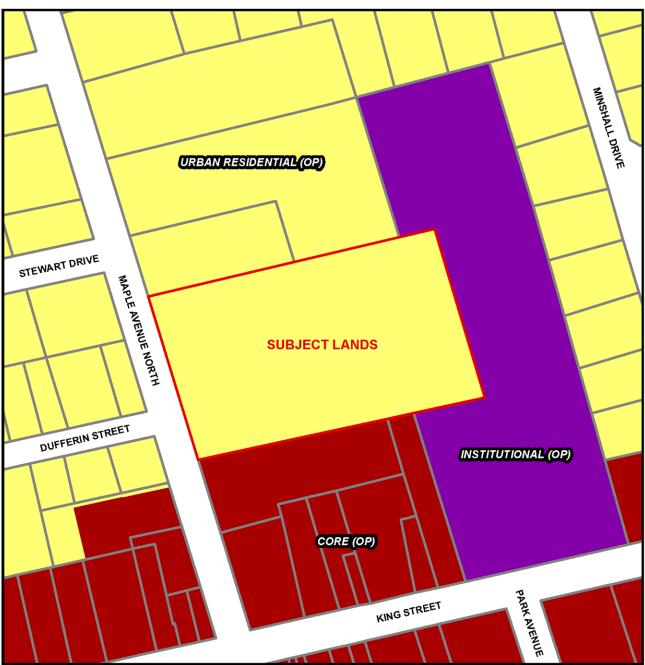
Is the necessary By-Law or agreement being sent concurrently to Council? (Yes)



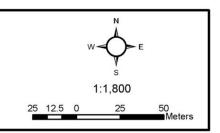
Map 2: OFFICIAL PLAN MAP Address: 6 Maple Avenue North Former Township of BURFORD







Map 3: AERIAL MAP Address: 6 Maple Avenue North Former Township of BURFORD







Attachment 4 - Site Location



Attachment 5 - Overall Site Concept Plan

