

REPORT TO THE PLANNING ADVISORY AND COMMITTEE OF ADJUSTMENT

Date of Report: August 21, 2024

Date of Meeting: August 28, 2024

Subject of Report: Zoning Bylaw Amendment **ZBA-4-2024 2632920 ONTARIO INC**

Recommendation:

Township staff recommend to the Planning Advisory and Committee of Adjustment that it be further recommended to Council that Zoning By-law Amendment application ZBA-4-2024 be approved as amended which will add an additional permitted use to the current permitted uses in the Tourist Commercial Special Exception 4 (CT-4) zone that is subject to a holding designation (CT-4-h).

CT-4-h the following permitted use will apply to those already permitted in CT-4:

- Multiple Dwelling (Tri-plex)

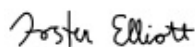
CT-4-h the following restriction will apply:

- A maximum of four dwelling units on the subject property

The holding designation is to be lifted **prior to the issuance** of a building permit for the Multiple Dwelling (Tri-plex) and is only to be lifted subject to the receipt and review of the following:

1. Completion of the submitted preliminary Hydrogeological and Servicing Options Report that demonstrates adequate quality and quantity of water;
2. Submission of an Environmental Impact Assessment through the completion of a Natural Heritage Screening Report.
3. Enter into a Development Agreement that is registered on title as deemed necessary by the Manager of Development Services with the Township that implements:
 - a. Any conditions or requirements that stem from the findings of the above reports

Report Prepared By:



**Foster Elliott,
Associate Planner, Development Services**

Departmental Approval:



**Malcolm Norwood,
Manager of Development Services**

CAO Approval:

Shellee Fournier, CAO

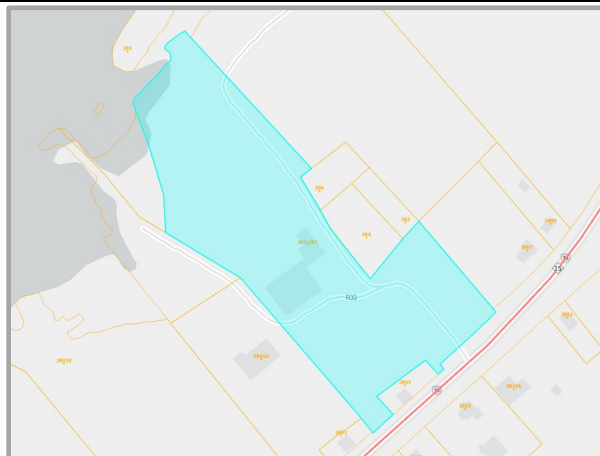


Figure 1 – Context Map

1.0 PROPERTY AND OWNER INFORMATION:

Attribute	Value
Roll Number	083183103646300
Owner Name	2632920 Ontario Inc – William Watson
Location	201-203 R33
Area	9.5 acres
Frontage	480.00 ft
Depth	999.99 ft
Description	BASTARD CON 2 PT LOT 17 RP;28R4388 PARTS 1 TO 9 14 PT;PARTS 10 AND 11 RP 28R4472;PART 5 RIDEAU LAKE



Figure 2 – Aerial imagery of the property



Figure 3 – Schedule of lands to be rezoned

2.0 PURPOSE:

2.1 Purpose:

The request is to add an additional permitted use to the Tourist Commercial Special Exception 4 (CT-4) zoning on the subject property. The proposed additional special exception is sought to permit all currently permitted uses in the CT-4 zone in addition to the following proposed use in the CT-4 zone:

- Multiple Dwelling (Tri-plex)

3.0 AGENCY COMMENTS:

3.1 Ontario Building Code and Private Sewage Systems

Building has no concerns with the zoning change request, so long as all Part 8 setbacks can be maintained.

3.2 Rideau Valley Conservation Authority (RVCA)

No comments received at the time of this report.

3.3 Ministry of Transportation

No comments received at the time of this report.

3.4 Fire Services/Fire Chief

No comments received at the time of this report.

3.5 Parks Canada

No comments received at the time of this report.

4.0 PLANNING STAFF REVIEW

4.1 Zoning By-law

The request is to change the zoning classification on a portion of the subject property from Tourist Commercial Special Exception (CT-4) to Tourist Commercial Special Exception (CT-X) to permit a Multiple Dwelling (Tri-plex) as an additional permitted use to the current permitted uses in the CT-4 zone. The property also contains area along the waterfront that is zoned Open Space Special Exception (OS-2 & OS-1). There are no proposed changes to the OS area, as the proposed additional permitted uses will be within the existing CT-4 zoned area of the lot. The subject property to be re-zoned has approximately 99m of frontage on Highway 15, approximately 100m of water frontage on Big Rideau Lake, and is a total area of 9.5 acres which is well above the minimum lot size in the CT zone and thus the lot is a complying lot in size and frontage with the Zoning By-law. The CT zone permits residential use through an accessory dwelling to another permitted use such as a marina, dry-land marina, antique shop, etc, and the CT-4 special exception zone permits a single dwelling as a primary use. As the Multiple Dwelling (Tri-plex) is proposed as an additional permitted use on the property, staff recommend an additional provision to the Special Exception Zone that a maximum of 4 Dwelling Units are permitted to clarify the extent of permitted residential density resulting from the application, as there is an existing single dwelling on the subject property. This provision will prevent the construction of an additional accessory dwelling on the lands.

The applicant has submitted a plot plan demonstrating the Multiple Dwelling building (triplex) will be approximately 410sqm (4413.2sqft) in size, which will accommodate the three units and a court area. The building is to be converted from a commercial building into the Multiple Dwelling. No sizing of the specific units was provided in the site plan or application form for review, although a 410sqm building to house 3 dwelling units and a court area is believed to be sufficient to accommodate the minimum dwelling unit area of 60sqm required in the CT zone, and the standard minimum 75sqm dwelling unit area in other zones which permit residential uses. Staff

verbally confirmed with the applicant that each unit would be approximately 83.6sqm (900sqft) which exceeds the minimum required dwelling unit sizing of 60sqm.

The Multiple Dwelling (triplex) meets or exceeds the minimum required 30m water setback, 120m Natural Heritage A setback, 15m rear yard setback, and 10m side yard setback. The submitted site plan drawing indicates an existing right-of-way known as R33 near the proposed multiple dwelling. No setback from the multiple dwelling has been shown to the edge of the right-of-way. However, as the building proposed to be converted into the multiple dwelling is existing, and not proposed to be expanded should a non-conforming setback exist to the right-of-way it is not proposed to change or be impacted through this proposal. The proposed multiple dwelling is within the maximum permitted 10m height, however the exact height of the building is not known. The application form indicates a height of 3m for the building, however during staff's site visit the building was seen to exceed 3m height. During this site visit and review of the building staff are confident that the building height is within the maximum permitted of 10m. Further, the height of the building is not proposed to change through the conversion from commercial to the multiple dwelling. The lot coverage on the subject property through this proposal is not proposed to change as the building exists that is to be converted into the multiple dwelling.

The applicant has included the area between the proposed multiple dwelling (tri-plex) and the water to be for the proposed septic system. As the proposed development results in a private servicing design flow of greater than 4500 litres per day, a hydrogeological and servicing options report is required. An initial report was completed of reviews of adjacent wells and the groundwater capacity was sufficient for the proposal, however the study did not complete a review of the groundwater quality and quantity to service the proposed multiple dwelling through the drilling of a new well. As a result, the report preparers recommended that their preliminary findings be verified through the drilling of a new well on the property. Therefore, staff recommend that the zoning by-law amendment be approved as amended with a holding designation, until the hydrogeological and servicing options report has been finalized. Holding designations are used in these instances where permission for the zoning by-law amendment is given pending the completion and findings of required studies, such as the hydrogeological study. The lifting of the holding designation is recommended to occur prior to the issuance of a building permit for the Multiple Dwelling (tri-plex) so that the hydrogeological study can be completed. Staff also recommend that a development agreement be entered into prior to the lifting of the holding designation in order to implement conditions of the initial hydrogeological and servicing options report, as well as any new conditions from the updated report.

As per Section 3.18.1 of the Zoning By-law multiple dwelling units are required 1 parking space per dwelling unit. The site plan submitted with the application demonstrates 6 parking spaces for the multiple dwelling. Further, the driveway to access the parking spaces is required to be a minimum of 6m wide to accommodate 2-way traffic. Through the site visit, staff were confident that the area is able to accommodate a 6m width driveway as the driveway to the area is generally already in place to service the former commercial building. The parking area shall be maintained with a stable surface such as concrete, asphalt or crushed stone as per Section 3.18.6 of the ZBL.

There are 2 existing commercial buildings on the property, as well as an existing single dwelling which are proposed to remain. The commercial uses on the property include a dry-land marina. Future commercial uses of these buildings are unknown at this time by the owner. A future zoning by-law amendment may be required depending on proposed commercial uses at that time.

The proposed Multiple Dwelling to the CT-4 zone is appropriate as the surrounding lots are zoned MG, RG, OS, CG, and RU with residential uses established on all but the OS zoned properties. The surrounding properties with direct access to an improved street that are zoned RG, CG, or RU would be permitted as of right to have 3 dwelling units through the Additional

Residential Unit provisions and so the totality of 4 dwelling units as a result of the proposal is not anticipated to have an exceptionally high density for the area. The property to be rezoned is also located on a Provincial Highway which experiences a higher volume of traffic, and is located within a Settlement Area, which permits higher levels of residential density in the Zoning By-law through permission of duplexes, semi-detached dwellings, as well as properties with lesser lot frontages. Overall, the property size, access, and surrounding land uses suggest that the proposal is appropriate. Therefore, the proposed zoning amendment meets the intent of the Zoning By-law.

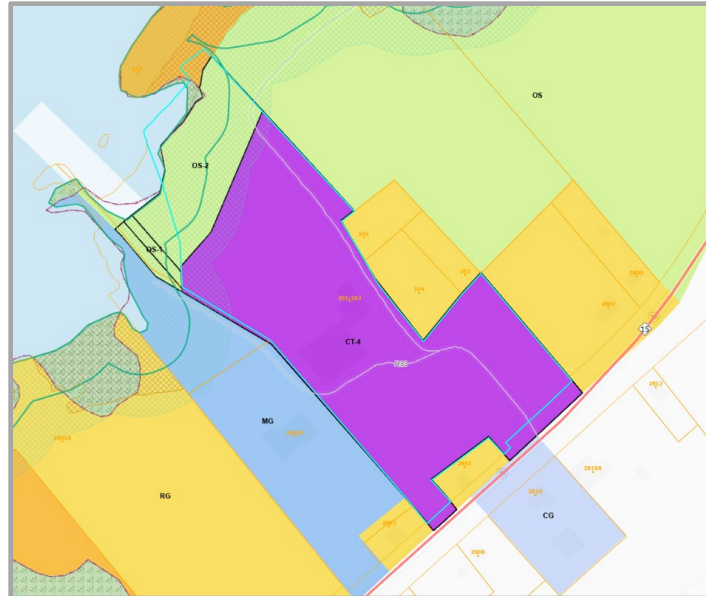


Figure 4 – Zoning Map

4.2 Official Plan

The Official Plan designation for the property is Settlement Area. The intent of the Settlement Area designation is provide a broad mix of services and uses that builds upon the rural character of the area. Further, Settlement Areas typically exhibit more concentrated development than what would typically be found within the Rural designation, and that the amount and type of development is to be consistent with the maintenance of the character of settlement area lands. The policies for the Settlement Area designation are found in Section 3.9 of the OP. Residential policies outline that a variety of residential uses may be permitted, and are to take place along a publicly owned road and are encouraged to take place as logical extensions of existing development. The proposal for a Multiple Dwelling (tri-plex) provides another housing type within this settlement area, and is located on a property that is within an existing developed area with access to a provincial highway. Further, Settlement Areas are recognized as areas where development and intensification are directed to occur, though this proposal, the property is to become a more intensified residential use that will also retain commercial viability to support the broad mix of services and uses called for in the Settlement Area designation. Therefore, the proposed multiple residential use and commercial use of the property conforms to the Settlement Area policies of the OP.

The housing policies are outlined in Section 2.4 of the OP. These policies call for the municipality to ensure that there is at least a fifteen year supply of land designated and available for future residential development, providing a variety of housing options to meet the needs of present and future residents, as well as that new housing is encouraged to take place in the more built-up areas of the Township such as settlement areas. Through this proposal, their will be the addition of 3 residential units which support the requirement of the housing supply, as well as

ensuring that there are a variety of housing options. The property is located within the Settlement Area which is the preferred location for development.

The subject property is waterfront as it has frontage on Big Rideau Lake. Therefore, the Waterfront Development Policies of Section 2.2 have been reviewed. The waterfront development policies are intended to ensure protection of the sensitive surface water features within the Township that are important for the local economy, specifically where these waterbodies are part of the Rideau Canal system. Section 2.2.2 requires a minimum water setback to protect the natural and cultural heritage characteristics and water quality of the lakes and rivers in the Township. A minimum 30m water setback and no disturbance zone is called for. This proposal entails the conversion of an existing commercial building into the multiple dwelling, and is located well exceeding the 30m water setback at approximately 145m from the water. The proposed septic system to service the multiple dwelling is closer to the water than the building, but remains outside of this 30m water setback at approximately 91m. Therefore, the proposal conforms to the Waterfront Development Policies of the OP.

The proposal must meet the Environmentally Sensitive Development policies of Section 2.6 of the OP. This section outlines that the massing of buildings and structures so that they do not dominate the natural landscape. The building to be used for the multiple dwelling is existing, and there is no proposed change to the massing other than some removal of portions of the building to separate it from the neighbouring existing commercial building. Section 2.6 also calls for the retention of as much natural vegetation as possible, as well as maintaining a minimum 30m strip of substantially undisturbed and naturally vegetated area abutting the length of the shoreline. Through this proposal there is no requirement for the removal of vegetation other than that required for the installation of the septic system which by design is required to be revegetated. There are no proposed alterations to the shoreline area nor any proposed development within this 30m area as the OS zones that predominate the waterfront area are proposed to remain. Proposals should also attempt to implement a dark skies policy where possible. No lighting plan has been submitted with the proposal, but it is recommended that any new outdoor lighting be downward cast, and as minimal as required to meet the intended objective. Further, this lighting shall not pose any impact to drivers along the nearby right-of-way. Stormwater management approaches should be considered. No stormwater management plan has been submitted with this proposal. Staff recommend that the use of eavestroughing to collect and direct stormwater from the proposed multiple dwelling into an area of infiltration and the use of low impact development (LID) techniques would encourage appropriate onsite stormwater management. It is also encouraged that the building when converted is designed as to fit into the existing natural and built environment through the choice of the exterior finishes and colours, or through the use of natural materials for the exterior.

Land Use Compatibility has been reviewed through this proposal. Minimum Distance Separation (MDS) requirements from neighbouring livestock barns is not applicable as the property is within the Settlement Area designation as per Implementation Guidelines 36 of the OMAFRA MDS document. Potential land use incompatibilities could arise from the abutting neighbouring contractors yard use located at 2801H Highway 15. The proposed building to be converted into the multiple dwelling is located on the furthest side of the property from the contractors yard use, and further there is an existing commercial building on the lot that is between the proposed multiple dwelling and this use. Other potential land use compatibility concerns arise from the existing automobile service station use located across Highway 15 from the subject property. The building proposed to be converted into the multiple dwelling is located 129m from the front lot line abutting the provincial highway, and the buffer of the provincial highway reduces any potential negative impacts from the automobile service station. Land use compatibility is also considered between the commercial and residential uses on the property. No commercial use

exists on the property as the existing commercial building is vacant. There is an existing dwelling and the other existing commercial building on the lot is proposed to be the multiple dwelling (triplex). The proposed Zoning By-law Amendment primarily addresses whether the use of the property is appropriate, which based on the lot's size, frontage, and location within a settlement area appears to be appropriate. However, future commercial development on the lot will need to go through Site Plan Control in order to manage land use compatibility issues pertaining to the mixed residential and commercial use on the lot. It is anticipated that future Commercial Site Plan Control will seek to address various items which include, but are not limited to, functionality and compatibility of the access road to the commercial use, the commercial parking area, lighting on the site, and hours of operation of the commercial use to mitigate conflicts with the residential uses on the property.

No known natural or human made hazards were identified that impact this property. In terms of Natural Heritage, the property is within the adjacent lands (120m) to a Natural Heritage A designation (NHA), and potential fish habitat in the Big Rideau Lake (no data on fish is available). Section 2.20.1 and 3.4 detail the policies regarding NHA designations and their associated adjacent lands. No development or site alteration is permitted within the NHA designation, and no development or site alteration is permitted within the adjacent lands unless it is demonstrated through the completion of an environmental impact assessment that there are no negative impacts on the wetlands natural or ecological functions from the proposed development. In this case, the building proposed to be converted into the multiple dwelling is located outside of the 120m adjacent lands to the NHA. However, the proposed septic system to service this multiple dwelling is located partially within this adjacent lands area. No such environmental impact assessment has been completed as required. Section 2.20.3 outlines the policies for fish habitat and adjacent lands. This section states that no significant development or site alteration is permitted within 120m of potential fish habitat unless it is demonstrated that there will be no negative impacts on the fish habitat feature through the completion of an environmental impact assessment. Therefore, staff recommend that prior to the removal of the recommended holding designation that a Natural Heritage Screening Report be submitted to the Township to the satisfaction of the Manager of Development Services. With the recommended conditions prior to the removal of the holding designation, the proposal conforms to the Natural Heritage policies of the OP. Overall, the proposal through the recommendations conforms to the policies of the Township's Official Plan.

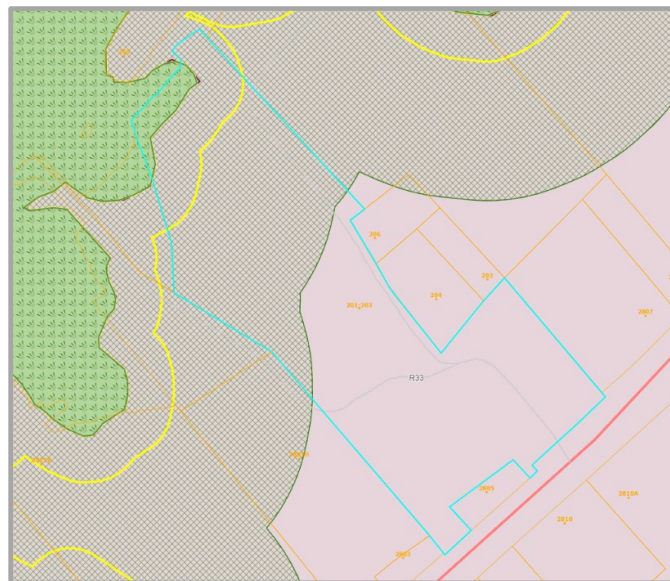


Figure 5– Official Plan Designation

4.3 Provincial Policy Statement (PPS) Conformity

The policies of the PPS have been reviewed in light of this application. The PPS identifies that healthy, livable and safe communities are sustained by accommodating an appropriate affordable and market-based range and mix of residential types to meet long-term needs as per Section 1.1.1 of the PPS. The implementation of a multiple dwelling (tri-plex) on the proposed property provides a mix of housing types in this area. The PPS also calls for an appropriate range and mix of housing options and densities required to meet projected requirements and affordable housing needs of current and future residents of the regional market area as per Section 1.4.3 of the PPS. This further supports the implementation of a multiple dwelling (tri-plex) on this site as it provides an additional housing option. The PPS calls for settlement areas to be the focus of growth and development which efficiently use land and resources as well as providing for intensification and redevelopment while avoiding or mitigating risks to public health and safety. The subject property is located within the settlement area of Portland, and through the proposed multiple dwelling (tri-plex) the residential use of the property is intensified to a total of four dwelling units. Section 2.1 Natural Heritage and 2.2 Water have both been considered as the property is waterfront and is adjacent to a provincially significant wetland. Through the recommendations of approval, the proposal is consistent with the policies of the PPS.

4.4 United Counties of Leeds and Grenville (UCLG) Official Plan

The subject property is designated as Rural Settlement Area in the Official Plan of the United Counties of Leeds Grenville. The Rural Settlement Area section (2.3.3) of the Official plan seeks to promote development and limited intensification that generally maintain a rural settlement character while evolving as service and residential centres for the surrounding rural area. The UCLG OP also encourages municipalities to provide for an appropriate range of housing types and densities to meet the projected requirements of current and future residents as per Section 2.7.1 of the UCLG OP. The area where the proposed multiple dwelling (tri-plex) is located is within the Rural Settlement Area of Portland, and is surrounded by properties with the permitted density of 3 dwelling units as per the Township's Zoning By-law and Official Plan. Overall, the proposal meets the intent of the Counties' Official Plan.

5.0 CORRESPONDENCE RECEIVED

No formal comments were received at the time of this report.

6.0 DRAWINGS

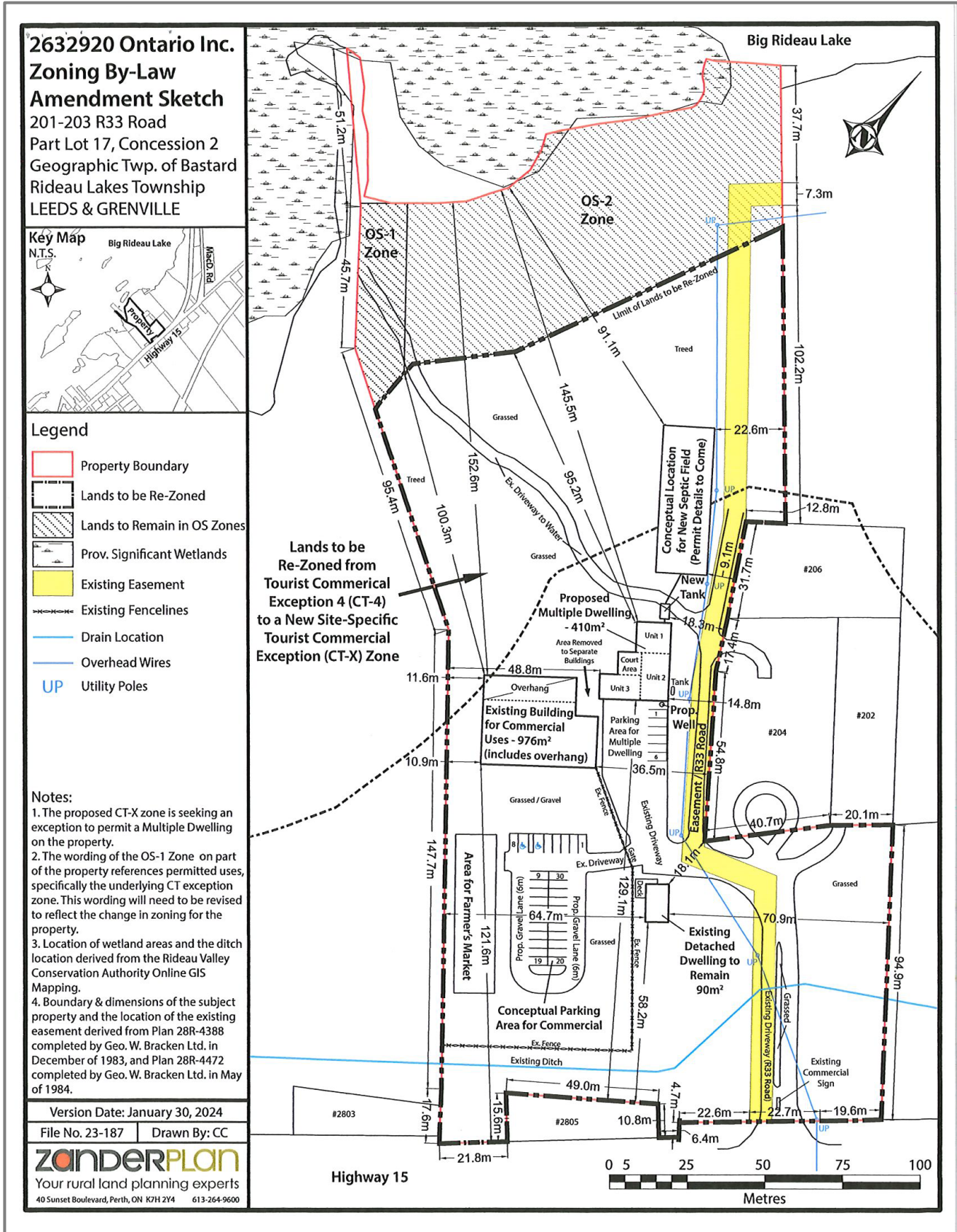


Figure 6 – Submitted Sketch