

<b>Date:</b>	<b>May 27, 2020 – Council Meeting</b>
<b>Subject:</b>	<b>Zoning By-Law Amendment Application ZBA-04-20 Novatech Engineering on behalf of Kathleen and Darren Dickenson, 225 Joseph Street, Part of Joseph Adams Block S of Asa, E of Joseph Street and North of Avenue St. Plan 11, Geographic Township of Oxford-on-Rideau, now Municipality of North Grenville</b>
<b>Attachments:</b>	<b>Appendix 1: Location Plan Appendix 2: Conceptual Site Plan Appendix 3: Recommended Zoning Provisions</b>

### **RECOMMENDATION**

The following recommendation is provided for Council's consideration:

**That Council approve Zoning By-Law Amendment Application ZBA-04-20 for the lands located at 225 Joseph Street, Town of Kemptville to amend the zoning of the property from Residential First Density (R1) to Residential First Density One – Special Exception (R1-XX) to reduce the minimum required lot area, rear yard setback and maximum lot coverage in order to fulfill a Condition of Severance B-111-19.**

### **BACKGROUND**

The subject property is located at 225 Joseph Street and is approximately 1520 square metres (0.375 acres) in size with approximately 22.56 metres of frontage on Joseph Street and 45.11 metres of frontage along Victoria Avenue (**Appendix 1**). The property is the subject of severance application B-111-19 which is proposing to sever the subject property into two parcels. The retained parcel (western portion of the property) contains a one-storey single-family dwelling, and the severed parcel (Eastern portion) is currently vacant. The subject property is situated two blocks east of Kemptville's downtown core. The proposed zoning amendment is intended to facilitate an infill development on the vacant portion of the property. The subject property is surrounded by residential properties in all directions. The properties on the west side of Joseph Street have a Residential Third Density zoning in place.

The property is designated Urban Service Area 1 on Schedule 'B' of North Grenville's Official Plan and zoned Residential First Density (R1) according to the Municipality's Comprehensive Zoning By-Law 50-12.

## **DISCUSSION**

The requested Zoning By-Law Amendment for a portion of the property is Residential First Density (R1) to Residential First Density - Special Exception (R1-XX) to allow for the construction of a single family dwelling on a vacant portion of the property (**Appendix 2**). Severance application B-111-19 for the subject property was granted on March 4, 2020, and this zoning amendment application fulfills the condition of the consent to rezone the property to recognize the reduced setbacks, lot area and increased lot coverage.

The proposed zoning by-law amendment application has been reviewed against the following policy documents: Provincial Policy Statement (2020), United Counties of Leeds and Grenville's Official Plan, North Grenville's Official Plan and North Grenville's Comprehensive Zoning By-Law 50-12.

### **Provincial Policy Statement**

The Planning Act requires that all planning decisions be consistent with the Provincial Policy Statement (PPS), which provides policies for land use and development, with the overall goal to enhance the quality of life for Ontario residents. The new PPS came into effect on May 1<sup>st</sup>, 2020.

Section 1.1.3 of the PPS, Settlement Areas, states that settlement areas are to be the focus of growth and development while using land and resources efficiently, are appropriate for the existing or planned infrastructure, and minimum negative impacts to air quality and climate change. Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form while avoiding and mitigating risks to public health and safety.

Section 1.4 of the PPS, Housing, states that an appropriate range and mix of housing types and densities is to be provided in order to meet the needs of future growth. Housing that meets the social, health, and well-being requirements of a community is to be permitted and facilitated. Together with promoting appropriate housing, municipalities may establish development standards for residential intensification.

Staff is of the opinion that the proposed Zoning By-Law Amendment is consistent with the PPS in by promoting intensification with the existing built up area.

### **United Counties of Leeds and Grenville Official Plan**

The subject property is identified within the Urban Settlement designation on Schedule 'A' of the United Counties of Leeds and Grenville's Official Plan. The United Counties of Leeds and Grenville Official Plan provides the high-level policy framework for long-term growth within the Counties' municipalities.

Section 2.3.2, Urban Settlement Areas, states that urban settlement areas are intended to be the focus of growth and development, including residential, and are to accommodate a broad range of uses in accordance with the local municipal Official Plan. Furthermore, intensification that is of an appropriate scale and character is to be promoted on underutilized sites in the Urban Settlement Area.

Section 2.4.1, Intensification, provides policies for intensification and recognizes that intensification reduces the need for settlement areas to expand and encroach into agricultural areas, thus protecting prime agricultural lands. Policies 2.4.1(a) and (c) encourage intensification within existing built-up areas where it is appropriate from a servicing perspective, and also appropriate in terms of scale and character.

Staff is of the opinion that the proposed Zoning By-Law Amendment is consistent with the policies and objectives of the Counties Official Plan, as the proposed amendment will represent appropriate growth within the urban settlement area.

#### North Grenville's Official Plan

The Official Plan for North Grenville provides the policy framework for directing long-term growth within the municipality. Policies address such aspects as locations for residential and commercial growth, environmental protection, and heritage preservation.

Section 2.5.2, Growth Management Principles, provides principles to guide growth within the municipality. These principles include maintaining a compact urban form, accommodating growth through land use intensification, directing growth to areas that are suitable for the provision of full municipal services, encouraging a mix of housing types in support of increasing the supply of affordable housing, and identifying and protecting cultural heritage resources.

The site is designated 'Residential' pursuant to Schedule B of the Official Plan. Section 10.2, Residential, states that the goal for lands designated as 'Residential' is to "promote the development of a mix of housing types that will satisfy the Municipality's projected housing needs". To support this goal, a full range of housing types and densities is permitted, as well as a range of complementary uses such as schools, parks, medical clinics, and parks. Policy 10.2.4(e) identifies that residential development will be in the form of infill and intensification for lands within the Urban Service Area, and that multiple-unit development may be permitted where it is appropriate.

Section 10.2.6 provides policies for appropriate residential intensification, which is permitted on lands designated as 'Residential'. Policies address aspects of intensification such as density and form, compatibility, urban design, integration with heritage buildings, and supporting infrastructure.

It is Staff's opinion that the rezoning of the site is consistent with the policies and objectives of the Official Plan. Review of the Planning Rationale submitted with the application and prepared by Novatech Engineering demonstrated that the proposed residential development is compatible with the neighbourhood character, conforms to applicable policies and planning objectives, and represents good planning principles.

#### North Grenville Comprehensive Zoning By-Law 50-12

The subject property is currently zoned Residential First Density (R1) which permits a single family dwelling. As the rear yard setback for the retained lot and the proposed development for the vacant (eastern) portion of the property does not fit within some of the zoning provisions, an amendment to create an exception zone on the property is appropriate.

Table 1 below shows a comparison between the current zoning provisions (R1), and the proposed setbacks, lot area and lot coverage for the retained and severed lots.

Table 1: Comparison of Zoning Provisions

	<b>R1</b>	<b>Severed Lot</b>	<b>Retained Lot</b>
Permitted Uses (dwelling types)	<ul style="list-style-type: none"> <li>• Single detached</li> <li>• Secondary dwelling</li> <li>• Buildings and Structure and uses accessory to a permitted use</li> </ul>	<ul style="list-style-type: none"> <li>• Proposed Single Detached Dwelling</li> <li>• <b>Secondary Dwelling Unit</b></li> <li>• <b>Accessory Buildings</b></li> </ul>	<ul style="list-style-type: none"> <li>• Existing Single Detached Dwelling</li> <li>• <b>Secondary Dwelling Unit</b></li> <li>• <b>Accessory Buildings</b></li> </ul>
Min. lot frontage	15 metres	19.81 metres	22.56 metres
Min. front yard	6 metres	6 metres	6 metres
Min. interior side yard	1.2 m/3 m (a)	1.2 metres/1.3 metres	5.63 metres
Min. Exterior Side Yard	6 metres	N/A	6.59 metres
<b>Min. rear yard</b>	<b>7.5 metres</b>	<b>6.10 metres</b>	<b>1.38 metres</b>
<b>Max. lot coverage</b>	<b>30%</b>	<b>37.5%</b>	25%
<b>Min Lot Area</b>	<b>465 sq. metres</b>	<b>439 sq m.</b>	569 sq. metres

- (a) As per Comprehensive Zoning By-Law 50-12 Section 13.2(a) the minimum interior side yard shall be 3 metres on one side and 1.2 metres on the other side, except where a garage or carport is attached to the main dwelling or the lot is a corner lot in which case the minimum interior side yard setback shall be 1.2 metres

Based on the figures within Table 1, the proposed development will require relief from the zoning provisions for minimum lot area, for minimum rear yard setback and maximum lot coverage, as proposed in (**Appendix 3**).

#### *Severed Lot*

The severed lot would see a 6% reduction in minimum lot area size, and 7.5% increase in maximum lot coverage. The rear yard setback is proposed to be reduced by 19% from 7.5 metres to 6.1 metres.

The proposed reduction in lot area and increase in maximum lot coverage will not adversely impact neighbouring properties. The development of the property allows for infill development within the Urban Service Area of Kemptville that is of a similar height and scale with neighbouring properties (single family dwellings). Matters such as grading and drainage are addressed at the building permit stage of development.

In the downtown area of Kemptville and surrounding area, it is not uncommon for existing structures to not meet the zoning provisions. There are lots within the area that are of a similar size as the proposed severed lot, which are developed for single family dwellings.

### *Retained Lot*

The retained lot would meet all of the zoning provisions except for the minimum required rear yard setback. When the lot is severed, the setback to the rear yard will be 1.38 metres. Although the decrease in setback significantly reduces the amenity space in the rear yard, the larger interior side yard compensates for the rear yard setback reduction. The existing interior side yard has operated as the rear yard for the property as the personal amenity space and is currently located in the interior side yard.

It is the opinion of Staff that providing relief from the zoning provisions for the subject property from the Residential First Density (R1) zone to the Residential First Density - Special Exception (R1-XX) zone for these lands maintains the intent of the Residential designation within the Urban Service Area.

### **PUBLIC CONSULTATION**

This application was circulated to persons and agencies as required by the *Planning Act*. At the time of writing this report a letter of no objection were received by Rideau Valley Conservation Authority. There were no letters received by the public for this application at the time of writing this report.

### **CONCLUSIONS**

It is the opinion of Staff that the Zoning By-Law Amendment to amend the zoning of the property from Residential First Density (R1) zone to the Residential First Density - Special Exception (R1-XX) zone to a permit the development of a single detached dwelling on the severed lot is consistent with the policies of the PPS, the United Counties of Leeds and Grenville Official Plan, the Municipality's Official Plan, and will comply with the Comprehensive Zoning By-Law 50-12.

The rezoning of the property to permit the severance of the lot to permit the infill development of a single family dwelling represents appropriate land-use planning, and meets the objectives for development within the residential designation.

### **Recommendation:**

It is the recommendation of staff that Council **approve** Zoning By-Law Amendment ZBA-04-20 to amend the zoning on the property from Residential First Density (R1) zone to Residential First Density - Special Exception (R1-XX).

### **ALTERNATIVES**

1. Council could refuse an amendment to Zoning By-Law 50-12 to change the zoning from Residential First Density (R1) zone to Residential First Density - Special Exception (R1-XX). This alternative is not recommended as the land use policies applicable to the subject property are supportive of infill residential development within the residential

designation, and the proposed Zoning By-law amendment is in keeping with the intent of the zoning provisions and land use designation.

### **FINANCIAL/STAFFING IMPLICATIONS**

This item has been identified in the current budget:

Yes ☐ No ☐ N/A **X**

This item is within the budgeted amount:

Yes ☐ No ☐ N/A **X**

Staffing implications, as they relate to implementing Council's decision on this matter, are limited to the existing staff complement and applicable administrative policies as approved by Council.

### **LINK TO COUNCIL WORK PLAN**

The proposed Zoning By-Law amendment aligns with the principle of development that builds community connection through a common vision and alignment of community development, economic development and planning goals. Furthermore, the proposed rezoning and development allows for strategic investment in existing Kemptville neighbourhoods.

**Prepared by:**

**Reviewed and  
submitted by:**

**Reviewed and submitted  
for Council  
Consideration by:**

Original Sign By

Original Sign By

Original Sign By

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**Amy Martin  
Senior Planner**

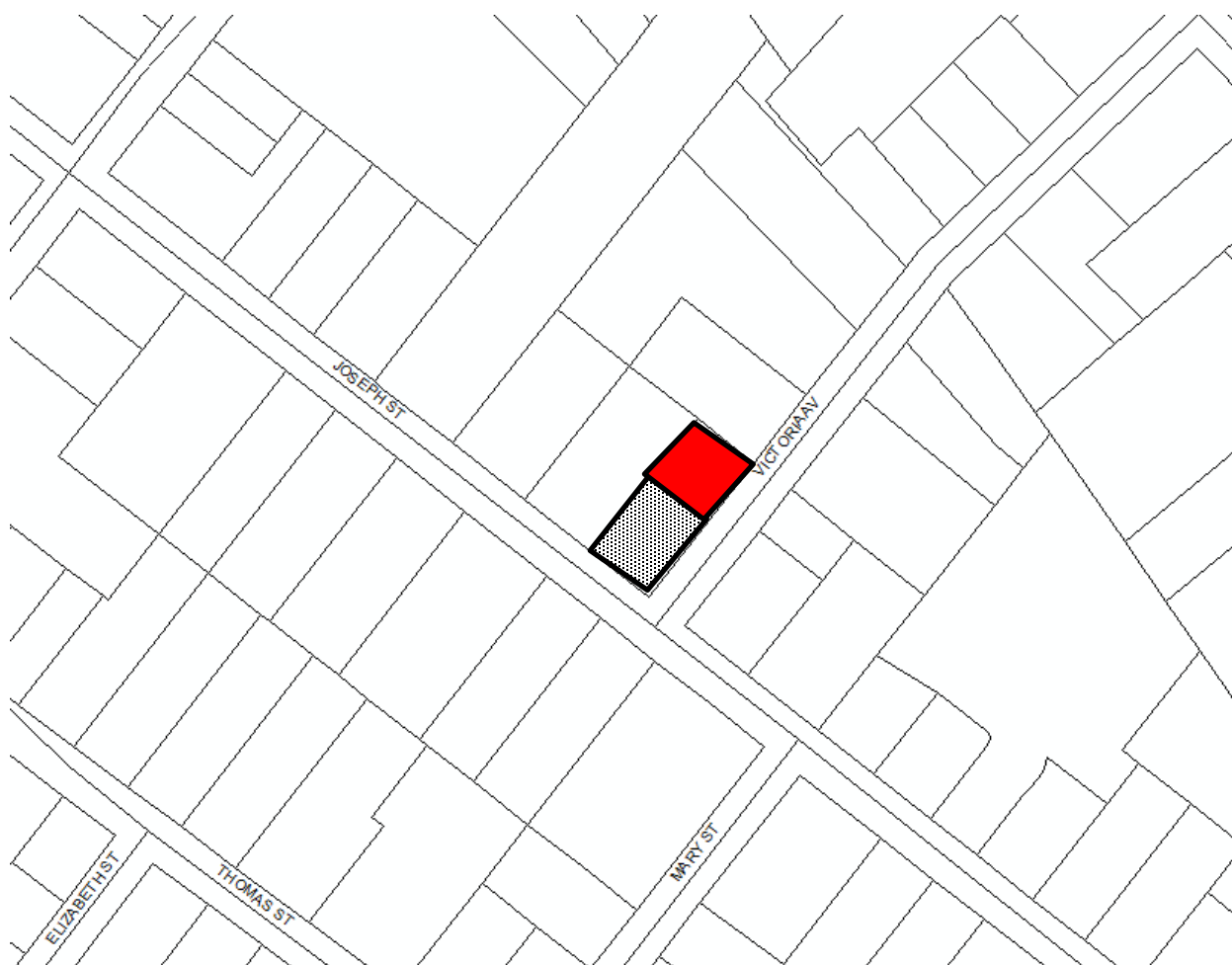
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**Philip Gerrard  
Director of Planning  
& Development**

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**Gary Dyke  
CAO**

## **LOCATION PLAN**



### **Subject Lands:**



**225 Joseph Street, former Town of Kemptville, now Municipality of North Grenville**





## Recommended Zoning Provisions

The proposed changes to Comprehensive Zoning By-law 50-12 for the retained and severed lots at 225 Joseph Street are as follows:

1. Schedule to be amended by rezoning Area A, as shown on Appendix 1, from R1 to R1-XX.
2. Amend Section 13 by adding the following new clause to Subsection 13.4.1 (Residential First Density Special Exception Zones) as follows:

(XX) R1-XX(225 Joseph Street – Retained Lot)

Notwithstanding the provisions of Section 13.2, on the contrary the following provisions shall apply:

- (a) **Minimum Rear Yard Setback:** 1.38 metres

(XX) R1-XX (225 Joseph Street – Severed Lot)

Notwithstanding the provisions of Section 13.2, on the contrary the following provisions shall apply:

- (a) **Minimum Rear Yard Setback:** 6.1 metres
- (b) **Minimum Lot Area:** 437 square metres
- (c) **Maximum Lot Coverage:** 37.8%