

Date:	June 10, 2020 – Special Council Meeting
Subject:	Novatech Engineering on behalf of Michael Tzakis Rideau Crossing Subdivision, Lots , Geographic Township of South Gower, now Municipality of North Grenville
Attachments:	Appendix 1: Location Plan Appendix 2: Recommended Zoning Provisions

RECOMMENDATION

The following recommendation is provided for Committee of the Whole's consideration:

That Council approve Zoning By-law Amendment Application ZBA-04-20 for the lands within the Rideau Crossing Subdivision, legally described as Lots 6 to 15, 20-24 and 31 Plan 1128, Geographic Township of South Gower, now the Municipality of North Grenville to amend the zoning of Phase One of the Rideau Crossing Subdivision from Flood Plain – Exception One (FP-1) under the former Township of South Gower By-law 9-87 to Flooding Erosion and Protection Zone - Special Exception (FEP-XX) to increase the minimum required flood elevation from 8.76 metres to 8.73 metres or in compliance with Provincial flood proofing measures elevation.

BACKGROUND

The subject lots are located within the Rideau Crossing Subdivision (**Appendix 1**). The properties are approximately 0.4 hectares in size, and abut both existing residential and vacant land uses. The properties are zoned *Flood Plain – Exception One* (FP-1) on Schedule B of the former Township of South Gower's Zoning By-Law 9-87 and are designated Rural and Flood Plain as per Schedule A of North Grenville's Official Plan.

In July of 2017 the Rideau Valley Conservation Authority completed the *Rideau River Flood Risk Mapping study from Kars to Burritts Rapids*. This study updated the existing mapping related to the floodplain and slope stability hazards for the Rideau River. As a result of the study, the 1:100 flood elevation applicable to the lots within Phase One of the Rideau Crossing Subdivision increased from 87.6 metres to 87.3 metres above sea level. The 2018 North Grenville Official Plan used the updated flood mapping from the study to inform the land use schedules.

When Comprehensive Zoning By-Law 50-12 was adopted, the lands were identified on Schedule A-4 as still being under the jurisdiction of the former Township of South Gower's Zoning By-Law 9-87. In order to recognize the findings of the Flood Risk Mapping Study, a Zoning Amendment will be required to change the elevations that were originally enacted in the former Zoning By-Law for South Gower.

DISCUSSION

The Subdivision Developer is proposing to develop multiple lots within Phase One of the Rideau Crossing Subdivision that meet the flood mapping elevations as defined in the Flood Risk Mapping Study. The Zoning By-Law Amendment is required as the former Township of South Gower's Flood Plain – Exception One (FP-1) zone still recognizes the previous 1:100 flood elevation of 87.6 metres. Rezoning the Rideau Crossing Subdivision will also convert the Zoning for this subdivision under the provisions of the current Comprehensive Zoning By-Law. This application has been circulated to all persons and agencies prescribed by the *Planning Act* regulations. At the time this report was written, the Municipality had received comments from Rideau Valley Conservation Authority and the Health Unit. (**Appendix 2**)

Provincial Policy Statement

The Provincial Policy Statement 2014 (PPS) provides overarching policies for growth and development in Ontario. Section 1.1.1 of the PPS promotes efficient development and land use patterns while avoiding development and land use patterns which may cause environmental or public health and safety concerns.

There are opportunities for limited residential development in the rural area (Section 1.1.5.2(c)).

Section 3.1.1 states that development shall be located outside of lands impacted by flooding hazards (3.1.1(b)), but may be permitted if it has been demonstrated that safe access appropriate for the nature of the development and natural hazard can be provided (3.1.2(c)).

The lots are within Phase One of the existing plan of subdivision. The former Township of South Gower's Zoning By-Law established the building elevation for underside of footing to address the lots that were located partially or wholly within the floodplain. The proposed Zoning meets the intent of the Provincial Policy Statement.

United Counties of Leeds and Grenville Official Plan

The subject property is designated *Rural* as per Schedule 'A' of the United Counties of Leeds and Grenville's Official Plan. Schedule D of the United Counties Official Plan identifies the property within the Flood Plain. Section 3.3.1(e) permits limited development that is compatible with the rural landscape and character and can be sustained by rural service levels, which generally includes individual on-site sewage and individual on-site water services.

The United Counties Official Plan also addresses Flooding Hazards. Development and site alteration may be permitted in portions of hazardous lands where the effects and risk to public safety are minor, could be mitigated in accordance with provincial standards and where (i) flood proofing standards, protection work standards and access standards are carried out; (ii) vehicles and people have a way of safely entering and exiting the area during times of flooding; (iii) new hazards are not created and existing hazards are not aggravated; and (iv) no adverse environmental impacts will result.

The subject lots are identified within a rural plan of subdivision that pre-dates the United Counties Official Plan. Cut and fill permits are required to address the elevations on the properties from the Rideau Valley Conservation Authority. Appropriate flood proofing measures will be taken as part of the development process.

North Grenville Official Plan

Pursuant to Schedule A of the Municipality of North Grenville's Official Plan, the site is designated Rural and Flood Plain. The Rural designation policies within the Official Plan generally permits single family dwellings and low-density development (4.2(a)&(b)). Additionally the Official Plan requires that development be located to avoid natural hazard areas to ensure minimal impact on natural environmental features (4.2(d)).

Section 5 of the Official Plan addresses Environmental Hazards and Constraints. 5.2.2 provides policy direction for development in the flood plain. Development within the floodplain is regulated by the Conservation Authorities Act and requires written permission from the appropriate Conservation Authority. New structures will require approval from the Rideau Valley Conservation Authority (5.2.2(c)).

Through coordination with the Conservation Authority, cut and fill permits have been issued for lots within Phase One.

Zoning By-Law

The Rideau Crossing Subdivision is currently zoned Flood Plain – Exception One as per the former Township of South Gower's Zoning By-Law 9-87. The special exception zone at the time required that no openings of any kind including windows, doors, vents among others shall be permitted below the elevation of 87.9 metres (87.6 metres regulatory flood level plus 0.3 metres freeboard).

The proposed Zoning Amendment would bring the lots within Phase One of the Rideau Crossing Subdivision under the Comprehensive Zoning By-Law and recognize the updated floodplain mapping that occurred along the Rideau River, which lowered the regulatory flood level to 87.3 metres from 87.6 metres.

The proposed Zoning By-Law Amendment represents less than a 1% change in flood elevation.

The recommended Zoning By-Law provisions are attached in **Appendix 3**.

PUBLIC CONSULTATION

This application was circulated to persons and agencies as required by the Planning Act. At the time of writing this report letters 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 lots within the Rideau Crossing Subdivision from the Flooding – Exception One (FP-1) zone within the former Township of South Gower's Zoning By-law 9-87 to Flooding Erosion and Protection – Special Exception (FEP-XX) within Comprehensive Zoning By-law 50-12 for Phase One constitutes good land use planning. The change in flood elevation is supported by the *Rideau River Flood Risk Mapping study from Kars to Burritts Rapids*, which was published in 2017.

Recommendation:

It is the recommendation of staff that the Council **approve** Zoning By-Law Amendment ZBA-07-20 to amend the zoning for Phase One of the Rideau Crossing Subdivision from the Flood Plain – Exception One (FP-1) zone under the former Township of South Gower By-Law 9-87 to Flooding Erosion and Protection – Exception (FEP-XX) zone of Comprehensive Zoning By-Law 50-12.

ALTERNATIVES

1. Council could **refuse** an amendment to Zoning By-Law 50-12 to change the zoning of Phase One of the Rideau Crossing Subdivision from the Flood Plain – Exception One (FP-1) zone under the former Township of South Gower By-Law 9-87 to Flooding Erosion and Protection – Exception (FEP-XX) zone of Comprehensive Zoning By-Law 50-12. This alternative is not recommended as the change in flood elevations is supported by the Flood Risk Mapping that was undertaken by the Rideau Valley Conservation Authority in 2017 for Phase One.

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 an existing rural residential subdivision.

Prepared by:

**Reviewed and
submitted by:**

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

Original Signed By

**Amy Martin
Senior Planner**

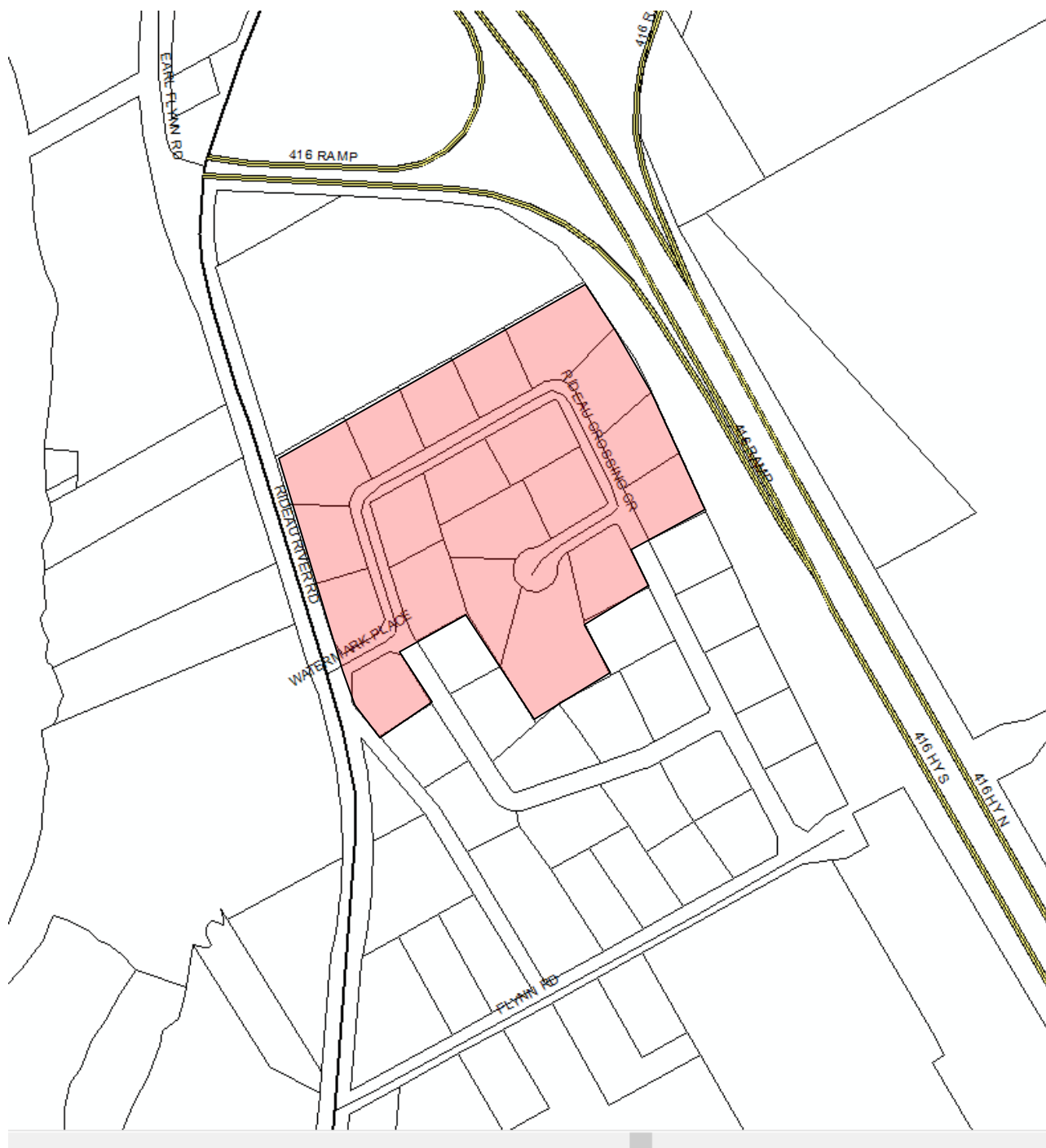
Original Signed By

**Philip Gerrard
Director of Planning**

Original Signed By

**Gary Dyke
CAO**

LOCATION PLAN



Subject Lands:
Area A - Phase One – Rideau Crossing Subdivision, Geographic Township of South Gower, now Municipality of North Grenville

Public Comments

Conservation Partners Partenaires en conservation

March 4th, 2020

File: 20-NGR-MVA-0017

Municipality of North Grenville
Committee of Adjustment
285 County Road #44
P.O. Box
Kemptonville, ON
K0G 1J0

Attention: David Nanton

Subject: Michael Tzakis
Minor Variance Application A-01-20
Lots 8, 9, 10, 19, 20 & 21 of Plan 1128, Concession 3, Part Lot 1,
Concession 3, geographic township of South Gower, Municipality of North
Grenville

Dear Mr. Nanton,

The Rideau Valley Conservation Authority has completed a review of the above noted minor variance request:

- To vary Section 4.2[C] from "No openings of any kind including windows, doors, vents, among others shall be permitted below the elevation of 87.9 metres [87.6 metres regulatory flood level plus 0.3 metres freeboard]" to "No openings of any kind including windows, doors, vents, among others shall be permitted below the elevation of 87.6 metres [87.3 metres regulatory flood level plus 0.3 metres freeboard]"
- To add the following provision, "and/or in compliance with Provincial flood proofing standards" to Section 4.2[C].

We have undertaken our review within the context of 2.1 Natural Heritage, 2.2 Water and 3.1 Natural Hazards of the 2014 Provincial Policy Statement issued under Section 3 of the *Planning Act*, and from the perspective of Conservation Authority regulations. The following comments are offered for your consideration.

Natural Hazards

Portions of these lots are within the 1:100 year floodplain of the Rideau River. The 1:100 year flood elevation along this stretch is 87.3 metres geodetic. The lots are within an existing plan of subdivision. The subdivision was originally draft approved by MMAH in November of 1992 with conditions and registered in 2001. The estimated 1:100 year flood elevation at the time of the original approval was 87.6 metres geodetic. In order to ensure that the new development within the subdivision was appropriately floodproofed, a condition of the draft approval required that the zoning for the lands prescribe floodproofing measures.

The floodproofing requirements were reflected in the municipal zoning (By-law No. 19-93) RR-5 which permits single family dwellings. The number "5" indicates that the lands may be subject to periodic flooding to an elevation of 87.9 metres geodetic so that all buildings and structures located on the property will be required to be floodproofed. The floodproofing provision requires that no basement opening be below this elevation and all opening for doors, window and vents on the ground floor be above this elevation.

In 2005 and subsequently 2014, more stringent provincial policies (PPS) were introduced. The RVCA's regulatory jurisdiction under Ontario Regulation 174/06 came into full force and effect in May of 2006; this had the effect of bringing the lands under the Conservation Authority's regulation.

In 2017, the RVCA released revised flood risk mapping for the Rideau River between Kars and Burrits Rapids. The new flood risk mapping resulted in the new 1:100 year flood elevation of 87.3 metres geodetic (0.3 metres below the previously identified 1:100 year flood elevation). As a result of the revised flood risk mapping, portions of the lots subject to these variances were no longer deemed to be flood susceptible and presented an opportunity to allow for an engineered balance cut and fill to create building envelopes entirely outside of the 1:100 year floodplain. Accordingly, the applicant has submitted and received an approval for the engineered balance cut and fill from the RVCA (RV6-5519).

The proposed variances will amend the zoning provisions to reflect the correct 1:100 year flood elevation and the current floodproofing requirements which have changed since the adoption of the original zoning by-law.

Natural Heritage Features

There have been no natural heritage features identified on this property which would preclude this application.

Conservation Authority Regulations

All six lots are subject to Ontario Regulation 170/06 "*Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation*" under Section 28 of the *Conservation Authorities Act (or as amended)*. This regulation affects the property in the following manner:

- Any development requires the prior written approval of the RVCA under Ontario Regulation 174/06.

Conclusion

In conclusion, the Conservation Authority has no objection to this Minor Variance application. Please forward a copy of the decision of this application to our office for our records.

Yours Truly,



Jamie Batchelor, MCIP, RPP
Planner, Planning and Watershed Sciences (RVCA)

Cc: Amy Martin: Municipality of North Grenville
Phil Gerrard: Municipality of North Grenville
Jordan Jackson: Novatech Engineers, Planners and Landscape Architects
Greg Mignon: Novatech Engineers, Planners and Landscape Architects

Recommended Zoning Provisions

The proposed changes to Comprehensive Zoning By-law 50-12 for the lots within Phase 1 of the Rideau Crossing Subdivision are as follows:

1. Schedule to be amended by rezoning Area A, as shown on Appendix 1, from FP-1 under the former Township of South Gower Zoning By-law 9-87 to FEP-XX under Comprehensive Zoning By-law 50-12.
2. Amend Section 30.4 by adding the following new clause to Subsection 30.4.1 (Flooding Erosion and Protection Exception Zones) as follows:

(XX) FEP-XX (Phase 1 – Rideau Crossing Subdivision)

Notwithstanding the provisions of Section 30.2, on the contrary the following provisions shall apply:

- i. Permitted uses:
 - Single Family Dwelling
 - Accessory Buildings in accordance with Section 6.1 of the General Provisions
- ii. Front Yard Minimum – 12 metres
- iii. Interior Side Yard Minimum – 6 metres
- iv. Rear Yard Minimum – 12 metres
- v. Exterior Yard Minimum – 12 metres
- vi. Lot Coverage Maximum – 15%
- vii. Established Geodetic Flood Elevation: 87.3 metres asl
- viii. Underside Footing Elevation – shall not be below the Established Geodetic Flood Elevation