

DATE: 7/29/2024

SUBJECT: Application for Zoning By-law Amendment (Z00324)
Owner/Applicant: Hamount Investments Ltd.
Municipal Address: 265 & 271 River Road East (no municipal address assigned to Block 29)
Legal Description: PLAN 51M923 BLK 26 & 29

CONTACT: Samantha Hannah, Planner I

REPORT NUMBER: 2024/07/29-06

RECOMMENDATION:

1. **THAT** the report titled: Application for Zoning By-law Amendment (Z00324) to the Special Council meeting of July 29, 2024, be received; and
2. **THAT** Council enact a Zoning By-law Amendment (Z00324), as recommended by Planning staff in this report.

EXECUTIVE SUMMARY:

- The application for Zoning By-law Amendment Z00324 was deemed complete on March 11, 2024. The application proposes a residential townhouse development consisting of 35 units with vehicular access from a common element condominium road.
- The subject lands are also subject to an application for Site Plan Control (SP0124), which was granted Conditional Approval on April 23, 2024, subject to a number conditions, including Zoning By-law Amendment application Z00324 being approved and in full force and effect.
- A statutory Public Meeting was held by the Town on April 11, 2024.
- Planning staff respectfully submits that the application is generally consistent with; or conforms to; applicable land use planning policies. The application would facilitate an infill/intensification development that represents good urban design. Planning Staff recommend approval of the Amendments.

BACKGROUND:

Subject Lands

The subject lands are legally described as PLAN 51M923 BLK 26 & 29, and are municipally addressed as 265 and 271 River Road East, no municipal address has been assigned to Block 29. The subject lands are currently vacant and have a total area of approximately 9,941 square metres

(0.99 ha), with a frontage of approximately 66.4 metres (217.85 feet) along Stonebridge Boulevard and approximately 140 metres (459.32 feet) along River Road East.

Surrounding land uses consist of:

- East: residential, modular homes and the Stonebridge Trail Loop
- North: residential and the Nottawasaga River
- South: residential and the Stonebridge Trail Loop
- West: residential, vacant lands and a stormwater management pond

A map illustrating the location of the subject lands is shown in **Figure 1 – Location Map**.

The subject lands are designated as “Neighbourhood” in the Town’s Official Plan, and are zoned “Residential Type 3 Exception 13 Hold” (R3-13H) in the Town’s Zoning By-law.

Proposal

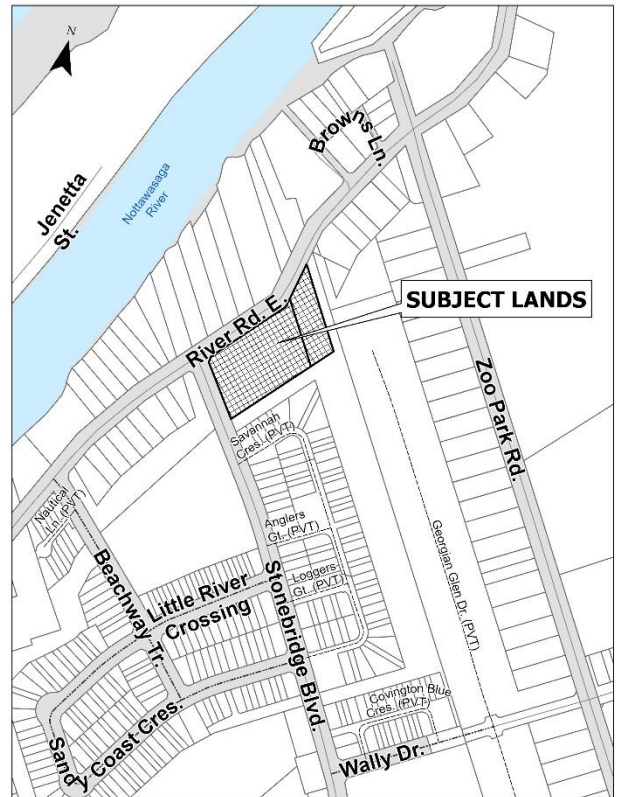
Zoning By-law Amendment application Z00324 was submitted by Hamount Investments Ltd. on February 23, 2024. For reference, a copy of the proposed Zoning By-law Amendment is appended to this report as ‘**Appendix 1**’. The proposed Zoning By-law Amendment is to facilitate the development of 35 townhouse dwellings, with vehicular access from a common element condominium road interior to the site.

The Zoning By-law Amendment as proposed seeks the following:

- For the purpose of this by-law, a private street shall be deemed a public street and for Unit 15 the side lot line abutting the private right-of-way shall be considered an interior side yard.
- Lot Area (minimum) shall be 160 sq. m
- Lot Frontage (minimum) shall be 5.45 metres
- Landscape Open Space (minimum) shall be 20%
- Lot Coverage (maximum) shall be 62%
- No play area shall be required
- Steps and/or accessibility ramps may encroach into any required front yard a maximum distance of 3.8 metres provided that such uses are not below grade or not more than 1.2 metres above grade within the required yard
- Non-abutting driveways may be established with a 0 metre setback along an interior lot line
- Abutting driveways may be established along an interior side lot line provided the abutting driveways do not exceed a combined width of 11 metres

The proposed Zoning By-law Amendment request has been amended following the Public Meeting specifically as it relates to the proposed step height within the required front yard, as well as the driveway setbacks and widths. As per Section 34(17) of the *Planning Act*:

Figure 1: Location Map



“Where a change is made in a proposed by-law after the holding of the public meeting mentioned in subclause (12) (a) (ii), the council shall determine whether any further notice is to be given in respect of the proposed by-law and the determination of the council as to the giving of further notice is final and not subject to review in any court irrespective of the extent of the change made in the proposed by-law.”

It is Planning staff’s opinion that the revised Zoning By-law Amendment requests do not require a further Public Meeting.

The subject lands are also subject to an application for Site Plan Control (File No. SP0124). On April 23, 2024 the Site Plan Application was granted Conditional Approval, subject to a number of conditions including Zoning By-law Amendment application Z00324 being approved and in full force and effect. For reference, please see ‘**Appendix 2**’ which contains the most recent associated Site Plan drawing. Please also see ‘**Appendix 3**’ for examples of the proposed building elevations.

The subject lands currently contain a Holding “H” provision, as a Site Plan Agreement is required for development of the lands. Planning Staff recommend that the Holding “H” provision be removed from the lands as part of this Zoning By-law Amendment, in order to permit development on the lands.

CONSULTATION:

The application was deemed complete on March 11, 2024, and Notice of Complete Application and Public Meeting was provided to external agencies, Town departments and the public on March 21, 2024. In addition to the above, on March 18, 2024 Planning staff circulated the 1st submission comment request memo to external agencies and Town departments. On April 11, 2024 a Town Public Meeting was held. Hamount Investments Ltd. (the Applicant) as well as Planning Staff provided presentations and further details with respect to the proposed Zoning By-law Amendment. On June 17, 2024 Planning staff circulated the 2nd submission comment request memo to applicable external agencies and Town departments.

A summary of oral and written comments/themes with responses is provided appended to this report as ‘**Appendix 4**’.

DISCUSSION:

LEGISLATION AND POLICY REVIEW

The Planning Act, R.S.O. 1990, c. P.13

The Ontario Planning Act (the “*Planning Act*”) establishes the authority for the province to issue policy statements that articulate matters of provincial interest for use in guiding municipal land use planning decisions. It also outlines the framework through which municipalities may develop Official Plans and Zoning By-laws (e.g. in conformity with provincial policies and applicable upper-tier policies), and articulates the processes through which a proponent can propose the development of lands (e.g. conforming to applicable policies, consulting with the public).

Under the *Planning Act*, the application for a Zoning By-law Amendment is required to be consistent with policy statements issued under Section 3 of the *Planning Act* and is required to conform with applicable provincial plans currently in effect (in this case the Growth Plan), or not conflict with them, as the case may be.

Matters of Provincial Interest

Section 2 of the *Planning Act* requires that regard must be had for matters of provincial interest. These matters include the protection of ecological systems, the efficient use of energy and water, orderly development of safe and healthy communities, adequate provision of a full range of housing, and the appropriate location of growth and development, among other matters.

In terms of the above, Planning staff specifically note that the subject lands are not located within or abutting Natural Heritage System Category 1 or 2 lands, and there are no known natural heritage features present on the property. An Environmental Impact Study (EIS) was prepared by Insight Environmental Solutions Inc. on February 8, 2024, which concludes that the property contains Non-Significant Woodland and part of a Headwater Drainage Feature (HDF).

As indicated within Figure 5: Existing Conditions of the EIS completed by Insight Environmental Solutions Inc. there are three Headwater Drainage Features (HDF) on, or within proximity to the subject lands. As indicated within the EIS prepared by Insight Environmental Inc. the management recommendation for Reach 1 is to “Maintain/Replicate Terrestrial Linkage”. Specifically, Insight Environmental Solutions Inc. note:

“The WOMM3 community containing most of Reach 1 (approximately 70m), outside of the Subject Properties, will remain intact. However, a small portion of Reach 1 (approximately 35m) that encroaches the southeast corner of the Subject Properties will be removed to accommodate the proposed development (Figure 6). Importantly, the removal of this small section of the HDF is not anticipated to have an adverse impact on drainage or connectivity, as the remaining swale will continue to move water through the remaining WOMM3 community.” (Page 49)

Further to the above, Insight Environmental Solutions Inc.’s management recommendation for Reach 2 is “No Management Required”, and the management recommendation for Reach 3 is “Conservation”. Specifically, with regard to Reach 3 Insight Environmental Solutions Inc. has noted the following:

“Reach 3, is situated outside the Subject Properties, and functions as an active drainage ditch for the surrounding communities and outlets to the Nottawasaga River through a series of storm sewers. As such, Reach 3 will be maintained in its current state, ensuring an open connection, with riparian vegetation until it enters the storm sewer system at River Road East (Figure 6). Additionally post-development drainage from Catchment Area 203 entering Reach 3 will be clean, passing through a grassed swale before reaching the culvert in the southeast corner of the property and ultimately draining into Reach 3. Therefore, the proposed development aligns with the management recommendation of “Conservation” and the tributary of Sturgeon Creek 4 (Reach 3) will continue to function as it currently exists.” (Page 50)

Within the EIS, Insight Environmental Solutions Inc. provides recommended mitigation measures to avoid impacts to natural heritage features, including woodland and Headwater Drainage Features. Further, Insight Environmental Solutions Inc., concludes that:

“An HDF Assessment was conducted on and adjacent to the Subject Properties which identified the appropriate management recommendations as per the TRCA/CVC Guidelines (2014)” (Page 57)

Insight Environmental Solutions Inc. further concludes that:

“Based upon the current assessment of the natural system on the Subject Property, together with a review of municipal and provincial policies; it is reasonable to conclude that some unavoidable impacts will occur. However, if the proposed mitigation measures are followed, the impacts will be minimized and acceptable. Therefore, the proposed development should be approved.” (Page 57-58)

A Flood Hazard Study was completed by Tatham Engineering on September 7, 2023 to delineate the flood hazard limit. Tatham Engineering noted that the Regulatory floodplain encroaches slightly into the southeast corner of Block 29, however Block 26 is out of the floodplain. The applicants advise within the Planning Justification Report that the proposed buildings, laneway, site accesses and new lot lines are fully outside the Regulatory floodplain. Planning Staff note that the NVCA provided comments on the first submission of Zoning By-law Amendment (Z00324) and Site Plan Application (SP0124) noting questions/concerns related to the flood study, stormwater management, water balance, groundwater, erosion and sediment control and fill management. At the time of writing this Staff report second submission comments have not been received from the NVCA although they are anticipated shortly. Planning staff note that these concerns can be addressed through the Town’s site plan approval process and the NVCA’s development permit process.

The subject lands are located within an identified Settlement Area with municipal water and sewer services readily available, and the lands are already designated “Neighbourhood” in the Town’s Official Plan. The development will increase the overall supply and range of residential units within the Town’s delineated built boundary.

Planning Staff have no concerns with respect to provincial interests outlined under Section 2 of the *Act*.

Provincial Policy Statement, 2020

The Provincial Policy Statement, 2020 (“PPS”) provides policy direction on land use planning and development throughout Ontario. The policies set out how land and resources should be managed over time to promote building strong communities that contribute to a more effective and efficient land use planning system. The *Planning Act* requires that municipal decisions on land use planning matters in Ontario be consistent with the policies of the PPS.

Section 1.1.1 of the PPS states that *“Healthy, liveable and safe communities are sustained by:*

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and*

- long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;*
 - d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;*
 - e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;*
 - f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;*
 - g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;*
 - h) promoting development and land use patterns that conserve biodiversity; and*
 - i) preparing for the regional and local impacts of a changing climate.*

The development is consistent with Section 1.1.1 of the PPS as the lands are located within a Settlement Area and would develop an underutilized and vacant site with residential dwelling units. The development would further contribute to a range and mix of residential unit types found now within the surrounding area.

The development is consistent with Section 1.1.3 of the PPS, which sets out that Settlement Areas shall be the focus of growth and development in the Province. Land use patterns within settlement areas shall efficiently use land and resources as well as infrastructure and public service facilities. Further, land use patterns shall support active transportation and be transit-supportive. The subject lands will utilize existing municipal infrastructure (i.e. water and sanitary sewer) and allow for efficient use of land and municipal services. The development includes a land use that is efficient and complementary to the existing surrounding uses, and could support active transportation due to the proximity to the Stonebridge Trail Loop.

The development is also consistent with Section 1.4 of the PPS, which encourages a range and mix of housing options and densities, including residential intensification and redevelopment which efficiently use land, infrastructure and public services that are or will be available in the area.

Section 1.6.6.2 of the PPS directs that growth be accommodated by municipal sewage services and municipal water services to promote the optimization of existing services. This project will be fully serviced with municipal sewer and water.

Section 1.6.7 of the PPS states that transportation systems should be provided which are safe, energy efficient, facilitate the movement of people and goods, and are appropriate to address projected needs. A condominium road is proposed for the development with access from Stonebridge Boulevard and River Road East. A Traffic Impact Brief was prepared by Tatham Engineering on December 13, 2023, and summarized the following:

“Results of the operational analysis indicate that the study area intersection currently provides excellent operations (LOS B or better) and is expected to continue to provide excellent operations (LOS B or better) through the 2028 horizon. No improvements are required to accommodate the proposed development.” (Page 13)

Section 2.1 of the PPS states that natural heritage features and areas shall be protected for the long term. The subject lands are not identified as being within or abutting Natural Heritage System Category 1 or 2 lands and there are no known natural heritage features present on the property. As noted above, the EIS completed by Insight Environmental Solutions Inc. concludes that the property contains a Non-Significant woodland, and part of an HDF feature. With regard to fish habitat, Insight Environmental Solutions Inc., notes that fish habitat (Nottawasaga River) is located approximately 110 metres to the north of the subject lands. However, Insight Environmental Solutions Inc. further notes:

“As Reach 1 and 2 of the HDF found on the Subject Properties was mostly dry during the spring and summer site visits, and Reach 3 is connected downstream via storm sewers, it is highly unlikely that this feature can support a fish community at any point in the year.” (Page 48)

Further to the above Insight Environmental Solutions Inc. have noted that the MNRF – make a map: natural heritage areas internet application indicates that the subject lands do not contain any Natural Heritage Features. Further to the above, Insight Environmental Solutions Inc. have noted that the Eastern Hog-nosed snake has not been observed in the 1 km square surrounding the subject properties for over 13 years, and it is unlikely that this species would be utilizing the subject property.

Section 2.2 of the PPS requires the protection of water quality and quantity. The lands are located within an Area of High Aquifer Vulnerability and within Well Head Protection Area-B: 2 Year Capture Zone and Well Head Protection Area-C: 2-10 Year Capture Zone. However, as noted in the Pre-Consultation Meeting Comments from the Town’s Public Works Department, as the proposed use is residential a Notice to Proceed will be issued by the Town’s Risk Management Official (RMO).

Section 3.0 of the PPS requires that development be directed away from areas of natural or human-made hazards, where there is unacceptable risk. As noted above, a Flood Hazard Study has been completed by Tatham Engineering for the proposed development. The Planning Justification Report prepared by Hamount Investments Ltd., notes that the proposed buildings, site accesses, laneway and lot lines are outside of the natural hazard land. Planning Staff recognize that the subject lands are partially regulated by the Nottawasaga Valley Conservation Authority (NVCA) and will require an NVCA permit for any development on the lands. At the time of writing this Staff report second submission comments have not been received from the NVCA although they are anticipated shortly. Planning staff note that these concerns can be addressed through the Town’s site plan approval process and the NVCA’s development permit process.

The development is consistent with Section 3.2 as there are no known human-made hazards identified on the subject lands.

Planning Staff are satisfied that the proposal is consistent with the policies of the Provincial Policy Statement and note that appropriate implementation measures can be included through needed future agreements.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020

The Growth Plan for the Greater Golden Horseshoe, 2020 ("Growth Plan") builds upon the policy foundation established under the Provincial Policy Statement and provides a framework for

implementing the Province’s vision for building stronger, prosperous communities by better managing growth in the region. The *Growth Plan* directs growth to settlement areas and prioritizes intensification to ensure land and existing infrastructure is used efficiently. Concentrating development in settlement areas creates a focus for investment, transit and public service facilities to support a more diverse range and mix of housing options. All land use planning decisions within the Greater Golden Horseshoe plan area shall conform to the policies of the *Growth Plan*. Within the framework of the *Growth Plan*, the Town of Wasaga Beach is considered a Settlement Area and is located within the Outer Ring.

Section 2.2.1 of the Growth Plan provides policy direction related to managing growth. Under this section, growth is directed to Settlement Areas which:

“...have a delineated built boundary; have existing or planned municipal water and wastewater systems; and can support the achievement of complete communities;” (S. 2.2.1.2 (a)).

Complete communities are intended to provide a range and mix of housing options and compact built form, while expanding access to transportation options, public service facilities, and other basic needs. The development will contribute towards the achievement of a complete community as it is located within the built boundary of a Settlement Area, it will be serviced by municipal water and sewer, and is located in proximity to a variety of services.

Section 2.2.2 of the Growth Plan directs that the County of Simcoe shall:

“...establish the minimum percentage of all residential development occurring annually that will be within the delineated built-up area, based on maintaining or improving upon the minimum intensification target contained in the applicable upper- or single-tier official plan.” (S.2.2.2 (b)).

The development is located within the built boundary of a Settlement Area. The development will increase the supply of residential units within the Town’s built boundary, and assist in meeting intensification targets for the County.

Section 2.2.6 of the Growth Plan includes policies with regard to housing. Specifically, Section 2.2.6.1 a) i. states that municipalities will:

“support housing choice through the achievement of the minimum intensification and density targets in this Plan, as well as the other policies of this Plan by identifying a diverse range and mix of housing options and densities...” (S. 2.2.6.1 a) i.).

The development will assist in the Town’s achievement of set intensification targets by adding to the range and mix of housing options.

Planning Services staff are satisfied that the proposed development conforms to the policies of the *Growth Plan*.

Simcoe County Official Plan (2023)

The Simcoe County Official Plan ("SCOP") represents the vision for land use and development patterns across the County and further implements the direction of the *Growth Plan* with respect to establishing minimum intensification targets for lower-tier municipalities. The SCOP provides a

policy framework with which development applications under the *Planning Act* must conform. In the framework of the *SCOP*, the subject lands are located within the built-boundary of an identified Settlement Area, as per Schedule 5.1 of the *SCOP*.

Section 3.2.4 states:

“The majority of population and employment growth will be directed to settlement areas with full municipal water services and municipal sewage services...” (S.3.2.4)

The subject lands are located within a Settlement Area where municipal water and sewer services are available.

Section 3.3.4 of the *SCOP* notes:

“Lots may be created only where they have access to and frontage on a public highway and where an access permit to that highway can be obtained in accordance with the policies of this Plan and the County of Simcoe, the Province of Ontario, or local municipalities. Exceptions may occur in plans of condominium where the condominium development has access to a public highway...” (S.3.3.4).

The subject lands have frontage along a Collector Road (Stonebridge Boulevard) and an Arterial Road (River Road East) as per Schedule ‘B’ Transportation Systems of the Town’s Official Plan. The future condominium development would have a private laneway from Stonebridge Boulevard and River Road East which would provide access to the proposed townhouse dwellings.

Section 3.3.15 of the *SCOP* provides policies regarding Natural Heritage. Specifically, policy 3.3.15 vi. a. states:

“Despite anything else in this Plan, except Section 4.4 as it applies to mineral aggregate operations only, development and site alteration shall not be permitted: On adjacent lands to the natural heritage features and areas listed above, unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions. Adjacent lands shall generally be considered to be: within 120 metres of habitat of endangered species and threatened species, significant wetlands, significant coastal wetlands, wetlands 2.0 hectares or larger determined to be locally significant by an approved EIS, significant woodlands, significant wildlife habitat, significant areas of natural and scientific interest – life science, significant valleylands, and fish habitat” (S.3.3.15 vi.a.)

As noted above an EIS was completed by Insight Environmental Solutions which concluded that the property contains a Non-Significant woodland, and part of an HDF feature. Insight Environmental Solutions Inc. notes that the Nottawasaga River which contains fish habitat, is located approximately 110 metres to the north of the subject lands. However, it was found that the HDF is unlikely to support a fish community at any point in the year. The EIS, further notes that a 10 metre natural buffer exists from Reach 3 of the HDF to the eastern edge of the subject properties, which will continue to adequately protect the remaining HDF feature.

Per Section 3.5 “Settlements”, Settlement Areas are the focus of population and employment growth in the County. Objectives include developing a compact urban form that efficiently uses land and existing services, promote development forms that minimize land consumption and

servicing costs, and promote communities that are in proximity to amenities, services and transit. Section 3.5.25 identifies that 20% of all new residential units occurring annually are to be within the built boundaries of the settlement area. Further Section 3.5.31 notes, that in the development of Settlements that a range of types of housing should be provided, including townhouses.

Within Section 4.1 the SCOP provides policies regarding the development of healthy and complete communities. Specifically Section 4.1.6 requires that a range of housing types and densities are provided, and Section 4.1.7 requires that housing development is within suitable locations which offer a range of services and proximity to jobs, key services and infrastructure. The proposed development is located within the Downtown Wasaga Community Improvement Project Area, with access to a range of services and amenities. The development would contribute towards providing a further range of housing types within this area of Town, which currently contains single-detached dwellings, townhouses and residential modular homes. The proposed development would also connect to municipal water and sewer.

Section 4.5 of the SCOP provides policies on resource conservation, specifically, Section 4.5.6 notes the following:

“Aquifers, headwater areas, and recharge and discharge areas shall be identified and protected in the policies and maps of local municipal official plans and/or through the development and subdivision approval process. Development should generally be directed away from areas with a high water table and/or highly permeable soils. In settlement areas or other development centres where this is not possible, potential environmental impacts shall be mitigated using all reasonable methods.” (S.4.5.6)

Further to the above, Section 4.5.9 b) of the SCOP notes:

“Development shall generally be directed to areas outside of: hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards.” (S.4.5.9 b))

As noted above, an EIS and Flood Hazard Study have been completed in support of the applicants Zoning By-law Amendment and Site Plan applications. The EIS has provided recommended mitigation measures for the HDF feature. The EIS found that while some unavoidable impacts will occur, if the proposed mitigation measures are followed, the impacts will be minimized and acceptable. At the time of writing this Staff report second submission comments have not been received from the NVCA although they are anticipated shortly. Planning staff note that these concerns can be addressed through the Town’s site plan approval process and the NVCA’s development permit process.

Planning Staff are satisfied that the proposed development conforms to the policies of the Simcoe County Official Plan.

Town of Wasaga Beach Official Plan (2004)

The Town’s Official Plan (“WB OP”) represents the local vision for land use and development patterns within the Town. The *WB OP* provides a policy framework with which development applications under the *Planning Act* must conform. The subject lands are located within the Town’s delineated built-boundary and are designated “Neighbourhood” per Schedule ‘A-10’ of the *WB OP*.

Section 13.4.10.8 g) provides specific policies regarding Headwater Areas. Planning Staff note that the HDF features on and adjacent to the subject properties were evaluated within the EIS prepared by Insight Environmental Solutions Inc., and specific mitigation measures for HDF features have been included in the EIS.

Downtown Wasaga Beach – Neighbourhood Designation

Section 22.3.1.4 of the Town's Official Plan recognizes that the area defined as the "River Road East Corridor" where the subject lands are located, will transition to residential use over time. It is further noted, that new buildings within the River Road East Corridor are expected to be located close to the River Road East street line, with rear accessed parking. Further to the above, Section 22.3.1.5 identifies two categories of "Neighbourhood" within the downtown being "interior" and "exterior" neighbourhoods. The subject lands are considered to be located within the "exterior" category of the Neighbourhood designation, where new medium density residential development including townhouse dwellings are intended to be located.

Under Section 22.4.4.1 of the Town's Official Plan, Medium Density Residential uses shall be permitted within the "Neighbourhood" designation including triplex dwellings, fourplex dwellings, row or block or stacked or back-to-back townhouse dwellings, converted dwellings containing more than two dwelling units, and low-rise apartments among other residential, commercial and community uses. The application proposes 35 townhouse dwelling units and a common element condominium road.

Under Section 22.4.4.2 (q) of the Town's Official Plan, Medium density residential uses shall be compatible with adjacent uses (e.g. density, height and character) and have frontage on an Arterial or Collector road among other requirements. The proposed development has frontage along River Road East an Arterial roadway and Stonebridge Boulevard a Collector roadway. Surrounding land uses include townhouse dwellings, single-detached dwellings, residential modular homes and open space lands containing the Stonebridge Trail Loop. The development has a proposed density of 36 units per net residential hectare, which would be considered medium density as per Section 5.2.5 (b) of the Town's Official Plan. No relief is requested to increase the height of the proposed townhouse buildings, from what is permitted within the parent Residential Type 3 (R3) Zone.

Planning Staff are satisfied that the proposed development generally conforms to the policies of the Town's Official Plan.

Town of Wasaga Beach Zoning By-law 2003-60

The subject lands are currently zoned "Residential Type 3 Exception 13 Hold" (R3-13H) within the Town of Wasaga Beach Comprehensive Zoning By-law 2003-60, as amended. Street Townhouse dwellings are a permitted use within the R3-13 Zone.

To facilitate the proposed development, the submitted Zoning By-law Amendment proposes to amend Section 6.4.13 of the Zoning By-law by adding and/or replacing identified site-specific provisions, and including the following zoning provisions:

Street Townhouse Dwelling Unit

- For the purpose of this by-law, a private street shall be deemed a public street and for Unit 15 the side lot line abutting the private right-of-way shall be considered an interior side yard.
- Lot Area (minimum) shall be 160 sq. m

- Lot Frontage (minimum) shall be 5.45 metres
- Landscape Open Space (minimum) shall be 20%
- Lot Coverage (maximum) shall be 62%
- No play area shall be required
- Steps and/or accessibility ramps may encroach into any required front yard a maximum distance of 3.8 metres provided that such uses are not below grade or not more than 1.2 metres above grade within the required yard
- Non-abutting driveways may be established with a 0 metre setback along an interior lot line
- Abutting driveways may be established along an interior side lot line provided the abutting driveways do not exceed a combined width of 11 metres

The subject lands currently contain a Holding “H” provision. Planning Staff recommend that the Holding “H” provision be deleted as part of the Zoning By-law Amendment, in order to permit future development on the lands. This is in recognition that Conditional Site Plan approval has been granted for the lands, subject to conditions.

Lot Area

Within the current Residential Type 3 Exception 13 (R3-13) Zone, a minimum lot area of 164 square metres is required for street townhouse dwellings. The intent of the minimum lot area provisions is to set standards of development for adequate area to accommodate the requested form of development.

The applicants are requesting a minimum lot area of 160 square metres for street townhouse dwelling units.

160 square metres is a minor deviation from the lot areas currently permitted within the R3-13 Zone. Based on the site plan provided the proposed townhouse lots can maintain a sufficient building envelope and space for the form of development proposed. Further, lands to the south of the subject lands across the Stonebridge Trail Loop are zoned Residential Type 3 Exception 20 (R3-20), where a minimum lot area of 145 square metres is permitted for street townhouse dwellings.

Lot Frontage

Within the Residential Type 3 (R3) Zone a minimum lot frontage of 7 metres is required for street townhouse dwellings. The intent of the minimum lot frontage is to ensure that the proposed built form can be reasonably expected to be developed and accommodated on the site of the lot proposed.

The Applicant is proposing a minimum lot frontage of 5.45 metres for the proposed street townhouse dwellings.

The R3-13 Zone currently permits a minimum width per unit of 5.45 metres for street townhouse dwellings, however in order to realize the minimum width per unit, the lot frontage measurement must also reflect this reduction. Further, lands to the south of the subject lands zoned R3-20, permit a minimum lot frontage of 4 metres for townhouse and street townhouse dwellings.

Private Roadway and Unit 15 Side Yard Setback

The applicants have requested relief from Section 3.18 of the Zoning By-law in order to deem the proposed private street to be a ‘Street’ as defined in the Zoning By-law, in order to permit street

townhouses to be developed. Further, the applicants have requested relief to recognize the side lot line abutting the private right-of-way for Unit 15 to be considered an interior side yard, whereas lot lines immediately adjoining a street are considered an exterior side yard.

Based on the site plan provided, Unit 15 has a proposed minimum side yard setback of 2.11 metres to the exterior lot line (proposed interior lot line), whereas within the R3-13 Zone a minimum exterior side yard setback of 3.5 metres is required for street townhouse dwellings. The intent of the minimum exterior side yard setback is to ensure sufficient setback from the travelled roadway for safety purposes, allow for general property maintenance, provide a standard of development and support an appropriate streetscape.

It is not anticipated that that the recognition of the lot line abutting the proposed roadway for Unit 15 as an interior lot line would negatively impact the standard of development in the area or the ability for a future owner to maintain the property. Further to the above, in addition to the minimum 2.11 metre setback indicated on the site plan, the lot is further separated from the proposed private roadway by a sidewalk and visitor parking.

Landscaped Open Space and Lot Coverage

Within the parent R3 Zone for street townhouses a maximum lot coverage of 45% is permitted, and a minimum landscaped open space of 30% is required. The intent of the maximum lot coverage provisions is to set a standard of development, ensure drainage is maintained on the subject property, limit over-development on properties and to provide space for general landscaping features and amenities.

The Applicant's are proposing a maximum lot coverage of 62%, and a minimum landscaped open space of 20% for the proposed street townhouse dwellings. Street townhouse dwellings within the R3-20 zone to the south of the subject lands are permitted a maximum lot coverage of 60%. The proposed townhouse dwelling units contained within buildings 4-6 all contain private rear yard amenity areas. While, the parking is located at the rear for the townhouse units proposed within buildings 1-3, landscaped open space is proposed at the front of the dwellings facing River Road East. Further to the above, the overall building coverage proposed for the development is 39.46% and the overall landscaped area proposed for the development is 35.29%.

The Town's Public Works Department has noted that recognizing that the design of the stormwater management (SWM) facility is sufficient to control the runoff for the proposed amount of hard surface coverage, Engineering Staff are not opposed to the lot coverage request. Planning Staff advise that Stormwater Management, drainage and landscaping design/details will be addressed through the ongoing site plan process.

Front Yard Encroachments and Height for Stairs

As per Section 3.3.6 of the Zoning By-law, steps and/or accessibility ramps to an entrance may project into any required front yard a maximum distance of 1.2 metres provided that such uses are not below grade or not more than 0.6 metres above grade within the required yard.

The purpose of maximum front yard encroachments and step height is to provide enough space for parking, maintain an acceptable distance from the roadway, and allow for property maintenance and to set a standard of development.

The Applicant's have requested relief to permit steps and/or accessibility ramps to encroach into any required front yard a maximum distance of 3.8 metres provided that such uses are not below grade or not more than 1.2 metres above grade within the required yard. The proposed front yard encroachment would not interfere with the functionality of the proposed driveway, and is not anticipated to negatively impact property maintenance or the standard of development within the area.

Driveways

Section 3.38.2.10 of the Town's Zoning By-law requires that driveways maintain a minimum 1.0 metre setback to a side lot line, however abutting driveways may be permitted along a common lot line if their combined width does not exceed 9 metres.

The Applicant's have requested that non-abutting driveways be established with a 0 metre setback along an interior lot line. Further, the Applicant's have requested that abutting driveways be established along an interior side lot line provided the abutting driveways do not exceed a combined width of 11 metres.

Planning Staff are of the opinion that the 0.0 metre driveway setback to interior side yards for non-abutting driveways is appropriate for these proposed townhouses. Further, Planning Staff do not have concerns regarding the 2 metre increased driveway width for abutting driveways.

Play Area

As each of the proposed units is proposed to include an outdoor amenity area, and each lot is to be a freehold townhouse, a shared "play area" is not required. Further, the subject land are located within an existing Plan of Subdivision. The Plan of Subdivision agreement (2008) outlined parkland and parkland improvement requirements, which the Applicant's note have been satisfied. The Applicant's have further identified that the subject lands are in proximity to a temporary ball hockey court located at Wally Drive/Stonebridge Boulevard, the Stonebridge Trail network, the Wasaga Beach Provincial Park – Beach Area 1, Mills Park and the Stonebridge community amenities (i.e. pool, community centre, etc.).

Urban Design Guidelines for Townhouse and Apartment Built Form, 2017

The Town recognizes that the predominant form of housing in Wasaga Beach has primarily been single-detached dwellings. The development pattern has shifted towards a more complete range of housing types including townhouse dwellings. There are urban design guidelines dedicated to best practices in implementing townhouse and apartment dwellings (the "Townhouse and Apartment Guidelines") in the Town. The Townhouse and Apartment Guidelines are applied to new and infill townhouse and low-rise apartment buildings in the Town and provide direction for the streetscape, site, and building design that maintains compatibility with and respects existing neighbourhoods.

Building Orientation

Section 2.1.1 of the Urban Design Guidelines states:

"Orient buildings towards the public realm to contribute to an active pedestrian environment and healthy streetscape. Garages and parking areas are encouraged to be located in the rear of a townhouse dwelling, where possible, to maintain a safe and attractive public realm."

Further, Section 2.1.2 notes:

*“Front yard paths should provide direct access to each unit or common entrance from the sidewalk.”
(S.2.1.2)*

Additionally, Section 2.1.5 notes:

“Position buildings to face one another with a front-to-front and back-to-back relationship. Avoid back-to-front facing relationships and rear yards fronting a public street, where possible.”

The proposed site plan layout for the design will orient buildings towards the public realm being River Road East, and will locate garages/parking to the rear of the proposed buildings fronting on River Road East, with access from a private condominium road. Moreover, as shown on the Applicant’s concept Site Plan, walkways are proposed at the front of the townhouse dwelling units along River Road East. While the proposed townhouses face back-to-front, the main accesses for all of the townhouses is proposed to be from the condominium road, and the ‘rear yard’ of buildings 1-3 will function as a front yard.

Setbacks and Separation Distances

Section 2.3.1 of the Urban Design Guidelines states:

“ Front yard setbacks for townhouse units should be a minimum of 4.5 metres or context. Where front integral garage parking is provided, the garage portion of the building should be setback 6.0 metres...”

Within the R3-13 Zone a minimum front yard setback of 4.5 metres to the main building face and 6 metres to the garage is permitted for street townhouse dwellings. The proposed townhouse dwelling units within buildings 4-5 that include parking within the front of the property will comply with guideline 2.3.1 of the Urban Design Guidelines.

Landscaping

Section 2.6.2 of the Urban Design Guidelines states:

“A minimum of 50% of the front yard should consist of soft landscaping. Landscaping plans for front yards should include tree-planting with one tree planted per unit, ensuring a minimum soil volume of 30 cubic metres to maintain the long-term health of new trees”

Based on the site plan provided, approximately half the proposed lots will have front yards exceeding 50% landscaped open space, with the minimum front yard landscaped area being 27.01% for Unit 32. Based on the landscape plan provided 22 lots are proposed to include a tree within the front yard. The landscape plan indicates that 59 trees are proposed in total for the proposed development.

Vehicle Access

Section 3.2.3 of the Urban Design Guidelines encourages a single point of access onto arterial or collector roads for townhouse units. Moreover, Section 3.3.1 identifies that front driveways and garages should be avoided for street-related townhouses, and parking should be located at the rear of the units and accessed from a laneway/driveway. As identified throughout the Staff report, a single point of access in the form of a private laneway is proposed for the townhouse units. Section 3.3.7 encourages sufficient visitor parking that is centrally located with access to

sidewalks/pathways. Within the site plan, 9 visitor parking spaces have been indicated, with access to the proposed sidewalk within the development.

The proposed townhouse development achieves good urban design and is supported with the requested zone provisions.

Downtown Wasaga Beach Urban Design Guidelines

The purpose of the Downtown Urban Design Guidelines is to provide urban design direction and guidance for proposed developments in the Downtown at the Planning Application Stage. The intent is to provide high standards of urban design for both the private and public realm development and spaces.

3.1.1 Massing, Height and Setback

The above noted guideline section, requires that buildings be oriented to address the street and provide entrances connecting to sidewalks. Further, buildings located on corner lots should be designed to address both street frontages.

3.3 Townhouses & Stacked Townhouses

The above noted guideline section, requires that the main front entry shall be oriented to the front lot line or higher order street, and where a unit flanks a laneway, the main entrance shall face the public street. Further to the above, townhouse units with rear lane accessed garages are preferred.

The proposed townhouse development represents good urban design, and is supported with the requested zone provisions.

CORPORATE IMPLICATIONS:

A review of the Term of Council Priorities (TOCP's) was undertaken, it is the opinion of Planning Services staff that the TOCP's are not applicable to the proposed development.

CONCLUSION:

In consideration of the public, agency and department comments received and the policy analysis provided above, it is the opinion of the author of this report that the application for Zoning By-law Amendment (Z00324):

- Satisfies the Provincial interests outlined under Section 2 of the *Planning Act*.
- Is consistent with or does not conflict (as applicable) to policies of the Provincial Policy Statement
- Conforms to the policies of the:
 - Growth Plan for the Greater Golden Horseshoe, 2020, as amended;
 - Simcoe County Official Plan, 2023, as amended; and,
 - Town of Wasaga Beach Official Plan (2004), as amended.

Accordingly, Town staff recommend that Council approve the requested Zoning By-law Amendment (Z00324).

Authored by:

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Planner I

Appendices:

Appendix 1: Draft Zoning By-law Amendment

Appendix 2: Site Plan

Appendix 3: Proposed Building Elevations

Appendix 4: Comment / Response Summary