

Planning Advisory Committee AGENDA

Meeting to be held on **Wednesday, November 7, 2012 @ 9:00 a.m.**
in the Huntsville Civic Centre, Municipal Council Chambers

1. **CONVENE**

2. **ADOPTION OF AGENDA**

3. **DISCLOSURE OF CONFLICT OF INTEREST**

4. **ADMINISTRATIVE ITEMS**

- N/A

5. **CONSENTS**

- | | | |
|------------------------------|--------------------------------|-------------------|
| a) <u>Report PL-2012-113</u> | <u>Kirstin Maxwell</u> | <u>3-7</u> |
| Title Validation | CIBC/Johnson | |
| B/36/2012/HTE | Part Lot 14, Concession 4 | |
| | Geographic Township of Stisted | |
| | 540 Yearley Road | |

6. **CONCURRENT CONSENT / ZONINGS**

- | | | |
|------------------------------|--------------------------------|--------------------|
| a) <u>Report PL-2012-114</u> | <u>Kirstin Maxwell</u> | <u>8-13</u> |
| B/32/2012/HTE & | Lovegrove / Baumhour | |
| Z/26/2012/HTE | Part Lot 10, Concession 4 | |
| | Geographic Township of Chaffey | |
| | 686 Ravenscliffe Road | |

7. **ZONING HEARINGS**

- | | | |
|------------------------------|--------------------------------|---------------------|
| a) <u>Report PL-2012-115</u> | <u>Sean O'Callaghan</u> | <u>14-19</u> |
| Z/27/2012/HTE | Wania / Tkachenko | |
| | Lots 3 and 4 of Plan 35R-14308 | |
| | Geographic Township of Stisted | |
| | 484 and 496 Big Island | |
| b) <u>Report PL-2012-116</u> | <u>Christopher Brown</u> | <u>20-29</u> |
| Z/31/2012/HTE | Rayville Developments | |
| | Plan 35M-612, Part of Block 89 | |
| | 35R-13225, Part 1 | |
| | Geographic Township of Chaffey | |

8. **SITE PLANS**

- N/A

9. **SUBDIVISION / CONDOMINIUMS**

- N/A

10. **NEW BUSINESS**

11. **ADJOURNMENT**



TOWN OF HUNTSVILLE

DIVISION: CAO's Office	<input type="checkbox"/>	Building Services	<input type="checkbox"/>	Community Services	<input type="checkbox"/>
Corporate Services	<input type="checkbox"/>	Planning Services	<input checked="" type="checkbox"/>	Protective Services	<input type="checkbox"/>
Public Works	<input type="checkbox"/>				

DEPARTMENT: Planning

REPORT # PL-2012-113

Confidential: Yes No

To: Planning Advisory Committee

From: Kirstin Maxwell, Planner

Meeting: November 7, 2012

Subject: **Title Validation** B/36/2012/HTE – CIBC/Johnson (540 Yearley Road)

RECOMMENDATION:

Requires Action **For Discussion Only**

IT IS RECOMMENDED THAT: Planning Report No. PL-2012-113, prepared by Kirstin Maxwell, Planner, dated November 7, 2012, regarding Title Validation application B/36/2012/HTE be received;

AND FURTHER THAT: the Planning Advisory Committee approve Application B/36/2012/HTE for Part of Lot 14, Concession 4, Geographic Township of Stisted, Town of Huntsville, District Municipality of Muskoka, designated as Part 2, Plan 35R-6949.

ORIGIN / BACKGROUND

The purpose of this report is to provide the Committee with a summary and recommendation concerning Title Validation Application B/36/2012/HTE which is an application to validate a mortgage.

Title validation is a Planning Act tool used to correct any errors made when mortgaging or conveying land in contravention of the Act. Section 50(21) of the Planning Act notes that any transaction that does not comply with Section 50 does not transfer an interest in land. A validation certificate, when issued, corrects a prior registration that was meant to create an interest in land but due to the breach of the Planning Act ultimately did not. A title problem most often occurs when a conveyance or mortgage is being placed on lands where the owner also owns abutting lands.

Section 57 is the area of the Act that provides the authority to a Committee to correct a title error, and provides the framework and guidelines regulating the validation of title. A title validation certificate request does not follow the same procedure as a consent, however it falls under the same approval authority.

DISCUSSION

In this instance, two lots were severed through the Land Division Committee of Muskoka in 1979. The Owner of the retained parcel also had sole ownership of one of the severed lots. A mortgage was placed on the retained parcel while the owner had sole ownership of abutting lands. Although the abutting lands were a severed parcel, the retained lands were not and therefore under Section 50(3) of the Planning Act, a contravention occurred when the retained parcel was mortgaged.

As such, the mortgage placed on the retained lands is not valid. This application will retroactively validate the mortgage and correct any issues with the conveyance of the retained parcel.

Official Plan

The Official Plan designation of the property is Rural, and this parcel meets the requirements of a Rural lot.

Zoning By-Law

The lands are currently zoned Rural One (RU1), and the zoning would be not be required to change.

FINANCIAL IMPLICATIONS – *(Budget & Financial Planning Officer must sign Report)*

n/a

INSURANCE/ RISK MANAGEMENT OR HUMAN RESOURCES IMPLICATIONS – *(Human Resources Manager must sign Report)*

n/a

SUSTAINABILITY IMPLICATIONS

Economic Considerations

Without the approval of the title validation, the mortgage would remain invalid.

Social Considerations

n/a

Environmental Considerations

n/a

ACCESSIBILITY IMPLICATIONS

n/a

COUNCIL STATEMENT OF DIRECTIONS AND PRIORITIES

n/a

POLICIES / LEGISLATION

Provincial Policy Statements
Planning Act, R.S.O. 1990, cP.13
District of Muskoka Official Plan
Town of Huntsville Official Plan
Zoning By-law 2008-66P, as amended

CONSULTATIONS

n/a

PROVISION OF NOTICE *(As per the current Town of Huntsville Provision of Notice Policy By-law)*

Notice Required?: Yes *(If yes, fill in below)* No

Class # : Part # : Subject Matter:

Date(s) to be Advertised in Newspaper *(If applicable)*:

Date of Posting on the Town Website *(If applicable)*:

ATTACHMENTS

Appendix "A" – Location Map
Appendix "B" – Plan 35R-6949

CONCLUSION

The Planning Department would recommend approval of the validation as it meets the intent of the Official Plan and Zoning By-Law, and satisfies the criteria as noted under Section 57 of the *Planning Act*, RSO 1990, as amended.

SIGNED

Prepared by: Kirstin Maxwell, Planner

SIGNED

Approved by: Chris Marshall, Director of Planning Services

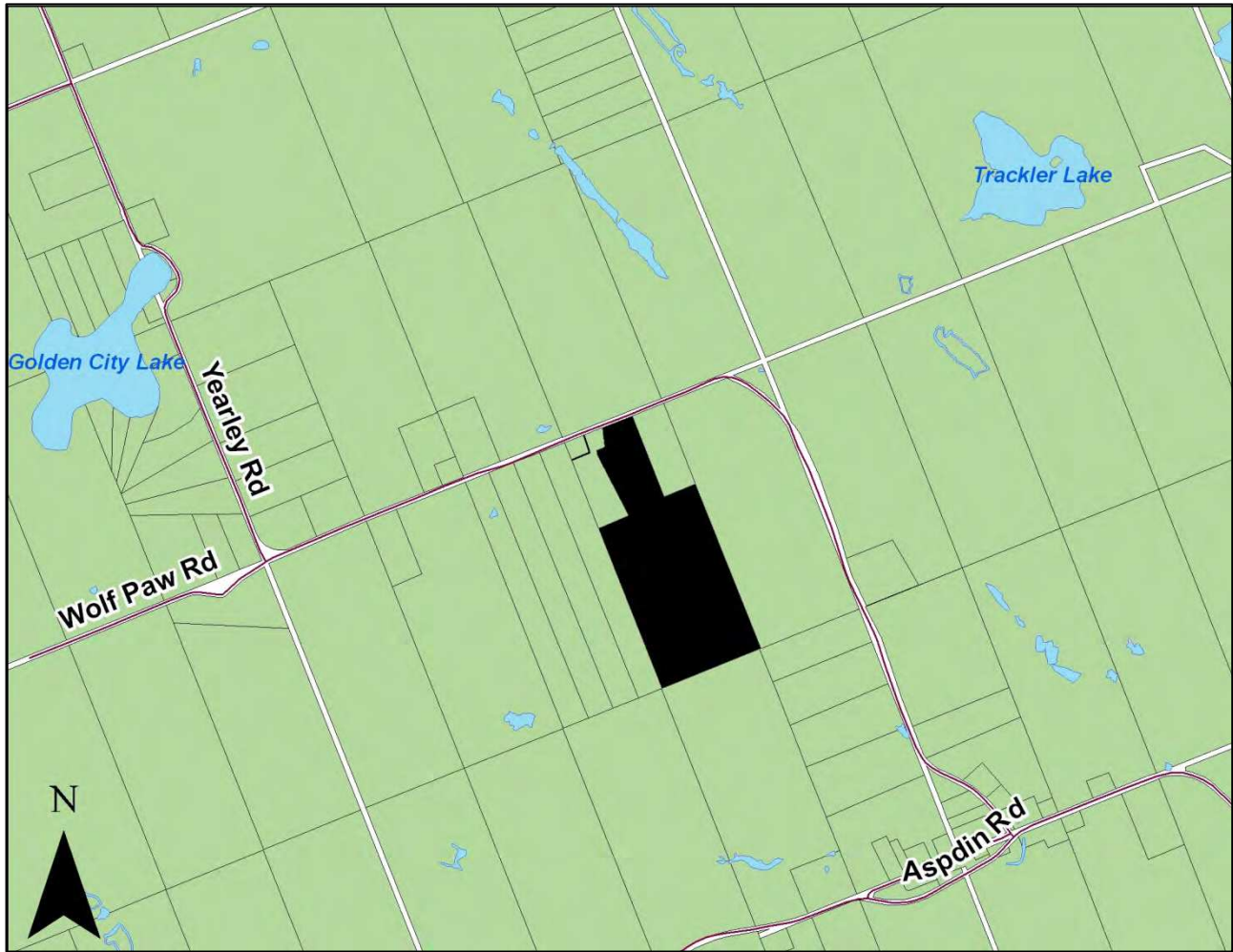
SIGNED

Approved by: Mike Gooch, Executive Director of Development Services

SIGNED

Approved by: Kelly Pender, Chief Administrative Officer

Appendix "A" – Location Map





TOWN OF HUNTSVILLE

DIVISION	CAO's Office	<input type="checkbox"/>	Building Services	<input type="checkbox"/>	Community Services	<input type="checkbox"/>
	Corporate Services	<input type="checkbox"/>	Planning Services	<input checked="" type="checkbox"/>	Protective Services	<input type="checkbox"/>
	Public Infrastructure	<input type="checkbox"/>				

DEPARTMENT: Planning

REPORT # PL-2012-114

Confidential: Yes No

To: Planning Advisory Committee
From: Kirstin Maxwell, Planner
Meeting: November 7, 2012
Subject: Zoning Amendment Application Z/26/2012/HTE
 Consent Application B/32/2012/HTE (Lovegrove and Baumhour) 686 Ravenscliffe Road

RECOMMENDATION:

Requires Action **For Discussion Only**

IT IS RECOMMENDED THAT: Planning Report No. PL-2012-114 prepared by Kirstin Maxwell, regarding Zoning Amendment application **Z/ 26/ 2012/ HTE** and Consent Application **B/ 32/ 2012/ HTE (Lovegrove and Baumhour)** be received;

AND FURTHER THAT the Planning Advisory Committee recommend to Council that an amendment to Zoning By-law 2008-66P BE DENIED changing the zoning of Part of Lot 10, Concession 4, Geographic Township of Chaffey, Town of Huntsville, District Municipality of Muskoka, from: Natural Resource Floodfringe (NR2), Natural Resource Floodway (NR1) and Tourist Commercial (C4) Zones to Natural Resource Floodfringe (NR2), Natural Resource Floodway (NR1) and Tourist Commercial (C4) Zones with an exception to recognize lot frontage and area; and to prohibit any development in the NR1 zone.

AND FURTHER THAT the Planning Advisory Committee DENY Consent Application B/32/2012/HTE for Part of Lot 10, Concession 4, Geographic Township of Chaffey, Town of Huntsville, District Municipality of Muskoka.

PURPOSE

The applicant is seeking to separate an existing dwelling from the Tourist Commercial establishment.

BACKGROUND

The purpose of this report is to provide the Planning Advisory Committee with a summary and recommendation concerning Consent Application B/32/2012/HTE and Zoning Amendment Z/26/2012/HTE which are applications to create one new lot.

The subject lands are located at 686 Ravenscliffe Road and are developed with 2 single family dwellings, 8 rental cottages and several outbuildings. Historically this site has operated as Pleasant Valley Cottages, a tourist commercial operation.

The surrounding uses are generally shoreline residential. The property fronts on the Big East River, with sandy soils and there is a substantial oxbow.

DISCUSSION

The Owner is proposing to separate an existing dwelling from the rest of the tourist commercial operation. All of the small rental cottages along the shoreline will be removed. The tourist commercial operation would be accessed via a right of way over the single family dwelling property.

The proposed severed lot would have approximately 48m (160ft) of frontage on Ravenscliffe Road, 83m (272ft) along the Big East River and be 0.39ha (0.96ac) in area. The retained parcel would consist of a single family dwelling, the camping establishment, and two rental structures. It would have approximately 86m (282ft) along Ravenscliffe Road, 192m (630ft) on the Big East River and have 3.25ha (8ac) in area.

The retained parcel would be accessed via the existing driveway over the severed parcel. The driveway separates the dwelling from the shoreline and 6 cottages. A second driveway access off Ravenscliffe Road is not feasible due to the curves in the road and the terrain. No new development is proposed for the severed lot, and the retained lot will be redeveloped to enhance its tourist commercial operation. Each dwelling is serviced by individual sewage systems.

Official Plan

Section 8.2.16 speaks to Tourist Commercial uses. *The preservation of the quality tourist commercial land base fronting on water is essential to the long term health of the tourism industry in Huntsville. The non tourist commercial redevelopment or rezoning of resort commercial properties with significant land holdings and frontage on water will not generally be supported. In extenuating circumstances rezoning may be considered where the impact of the loss of the commercial land base has been analyzed and it is demonstrated that it would not negatively affect the critical mass of the tourism infrastructure and land base in Huntsville.* There is no documentation or supporting material to demonstrate that the removal of lands from the tourist commercial operation will be supportive or enhance the remainder of the business.

Section 8.9.1.3 notes: *The continued operation, upgrading, expansion and redevelopment of existing commercial properties within the waterfront will be encouraged and facilitated within the policy framework of this Plan.*

Section 8.9.2.2 states: *The reasonable redevelopment of existing tourist commercial properties to provide rental accommodation and lodging, shall be encouraged.*

The Planning Department feels that accessing the tourist commercial site via a right-of-way over a residential property will not enhance, encourage or increase the viability of the tourist commercial operation.

The width of the Big East River in this location varies slightly, however it is never wider than 40m, so the Narrow Waterbody policies in the Official Plan must be applied. Section 8.11.3 states: *when new lot creation is proposed on or adjacent to a narrow waterbody the shoreline frontage must be increased as follows: a) where the distance of the narrow waterbody from shore to shore is less than 90 metres (295 feet) a minimum shoreline frontage of 120m (393ft) will be required.*

The severed lot does not meet this requirement, as the frontage along the Big East is proposed to be only 83m.

Section 3.6.6 states that: *New lot creation shall not be permitted where there is inadequate building space outside of the flood plain or where access/egress is not safely available during times of flooding.* A significant portion of both the retained and severed lots fall within the floodway and floodfringe of the Big East River; and the driveway and proposed right-of-way follows the shoreline with no real elevation change between the NR1 and NR2 zoned lands.

Section 11.5.5 allows for lot creation where: *Exceptions to minimum lot size requirements may be considered by the Town where more than one primary, free standing, substantive and structurally sound building legally exists, and provided that the general intent and policies of the plan are respected.* Each of the proposed lots are currently developed with dwellings and no new development will occur on the severed parcel, however the Planning Department does not feel that the intent of the tourist commercial viability is being maintained with the creation of the residential lot.

Zoning By-Law

The proposed severed lot is zoned NR1, NR2 and C4. The zoning amendment proposed would recognize the new lot size and frontage; and that no development would be permitted in the NR1 zoned lands.

No lot standards are prescribed for the creation of NR1 and NR2 zone lots.

FINANCIAL IMPLICATIONS – (Budget & Financial Planning Officer must sign Report)

n/a

SUSTAINABILITY IMPLICATIONS

Economic Considerations

With the separation of the road access and road frontage from the tourist commercial camping establishment, the viability of its continued operation is questionable. The camping establishment in its current form has the potential to be redeveloped and provide a different level of tourist accommodation for travellers to Huntsville, and provide seasonal employment.

Social Considerations

There are very few tourist camping establishments in the Huntsville area, they provide a more modest opportunity for accommodation for budget travelers and families. The dwelling that is on the severed lot will be subject to traffic over the right-of-way that separates the dwelling from the shoreline.

Environmental Considerations

The proposed severance will have an appreciable impact on the environment. The 6 small cabins will be removed that are along the Big East River and the area will be revegetated in accordance with zoning requirements.

ACCESSIBILITY IMPLICATIONS

n/a

COUNCIL STATEMENT OF DIRECTIONS AND PRIORITIES

n/a

POLICIES / LEGISLATION

Provincial Policy Statements
Planning Act, R.S.O. 1990, cP.13
District of Muskoka Official Plan

CONSULTATIONS

All internal and external agencies were circulated for comments.

The Fire Department, Building Department and Public Infrastructure all had no objections.

The District of Muskoka commented that they would not be opposed to approval of the applications, provided that the right-of-way is located outside of the NR1 zoned lands, and subject to a 3m road widening and a 51(26) agreement to address the location of wells in relation to the Muskoka Road.

PROVISION OF NOTICE *(As per the current Town of Huntsville Provision of Notice Policy By-law)*

Notice Required?: Yes *(If yes, fill in below)* No

Class # :	<input type="text"/>	Part # :	<input type="text"/>	Subject Matter:	<input type="text"/>
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Date(s) to be Advertised in Newspaper <i>(If applicable):</i>	<input type="text"/>
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Date of Posting on the Town Website <i>(If applicable):</i>	<input type="text"/>
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ATTACHMENTS

- Appendix 1 – Location Map
- Appendix 2 – Severance Sketch

CONCLUSION

Staff would not recommend approval of the severance and zoning amendments as the applications do not meet the intent of the Official Plan.

SIGNED

Prepared by: Kirstin Maxwell, Planner
SIGNED

Approved by: Chris Marshall, Director of Planning & Sustainability
SIGNED

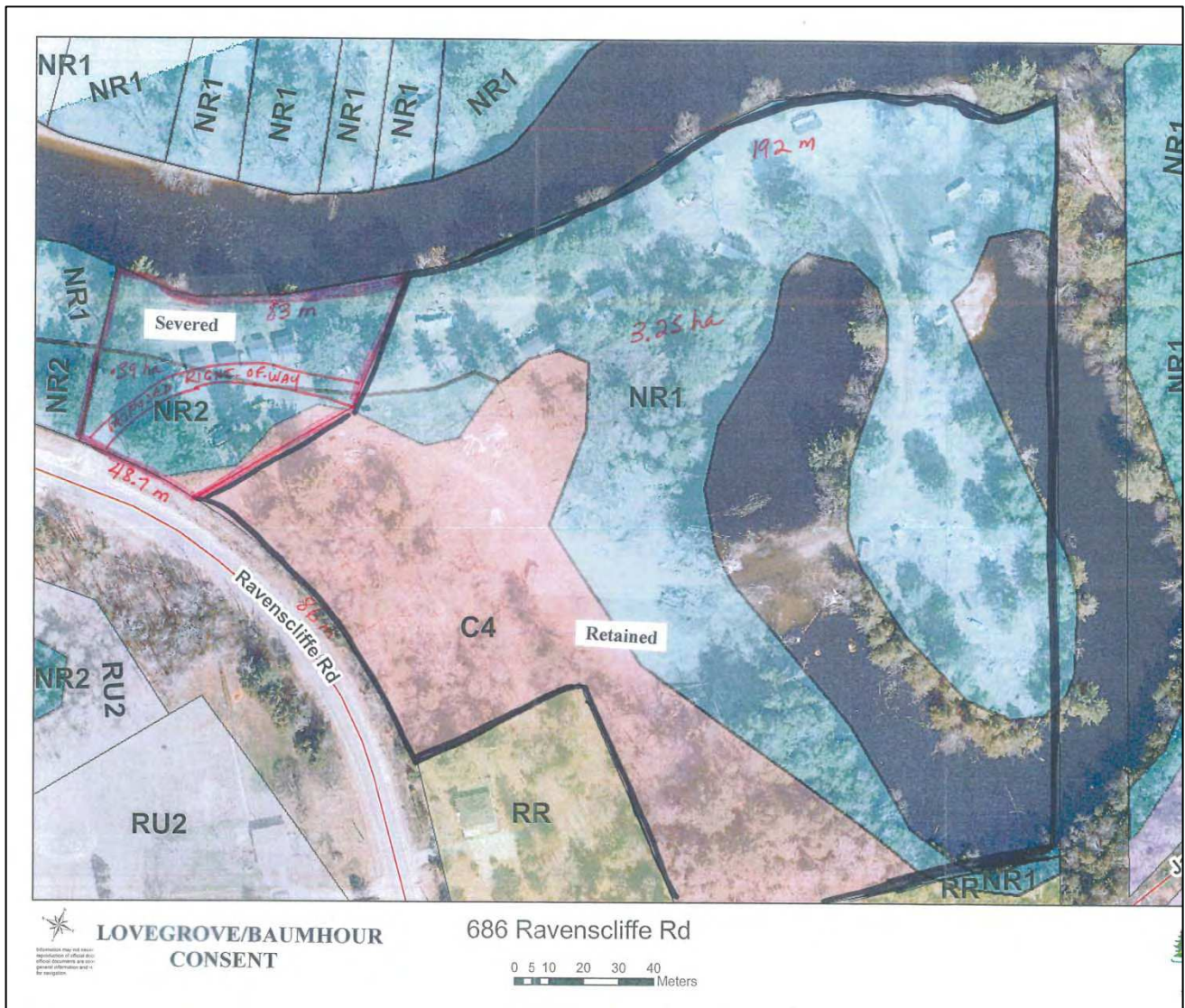
Approved by: Mike Gooch, Executive Director of Development Services
SIGNED

Approved by: Kelly Pender, Chief Administrative Officer

Appendix "A" – Location map



Appendix "B" – Severance Sketch





TOWN OF HUNTSVILLE

DIVISION	CAO's Office	<input type="checkbox"/>	Building Services	<input type="checkbox"/>	Community Services	<input type="checkbox"/>
	Corporate Services	<input type="checkbox"/>	Planning Services	<input checked="" type="checkbox"/>	Protective Services	<input type="checkbox"/>
	Public Works	<input type="checkbox"/>				

DEPARTMENT: Planning

REPORT # PL-2012-115

Confidential: Yes No

To: Planning Advisory Committee
From: Sean O'Callaghan, Site Plan Coordinator
Meeting: November 7th 2012
Subject: Zoning Amendment Application Z/27/2012/HTE – Wania/Tkachenko (484 and 496 Big Island)

RECOMMENDATION:

Requires Action **For Discussion Only**

IT IS RECOMMENDED THAT: Planning Report No. PL-2012-115, prepared by Sean O'Callaghan, regarding Rezoning application Z/27/2012/HTE be received;

AND FURTHER THAT: the Planning Advisory Committee recommend to Council approval of Zoning Amendment Application Z/27/2012/HTE for Lots 3 and 4 of Plan 35R-14308 Geographic Township of Stisted, Town of Huntsville, and District Municipality of Muskoka.

ORIGIN / BACKGROUND

The purpose of this report is to provide the Planning Advisory Committee with a summary and recommendation concerning Zoning Amendment Application Z/27/2012/HTE which is an application to recognize the change in lot area that is the result of a lot line adjustment between 484 and 496 Big Island.

SITE AND SURROUNDING USES

The subject lands are located at 484 and 496 Big Island.

484 Big Island is approximately 5.15ha (12.7ac) in area with approximately 73m (239ft) of frontage on Lake Vernon. The property is vacant and well vegetated.

496 Big island is approximately 1.25ha (3.09ac) in area with approximately 71m (235ft) of frontage on Lake Vernon. The property is developed with a single family dwelling.

The surrounding uses are generally Shoreline residential.

DISCUSSION

The proposed zoning amendment would change the zoning on the property from Shoreline Residential Four (SR4) to Shoreline Residential Four (SR4) to recognize the change in lot area that is the result in a lot line adjustment between 484 and 496 Big Island. 0.25 acres has been transferred from 496 Big Island to 484 Big Island.

The lot line adjustment was required as the dwelling on 496 was originally constructed over the lot line between 496 and 484 Big Island. The lot line adjustment has now brought 496 Big island into conformance with the setbacks prescribed in the Town Zoning By-law.

Official Plan

The subject lands are designated Waterfront in the Town Official Plan (OP). Many of the surrounding uses are designated the same.

The lot frontage and area proposed for each lot meets the requirements for new lot creation as identified in Section **8.8.2.1 and 8.8.2.2** that states the minimum requirements for a new waterfront residential lot will be "1 hectare (2.5 acres) in lot area and have 60 metres (200ft) of shoreline frontage".

Zoning By-law

The proposed zoning amendment would change the zoning on the property from Shoreline Residential Four (SR4) to Shoreline Residential Four (SR4) to recognize the change in lot area that is the result of a lot line adjustment between 484 and 496 Big Island.

The minimum lot area for the SR4 Zone is "as exists on the date of passing of this By-law, but not less than the requirements of section 3.3".

Section 3.3 outlines the minimum lot size for existing lots of record. A lot that is not on municipal services would require a minimum lot area of 0.33 acres which the subject lands far exceed.

FINANCIAL IMPLICATIONS – *(Budget & Financial Planning Officer must sign Report)*

n/a

INSURANCE/ RISK MANAGEMENT OR HUMAN RESOURCES IMPLICATIONS – *(Human Resources Manager must sign Report)*

n/a

SUSTAINABILITY IMPLICATIONS

Economic Considerations

Additional development will add to the tax base in the Town of Huntsville.

Social Considerations

The applicant will be able to use the full recreational capabilities of the subject lands.

Environmental Considerations

The proposal will be subject to site plan approval.

ACCESSIBILITY IMPLICATIONS

n/a

COUNCIL STATEMENT OF DIRECTIONS AND PRIORITIES

n/a

POLICIES / LEGISLATION

Provincial Policy Statements
Planning Act, R.S.O. 1990, cP.13
District of Muskoka Official Plan
Town of Huntsville Official Plan
Zoning By-law 2008-66P, as amended

CONSULTATIONS

All internal and external agencies were circulated for comments.

No objections were received.

PROVISION OF NOTICE *(As per the current Town of Huntsville Provision of Notice Policy By-law)*

Notice Required?: Yes *(If yes, fill in below)* No

Class # : Part # : Subject Matter:

Date(s) to be Advertised in Newspaper *(If applicable)*:

Date of Posting on the Town Website *(If applicable)*:

ATTACHMENTS

Appendix "A" – Location Map
Appendix "B" – Site Plan

CONCLUSION

The Planning Department would recommend approval of the proposed rezoning as it meets the intent of the Official Plan and Zoning By-Law.

SIGNED

Prepared by: Sean O’Callaghan, Site Plan Coordinator

SIGNED

Approved by: Chris Marshall, Director of Planning and Sustainability

SIGNED

Approved by: Mike Gooch, Executive Director of Development Services

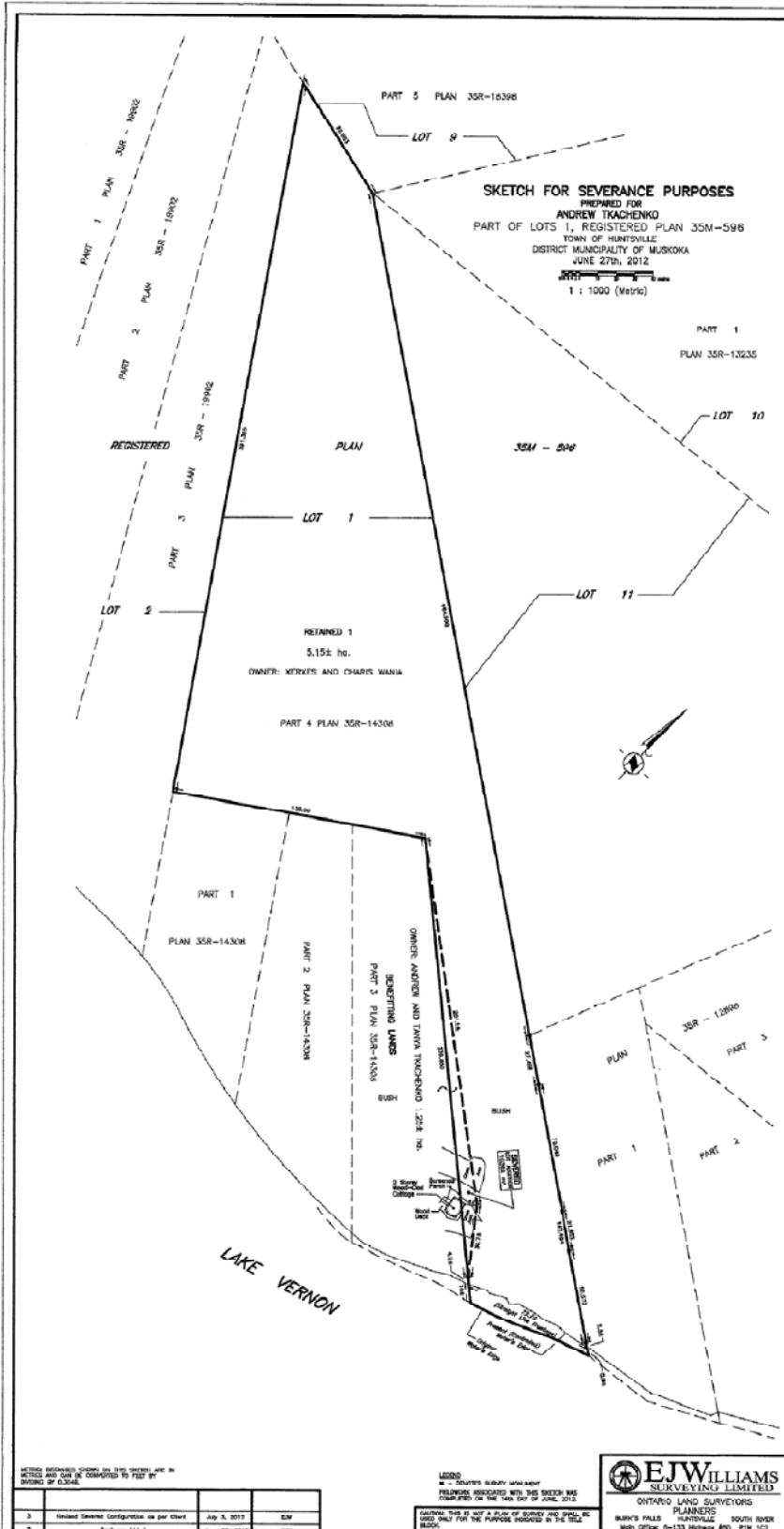
SIGNED

Approved by: Kelly Pender, Chief Administrative Office

Appendix "A" – Location Map



Appendix "B" – Site Plan



NOTED: DIMENSIONS SHOWN ON THIS SKETCH WERE MEASURED AND CAN BE OBSERVED TO FIELD BY DIVING BY 0.5 CAL.

3	Revised General Configuration as per Client	July 3, 2012	EW
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LEGEND
 ■ = QUARTER SURVEY VERTICALLY
 ■ = QUARTER SURVEY HORIZONTALLY
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CAUTION: THIS IS NOT A PLAN OF SURVEY AND SHOULD BE USED ONLY FOR THE PURPOSE INDICATED IN THE TITLE BLOCK.

EJWILLIAMS
 SURVEYING LIMITED

ONTARIO LAND SURVEYORS
 PLANNERS

8800 HWY. 104 SOUTH BAY
 HUNTINGVILLE, ONTARIO L1M 1L2



TOWN OF HUNTSVILLE

DIVISION	CAO's Office	<input type="checkbox"/>	Building Services	<input type="checkbox"/>	Community Services	<input type="checkbox"/>
	Corporate Services	<input type="checkbox"/>	Planning Services	<input checked="" type="checkbox"/>	Protective Services	<input type="checkbox"/>
	Public Works	<input type="checkbox"/>				

DEPARTMENT: Planning

REPORT # PL-2012-116

Confidential: Yes No

To: Planning Advisory Committee

From: Christopher Brown, Senior Planner

Meeting: November 7, 2012

Subject: Zoning Amendment Application Z/31/2012 (Rayville Developments)

RECOMMENDATION:

Requires Action **For Discussion Only**

IT IS RECOMMENDED THAT: Planning Report No. PL-2012-116 prepared by Christopher Brown, Senior Planner, regarding Zoning Amendment application Z/31/2012 **BE RECEIVED**;

AND FURTHER THAT the Planning Advisory Committee recommend to Council that an amendment to Zoning By-law 2008-66P **BE APPROVED** changing the zoning of Part of Block 89, Plan 35M-612, Geographic Township of Chaffey, Town of Huntsville; from zones O2, R1-H, and R3-H with exception "1789" to zones O1, R2-H, and R3-H, with exceptions as described in Appendix "B", and as delineated in Appendix "C" of Planning Report No. PL-2012-116.

ORIGIN / BACKGROUND

The purpose of this report is to provide the Planning Advisory Committee with a summary and recommendation concerning application Z/31/2012 which is an application to change the zoning of residential lands pursuant to proposed changes to the draft-approved plan of subdivision.

Site Information

Official Plan	Current Zoning	Current Use	Area
Residential	Residential One Holding Two (R1-H) Residential Three Holding (R3-H) Open Space Two (O2)	Vacant	7.57 hectares (18.7 acres)

The adjacent lands to the West are owned by the Muskoka Heritage Trust and zoned Conservation (C). The adjacent lands to the South, consisting of a steep slope, are owned by the Town of Huntsville and zoned Open Space Two (O2). Further south is the Glenwood subdivision, zoned Residential One (R1) and consisting entirely of single detached dwellings with lot sizes ranging from 1,011 sq. metres (0.25 acre) to 4,047 sq. metres (1 acre). Immediately opposite the subject lands on Chaffey Township Road are a few single detached dwellings, zoned Rural Residential (RR), and a duplex zoned Residential Three (R3). Further West on Chaffey Township Road is another duplex.

DISCUSSION

Summary

The proposed amendment would change the zoning on a portion of the subject property, from a Residential One Holding (R1-H) Zone to a Residential Two Holding (R2-H) Zone with an exception to allow for a reduced front yard setback and an increase in the maximum lot coverage. The proposed R2 zoning and exception would allow for duplexes and semi-detached dwellings, in addition to single detached dwellings.

The proposal would also change the zoning of several blocks in the proposed subdivision from an R1-H Zone to an R3 Zone with exceptions similar to the above but with reduced setbacks in all yards and significantly increased lot coverage; and to an R3-H Zone with an additional exception specific to Block 33 only, whereby Street 'A' would be deemed the front yard.

The zoning changes would allow for the development of 28 single detached dwellings and 30 street townhouse dwellings. The applicant has applied concurrently for an amendment to the draft plan of subdivision. Compared to the existing draft plan, the current proposal increases the number of dwellings from 35 to 58, while maintaining several open space blocks that correspond to a creek that runs through the property and to a steep slope area near the East limit of the property.

Townhouses

The Planning Department is recommending that the townhouse blocks be zoned Residential Three Holding (R3-H), with an exception to allow a front yard setback of 6m to the garage and 4.5 m to the habitable portion of the house and/or covered porch or veranda, provided there is an attached or detached accessory garage. The exception represents a significant reduction from the front yard setback of 7 m required in an R3 Zone but is justifiable on the basis that there are no existing homes on the proposed street and that the Provincial Policy Statement is supportive in principle (as discussed below). The road right-of-way proposed in the draft plan of subdivision is 20.1 m wide, which would provide ample spatial separation despite the reduced front yard setback. The proposed setback is more representative of traditional (i.e. pre-WWII) neighbourhood form and can be regarded as more convivial than a typical post-war suburb, especially if the houses will have front verandas.

A zoning exception specific to Block 33 is required in order to recognize the lot boundary on Street 'A' as the front lot line. The garages will be accessed from the cul-de-sac; the applicant wishes to have a greater building setback from the cul-de-sac than from Street 'A'.

A zoning exception specific to Blocks 32 and 37 is recommended in order to allow a rear yard setback of 7 m. Given that the smallest of these lots have a depth of 32.1 m, the exception is necessary in order to permit a typical townhouse. The exception will also permit a deck to encroach up to 3.5 m into the required rear yard. The exception is reasonable, insofar as Blocks 32 and 37 do not back onto other residential lots. To the rear of Block 32 is the hydro property and to the rear of Block 37 is the storm water pond.

The rear yard requirement for Blocks 34, 35, and 36 will remain 10 m, per the Lot Requirements for the R3 zoning category. The steep slope behind these blocks and the significant trees in the rear yards, as identified in a Tree Preservation Plan submitted by the applicant, warrant a 10 m setback in order to maintain these natural features.

The Planning Department recommends maintaining a minimum interior side yard requirement of 1.5 m for the single lots, per the R2 zoning category. This setback provides ample room for swales between the houses, particularly for the lots on the South side of Street 'B', given the significant slope behind these lots from which large volumes of surface runoff must be directed around the houses and to the street, during major storm events. In addition, where the interior side yard is on the south side of the house, a 1.5 m setback allows optimum solar access during months when the angle of the sun is more acute, thereby assisting with passive solar heating and reduced energy consumption.

As part of the zoning amendment, the maximum lot coverage is increased to reflect the smaller lot sizes and compact development being proposed. Such lot standards for designated growth areas are consistent with the direction of the Provincial Policy Statement. The layout of the proposed development is such that none of the proposed lots will back onto other residential lots, with most backing onto open space areas. As a result, the perceived density will be less than the proposed lot standards would suggest.

Holding Provision

The existing holding provision (By-law 91-41P) concerns the provision of adequate infrastructure and will be carried over to the new zoning designations. It will also ensure that a site plan agreement for the townhouses is registered on title prior to the issuance of a building permit.

Scoped Environmental Site Assessment

The environmental sensitivities of the subject property have been identified in a scoped environmental site assessment (ESA) prepared by Beacon Environmental on behalf of the applicant. The principal sensitivity is the permanent warmwater watercourse that flows through the property and the adjacent riparian area and slopes. The assessment provides recommendations for how to mitigate impacts, all of which can be implemented through a subdivision agreement. It should be noted that the Town of Huntsville zoning by-law requires a minimum 15 m setback from the (defined bank) top of a steep slope and a minimum 5 m setback from the defined toe of slope. The applicant has acknowledged that this may affect the number of lots that can be achieved. If it is determined through an engineering study that a reduced setback is justified, the applicant intends to apply in the future for a zoning amendment in that regard.

Provincial Policy Statement, 2005

The proposed zoning amendment is reflective of the overall policy direction of the PPS. The amendment will increase the density relative to the existing zoning, while still respecting the Official Plan land use designation. Such an increase, together with relaxed lot requirements, is consistent with policies intended to facilitate intensification, redevelopment, compact form, and that allow for the efficient use of land, infrastructure and public service facilities.

Official Plan

The property is subject to the Residential policies of the Official Plan. The OP encourages cost effective development at appropriate densities and, in appropriate locations, a mix of densities and dwelling types. The proposed low and medium-density residential development represents a permitted use in Section 4.5.1 of the Official Plan. Changes to the draft plan of subdivision will be reviewed in relation to the residential design guidelines of Section 4.2.4 of the OP and the recommendations of the ESA referenced above. The proposed zoning amendment would permit a density of 7.66 units per hectare, which is well below the maximum gross densities stipulated in Section 4.5.1.9 for low density (single detached) and medium density (semi-detached and townhouse dwellings).

Zoning By-Law

The subject property is presently zoned Residential One Holding (R1-H). The R1-H zoning category does not provide sufficient flexibility to develop a compact subdivision and a variety of housing, e.g. semi-detached and townhouses in addition to single detached. The existing lot requirements, specifically setbacks, in the R2 and R3 zoning categories were devised prior to the 2005 Provincial Policy Statement (PPS) and do not necessarily reflect the kind of compact development promoted by the PPS.

FINANCIAL IMPLICATIONS – *(Budget & Financial Planning Officer must sign Report)*

n/a

SUSTAINABILITY IMPLICATIONS

Economic Considerations

The intensification represented by the zoning amendment will make use of existing municipal sewage and water services.

Social Considerations

The proposed mix of housing types, including townhouses, is conducive to the provision of affordable housing.

Environmental Considerations

The Scoped Environmental Site Assessment (ESA) provides recommendations that will be considered at the draft plan approval (revision) stage.

ACCESSIBILITY IMPLICATIONS

n/a

COUNCIL STATEMENT OF DIRECTIONS AND PRIORITIES

n/a

POLICIES / LEGISLATION

As referenced above.

CONSULTATIONS

Internal departments and external agencies were circulated for comments. The relevant Town departments have indicated they have no objections. The District Of Muskoka requested that a decision on the rezoning application be deferred until such time as an environmental site assessment has been submitted to the satisfaction of Town and District staff. An ESA has since been received.

PROVISION OF NOTICE *(As per the current Town of Huntsville Provision of Notice Policy By-law)*

Notice Required?: *(If yes, fill in below)* No

Class # : Part # : Subject Matter:

Date(s) to be Advertised in Newspaper *(If applicable)*:

Date of Posting on the Town Website *(If applicable)*:

ATTACHMENTS

Appendix "A" – Location Map
 Appendix "B" – Zoning Exceptions
 Appendix "C" – Zoning Sketch
 Appendix "D" – Layout

CONCLUSION

It is the Planning Department's position that the proposed R2-H and R3-H zoning categories are appropriate in this area of the Town of Huntsville given the Official Plan designation and policies in Sections 2 and 4 of the Official Plan that promote the efficient use of land and infrastructure, as well as a diversified housing base at appropriate densities. The Planning Department recommends approval of the proposed zoning amendment as it constitutes appropriate and consistent land use planning.

SIGNED

Prepared by: Christopher Brown, Senior Planner

SIGNED

Approved by: Chris Marshall, Director of Planning and Sustainability

SIGNED

Approved by: Mike Gooch, Executive Director of Development Services

SIGNED

Approved by: Kelly Pender, Chief Administrative Officer

Appendix "A" – Location Map



Appendix “B” – Zoning Exceptions

Exception No. “WWWW” (R2-H)

Notwithstanding any requirements of the Zoning By-Law 2008-66P, as amended, the following shall apply:

- The minimum front yard shall be 4.5 metres for the habitable portion of the dwelling and/or porch, and 6.0 metres for the garage;
- The maximum lot coverage shall be 45% for a single-storey dwelling;
- The maximum lot coverage shall be 40% for a two-storey dwelling.

For purposes of this by-law, a “single-storey dwelling” shall be considered one whose height, measured from finished grade on the side of the building facing the front lot line, does not exceed 4 metres.

Exception No. “XXXX” (R3-H)

Notwithstanding any requirements of the Zoning By-Law 2008-66P, as amended, the following shall apply:

- The minimum front yard shall be 4.5 metres for the habitable portion of the dwelling and/or porch, and 6.0 metres for the garage;
- Where a townhouse dwelling shares a common wall with another townhouse, there shall be no required interior side yard on the side with the common wall;
- The minimum interior side yard for end dwellings shall be 1.2 metres on the side of the exterior wall;
- Decks may encroach into the required rear yard a maximum distance of 3.5 metres, provided that such use is not more than 2.0 metres above finished grade and is no closer than 3.0 metres to the rear lot line;
- The maximum lot coverage shall be 50%.

Exception No. “YYYY” (R3-H)

Notwithstanding any requirements of the Zoning By-Law 2008-66P, as amended, the following shall apply:

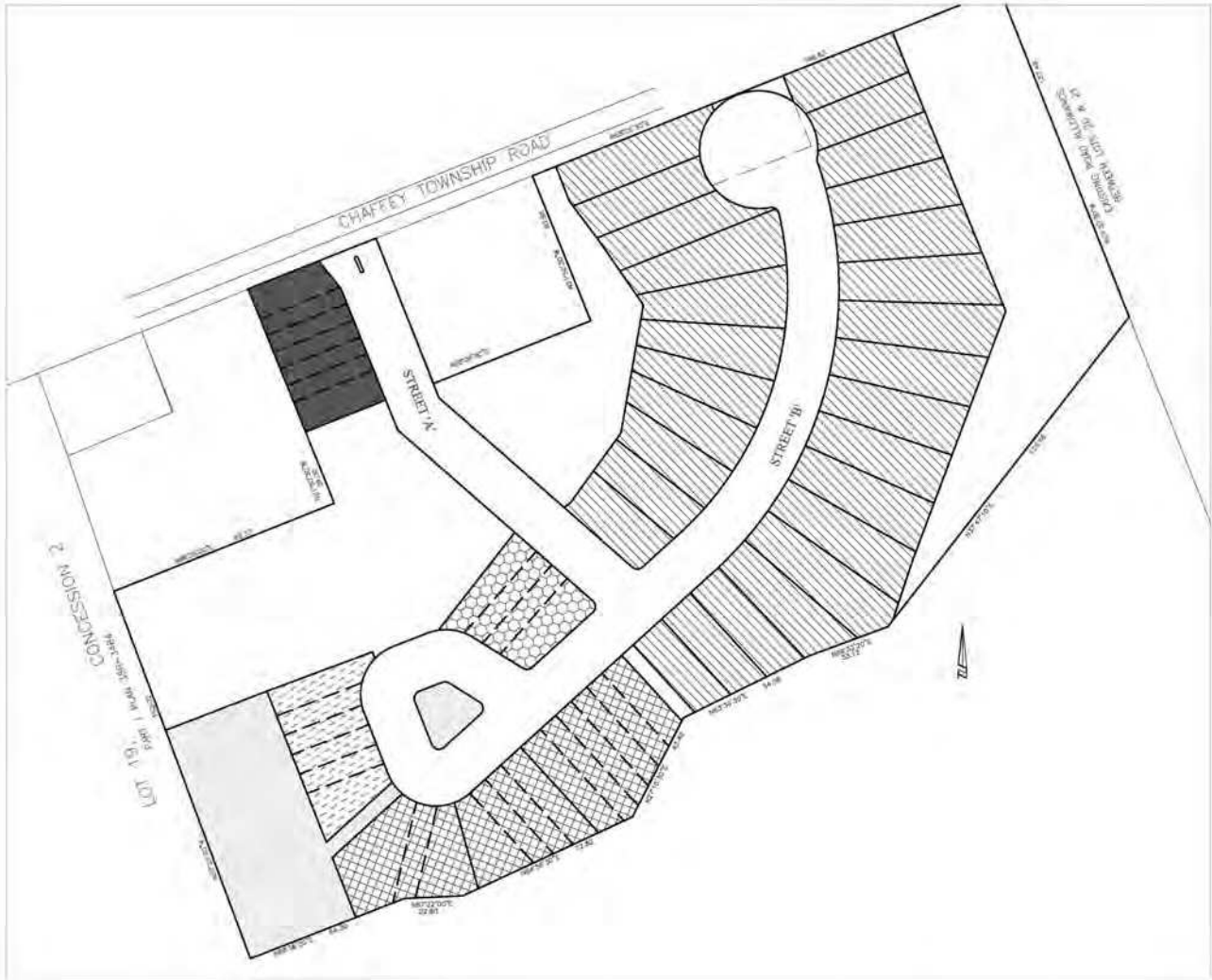
- The minimum front yard shall be 4.5 metres for the habitable portion of the dwelling and/or porch, and 6.0 metres for the garage;
- Where a townhouse dwelling shares a common wall with another townhouse dwelling, there shall be no required interior side yard on the side with the common wall;
- The minimum interior side yard for end dwellings shall be 1.2 metres on the side of the exterior wall;
- The minimum rear yard shall be 7.0 metres;
- Decks may encroach into the required rear yard a maximum distance of 3.5 metres, provided that such use is not more than 2.0 metres above finished grade and is no closer than 3.0 metres to the rear lot line;
- The maximum lot coverage shall be 60% for single-storey dwellings;
- The maximum lot coverage shall be 50% for two-storey dwellings.



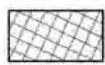


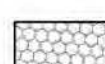
Exception No. “ZZZZ” (R3-H)

Notwithstanding any requirements of the Zoning By-Law 2008-66P, as amended, the following shall apply:

- The front lot line is deemed to be the property boundary that divides the lot from Street 'A';
- The minimum front yard shall be 4.5 metres for the habitable portion of the dwelling and/or porch, and 6.0 metres for the garage;
- Where a townhouse dwelling shares a common wall with another townhouse dwelling, there shall be no required interior side yard on the side with the common wall;
- The minimum interior side yard for end dwellings shall be 1.2 metres on the side of the exterior wall;
- Decks may encroach into the required rear yard a maximum distance of 3.5 metres, provided that such use is not more than 2.0 metres above finished grade and is no closer than 3.0 metres to the rear lot line;
- Maximum lot coverage shall be 50%.

Appendix "C" – Zoning Sketch



-  From a Residential One Holding (R1-H) Zone and Open Space Two (O2) Zone to a Residential Two Holding (R2-H) Zone with Exception "WWWW"
-  From a Residential One Holding (R1-H) Zone to an Open Space Two (O2) Zone
-  From a Residential One Holding (R1-H) Zone to a Residential Three Holding (R3-H) Zone with Exception "XXXX"
-  From a Residential One Holding (R1-H) Zone to a Residential Three Holding (R3-H) Zone with Exception "YYYY"
-  From a Residential Three (R3) Zone with Exception "1789" to a Residential Three (R3) Zone with exception "YYYY"
-  From a Residential One Holding (R1-H) Zone to a Residential Three Holding (R3-H) Zone with exception "ZZZZ"

Appendix "D" – Layout

