



## **PLANNING REPORT for the TOWN OF MINTO**

Prepared by the County of Wellington Planning and Development Department

**DATE:** December 14, 2017  
**TO:** Bill White, C.A.O.  
Town of Minto  
**FROM:** Curtis Marshall, Senior Planner  
County of Wellington  
**SUBJECT:** **Evergreen Apartment Company Inc.**  
**260 Mary St., Palmerston**  
**Zoning By-law Amendment**

### **PLANNING OPINION**

The purpose of this zoning amendment is to rezone the subject lands to permit a reduced minimum lot area and side yard setback for the existing 12-unit apartment building. This rezoning is a condition of severance application B129/16, which has been granted provisional consent by the Wellington County Land Division Committee. The consent application creates a new 0.17 ha (0.43 acres) parcel which is occupied by an existing 12-unit apartment building, and a 0.18 ha (0.44 acres) retained vacant parcel for future residential development.

Planning Staff have no objections with the requested amendments for lot area and side yard setback. The proposal conforms to the Official Plan, is in keeping with applicable Provincial policies and would satisfy a condition of consent for severance application B129/16.

Town Staff have also proposed amendments to the zoning standards for the retained vacant parcel. A concept plan has been prepared showing a 5-unit cluster townhouse development. Reductions to the front yard, side yard and rear yard setbacks are required to facilitate the proposed development. Council should be satisfied that the proposed amendments to the zoning setbacks are appropriate.

A draft zoning by-law has been prepared for Council's consideration which includes both the reduced side yard and lot area for the severed parcel (existing 12-unit apartment), and reduced front, side and rear yard setbacks on the vacant retained parcel to facilitate future development.

### **INTRODUCTION**

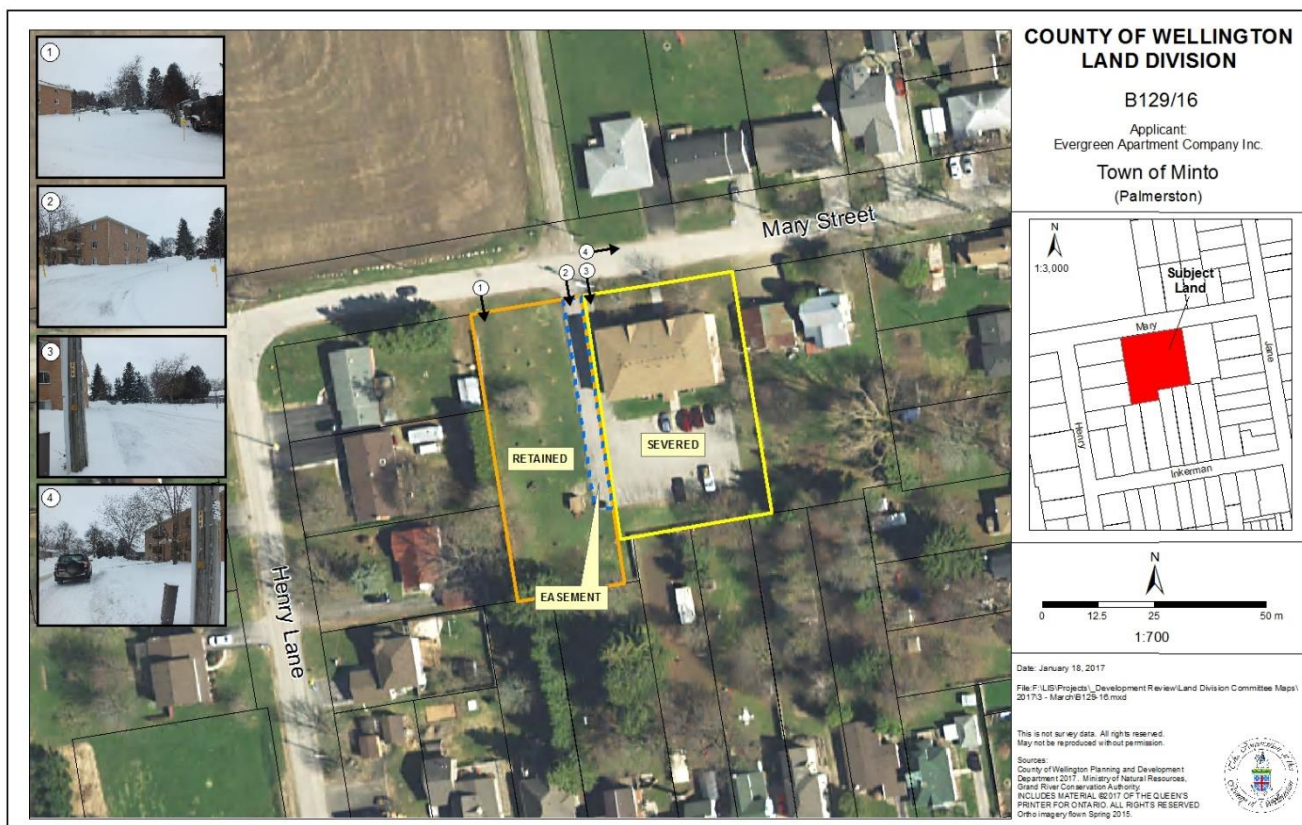
The land subject to the proposed zoning by-law amendment is legally described as Lots 35 & 35, Survey Caswell and Clement's, Part Park Lot 3, Pt Lane, Survey Borthwick's, with a municipal address of 260 Mary St., Palmerston. The property is approximately 0.35 ha (0.87 acres) in size. A 12-unit apartment building is currently located on the property.

## PROPOSAL

The purpose of this zoning amendment is to rezone the subject lands to permit a reduced minimum lot area and side yard setback for the existing 12-unit apartment building. This rezoning is a condition of severance application B129/16, which has been granted provisional consent by the Wellington County Land Division Committee. The consent application creates a new 0.17 ha (0.43 acres) parcel occupied by an existing 12-unit apartment building and a 0.18 ha (0.44 acres) retained vacant residential parcel (future multiple unit residential dwelling). An easement is also provided on the vacant retained lot to provide driveway access to the existing apartment building (severed lot). An air photo showing the proposed lot is provided below.

Town Staff have also proposed amendments to the zoning standards for the retained vacant parcel. A concept plan has been prepared showing a 5-unit cluster townhouse development. Reductions to the front yard, side yard and rear yard setbacks are required to facilitate the proposed development.

Figure 1: Air photo showing proposed lot.



### PROVINCIAL POLICY STATEMENT (PPS)

Section 1.1.3.3 of the 2014 PPS states that “planning authorities shall identify appropriate locations and promote opportunities for intensification”. Section 1.4.3 encourages Planning Authorities to provide an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents.

The Provincial Growth Plan directs the majority of growth to settlement areas as a better use of land and infrastructure while prioritizing intensification in strategic growth areas, including urban growth centres, major transit station areas, brownfield sites and greyfields.

### COUNTY OFFICIAL PLAN

The property is located within the Palmerston Urban Centre and is designated Residential. The policies of Section 8.3.2 of the Official Plan set out a number of objectives for residential development including, *e) to ensure that an adequate infrastructure will be available to all residential area’s and g) to encourage intensification, development proposals provided they maintain the stability and character of existing neighbourhoods.*

The policies of Section 8.3.11 of the Official Plan encourage development of “*vacant or under-utilized properties for residential uses which are compatible with surrounding uses in terms of dwelling type, building form, site coverage and setbacks*”.

### WELL HEAD PROTECTION AREA

The subject property is located within a Wellhead Protection Area (WHPA) C, with a Vulnerability Score of 4.

### DRAFT ZONING BY-LAW

The subject lands are zoned Residential (R3) which permits apartments and townhouse dwellings.

The applicant has applied to amend the lot area and frontage standards as follows:

**Proposed Severed Lot** (Existing 12-Unit Apartment Building):

<b>13.2.3 Apartments</b>	<b>Required</b>	<b>Proposed</b>
<b>Minimum Lot Area</b> Section 13.2.3.1	2123.8 m <sup>2</sup> (22,860.4 ft <sup>2</sup> )	1742.6 m <sup>2</sup> (18,757.7 ft <sup>2</sup> )
<b>Minimum Interior Side Yard</b> Section 13.2.3.5 (Half of building height)	3.92 m (12.8 ft)	1.84 m (6.0 ft)

The severance of the property into two lots results in the severed lot (with the existing apartment building) being smaller in area than permitted in the By-law. The new dividing lot line also results in the existing apartment building being located closer to the side lot line than permitted by the By-law.

**Proposed Retained Lot (Future Residential Development):**

<b>13.2.2 Cluster Townhouse</b>	<b>Required</b>	<b>Proposed</b>
<b>Minimum Front Yard</b> Section 13.2.2.3	7.6 m (24.9 ft)	6.0 m (19.7 ft)
<b>Minimum Rear Yard</b> Section 13.2.2.4	7.6 m (24.9 ft)	3.8 m (12.5 ft)
<b>Minimum Interior Side Yard</b> Section 13.2.2.5	6.0 m (19.7 ft)	3.0 m (9.8 ft)* Planning Staff have proposed a 5.0 m (16.4 ft) setback as an alternative

A concept plan (shown below in Figure 2) has been prepared for the vacant retained lot showing a development of 5 cluster townhouse units. Relief is required from the front yard, side yard and rear yard setbacks to accommodate the proposed cluster townhouse units.

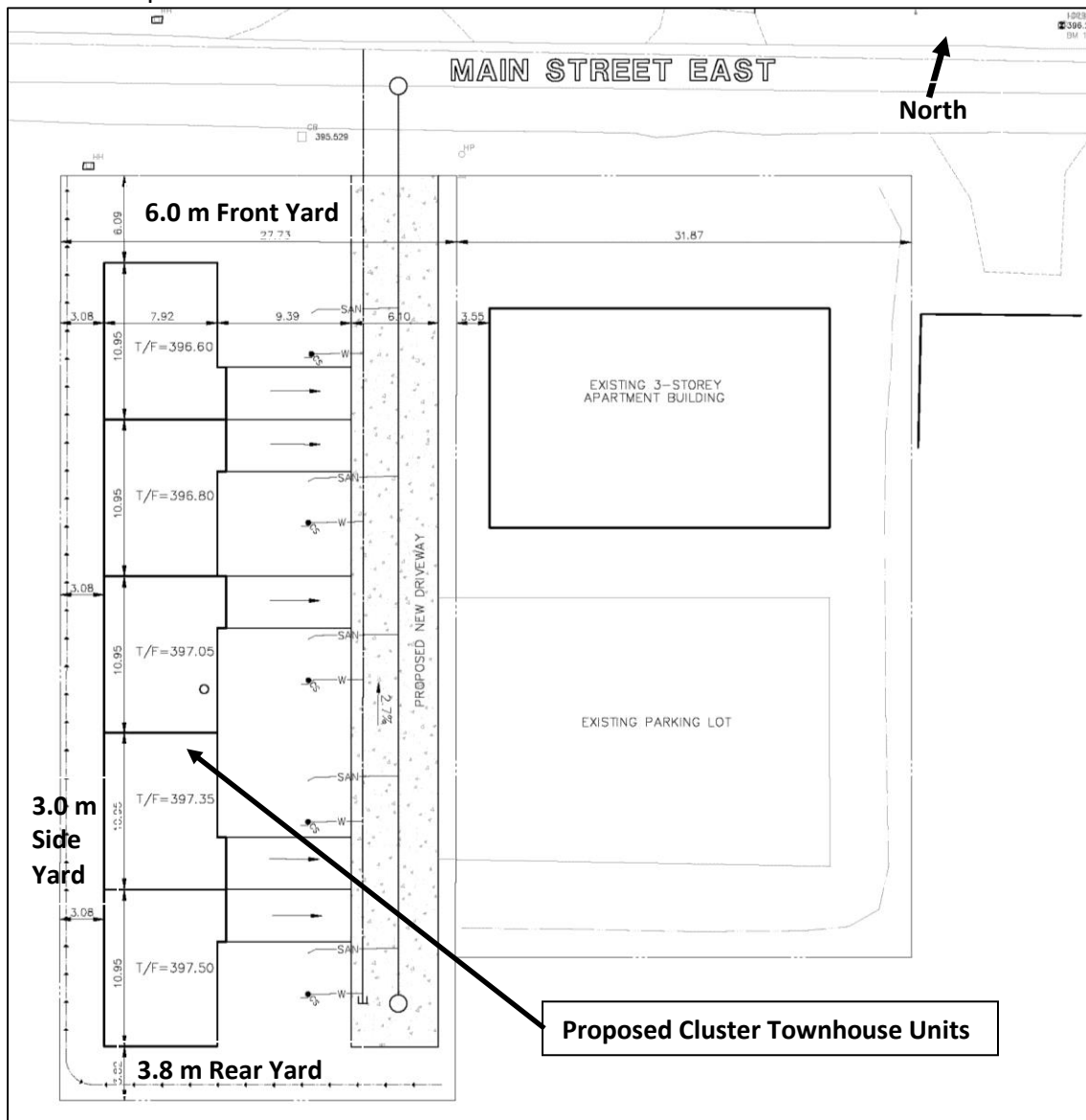
Planning Staff do not have any specific concerns with the proposed front yard setback reduction of 1.6 m (5.2 ft) to allow for a front yard setback of 6.0 m (19.7 ft) for future residential development on the site.

The side yard setback as defined in the zoning by-law serves as the rear amenity space for the dwelling units. Planning Staff have concerns that the proposed 3.0 m (9.8 ft) setback is not large enough to provide room for a small patio or deck for the units, and to facilitate a drainage swale along the lot line. The location of the dwellings- 3.0 m (9.8 ft) from the lot line could also provide visual and nuisance impacts (eg. noise, lighting, privacy etc.) to neighbouring properties. The long row of units could visually appear as a long “wall” close to the property line. The intent of the zoning by-law setback is to allow adequate separation through an open space buffer between adjoining properties to protect the privacy of neighbouring amenity areas. The proposed location of the townhouse dwellings- 3.0 m (9.8 ft) from the lot line could impact the adjacent properties rear yard amenity areas.

The concept plan shows a 9.0 m (29.5 ft) private driveway for each unit, whereas the minimum parking space size required by the Zoning By-law is 5.5 m (18.0 ft) in length. As an alternative, the driveway length could be reduced by 2.0 m (6.6 ft) down to 7.0 m (23.0 ft), which would allow for the townhouses to be shifted further from the side lot line. A 5.0 m (16.4 ft) side yard setback would provide additional amenity space, room for drainage, and a larger building setback to neighbouring properties. Planning Staff have proposed a 5.0 m (16.4 ft) side yard setback in the draft By-law for Council’s consideration.

In regards to the rear yard setback reduction, the concept plan shows the side of the last unit being located 3.8 m (12.5 ft) from the rear lot line which only abuts a portion of the rear lot line. A setback of 3.8 m (12.5 ft) should provide sufficient room for access and drainage.

Figure 2: Concept Plan



Planning Staff note that the development of the vacant lot will be subject to site plan review by the Town. Final details including building, layout, site design, grading, servicing, stormwater management, landscaping, amenity areas, parking, fencing etc. will be reviewed and finalized as part of the site plan review.

A draft zoning by-law has been prepared for Council's consideration which proposes to apply site specific exceptions to each of the proposed lots to permit the requested lot area and setback reductions. The draft by-law is attached to this report.

Respectfully submitted

County of Wellington Planning and Development Department

A handwritten signature in blue ink, appearing to read "C Marshall", is positioned above the printed name.

Curtis Marshall, MCIP, RPP  
Senior Planner

**THE CORPORATION OF THE TOWN OF MINTO**  
**BY-LAW NUMBER \_\_\_\_\_.**

**BEING A BY-LAW TO AMEND ZONING BY-LAW NUMBER 01-86**  
**FOR THE TOWN OF MINTO**

**WHEREAS**, the Council of the Corporation of the Town of Minto deems it necessary to amend By-law Number 01-86;

**NOW THEREFORE** the Council of the Corporation of the Town of Minto enacts as follows:

1. THAT Schedule "A" - Map 4 – Palmerston, of the Town of Minto Zoning By-law 01-86 is amended by rezoning Lots 35 & 35, Survey Caswell and Clement's, Part Park Lot 3, Pt Lane, Survey Borthwick's, with a municipal address of 260 Mary St. as shown on Schedule "A" attached to and forming part of this By-law, from **Residential (R3)** to **Residential (R3) Exception (37-46)** and **Residential (R3) Exception (37-47)**.
2. THAT Section 37 Exception Zone 4 – Palmerston, is amended by the inclusion of the following new exceptions:

<b>37.46</b> Lots 35 & 35, Survey Caswell and Clement's, Part Park Lot 3, Pt Lane, Survey Borthwick's  260 Mary St.	<b>R3-46</b>  Notwithstanding the provisions of section 13.2.3.1 a minimum lot area of 1742.6 m <sup>2</sup> (18,757.7 ft <sup>2</sup> ) is permitted.  Notwithstanding the provisions of section 13.2.3.5 a minimum interior side yard setback of 1.84 m (6.0 ft) is permitted for the existing building.
<b>37.47</b> Lots 35 & 35, Survey Caswell and Clement's, Part Park Lot 3, Pt Lane, Survey Borthwick's	<b>R3-47</b>  Notwithstanding the provisions of section 13.2.2.3 a minimum front yard setback of 6.0 m (19.7 ft) is permitted for a 5-unit cluster townhouse.  Notwithstanding the provisions of section 13.2.2.4 a minimum rear setback of 3.8 m (11.8 ft) is permitted for a 5-unit cluster townhouse.  Notwithstanding the provisions of section 13.2.2.5 a minimum interior side yard setback of 5.0 m (16.4 ft) is permitted for a 5-unit cluster townhouse.

3. THAT except as amended by this By-law, the land as shown on the attached Schedule 'A' shall be subject to all applicable regulations of Zoning By-law 01-86, as amended.
4. THAT this By-law shall come into effect upon the final passing thereof pursuant to Section 34(21) and Section 34(22) of The Planning Act, R.S.O., 1990, as amended, or where applicable, pursuant to Sections 34 (30) and (31) of the Planning Act, R.S.O., 1990, as amended.

READ A FIRST AND SECOND TIME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2017

READ A THIRD TIME AND PASSED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2017.

\_\_\_\_\_  
MAYOR

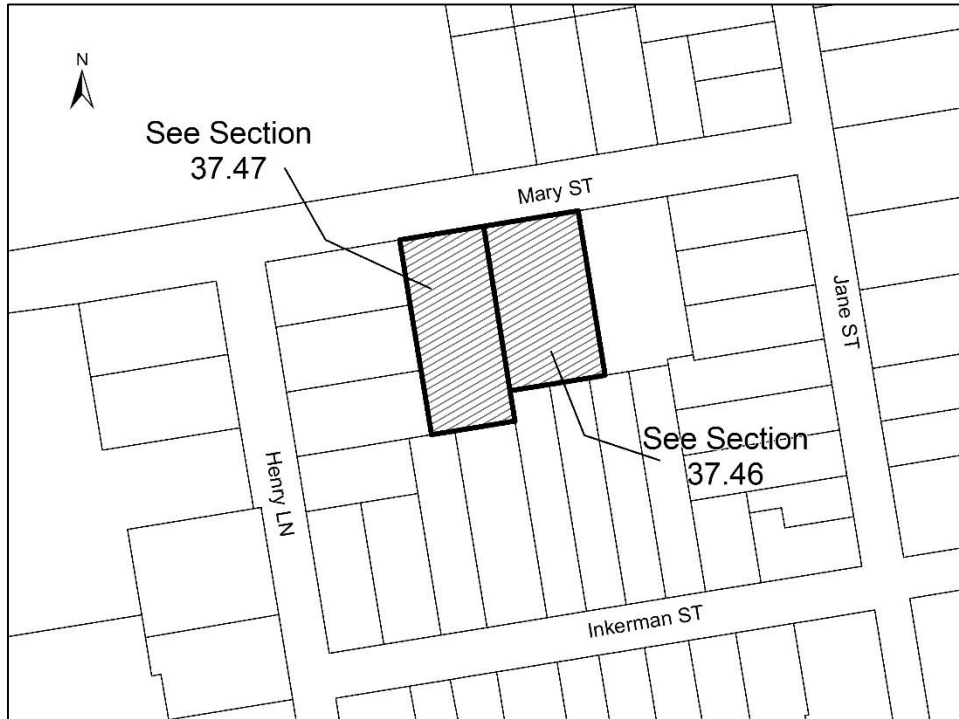
\_\_\_\_\_  
CLERK



**THE TOWN OF MINTO**

**BY-LAW NO \_\_\_\_\_.**

**Schedule "A"**



Passed this \_\_\_\_ day of \_\_\_\_\_ 2017.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK

**EXPLANATORY NOTE**  
**BY-LAW NUMBER \_\_\_\_\_.**

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**THE PURPOSE AND EFFECT** of the amendment is to rezone the subject lands to permit a reduced minimum lot area and side yard setback for the existing 12-unit apartment building, and permit reduced front yard, side yard and rear yard setbacks for a future multiple unit residential dwelling. This rezoning is a condition of severance application B129/16, which has been granted provisional consent by the Wellington County Land Division Committee. The consent application creates a new 0.17 ha (0.43 acres) parcel occupied by an existing 12-unit apartment building and a 0.18 ha (0.44 acres) retained vacant residential parcel (future multiple unit residential dwelling).