



REPORT

DEVELOPMENT SERVICES - PLANNING

TO: Mayor and Council

FROM: Elizabeth Howson, Macaulay Shiomi Howson Ltd.

DATE: October 3, 2022

REPORT: DS-57/22 **FILE NO.** N/A

SUBJECT: Township of Uxbridge Zoning By-law Review
General Commercial (C3) Zone Update
Related to Downtown Culvert Project Completion and General
Height Requirements - Information Report

BACKGROUND:

The Township initiated in 2018 a review of the General Commercial (C3) Zone, which is primarily applicable to the Uxbridge Urban Area Downtown. The resulting amendment - By-law 2019-099- to Zoning By-law 81-19 was adopted in 2019.

The 2019 amendment to the C3 Zone reflected the information available at that time concerning the environmental safety implications of the replacement of the Brock Street West Culvert (Culvert) in the Downtown as outlined in "Township of Uxbridge Zoning By-law Review Technical Paper #2 General Commercial (C3) Zone" as follows:

"C3-2 Zone and related floodplain areas

Currently the C3-2 Zone applies to lands north and south of Brock Street West (Lower Brock Street), east of Toronto Street which are subject to flooding. The C3-2 Zone permits only buildings and structures lawfully in existence as of the 13th day of November, 1989, with the exception of some minor accessory buildings and structures for which the Lake Simcoe Region Conservation Authority has issued a permit.

The culvert, which encloses the Uxbridge Brook between Centennial Drive and the north limit of the parking lot north of Brock Street West, acts as a “bottle neck” during a Regional flood event. The Township is in the process of replacing the culvert with construction anticipated to be completed in early 2019. Once the culvert is replaced it will allow for this area, and additional lands currently used for parking, to be removed from the floodplain. The zoning should be revised to reflect this situation.”

Based on this information, the C3 Zone for the lands east of Toronto Street in the area of the Culvert were amended to introduce three exception zones, each with specific holding provisions (See Attachment A for zoning amendment schedule). The applicable zones are:

- South Side of Brock Street West
Holding Downtown Commercial Exception No. 2 ((H)C3-2) Zone;
- North Side of Brock Street West
Holding Downtown Commercial Exception No. 8 ((H)C3-8) Zone; and,
Holding Downtown Commercial Exception No. 7 ((H)C3-7) Zone.

These zones permit all the uses in the C3 Zone. The permitted uses are also subject to the C3 regulations, although the (H) C3-7, and (H)C3-8 Zones also contemplate a height in excess of four storeys and specific regulations apply to that increase in height. The increase in height was permitted pursuant to the “bonus” provisions of Section 37 of the Planning Act as it was at the time of adoption of the zoning by-law amendment. Section 37 of the Act has since been amended to delete the “bonus” provisions.

The lifting of the holding zone for the C3-2 and C3-8 Zones is contingent on satisfying the following conditions:

- “i. A Site Plan Agreement pursuant to the Planning Act to the satisfaction of the Township of Uxbridge;
- ii. All necessary approvals from the Lake Simcoe Region Conservation Authority, and any conditions of the Authority have been appropriately incorporated into the Site Plan Agreement and financially secured, all to the satisfaction of the Township and confirmed in writing to the Township.

The lifting of the holding zone for the C3-7 Zone is contingent on satisfying the following conditions:

- “i. All necessary agreements and approvals have been incorporated into an agreement with the Township, and where applicable the Region of Durham, and financially secured all to the satisfaction of the Township, to provide one or more of the community benefits identified in Section 4.16.5.7 a;
- ii. A Site Plan Agreement pursuant to the Planning Act to the satisfaction of the Township of Uxbridge;

- iii. The Township has approved servicing allocation for the development in accordance with the Uxbridge Urban Area Servicing Allocation Policy; and,
- iv. All other approvals respecting the development of the lands from all applicable Township, Regional and Provincial agencies and Ministries have been received and confirmed in writing to the Township.”

PLANNING STATUS:

The Zoning By-law and any amendments must be consistent with the policies of the Provincial Policy Statement, 2020 (PPS), and conform to the policies of the Growth Plan for the Greater Golden Horseshoe, Office Consolidation 2020 (Growth Plan), Durham Region Official Plan (DROP) and the Township Official Plan, as well as the Greenbelt Plan, Oak Ridges Moraine Conservation Plan (ORMCP), and Lake Simcoe Protection Plan where applicable.

The Township Official Plan provides the most detailed direction with respect to the C3 Zone. In particular, the majority of the lands are designated “Main Central Area” which is to function as the

“main concentration of urban activities within the Urban Area, providing an integrated array of community, office, service and shopping, recreational and residential uses. The Main Central Area shall also function as a place of symbolic and physical interest for the Township residents and provide identity to Uxbridge.”

However, it should also be noted that the lands adjacent to the Uxbridge Brook tributaries, including lands where the Culvert is located, have an overlay Natural Hazard designation.

With respect to height, the Official Plan establishes in Section 2.5.15.4.2, New Development, for the Main Central Area in its entirety, a minimum height of two storeys and a maximum height of four storeys. However, the Official Plan, in accordance with Section 37 of the Planning Act prior to its recent amendment, provides Height and Density Bonus Provisions in Section 3.2.6. This section permits an increase in height to a maximum height of six storeys, and a maximum density of 20% beyond the maximum in the zoning by-law, provided certain Township objectives are achieved. However, the Planning Act has since been amended, and it is no longer possible to provide for height and density bonusing.

ANALYSIS AND CONCLUSIONS:

The current extent of the (H) C3-2, (H) C3-7 and (H) C3-8 Zones, as well as the regulations for the three zones and, in particular, the requirements for lifting the holding zones, reflect information available at the time the zones were developed with respect to the impact of the Culvert. However, since the completion of the Culvert, the Lake Simcoe Region Conservation Authority (LSRCA) has been preparing revised floodplain mapping for the Uxbridge Downtown as a result of the Culvert improvements. The revised mapping is being finalized and is expected shortly. Based on the available information provided by the LSRCA, it is anticipated that this new mapping may result in

the ability for the Township to remove the holding provisions from a significant portion of the lands now zoned (H) C3-2, (H) C3-7 and (H) C3-8, at least with respect to the requirement for approval from the LSRCA as a condition for lifting the holding zone.

At the same time, as noted above, the Planning Act has been modified to remove the provisions which permit bonusing for height and density. This results in a situation where there is no ability for the Township to consider a height beyond four storeys in the Downtown. Consideration should be given to amendments to the Official Plan and/or Zoning By-law to establish criteria for consideration of development which exceeds the current maximum height. This consideration should be given not only to the C3-7 and C3-8 Zones which specifically now permit heights above four storeys based on the previous Section 37 provisions of the Planning Act, but also for the Downtown in its entirety.

RECOMMENDATION:

1. THAT Report DS-57/22, Township of Uxbridge Zoning By-law Review General Commercial (C3) Zone Update Related to Downtown Culvert Project Completion and General Height Requirements -Information Report, be received for information;
2. AND THAT Council direct Township staff and consultants to work with the Lake Simcoe Region Conservation Authority to develop amendments to Zoning By-law No. 81-19 to reflect updated mapping and other information with respect to the impacts of the Brock Street West Culvert on the Downtown;
3. AND THAT Council direct Township staff and consultants to review the changes to the Planning Act with respect to bonusing for height and density and develop amendments to the Official Plan and/or Zoning By-law No. 81-19 to reflect the results of the changes to the Act with respect to the Uxbridge Urban Area Downtown;
4. ANT THAT Council direct Township staff and consultants to make the necessary arrangements for a statutory public meeting under The Planning Act for any proposed amendments to the Official Plan and Zoning By-law No. 81-19.

Submitted by:



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