



REPORT

Development Services - Planning

TO: Planning and Economic Development Committee

FROM: Haley Dickson; Senior Planning Technician

DATE: October 21, 2019

REPORT: DS-60/24 **FILE NO. LD-04/2024**

SUBJECT: Land Division Application
Antonio Bruno
15 Jonathan Street
LT 650, BLK 53 PL 30; PT LT 651, BLK 53 PL 30 AS IN D380076
TOWNSHIP OF UXBRIDGE
Township of Uxbridge

BACKGROUND:

The subject property is designated 'Residential Area' on Schedule 'A' in the Township of Uxbridge Official Plan and is zoned Residential First Density (R1) in Uxbridge Zoning By-law 81-19. The subject land has an approximate area of 1667 m² and currently supports a single family dwelling.

Application LD-04/2024 seeks to facilitate the severance of the existing lot to two parts. The severed and retained lands will measure approximately 834 m² each in a manner outlined in Figure 1. The proposed severed and retained lots will have a frontage of 14.52m on Jonathan Street. The purpose of this application is to accommodate two detached dwellings, with one dwelling unit on the severed and the other dwelling unit on the retained lands.

15 Jonathan Street (Subject Parcel)				
	Existing	Required	Retained	Severed
Lot Area	1668 m ²	550 m ²	834 m ²	834 m ²
Lot Frontage	29.04 m	17 m	14.52 m	14.52 m

The subject lands are proposed to be severed in the manner illustrated in Figure 1.

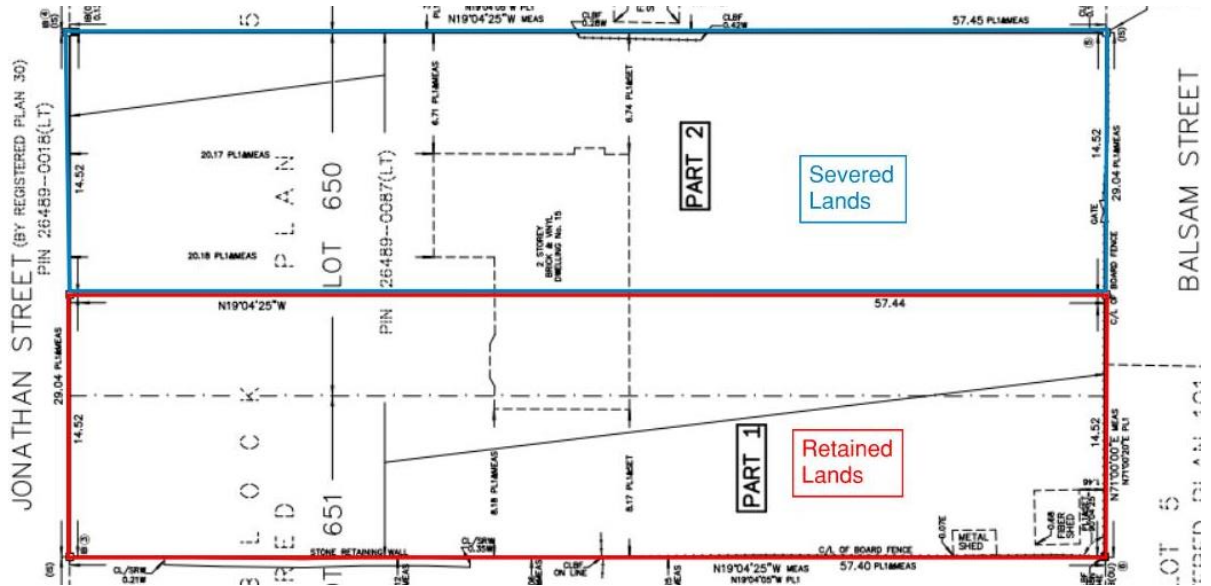


Figure 1: Severed and Retained Lots

PROVINCIAL PLANS AND POLICIES, OFFICIAL PLANS AND ZONING:

The Provincial Planning Statement, 2024:

The Provincial Planning Statement (PPS) provides policies that direct development while protecting resources of provincial interest, public health and safety; and the quality of the natural and built environment. It supports improved land use planning and management, which contributes to a more effective and efficient land use planning system. Decisions affecting planning matters must be consistent with the PPS. Applicable policies include:

- **Section 2.3.1.1** Settlement areas shall be the focus of growth and development. Within settlement areas, growth should be focused in, where applicable, strategic growth areas, including major transit station areas.
- **Section 2.3.1.3** Planning authorities shall support general intensification and redevelopment to support the achievement of complete communities, including by planning for a range and mix of housing options and prioritizing planning and investment in the necessary infrastructure and public service facilities.
- **Section 3.6.7** Planning authorities may allow lot creation where there is confirmation of sufficient reserve sewage system capacity and reserve water system capacity.

The Greenbelt Plan

The lands are designated “Towns and Villages” in the Greenbelt Plan and as such are not subject to the lot creation policies of the Greenbelt Plan.

Envision Durham - Region of Durham Official Plan:

The lands are designated “Community Areas” on Map ‘1’ of Envision Durham – Region of Durham Official Plan. The Regional Official Plan provides detailed criteria

with respect to the evaluation of applications for severances in Section 11.3. The following are relevant criteria established for the evaluation of severances in the Regional Plan:

- **Section 11.3.10** states that “It is the policy of Council to: Grant only those severances which conform with the intent of this Plan and this Plan’s designations, uses and policies, the zoning by-laws of the respective area municipality and in accordance with the Planning Act. Under no circumstances shall severances be granted that are contrary to this Plan and/or any area municipal official plan.”
- **Section 11.3.13** states that “It is the policy of Council to: Ensure all parcels of land are an adequate size for the use proposed, having regard to the topography of the land, the siting of proposed buildings and points of access. Where municipal services do not exist and are not to be provided for the development, regard shall be had to the suitability of the soil conditions to provide for an adequate potable private water supply, and for the installation of a satisfactory private sewage disposal system which complies with the standards of the Ministry of the Environment, Conservation and Parks and the Region.”
- **Section 11.3.14** states that “It is the policy of Council to: Ensure all proposed lots have frontage upon, and access to, a public road maintained by the appropriate authority as open to traffic on a year round basis and is of a standard of construction adequate to provide for the additional traffic generated by the proposed development.”

Uxbridge Official Plan:

The lands are designated "Residential Area" in the Township's Official Plan. The Residential Area policies defined in Section 2.5.5.3.1 of the Township Official Plan establish that new development “shall be evaluated based on an assessment of whether the proposal can generally maintain or enhance the following elements of the structure and character of the surrounding residential area”. Eleven criteria are established under section 2.5.5.3.1 and are as follows:

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- i. scale of development with respect to height, massing and density of adjacent buildings and structures;
- ii. nature of the streetscape as defined by such elements as landscaped areas, and the relationship between the public street, front yards and primary entrances to dwelling units;
- iii. relationship between the rear wall of buildings and rear yard open spaces;
- iv. siting of buildings in relation to abutting properties ensures there will be no significant adverse impacts with respect to loss of privacy and shadowing and that appropriate buffering can be provided;
- v. generally respects the residential lotting pattern in the immediate surrounding area;

- vi. proposed grading and stormwater management is satisfactory to the Township, and in particular, there is no impact related to these factors on adjacent properties;
- vii. development is on a public or condominium road
- viii. any proposed roads are adequate to accommodate all relevant public services including emergency services and garbage collection;
- ix. protection of trees and other natural features identified as significant by the Township, in consultation with the Conservation Authority;
- x. does not restrict or prevent orderly development of adjacent properties; and,
- xi. design of the development conforms with policies of Section 2.4, Community Design and enhances the immediate surrounding area.”

In addition, Section 2.2.5.2(i) indicates that “All new development in the Uxbridge Urban Area as identified on Schedule “A” to this Plan, shall be serviced by the municipal sewage collection and treatment system. No building permits shall be issued until available sanitary sewage capacity has been confirmed by the Regional Municipality of Durham and allocated by the Township.” Furthermore, Section 2.2.6.2 indicates that new development “in the Uxbridge Urban Area as identified on Schedule “A” to this Plan, shall be serviced by the municipal water supply and distribution facilities. No building permits shall be issued until available water capacity has been confirmed by the Regional Municipality of Durham and allocated by the Township.”

Uxbridge Zoning By-law 81-19

The lands are zoned “Residential First Density (R1) Zone” The R1 Zone establishes a minimum lot frontage requirement of 17 meters and a minimum lot area requirement of 550 square meters. Both the retained and the severed lots in application LD-04/2024 will not be able to meet the minimum lot frontage requirements as outlined in the R1 Zone and will require relief either by way of a minor variance.

AGENCY COMMENTS:

Comments were received from Central Lake Ontario Conservation Authority, Lake Simcoe Region Conservation Authority, The Ministry of Transportation Ontario, Enbridge Gas, Durham District School Board, Bell Canada and Hydro One. None of the comments received objected to the approval of the application.

Comments were received from the Region of Durham Planning and Economic Development Department, which did not object to the approval of the application provided conditions included in their October 16, 2024, letter were included in Council’s decision.

Comments were received from the Region of Durham Health Department, which did not object to the approval of the application provided conditions included in their April 11, 2024, letter were included in Council’s decision.

Further comments were received from Region of Durham Works Department, which did not object to the approval of the application provided conditions included in their October 16, 2024, letter were included in Council's decision.

ANALYSIS:

The key tests as to the appropriateness of the proposed severance are the policies outlined in the Region of Durham Official Plan, and the criteria for new development in existing residential areas in the Uxbridge Urban Area Secondary Plan.

The proposed severance would create 2 lots within the Uxbridge Urban Area. The proposed development on the lots can be designed in such a way that there would be no impacts on drainage, servicing or the natural environment. As a result, the proposed severances would meet the key tests as outlined in the Region of Durham Official Plan.

With respect to the criteria in the Uxbridge Urban Area Secondary Plan, in evaluating the proposed severances consideration must be given to the development of the proposed lots and whether such development can be designed to satisfy the criteria as outlined in the Plan.

In light of the foregoing, it is satisfied that the application LD 04/2024 for consent is consistent with the policies of the Provincial Policy Statement and maintains the intent and purpose of the policies of the Official Plan and can be supported from a planning perspective, contingent upon fulfillment of specified conditions.

RECOMMENDATION

THAT Report DS-60/24 of Haley Dickson, Senior Planning Technician regarding Land Division Application LD 04/2024 known as 15 Jonathan Street be received for information;

AND THAT Having reviewed and considered all the agency comments as well as hearing any oral submissions, Council move that application LD 04/2024 be approved as applied for subject to the following conditions:

Conditions:

1. That the owner/applicant satisfy the Township of Uxbridge financially and/or otherwise, including, but not limited to, any costs incurred by the Township during the review and approval of this consent application.
2. That the owner/applicant ensure that the affected parcels satisfy any applicable requirements of the Township of Uxbridge Zoning Bylaw 81-19, as amended, and that the owner/applicant shall provide the Township with written confirmation signed by an O.L.S. that the lots conform with the Township of Uxbridge Zoning Bylaw 81-19, as amended.

3. That the applicant satisfy the requirement of the Regional Planning and Economic Development Department's letter dated Wednesday, October 17, 2024.
4. That the applicant satisfy the requirement of the Regional Health Department's letter dated Thursday, April 11, 2024.
5. That the applicant satisfy the requirement of the Region of Durham Works Department letter dated Wednesday, October 16, 2024.
6. That the applicant submit two copies of a registered plan on the subject parcel.
7. That the consent be subject to the following periods:
 - Last date for fulfilling Conditions is Wednesday, October 21, 2026.
 - Expiry Date of Application LD 04/2024 is Monday, November 23, 2026.
8. The applicant shall enter into a consent agreement with the Township of Uxbridge in accordance with Section 53 of the Planning Act, including approval by the Township of plans showing the locations of buildings and structures in relation to buildings on abutting lots, as well as drawings which may include, elevation and cross-section views, as well as addressing any stormwater management and grading requirements. And that in addition, this agreement shall ensure that tree removal and compensation requirements are implemented with the intent to ensure that the Residential Area policies in Section 2.5.5.3.1 of the Uxbridge Urban Area Secondary Plan with respect to established residential areas are appropriately addressed in accordance with the applicants' submission and the recommendations of this report.

Clearing Agencies

9. That prior to the signing of the certificate by the Director, Development Services that the consent has been given, the Director, Development Services is to be advised in writing by the Township of Uxbridge Development Services Department that conditions #1-2, 5 and 7 have been carried out to its satisfaction.
10. That prior to the signing of the certificate by the Director, Development Services that the consent has been given, the Director, Development Services is to be advised in writing by the Regional Planning and Economic Development Department that condition #3 has been carried out to its satisfaction.
11. That prior to the signing of the certificate by the Director, Development Services that the consent has been given, the Director, Development Services is to be advised in writing by the Regional Health Department that condition #4 has been carried out to its satisfaction.
12. That prior to the signing of the certificate by the Director, Development Services that the consent has been given, the Director, Development Services

is to be advised in writing by the Region of Durham Works Department that condition #5 has been carried out to its satisfaction.

13. That prior to the signing of the certificate by the Director, Development Services that the consent has been given, the Director, Development Services is to be satisfied that the time periods outlined in condition #6 have been adhered to.

Advisory Comments

1. Once all of the conditions contained in this Decision are fully satisfied by the applicant, the applicant's solicitor must prepare and forward the legal document(s) with the applicable stamping fee to the Township of Uxbridge's Development Services Department, to the attention of the Director, Development Services for review and approval with stamping. The document(s) will be returned to the solicitor for registration purposes. Failing receipt by the Director, Development Services of the Deed Package by the requisite date, the application shall be deemed expired and shall lapse.

Respectfully Submitted by:

Haley Dickson

Haley Dickson
Senior Planning Technician
Township of Uxbridge