

August 31, 2023

Joanna Bowes, Director of Development Services
Town of Perth
80 Gore Street East
Perth, ON K7H 1H9

**RE: Proposed Zoning By-Law Amendment
Vacant lots off Harris Street
Part Lot 2, Concession 2
Perth, Ontario
Owners: John Regan Lee and Sheila Vera Lee**

Dear Ms. Bowes,

ZanderPlan has been retained by the property owners to assist with a Zoning By-Law Amendment for the two properties located on a private lane located off Harris Street. The proposed amendment will seek to re-zone the subject lands from Residential Fourth Density (R4-23) to Residential Fourth Density – Exception (R4-x) to permit the construction of 2, 16-unit apartment buildings with associated parking and amenity space on the two subject properties. Each property is rectangular in shape and resides within an area of mixed density residential buildings along Harris Street and Garden Avenue. Access to the two lots is provided via a 15.5m right of way off Harris Street and will eventually be converted to a municipal road, where sewer and waterman connections will run. The proposed development of the lot is seeking a Zoning Amendment with exceptions which will be outlined in the Zoning section of this report.

SITE LOCATION

The subject property is located South of Highway 7 and east of Drummond Street, known as Part of Lot 2 Concession 2 in the Town of Perth (Figure 1). The subject properties reside within the Settlement Area of the Lanark Official Plan and within the Residential Designation of the Town of Perth Official Plan and Fourth Density Residential in the Zoning By-Law. The properties are located at the end of a private right of way located off Harris Street, leading to a large forested area abutting the Canadian Pacific Railway. The two properties maintain a frontage of 51.8m each including the width of the easements, and an approximate depth of 34.1m, including the existing easements identified between the lots. There are no natural heritage features identified on the lots and the future buildings will be serviced via municipal services, as described in the attached servicing report. The two properties abut a Residential Third Density lot to the east and a Residential Fourth Density lot to the north west, fronting onto Harris Street. Most other

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surrounding lots are zoned Residential First Density consisting of single detached dwellings. The proposed amendment from R4-23 to R4-x will intensify the under-utilized and vacant lots, and provide mid-rise apartments, contributing to a mix of housing types and densities in the area.



Figure 1. Aerial Image of the Subject Property

PROVINCIAL POLICY STATEMENT, 2020

The Provincial Policy Statement (PPS, 2020), created under the authority of Section 3 of the *Planning Act*, identifies matters of Provincial interest which must be considered when planning applications are filed in Ontario. Approval authorities are required to ensure that decisions on planning matters are consistent with these policies.

The proposed development is consistent with **Section 1.0** Building Strong Healthy Communities, as it presents opportunities to contribute to a range and mix of housing types and densities, utilizing vacant lots in an existing developed area, using land and connecting to existing infrastructure networks efficiently (1.1.1b). The proposed residential development is not anticipated to cause or create any environmental or public health and safety concerns and would be considered a compatible use to the surrounding residential uses (Sec 1.1.1c). The new

apartment buildings will not affect any of the settlement boundaries or prevent further expansion of these boundaries as it will be placed on existing lots within the Town of Perth (Sec. 1.1.1d). The development fronts onto an existing right of way, which will be municipally owned in the future, and connects to an established road with connectivity to major corridors in and out of the Town, providing intensification within a transit-supportive area (Sec. 1.1.1e). The nature of the lots and the established surroundings ensures the necessary infrastructure is readily available and easily accessible for the projected needs (Sec. 1.1.1e). Ultimately, the request to develop 2, 16-unit apartment buildings on the two subject properties will contribute to a healthy, liveable and safe community within the Town of Perth.

Section 1.1.2 speaks to the municipalities requirements to make sufficient land available to accommodate a range and mix of land uses to meet the projected needs for a time horizon of up to 25 years. Where, *“within settlement areas, sufficient land shall be made available through intensification and redevelopment and if necessary, designated growth areas”*. The two proposed 16-unit apartment buildings are consistent with the intensification policies of the PPS.

Section 1.1.3 speaks to Settlement Areas as the focus on growth and development, relying on vitality and regeneration of the communities for long-term economic growth (Sec. 1.1.3.1). The proposed development will efficiently use land and resources (Sec. 1.1.3.2a), while continuing to maintain proper infrastructure and servicing adequate for the site and use (Sec.1.1.3.2b). The 16 dwelling units per lot will create new opportunities for compact/intensified living compared to the surrounding single detached dwellings, minimizing negative impacts to air quality and promoting energy efficiency (Sec. 1.1.3.2c). The intensification of the lots contributes to minimizing the effects of climate change and urban sprawl (Sec. 1.1.3.2d). Access to the subject property falls within close proximity to Highway 7 and Drummond Street, making it easily accessible for any future transit plans (Sec. 1.1.3.2f).

Section 1.2.6 speaks to Land Use Compatibility, noting that *“Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects”*. The proposed buildings do not meet the definition of a major facility as defined by the Provincial Policy Statement. The location of the two apartment buildings does fall within close proximity of the Canadian Pacific Railway. A Noise Impact Study has been performed with listed mitigation measures to ensure anticipated noise from traffic and the railway corridor will not negatively impact its future residents. There are not anticipated to be any other adverse effects expected from contaminant discharges, odour, or other public health risks from the proposed development or surrounding uses (Sec. 1.2.6). Further, the subject property is not located in proximity to any other major facilities that would result in a conflict with the proposed development.

Section 1.4 speaks to housing, where an appropriate range and mix of housing options and densities are required. The lots are currently vacant and under-utilized, where the proposal will provide 16 new units per lot, accommodating future residential growth. The proposed apartment buildings will also contribute to providing a range of living accommodations and a mix of densities within the residential area of Perth.

Section 1.6.6 of the PPS speaks to sewage, water and stormwater. As the subject site falls within the settlement area, municipal sewage and water services are typically the preferred form of servicing. The existing surrounding neighbourhood is connected to municipal services with connections available on Isabella Street and Harris Street for new infrastructure lines to be implemented throughout the subject area. A servicing study has been performed outlining stormwater, sanitary and water services and is submitted with this application.

Section 1.6.7 of the PPS speaks to transportation systems, noting connectivity among transportation systems should be maintained. The proposed development will front onto the existing right-of-way where it connects to Harris Street. The 15.5m right-of-way will become a municipally owned road, and a Traffic Impact Study has been performed to ensure the existing surrounding transportation networks can accommodate the predicted traffic. No foreseen implications are predicted to arise due to the proposed development and the roads shall continue to facilitate the movement of people and goods in a safe and energy efficient manner.

Section 1.8 of the PPS speaks to Energy Conservation, Air Quality and Climate Change with an emphasis on energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the impacts of a changing climate through land use and development patterns. The apartment buildings promote intensified living, offering a variety of residential units and emphasizing energy conservation. The location and orientation of the building will maximize energy efficiency while proximity to local amenities will support active transportation.

Section 2.1 of the PPS speaks to Natural Heritage requiring natural features and areas to be protected for the long term. There are no natural heritage features identified on or surrounding the existing lot.

Section 2.2 of the PPS speaks to water. No significant water resource areas are identified on or surrounding the lot. As noted, the proposed development will connect to municipal water and stormwater networks. **Section 2.3** speaks to agriculture. The subject property is within a Settlement Area with no identified agricultural lands. **Section 2.4** of the PPS speaks to minerals and petroleum. The subject site does not contain any known significant minerals or petroleum resources that need to be preserved. **Section 2.5** speaks to mineral aggregate resources; there

are no known mineral aggregate resources on or within close proximity to the subject site. **Section 2.6** of the PPS speaks to cultural heritage and archaeology; there are no known cultural heritage or archaeological resources on or within close proximity to the subject site.

Section 3 of the PPS speaks to protecting public health and safety. The subject site does not contain any natural hazards such as flooding and erosion hazards. No other known public health and safety hazards are identified on the property or man-made hazards pursuant to the policies of Section 3.2.

Overall, the proposed development of a 2, 16- unit apartment buildings is consistent with the policies in the 2020 Provincial Policy Statement.

LANARK COUNTY OFFICIAL PLAN

The subject property is designated within the Settlement Area on the Lanark County Official Plan Schedule A –Land Use, with no identified constraints on Schedule B.

Section 2.0 of the Lanark County Official Plan sets forth policies and objectives for Settlement Areas. It is an objective within the Official Plan that Settlement Areas *“are intended to create a planning framework which will encourage and support diversified, mixed use settlement areas which have developed on the basis of full or partial municipal services or which are planned population centres to be developed on the basis of sustainable private services”*. The subject site falls within the Settlement area of Perth with the proposed development having no impact on expanding or affecting the limits of the settlement area as identified on Schedule A. The development proposal would intensify a land use within the established settlement area, as the subject properties have the space to accommodate the new buildings and parking with connections running to existing municipal services located on Isabella and Harris Street. The proposed development will allow the area to accommodate future growth and demands while continuing to adhere to the appropriate land use policies. The proposed buildings are a form of efficient development and will optimize the use of the available resources of the lot while providing a new range and mix of 32 dwelling units to the area.

Section 4.3.4 speaks to the Local Roads and ensuring the main function of the roadway as an efficient transportation artery is maintained. The proposed development resides on a private right-of-way connecting to a local road. These local roads have access to Highway 7, Drummond Street and County Road 43, arterial roads within Perth. The proposed buildings are not anticipated to impede or impact the existing traffic patterns. A Traffic Impact Study has been completed where the full report shall be submitted as an attachment of this application.

Section 4.4 speaks to the general policies in regards to water, waste water and stormwater services. The development will not lead to or result in unplanned expansions to water and waste water infrastructures as the proposal will connect and run to existing municipal services. A site servicing report has been completed where the full report shall be submitted as an attachment of this application.

Overall, the proposed development meets the intent of the policies of the Lanark County Official Plan.

TOWN OF PERTH OFFICIAL PLAN, 2019

The Town of Perth's Official Plan strives to balance the aspirations of Perth within the broader context of Provincial interests as espoused in the Provincial Policy Statement, with the goal to provide appropriate decision-making framework for land use development within the Town. The subject property falls within the Residential Area of the Town with no development constraints as seen on the Official Plan Schedules.

Section 3.1 speaks to population where Perth's proximity to Ottawa and Kingston expects to expand the population and the economic diversity of its residents. This growth requires additional housing for the projected needs of the Town. The apartment buildings will contribute to increasing the availability of housing units within a mature residential area of Perth.

Section 3.2 speaks to housing where intensification will be focused to the downtown, converted institutional buildings, second units in dwellings and large lots in established neighbourhoods. The subject properties are currently vacant lots located within an established neighbourhood. The proposed development complies with the housing intensification policies and will contribute to the character of the surrounding neighbourhood.

Section 5.2 speaks to sewage and water, where all new development is to be serviced by municipal water and sewer services. The proposed development will connect to existing infrastructure surrounding the site. Details, data and sketches of the servicing layout can be found in the attached servicing report prepared by Novatech.

Section 5.5.5 speaks to laneways and private roads which generally perform the same function as local roads aside from being privately maintained. The function of the existing right-of-way, will continue as is, with intentions of becoming municipally owned once development ensues. Future use of the road will provide adequate access to the new development on a year round maintained road.

Section 8.1.3 speaks to the Residential Area with the main objectives of the designation to provide an appropriate range and mix of housing types, through compact, energy efficient and fully serviced development, emphasizing infill and intensification projects. *“Any new development within the residential area shall maintain ground-oriented housing, and ensure built form, massing and profile of new and redeveloped housing is well integrated and compatible in design with the existing housing”*. The proposed buildings adhere to the general objectives of the residential area by providing new fully serviced units in apartment buildings cohesive in size and height with the surrounding neighbourhood, where landscaped buffers and fencing shall be present between different density types in order to appropriately buffer the housing.

Section 8.1.3.2 speaks to the permitted uses of the Residential Area, noting that housing is directed towards a range and mix of housing types and densities sufficient to meet freehold and rental markets in addition to permitting accessory apartment or second units. The proposed apartment buildings will contribute to the mix of housing, offering apartments directed towards the rental market.

Section 8.1.3.3 speaks to housing supply, the Official Plan states that council will *“proactively work with landowners in the community to facilitate residential land development through residential intensification”*. The proposal is an intensified development, which shall be supported as it increases density without affecting surrounding properties and boundaries.

Section 8.1.3.5 speaks to the housing mix, where neighbourhoods are intended to feature a variety of housing types, values and occupancies. The proposed apartment buildings are designed to ensure compatibility with the surrounding varying densities while offering a higher density building, ultimately creating a cohesive mix within the neighbourhood. All required parking will be accommodated within the subject properties.

The proposed apartment buildings located off of Harris Street aligns with the policies set out in the Town of Perth’s Official Plan and will aid in providing additional residential units for future growth projections within the Town.

TOWN OF PERTH ZONING BY-LAW NO. 3358 (2022 consolidation)

The subject property is currently zoned Residential Fourth Density (R4-23) in the Town of Perth Zoning By-Law. At this time, the lots are both vacant where the existing zoning exception allows for apartment buildings with a maximum number of 6 units and a maximum of 16 units across all the lots subject to the R4-23 zone. The proposed development of the 2, 16-unit apartment

buildings require a zoning amendment from R4-23 to a new R4-exception zone, with exceptions listed below, to accommodate the proposed development of the lots.

Section 4.2 speaks to amenity space where 9m² per unit of amenity space shall be provided for apartment buildings exceeding 10 units. The apartment buildings are proposing a total of 16 units each, requiring a total of 144m² per lot for amenity space. There is over 160m² of open outdoor space located to the rear of each lot. This space could easily accommodate the required 144m² of amenity area required for a 16-unit apartment building.

Section 4.24 speaks to landscaped open space, planting strips and visual buffers. As the parking requires more than 4 spaces, abuts a residential lot and the proposed use consists of an apartment dwelling at least 3 storeys in height, a landscape strip of 6m or more is required along the rear and side lot lines. The width of these strips can be reduced to 1.8m where a buffer strip of 1.8m in height, comprised of a solid wood or opaque fencing is proposed. To utilize as much of the property as possible, a 1.8m fence is proposed, reducing the landscape buffers surrounding the properties to 1.8m complying with the landscape/ visual buffer provisions.

Section 4.28 speaks to lot coverage in regards to impervious surfaces where the maximum area of a lot that may be covered by impervious surfaces in a residential zone shall be 60%. Both lots will slightly exceed the maximum permitted impervious surface area. This percentage is comprised of the parking of both cars and bicycles, building footprint and the walkway around the buildings. An exception to Section 4.28 regarding impervious surfaces will be required for the development of the two lots.

Section 4.30.3 speaks to noise and vibration, where new residential development located within 250m of a railway requires a noise and vibration study. A Noise Assessment Report has been completed and is submitted alongside this application. The minimum setback from a rail corridor is 60m, where the closest edge of the second property is located over 70m from the railway corridor.

Section 4.35.4 speaks to driveways where Table 9 indicates a minimum driveway width of 6.1m for two lane traffic for a building with 4 or more units. There are two proposed driveways for each lot, permitted for R3 & R4 properties. One driveway measures 6.1m leading to the required parking and visitor parking and the second driveway is 7.3m in width and includes Type A and Type B Barrier free parking with a 1.5m aisle way, located in the front yard. The spacing between each driveway exceeds 2.4m, the minimum space required, complying with the driveway provisions.

Section 4.35.15 speaks to bicycle parking where any apartment dwelling with 5 or more units shall provide 5 bicycle parking spaces. The site plan has accommodated for the required 5 bicycle spaces located at the rear of the property, accessed by the proposed 1.5m walkways around the building.

Section 4.36 outlines the required parking of 1.5 spaces per unit, and visitor parking to be 15% of the required parking. Minimum requirements for parking shall allocate 1 space per dwelling unit. There are a total of 16 units proposed comprising of 2 bedroom units. The required parking is calculated as follows:

16 units x 1.5 spaces/unit = 24 parking spaces
Plus 24 spaces x 0.15 = 3.6 spaces for Visitor parking
Total required parking = 27.6 (28) spaces

The proposed lot layouts can accommodate a total of 24 parking spaces, where 2 of the spaces are designated as barrier free. This allocates 1.25 spaces per unit after designating the 4 spaces for visitor parking. An exception to the required parking spaces is required to support the proposed development.

Section 4.39 speaks to railway setbacks as the subject property falls within close proximity to a railway. noted, the railway is located over 70 metres away, complying with the 30 metre setback requirement for development.

Section 4.49 speaks to water and sewage disposal services as the proposed development will require municipal connections to the existing surrounding infrastructure. A site servicing report has been completed outlining the capacity and viability of the proposed development.

Section 9 speaks to the Residential Fourth Density Zone (R4) zone and the permitted uses as listed below.

- Multiple Dwelling Unit
- Row or Townhouse Dwelling
- Stacked Townhouse Dwelling
- Apartment Dwelling**
- Converted Dwelling
- Rooming House
- Public Use or Public Service

Section 9.2 speaks to the Zone Requirements:

Provision	Required	Proposed 1	Proposed 2
Minimum Lot Area	464.5m ² for first four units, 46m ² for each additional =1016.5m ²	1,570.7m ²	1690.5m ²
Lot Frontage	7.5m	45.8m (Not including Easements)	48.8 (Not including Easements)
Min. Front Yard	6m	9.9m	10.1m
Min. Rear Yard	7.5m (from R4-23)	7.6m	7.6m
Min. Int. Side Yard	4.5m (>3-storeys)	4.5m	4.5m
Ext. Side Yard	4.5m	N/A	N/A
Lot Coverage	Max 35%	24.65 %	24.43 %
Minimum Landscaped Open Space	35%	37.22 %	36.59 %
Maximum Impervious Surface	60%	62.67%	62.35%

As indicated in the above chart, the proposed buildings comply with a majority of the zone provisions, with the exception of parking and impervious surface maximums. The requested zoning amendment is looking to rezone from R4-23 to a new R4-x zone to permit more than 6 units per apartment dwelling and eliminate the maximum number of 16 units over all R4-23 zones. The following exceptions are requested:

R4-x Residential Fourth Density Exception - X:

1. Lot frontage on a private road will be deemed equivalent to a public street for frontage.
2. Apartment dwellings with a maximum of 16 units and a minimum of 24 parking spaces per lot shall be permitted in the R4-x zone.
3. Notwithstanding the provisions of Section 4.28 regarding Impervious Surfaces, a maximum of 63% impervious surface shall be permitted on each lot.

SERVICING REPORT

A servicing report and plans were completed in June of 2023 by Novatech Engineering to evaluate the servicing adequacy of the site for the proposed phases of apartment buildings. The report analyzed the existing and proposed conditions of the roadways, grading, erosion and sediment control, sanitary sewers, water and stormwater management, to speak to the future servicing of both the subject properties and the abutting vacant residential lands which will share the servicing. A 6m sanitary sewer easement will be provided for servicing purposes. Access to the site is located off Harris Street where a 15.5m right of way is provided which will lead to a cul-de-sac and will become a municipally owned road. Sanitary sewers will be run along this stretch of road, within the easement, leading across the southeast end of the site to connect to the existing Isabella Street maintenance hole. All sanitary flow is directed to Garden Avenue. Similarly, the proposed watermains will have two separate connection points from Isabella Street and Harris Street and will be serviced by 200mm diameter watermains. Stormwater will also flow similar in nature, where all runoff and stormwater sewers will be directed to Isabella Street. Stormwater will be collected via curb inlet catch basins and directed to a new headwall and outlet to the existing marshland adjacent to the existing headwall provided for the Perthmore subdivision located to the east. Future phases of development will require a ditch inlet catch basin, capturing major systems above the 2-year storm event and will direct flow to the minor system. To summarize, the proposed infrastructure for the multi-phase development complies with the Town of Perth design standards. The full report containing all data and analysis can be found as an attachment as part of the Zoning Application.

TRAFFIC IMPACT STUDY

A Traffic Impact Study was prepared in August of 2021 by Castleglen Consultants for the proposed phased development, including the future development of the abutting residential parcel to a total of 143 residential units across 6 mid-rise buildings. The traffic study includes a review of background traffic conditions, anticipated impacts on traffic operations, a site traffic forecast to reflect a typical weekday morning and afternoon at peak times and an intersection capacity analysis. The proposed development of the total area is bound by Garden Avenue, Harris Street and the CP Rail corridor. All access to the proposed development would be located off of Harris Street, with a stop controlled north bound approach for the south leg of access. Harris Street is an east-west local road with no sidewalks and connects the residential dwellings from Perthmore Street to Garden Avenue. The western limits transition to a pedestrian pathway connecting to Drummond Street. The study considered the various surrounding intersections that could possibly be affected and have identified them within acceptable traffic operational performance measures. The expected traffic volumes generated by the future 143 units predicts 59 two-way trips during the morning peak hour and 72 two-way trips during the afternoon peak hour. The

observed intersections shall continue to operate appropriately with the expected increase during the 2024-2029 forecast horizon years. The complete data and results can be seen within the full report which is submitted as an attachment. Ultimately the increase from the proposed development is expected to have a negligible impact on the operations of the intersections and current traffic conditions of the area and surroundings.

NOISE ASSESSMENT REPORT

A Noise Assessment Report was prepared by BT Engineering on September 2019 to determine the impact of both roadway and rail noise to the proposed residential buildings. The analysis took into consideration traffic input from Drummond Street as well as the Canadian Pacific Railway, where a volume of 4,330 vehicles/day and 11 trains between 0700 and 2300 and 5 trains between 2300 and 0700 were observed. Additionally, a 2% growth rate per year was used to forecast traffic volumes. Variables such as topography, existing attenuation, ground surface, distance, angle, height, speed limit, woods depth, and grade were also considered for the calculation of future sound levels. Based on the noise analysis, the outdoor day-time noise levels will be approximately 67dBA, exceeding the threshold of 60dBA. Mitigation measures such as air conditions, warning clauses, sound proof construction materials for exterior walls, and noise barriers are required in order to adhere to the Ministry of the Environment, Conservation and Parks' noise criteria. The full list of mitigation measures, barrier design recommendations and noise data can be viewed in the attached report.

SUMMARY

The owners are seeking a Zoning By-Law Amendment to rezone two properties off of Harris Street from an R4-23 to a new R4-exception zone, to develop a 4 storey, 16-unit apartment building on each lot. The properties front to an existing private right-of-way with future intentions of being municipally owned. Parking will be located to the side of both buildings with barrier free parking located in a second driveway in the front yard. The buildings will connect to municipal services and provide adequate parking, landscaped open space requirements and amenity space for the proposed units. The surrounding residential densities create a cohesive mix of residential dwellings within a central area of Perth, providing intensification without requiring lot expansion. The proposed apartment buildings are consistent with the policies in the 2020 Provincial Policy Statement, and meet the intent of the policies in the Lanark County Official Plan and Town of Perth Official Plan and comply with a majority of the Zoning By-Law requirements.

The following lists the requested exceptions to the new Fourth Residential Zone:

R4-x Residential Fourth Density Exception - X:

- 1. Lot frontage on a private road will be deemed equivalent to a public street for frontage.*
- 2. Apartment dwellings with a maximum of 16 units and a minimum of 24 parking spaces per lot shall be permitted in the R4-x zone.*
- 3. Notwithstanding the provisions of Section 4.28 regarding Impervious Surfaces, a maximum of 63% impervious surface shall be permitted on each lot.*

Should you require any additional information please do not hesitate to contact the undersigned.

All respectfully submitted by:



Tracy Zander, M.Pl, MCIP, RPP