

To: COUNCIL

Meeting Date: 12/5/2023

Subject: 23-335-CD Recommendation Report – Temporary Use Zoning By-law Amendment – 4220 Fountain Street North

Submitted By: Sylvia Rafalski-Misch, MCIP RPP, Manager of Development Planning, Lisa Prime, MCIP RPP Chief Planner

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Report No.: 23-335-CD

File No.: R13/23

Wards Affected: 1

RECOMMENDATION(S):

THAT Report 23-335-CD Recommendation Report – Temporary Use Zoning By-law Amendment – 4220 Fountain Street North be received;

AND THAT Council approves the Zoning By-law Amendment to amend the zoning on the site from Agricultural - (E)A1 and Rural Residential - RR1 to Agricultural - (E)A1 and Rural Residential - RR1 S.4.3.13TU with site specific provisions to facilitate the development of a temporary sales office for a period of three years;

AND THAT Council is satisfied that the requirement for a public meeting in accordance with subsection 34(17) of the Planning Act has been met;

AND FURTHER THAT the By-law to amend Zoning By-law No. 150-85, attached to Report 23-335-CD, be passed.

EXECUTIVE SUMMARY:

Purpose

The purpose of this report is to provide a recommendation on the proposed Zoning By-law Amendment to facilitate the construction of a temporary use sales office to be used to market, sell, or lease new dwelling units or non-residential units to the general public within Madison Group's future residential development.

Key Findings

- The proposed sales office will be temporary in nature, uninhabited, and will be used to market the future development within Madison Group's draft plan of subdivision, proposing a range of residential and mixed use land uses.
- The proposed temporary sales office conforms with Official Plan policy 10.5, which enables the City to enact a Zoning By-law to authorize the temporary use of land, buildings, or structures for any purpose for a period not exceeding three years.

Financial Implications

- A planning application fee in the amount of \$16,800 has been paid to the City of Cambridge to process the Temporary Use Zoning By-law Amendment application. A portion of the application fee (50% of the total fee paid) will be subject to a refund as per Bill 109 as staff have not been able to prepare a recommendation report for a Council decision on this application within the 90-day Planning Act timeframe, which passed on November 1st, 2023.
- City and Regional Development Charge fees will be collected as required prior to building permit issuance.
- Any further costs associated with the development of the site are to be borne by the applicant.

STRATEGIC ALIGNMENT:

☐ Strategic Action

OR

☒ Core Service

Program: Development Approvals

Core Service: Official Plan and Zoning By-law Amendments

BACKGROUND:

The subject property is municipally addressed as 4220 Fountain Street North and is legally described as Part of Lot 1 (AKA Bricker LT) Beasley's Middle Block (TWP of Waterloo), in the City of Cambridge, Regional Municipality of Waterloo.

The subject property is included in the overall Madison Group proposed Draft Plan of Subdivision, which is intended to facilitate the development of a mixed-use residential community. The proposed development of the sales centre is located on a parcel in the southeast corner of the Madison lands at the intersection of Fountain Street North and Middle Block Road. The subject property has an approximate area of 24,171 square metres or 2.42 hectares and currently contains an existing vacant dwelling.

An aerial image of the subject property is provided in Figure 1.



Figure 1: Aerial Image of the Subject Lands

Surrounding Land Uses

The subject property is located within an existing rural/agricultural area of the City with sporadic rural residential lots and rural commercial properties surrounding the lands.

EXISTING POLICY / BY-LAW(S):

City of Cambridge Official Plan, 2012, as amended:

Existing Land Use Designation(s): Countryside and Prime Agricultural as per Maps 1A and 2 in the City's Official Plan.

The existing land use designation in the City's Official Plan is shown on Figure 2.

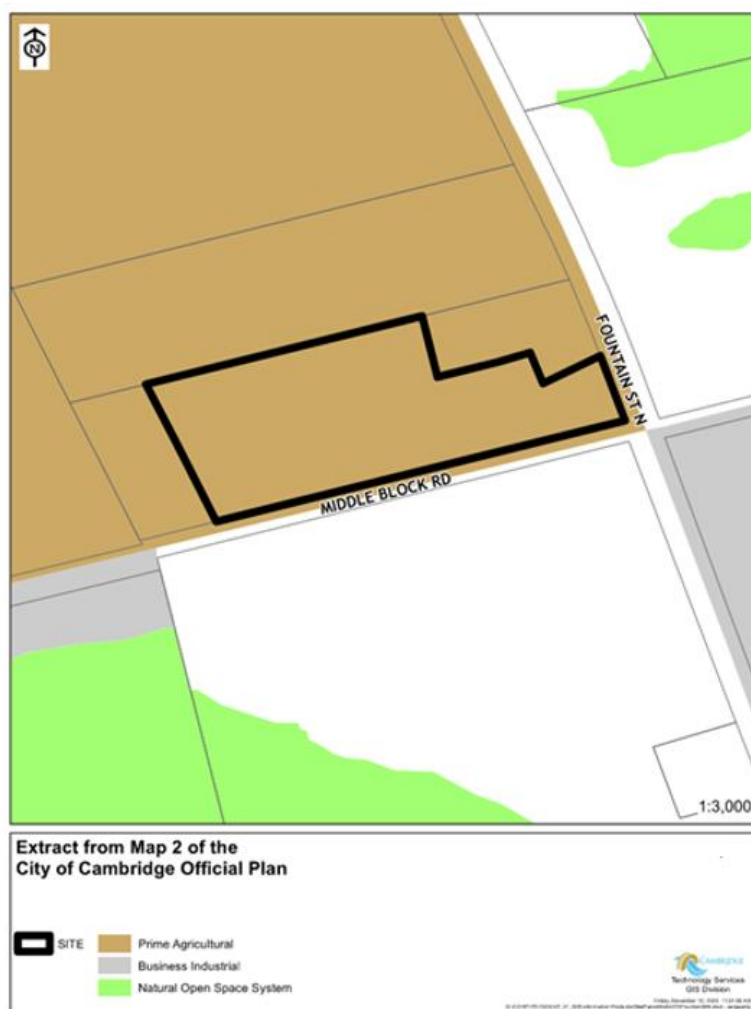


Figure 2: Existing Land Use Designation in the City Official Plan

City of Cambridge Zoning By-law No. 150-85, as amended:

Existing Zoning: Agricultural - (E)A1 and Rural Residential - RR1

Proposed Zoning: (E)A1 and RR1 S.4.3.13TU

Proposed Site-Specific Zoning Provisions:

Development Standard	Existing Zoning By-law No. 150-85 – RR1 Requirements	Proposed Zoning Standards
1.1.1 – Definitions	No definition for a Temporary Sales Office	Establish the following definition: Temporary Sales Office –

Development Standard	Existing Zoning By-law No. 150-85 – RR1 Requirements	Proposed Zoning Standards
		means a temporary stand-alone uninhabited building used to market, sell, or lease new dwelling units or non-residential units to the general public.
2.2.1 – Required Parking Facilities	No standard for a Temporary Sales Office	To establish a parking rate of 1 space per 30 square metres of Gross Floor Area.
2.1.12 – Temporary Buildings or Structures	Temporary Sales Office only permitted on a construction site or in a plan of subdivision	To allow a Temporary Sales Office on a site that is not yet within a draft approved or registered plan of subdivision.

The existing and proposed zoning is shown on Figures 3 and 4 below.



Figure 3: Existing Zoning Map



Figure 4: Proposed Zoning Map

ANALYSIS:

The applicant has submitted a Temporary Use Zoning By-law Amendment application to the City of Cambridge to facilitate the construction of a temporary sales office in the northwest quadrant of Middle Block Road and Fountain Street North. The proposed temporary sales centre will have a footprint of approximately 517 square metres in size and will be served by 32 at-grade parking spaces. The site will have vehicular ingress/egress accesses via Middle Block Road. Figure 5 below illustrates the proposed Site Plan for the lands.

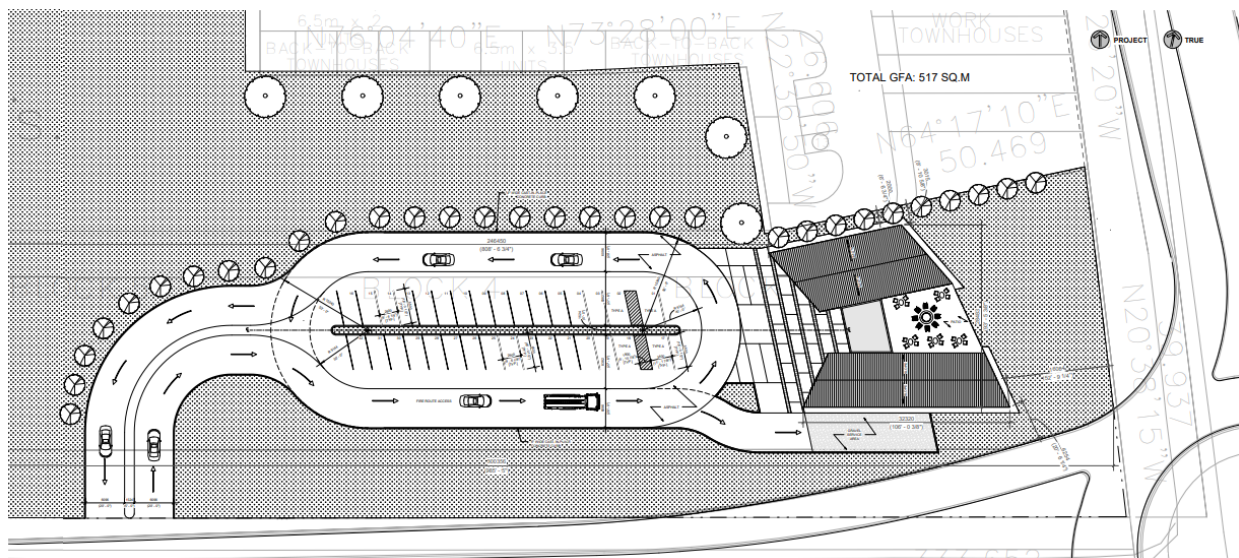


Figure 3: Concept Plan for the Subject Lands

The proposed temporary sales office will be used to market, sell, or lease new dwelling units or non-residential units to the general public. Madison Group have also submitted applications for a Draft Plan of Subdivision (30T-23103) and Zoning By-law Amendment (R12/23) for their 52.43-hectare property north of Middle Block Road to facilitate the future development of a mixed-use residential community. The lands subject to this Temporary Use Zoning By-law Amendment are located within the proposed Draft Plan of Subdivision that is currently under review.

Policy Overview

The subject lands are designated “Countryside” and “Prime Agricultural” in the City’s Official Plan and are also located within the draft North Cambridge Secondary Plan (NCSP) area. Lands within the NCSP area are intended to accommodate future residential and commercial growth within the City’s greenfield area north of Middle Block Road. The proposed Temporary Use Zoning By-law Amendment application has been submitted in conjunction with Madison Group’s proposed Draft Plan of Subdivision and corresponding Zoning By-law Amendment.

Policy 10.5 of the City of Cambridge Official Plan enables the City through a Zoning By-law Amendment to authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited by the Zoning By-law for a period not exceeding three years from the day of the passing of the By-law. A Temporary Use By-law must satisfy the criteria that is outlined in Section 10.5.2 of the Official Plan, which includes:

- a) The use is in general conformity with the intent and policies of this Plan;
 - The purpose of this application is to permit a temporary sales office to market and sell future residential units. The subject lands are located within the City's Draft North Cambridge Secondary Plan area, which intends to designate the lands within this area for a mixed-use community. Although the Secondary Plan is not yet approved, City Staff will be bringing forward the Secondary Plan for Council's consideration in the near future, which will align the proposed temporary use with the general intent and policies of the Plan. As such, it is Staff's opinion that the proposal is in general conformity with the intent of the policies of the Official Plan.
- b) The use is compatible with neighbouring land uses or alternative measures are taken to mitigate any adverse impacts;
 - The proposed temporary sales office will be located on lands that are primarily surrounded by vacant agricultural lands, with the exception of an industrial property immediately to the north, which is currently in use as an auto repair shop with outdoor storage. The proposed temporary sales office will be screened by a combination of vegetation and fencing. It is staff's opinion that the proposal is compatible with the neighbouring uses.
- c) The construction of a permanent building or structure is not required;
 - The proposed sales office is temporary in nature and does not require any permanent buildings or structures.
- d) The use does not interfere with the development of adjacent areas that are developing in accordance with this plan;
 - The proposed temporary use does not interfere with the development of adjacent areas that are developing and are complimentary to the uses proposed within the North Cambridge Secondary Plan area.
- e) The use is temporary in nature, appropriate for a limited time span and can be terminated when the authorizing by-law expires;
 - The use is temporary in nature. The intend of this parcel is to be developed with residential and mixed land uses in accordance with the proposed Secondary Plan and as part of the Draft Plan of Subdivision.
- f) Sufficient water, wastewater and roads are available;

- Access to the existing road network will be made available for the temporary sales office. The sales office will contain an on-site septic tank, while water will be brought on site as needed. There will not be a connection of municipal services to the proposed sales office.
- g) Adequate on-site parking and loading facilities can be provided; and,
 - Staff are of the opinion that the proposed parking area containing 32 spaces is adequate for the proposed temporary sales office.
- h) The use does not adversely impact transportation facilities.
 - There are no concerns from Staff with respect to the proposed temporary sales office having adverse impacts on transportation facilities.

Planning Staff are of the opinion that the proposal satisfies the above criteria and is in conformity with the City Official Plan.

Provision 2.1.12 Temporary Buildings or Structures of the Zoning By-law permits a trailer or sales office for the sale of lots and dwellings provided on a construction site or in a plan of subdivision. The intent of provision 2.1.12 is to allow as of right a sales office for the sale of lots or dwellings on lands that are within a draft approved or registered plan of subdivision. Since the proposed temporary sales office would be located within a proposed Draft Plan of Subdivision, a site-specific Zoning By-law Amendment to establish the sales office as Temporary Use is required.

Further, the proposed site-specific by-law will establish a definition for a “Temporary Sales Office”, which the City’s Zoning By-law does not currently provide, as well as a new parking rate for a Temporary Sales Office of 1 space per 30 square metres of gross floor area. Planning Staff are of the opinion that the proposed site-specific provisions meet the general intent and purpose of the Zoning By-law.

Staff Recommendation

Staff gave consideration to Provincial, Regional and City policies, agency comments, resident comments, compatibility with the surrounding neighbourhood, and the appropriateness of the site-specific provisions that have been requested by the applicant.

It is the opinion of Planning Staff that the proposed Temporary Use Zoning By-law Amendment application is consistent with the Provincial Policy Statement, conforms with the policies of the Provincial Growth Plan 2020, the Regional Official Plan, and the City Official Plan, and meets the general intent and purpose of the City of Cambridge Zoning By-law No. 150-85.

Planning decisions are subject to appeal to the Ontario Land Tribunal (OLT). An appeal may be filed if the application is refused, approved, or if a decision is not made within the timeline for processing the applications set out in the Planning Act.

Contributions to the City

Area of Focus	Targets	Contribution
Increased Housing Stock	City's pledge to building 19,000 homes by 2031.	Supports the overall ability for Madison Group to market and sell future residential and mixed-use units to the community.

FINANCIAL IMPACT:

The City of Cambridge collected a fee in the amount of \$16,800 to process the Zoning By-law Amendment application. A portion of the application fee (50% of the total fee paid) will be subject to a refund as per Bill 109 as staff have not been able to prepare a recommendation report for a Council decision on this application within the 90-day Planning Act timeframe, which passed on November 1st, 2023.

City and Regional Development Charge fees will be collected as required prior to building permit issuance. Development Charges collected for the proposed development will be used for the construction of new infrastructure required to support the growth of the City.

Additional revenue from assessment growth generated from the proposed development will offset increased expenses to provide City services, programs and future infrastructure renewal to a growing population.

Any further costs associated with the development of the site are borne by the applicant.

PUBLIC VALUE:

The Statutory Public Meeting required under the Planning Act was held on October 17th, 2023.

No members of the public/residents spoke at the public meeting and there were no requests for further notification of this application.

The full application submission was posted on the City's "Current Development Applications" webpage for the public to view.

ADVISORY COMMITTEE INPUT:**Advisory Committees Consulted:**

Not Applicable

PUBLIC INPUT:

No members of the public/residents spoke at the public meeting and there were no written comments submitted in regard to this application.

INTERNAL / EXTERNAL CONSULTATION:

The applications have been circulated to the departments and commenting agencies listed in Appendix C.

Staff has received comments from the applicable City departments and outside agencies regarding the proposed Zoning By-law Amendment. Staff and agency comments were limited and have been acknowledged and/or addressed by the applicant.

It is the opinion of Staff that the requirement for a Public Meeting under the Planning Act has been satisfied.

CONCLUSION:

The proposed temporary use zoning by-law amendment will permit a Temporary Sales Office to be constructed on the subject property for a period of three years. The Sales Office will allow Madison Group to market, sell or lease the future residential dwelling and non-residential units/lots.

It is the opinion of Planning Staff that the proposed Zoning By-law Amendment application is consistent with the Provincial Policy Statement, conforms to the policies of the Provincial Growth Plan, the Regional Official Plan and the City of Official Plan, and meets the general intent and purpose of the City of Cambridge Zoning By-law No. 150-85.

The proposal is considered good planning and as such, Planning Staff recommends approval of the proposed temporary use zoning by-law amendment.

REPORT IMPACTS:

Agreement: **No**

By-law: **Yes**

Budget Amendment: **No**

Policy: **No**

APPROVALS:

This report has gone through the appropriate workflow and has been reviewed and or approved by the following as required:

Director

Deputy City Manager

Chief Financial Officer

City Solicitor

City Manager

ATTACHMENTS:

1. 23-335-CD Appendix A – Draft Zoning By-law Amendment
2. 23-335-CD Appendix B – Site Plan Concept
3. 23-335-CD Appendix C – Internal/External Consultation and List of Supporting Studies
4. 23-335-CD Appendix D – Public Meeting Minutes