



Working together with our community

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Public Hearings Committee – June 03, 2025

Subject: Application ZNPL2025120 proposing to amend the Zoning By-law to change the zoning of 208 Market Street East, Port Dover. The proposal would re-zone the parking lot of the subject property from Urban Residential Type 2 (R2) Zone to Community Institutional (IC) Zone.

Report Number: CD 25-065
Division: Community Development
Department: Planning
Ward: Ward 6
Purpose: For Public Meeting

Recommendation(s):

That staff Report CD 25-065 for development application ZNPL2025120 be received for information; and

That any comments received as part of the statutory public meeting be considered in a future recommendation staff report.

Public Meeting Notification:

A public meeting is a statutory requirement in accordance with the Planning Act, and is intended to allow members of the public to submit written or oral comments in relation to the proposed development. Additionally, any person may make written submissions at any time prior to County Council making its final decision on the application.

Pursuant to the requirements of the Planning Act R.S.O. 1990, C. P. 13 ("Planning Act"), a notice of the statutory public meeting was posted 20 days in advance of the Public Meeting. Notifications were mailed to neighbors within 120 metres of the subject lands, and a yellow notification sign was posted on the site on May 7, 2025.

Discussion:

The applicant (Royal Canadian Legion) is proposing a Zoning By-law amendment.

The proposed Zoning By-law amendment would change the zoning of the parking lot of the Royal Canadian Legion in Port Dover from Urban Residential Type 2 (R2) to Community Institutional (IC). A special provision is also proposed to allow an outdoor patio and café as permitted uses on the property.

The proposed amendment would allow the Legion to have live music events in their parking lot. This use is not permitted under the current zoning. The live music events and other related activities help the Legion raise money to support veterans.

Strategic Plan Linkage:

This report aligns with the 2022-2026 Council Strategic Priority of:

- Building Norfolk - Develop the infrastructure and supports needed to ensure complete communities.

Explanation: This application will support an existing service group.

Conclusion:

A recommendation report will be provided on this matter following review of the circulation, planning considerations and this statutory public hearing meeting regarding the submitted, “complete” development applications.

Attachments:

Attachment A Development Application Overview
Attachment B Existing Planning Policy and Zoning
Attachment C Technical Comments
Attachment D Public Comments
Attachment E Proposed Zoning By-law Amendment

Approved By:
Al Meneses
Chief Administrative Officer
Office of the CAO

Reviewed By:
Alisha Cull, BES, MCIP, RPP, Ec.D.
Manager of Planning Services
Community Development Division
Planning Department

Prepared By:
Josh Mueller, BES URPT CPT MCIP
Planner
Community Development Division
Planning Department

208 Market Street East (Royal Canadian Legion Port Dover) Proposed Zoning Bylaw Amendment

Application File Number: ZNPL2020120

Applicant: Royal Canadian Legion

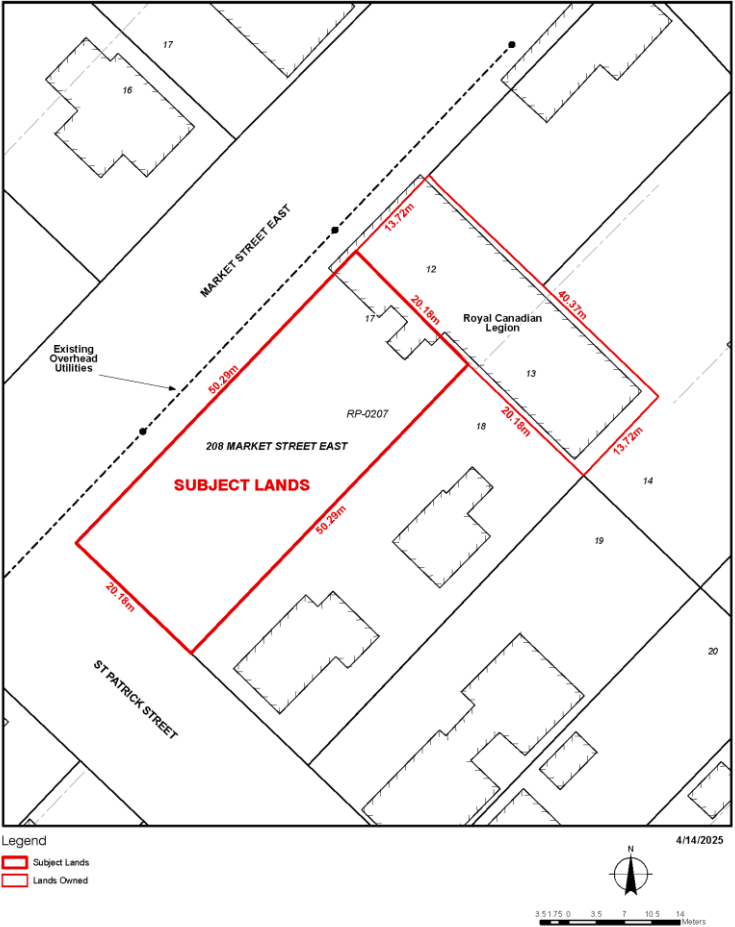
Agent: Ron Rayner

Statutory Public Hearing

Date: June 3, 2025

Site Context

LOCATION OF LANDS AFFECTED
CONCEPTUAL PLAN
Urban Area of PORT DOVER



Site Characteristics:

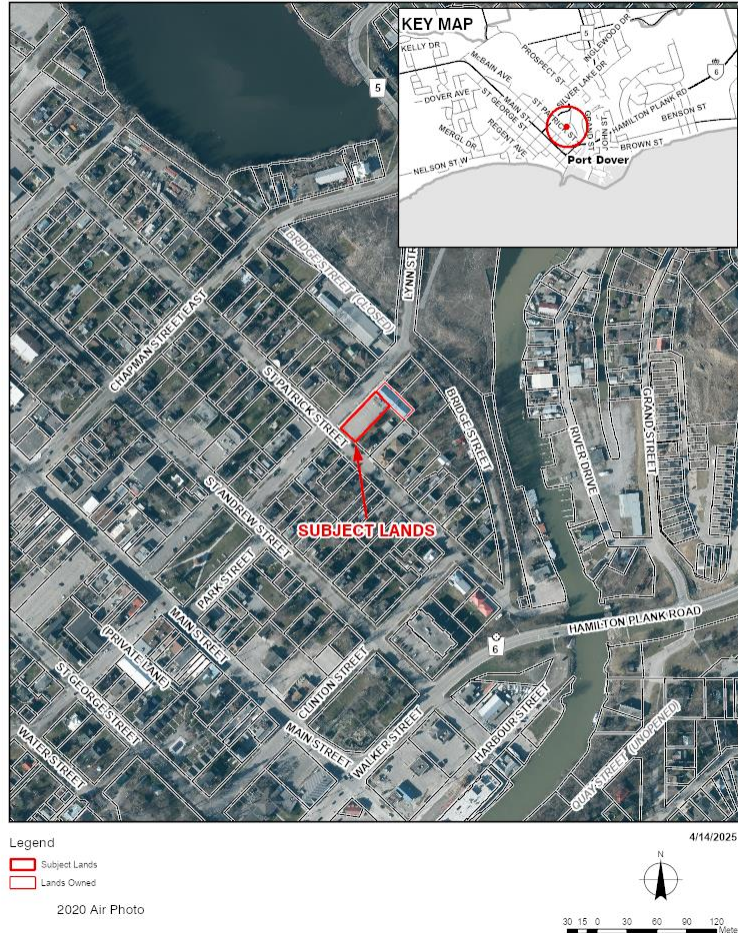
- Total land area: approximately 0.08 hectares (0.2 acres)
- Located on Market Street in Port Dover
- The subject land is currently used as a parking lot

Surrounding Land Use: Predominantly residential and commercial.

Site Context

MAP A
CONTEXT MAP
Urban Area of PORT DOVER

ZNPL2025120



Development Proposal

To rezone the subject lands from Residential Type 2 (R2) to Community Institutional (IC) Zone. A special provision is proposed as well to permit an outdoor patio and café.

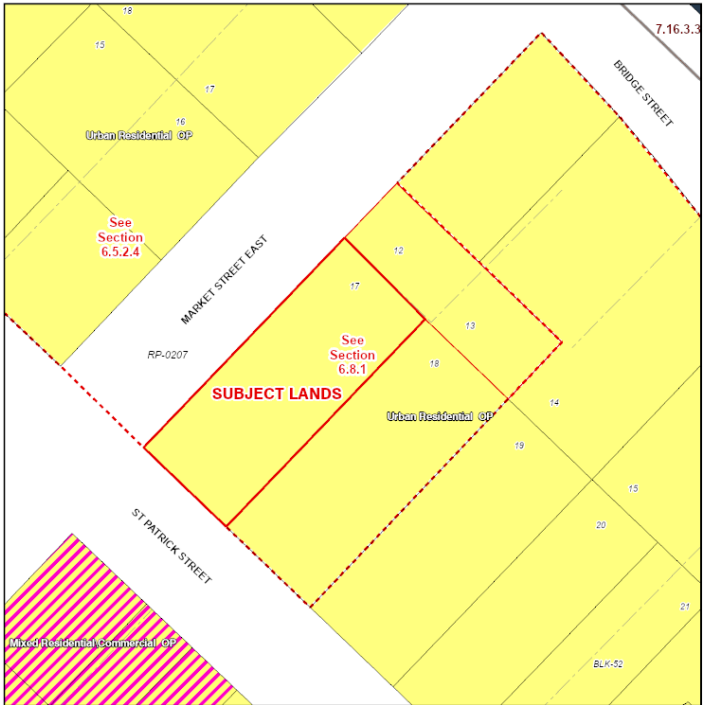
This proposed rezoning would allow the Legion to continue to host live music and other live events in their parking lot.

Site Context

Official Plan Map

MAP B
OFFICIAL PLAN MAP
Urban Area of PORT DOVER

ZNPL2025120



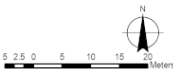
Legend

Official Plan Designations

- Urban Residential
- Urban Residential Office
- Mixed Residential/Commercial
- Urban Waterfront
- Special Policy Area
- Urban Area Boundary

Legend

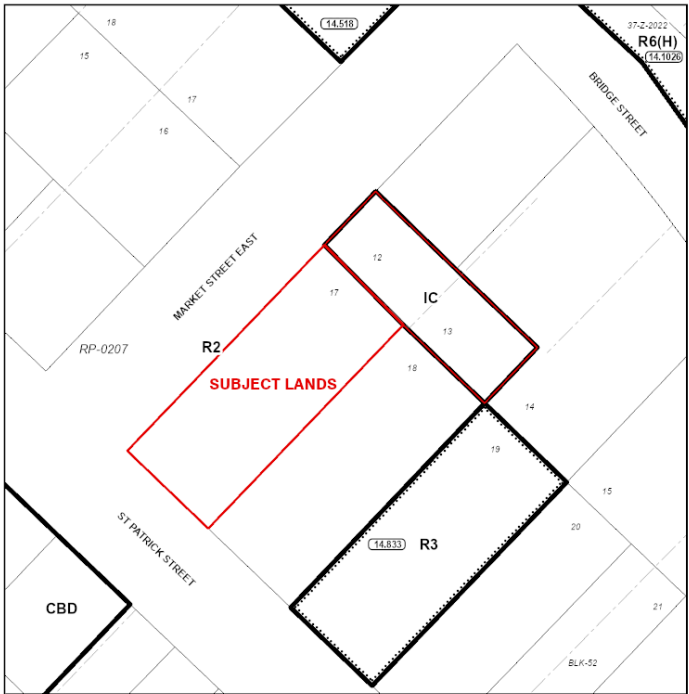
- Subject Lands
- Lands Owned



Proposed Zoning By-law Amendment Map

MAP C
PROPOSED ZONING BY-LAW AMENDMENT MAP
Urban Area of PORT DOVER

ZNPL2025120



LEGEND

- Subject Lands
- Lands Owned

ZONING BY-LAW 1-Z-2014

- (H) - Holding
- CBD - Central Business District Zone
- IC - Community Institutional Zone
- MG - General Industrial Zone
- R2 - Residential R2 Zone
- R3 - Residential R3 Zone
- R6 - Residential R6 Zone

From: R2
To: IC

Preliminary Review

Technical Reports: No Technical Reports Submitted

Application Comments:

Provided comments on the application are included in Attachment C. Some comments remain pending.

Public Input: Public input has not been received at this time.

Next Steps & Recommendation

- Consideration of Public Hearing Input
- Review of all Technical Comments
- Recommendation Report

Public Hearing Committee Report Recommendation:

THAT staff report CD 25-065 for development application ZNPL2025120 be received for information;

AND FURTHER THAT any comments received as part of the statutory public meeting be considered in a future recommendation staff report.

ATTACHMENT B

Existing Policies and Zoning Considerations

Planning Act

Section 2 of the Planning Act outlines those land use matters that are of provincial interest and for which all County planning decisions shall have regard. The provincial interests that apply to development on this site are:

- (h) the orderly development of safe and healthy communities;
- (p) the appropriate location of growth and development.

Section 3 of the Planning Act requires that, in exercising any authority that affects a planning matter, planning authorities “shall be consistent with the policy statements” issued under the Act and “shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be”.

Section 34 of the Planning Act permits amendments to the zoning by-law by Councils of local municipalities.

Consistency with the Provincial Planning Statement – 2024

The Provincial Planning Statement, 2024 (PPS) provides policy direction on matters of provincial interest related to land use planning and development, which is intended to be complemented by local policies addressing local interests. The PPS promotes healthy, livable and safe communities through the efficient use of land throughout the Province of Ontario.

2.3.1 General Policies for Settlement Areas

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.

The Legion is located in the Settlement Area of Port Dover. The proposed Zoning Bylaw Amendment would allow the Legion to grow and provide more services beneficial to the community overall.

The Legion plans to hold music festivals and other live events in their parking lot. This would foster social interaction and promote community connectivity.

Conformity with the Official Plan

The Norfolk County Official Plan (OP) is the essential tool to direct future growth, development and change in the County and to create the community envisioned by Norfolk’s residents. The OP responds to the uncertain nature of the future with clear and

resilient principles and policies. It ensures that the planning framework and processes are clearly identified to ensure that Norfolk County remains a healthy, safe and successful community with a rich agricultural base and a strong economy, a diverse natural environment, and a great place to live.

The parcel is designated as Urban Residential in the County of Norfolk Official Plan.

One of the permitted uses in the Urban Residential designation is neighbourhood community and cultural centres. The Legion would be considered a community and cultural centre.

Zoning By-law 1-Z-2014 and any Proposed Amendments

The existing zoning Urban Residential Type 2 (R2) only permits residential dwelling units and accessory structures to those dwelling units. Live music and patios are not permitted under this zone. The proposal would rezone the parking lot from Urban Residential 3 (R2) Zone to Community Institutional (IC) Zone.

Special provision 14.1078 to allow an outdoor patio and café as permitted uses in the Community Institutional (IC) Zone is proposed as well. The special provision would allow the Legion to host live music and other such events in the parking lot and on the patio.

ATTACHMENT C

Technical Comments

Accessibility – Circulated

Agreements Coordinator – Circulated

Building Inspector – An animated sign (LED display) was installed without the benefit of a sign/building permit prior to 2024. A complaint was received in 2024 in regards to the brightness of the sign. Building department staff received a sign and building permit application on April 22, 2024. A sign and building permits were not issued at the time, as the property is zoned residential, and illuminated signs are not permitted in the residential zone. The surrounding properties are predominantly residential use. Since the animated sign is affecting the neighbours, the sign bylaw section 4.9 applies.

Sign By-law 2009-66: Section 4.9 All illuminated signs shall be so constructed as to direct light away from any adjacent residential use.

***The use “Outdoor patio and café “ is a defined term in the zoning by-law. This use is not permitted in the Community Institutional (IC) Zone. It would need to be added through a special provision. *** In addition, is a site plan approval required to allow the addition of the patio. This would be consistent with other outdoor patios in Norfolk County. i.e. the patio at Wild Wings, or is a special event permit required for each event.

By-law Services – The letter from Bylaw to the Port Dover Legion forwarded to the Port Dover Legion explains our position on this fairly clearly.

For clarity, the Port Dover Legion at 208 Market sits in the middle of an otherwise exclusively residential use neighbourhood, with approximately 60 dwellings located within a 1 block radius.

The Legion received complaints from nearby residents in 2024 who reported to Bylaw that they were ignored when they asked for the music volume to be reduced. In at least one case a band is alleged to have increased the music volume and taunted a nearby resident over the speaker system when they were asked to turn it down. A review of video taken from one event verified the excessive volume.

Bylaw is taking the position that one of the specific intentions of the Noise bylaw enacted by Council was to prohibit electronically amplified sound in residential areas of the County. In this case, rezoning would permit a nuisance issue in an area of otherwise exclusive residential use, with the closest dwellings located just 30 metres from the Legion patio where the amplified music would emanate. As per the Noise bylaw, residents should be afforded the right to enjoy their own properties without the likelihood that amplified sound would “*disturb the quiet, peace, rest, enjoyment, comfort and convenience*” of their property. Potential violations will also be virtually impossible for Bylaw to investigate as they will, according to page 10 of the Application, be taking place after business hours on Tuesdays and on Sundays, both times when Bylaw

officers are not working. This will in all likelihood lead to the OPP having to intervene if there is a noise issue.

Based on this, Bylaw does not support the Port Dover Legion parking lot being rezoned from R2 to Community Institutional use.

Canada Post – Circulated

Development Engineering – Development Engineering has reviewed the application to re-zone the lands from R2 to IC. The proposal does not suggest the addition of buildings or structures. The proposal seeks to allow (as indicated in the application) for the use of the parking lot for uses other than a parking lot. Depending on the size of space being used for something other than parking, such use may result in a temporary loss of on-site parking and an increase in demand for off-site parking. Given this potential it may be appropriate to include special provisions within the rezoning to specify an on-site parking target or to define the maximum allowable space for events/patios so as to preserve a level of on-site parking.

Enbridge Gas – Circulated

Norfolk Fire – Circulated

Norfolk GIS – Circulated

Paramedic Services – No comments from Paramedic Services

Realty Services – Circulated

Zoning Administrator – Circulated

Any further Technical Comments will be updated at either Public Hearing Committee or Council.

ATTACHMENT D

Public Comments

No Public Comments have been received.



The Corporation of Norfolk County

By-Law 2025-XX

Being a By-Law to Amend Zoning By-Law 1-Z-2014, as amended, for property described as Port Dover Plan 207, Block 52, Lot 17, Part Lot 12.

WHEREAS Norfolk Council is empowered to enact this By-Law, by virtue of the provisions of Section 34 of the *Planning Act, R.S.O. 1990, CHAPTER P.13*, as amended;

AND WHEREAS this By-Law conforms to the Norfolk County Official Plan.

NOW THEREFORE the Council of The Corporation of Norfolk County hereby enacts as follows:

1. That Schedule A of By-Law 1-Z-2014, as amended, is hereby further amended by changing the zoning of the subject lands identified on Map A (attached to and forming part of this By-Law) from Urban Residential Type 2 (R2) to Community Institutional (IC) Zone with special provision 14.1078;
2. That Subsection 14 Special Provisions is hereby further amended by adding 14.1078 as follows:

14.1078 In addition to the uses *permitted* in the IC Zone, an *outdoor patio or cafe* shall be *permitted*.

That the effective date of this By-Law shall be the date of passage thereof.

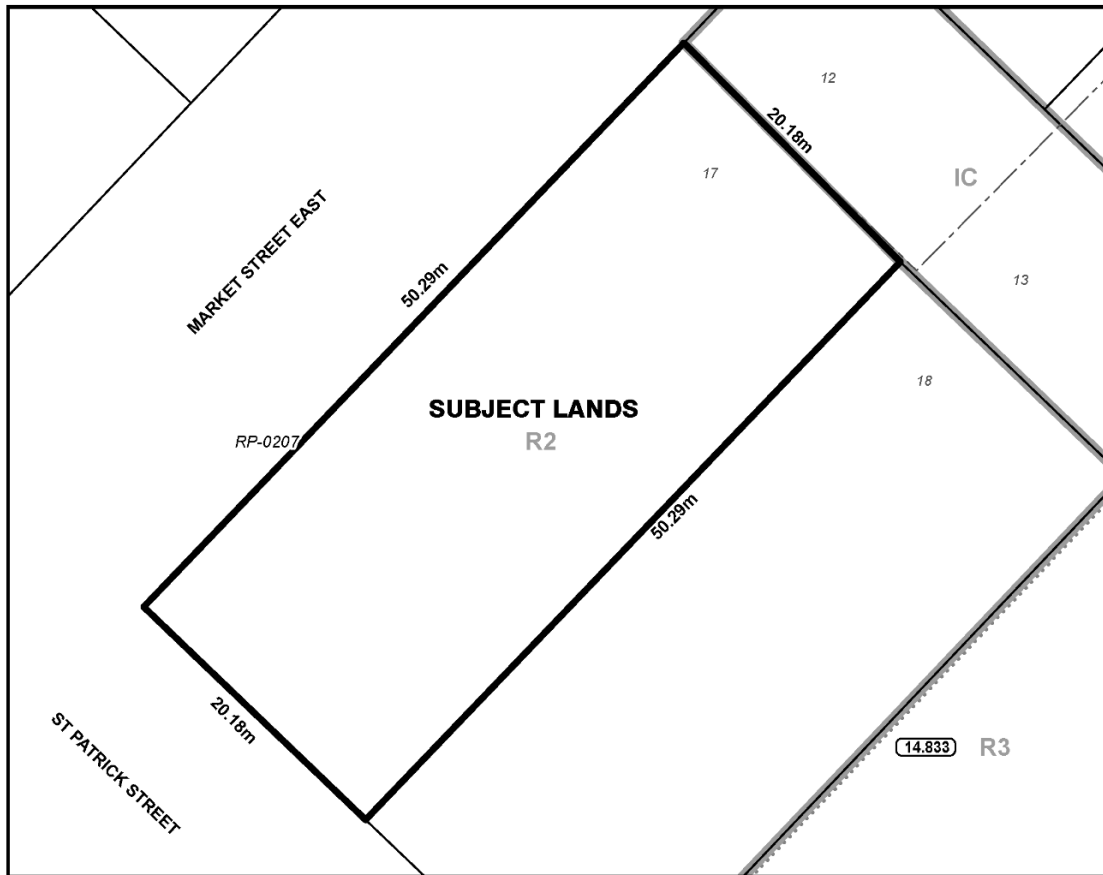
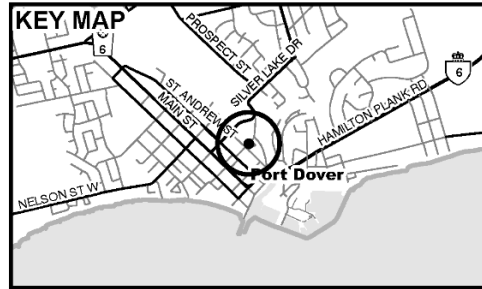
Enacted and passed this xx day of June 2025.

Mayor: A. Martin

County Clerk: W. Tigert

MAP A **ZONING BY-LAW AMENDMENT** **NORFOLK COUNTY**

In the Urban Area of
PORT DOVER



LEGEND



Subject Lands

ZONING BY-LAW 1-Z-2014

(H) - Holding

From: R2

To: IC

IC - Community Institutional Zone

R2 - Residential R2 Zone

R3 - Residential R3 Zone



1:376

2 1 0 2 4 6 8 10 Meters

This is MAP A to Zoning By-law _____ Passed the ____ day of _____.

Mayor: A. Martin

Clerk

**Explanation of the Purpose and Effect of
By-Law 2025-xx**

This By-Law affects a parcel of land described as Port Dover Plan 207, Block 52, Lot 17, Part Lot 12.

The purpose of this By-law is to change the zoning on the subject lands from Urban Residential Type 2 (R2) Zone to Community Institutional (IC) Zone with a special provision. The change has the effect of allowing for live music in association with the Legion use, as well as an outdoor patio or café.



Working together with our community

DEPUTATION REQUEST

Name	Susan Thomson
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Meeting Type	Public Hearing
Agenda Item	Proposed Zoning By-Law Amendment 208 Market Street East, Port Dover
Meeting Date	2025-06-03
How are you attending the meeting?	Virtually
Are you providing materials or a presentation to Council/Committee?	No

Purpose of Deputation
<p>Property owner since 2009 of 207 Market St. East Port Dover</p> <p>The surrounding properties are all zoned residential, reflecting property value</p> <p>Property purchased for family homestead</p> <p>The Legion began outdoor entertainment in 2020</p> <p>The sound became increasingly louder and impacting my home, my family and use of property</p> <p>Communicated with Legion several times of the excessive volume with little or no changes</p> <p>Other neighbours with same concern, now intimidated after media upheaval to not speak up. Many seniors plus families with small children</p> <p>My family and I are not opposing the Zoning By-Law Amendment</p> <p>We do not wish to delay the decision of the Council</p> <p>We are requesting that the council would consider "conditional-rezoning"</p> <p>The Legion is aware of our request for this</p> <p>The conditions could include ensuring compliance with Norfolk County Noise By Law and the Provincial Regulations</p> <p>Maintain acceptable decibel levels below what is deemed "unusual" that is likely to disturb the quiet, peace, rest, enjoyment comfort or convenience of surrounding residents. 70db</p> <p>Our concern is that the sound levels will continue as previous years</p> <p>The lower acceptable sound levels should not impact their ability for fundraising or contributions to the community</p> <p>Patrons would still attend the patio entertainment and likely more enjoyable as many being seniors</p> <p>This could be a win-win for the Legion and surrounding residents</p>