



Working together with our community

## Public Hearings Committee – July 06, 2021

Subject: ZNPL2020232– This application is proposing to rezone the subject lands from 'Urban Residential Type 4 Zone (R4)' to 'Urban Residential Type 5 Zone (R5)' to permit a three-storey, 9-unit apartment dwelling and site-specific Special Provisions to bring the proposed into compliance with Zoning By-law 1-Z-2014. The application also requested to remove the existing 'Holding (H)' provision.

1991336 Ontario Inc. and agent MANEESH PADDAR has put forth the application affecting the lands described as Part Lots 6 and 7, Block 127A, Plan 182, Urban Area of Simcoe, Norfolk County.

Report Number: CD 21-09  
Division: Community Development  
Department: Planning  
Purpose: For Information

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### Executive Summary:

This application is proposing to rezone the subject lands from 'Urban Residential Type 4 Zone (R4)' with a Holding (H), to 'Urban Residential Type 5 Zone (R5)' to permit a three-storey, 9-unit rental apartment use with a site-specific Special Provisions to bring the proposed use into compliance with Zoning By-law 1-Z-2014. A site plan application has also been received and is under review by staff and agencies concurrently.

The proposed development would increase the availability of residential rental units within the urban area of Simcoe and through it, promote a range of residential options offered to the community.

This report is being presented as part of the statutory public meeting required by the Planning Act. A subsequent report will be brought forward containing a recommendation for Council consideration.

### Site Features and Land Use:

The subject property (Figure 1) is located at 80 Patterson Street in Simcoe, within the Simcoe urban settlement area, and fronts onto the south side of Patterson Street. Currently, the lands are vacant, approximately 0.31 acres (1259 sq.m) in area with 25.4 metres of lot frontage.

Significant site features include the majority of the property being identified as a significant woodlands and the rear portion of the property (Part 2 of Figure 1) being zoned and

designated Hazard Lands (HL). Figure 2 shows there is limited tree coverage on the site. The remainder of the property (Part 1 of Figure 1) is currently zoned 'Urban Residential Type 4 Zone (R4)' with a Holding (H), and designated urban residential in the Official Plan.

Predominant land uses in the area are residential (Figure 4), with low-density, single detached residential dwellings to the north and west, all fronting on the Patterson Street, and zoned Urban Residential Type 2 (R2). The property to the immediate east contains a three-storey apartment complex (Figure 3), zoned Urban Residential Type 5.



Figure 1: The subject site



Figure 2: subject lands (vacant)



Figure 3: Existing residential apartment abutting subject lands



Figure 4: perspective along Patterson Street

**Discussion:**

The proposed 9-unit apartment development is supported by a number of reports and documents, including a functional servicing report, geotechnical report, traffic impact assessment and stormwater management brief.

**Traffic and Parking Considerations:** A traffic impact brief and parking assessment were prepared by Strik Baldinelli Moniz (SBM) Ltd. (dated Sept 2020). The brief indicates that the Patterson Street is expected to operate acceptably with negligible impacts from the proposed use and that there would be no additional roadway improvements required to accommodate the proposed development. The parking assessment provides recommendations to justify the parking allocation of 12 spaces for the site is more than adequate to accommodate the proposed apartment building.

**Holding Provision:** As part of the Zoning By-Law Amendment application, the applicant requested that the Holding (H) Provision on the subject lands be lifted. The Holding provision was originally implemented through By-law 5-Z-2007 which rezoned the former Town of Simcoe lands from 'Urban Residential Type 5.2 (R5.2) to 'Urban Residential Type 4 – Holding [R4(H)]'. The intent of the original Holding was subject to the following items:

- a) confirmation has been received that servicing capacity is available for this development, and
- b) a Record of Site Condition has been received from the owner confirming that the lands are not contaminated.

The process of Record of Site Condition (RSC) is typically required when a zoning of a property is changed from a less sensitive use to a more sensitive, for example, from commercial or industrial use into residential or institutional. A Record of Site Condition can also be required if the use of the property is being changed to a new and more sensitive use than the previous (e.g., from an auto repair garage, a gasoline service station into residential use). For the purposes of a RSC, the historical use of the subject site, which was community institutional, and proposed residential uses are both considered less sensitive.

The "H" provision will remain on the subject lands until confirmation has been received that servicing capacity is available for the development.

**Site Plan Control:** In accordance with Section 41 of the Planning Act and Site Plan Control By-law 2014-97, the proposed development will be required to go through a site plan application process to ensure County's development standards are maintained through the establishment of a site plan agreement. A site plan application has already been submitted and circulated to staff and agencies for comments.

**Circulation Comments (Appendix A):** Key issues identified in the Technical comments include:

- Development Engineering: requirement of water and sanitary modelling before approval of the Zoning By-Law amendment and Simcoe servicing capacity.
  - Based on some current studies as part of our Inter Urban Water Supply study we have identified a potential supply deficiency in Simcoe. As a result, development applications which have recently been submitted and deemed complete will be processed to the point of a public hearing, but under our Official Plan, cannot proceed to a decision and must be deferred until allocation and water servicing is confirmed to be available, consistent with the Norfolk County Official Plan section 8.9.3 (Servicing Allocation and Phasing). *This requirement may change based on decisions of Council made after the completion of this report.*
- LPRCA: The applicant should comment on the effect (if any) the proposed filling and retaining wall will have on the floodplain neighbouring and properties, as well as any upstream/downstream flood elevation

### **Regard For Public Input:**

Several public comments have been received for this application. Key issues and concerns identified in the public comments include:

- Concerns whether the development will remove existing on-street parking availability;
- Confirmation that the development will not impact neighbouring wildlife;
- Concerns with area trespassing and privacy;
- Increased traffic and safety concerns; and
- Potential runoff into neighbouring residential properties

Detailed submissions are attached within Appendix B and form part of this information report.

### **Planning Considerations:**

It is owner's responsibility to be aware of and comply with all relevant federal or provincial legislation, municipal by-laws or other agency approvals.

Additional relevant planning policy is attached as Appendix D to this report.

### **Provincial Policy Statement, 2020**

The PPS provides policy direction on matters of provincial interest related to land use planning and development. It promotes efficient development and land use patterns and encourages growth and development within existing settlement areas. The subject land is within the 'settlement area' as defined in the Provincial Policy Statement.

Section 1.1.1 of the PPS outlines the criteria for healthy, livable and safe communities, and includes:

- g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs.

Section 1.1.3 states that settlement areas are urban areas and rural settlement areas, and include cities, towns, villages and hamlets. This section also mentioned that land-use patterns within settlement areas shall be the focus of growth and development, supporting a range of uses and opportunities for intensification and redevelopment that are compact in form, adjacent to the existing built-up area, and complement the existing built form.

Section 1.1.4 related to providing a range of housing options state that, planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area.

Section 1.4.3 of the PPS states, "Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:

- c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs.
- e) be in accordance with the servicing hierarchy outlined through policies 1.6.6.2, 1.6.6.3, 1.6.6.4 and 1.6.6.5. For clarity, where municipal sewage services and municipal water services are not available, planned or feasible, planning authorities have the ability to consider the use of the servicing options set out through policies 1.6.6.3, 1.6.6.4, and 1.6.6.5 provided that the specified conditions are met.

***Planning Comments:*** *the proposed development includes a Planning justification report, traffic and parking brief, functional servicing report, and storm water manamgnetm report. Planning Staff will perform a conformity check based on the above-mentioned policies of PPS, 2020 within the recommendation report. No new development shall be permitted without confirmation of adequate servicing capacity.*

### **Norfolk County Official Plan**

The subject lands are currently designated "Urban Residential" and "Hazard Lands in the Norfolk County Official Plan. The Urban Residential designation permits a variety of residential forms and levels of density, including medium and high density apartment living.

Section 7.7.1 of the Norfolk County Official Plan outlines that a range of residential types and densities are permitted in the Urban Residential Designation. Included herein are medium density residential uses, such as walk-up apartments. Other permitted medium density uses including triplex dwellings, fourplex dwellings, row or block townhouse dwellings, converted dwellings containing more than two dwelling units, and similar

medium profile residential buildings. Section 7.7.2 c) states that certain criteria shall be examined for higher density residential uses like apartment buildings, including, but not limited to, character, compatibility with the existing built form, servicing availability and feasibility, appropriate density and land use, and availability of community facilities.

Section 7.7.2 of the Norfolk County Official Plan outlines the land use policies of the Urban Residential land use designation and includes criteria for density, character, massing, access to amenities and facilities, etc. Section 7.7.2 speaks to both medium and high density residential uses where municipal water mains and sanitary sewers shall be required and shall be capable of accommodating the development, or the proponent shall commit to extending services at no cost to the County;

Section 8.9.1 (c) states, “all development in the Urban Areas shall be fully serviced by municipal piped water supply and waste water treatment systems, save and except for circumstances outlined in Section 8.9.1 f) (Services in Urban Areas). Notwithstanding this, appropriate development shall be permitted in the Courtland Urban Area on the basis of a municipal water system and private waste water disposal systems.”

Section 8.9.3 (a) states, “when unallocated servicing capacity does not exist for a proposed development, the County shall defer the processing of the planning application until capacity is available, or until a servicing agreement is in place to ensure that such capacity will be available to service the development. Draft approved plans of subdivision may only proceed to registration if sufficient servicing capacity continues to exist.”

***Planning comments:*** A conformity check of the Official Plan policies will be provided within the recommendation report. No new development shall be permitted without confirmation of adequate servicing capacity.

## **Norfolk County Zoning By-Law, 1-Z-2014**

### Current Zoning

The subject lands is split zoned, with the rear of the lot zoned ‘Hazard Land’, and the front zoned ‘Urban Residential Type 4 Zone (R4)’ with a Holding (H).

Section 11.1 of the Zoning By-law lists the permitted uses in the Hazard Land zone and include, but is not limited to:

- c) parking lot or any similar non-structural use accessory to a permitted use or accessory to a permitted use in an adjacent Zone but on same lot.

### Proposed Zoning

The subject Zoning By-law Amendment proposes to rezone the subject lands ‘Urban Residential Type 4’ to ‘Urban Residential Type 5’ to permit the 9-unit apartment dwelling.

Section 5.5.1 of the Zoning By-law lists the permitted uses in the R5 zone and include, but is not limited to, apartment dwellings.

Section 5.5.2 of the Zoning By-law outlines the provisions which regulate the R5 zone. The provisions are as follows:

- a) minimum lot frontage: 30 metres
- b) minimum front yard: 3 metres
- c) minimum exterior side yard: 3 metres
- d) minimum interior side yard: 3 metres
- e) minimum rear yard: 9 metres
- f) maximum building height: five (5) storeys [6-Z-2018]
- g) maximum floor area ratio:
  - i. four (4) storey building 0.72 [6-Z-2018]
  - ii. five (5) storey building 0.79 [6-Z-2018]

**Planning Comment:** *An apartment building (or part thereof) is not a permitted use within the Hazard Land zone.*

*Further, the proposed zoning is still being evaluated in terms of compatibility with the surrounding neighborhood and staff will be considering built form provisions for the final recommendation report to ensure future compatibility with any zone change.*

#### Proposed Special Provision(s)

In addition to the rezoning, the applicant is requesting the following site-specific Special Provisions to bring the proposed into compliance with Zoning By-law 1-Z-2014, as aspects of the development are in contradiction to the Zoning By-law. The site-specific Special Provisions requested are:

1. To permit a lot frontage of 25.4 metres (m), whereas section 5.5.2 (a) of the Zoning By-law requires a frontage of 30 m;
2. To permit a front yard setback of 1.25 m, whereas section 5.5.2 of the Zoning By-law (b) requires a front yard setback of 3 m; and,
3. To permit 12 parking spaces on site, whereas section 4.9 (b) of the Zoning By-law requires 17 parking spaces.

The basis of the relief requests are to maximize the building footprint and function of the property as a whole while being considerate to the development constraints resulting from the neighbouring Hazard Lands.

**Planning Comment:** *Staff review of the plan have highlighted an additional deficiency based on the proposed:*

4. *For an apartment dwelling, no parking lot shall not be located closer than 3.0m to any interior lot line abutting another residential zone, section 4.2.4(b). A parking aisle is included in the definition of a parking lot;*

**Planning Comment:** *Planning staff will be further reviewing all proposed zoning provisions to ensure compatibility with the surrounding area.*

**Strategic Plan Linkage:**

This report aligns with the 2019-2022 Council Strategic Priority "Foster Vibrant, Creative Communities".

Explanation: The proposed would transform vacant lands into a desirable apartment building which increases the availability of residential rental units within the urban area of Simcoe and further promotes a range of residential options available to the community.

**Conclusion:** The purpose of this report is to summarize the planning application proposal, provide the comments received from applicable departments and agencies, summarize comments received from member of the public, and to provide general information in relation to the overall application. A staff report with related recommendations will be submitted to Council for consideration at a later date.

**Recommendation(s):**

That Report CD 21-09, Public Hearing report for ZNPL2020232 be received for information;

AND THAT any outstanding technical comments and requirements necessary prior to bringing forward a recommendation report be addressed;

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

**Attachment(s):**

Maps 1 to 4  
Appendix A Circulation Comments  
Appendix B Public Input  
Appendix C Planning Justification Report  
Appendix D Planning Considerations

Submitted By:  
Brandon Sloan, BES, MCIP, RPP  
General Manager  
Planning and Development Division  
519-426-5870 ext. 1348

Reviewed By:  
Tricia Givens, M.Sc.(PL), MCIP, RPP  
Director of Planning  
519-426-5870 ext. 1893

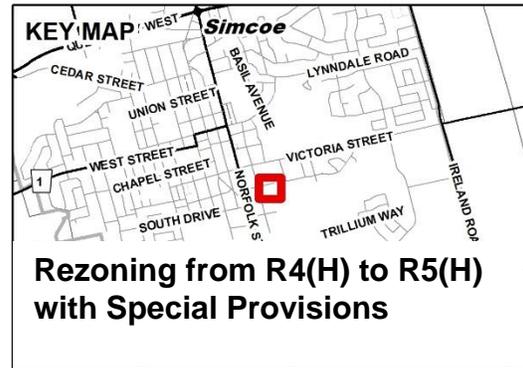
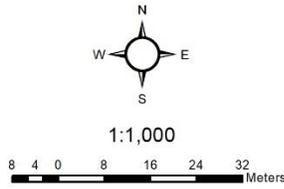
Prepared By:  
Scott Wilson, BES, Hons Planning  
Planner  
519-426-5870 ext. 1892

# MAP 1

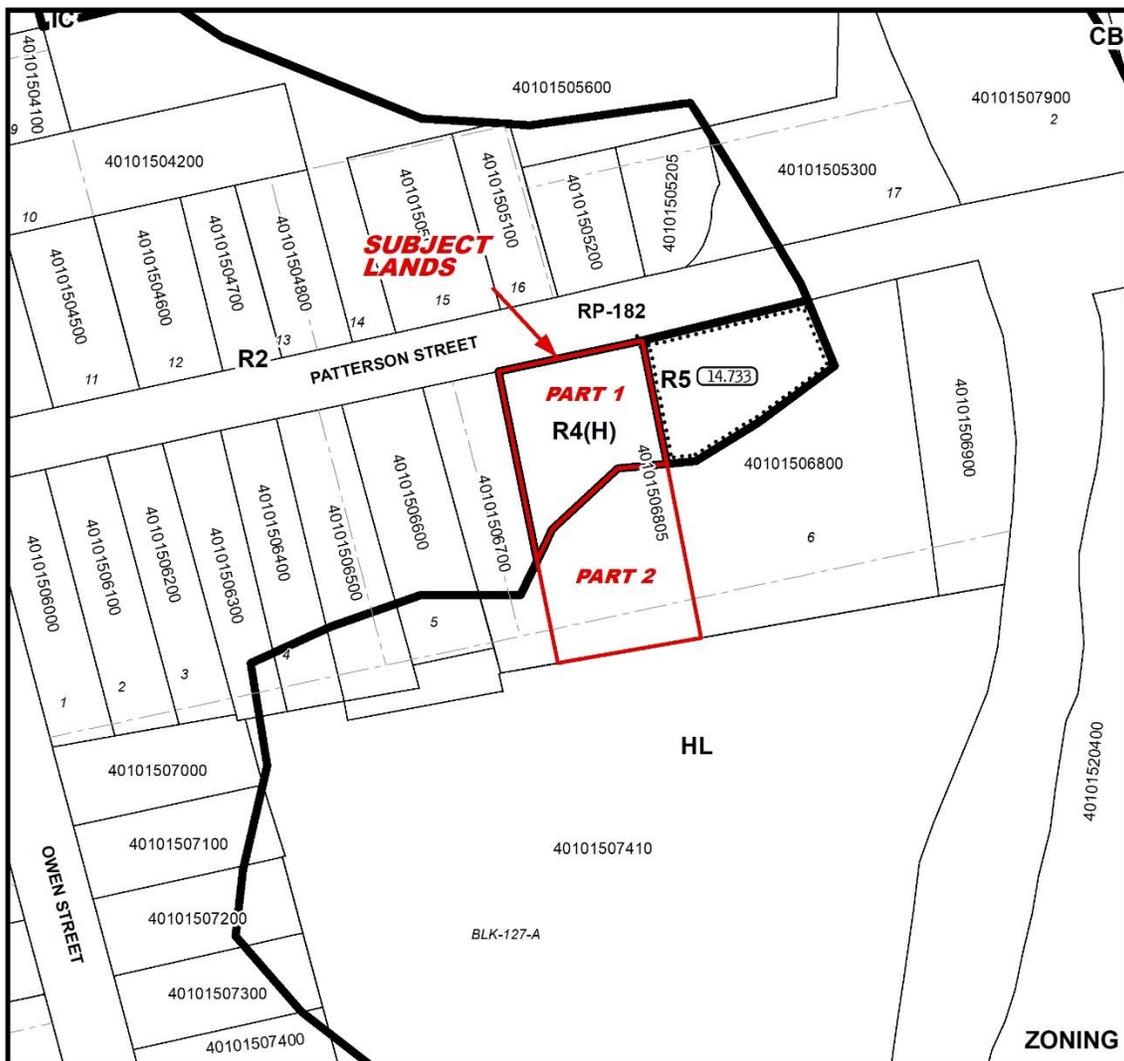
## File Number: ZNPL2020232

Urban Area of

### SIMCOE



**Rezoning from R4(H) to R5(H)  
with Special Provisions**

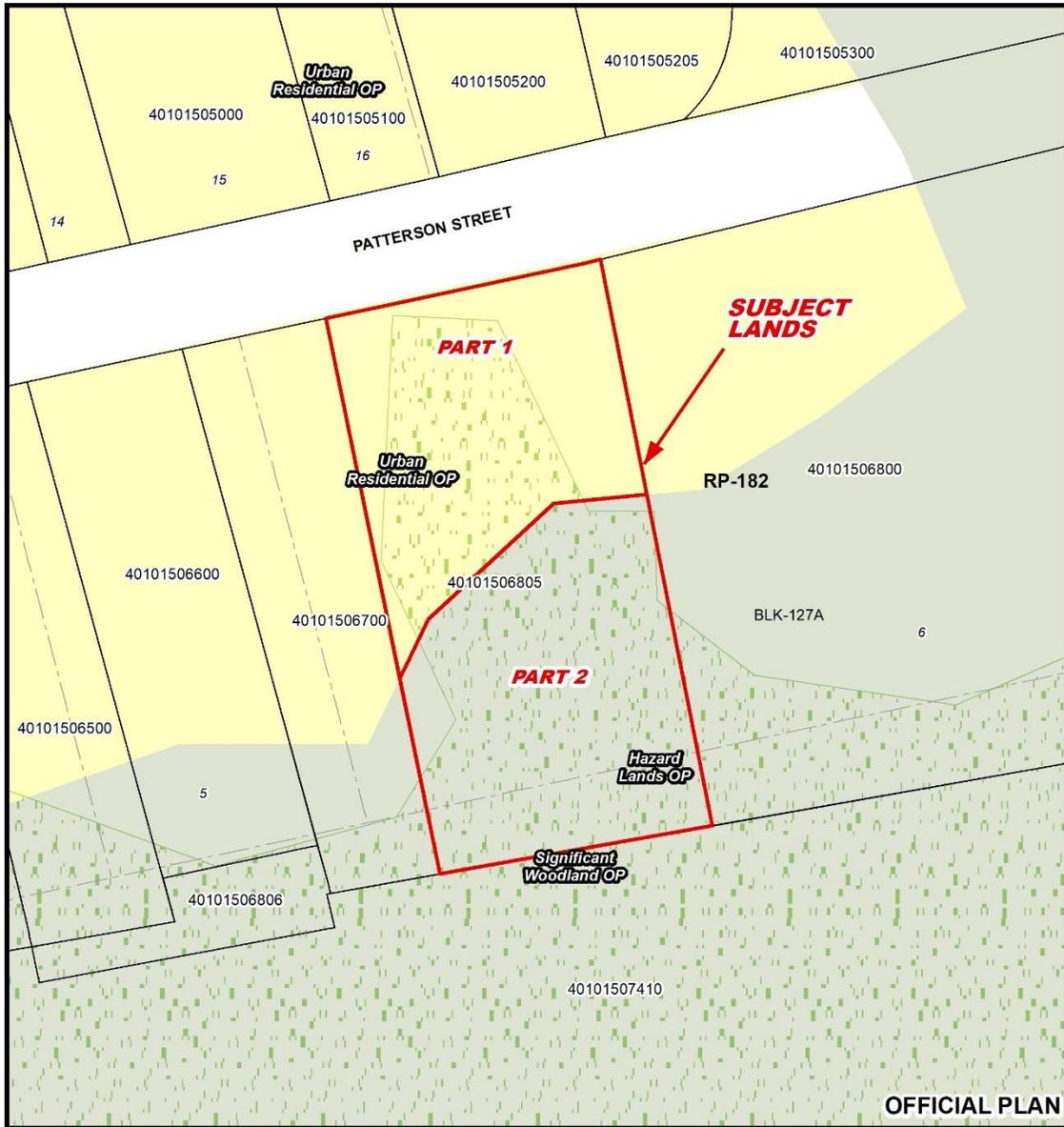


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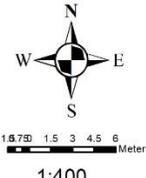
**MAP 2**  
**File Number: ZNPL2020232**  
**Urban Area of SIMCOE**



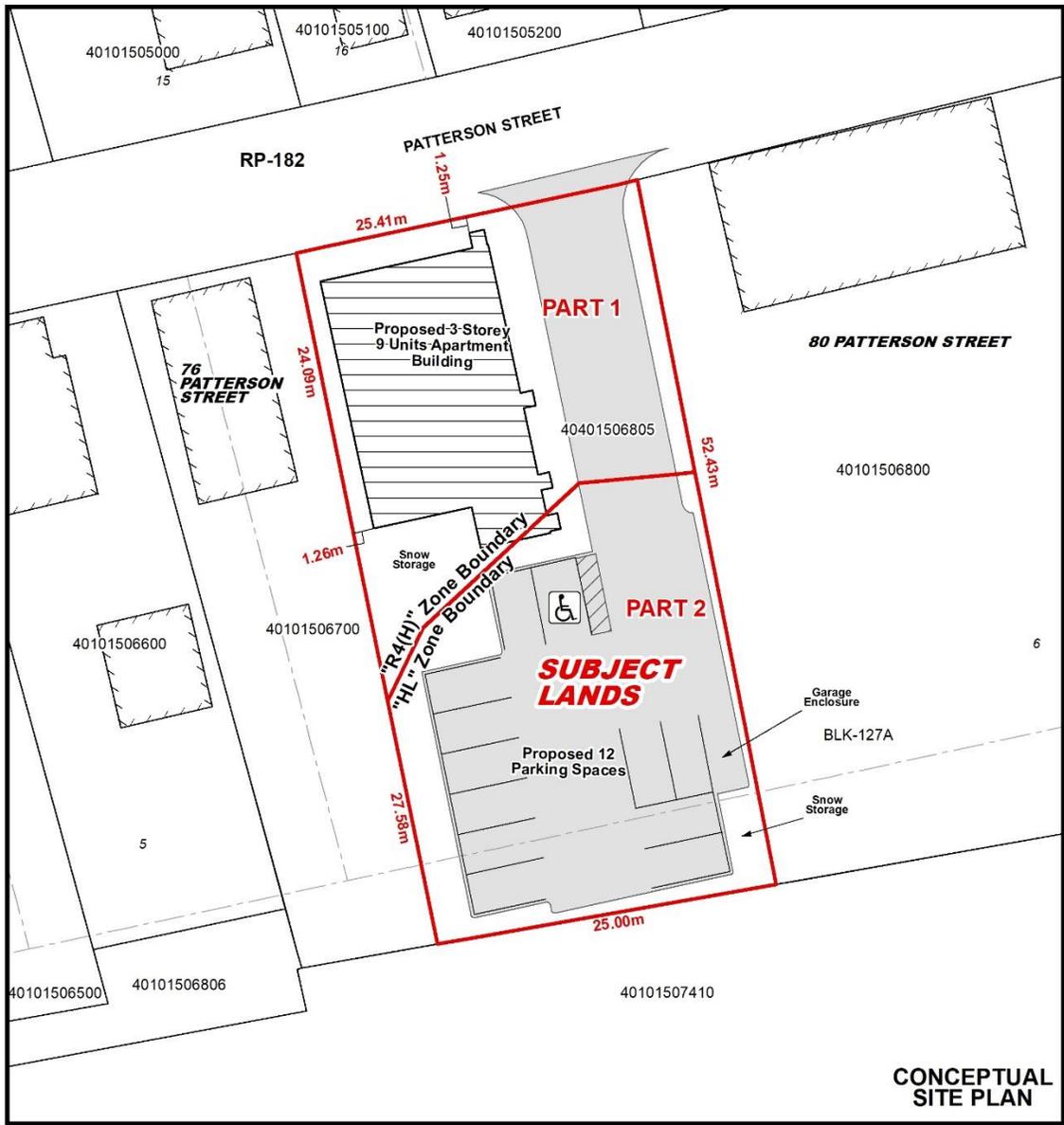
A north arrow is located in the top right corner of the map frame, with 'N' at the top, 'S' at the bottom, 'E' on the right, and 'W' on the left. Below the north arrow is a scale bar labeled 'Meters' with markings at 2, 4, 6, and 8. The scale is indicated as 1:500.



**MAP 4**  
**File Number: ZNPL2020232**  
**Urban Area of SIMCOE**



1:400



## **PD 21-09 ZNPL2020232 and SPPL2020233 – 80 Patterson Street, Simcoe**

### **Appendix A: Circulation Comments**

#### **Financial Services – Reviewed - Comments are as follows:**

1. This application would have a positive impact on assessment growth and tax revenues. The amount of growth is dependent on the assessment of the properties by the Municipal Property Assessment Corporation (MPAC). Norfolk County would also receive Development Charges as per the most recent Development Charges By-law.

#### **Zoning Administrator – Reviewed – Comments are as follows:**

Zoning as per R5 zone provisions:

1. 5.5.2 (g) gross floor area need to show calculation in zoning table
2. Rear yard is 9.0m, please revise zoning table to reflect (currently showing 1.26m)
3. Parking lot shall not be located closer than 3.0m to lot line abutting another residential zone, section 4.2.4(b) Therefore, relief will be required on the one side containing the 6.70m parking isle which is included in the definition of a parking lot.

#### **Development Engineering – Reviewed – Comments are as follows:**

1. Sanitary and Water Modelling is required. Any recommendations/upgrades from the modelling reports required to facilitate this development will be the responsibility of the Developer. Any approvals are subject to confirmation of adequate water and wastewater servicing capacity.
2. Based on some current studies as part of our Inter Urban Water Supply study we have identified a potential supply deficiency in Simcoe. As a result, development applications which have recently been submitted and deemed complete will be processed to the point of a public hearing, but under our Official Plan, cannot proceed to a decision and must be deferred until allocation and water servicing is confirmed to be available, consistent with the Norfolk County Official Plan section 8.9.3 (Servicing Allocation and Phasing).

#### **Long Point Region Conservation Authority – Reviewed – Comments are as follows:**

##### Site Characteristics

The subject lands are located at 80 Patterson Street in the Town of Simcoe and are subject to flooding and erosion from the Lynn River.

Delegated Responsibility from the Ministry of Natural Resources and Forestry, Section 3.1 of the Provincial Policy Statement, 2020

Conservation Authorities have been delegated responsibilities from the Minister of Natural Resources and Forestry to represent the provincial interests regarding natural hazards encompassed by Section 3.1 of the Provincial Policy Statement, 2020 (PPS). The overall intent of Section 3.0 - Protecting Public Health and Safety of the PPS is to reduce the potential public cost or risk to Ontario's residents from natural or human-made hazards. As such, the PPS states "development shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage, and not create new or aggravate existing hazards."

The PPS has defined development as:

"Development: means the creation of a new lot, a change in land use, or the construction of buildings, and structures requiring approval under the Planning Act..."

### 3.1 Natural Hazards

3.1.1 Development shall generally be directed, in accordance with guidance developed by the Province (as amended from time to time), to areas outside of:

b) hazardous lands adjacent to river, stream, and small inland lake systems which are impacted by flooding hazards and/or erosion hazards

LPRCA in partnership with watershed municipalities recently completed an updated flood hazard mapping study for this portion of the Lynn River. The 100-year flood elevation for this section of the Lynn River is 206.93m CGVD2013, an increase of 0.38m above the historic 100-year flood elevation. Based on the information submitted it appears that a portion of the proposed structure will be located within the 100-year flood of the Lynn River. As a result, some floodplain storage will be lost from filling. The applicant should comment on the effect (if any) the proposed filling of the floodplain will have on neighbouring properties, as well as any upstream/downstream flood elevation.

Memorandum of Understanding between LPRCA and Norfolk County

LPRCA staff have reviewed the proposed Stormwater Management Design and Functional Servicing Report and are satisfied with the controls proposed.

Ontario Regulation 178/06

For the applicant information, it should also be noted that portions of the subject property is located within the Regulation Limit of Ontario Regulation 178/08, made under the Conservation Authorities Act and permission from our office is required for any development on-site.

### **Building and By-Law – Reviewed – Comments are as follows:**

1. A building permit will not be issued if any portion of the building is to be constructed in the Hazard Land Zone. [Applicable law]

**Geographic Information Systems – Reviewed – Comments are as follows:**

1. Contact Norfolk GIS for new civic address when building

**Agreement Administrator – Reviewed – Comments are as follows:**

1. The Holding (H) Provision should remain in place until the development agreement has been executed and registered on title.

**Paramedic Services – No comments received.**

**Fire – No comments received.**

**Forestry – No comments received.**

**Heath and Social Services – No comments received.**

**Tourism and Economic Development – No comments received.**

**Public Comment: ZNPL2020232 / SPPL2020233 80 Patterson 9-unit rental apartment complex**

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Tyler Cazes – Jan 17, 2021

This email is in regards to the proposed construction at 80 Patterson St, Simcoe Ontario - file number ZNPL2020232 / SPPL2020233.

My home is located at [REDACTED], which is the street that runs through Patterson. Our property is on 3.3 acres which the proposed construction property and the others on the same side back onto. We moved into the house August 1 2020 and realized immediately that a lot, if not most of the properties that back onto ours dump garbage and trespass onto our property. This is largely coming from the existing multi-plex which I assume will be the same ownership as the proposed building.

That said we have the following issues and concerns with the proposed building:

1. How will the increased traffic and parking requirements be met.
2. Will there be a barrier or fence erected to ensure no dumping and trespassing?

Looking forward to addressing my concerns in person at the public meeting. Thank you for the opportunity to address the proposed construction.

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Breann Melligan – Jan 18, 2021

In regards to the new apartment building plans, I have a few questions/concerns.

1. Parking. Patterson street is already lacking parking. I noticed in the flyer provided that there are 2 parts. Will one be used for parking? If so, how will this affect wildlife as it's apart of long point conversation. If not, what is your proposal to keep current occupants from losing out on street parking?
2. Intentions of occupants. Will this be low income housing? Patterson street has just recently cleaned up (drugs, crime, theft). We have many children on this street and are all quite neighbourly. We really want to keep this neighborhood clean for our children.
3. Plans for keeping the current houses in the same condition. It is very swampy and wet. Our backyards are wet on a dry summer day already. I'm assuming this means adding dirt to the land, making the build higher then the existing houses. That would mean the water run off will affect the current houses. Any plans in place to keep this from happening?
4. Timeline. When will construction take place? Will this affect us at all? (Example, water lines being run, into our properties, having to rip up the road, side walks, access the the swings or mailbox?
5. Rats. Many neighbours on Patterson street are having issues with rats. Will this construction be adding to this problem?

# 80 PATTERSON STREET, SIMCOE PLANNING REPORT: ZONING BY-LAW AMENDMENT

## PROPOSED 9-UNIT, LOW-RISE RESIDENTIAL APARTMENT



11/24/2020

Poddar Planning

On behalf of:

Mr. Mike Elmaiss

519 York Street

London, ON

N6B 1R4

# 80 Patterson Street, Simcoe

## PODDAR PLANNING

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## **1.0 INTRODUCTION**

The following document is a planning justification report in support of a zoning by-law amendment (ZBA) to facilitate an infill residential development comprising a low-rise 3-storey, 9-unit rental apartment building on lands currently municipally addressed as 80 Patterson Street in Simcoe ON.

The proposed apartment building would be on a presently vacant lot between an existing 3-storey residential apartment building and a single detached residential building. Patterson Street is a residential street with mostly one and two storey dwellings. The human scale of the proposed development will respect the residential amenity of the local neighbourhood and is not anticipated to have any adverse impacts.

The subject lands are designated as Urban Residential in the Norfolk County Official Plan. The Urban Residential land use designation permits medium-density residential uses, including walk-up apartments. Nonetheless, the present zoning of the subject lands does not include walk-up apartments as a current permitted use. Norfolk County Zoning By-law 1-Z-2014 presently zones the subject lands Residential Type Four R4 which does not permit apartment uses. Consequently, a ZBA is required for the planned apartment use. A site-specific Residential Type Five R5(#) Zone is being requested.

It should be noted that a Traffic Impact Brief, prepared by Strik Baldinelli Moniz (SBM) Ltd. has also been prepared which provides justification for the proposed 12 parking spaces on site. Conventionally 17 parking spaces would be required for such a 9-unit apartment development.

The proposed development is expected to be a good fit within the existing neighbourhood, is a logical infill development on Urban Residential lands, and is expected to be compatible within the existing adjacent residential developments. Further as will be demonstrated through the subsequent planning and analysis, the proposal will be shown to be consistent with the new Provincial Policy Statement (PPS) (2020), in conformity with the Norfolk County Official Plan, and having respect for the Norfolk County Zoning By-law 1-Z-2014.

## **2.0 PROPOSAL**

As mentioned above, the proposal is for a 3 storey, 9-unit rental apartment building. Major design objectives of the proposed low-rise apartment development are as follows:

1. to be a good fit within the existing neighbourhood of Patterson Street and compatible with all surrounding land uses;
2. to be street oriented;
3. to be accessible to all modes of transit, and accessible to persons of all ages and abilities;
4. to respect surrounding residential architecture and apply suitable architectural materials; and
5. to provide complimentary landscaping and fencing contributing to amenity space as well as residential and visual amenity, while respecting privacy.

Images of the subject lands and existing surrounding land uses are provided below:



Figure 1: 80 Patterson Street Subject Lands (Source: Google Maps, 2020)



Figure 2: Existing Residential Apartment Building Abutting Subject Lands (Source: Google Maps, 2020)



Figure 3: Existing Residential Development Opposite Subject Lands (Source: Google Maps 2020)



Figure 4: Patterson Street Streetscape (Source: Google Maps, 2020)

Additionally, the proposed development will explore opportunities for incorporating green infrastructure and applying environmentally friendly materials that are in compliance with the Ontario Building Code. The development will seek to apply:

- 1) energy and resource efficient building materials;
- 2) high efficiency and energy saving appliances; and
- 3) endemic planting species that are more resilient to weather changes and are low-maintenance.

### **3.0 PLANNING ANALYSIS**

The policy framework for planning for the proposed development is provided by the Provincial Policy Statement, and the Norfolk County Official Plan. A review of the pertinent policies is provided below.

#### **3.1 PPS 2020**

The Provincial Policy Statement provides for appropriate development while protecting resources of provincial interest. The Provincial Policy Statement supports improved land use planning and management, which contributes to a more effective and efficient land use planning system in Ontario.

The Provincial Policy Statement, 2020 is an important part of More Homes, More Choice: Ontario's Housing Supply Action Plan. It is in effect as of May 1, 2020. The new PPS works in conjunction with other legislation to support the Provincial government's goals related to: increasing housing, supporting jobs, and reducing red tape.

The proposed development is consistent with PPS policies related to efficient and resilient development patterns, settlement areas, land use compatibility, housing, infrastructure and public service facilities, and energy conservation, air quality and climate change. The relevant PPS excerpts and how they are addressed by the proposed development are outlined below:

#### **1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns**

*1.1.1 Healthy, livable and safe communities are sustained by*

*a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*

- The proposal would redevelop an existing underutilized residential site, creating more residential units, making efficient use of existing land and infrastructure, and contributing positively to the tax base of the municipality

*b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*

- The proposal would provide a greater choice of housing options in an area in need of more rental housing and affordable housing.

*c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;*

- There are no anticipated land use compatibility issues with the proposed development. There are no anticipated negative impacts related to the environment, public health or safety. The elevation of the proposed development will be raised such that the building is above the floodplain. The building will not have a basement and has been designed with floodproofing in mind.

*e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;*

- The proposal is a residential infill development that would utilize existing infrastructure, support cost-effective development and the minimization of land consumption and servicing costs.

*g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;*

- The proposed development would utilize existing infrastructure and would be on full municipal services.

*h) promoting development and land use patterns that conserve biodiversity;*

- The proposed development would develop an existing residential site thereby conserving land and resources and promoting the conservation of biodiversity.

*i) preparing for the regional and local impacts of a changing climate; and*

- By being an infill development, the proposed development reduces land, resource, and infrastructure consumption and demands, helping mitigate climate change.

### **1.1.3 Settlement Areas**

*Settlement areas are urban areas and rural settlement areas, and include cities, towns, villages and hamlets. Ontario's settlement areas vary significantly in terms of size, density, population, economic activity, diversity and intensity of land uses, service levels, and types of infrastructure available. The vitality and regeneration of settlement areas is critical to the long-term economic prosperity of our communities. Development pressures and land use change will vary across Ontario. It is in the interest of all communities to use land and resources wisely, to promote efficient development patterns, protect resources, promote green spaces, ensure effective use of infrastructure and public service facilities and minimize unnecessary public expenditures.*

*1.1.3.1 Settlement areas shall be the focus of growth and development.*

- The proposal directs new residential development to a recognized settlement area.

*1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:*

*a) efficiently use land and resources;*

*b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;*

*c) minimize negative impacts to air quality and climate change, and promote energy efficiency;*

*d) prepare for the impacts of a changing climate;*

*e) support active transportation;*

*f) are transit-supportive, where transit is planned, exists or may be developed; and*

*g) are freight-supportive.*

- The proposed development would contribute to creating a density and mix of land uses that fulfill the above-mentioned objectives. The infill residential development of the subject lands would efficiently use existing land, resources and infrastructure, support energy efficiency and reduced consumption of new materials, and help mitigate climate change impacts.

### **Intensification and Redevelopment**

Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated

*1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.*

- The location of the proposed development is ideal given it utilizes a vacant residential lot on full municipal services; the subject lands are underutilized; the proposed residential development is able to be compatible with all surrounding residential land uses; and would help meet the local demand for more rental housing.

*1.1.3.4 Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.*

- The proposed development is at a scale which is suitable for the configuration and size of the subject lands. Appropriate setbacks will be provided to ensure compatibility with adjacent land uses and all applicable site plan approval requirements will be fulfilled. There are no expected public health or

safety issues resulting from the proposed development. Appropriate floodproofing measures will be taken. Please refer to the respective geotechnical and engineering materials included in the submission.

*1.1.3.5 Planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions. However, where provincial targets are established through provincial plans, the provincial target shall represent the minimum target for affected areas*

- The proposed development supports appropriate intensification in Simcoe.

*1.1.3.6 New development taking place in designated growth areas should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.*

- The proposed infill development of the subject lands fulfills this policy exactly as intended as it would be in a built-up area, have compact form, and create a residential density that efficiently uses land, infrastructure and public service facilities.

*1.1.3.7.1. Purpose Planning authorities should establish and implement phasing policies to ensure:*

*a) that specified targets for intensification and redevelopment are achieved prior to, or concurrent with, new development within designated growth areas; and*

*b) the orderly progression of development within designated growth areas and the timely provision of the infrastructure and public service facilities required to meet current and projected needs.*

- The proposed development would be suitable for the subject lands and compatible with surrounding land uses, but is also timely given the current demands for the provision of more housing, and affordable housing.

## **1.4 Housing**

*1.4.1 To provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall:*

*a) maintain at all times the ability to accommodate residential growth for a minimum of 15 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development; and*

- The proposed development would be on lands that are designated for medium density residential development which are presently underutilized and are appropriate for residential intensification that will help meet current and future housing demands.

*b) maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.*

*Upper-tier and single-tier municipalities may choose to maintain land with servicing capacity sufficient to provide at least a five-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.*

- At present, and as supported by the Province, there is a high demand for new residential housing. The subject lands are on full municipal services and are able to support development that would create desirable rental units.

*1.4.3 Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:*

*a) establishing and implementing minimum targets for the provision of housing which is affordable to low- and moderate-income households and which aligns with applicable housing and homelessness plans. However, where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation with the lower-tier municipalities may identify a higher target(s) which shall represent the minimum target(s) for these lower-tier municipalities;*

*b) permitting and facilitating:*

*1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and*

*2. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;*

*c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;*

*d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;*

*e) requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations; and*

*f) establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety*

- The proposal is able to satisfy all above mentioned policies. The proposed development would facilitate greater housing choices for residents of Simcoe and Norfolk County. The proposed

development would utilize existing resources and infrastructure and represents suitable infill intensification that supports and encourages compact urban form, and transit-supportive development.

## **1.6 Infrastructure and Public Service Facilities**

*1.6.1 Infrastructure and public service facilities shall be provided in an efficient manner that prepares for the impacts of a changing climate while accommodating projected needs.*

*Planning for infrastructure and public service facilities shall be coordinated and integrated with land use planning and growth management so that they are:*

*a) financially viable over their life cycle, which may be demonstrated through asset management planning; and*

*b) available to meet current and projected needs.*

*1.6.3 Before consideration is given to developing new infrastructure and public service facilities:*

*a) the use of existing infrastructure and public service facilities should be optimized; and*

*b) opportunities for adaptive re-use should be considered, wherever feasible*

### **1.6.6 Sewage, Water and Stormwater**

*1.6.6.1 Planning for sewage and water services shall:*

*a) accommodate forecasted growth in a manner that promotes the efficient use and optimization of existing:*

*1. municipal sewage services and municipal water services; and*

*2. private communal sewage services and private communal water services, where municipal sewage services and municipal water services are not available or feasible;*

*b) ensure that these systems are provided in a manner that:*

*1. can be sustained by the water resources upon which such services rely;*

*2. prepares for the impacts of a changing climate;*

*3. is feasible and financially viable over their lifecycle; and*

*4. protects human health and safety, and the natural environment;*

*c) promote water conservation and water use efficiency;*

*d) integrate servicing and land use considerations at all stages of the planning process; and*

*e) be in accordance with the servicing hierarchy outlined through policies 1.6.6.2, 1.6.6.3, 1.6.6.4 and 1.6.6.5.*

*For clarity, where municipal sewage services and municipal water services are not available, planned or feasible, planning authorities have the ability to consider the use of the servicing options set out through policies 1.6.6.3, 1.6.6.4, and 1.6.6.5 provided that the specified conditions are met.*

*1.6.6.2 Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services.*

**1.6.6.7 Planning for stormwater management shall:**

*a) be integrated with planning for sewage and water services and ensure that systems are optimized, feasible and financially viable over the long term;*

*b) minimize, or, where possible, prevent increases in contaminant loads;*

*c) minimize erosion and changes in water balance, and prepare for the impacts of a changing climate through the effective management of stormwater, including the use of green infrastructure;*

*d) mitigate risks to human health, safety, property and the environment;*

*e) maximize the extent and function of vegetative and pervious surfaces; and*

*f) promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development.*

- The proposed development is able to satisfy all above mentioned policies related to infrastructure and public service facilities, sewage, water and stormwater. The proposed development is able to be on full municipal services and would conserve land, resources and infrastructure, as well as optimize their use, thereby helping mitigate climate change and minimizing impacts to vegetation and the environment. Further, the proposed development would utilize infrastructure in a manner that maintains public health and safety and is financially viable over the long-term. Servicing and stormwater reports are included herewith as part of this submission.

**1.8 Energy Conservation, Air Quality and Climate Change**

*1.8.1 Planning authorities shall support 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 which:*

*a) promote compact form and a structure of nodes and corridors;*

- b) promote the use of active transportation and transit in and between residential, employment (including commercial and industrial) and institutional uses and other areas;*
  - c) focus major employment, commercial and other travel-intensive land uses on sites which are well served by transit where this exists or is to be developed, or designing these to facilitate the establishment of transit in the future;*
  - d) focus freight-intensive land uses to areas well served by major highways, airports, rail facilities and marine facilities;*
  - e) encourage transit-supportive development and intensification to improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion;*
  - f) promote design and orientation which maximizes energy efficiency and conservation, and considers the mitigating effects of vegetation and green infrastructure; and*
  - g) maximize vegetation within settlement areas, where feasible*
- The proposed development is in keeping with land use and development patterns that reduce energy consumption, improve air quality, conserve existing vegetation, and mitigate climate change.

### **3.2 Norfolk County Plan**

The Norfolk County Official Plan is the principal land use planning tool used to manage growth and development within the County to the year 2036. The purpose of the Plan is to provide a policy framework to guide economic, environmental and social decisions that have implications for the use of land. The Plan provides an overall policy framework to guide and manage the maintenance, rehabilitation, growth and development of Norfolk County to ensure a sustainable living environment that meets the needs of the community over a 20-year planning horizon. A review of pertinent Norfolk County Plan policies is provided below

#### **Section 3.5 Natural Heritage Systems**

*It is the policy of this Plan to conserve Natural Heritage Features and functions and protect such features and areas from incompatible development, wherever possible. The Official Plan separates land-based environmental considerations into three categories:*

- a) Provincially Significant Features, as described in Section 3.5.1 (Provincially Significant Features), and Section 7.4 (Provincially Significant Wetlands Designation);*
- b) Natural Heritage Features, as described in Section 3.5.2 (Natural Heritage Features), and identified on Schedule "C" to this Plan; and*
- c) Hazard Lands, as designated and described in Section 7.3 (Hazard Lands Designation) and designated on Schedule "B" to this Plan.*

- It is recognized that a portion of the subject lands falls within the Hazard Lands designation given the floodplain. Consequently, additional related policies that must be considered are as follows:

### **Section 7.3, 7.3.1, 7.3.2 & 7.3.2.1**

#### **Section 7.3 (Hazard Land Designation):**

*Through the Hazard Lands Designation, it is the intent of the County to protect life and property by respecting natural and human-made hazards and constraints in land use development. New development should only take place in areas which are not susceptible to hazards...*

#### **Section 7.3.1 (Permitted Uses):**

*Subject to the other policies of this Plan, the following policies shall apply in determining uses permitted on land designated Hazard Lands on Schedule "B":*

*e) Flood and erosion control structures and drainage systems operated and approved by the County or the appropriate Conservation Authority shall be permitted.*

*f) Further to the policies of Section 9.11 (i) (Interpretation), public utilities with adequate flood proofing measures and appropriate regard for Natural Heritage Features shall be permitted.*

*g) The following uses may be permitted, provided that the use will not pose additional risk to life or property and the requirements of the appropriate Conservation Authority have been satisfied:*

*i) small-scale outdoor recreational uses, such as a parkette, excluding large scale recreational uses such as golf courses, campgrounds and similar uses;*

*h) Non-habitable uses accessory to any of the permitted uses in the Hazard Lands Designation are permitted*

#### **Section 7.3.2 (Land Use Policies):**

*a) Development on Hazard Lands which would aggravate or contribute to the hazard shall not be permitted.*

*b) There are areas of extensive development located on Hazard Lands. In these areas, a reasonable compromise shall be made between the extent of the hazard and the continued use and future development of the area. This situation is particularly applicable to the Urban Areas, Hamlet Areas and Resort Areas, as set out on Schedule "A".*

*c) The Zoning By-law may establish specific zones to address existing development located within the Hazard Lands Designation. Exceptions may be permitted if approved by the appropriate Conservation Authority and the County.*

*d) The extent of the Designation shall be considered approximate on Schedule “B”. In all cases, it shall be necessary to verify the boundaries on an individual basis in consultation with the appropriate Conservation Authority.*

*e) There is no public obligation either to change the delineation of or to purchase any area within the Hazard Lands Designation.*

*f) The placing and removal of fill of any kind within the Conservation Authority’s Fill Regulated Area is prohibited unless approved by the appropriate Conservation Authority.*

*g) The following uses are prohibited on lands designated as Hazard Lands flood plains:*

*i) uses related to the manufacture, storage, disposal or consumption of hazardous substances;*

*ii) institutional uses such as hospitals, nursing homes, retirement homes and long-term care homes, day cares and pre-schools, schools, group homes and emergency shelters;*

*iii) uses associated with services such as fire, ambulance, police or electrical substations.*

*iv) wayside pits and quarries, and portable asphalt plants.*

#### **Section 7.3.2.1 (Flood Plain (Riverine) Policies):**

*a) The regulatory flood standard for riverine flood plains shall be the 1 in 100-year flood for the Long Point Region Watershed and the Regional Storm, which is based on the 1954 Hurricane Hazel event, for the Grand River Watershed.*

*b) The County accepts a one zone concept where new buildings or structures in the defined flood plain will be prohibited or restricted to those which are not susceptible to flood related damages and will not cause adverse impacts to existing upstream or downstream development or land. Where the one zone concept is applied, the entire flood plain defines the floodway.*

*c) The County, in consultation with the Conservation Authorities and the Province, may, at its sole discretion, apply a two zone concept, that is, a floodway and flood fringe, for selected portions of the flood plain. The appropriate Conservation Authority shall be consulted, with regard to site-specific detailed studies, to determine the technical justification of a two-zone approach. The appropriate Conservation Authority shall also determine the flood proofing measures required. New development shall not be permitted in the floodway. Development that may be permitted in the flood fringe area shall be protected to the level of the regulatory flood. The application of a two-zone floodway and flood fringe concept in Norfolk County will require an amendment to this Plan following public consultation in accordance with the policies of this Plan.*

*d) A major expansion of any existing non-conforming uses in the Hazard Lands Designation shall be discouraged, and shall be subject to the policies of Section 9.10.2 (Non-Conforming Uses).*

*e) Replacement, minor infilling, minor additions, and redevelopment in some areas of existing development, located within the Hazard Lands Designation, may be permitted, subject to the policies of Section 9.10.2 (Non-conforming Uses). In such an area of existing development, infilling and redevelopment may be considered after detailed study of each local situation in consultation with the*

*appropriate Conservation Authority. Proponents of development in such areas must undertake hazard minimization measures which meet the requirements of the appropriate Conservation Authority and other appropriate approval agencies. Proponents may be required to enter into an agreement regarding the undertaking of such measures.*

*f) Any new development permitted in the flood plain shall be protected by acceptable flood proofing actions and measures.*

*g) Access for new buildings will ensure that vehicular and pedestrian movement is not prevented during flood episodes.*

*h) Building setbacks from the margins of Hazard Lands will be determined on a site-specific basis in relation to the nature, extent and severity of the existing and potential hazards.*

- With respect to all hazard land and related flood plain policies, the proposed development represents a permissible use which would be within the existing built up area of Simcoe and has been appropriately designed with appropriate flood proofing actions and measures. The elevation of the units will be above that of the floodplain, and vehicular and pedestrian movement will not be prevented in the case of a flood event. Kindly refer to the geotechnical and engineering materials provided herewith as part of this submissions

### **Section 7.7 Land Use Designation**

*A variety of housing types are needed to meet the needs of a diverse population Opportunities to provide housing for individuals or groups with special needs including the elderly and those with special physical, social or economic needs within the County will be encouraged...*

*Subject to the other policies of this Plan, the following policies shall apply in determining uses permitted on land designated Urban Residential on Schedule "B".*

*b) Medium density residential uses shall be permitted including triplex dwellings, fourplex dwellings, row or block townhouse dwellings, converted dwellings containing more than two dwelling units, walk-up apartments and similar medium profile residential buildings, subject to the policies of Section 7.7.2 (b) (Urban Residential Designation – Land Use Policies).*

- The use, intensity and form of the proposed residential apartment development is in keeping with the policies of the Urban Residential land use designation of the Norfolk County Official Plan and supports the provision of desirable rental housing in the County.

#### 4.0 ZONING

As noted earlier, the present R4 Zoning of the subject lands does not currently permit walk-up apartments, as such a site specific R5(#) Zone is requested. The proposed Zoning By-law Amendment will allow the proposed development to be brought into compliance with the Norfolk County Zoning By-law. An excerpt of the site data table from the site plan produced by SBM Ltd. is provided below:

<b>ZONING DATA CHART</b>			
GROSS SITE AREA: 1131.06 m <sup>2</sup>		ASPHALT AREA: 669.35 m <sup>2</sup>	
BUILDING AREA: 255.93 m <sup>2</sup>		LANDSCAPED AREA: 328.98 m <sup>2</sup>	
ITEM	R5	REQUIRED	PROVIDED
1	PERMITTED USES	SEE PERMITTED USE NOTE ON SHEET SP1	SEE PERMITTED USE NOTE ON SHEET SP1
2	LOT FRONTAGE (m MIN)	30.0	25.4*
3	LOT AREA (m <sup>2</sup> MIN)	195	1308.1
4	FRONT YARD AND EXTERIOR SIDE YARD SETBACK (m MIN)	3.0	1.25*
5	REAR YARD AND INTERIOR SIDE YARD SETBACK (m MIN)	9.0 3.0	30.6 1.26*
6	LANDSCAPED OPEN SPACE (%) MINIMUM	NA	29.1
7	LOT COVERAGE (%) MAX	NA	22.6
8	HEIGHT MAXIMUM	3 STOREY	3 STOREY
9	GROSS FLOOR AREA (%) MAX	66	67.8*
10	VEHICLE PARKING	SEE PARKING REQUIREMENTS NOTE	SEE PARKING REQUIREMENTS NOTE

The site-specific zoning would not result in a scale or form of development that is incompatible with adjacent uses or exceeds the capacity of available municipal services. In addition, design aspects of the proposed development may be refined under the site plan approval process.

#### 5.0 CONCLUSION

As demonstrated through the planning analysis presented in this report the proposed development would be an appropriate and compatible infill residential development of the subject lands in Simcoe's built-up area which would have a compact form and residential density that efficiently uses land, infrastructure and resources. Further the proposed development would provide desirable rental housing that is in high demand in Norfolk County. The proposed development has been shown:

1. to be consistent with the Provincial Policy Statement (2020) which in conjunction with the More Homes, More Choice: Ontario's Housing Supply Action Plan emphasizes the need to increase the supply of housing, and affordable housing;
2. to be in conformity with the Urban Residential policies of the Norfolk County Official Plan which the subject lands are designated;

3. to respect the site suitability and land use compatibility directives of the Norfolk County Zoning By-law and be able to be brought into compliance with the Zoning By-law through the requested amendment;
4. to not create any long-term compatibility or hazard issues with respect to the floodplain, as supported by the related geotechnical and engineering analysis/design;
5. to be designed to be purposeful, sensitive and compatible residential intensification, intended to add value to the neighbourhood and will not undermine its existing character, quality or sustainability.

As such, the proposed Zoning By-law Amendment for 80 Patterson Street for the purpose of facilitating an infill residential redevelopment in the form of a low-rise apartment with 9 rental units, is appropriate and represents good land use planning.

## **PD 21-09 ZNPL2020232 and SPPL2020233 – 80 Patterson Street, Simcoe**

### **Appendix D: Planning Considerations**

#### **Provincial Policy Statement, 2020**

The PPS provides policy direction on matters of provincial interest related to land use planning and development. It promotes efficient development and land use patterns and encourages growth and development within existing settlement areas. The subject land is within the 'settlement area' as defined in the Provincial Policy Statement.

Section 1.1.3 states that settlement areas are urban areas and rural settlement areas, and include cities, towns, villages and hamlets. This section also mentioned that land-use patterns within settlement areas shall be the focus of growth and development, supporting a range of uses and opportunities for intensification and redevelopment that are compact in form, adjacent to the existing built-up area, and complement the existing built form. Section 1.1.4 related to providing a range of housing options state that, planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area.

Section 1.1.6 provides direction on servicing such as municipal water and sanitary and that within the settlement area, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services. The section outlines that municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety.

1.6.6.3 Where municipal sewage services and municipal water services are not available, planned or feasible, private communal sewage services and private communal water services are the preferred form of servicing for multi-unit/lot development to support protection of the environment and minimize potential risks to human health and safety.

1.6.6.4 Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not available, planned or feasible, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts. In settlement areas, individual on-site sewage services and individual on-site water services may be used for infilling and minor rounding out of existing development. At the time of the official plan review or update, planning authorities should assess the long-term impacts of individual on-site sewage services and individual on-site water services on the environmental health and the character of rural settlement areas. Where planning is conducted by an upper-tier municipality, the upper-tier municipality should work with lower-tier municipalities at the time of the official plan review or update to assess the long-term impacts of individual on-site sewage services and individual on-site water services on the environmental

health and the desired character of rural settlement areas and the feasibility of other forms of servicing set out in policies 1.6.6.2 and 1.6.6.3.

1.6.6.5 Partial services shall only be permitted in the following circumstances: a) where they are necessary to address failed individual on-site sewage services and individual on-site water services in existing development; or b) within settlement areas, to allow for infilling and minor rounding out of existing development on partial services provided that site conditions are suitable for the long-term provision of such services with no negative impacts. Where partial services have been provided to address failed services in accordance with subsection (a), infilling on existing lots of record in rural areas in municipalities may be permitted where this would represent a logical and financially viable connection to the existing partial service and provided that site conditions are suitable for the long-term provision of such services with no negative impacts. In accordance with subsection (a), the extension of partial services into rural areas is only permitted to address failed individual on-site sewage and individual on-site water services for existing development.

Section 1.6.6.7, related to stormwater management policies, provides specific performance indicators, including:

- prevention of contaminant loads;
- erosion and changes in water balance;
- mitigation of risks to human health, safety, and the environment;
- promotion of water conservation and efficiency; and
- low impact development.

Section 3.1 provides direction on development within hazardous lands. This section clarifies that development shall generally be directed to areas outside of hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards. Section 3.1.7 further expands upon this by outlining that, development and site alteration may be permitted in those portions of hazardous lands and hazardous sites where the effects and risk to public safety are minor, could be mitigated in accordance with provincial standards, and where all of the following are demonstrated and achieved

- a) development and site alteration is carried out in accordance with flood proofing standards, protection works standards, and access standards;
- b) vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies;
- c) new hazards are not created and existing hazards are not aggravated; and
- d) no adverse environmental impacts will result.

Endangered and threatened species and their habitat are protected under the provinces Endangered Species Act, 2007 (ESA). The Act prohibits development or site alteration within areas of significant habitat for endangered or threatened species without demonstrating that no negative impacts will occur. The Ministry of Environment, Conservation, and Parks (MECP), provides the service of responding to species at risk

information requests and project screenings. The applicant has been directed to discuss the proposed activity and have their project screened with SAR's Ontario.

Please be advised that it is owner's responsibility to be aware of and comply with all relevant federal or provincial legislation, municipal by-laws or other agency approvals.

### **Norfolk County Official Plan**

The subject lands are currently designated "Urban Residential" and "Hazard Lands in the Norfolk County Official Plan. The Urban Residential designation permits a variety of residential forms and levels of density, including medium and high density apartment living. The intent of the Hazard Lands designation is to protect environmental features and property by respecting natural and human-made hazards and constraints in land use development by restricting new development in these areas.

Section 3.5, related to natural heritage features within the County, states that the County shall protect Natural Heritage Features and these areas from incompatible development, wherever possible. The Official Plan separates land-based environmental considerations into three categories, Provincially Significant Features, Natural Heritage Features, and Hazard Lands.

Section 7.3 outlines the regulations which govern lands designated Hazard Lands in the County. New development within Hazard Lands shall be restricted to:

- e) Flood and erosion control structures and drainage systems operated and approved by the County or the appropriate Conservation Authority shall be permitted.
- f) Further to the policies of Section 9.11 (i) (Interpretation), public utilities with adequate flood proofing measures and appropriate regard for Natural Heritage Features shall be permitted.
- g) The following uses may be permitted, provided that the use will not pose additional risk to life or property and the requirements of the appropriate Conservation Authority have been satisfied:
  - i. small-scale outdoor recreational uses, such as a parkette, excluding large scale recreational uses such as golf courses, campgrounds and similar uses;
- h) Non-habitable uses accessory to any of the permitted uses in the Hazard Lands Designation are permitted.

Section 7.3.2 outlines that development on Hazards lands which would aggravate or contribute to the hazard shall not be permitted.

Section 7.3.2.1 provides direction with regard to development within a flood plain area, such as requiring appropriate flood proofing, setbacks, and safe vehicle and pedestrian movement.

Section 5.3.1 provides direction to the criteria for infill development, such as available services, compatibility with the existing built form, and ability for the road network to accommodate the traffic generated.

Section 7.7.1 of the Norfolk County Official Plan outlines that a range of residential types and densities are permitted in the Urban Residential Designation. Included herein are medium density residential uses, such as walk-up apartments. Other permitted medium density uses including triplex dwellings, fourplex dwellings, row or block townhouse dwellings, converted dwellings containing more than two dwelling units, and similar medium profile residential buildings. Section 7.7.2 c) states that certain criteria shall be examined for higher density residential uses like apartment buildings, including, but not limited to, character, compatibility with the existing built form, servicing availability and feasibility, appropriate density and land use, and availability of community facilities.

Section 8.9.1 (f) In order to ensure the efficient use of land and municipal services in the Urban Areas, development on individual on-site servicing systems (water and/or waste water disposal) shall generally not be permitted. Exceptions will be considered in areas not serviced by municipal water and/or waste water sewer services on the basis of a site-specific amendment to the Zoning By-law, and satisfaction of the following criteria: i) the development shall be minor in nature, constituting one or two single detached residential lots; ii) the development shall be of an infilling nature in an area largely developed and presently serviced by individual on-site water and/or individual on-site waste water disposal systems; and iii) the development is proposed on land situated such that there are unique circumstances which would deter the rational, efficient, cost-effective and/or timely extension of services. Such unique circumstances would include topographic constraints and the absence of any feasible future Norfolk County Official users of municipal services, combined with excessive distances from existing services that would make future extension of services impractical. However, excessive distance from existing services alone shall not constitute a unique circumstance for the purposes of this Section.