



Working together with our community

Public Hearings Committee – September 07, 2021

Subject: ZNPL2021167 and 28TPL2021166 – An application has been received to amend the Norfolk County Zoning By-law to facilitate a draft plan of subdivision of 41 street townhouse units. The zoning by-law amendment proposes to change the zoning of the subject lands from Urban Residential Type 1 (R1-B) with a site-specific special provision to Urban Residential Type 4 (R4) with a site-specific special provision that recognizes deficiencies in the rear yard setback. 1498745 ONTARIO LTD. and agent JH COHOON ENGINEERING LTD. has put forth the application affecting the lands described as Nichol Street.

Report Number: CD 21-38
Division: Community Development
Department: Planning
Purpose: For Information

Executive Summary:

This application is proposing a zoning by-law amendment to facilitate a revision to an existing draft plan of subdivision of 41 street townhouse units. The zoning by-law amendment proposes to change the zoning of the subject lands from Urban Residential Type 1 (R1-B) with a site-specific special provision to Urban Residential Type 4 (R4) with a site-specific special provision that recognizes deficiencies in the rear yard setback.

This report is being presented as part of the statutory public meeting required by the *Planning Act* and describes the proposed application and includes an overview of the relevant policies and regulations that will be evaluated as part of a future comprehensive recommendation report. A subsequent report will be brought forward containing a recommendation for Council consideration.

Discussion:

Public Meeting Details

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.

Site Characteristics

As shown in the figure below, the subject lands are located on the north side of Nichol Street. The area of the subject lands is approximately 1.99 hectares, with approximately 228 metres of frontage on Nichol Street. The subject lands are currently vacant.

The area is generally residential and institutional in nature with some historically industrial lands. The north side of the property is a multi-use trail system – formerly known as Canada Southern Railway and beyond is Waterford Pond. To the east of the subject lands is the 'Waterford Heritage and Agricultural Museum, and beyond are residential uses. There is an institutional building to the west of the subject lands - Royal Canadian Legion Branch Hall.

On the south side of Nichol Street, there is a vacant future development site and a storage facility. To the South-west corner, on the west side of McCool Street, there are multiple uses, including Langs School Bus Line and old silos.



Figure 1. View of subject lands from Nichol Street

Proposal Summary

This application is proposing a zoning by-law amendment to facilitate a revision to an existing draft plan of subdivision of 41 street townhouse units. The zoning by-law amendment proposes to change the zoning of the subject lands from Urban Residential Type 1 (R1-B) with a site-specific special provision to Urban Residential Type 4 (R4) with a site-specific special provision that recognizes deficiencies in the rear yard setback.

This site was previously subject to a draft plan of subdivision application (28TPL2019384) and Zoning By-law Amendment (ZNPL2019401). Both applications were approved subject to conditions on October 20, 2020.

The intent of this application is to facilitate changes to the existing draft plan of subdivision originally approved to build 41 townhouses instead of 32 single detached dwellings originally included in the plan (redline/draft approval modification application). The design of the subdivision includes one road to provide access to the interior lots which abut the Waterford Pond.

In support of the original application, the applicant has submitted the following:

- Proposed Draft Plan of Subdivision, prepared by J. H. Cohoon Engineering Ltd (October 2017);
- Conceptual Site Plan, prepared by J. H. Cohoon Engineering Ltd (December 2019);
- Functional Servicing Report, prepared by J. H. Cohoon Engineering Ltd (November 2017);
- Grading Plan, prepared by J. H. Cohoon Engineering Ltd (November 2017);
- Planning Justification Report, submitted by J. H. Cohoon Engineering Ltd (December 2019);

In support of the current application, the applicant additionally submitted the following:

- An updated Conceptual Site Plan, prepared by J. H. Cohoon Engineering Ltd (October 2017);
- Servicing Report;
- Geotechnical Investigation and Slope Stability Study, prepared by Englobe Corp. (January 2021);
- Traffic Considerations Brief, prepared by J. H. Cohoon Engineering Ltd (April 30, 2021);
- Stage 1 and 2 Archaeological Assessment, prepared by Horizon Archaeology Inc. (November 2020);

All materials are available online at www.norfolkcounty.ca/government/planning.

Planning Considerations:

A summary of planning considerations including applicable provincial policy, Official Plan policy, and zoning provisions is summarized in Appendix A.

Consultation:

Notice Provisions

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 on the subject lands 20 days in advance of the Public Meeting. Notifications were mailed to neighbours 120 m on August 18, 2021; and a yellow notification sign was posted on the site on August 17, 2021.

Technical Circulation Comments

The application has been circulated to various internal departments and external agencies for review and comments. [outline and noteworthy comments here].

The technical circulation comments are included in Attachment B to this report.

The responses to the technical circulation will be addressed in the technical review and included in the comprehensive report for consideration at a future Council meeting.

Public Comments

No public input has been received for this application as of yet. This report is being presented as part of the statutory public meeting, and any public comments will be considered for future recommendation.

Preliminary Review

The following are the summary of key issues and comments that will be further reviewed before the completion of a recommendation report:

Key Items		Preliminary Review
Parking		As per the Zoning By-law, each dwelling unit is required to have two (2) parking spaces.
Natural Heritage (EIS)		A scoped Environmental Impact Study was submitted as a part of the previous development proposal, 28TPL2019384 & ZNPL2019401. The scoped EIS was accepted by Norfolk Environmental Advisory Committee in 2019. The applicant went through the process of site-clearing as per Forest Conservation By-law 2006-170. There will be further requirements for the planting of trees within the development area.
Transportation (TIS)		Based on the Traffic Considerations update provided by J. H. Cohoon Engineering and the original traffic impact letter from F. R. Berry and Associates, there are no negative impacts anticipated in regard to traffic.
Housing		The development was previously slotted to provide 32 single detached dwellings. The proposed zoning by-law would permit 41 street townhouses, which would provide 9 additional dwelling units and further diversify the existing market.
Building Height		No height provision deficiency was identified. The permitted height in the R4 zone for a street townhouse is 11 m.

Archeology		A Stage 1 and 2 Archaeological Assessment was completed in relation to the project. The report, provided by Horizon Archaeology Inc., identifies that no archaeological materials were found in either Stage 1 or Stage 2 studies.
Roads		One new road is proposed as a part of the plan of subdivision. The road was included on the previously approved draft plan of subdivision. Staff are still awaiting comments from Development Engineering.
Servicing (W & WW)		The proposed development is located in Waterford. Water and sewer connections will only be confirmed and allocated during the site plan agreement stage as per the availability.
Design / Site Plan		The existing draft plan of subdivision, 28TPL2019384, will be revised to reflect any alterations as result of the proposed rezoning.
Hazard Lands		The designated Hazard lands at the northern side of the property remains unchanged. Further review will be required on storm water management and erosion control. An Erosion Control Plan and an assessment for slope hazards and ravine filling to the County and LPRCA's satisfaction will be a condition of the approval.

Strategic Plan Linkage:

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

Explanation:

The proposed subdivision will facilitate and promote appropriate growth and density in the neighbourhood.

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 detailed recommendation report, responding to any outstanding matters, including those brought forward by members of the public, will be submitted to Norfolk County Council at a future meeting.

Recommendation(s):

THAT Report PD 21-38, Public Hearing report for ZNPL2021167, be received for information;

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

Attachments

Map A Neighbourhood Context / Key Map
Map B Proposed Official Plan Amendment Map
Map C Proposed Zoning Bylaw Amendment Map
Map D Conceptual Plan

Attachment A Planning Considerations and Applicable Policy and Zoning Provisions
Attachment B Consultation: Department/Agency Technical Comments
Attachment C Proposed Redline/Subdivision Modification, prepared by J.H. Cohoon Engineering Limited (February 2021)

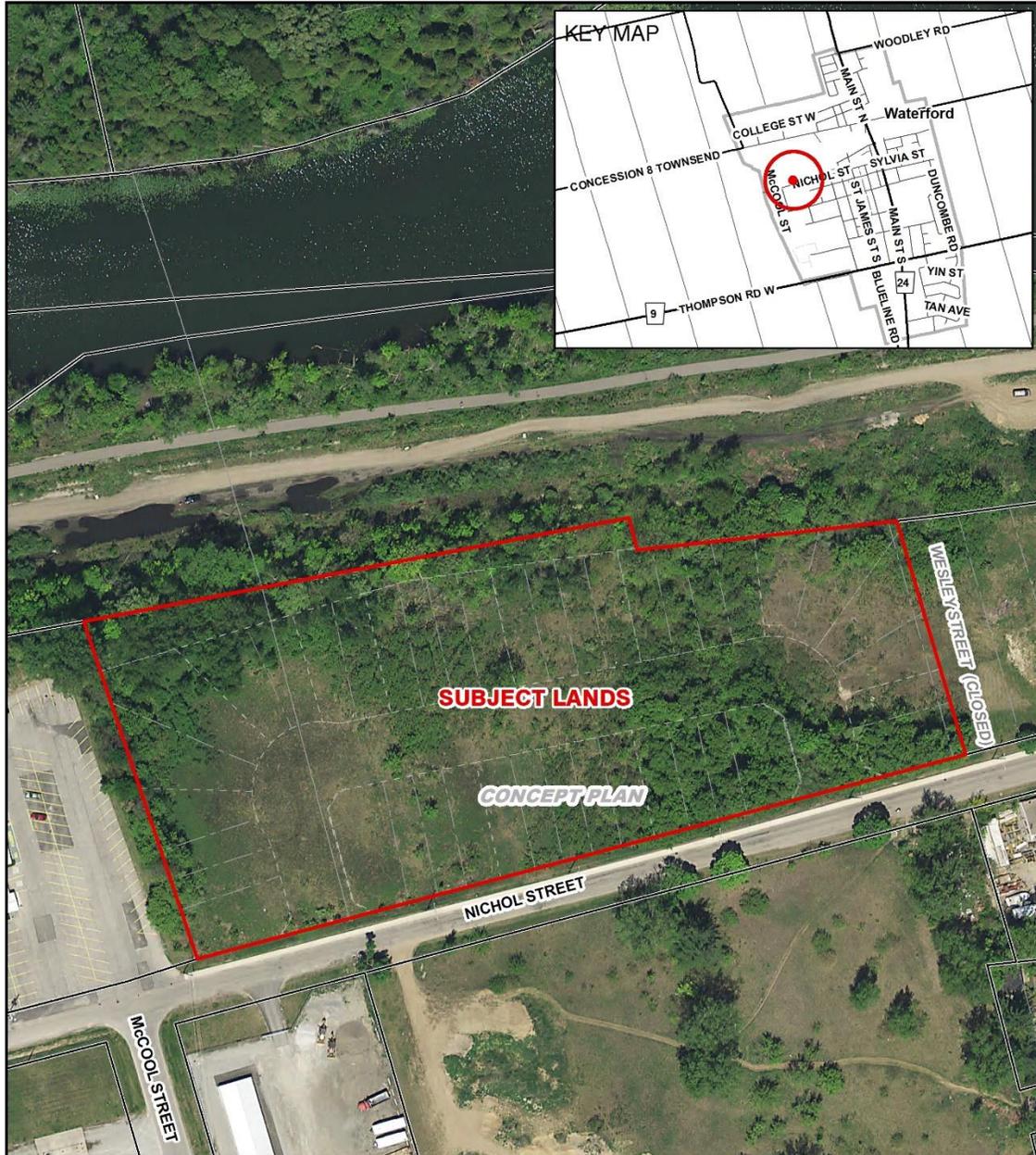
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Map A Neighbourhood Context / Key Map

MAP A
CONTEXT MAP
Urban Area of WATERFORD

28TPL2021166
ZNPL2021167



Legend

-  Subject Lands
- 2015 Air Photo

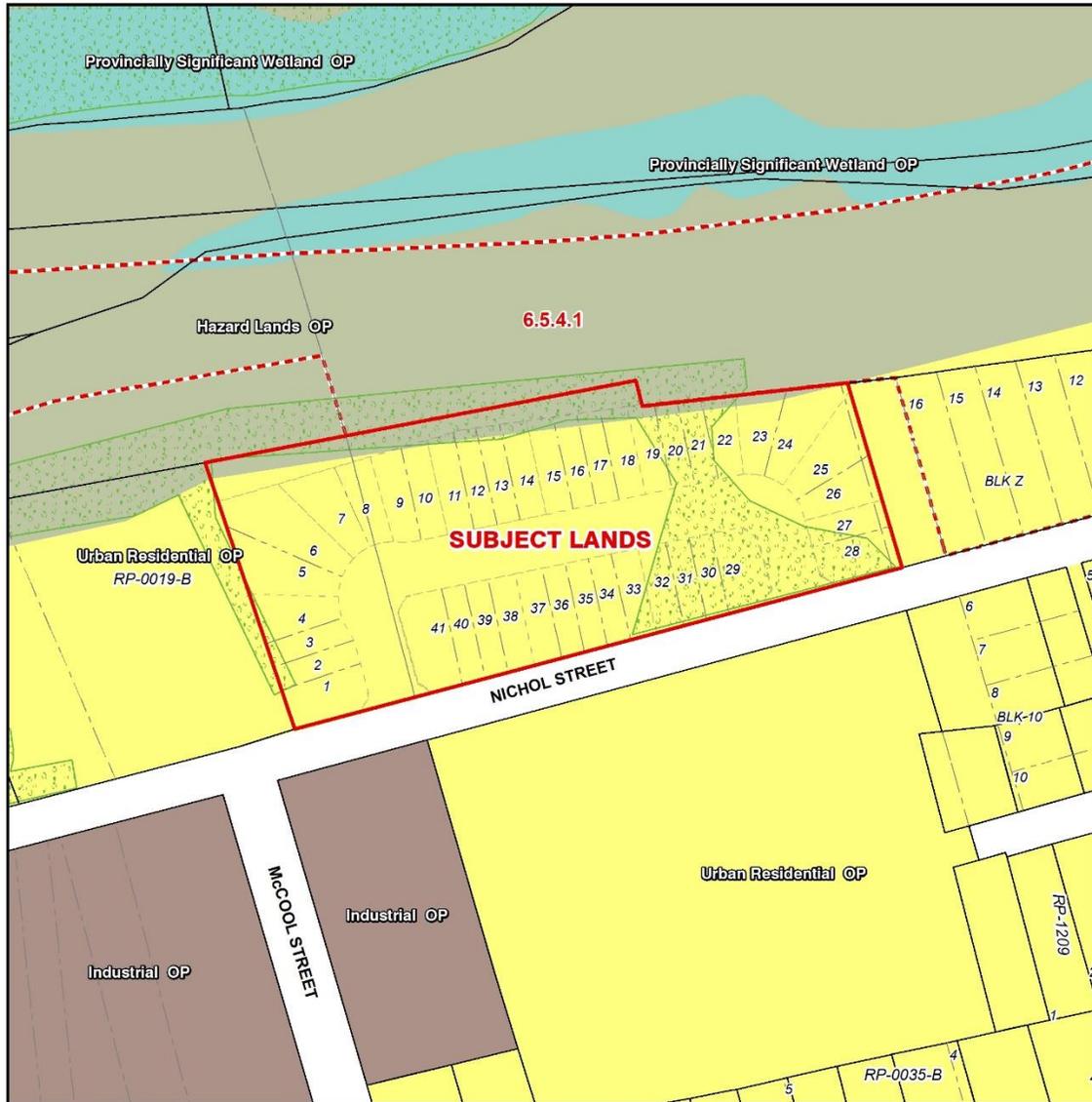
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Map B Proposed Official Plan Amendment Map

MAP B
OFFICIAL PLAN MAP
Urban Area of WATERFORD

28TPL2021166
ZNPL2021167



2021-06-16

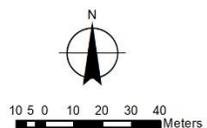
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 Subject Lands

Official Plan Designations

-  Hazard Lands
-  Provincially Significant Wetland
-  Urban Residential
-  Industrial

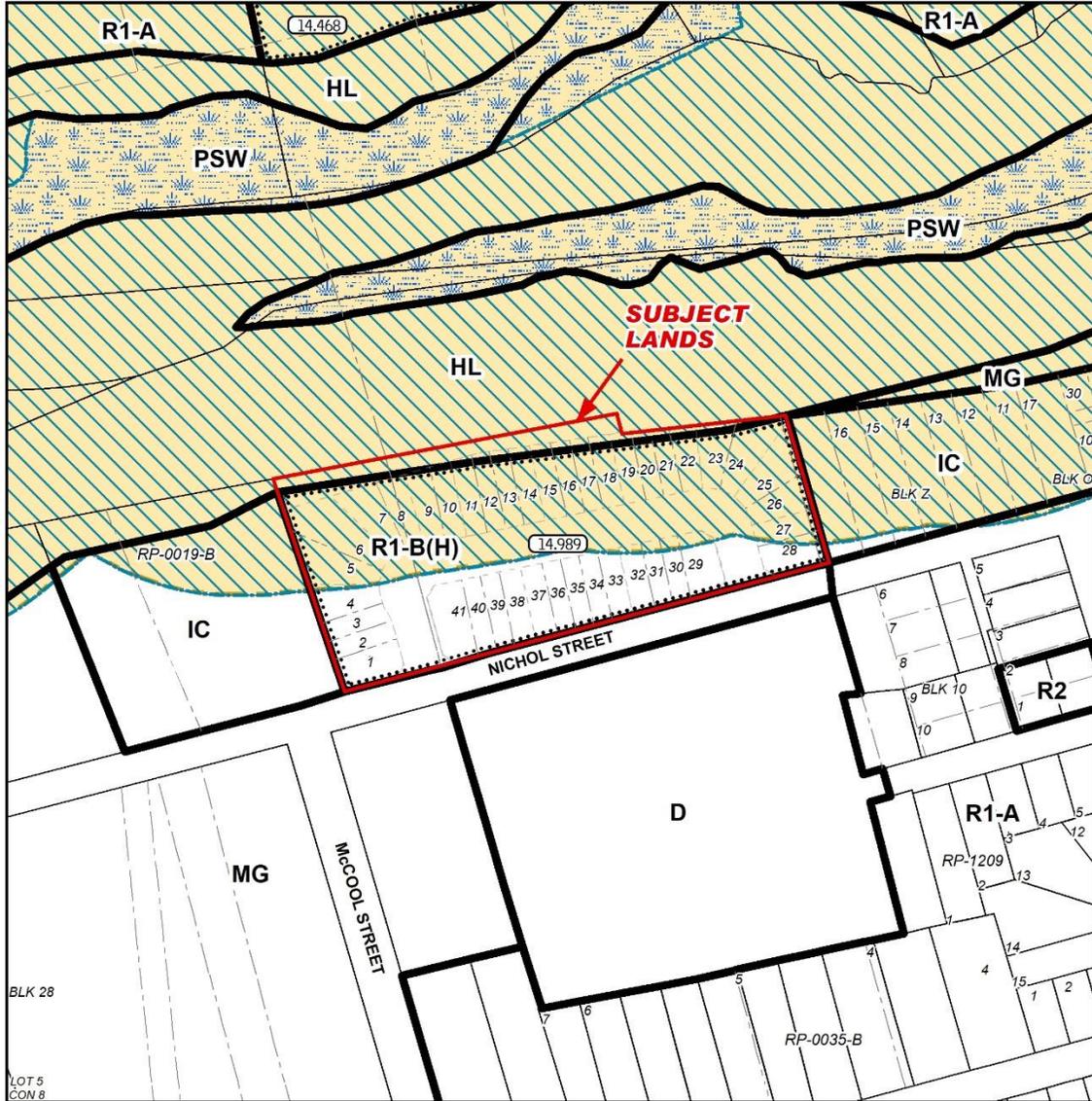
-  Special Policy Area
-  Urban Area Boundary
-  Significant Woodland



Map C Proposed Zoning Bylaw Amendment Map

MAP C
PROPOSED ZONING BY-LAW AMENDMENT MAP
 Urban Area of WATERFORD

28TPL2021166
 ZNPL2021167



LEGEND

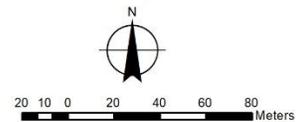
- Subject Lands
- Adjacent Lands
- Wetland
- LPRCA Generic RegLines

ZONING BY-LAW 1-Z-2014

2021-06-16

- (H) - Holding
- IC - Community Institutional Zone
- D - Development Zone
- MG - General Industrial Zone
- HL - Hazard Land Zone
- PSW - Provincially Significant Wetland Zone
- R1-A - Residential R1-A Zone
- R1-B - Residential R1-B Zone
- R2 - Residential R2 Zone
- R4 - Residential R4 Zone

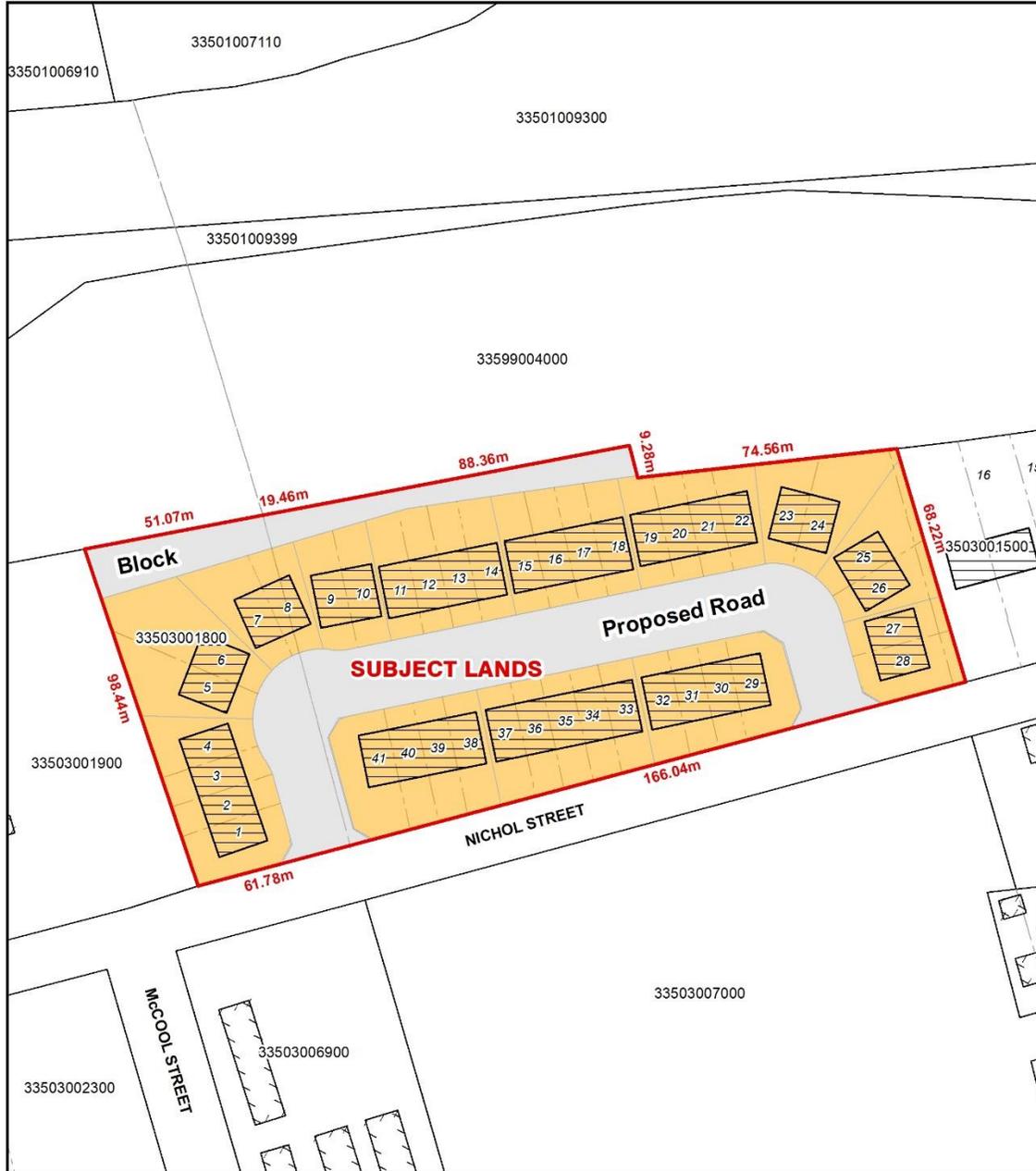
From:
R1-B with Special Provision 14.989
To:
R4 with Amended Special Provision



Map D Conceptual Plan

MAP D
CONCEPTUAL PLAN
Urban Area of WATERFORD

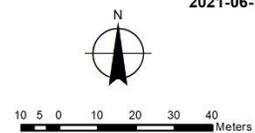
28TPL2021166
ZNPL2021167



Legend

- Subject Lands
- Multi Family Dwellings
- Other

2021-06-16



Attachment A Planning Considerations and Applicable Policy and Zoning Provisions

Provincial Policy Statement, 2020 Considerations

The Provincial Policy Statement, 2020 (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. The PPS directs municipalities to focus their growth within settlement areas where full municipal services are available.

Section 1: Building Healthy Communities of the PPS promotes the building of strong, healthy communities and includes policies about avoiding development and land use patterns which may cause environmental or public health and safety concerns.

Section 1.1.3.1 indicates that “Settlement areas shall be the focus of growth and development.” Additionally, Section 1.1.3.2 states that “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.

Housing is highlighted in Section 1.4 of the Provincial Policy Statement, 2020. It states that municipalities must be prepared 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.

Section 1.6.6.2 provides direction of municipal sewage and water services. This section identifies that municipal services are the preferred for of servicing for settlement area to support protection of the environment and minimize potential risks to human health and safety. This section identifies that intensification shall be promoted wherever feasible to optimize the use of municipal services.

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.

A detailed evaluation of the application against the applicable policies of the Provincial Policy Statement will be included in a future comprehensive report.

Official Plan Considerations

Existing Land Use Designation: “Urban Residential”

Proposed Designation: “Urban Residential”

The “Urban Residential” designation is meant to encompass neighbourhoods in the County’s urban area capable of providing a variety of residential forms that serve a diverse population.

Section 7.7.1 indicates that the predominant use of the land shall be a variety of urban dwelling types, including semi-detached dwellings. Further, section 7.7.2 indicated that single, semi-detached and duplex housing forms shall generally have an average net density of 15 units per hectare.

Section 9.6.4 related to ‘Draft Plan of Subdivision’ approval states that applications for approval of a draft plan of subdivision shall be considered on the basis of conforming to certain criteria, including the application of community design policies, engineering standards, Parkland dedication, approval of the appropriate Conservation Authority, province and other relevant agencies, and subdivision agreement.

Section 5.3 of Norfolk County’s Official Plan focuses on the importance of housing for the area. Section 5.3.b) specifically speaks to the importance of providing a “a full range of housing types and densities” which meet the anticipated demand and demographic change. Section 5.3.b) also identifies a target of 15 percent of all new housing built being either semi-detached or townhouse dwellings.

Section 5.3.1 speaks to residential intensification, stating the following:

- a) Housing shall, in part, be provided through urban residential intensification, which may include any of the following:
 - i) small scale intensification through modifications to an existing dwelling to include a second unit or construction of a new building containing one or two units;
 - ii) infill development and residential development of vacant land or underutilized land in existing neighbourhoods; and/or
 - iii) redevelopment which includes either the replacement of existing residential uses with compatible new residential developments at a high density or the replacement of non-residential uses with compatible residential or mixed use development with a residential component.

Further section 5.3.1 states the following:

The County shall consider applications for infill development, intensification and redevelopment of sites and buildings through intensification based on the following criteria:

- I. the development proposal is within an Urban Area, and is appropriately located in the context of the residential intensification study;
- II. the existing water and sanitary sewer services can accommodate the additional development;
- III. the road network can accommodate the traffic generated;
- IV. the proposed development is compatible with the existing development and physical character of the adjacent properties and surrounding neighbourhood; and
- V. the proposed development is consistent with the policies of the appropriate Land Use Designation associated with the land.

Section 5.4, related to 'Community Design' policies, provide direction to the physical design of the communities for development proposals, such as plans of subdivision.

Section 8.9.1 outlines the policies surrounding Services in the Urban Areas of Norfolk County. Subsection c) states, all development in the Urban Areas shall be fully serviced by municipal piped water supply and waste water treatment systems.

Subsection e) states, Infilling of vacant areas within the Urban Areas which are already provided with full municipal services is encouraged, and shall be a criterion when evaluating proposed plans of subdivision and consents, with respect to the extension of services, utilities or the associated construction.

Section 9.6.2 of the Official Plan outlines considerations to be made by Council when reviewing Zoning By-Law Amendment applications. A subsequent recommendation will provide a review of this section of the Plan for Council's benefit.

A detailed evaluation of the application against the applicable policies will be included in a future comprehensive report.

Zoning By-Law Considerations

Existing Zoning: "Urban Residential Type 1 Zone – B with a Holding (R1-B (H))"- 14.989

Uses permitted in the "Urban Residential Type 1 Zone" as outlined Zoning By-law, include a single detached dwelling, bed & breakfast, subject to Subsection 3.4, home occupation, and accessory residential dwelling unit.

Special Provision 14.989 states the following:

"In lieu of the corresponding provisions in the R1-B Zone, the following shall apply:

- a) minimum lot area: i. interior lot – 300 square metres"

Proposed Zoning: “Urban Residential Type 4 Zone with a Holding” (R4(H)) and “xx – Special Provision (14.xxx)”

Section 5.4.1 identifies group townhouse; stacked townhouse; street townhouse; semi-detached, duplex, tri-plex and four-plex dwellings provided they are located on the same lot with, and in accordance with the Zone provisions of, group townhouse; home occupation; and accessory residential dwelling unit, subject to Subsection 3.2.3. as permitted uses within the ‘R4’ Zone.

In order to facilitate the proposed plan of subdivision, the proposal is to rezone the lands and amend the existing site specific special provision to permit a rear yard setback of 6.0 m where 7.5 m is typically required.

The proposed development shall conform to the zone provisions of R4, and section 3 (General Provision) and section 4 (Off-Street Parking) of the Zoning By-Law 1-Z-2014. A full compliance check of the Zoning By-law provisions will be provided within the recommendation report.

Attachment B
Consultation: Department/Agency Technical Comments

Building – Reviewed- No comment

Finance Department

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. This would be offset by increased costs as a result of Norfolk County assuming the subdivision infrastructure, amenities and operating costs.

Fire Department

The Fire Department has reviewed the proposal and has no concerns.

Hydro One

New buildings being constructed are required to be constructed with horizontal clearance of at least 5m from the existing pole line.

The existing circuit on Nichol St is 16.8/27.6kV.