



Working together with our community

Public Hearings Committee – May 07, 2024

Subject: Applications OPNPL2024063 and ZNPL2024064 proposing to add site specific special provisions in the Downtown OP Designation and CBD Zone to allow for the removal of existing ground floor commercial floor area for the lands described as 50 Alice Street, Waterford.

Report Number: CD 24-050
Division: Community Development
Department: Planning
Ward: Ward 7
Purpose: For Public Meeting

Recommendation(s):

That staff Report CD-24-050 for development applications OPNPL2024063 and ZNPL2024064 be received for information; and

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

Public Meeting Notification:

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

Pursuant to the requirements of the Planning Act R.S.O. 1990, C. P. 13 (“Planning Act”), a notice of the statutory public meeting was posted 20 days in advance of the Public Meeting. Notifications were mailed to neighbors within 120 m of the subject lands; and a yellow notification sign was posted on the site on April 17, 2024.

Discussion:

The applicant is proposing an official plan amendment and a zoning by-law amendment to facilitate the conversion of an existing ground floor commercial unit to residential.

An overview summary of the development applications that have been submitted for the subject property at 50 Alice Street, Waterford, is contained within Attachment A. This includes an outline of the site context, the applications and technical reports, any

technical or public feedback to date and overview of development considerations. The draft official plan and by-law amendments are included as Attachments E and F.

Strategic Plan Linkage:

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

Explanation: Development that results from applications under consideration can help contribute to a vibrant community and increase affordable housing supply.

Conclusion:

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

Attachments:

Attachment A Development Application Overview
Attachment B Existing Planning Policy and Zoning
Attachment C Technical Comments
Attachment D Public Comments
Attachment E Proposed Official Plan Amendment
Attachment F Proposed Zoning Bylaw Amendment

Approval:

Approved By:
Brandon Sloan, BES, MCIP, RPP
General Manager
Community Development Division

Reviewed By:
Tricia Givens
Director of Planning
Community Development Division
Planning Department

Prepared By:
Andrew Wallace
Planner
Community Development Division
Planning Department

Attachment A - Report CD 24-050
Development Application Overview

50 Alice Street, Waterford

Application File Number: OPNPL2024063 and ZNPL2024064

Applicant: Mark and Susanne Kozak

Agent: None

Statutory Public Hearing

Date: May 7th, 2024

1

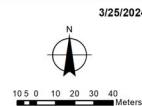
Site Context

MAP A
CONTEXT MAP
Urban Area of WATERFORD

OPNPL2024063
ZNPL2024064



Legend
Subject Lands
2020 Air Photo



Site Characteristics:

- 1229 sqm
- Interior lot fronting onto Alice Street
- Located within the Downtown OP of Waterford.
- A detached two-storey building, largely in residential use, with a small commercial unit to the front.
- Parking for 7 vehicles to the rear.

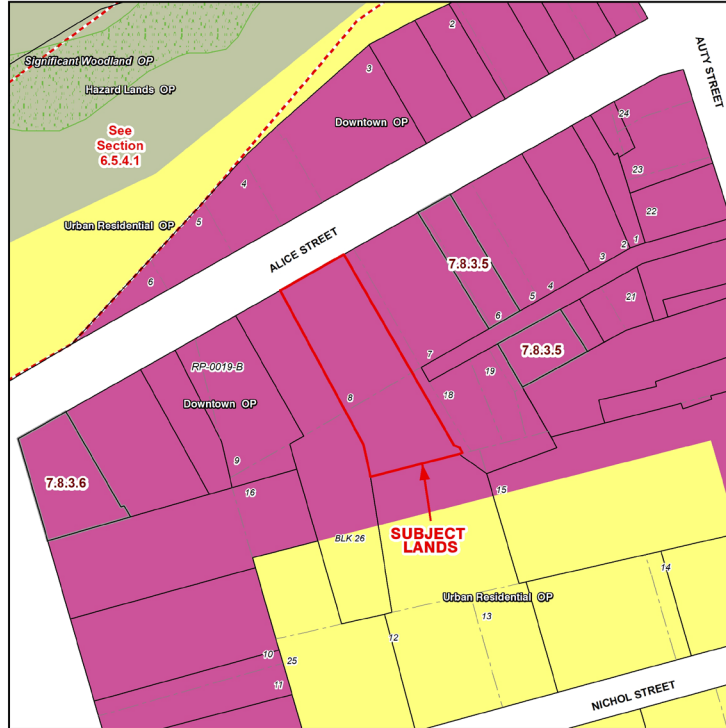
Surrounding Land Use: Central Business District

Site Context

Official Plan Map

MAP B
 PROPOSED OFFICIAL PLAN AMENDMENT MAP
 Urban Area of WATERFORD

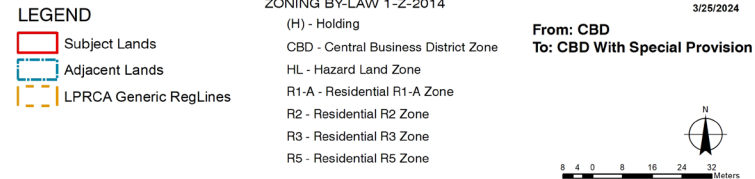
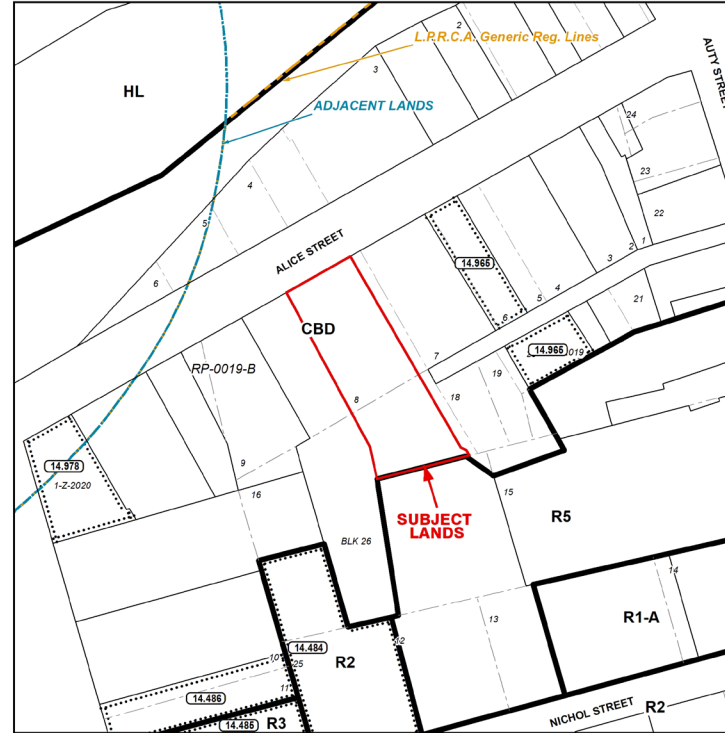
OPNPL2024063
 ZNPL2024064



Proposed Zoning By-law Amendment Map

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

OPNPL2024063
 ZNPL2024064

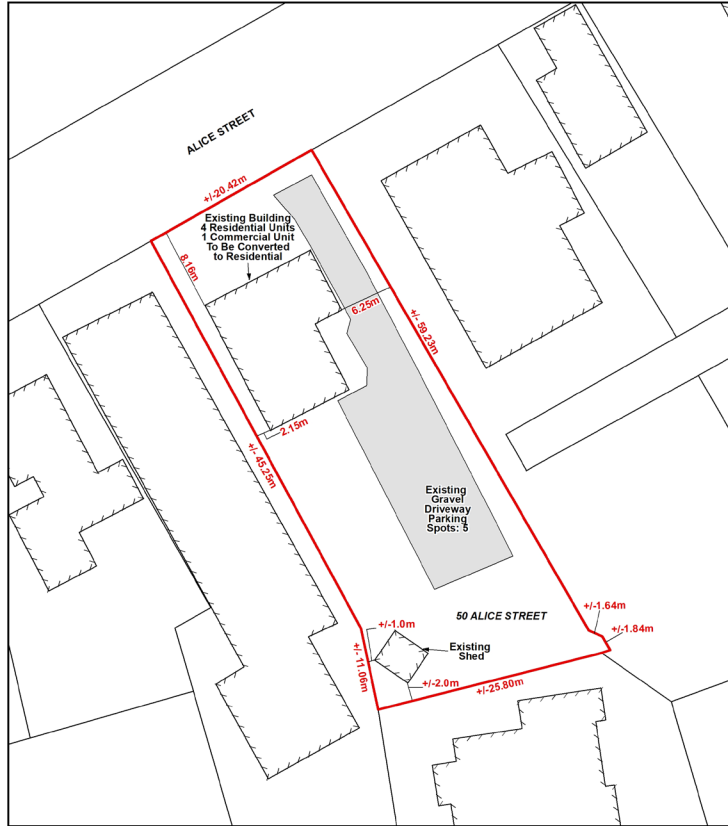


Development Proposal

Concept Plan

MAP D
CONCEPTUAL PLAN
Urban Area of WATERFORD

OPNPL2024063
ZNPL2024064



Legend

Subject Lands

3/25/2024

Key Features/Proposed Subdivision:

Development Proposal:

- The Development being proposed is to allow for the provision of residential for the entire building with no commercial space remaining.

Proposed Zoning Amendment:

- The land would remain CBD, Central Business District, with a special provision allowing for no commercial use within the building. Zoning provisions requires a minimum of 50% commercial floor area at ground floor level.

Proposed Official Plan Amendment:

- The land would remain Downtown OP, with a special provision allowing for no commercial use at ground floor level within a building of residential appearance.

Preliminary Review

Technical Reports:

- Planning Justification Report (Mark Kozak, February 2024)
- Floor Plans (J.H. Cohoon Engineering Ltd, October 2023)
- Site Development Plans (J.H. Cohoon Engineering Ltd, September 2023)
- Functional Servicing Report (J.H. Cohoon Engineering Ltd, September 2023)
- Survey Drawing (S.M. Ruuska, Ontario Land Surveyor, December 1982)


Technical Comments:

Technical Comments pending.

Public Input:

No Public input has been received at time of submission of this report and presentation.

Preliminary Considerations

Key Items		Preliminary Review
Housing		The subject lands consists of 3 apartments and one small commercial unit. The removal of the remaining commercial unit would allow for a fourth residential unit.
Parking		The proposed development would exceed the requirements of the Zoning By-law provisions.
Servicing		There is no change to the servicing of this site as the number of units remains unchanged, albeit one changing from commercial to residential.

Next Steps & Recommendation

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

Public Hearing Committee Report Recommendation:

THAT staff Report CD-24-050 for development applications OPNPL2024063 and ZNPL2024064 be received for information;

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

ATTACHMENT B

Existing Policies and Zoning Considerations

Planning Act

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

- (h) the orderly development of safe and healthy communities;
- (j) the adequate provision of a full range of housing, including affordable housing;
- (p) the appropriate location of growth and development and

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

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

Consistency with the Provincial Policy Statement – 2020

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 2020 promotes strong, liveable, healthy and resilient communities, protecting the environment and public health and safety, and facilitating economic growth.

Section 1.1.3.1 related to Settlement Areas states that Settlement areas shall be the focus of growth and development. It further states that 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.

Section 1.4.3, related to Housing policies, states 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 by permitting and facilitating:

- 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;

- 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;
- 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;
- 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.

Conformity with the Official Plan

The proposed development is within the designated area of 'Downtown' in the Norfolk County Official Plan. The "Downtown" designation is meant to encompass neighborhoods in the County's urban area capable of providing retail, office, service, entertainment and other commercial uses, as well as government, institutional, residential and community activities. Downtowns will be the focus of compact and focused development oriented to the pedestrian scale.

Section 7.8.1.b) states that 'residential uses shall be permitted, provided that the uses do not negatively impact the planned function of the Downtown Designation, subject to the following provisions:

- i) in a building of commercial character, residential uses shall only be permitted above the ground floor and on the ground floor in the rear of the building, provided that the street frontage is maintained for commercial uses; and
- ii) in an existing building of residential character, residential uses (either a single detached dwelling or multiple residential dwellings), and/or commercial uses shall be permitted, provided the residential character of the building is maintained.

Planning Comments: The proposed reduction of commercial space to allow for an additional residential unit within a building of residential character would comply with the provisions of this section of the Official Plan.

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

The subject lands are currently zoned as "Central Business District (CBD)".

Permitted Uses in CBD zone are too numerous to list here but do include:

- z) dwelling, apartment subject to the requirements of Subsection 6.1.4
- aa) dwelling units in any permitted commercial building subject to the requirements of Subsection 6.1.4

Section 6.1.4 states: Any dwelling units in the CBD Zone shall not occupy more than 50 percent of the usable floor area of the first storey, and the frontages of the first storey shall be dedicated to retail, office or service uses. [66-Z-2018]

Planning Comments: The proposed use does not comply with the existing Zoning provisions in terms of the level of ground floor commercial space. It should be noted that this building was fully residential prior to the current commercial unit being established in 2000 and used as a massage clinic for 22 years. The business has ceased trading.

4.11.1 states that there is no requirement for off-street parking provision within the CBD zone.

Planning Comments: The proposed conversion of this small commercial unit to return the building to a fully residential building would require a special provision. It would help provide an additional, centrally located, residential rental unit. It is noted that there are 7 existing off-street parking spaces to the rear of the site and as such, would exceed the zoning provision requirements.

ATTACHMENT C

Technical Comments

Building Inspector – Reviewed

The building department has reviewed the proposal and has no conditions.

A building permit will be required to address the change of use and construction.

No Ontario Building Code review has been completed at this time and will be done at permit application stage.

Please reach out to the building department as you get closer to having the planning and applicable approvals in place and staff will be happy to assist you with information on preparing for the building and septic permit stage of the project.

All general permitting inquires: by email: permits@norfolkcounty.ca or by phone: 226-NORFOLK (226-667-3655) Ext 6016

By-law Services – Reviewed

No concerns from Bylaw.

Norfolk GIS – Reviewed

Please contact NorfolkGIS for civic addressing of all five units within the building.

You can apply for a new civic address here. If a green sign is required in order to issue you an address (generally anywhere outside of an urban area) you will have to call Norfolk County Customer Service after applying to make payment before the address is issued (519-426-5870 or 226-NORFOLK). If you would like to apply for a new Civic Address because you are planning to build on a vacant parcel of land, this is dealt with as part of the building permit process. The building inspector can provide you with a copy of a Civic Address Request Form or it can be downloaded below. On the form there are several areas that need to be filled out with information, and a sketch showing the lot layout of the property for which the Civic Address is being requested. A sample sketch will be included with the form.

Realty Services – Reviewed

Realty Services has no comments at this time.

Canada Post – Reviewed

Please be advised that Canada Post does not have any comments on this zoning application. If the customer requires mail delivery, please have them register at the Waterford Post office.

Any further Technical Comments will be entered hopefully prior to commencement of Workflow.

ATTACHMENT D

Public Comments

No public comments have been received to date. Any comments arising during the Public Hearing Committee meeting will be taken into account.



The Corporation of Norfolk County

By-Law **X-OP-2024**

Being a By-Law to Adopt Amendment Number 155 to the Norfolk County Official Plan in respect of lands described as WAT PLAN 19B BLK 26 PT LOT 8 PT LOT 16 IRREG, Urban Area of Waterford, Norfolk County, municipally known as 50 Alice Street, Waterford.

Whereas the *Planning Act, R.S.O. 1990, CHAPTER P.13*, as amended, Section 17 (22) states that "When the requirements of subsection (15) to (21), as appropriate, have been met and the Council is satisfied that the plan as finally prepared is suitable for adoption, the Council may adopt all or part of the Plan and, unless the plan is exempt from approval submit it for approval.";

And whereas the Council of The Corporation of Norfolk County has considered an amendment to the Norfolk County Official Plan in accordance with the provisions of the Planning Act, R.S.O. 1990, c.P.13 as amended, Sections 17, 21 and 22.

Now therefore the Council of The Corporation of Norfolk County hereby enacts as follows:

1. That amendment number **161** to the Norfolk County Official Plan as set out in the text and Schedule "A" attached hereto is hereby adopted.
2. That the effective date of this By-Law shall be the date of passage thereof.

Enacted and passed this 22th day of May 2024.

Mayor A. Martin

County Clerk G. Sharback

Amendment Number 159 to the Norfolk County Official Plan

Part A: Preamble to the Amendment

The purpose of amendment number 161 to the Norfolk County Official Plan is allow for the removal of all ground floor commercial uses within the building into residential.

Location of the Lands Affected

As shown on the attached ‘Schedule “A”’, the subject lands are located on PLAN 19B BLK 26 PT LOT 8 PT LOT 16 IRREG, Urban Area of Waterford, Norfolk County, municipally known as 50 Alice Street, Waterford.

Basis of the Amendment

The basis for permitting this Amendment is to accommodate the development of an additional dwelling unit in conformity with overall Provincial Policy.

Part B: The Amendment

That the Norfolk County Official Plan is hereby amended as follows:

Map Schedule Amendment

That Schedule B, Land Use, in the Norfolk County Official Plan is amended by identifying all the lands shown as the subject lands on ‘Schedule “A”’ attached to and a part of this amendment with the 7.8.3.8 site specific policy number.

Text Amendment

That the following site specific policy area be added to Section 7.7 Urban Residential Designation.

7.8.3.8 – 50 Alice Street Site Specific Policy Area [X-OP-2024]

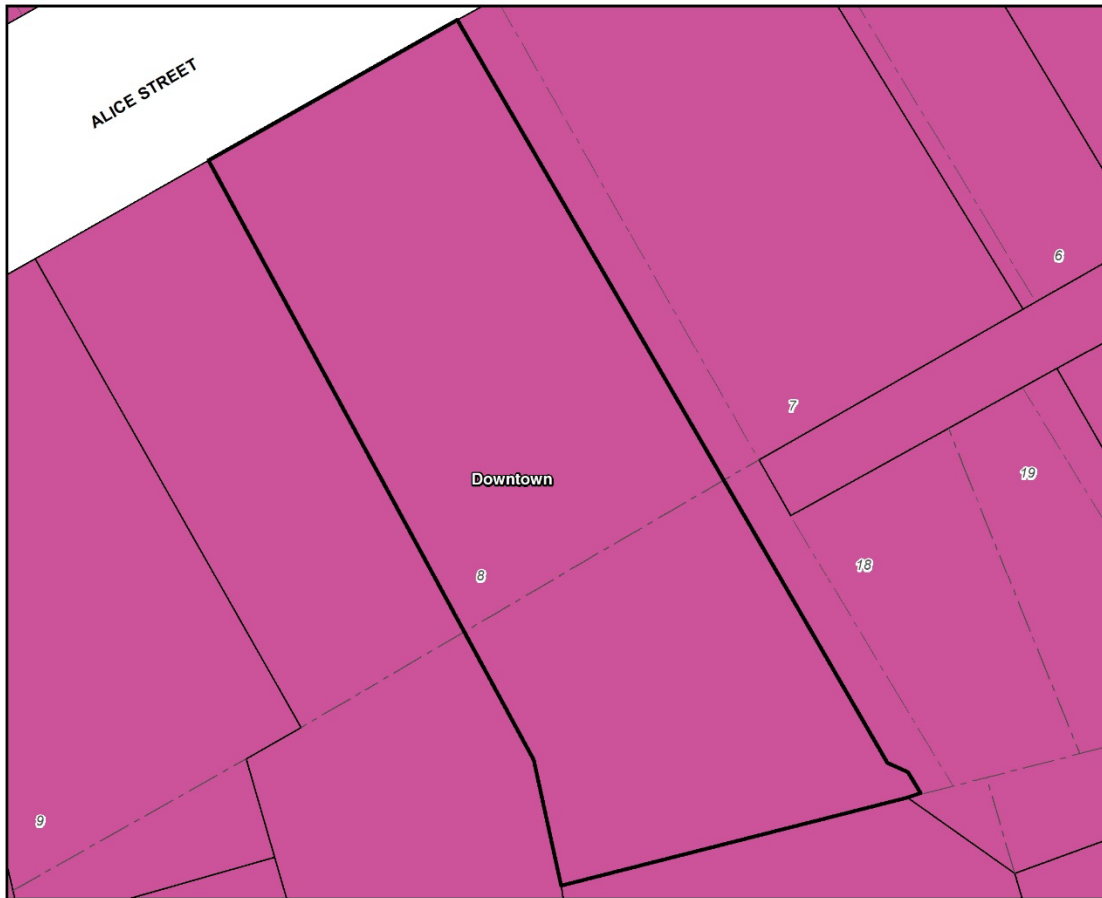
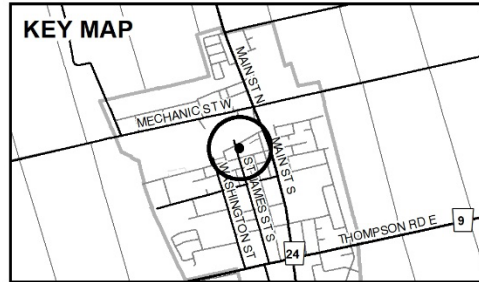
THAT on land designated Downtown – Site Specific Policy Area 7.8.3.8 on Schedule “B” to this Plan, permits the use of the entire building for residential units with no ground floor commercial uses.

Part C: Additional Information


This document will be implemented by Norfolk County enacting an appropriate amendment to the Norfolk County Zoning By-Law 1-Z-2014.

Applicant Mark and Susanne Kozak«Applicant»
File Number OPNPL2024063
Report Number CD 24-050
Assessment Roll Number 3310335020024000000

SCHEDULE A
Amendment No. 161
to the
OFFICIAL PLAN
for
NORFOLK COUNTY
in the Urban Area of
SIMCOE



LEGEND

 Subject Lands

From: Downtown
To: Downtown With Provision Official Plan Designations

 Downtown

 Urban Area Boundary



1:400





The Corporation of Norfolk County

By-Law **XX-Z-2024**

Being a By-Law to Amend Zoning By-Law 1-Z-2014, as amended, for property described as WAT PLAN 19B BLK 26 PT LOT 8 PT LOT 16 IRREG, Urban Area of Waterford, Norfolk County, municipally known as 50 Alice Street, Waterford.

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

And whereas this By-Law conforms to the Norfolk County Official Plan.

Now therefore the Council of The Corporation of Norfolk County hereby enacts as follows:

1. That Schedule A of By-Law 1-Z-2014, as amended, is hereby further amended by changing the zoning of the subject lands identified on Map A (attached to and forming part of this By-Law) from Central Business District Zone (CBD) to Central Business District Zone (CBD) with a Special Provision.
2. That Subsection 14 Special Provisions is hereby amended by adding new Special Provision **14.1054** to the subject lands as follows:

14.1054 In addition to the zoning provisions in the Central Business District Zone (CBD) Zone, the following shall apply:
 - a) The site can be used as a fully residential building with no commercial units.

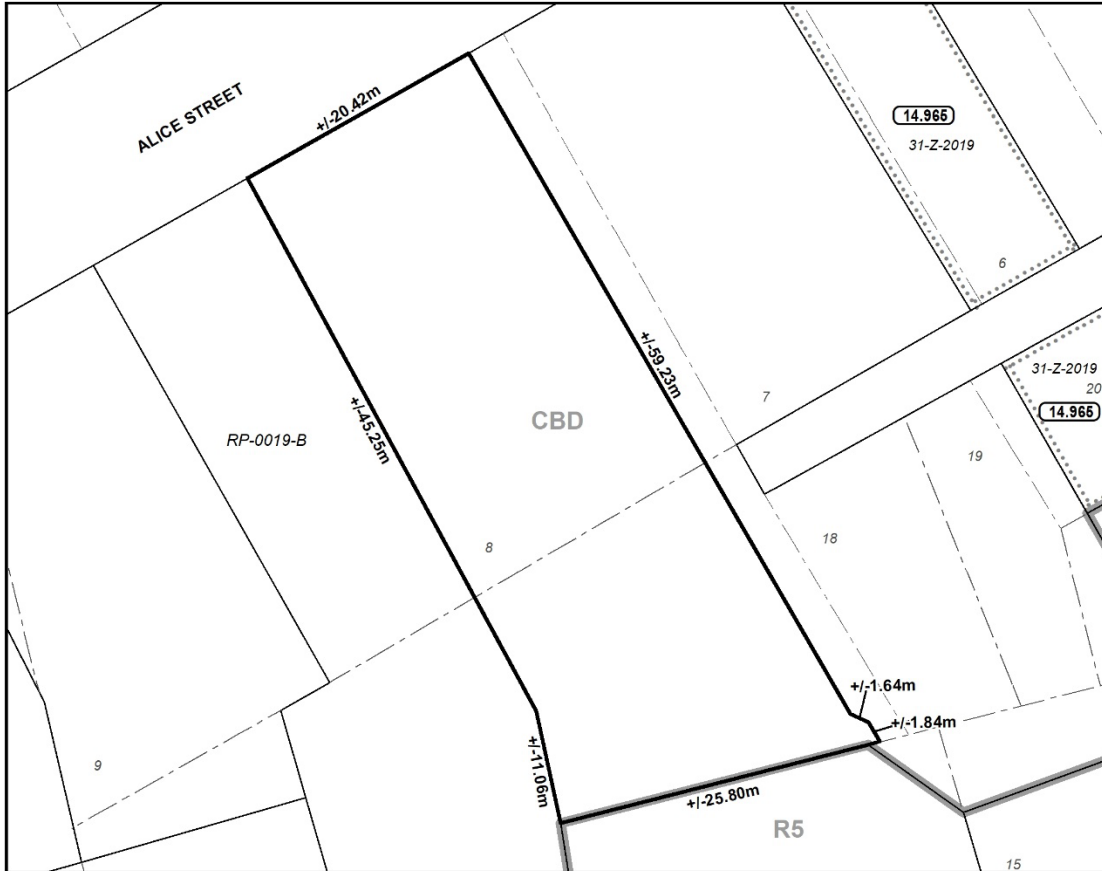
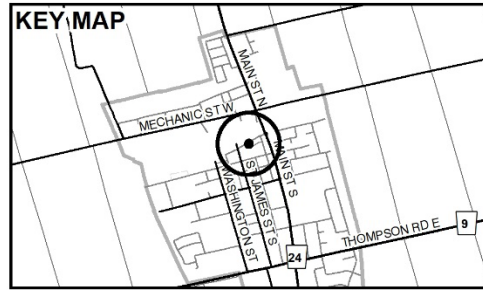
That this By-Law shall become effective upon final approval of this file.

Enacted and passed this 22nd day of May, 2024.

Mayor A. Martin

County Clerk G. Sharback

MAP A
ZONING BY-LAW AMENDMENT
NORFOLK COUNTY
 In the Urban Area of
WATERFORD



LEGEND

Subject Lands

ZONING BY-LAW 1-Z-2014

(H) - Holding

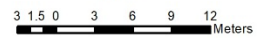
CBD - Central Business District Zone

From: CBD

To: CBD With Special Provision R5 - Residential R5 Zone



1:450



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

Mayor: A. Martin

Clerk: G. Scharback

**Explanation of the Purpose and Effect of
By-Law **XX-Z-2024****

This By-Law affects a parcel of land described as WAT PLAN 19B BLK 26 PT LOT 8 PT LOT 16 IRREG, Urban Area of Waterford, Norfolk County, municipally known as 50 Alice Street, Waterford.

The purpose of this By-Law is to change the zoning of the subject lands from Central Business District (CBD) to Central Business District (CBD) with a Special Provision to allow for a fully residential building with no commercial units at ground floor level.