



Working together with our community

Public Hearings Committee – May 07, 2024

Subject: Application ZNPL2024072 proposing to add a special provision to the existing Urban Residential Type 2 (R2) zoning to allow use of housing geared to students for the lands described as 77-79 Oakwood Avenue, Simcoe

Report Number: CD 24-051
Division: Community Development
Department: Planning
Ward: Ward 5
Purpose: For Public Meeting

Recommendation(s):

That staff Report CD-24-051 for development application ZNPL2024072 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 <<insert date>>.

Discussion:

The applicant is proposing Zoning By-law Amendment to allow for the use of the existing duplex for student housing.

An overview summary of the development application that has been submitted for the subject property at 77-79 Oakwood Avenue is contained within Attachment A. This includes an outline of the site context, the application and technical reports, any

technical or public feedback to date and overview of development considerations. The draft by-law is included as Attachment E.

Strategic Plan Linkage:

This report aligns with the 2019-2022 Council Strategic Priority "Foster Vibrant, Creative Communities" and "Create an Optimal Place for Business".

Explanation: Development that results from applications under consideration can help contribute to a vibrant community and for business.

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 Draft Zoning By-Law 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 24-051
Development Application Overview

77-79 Oakwood Avenue, Simcoe

Application File Number: ZNPL2024072

Applicant: Haldimand Norfolk Housing Corporation.

Agent: None

Statutory Public Hearing

Date: May 7th, 2024

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Site Context

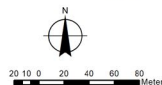
MAP A
CONTEXT MAP
Urban Area of SIMCOE

ZNPL2024072



Legend

-  Subject Lands
- 2020 Air Photo



Site Characteristics:

- 623.27 sqm lot area.
- Lot has a frontage onto Oakwood Avenue
- Located within the Urban Area of Simcoe.
- Formed of two duplex dwelling units.

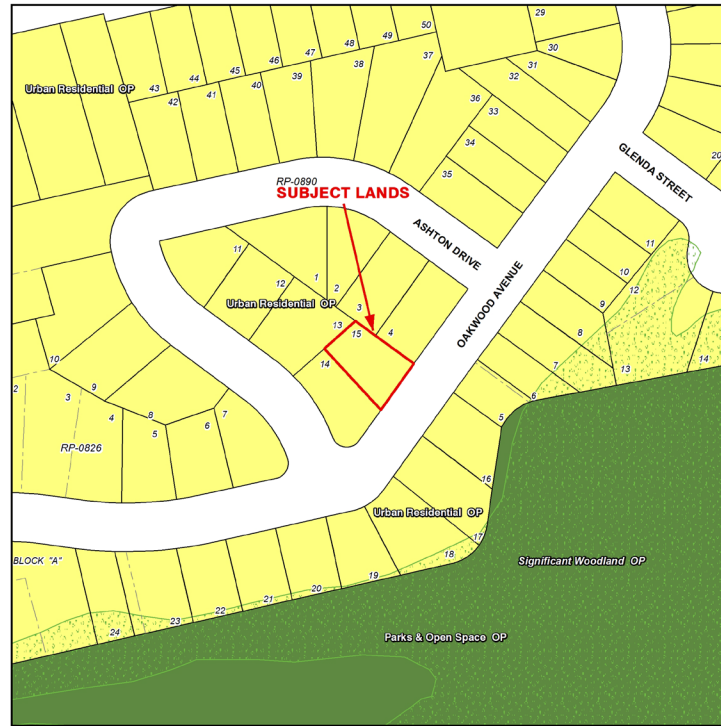
Surrounding Land Use: Residential.

Site Context

Official Plan Map

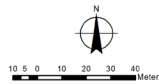
MAP B
OFFICIAL PLAN MAP
Urban Area of SIMCOE

ZNPL2024072

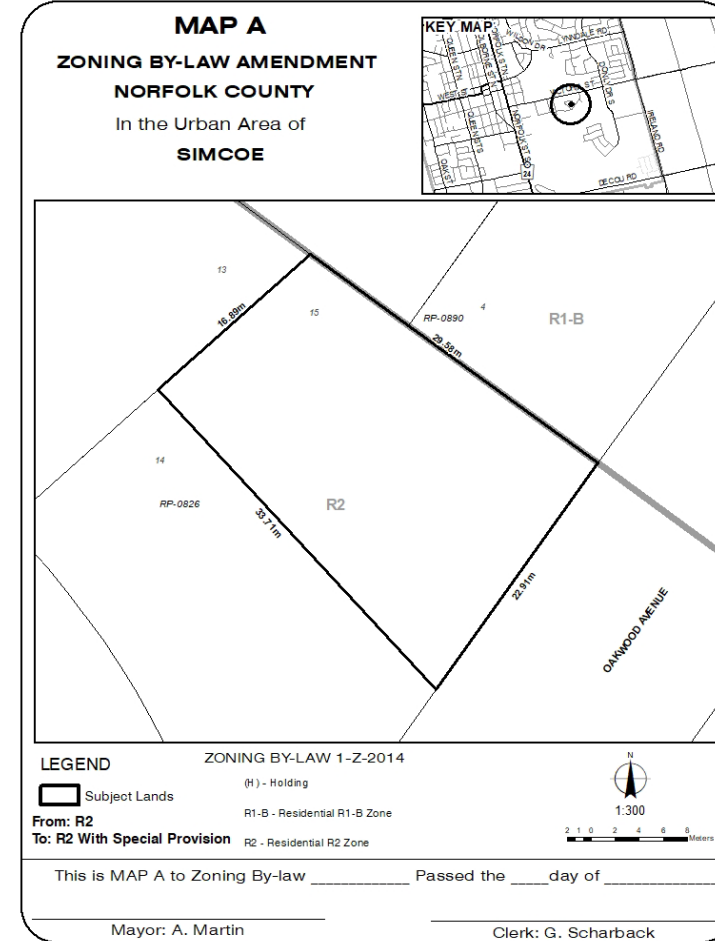


- Legend**
- Subject Lands
- Official Plan Designations**
- Urban Residential
 - Parks & Open Space
 - Urban Area Boundary
 - Significant Woodland

3/13/2024



Proposed Zoning By-law Amendment Map



Development Proposal

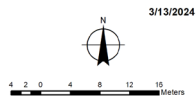
Concept Plan

MAP D
CONCEPTUAL PLAN
Urban Area of SIMCOE

ZNPL2024072



Legend
Subject Lands



Key Features/Proposed Subdivision:

Development Proposal:

- The Development being proposed is to allow for the use of the existing duplex dwellings for student housing.

Proposed Zoning Amendment:

- The land would remain R2, Urban Residential, with a special provision allowing the use of the land for a boarding/lodging house or Rooming House.
- Zoning provisions for a Boarding/Rooming House would require 12 parking spaces for the proposed amended use of the two units. 3 parking spaces exist for each unit for a total of 6 spaces, a deficiency of 6 parking spaces.

Preliminary Review

Technical Reports:

- Planning Justification Report/Cover Letter (Haldimand Norfolk Housing Corporation, March 2024)
- Survey Drawing/Registered Plan (Jewitt and Dixon, 2024).
- Proposed Basement, Ground and Second floor Plans (Haldimand Norfolk Housing Corporation, February 2024)


Technical Comments:

Technical Comments pending.

Public Input:

No Public input has been received at time of submission of this report and presentation. However, 2 members of the public spoke to the planner on file about the proposal but have not yet submitted any comments nor raised any objections during the meeting.

Preliminary Considerations

Key Items		Preliminary Review
Housing		The subject lands consists of duplex dwelling units. The existing dwellings are to remain and a special provision is to apply to allow for the use as student accommodation in the form of Boarding/Lodging or Rooming House
Parking		The proposed development would not meet the parking requirements of the Zoning By-law.
Servicing		There is no change to the servicing of this site as the number of units remains unchanged.

Next Steps & Recommendation

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

Public Hearing Committee Report Recommendation:

THAT staff Report CD-24-051 for development applications ZNPL2024072 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 'Urban Residential' in Norfolk County Official Plan. The "Urban Residential" designation is meant to encompass neighborhoods in the County's urban area capable of providing a variety of residential forms that serve a diverse population.

Section 5.3 related to Housing states that The County shall ensure that a full range of housing types and densities are provided to meet the anticipated demand and demographic change. All forms of housing required to meet the social, health and well-being of current and future residents, including those with special needs shall be encouraged. The County shall target that 15 percent of all new housing built in Norfolk County be multi-residential dwellings and 15 percent be semi-detached and townhouse dwellings.

Planning Comments: The proposed use for group housing/supported housing will be further reviewed for the alignment with this housing policies.

Section 5.3.1 related to residential intensification states that urban residential intensification, infilling and redevelopment of existing areas allows for the efficient provision of urban services thereby helping to minimize the costs of providing services while meeting an important component of the County's housing needs. Residential intensification policies include:

- infill development and residential development of vacant land or underutilized land in existing neighbourhoods will be encouraged;
- redevelopment shall include the replacement of existing residential uses with compatible new residential developments at a high density;
- the County shall target that a minimum 25 percent of its annual residential growth be accommodated through infill, intensification and redevelopment within the existing built-up areas in the Urban Areas with full municipal services;
- on lands designated Urban Residential and located outside of the Built-Up areas of Simcoe, Port Dover, Delhi, Waterford and Port Rowan, the minimum overall

density of residential development shall be 15 units per hectare of developable land area;

- the existing water and sanitary sewer services can accommodate the additional development;
- the road network can accommodate the traffic generated;
- the proposed development shall be compatible with the existing development and physical character of the adjacent properties and surrounding neighbourhood; and
- the proposed development shall be consistent with the policies of the appropriate Land Use Designation associated with the land.

Planning Comments: The proposed development will be tested with the above noted evaluation criteria.

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

The subject lands are currently zoned as “Urban Residential Type 2 (R2)”.

Permitted Uses in R2-A zone:

- a) *dwelling, single detached*
- b) *dwelling, semi-detached*
- c) *dwelling, duplex*
- d) *bed & breakfast*, subject to Subsection 3.4
- e) *day care nursery*
- f) *home occupation*
- g) *accessory residential dwelling unit*, subject to Subsection 3.2.3.

Planning Comments: The proposed use does not fall under the existing Zoning provisions in terms of use as a boarding/lodging or rooming house. It is intended to use these duplex units for student housing.

“BOARDING OR LODGING HOUSE” shall mean a semi-detached dwelling, with or without meals, for lodging or sleeping accommodation and may provide communal but not individual cooking facilities. The dwelling shall be occupied by no more than four (4) individuals in a student housing program. A boarding or lodging house shall not include a hotel or bed & breakfast.

“ROOMING HOUSE” shall mean a semi-detached dwelling containing individual rooms rented, with or without meals, for lodging or sleeping accommodation and may provide communal but not individual cooking facilities. The dwelling shall be occupied by no more than four (4) individuals in a student housing program. A rooming house shall not include a hotel or bed & breakfast.

It is also sought to recognize the existing location and number of parking spaces for the additional permitted uses as 6 ea., with a minimum of 3 provided parking spaces each. Due

to the nature of student housing which houses students with sometimes limited resources, it is anticipated that the residents will not all have cars. This site is also near town resources as well as the school campus and will have integrated bicycle lock-up provided.

Also, to recognize any other deficiencies therein to facilitate the additional uses on the subject lands.

It is recommended that when either unit is operating as one of the 2 new uses, the following uses shall not be permitted:

- bed & breakfast
- daycare nursery
- home occupation
- accessory residential dwelling unit

And further that the application seeks a site-specific provision to add the following:

- a. Yard Exemption for a Boarding or Lodging House Any existing single detached dwelling having any yard less than that required by this By-Law may be used as a boarding or lodging house provided any extension or addition to the dwelling house complies with the yard requirements.

Section 4.9.d) would require a minimum parking requirement of 2 parking spaces per dwelling unit plus 1 parking space for each room for boarders. This would mean a total of 12 parking spaces.

Section 5.3.2 outlines the zoning provisions for a boarding/lodging house in terms of lot sizes and yard setbacks.

Planning Comments: The majority of the proposed end users of the student housing are unlikely to have access to vehicles. The existing parking on site (6 parking spaces) is considered to be adequate for the proposed use. The building on the subject lands is existing and it is not considered necessary for it to adhere to the zoning provisions for a boarding/rooming house given the proposed use and that it remains within the R2 zone.

ATTACHMENT C

Technical Comments

Agreements Coordinator – Circulated

GIS – Circulated

Development Engineering – Reviewed

Development Engineering has reviewed application **ZNPL2024031** and have the following comments.

1. Water / wastewater allocation will not be issued as part of the Zoning By-Law Amendment as there is no increase in servicing being proposed to the property at this time. If any future upside in servicing is proposed at this site, all applicable permits and inspections are to be issued by Public Works.
2. As per Norfolk County By-Law 2013-65, only one domestic water service pipe and one water meter shall be installed per lot.

Zoning – Reviewed

As per the current definition of “Boarding and Lodging House” the parking requirements are 2 for each dwelling unit, and an additional parking for each boarder(section 4.9 (d)) the zoning table in the application states that the zoning provision for # of off street parking is 6, where the required currently is 2 for each dwelling unit(so 4) then an additional parking of 8 for 8 rental rooms, so the value here should say 12 required as per the zoning, and then they are only proposing 3 . Also a parking layout of the 6 spots needs to be provided on a site sketch showing dimensions and locations of spots.

Building – Circulated

Fire – Circulated

Social Services and Housing – Circulated

Canada Post – Reviewed

Please be advised that Canada Post does not have any comments on this property being used as a rooming house. Unless there are units provided, there will not be any additional mail change so it will be considered as 1 mailing address with 1 delivery point.

Realty Services – Circulated

Housing – Circulated

Bylaw Services – Reviewed

Parking - The proposal would see the potential to have 8 vehicles on a very small lot with just two single driveways. Even if not every one of the 8 tenants has a vehicle, experience has shown that visitors will often add to the impact in these situations. Given that no one likes to move cars around in driveways there will be inevitable issues with parking on a street that currently has parking on only one side (alternating sides every

15 days). There is also a regular high impact on parking availability twice a day every school day that nearby St Joseph's is in session with regular complaints to Bylaw about parking violations, and there are also snow removal implications with increased street parking in winter. It is therefore very likely that Bylaw will be called to investigate violations of ZBL 4.2.3 for parking within a landscaped area or violations related to length of time parking on Oakwood if this change is approved and no accommodation is made for parking needs. Suggestion would be to require a widened parking area on each side yard only, not in the front yard, to facilitate side by side parking of at least 1 additional vehicle on each side of the building. This would at least provide some street parking relief in one of our most complained about subdivisions.

Noise - High density student housing in most municipalities will often add to noise issues with complaints from nearby residential uses. Rental dispute issues are now taking at least a year and often more to work their way through the Landlord Tenant Board when trying to have the LTB support an eviction. Can they add rental contract language that would permit eviction for documented poor behaviour that attracts police or Bylaw investigation such as noise, debris, unlicensed vehicles etc?

Six Nations of the Grand River - Circulated

Student Transportation Services – Circulated

Hydro One - Circulated

Grand Erie District Board of Education – Reviewed

Thank you for circulating the development proposal at 77 Oakwood Avenue. The Grand Erie District School Board has no comments or concerns regarding the proposed boarding/rooming house.

ATTACHMENT D

Public Comments

To date, 2 members of the public have contacted Planning Staff about this proposal by telephone. They were seeking clarification about the proposed use but did not raise any concerns or objections to the proposal. No other public comments have been received at this time.



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 PLAN 826 LOT 15 IRREG, Urban Area of Simcoe, Norfolk County, municipally known as 77-79 Oakwood Avenue, Simcoe.

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

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

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

1. That Schedule A of By-Law 1-Z-2014, as amended, is hereby further amended by changing the zoning of the subject lands identified on Map A (attached to and forming part of this By-Law) from Urban Residential Type 2 Zone (R2) to Urban Residential Type 2 Zone (R2) with a Special Provision.
2. That Subsection 14 Special Provisions is hereby amended by adding new Special Provision 14.1055 to the subject lands as follows:
 - 14.1055 In addition to the uses permitted in the Urban Residential Type 2 (R2) Zone, the following shall apply:
 - a) The site can be used for:
 - i. *Boarding and Lodging House*
 - ii. *Rooming House*
 - b) Minimum *parking spaces* for *Boarding/Rooming House*:
 - i. *3 parking spaces* per unit (to a total of 6 for the subject lands);
 - c) For the purposes of this site specific provision, the following definitions shall apply:
 - i. *"BOARDING OR LODGING HOUSE" shall mean a semi-detached dwelling, with or without meals, for lodging or sleeping accommodation and may provide communal but not individual cooking facilities. The*

dwelling shall be occupied by no more than four (4) individuals in a student housing program. A boarding or lodging house shall not include a hotel or bed & breakfast.

ii. "ROOMING HOUSE" shall mean a semi- detached dwelling containing individual rooms rented, with or without meals, for lodging or sleeping accommodation and may provide communal but not individual cooking facilities. The dwelling shall be occupied by no more than four (4) individuals in a student housing program. A rooming house shall not include a hotel or bed & breakfast.

d) That section 5.3.4 *Yard Exemption for a Boarding or Lodging House* shall not apply for the subject lands.

e) That any set-back deficiencies created through the additional uses, shall be deemed to comply.

f) That at such time as either *dwelling unit* is the 2 (two) new uses, the following uses shall not be permitted:

i. bed & breakfast

ii. day care nursery

iii. home occupation

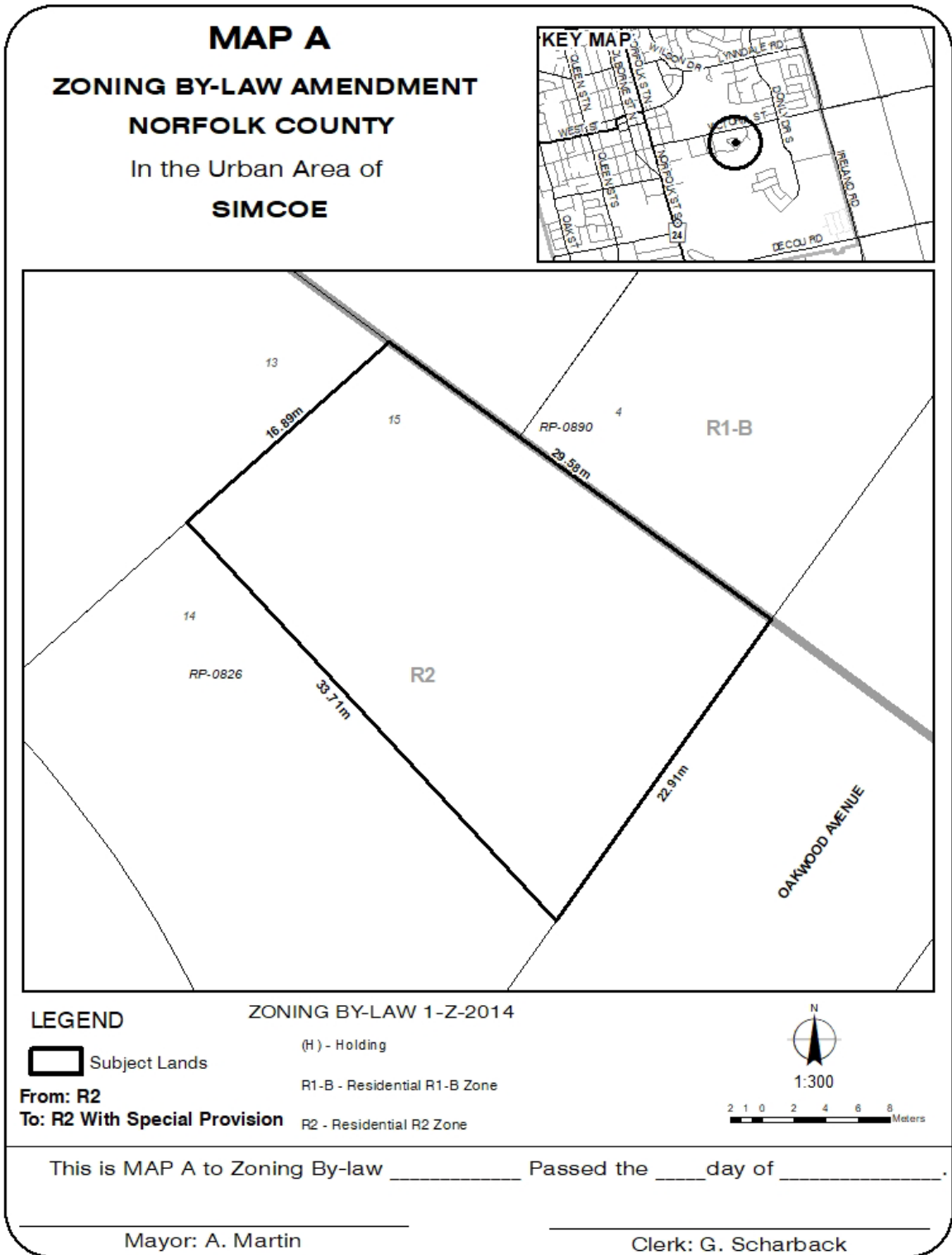
iv. accessory residential dwelling unit

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



**Explanation of the Purpose and Effect of
By-Law 27-Z-2023**

This By-Law affects a parcel of land described as PLAN 826 LOT 15 IRREG, Urban Area of Simcoe, Norfolk County, municipally known as 77-79 Oakwood Avenue, Simcoe.

The purpose of this By-Law is to change the zoning of the subject lands from Urban Residential Type 2 Zone (R2) to Urban Residential Type 2 Zone (R2) with a Special Provision to allow accommodation up to 4 (four) individuals per residential dwelling unit for a total of 8 (eight) students on the subject land. The Special Provision 14.1052 also permits a reduced parking requirement with a minimum of 6 parking spaces and yard exemptions.