

Attachment D – Policy Analysis and Planning 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 the protection of ecological systems, including natural areas, features and functions, the supply, efficient use and conservation of energy and water, the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems, the orderly development of safe and healthy communities, the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies, the protection of public health and safety, the appropriate location of growth and development, the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians; and the promotion of built form that is well-designed, encourages a sense of place, and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

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

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.

1.1.1 Healthy, liveable 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;
- 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;
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;

- d) avoiding development and land use patterns that would prevent the efficient expansion of *settlement areas* in those areas which are adjacent or close to *settlement areas*;
- 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;
- f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;
- g) ensuring that necessary *infrastructure* and *public service facilities* are or will be available to meet current and projected needs;
- h) promoting development and land use patterns that conserve biodiversity; and
- i) preparing for the regional and local impacts of a changing climate.

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.

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

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.

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.

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

Planning Comments: *The PPS states that settlement areas shall be the focus of growth and development. Section 1.1.3.2 of the PPS states that “land use patterns within settlement areas shall be based on densities and land uses which” achieve a variety of purposes, including those which are appropriate for the planned and available infrastructure and public service facilities, in order to reduce the need for inappropriate expansion. Settlement areas land use patterns should be based on a range of uses orientated towards intensification and redevelopment, subject to criteria in policy 1.1.3.3.*

3.0 Protecting Public Health and Safety

Ontario's long-term prosperity, environmental health and social well-being depend on reducing the potential for public cost or risk to Ontario's residents from natural or human-made hazards.

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.

Mitigating potential risk to public health or safety or of property damage from natural hazards, including the risks that may be associated with the impacts of a changing climate, will require the Province, planning authorities, and conservation authorities to work together.

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:

- a) hazardous lands adjacent to the shorelines of the Great Lakes - St. Lawrence River System and large inland lakes which are impacted by flooding hazards, erosion hazards and/or dynamic beach hazards;
- b) hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards; and
- c) hazardous sites.

3.1.2 Development and site alteration shall not be permitted within:

- a) the dynamic beach hazard;
- b) defined portions of the flooding hazard along connecting channels (the St. Marys, St. Clair, Detroit, Niagara and St. Lawrence Rivers);
- c) areas that would be rendered inaccessible to people and vehicles during times of flooding hazards, erosion hazards and/or dynamic beach hazards,

unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard; and

- d) a floodway regardless of whether the area of inundation contains high points of land not subject to flooding.

3.1.4 Despite policy 3.1.2, development and site alteration may be permitted in certain areas associated with the flooding hazard along river, stream and small inland lake systems:

- a) in those exceptional situations where a Special Policy Area has been approved. The designation of a Special Policy Area, and any change or modification to the official plan policies, land use designations or boundaries applying to Special Policy Area lands, must be approved by the Ministers of Municipal Affairs and Housing and Natural Resources and Forestry prior to the approval authority approving such changes or modifications; or
- b) where the development is limited to uses which by their nature must locate within the floodway, including flood and/or erosion control works or minor additions or passive non-structural uses which do not affect flood flows.

Planning Comment: *PPS Section 3, Protecting Public Health and Safety, contains policies intended to reduce the potential for public cost or risk to Ontario's residents from natural or human-made hazards. As noted by the Long Point Region Conservation Authority (LPRCA), 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. Based on the information submitted, the proposed development is outside the area located within the Regulated Area as described in Ontario Regulation 178/06. Permission from LPRCA is not required for this proposed development.*

The application is proposing to recognize the existing single detached dwelling and cottages located within the Hazard Land designation and zone. Recognizing the existing uses would increase the potential for public cost and risk to residents, which is not consistent with Section 3 of the PPS.

Planning staff are supportive of modified Official Plan and Zoning Amendments that do not recognize the uses within the Hazard Land designation and zone. LPRCA is supportive of the proposed development within the R1-A zone.

In conclusion, it is staff's opinion that the application as submitted does not meet the intent of the PPS, however, the modified amendments, contained as Attachments E and F, generally meet the intent of both the Planning Act and the PPS. The modified amendments are proposing development on an existing lot that will support a gentle intensification within a settlement area and that no new development or recognition of uses within the Hazard Land designation and zone is recommended.

Norfolk County Official Plan

2.2 Goals and Objectives

The six strategic goals and associated objectives set out in this Section of the Plan form the basis for the detailed policies that follow and reflect the six themes identified in the Strategic Plan.

2.2.1 Strong and Diversified Economy

2.2.1.1 Goal

Create a planning framework that promotes a flexible and adaptable economic environment that encourages investment and a broad range of employment opportunities, supports the growth of tourism in the County, protects the vitality and growth of the agricultural industry, and revitalizes Downtown Areas while recognizing retail trends and community needs.

2.2.1.2 Objectives

- a) Guide the maintenance and growth of economic activity in the County through the development of proactive and flexible land use policies for areas of economic activity.
 - b) Promote the development of new businesses and economic activities that are not currently available in the County to help maximize employment opportunities through land use policies that permit and encourage the development of such uses.
 - c) Promote employment opportunities that utilize local economic and natural resources.
 - d) Support business and industrial employment diversification through flexible land use policies and small business development.
 - e) Foster tourism potential along the lakeshore and in other areas of the County through the protection and enhancement of the County's unique characteristics and the development of a wide range of visitor accommodations.
 - f) Ensure that lakeshore resources are managed and, where appropriate, developed to promote tourism development and economic growth.
 - k) Focus higher order commercial uses, such as department stores and food stores, in the Downtown Areas and along key transportation corridors in the Urban Areas.
 - l) Encourage the improvement and revitalization of the Downtown Areas as healthy and vibrant areas for mixed commercial, residential, cultural, social, tourism and entertainment uses, while recognizing and conserving their built and cultural heritage.
- ### 2.2.3 Maintaining and Enhancing the Rural and Small Town Character

2.2.3.1 Goal

Protect the unique character of Norfolk's cultural landscapes, Urban Areas, Hamlet Areas and Agricultural Area through heritage conservation, community design and redevelopment policies that promote community health, safety and broad aesthetic appeal.

2.2.3.2 Objectives

- a) Preserve and enhance the history and cultural heritage of the County.
- b) Encourage the beautification, improvement and/or redevelopment of the County.
- c) Revitalize and reuse underutilized land in the County.
- e) Develop land use patterns in the Urban Areas that are compact and efficient.
- g) Protect and improve the significant cultural heritage resources and cultural heritage landscapes, and encourage the conservation of historical buildings, all of which contribute to Norfolk's unique character.
- i) Protect and conserve those natural and cultural landscape features that contribute to the County's unique character.

2.2.4 Maintaining a High Quality of Life

2.2.4.1 Goal

Reinforce Norfolk's strong sense of community through the provision of public services, the development of safe and attractive communities and the celebration of Norfolk's unique cultural and natural heritage, by involving residents in making decisions on planning matters and by promoting a healthy community through active lifestyles.

2.2.4.2 Objectives

- c) Ensure that new development is designed in a manner that provides a safe, aesthetically appropriate, and stimulating environment.

2.2.5 Upgrading and Expanding Infrastructure

2.2.5.1 Goal

Ensure that Norfolk maintains, improves and expands its infrastructure including all modes of transportation, water and waste water infrastructure, stormwater management, waste management, telecommunications and other public utilities in order to better serve existing and future County residents, businesses and visitors.

2.2.5.2 Objectives

- a) Provide adequate and efficient water supply and distribution, waste water collection and treatment, stormwater management and waste management systems.
- c) Ensure that public and environmental health and safety are priorities.
- d) Ensure appropriate access to, from, and within the County by all modes of transportation.
- e) Give priority to road and servicing improvements that improve the potential for employment-related growth and development.
- g) Maintain and expand active transportation options for walking, cycling and public transit.

2.2.6 A Well Governed, Well Planned and Sustainable County

2.2.6.1 Goal

Support an open and responsive municipal government that actively builds public and private sector partnerships in the pursuit of the responsible and efficient use of land, resources, and services, while ensuring community and financial sustainability.

2.2.6.2 Objectives

- a) Offer an open and responsive County which provides clear opportunities for public input into the land use planning process.
- c) Communicate and cooperate with private sector interests to review development initiatives, and where deemed appropriate, to support those projects that will benefit the County.
- d) Ensure the responsible use of land by encouraging the redevelopment, intensification and infilling of underutilized land and the efficient use of greenfield lands in Urban Areas.
- e) Direct new urban development to Urban Areas and Hamlet Areas, ensuring a compact form, and an appropriate mix of land uses and densities, resulting in the efficient use of land, infrastructure, and public services and facilities.
- f) Reduce conflicts between existing and proposed land uses through buffering, setbacks, landscaping and other measures, as appropriate.

- g) Ensure that all new development in Urban Areas occurs on full municipal services, except in areas specifically provided for in this Plan, to ensure the maintenance of healthy communities and the natural environment.
- h) Ensure that all new development will be a long-term financial benefit to the County.
- i) Utilize the provisions of the Development Charges Act and other provincial legislation to reduce growth related capital costs borne by the existing residents of the County.
- j) Encourage the development of a broad, balanced tax base.

Planning Comment: *Section 2 outlines goals and objectives that guide the interpretation of the plan policies, such as a Strong and Diversified Economy (Section 2.2.1), which promotes tourism along the lakeshore through the development of a wide range of visitor accommodations. The County's economic vitality is a critical component to the underlying policy framework and Section 4 recognizes the strategic link between planning and emerging economic development opportunities. The growth in the tourism sector, particularly in urban areas and along the Lake Erie shoreline, is supported through policy 4.5 a) as it states the County "encourages the establishment of additional tourism opportunities in the form of accommodation facilities and appropriate entertainment and recreational attractions".*

The objective of Maintaining and Enhancing the Rural and Small Town Character (Section 2.2.3) encourages the beautification, improvement and redevelopment of the County and promotes developing land use patterns in urban areas that are compact and efficient. The goal of maintaining a high quality of life is meant to "reinforce Norfolk's strong sense of community" through "the development of attractive communities by involving residents in making decisions on planning matters and by promoting a healthy community..." Community design criteria is provided through section 5.4 and is intended to promote the improvement of the physical character, appearance and safety of streetscapes.

4.0 Ensuring Economic Vitality

4.1 Introduction

Maintenance of economic vitality and fostering economic development are critical underlying components of the planning framework of this Plan. In order to respond to changing economic conditions, this Plan maintains an appropriate land use framework to accommodate evolving land use needs as they relate to economic activity.

The County encourages economic development across the County in a manner that balances social, cultural, natural environment and other initiatives. This Plan recognizes

the pre-eminence of agriculture as the principal economic activity in the County. This Section of the Plan addresses broad areas and influences of economic activity, including agriculture, tourism, natural resources and resource-related activities, employment activities, and the redevelopment of potentially contaminated sites.

4.2 Link to Economic Development

In order to provide an advantageous environment for economic activity in Norfolk County, the land use policies need to be linked with the economic development plan. This strategic link provides opportunities for innovation, technological advancement and changing employment trends to be accommodated in the existing planning policy framework.

In order to achieve this strategic link, the following shall be the policy of the County:

- a) This Plan provides links to Norfolk County's Tourism and Economic Development Strategy to foster emerging economic development opportunities within the existing planning policy framework. Specifically, the policies of this Plan shall support the objectives of the Tourism and Economic Development Strategy which include:
 - i) enhancing the profile of the County and its Urban Areas as investment opportunities;
 - ii) identifying growth sectors and new economic opportunities for the County in the land use policies of this Plan;
 - iii) ensuring that the land use policies of this Plan maintain the pre-eminence of agriculture as the principal economic activity in the rural components of the County;
 - iv) strengthening the County's economic base through a greater diversification of available business and employment land;
 - v) improving opportunities for local industries and businesses, especially small businesses within the County;
 - vi) addressing the role of tourism in the County's economic base;
 - vii) promoting the County as a destination for tourists;
 - viii) acknowledging the role of the Urban Areas in influencing the County's economy;
 - ix) setting out general development and servicing constraints for commercial and industrial uses; and
 - x) addressing the distribution and demand for serviced industrial land.

4.5 Tourism

This Plan encourages growth in tourism and travel to the County, particularly to the Urban Areas, the Lake Erie shoreline, resort and recreation areas, and areas of agricultural, rural and natural amenity.

The following shall be the policy of the County:

- a) The County promotes the maintenance and improvement of existing tourism and tourist destination-oriented uses in the County and encourages the establishment of additional tourism opportunities in the form of accommodation facilities, and appropriate entertainment and recreational attractions.
- b) The County recognizes and supports the development of tourism uses within the Urban Areas and specifically the Downtowns that will encourage visitor stops, provided such uses do not detract from the principal functions and uses of these areas. Such initiatives may include support for:
 - vii) the conversion and redevelopment of upper-storey apartments in Downtowns to provide short-term overnight tourism accommodation;
 - viii) bed and breakfast accommodations in single detached residential dwellings subject to criteria to be established in the Zoning By-law;
- f) The County shall consider opportunities to establish the existing lakeshore roads as a parkway, providing a multi-purpose route along the waterfront.
- g) Important lookout points along the Lakeshore are identified on Schedule "C". These sites provide panoramic views and provide an understanding of the overall configuration, character and landscape of the County's lakeshore. These sites are to be protected and may be enhanced with picnic shelters, restrooms, parking areas and plaques.
- j) The County supports the maintenance and improvement of accommodations for tourists, including hotels, motels, bed and breakfast establishments and camping facilities.

Planning Comment: *The Official Plan recognizes the link between economic development and land use planning. Supporting and promoting opportunities for growth in the tourism section, especially along Lake Erie are key to the economic development within the County. Additional policies in regards to tourism, accommodations and Ontario's South Coast Route are provided within the Lakeshore Special Policy Area Secondary Plan.*

5.3 Housing

The provision of housing is an essential part of planning in Norfolk County. There are many factors that affect supply and demand in the housing market, and only some of them can be managed by a municipality in Ontario. The County may influence the location, timing and scale of development through the provision of infrastructure and the review of residential development proposals including site plans and plans of subdivision and condominium. It is desirable to have close cooperation between all levels of government and the private sector in order to provide for sufficient and affordable housing, and a stable residential housing market. The County shall ensure

that a full range of housing types are provided to meet the anticipated demand and demographic change, including accessible housing forms to facilitate aging in place and for persons with disabilities.

f) Conversion of rental housing shall only be considered when:

- i) the rental vacancy rate for the community has been at or above 3 percent for two consecutive surveys as reported by the Canada Mortgage and Housing Corporation (CMHC) Rental Housing Market Survey;
- ii) the approval of such conversion does not result in the reduction of the vacancy rate below 3 percent; and
- iii) the requirements of any applicable Provincial legislation or regulations are met.

g) The County shall encourage that housing be considered when opportunities for redevelopment become available. This includes the redevelopment of existing single-use and underutilized areas with full municipal services, such as shopping plazas, business and employment sites and older commercial and residential areas, especially where the land is in close proximity to human services. Special attention shall be given to the design of buildings, the landscaping treatment and features of the site to ensure that the proposed redevelopment is physically compatible with the adjacent uses.

k) The County recognizes the value of older residential neighbourhoods and shall support the maintenance and improvement of established neighbourhoods and older housing stock through measures such as participation in senior government programs. Where appropriate, applications which retain the heritage character in a proposed re-use of older housing stock shall be supported.

l) The County shall ensure that residential and/or commercial infill development in areas of cultural heritage value or interest is sympathetic to the existing building fabric and streetscape.

Planning Comment: *The application is not proposing additional residential units for long term rentals, therefore, these policies do not apply to the subject applications.*

5.4 Community Design

Safe and attractive neighbourhoods contribute to the overall community health of the County. Excellence in community design is essential to creating a physical environment where people have the appropriate places to interact, live, work, recreate and learn. The following policies relate to the physical design of communities, including new applications within the County for development, such as plans of subdivision, infill development proposals, and site plans.

The following shall be the policy of the County:

a) Through implementation of this Plan, the County shall seek to maintain and improve the physical design characteristics of the Urban Areas in the context of new and existing development and stress a generally high quality of settlement design throughout the County.

b) Through the review of development applications, including plans of subdivision, site plans and other development proposals, the County:

i) shall ensure that new development is designed in keeping with the traditional character of the Urban Areas, in a manner that both preserves the traditional image of the Urban Areas and enhances the sense of place within the County while maintaining the community image of existing settlement areas;

ii) shall promote efficient and cost-effective development design patterns that minimize land consumption;

iii) shall promote the improvement of the physical character, appearance and safety of streetscapes, civic spaces, and parks;

iv) shall encourage tree retention and tree replacement;

v) shall ensure that design is sympathetic to the heritage character of an area, including the area's cultural heritage resources;

vi) shall strongly encourage design that considers and, wherever possible, continues existing and traditional street patterns and neighbourhood structure; and

vii) may require, at the County's sole discretion, that proponents submit design guidelines with development applications, establishing how the policies of this Section have been considered and addressed. Such guidelines may also be required to address related issues of residential streetscaping, landscaping, setbacks, sidewalks, signage, garage placement, and architectural treatment.

c) Adequate measures shall be taken to ensure that the permitted uses have no adverse effects on adjacent land uses. Adequate buffering shall be provided between any uses where land use conflicts might be expected, and such buffering may include provisions for grass strips and appropriate planting of trees and shrubs, berms or fence screening, and other means as appropriate. Modifications to building orientation may also be appropriate buffering measures, but not in replacement of appropriate plantings.

d) Development design that establishes reverse lotting on Provincial Highways and County Roads will not be permitted. Development design that requires features such as noise attenuation or privacy fencing will be discouraged. Wherever possible, new development will be oriented toward streets or parks.

- e) The County shall require compatibly scaled and designed infill developments within areas designated as Downtown, which enhance the traditional character and economic viability of such centres.
- f) A high quality of architecture and site design for institutional uses such as schools, places of worship, libraries and other public service buildings is encouraged.
- g) Streetscaping that reflects the intended character of settlement areas is encouraged. In particular, traditional streetscaping in the Downtown Designations of the Urban Areas will be encouraged.
- h) A high quality of park and open space design is strongly encouraged. The land for parkland dedication shall be carefully selected to facilitate their use as a central focal point for new or existing neighbourhoods.
- i) Public art in the County shall generally be encouraged to incorporate themes supporting and promoting local history, civic pride, businesses and technology. The provision of public art in the Downtown Designations shall be encouraged. The County may consider granting increases in height or density for a particular development proposal in exchange for the provision of public art, in accordance with Section 37 of the Planning Act.
- j) The County may require the provision of certain pedestrian, cycling and trail linkages through the development approvals process.
- l) The County may undertake the preparation of urban design guidelines to achieve the policies of this Section for all or parts of the County.
- m) The County shall encourage development design considering the principles of Crime Prevention Through Environmental Design (CPTED). Specifically, the County shall encourage proponents of new development to use appropriate lighting to deter crime and to situate buildings on lots to maximize natural surveillance.
- n) To promote environmental sustainable development, the County shall encourage the design of sustainable neighbourhoods in keeping with Leadership in Energy and Environmental Design - Neighbourhood Development (LEED ND) design principles in accordance with the policies under Section 11.8.2.1 Sustainable Neighbourhood Design of the Lakeshore Special Policy Area Secondary Plan.
- o) The County shall review site plans and drawings submitted in accordance with Section 41 of the Planning Act and Section 9.6.5 (Site Plan Control of this Plan) regarding accessibility for persons with disabilities including but not limited to areas of accessible parking, exterior paths of travel, lighting, ramps, entrances and street furniture.

Planning Comment: *Planning staff is recommending that Site Plan Control be applied to the site where the criteria of Section 5.4 will be assessed.*

6.4 Urban Areas

The six Urban Areas within the County have historically functioned as the focal points for growth and development activity, as well as public and private sector investment. This role will continue in the future. The Urban Areas will accommodate the greatest amount of the targeted growth throughout the planning period, and will be the focus of residential, commercial, employment, government, institutional, office, entertainment, cultural, and health and social service activities.

The following shall be the policy of the County:

- a) The locations of the Urban Areas are illustrated on Schedule “A” – Community Structure. Each Urban Area is unique and will accommodate a varied range and type of growth and development.
- c) The County shall ensure through its planning activities that each Urban Area develops with efficient land use patterns that minimize the extension of municipal services and infrastructure and will sustain the community and financial wellbeing of the County over the long-term.
- h) Intensification, infill and redevelopment of designated and underutilized sites, and areas in transition in the Urban Areas will be encouraged. The intensification, infill and redevelopment of designated and underutilized sites that are contaminated, or suspected of contamination, shall be subject to the policies of Section 5.7 (Potentially Contaminated Sites). The County shall target 25 percent of its growth in the Urban Areas to be accommodated through infill, intensification and redevelopment.

Planning Comment: *The subject lands are located within the urban area of Port Dover and the proposed development is considered minor infill of an underutilized site within the Urban Residential Type 1 zone.*

6.5.2 Port Dover Urban Area

6.5.2.1 Introduction

Port Dover is the second largest Urban Area in the County. The County will support and promote the continued development of Port Dover as a significant urban waterfront community and tourism node in the County. The County will support and promote Port Dover as a sustainable waterfront urban community focussed on port and lake-based activities, and containing an efficient pattern of development. The policies of the Plan, however, recognize the inherent flooding hazards in the Port Dover Urban Area emanating from Lake Erie and the Lynn River.

6.8 The Lakeshore

Norfolk County’s geographic location on the north shore of Lake Erie is one of the County’s greatest physical assets. The County recognizes that the lakeshore is an invaluable resource. The County lakeshore, a significant component of “Ontario’s South

Coast”, provides excellent tourism and recreational opportunities. While the County is in favour of further tourism and recreational development, the development pressures along the lakeshore need to be carefully managed to protect the area’s natural attributes, ecological significance and importance through its connectivity to the natural features, which form the basis for much of the interest in the area. Furthermore, there is a similar need to protect human health and safety from the natural hazards and potential human made hazards associated with concentrations of development on private services.

6.8.1 Lakeshore Special Policy Area

The Lakeshore Special Policy Area (LSPA) is identified on Schedule “A” to this Plan. The Lakeshore Special Policy Area Secondary Plan, included in Chapter 11 of Part II – The Secondary Plans, complements the general policies and land use designations of Part I – The Primary Plan and provides more detailed planning strategies and land use policies to address the special lakeshore attributes and the unique local land use arrangements to ensure the community, environmental and economic sustainability of the County’s lakeshore. The LSPA Secondary Plan must be read in conjunction with the policies of the Part I – The Primary Plan. Where a conflict arises between the Part I – The Primary Plan and the LSPA Secondary Plan, the policies of the LSPA Secondary Plan shall prevail.

Planning Comment: Port Dover is subject to the policies of the LSPA Secondary Plan and it is important to note that where there is a conflict between the direction of the Official Plan and LSPA, the policies of the LSPA Secondary Plan shall prevail.

7.3 Hazard Land Designation

Hazard lands are lands that have inherent environmental hazards such as flood susceptibility, erosion susceptibility, instability and other physical conditions which are severe enough, if developed upon, to pose a risk to occupants of loss of life, property damage and social disruption.

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.

7.3.1 Permitted Uses

Schedule “B” illustrates the Hazard Lands Designation based on mapping provided by the Long Point Region Conservation Authority and the Grand River Conservation Authority. The Hazard Lands Designation comprises three principal hazards (riverine hazards, shoreline hazards and other hazards). 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”:

- a) Uses legally existing on the date of adoption of this Plan 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;
 - ii) petroleum extraction approved under the Oil, Salt and Gas Resources Act; and
 - iii) marine uses along the shoreline as identified on Schedule “B” to this Plan, including marinas, which may include a restaurant, recreational park and/or sales and service function in association with the marine operation, and accessory uses.
- h) Non-habitable uses accessory to any of the permitted uses in the Hazard Lands Designation are permitted.

Planning Comment: *It is the intent of the Official Plan to protect life and property by respecting natural and human-made hazard constraints that impact development. Within the Hazard Land designation, new development should only take place in areas that are not susceptible to hazards. The subject lands are susceptible to slope stability, erosion and flood hazards. The Official Plan permits non-habitable accessory uses, however, this does not apply to the existing cottages and single detached dwelling as they are habitable land uses. The application did not include material to confirm that the existing cottages and single detached dwelling legally existed on the date of the adoption of the Official Plan. As new habitable spaces are not permitted in the Hazard Land designation, staff recommend that the existing uses are not recognized as permitted uses.*

7.3.2 Land Use Policies

The following policies apply to land designated Hazard Lands:

- 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; and
 - iii) uses associated with services such as fire, ambulance, police or electrical substations. iv) wayside pits and quarries, and portable asphalt plants.

7.3.2.2 Shoreline Policies

- e) Where there is existing non-conforming development, repairs and minor additions to buildings and accessory uses such as boat houses may be permitted.
- f) The replacement of an existing building or structure may be permitted provided the hazard has been adequately addressed through the use of accepted engineering and resource management practices. Acceptable replacement shall not result in an increase of more than 50 m² to the original usable floor area of the building or structure, or alter the original use or affect shoreline processes.
- g) There may be areas where the hazard needs to be addressed on a comprehensive basis, rather than on an individual lot basis. Replacement of an existing building or structure may need to be evaluated in the context of a comprehensive review of the particular hazard. The County shall consult with the appropriate Conservation Authority in this regard.

Planning Comment: The uses, as confirmed by staff report PED 07-48, are considered non-conforming. Remodeling and repairs to these structures may be permitted subject to the policies of Official Plan regarding non-conforming and non-complying uses (sections 9.10.1, 9.10.2 and 9.10.3). Given that a remodeling plan for the existing cottages has not been provided with the application, staff do not support recognizing the existing cottages or single detached dwelling as permitted uses in the Hazard Land Designation. Based on the existing policy framework, technically the uses are permitted to continue on the site in accordance with the non-conforming and non-complying uses

provisions of the Zoning By-law. Minor variances would be required to address any minor additions as the Hazard Lands zone does not contain provisions for setbacks, height, useable floor, etc.

7.7 Urban Residential Designation

The Urban Residential Designation applies to the Urban Areas of the County. The Urban Areas are expected to continue to accommodate attractive neighbourhoods which will provide for a variety of residential forms as well as neighbourhood facilities such as elementary schools, parks, places of worship and convenience commercial uses integral to and supportive of a residential environment.

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.

7.7.1 Permitted Uses

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”.

- a) The predominant use of land shall be a variety of urban dwelling types, including single detached dwellings, semi-detached dwellings, duplex dwellings and similar low-profile residential buildings not exceeding 2 dwelling units per lot.
- 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).
- d) An accessory residential dwelling unit or garden suite shall be permitted subject to the policies of Sections 5.3.3.1 (Accessory Residential Dwellings) and 5.3.3.2 (Garden Suites) of this Plan.
- e) In accordance with Section 4.5.4 b) (Tourism), bed and breakfast establishments shall be permitted in any single detached residential dwelling, provided that all the required parking is accommodated on the same lot, and subject to criteria established in the Zoning By-law.
- i) Senior citizens’ homes or similar housing facilities for senior citizens including nursing homes shall be permitted to develop in accordance with the medium density residential policies of Section 7.7.2 (b) (Urban Residential Designation – Land Use Policies).
- j) A home occupation in a dwelling unit shall be permitted, except where an accessory dwelling unit, garden suite, or bed and breakfast establishment exists on the lot, provided the use does not change the residential character of the building and lot, and

residential remains the principal use. The use shall be compatible with the surrounding residential uses.

k) Group homes, hostels, temporary shelters, emergency shelters and other similar forms of special needs housing shall be permitted, subject to the policies of Section 5.3.2 (Special Needs Housing) of this Plan. In the Courtland Urban Area, only small-scale group homes, hostels, temporary shelters, emergency shelters and other similar forms of special needs housing shall be permitted.

l) Small scale neighbourhood convenience commercial and personal service uses to serve the daily shopping needs of a neighbourhood shall be permitted, subject to the policies of Section 7.7.2 (d) (Urban Residential Designation – Land Use Policies).

m) Mobile homes or trailer parks shall not be permitted.

n) Uses accessory to any of the permitted uses in the Residential Designation are permitted.

7.7.2 Land Use Policies

The following policies apply to land designated Urban Residential.

a) Single, semi-detached and duplex housing forms shall generally have an average net density of 15 units per hectare (uph), save and except for land designated Urban Residential in the Courtland Urban Area, where private servicing limitations shall determine the density of development.

b) Triplex, fourplex, townhouses, and other medium density housing forms, shall generally have a net density of between 15 and 30 uph, save and except for in the Courtland Urban Area where private servicing limitations shall determine the density of development. New medium density residential development and other uses that are similar in terms of profile, shall meet the following criteria:

i) the density, height and character of the development shall have regard to adjacent uses;

ii) the height and massing of the buildings at the edge of the medium density residential development shall have regard to the height and massing of the buildings in any adjacent low density residential area and may be subject to additional setbacks, or landscaping to provide an appropriate buffer;

iii) the development will be encouraged to have direct access to an arterial or collector road, where possible and appropriate;

iv) the watermains and sanitary sewers shall be capable of accommodating the development, or the proponent shall commit to extending services at no cost to the County, save and except for in the Courtland Urban Area, where private septic systems shall be permitted;

- v) the development is adequately serviced by parks and school facilities;
 - vi) in developments incorporating walk-up apartments, block townhouse dwellings and medium-profile residential buildings, on-site recreational facilities or amenities such as playground equipment may be required;
 - vii) the development shall be designed and landscaped, and buffering shall be provided to ensure that the visual impact of the development on adjacent uses is minimized;
 - viii) except for a triplex dwelling, fourplex dwelling or other similar small scale developments, a report on the adequacy of the road network to accommodate the expected traffic flows, and the adequacy of water and sewer services may be required from the proponent and approved by the County; and
 - ix) triplexes, fourplexes, freehold street townhouses or other similar small scale developments, may be subject to site plan control, in accordance with the policies of Section 9.6.5 (Site Plan Control) of this Plan.
- f) Development within the Urban Residential Designation shall be further subject to the policies of Section 6.4 (Urban Areas) and 6.5 (Specific Urban Area Policies) of this Plan.

Planning Comment: The Urban Residential designation is expected to accommodate a variety of residential forms and neighbourhood uses. Bed and breakfast establishments are permitted in single detached dwellings provided that parking can be provided on the same lot and the use conforms to the Zoning By-law provisions.

Based on the permitted uses of the Urban Residential designation, tourist accommodations may not be considered appropriate development, however, when the prevailing policies of the LSPA regarding tourism nodes and overnight tourist accommodations are considered, tourist cabins could be considered appropriate, subject to a review of the size and scale of all the accessory uses located on the subject lands in relation to the existing residential area. A corresponding Zoning By-law amendment would establish site specific provisions regarding items such as useable floor area, setbacks, maximum building height as well as the number and location of required parking spaces.

8.0 Networks and Infrastructure

8.2 The Transportation Network

Transportation plays an important role in determining the quality of life within a community through the level of service and accessibility to employment, social, recreational and shopping opportunities provided by the transportation network. Road, rail, air and water transportation all play roles in goods movement throughout the County.

The Transportation Plan, set out in Schedule “E” is based on the inter-relationship of land use and transportation. The transportation system is intended to be compatible with and supportive of the land use pattern. Roads have different characteristics, depending on the nature of the surrounding land use. A road in the rural and agricultural portion of the County will exhibit rural characteristics, matching rights-of-way with their expected function and use. However, roads that, for example, traverse historic Hamlet Areas or Urban Areas are expected to maintain the character of those areas and provide both lower speed access as well as a pedestrian environment.

The roads also facilitate the safe and efficient movement of both people and goods through the County at minimal economic, environmental and social cost. Additionally, the network is intended to promote the development pattern in the County and be supportive of economic activity.

8.2.2 Hierarchy and Classification of Roads

Public roads in the County shall be classified into a hierarchy on the basis of jurisdiction, function, traffic characteristics, speed and interconnections. The classification of roads and the existing and proposed road system is shown on Schedule “E”.

The following shall be the policy of the County:

d) Development shall only be permitted where frontage and access is to an open and public road that is maintained on a year-round basis, as determined by the County. Any road improvement required to bring a road up to a standard deemed appropriate by the County shall be at the expense of the benefiting landowner(s).

e) Road access points shall be designed to the satisfaction of the County and be in locations that will not create a hazard due to impaired line of sight, or any other geometric, transportation or land use planning consideration.

8.2.2.4 Collector Roads

Collector roads are designed with the dual function of carrying moderate volumes of local traffic to arterial roads, and distributing arterial traffic to local roads, while providing access to abutting properties.

The following shall be the policy of the County:

a) On-street parking may be permitted on collector roads in the Urban Areas, although location and time restrictions may be enforced in specific instances; for example, adjacent to schools or during peak periods of traffic demand.

b) Direct access to collector roads shall be permitted, subject to geometric design considerations.

c) Except as noted in Section 8.2.2(g) (Hierarchy and Classification of Roads) of this Plan, the minimum basic road right-of-way width for collector roads shall generally be 26 metres.

d) In the Urban Areas, sidewalks shall generally be constructed on both sides of collector roads.

Planning Comment: Nelson Street West is classified as a collector road. It is planned to carry a moderate volume of traffic. Reconstruction of the portion of Nelson Street West in front of the subject lands is currently ongoing. A cross walk at Mergl Drive and Nelson Street West is not anticipated as part of the upgrade work. There is a sidewalk along the north side of the street. There are no current plans to construct a sidewalk along the south side.

8.9 Water and Wastewater Services

Municipal water systems exist in all six of the Urban Areas. The County intends to improve and extend municipal water services throughout the Urban Areas. Municipal waste water treatment systems exist in Simcoe, Port Dover, Delhi, Waterford and Port Rowan. There are also a number of private communal water supply systems, principally serving Resort Areas. The balance of the County is serviced by private wells and individual waste water disposal systems. The County will ensure that cost-effective and adequate systems for water supply and waste water treatment are provided to support, enhance and sustain existing and future residents and businesses in the County.

8.9.1 Services in Urban Areas

The following shall be the policy of the County:

- a) The County shall ensure that both municipal water supply and waste water treatment systems perform within permitted operating standards. Limitations on the capacity or operating performance of these systems are recognized as a constraint to further development. The County shall continue to monitor treatment capacities and operational effectiveness of these municipal systems.
- b) Development in proximity to any waste water treatment plant shall adhere to the minimum separation distances and standards of the appropriate Ministry of the Environment and Climate Change Guidelines. Prior to the approval of any development of a sensitive land use in proximity to a waste water treatment plant, the Ministry of the Environment and Climate Change shall be consulted, and its standards shall be satisfied. The County may, to deal with specific situations, require separation distances that are greater than the minimum standards set by the Ministry.
- c) 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.

d) In Urban Areas, priority shall be given to the development of land that is presently serviced by watermains and sanitary sewer systems, or those areas that can most easily be serviced, at minimal expense.

e) 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.

8.9.3 Servicing Allocation and Phasing

The following shall be the policy of the County:

a) 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.

b) The timing of development in the Urban Areas shall be managed so that:

i) there is a logical extension of municipal services that avoids the “leapfrogging” of large undeveloped tracts of land between the existing urban development area and the proposed development;

ii) a compact form and pattern of development is maintained;

iii) the provision of all municipal services, as appropriate, proceeds in an economically viable manner; and

iv) first priority is given to reserving servicing capacity for infilling, intensification and redevelopment.

Planning Comment: Port Dover is currently subject to a development moratorium as a result of no water and wastewater capacity to support additional development. A holding provision is recommended to be applied to the zoning until such time that servicing allocation is awarded to the project. Allocation will be awarded during the site plan control process.

9.0 Implementation and Monitoring

9.4.2 Holding Provisions

Holding zones may be established in order to achieve orderly development and ensure that policies established in this Plan have been met. Council may place a holding symbol on the zone that prevents development from occurring until the County is satisfied that certain conditions have been met, allowing Council to indicate support for the development in principle, while identifying the need for additional actions prior to

development proceeding. Specific actions or requirements for the lifting of the holding provision shall be set out in the County's Zoning By-law or the amendment thereto.

These actions or requirements include, but are not necessarily limited to, the following:

- a) The allocation of municipal servicing capacity on the part of Council;
- b) The phasing and logical progression of development;
- c) The provision of adequate service or road infrastructure and works;
- d) The completion and confirmation that environmental contamination remediation has occurred on site, or that satisfactory verification of suitable environmental site condition is received by the County;
- e) The completion of an appropriate supporting study(ies) to the satisfaction of the County, in consultation with other agencies, as required;
- f) Confirmation that the requisite permits and approvals from external authorities have been received;
- g) The completion of a development or the subdivision of land, including the negotiation of a development or subdivision agreement;
- h) That site plan approval has been granted by the County, and a site plan agreement has been entered into, pursuant to the provisions of the Planning Act; and/or
- i) That the specific policies of this Plan have been complied with.

Planning Comment: As noted above, a Holding provision is recommended to be applied until municipal services are allocated to the project and for site plan approval, inclusive of the registration of a development agreement.

9.6 Development Control

9.6.1 Official Plan Amendments

The County shall consider all applications to amend this Official Plan, and shall notify the public and various Provincial Ministries and other agencies in accordance with the requirements of the Planning Act.

The following shall be the policy of the County:

- a) Applications to amend this Plan shall include a planning rationale report for the proposed change, prepared by the applicant. This shall include, but not be limited to, information regarding the proposed use, servicing, density if applicable, floor area if applicable, lot layout, site plans as appropriate and applicable, and the criteria outlined in Section 9.6.1(c) of this Plan. The County, at its sole discretion, may waive the requirement for a planning rationale report for minor and/or site specific amendments.

b) Any specific Official Plan amendment procedures outlined in the policies of this Plan shall apply to the consideration of the application.

c) The County shall consider the following criteria when reviewing applications to amend this Plan:

- i) the manner in which the proposed amendment conforms to prevailing Provincial policy and regulations;
- ii) the manner in which the proposed amendment conforms to the Strategic Plan prepared in support on this Plan;
- iii) the manner in which the proposed amendment conforms to the Goals and Objectives, and policies of this Plan;
- iv) the impacts of the proposed amendment on the provision of and demand for municipal services, infrastructure and facilities;
- v) the adequacy of the proposed servicing solution with respect to the servicing policies of this Plan;
- vi) the impact of the proposed amendment on surrounding land uses, the transportation system, municipal services and community amenities and services;
- vii) the impact of the proposed amendment on the community structure and nature of the Urban Areas and/or Hamlet Areas;
- viii) the impact of the proposed amendment on cultural heritage resources and/or Natural Heritage Features;
- ix) the impact on agricultural uses and land;
- x) the impact of the proposed amendment on the financial sustainability of the County; and
- xi) any other information determined by the County, in consultation with the appropriate agencies, to be relevant and applicable.

9.6.2 Zoning By-law Amendments

Pursuant to Section 9.4.1 (Zoning By-law) of this Plan, the County shall prepare a Zoning By-law. The Zoning By-law shall be maintained and administered by the County, and may be amended at Council's discretion provided the amendments are in keeping with this Plan. The County shall consider all applications to amend the Zoning By-law and shall provide notice of such application in accordance with the provisions of the Planning Act. Applications for Zoning By-law amendments shall be evaluated based on the same or similar criteria as those outlined for Official Plan amendments in Section 9.6.1.

Planning Comment: *The application was supported by the necessary documentation required by the Official Plan.*

9.6.5 Site Plan

Control Norfolk County shall utilize site plan control as provided for in the Planning Act. Site plan control applications can vary significantly in their complexity and need for review by County departments and external agencies. The Site Plan Control Bylaw for the County may establish different categories of site plan control applications, with a corresponding fee structure, relating to their complexity. The following policies shall apply to site plan control:

- a) Subject to the policies of this Plan, the site plan control area shall apply to the entire County.
- b) Where development consists of single detached, duplexes or semi-detached dwellings, site plan control shall not apply, except in cases where specifically required by this Plan, such as in cases where development is proposed on identified Hazard Lands.
- c) Where development consists of farm operations, farm buildings and the residence of the farm operator, site plan control shall not apply, except in cases where specifically required by this Plan, such as where an on-farm diversified use or agriculture-related commercial or industrial use is proposed, in accordance with Section 7.2.2 (Agricultural Designation- Land Use Policies) of this Plan.
- d) Site plan control shall be used to achieve well-designed, functional, accessible, safe and sustainable built form and public spaces. Proposed development or redevelopment subject to site plan control will not be permitted until the County has approved drawings for all buildings, structures and site development displaying the following:
 - i) Exterior building design;
 - ii) Design elements within and adjacent to the road right-of-way; and
 - iii) site development works.
- e) Proponents of site plan control applications shall have regard to the design policies of Section 5.4 (Community Design) and Section 11.8 (Community Design Strategy) of the Lakeshore Special Policy Area Secondary Plan and to the relevant land use and development policies of this Plan.
- f) The County shall acquire the widening of road rights-of-way, turning lanes, sight triangles at intersections and other road widening requirements, in accordance with the policies of Section 8.2.2 (Hierarchy and Classification of Roads), as a condition of site plan approval.
- g) The County may require proponents to execute a site plan agreement under circumstances where there is construction of more than one building or structure, where

the size of a building is to be substantially increased, where there is the development of a parking lot, and/or in other circumstances deemed appropriate by Council.

h) The County shall consult the appropriate Conservation Authority and any other relevant agency when considering applications for site plan approval, where applicable.

i) The County may apply certain conditions to site plan approval, and may require that a certain standard of design be applied.

j) The County shall require financial security through bonding or other financial arrangement prior to development.

Planning Comment: *The policies noted above will be assessed during the site plan control process if the Official Plan and Zoning By-law amendments are approved by Council.*

9.10 Plan Administration

9.10.1 Existing Uses

The following shall be the policy of the County:

a) Nothing in this Plan shall affect the continuance of uses legally existing on the date this Plan was adopted by Council.

b) The County may recognize the existing use of land in the implementing Zoning By-law. However, Council in co-operation with residents will attempt to reduce the number of non-conforming uses whenever and wherever possible according to the policies of this Plan.

9.10.2 Non-Conforming Uses

The County recognizes that some existing uses will not be consistent with all of the policies of this Plan. Notwithstanding the policies of this Plan to the contrary, such uses may be permitted in the Zoning By-law in accordance with the legally existing standards on the date of adoption of this Plan. To recognize such uses, the County may also develop suitable zone categories with appropriate standards in the Zoning By-law, provided that:

a) The specific zone category shall not permit a change of use that would aggravate any situation detrimental to adjacent uses;

b) The use or uses permitted shall not constitute a danger to surrounding uses and persons by creating any hazardous situations;

c) The use or uses do not interfere with the desirable development of adjacent areas;
and

d) Minor adjustments to the boundaries of sites, or minor extensions of sites containing non-conforming uses that are recognized in the Zoning By-law shall be deemed to conform to this Plan.

9.10.3 Non-Complying Uses

Where an existing use of land is permitted within the applicable zone in the County's Zoning By-law, but the lot, buildings or structures located on the property do not meet one or more of the provisions or regulations of the applicable zone, the use shall be considered to be legal non-complying. Applications for the expansion, alteration or addition of the non-complying use shall be considered by way of Zoning By-law amendment or minor variance, depending on the nature of the proposal.

Planning Comment: *The uses, as confirmed by staff report PED 07-48, are considered non-conforming. Remodeling and repairs to these structures may be permitted subject to the policies of Official Plan regarding non-conforming and non-complying uses (sections 9.10.1, 9.10.2 and 9.10.3). Given that a remodeling plan for the existing cottages has not been provided with the application, staff do not support recognizing the existing cottages or single detached dwelling as permitted uses in the Hazard Land Designation. Based on the existing policy framework, technically the uses are permitted to continue on the site in accordance with the non-conforming and non-complying uses provisions of the Zoning By-law. Minor variances would be required to address any minor additions as the Hazard Lands zone does not contain provisions for setbacks, height, useable floor, etc.*

Lakeshore Special Policy Area Secondary Plan

11.2.1.1 Growth Management Strategy

The Growth Management Strategy outlined in Section 11.3 (Growth Management Strategy) identifies the means to accommodate sustainable lakeshore-related growth and development over the planning horizon.

The Growth Management Strategy planning directions include:

- a) Direct growth away from the LSPA Agricultural Area and towards the existing designated Urban Areas of Port Dover and Port Rowan, which provide sufficient designated land to accommodate the projected population over the planning horizon.
- c) Direct the majority of tourism and recreational uses to the settlement areas, and secondly to the tourism and recreation elements of the Secondary Plan's community structure that are intended to support such activities.

11.2.1.4 Tourism and Recreation Strategy

The Tourism and Recreation Strategy outlined in Section 11.6 (Tourism and Recreation Strategy) provides a planning framework for the promotion of sustainable tourism and recreation opportunities and activities within the lakeshore. Sustainable tourism activities will promote the County's significant resources while balancing the needs to

protect the LSPA's agricultural resources, cultural and natural heritage features and environment.

The Tourism and Recreation Strategy planning directions include:

- a) Direct the majority of tourism and recreation related development to the Urban Areas of Port Dover and Port Rowan.
- d) Protect and enhance important views of the lakeshore from Urban Areas, Hamlet Areas and Resort Areas.
- e) Promote the provision and maintenance of roofed accommodations within areas identified in this Plan to support tourism development.

Planning Comment: *The proposed application is consistent with the Tourism and Recreation Strategy as the subject lands are within the urban area of Port Dover.*

11.2.1.6 Community Design Strategy

The Community Design Strategy outlined in Section 11.8 (Community Design Strategy) provides guidance with respect to sustainable neighbourhood and building designs and future neighbourhood planning areas.

The Community Design Strategy planning directions include:

- a) Promote the protection and enhancement of the valuable characteristics of the unique lakeshore related settlement areas.
- b) Promote the use of the LSPA Community Design Guidelines (Appendix "D") to direct the development of buildings and streetscapes consistent with the established character of the area.
- c) Promote the development of neighbourhoods and the design and construction of new buildings based on the principles of sustainability and sustainable building design.
- d) Promote safe community design measures. e) Promote streetscapes which enhance our perception of the public realm by creating a sense of place and community.

Planning Comment: *The proposed development is subject to Appendix D, Community Design Guidelines and section 5.4, Community Design, of the Official Plan, which requires the structures to respect the surrounding residential character of the neighbourhood. If the Official Plan and Zoning By-law amendments are approved, a recommendation is that Site Plan Control be applied to the subject lands as this is the process used to evaluate detailed design elements including building elevations and buffering.*

11.3.2.1 Urban Areas

The two Urban Areas of Port Dover and Port Rowan shall continue to be the primary Settlement Areas where the majority of growth and development activity within the

LSPA shall be directed over the planning horizon. These Urban Areas shall accommodate a range of residential, commercial, employment, institutional, entertainment, cultural and health and social service activities. The Urban Areas provide a unique lakeshore character which has been derived from their original fishery port function, and nautical and recreational assets. The Urban Areas of Port Dover and Port Rowan shall function as the primary Urban Tourism Nodes within the LSPA and accommodate a range of tourism related uses, including commercial establishments, accommodations, restaurants, and recreational uses.

The following shall be the policy of the County:

e) Development within the Urban Areas shall respect and reinforce the existing character of the community and surrounding landscape. Development within the Urban Areas shall be reviewed and evaluated in accordance with the LSPA Community Design Guidelines (Appendix “D”), particularly the Main Port Town community design guidelines. In the case of Port Dover, development within the Port Dover Waterfront Special Policy Area, as identified in Section 3.5.2.2 (Port Dover Waterfront Special Policy Area) of this Plan, shall also be subject to the waterfront master plan and urban design guidelines outlined in the Port Dover Waterfront Master Plan and Secondary Plan (January, 2001).

f) The Urban Areas of Port Dover and Port Rowan are recognized and promoted as Urban Tourism Nodes, and shall accommodate the majority of tourism related development in the LSPA. The Urban Tourism Nodes shall accommodate a range of tourism related uses, including commercial establishments, accommodations, restaurants, and recreational uses as outlined in Section 11.6.1 (Tourism Nodes) of this Plan. The County may use other municipal instruments to encourage tourism development in an effort to fulfill this development strategy.

xv) the development shall be reviewed in accordance with the LSPA Community Design Guidelines (Appendix “D”).

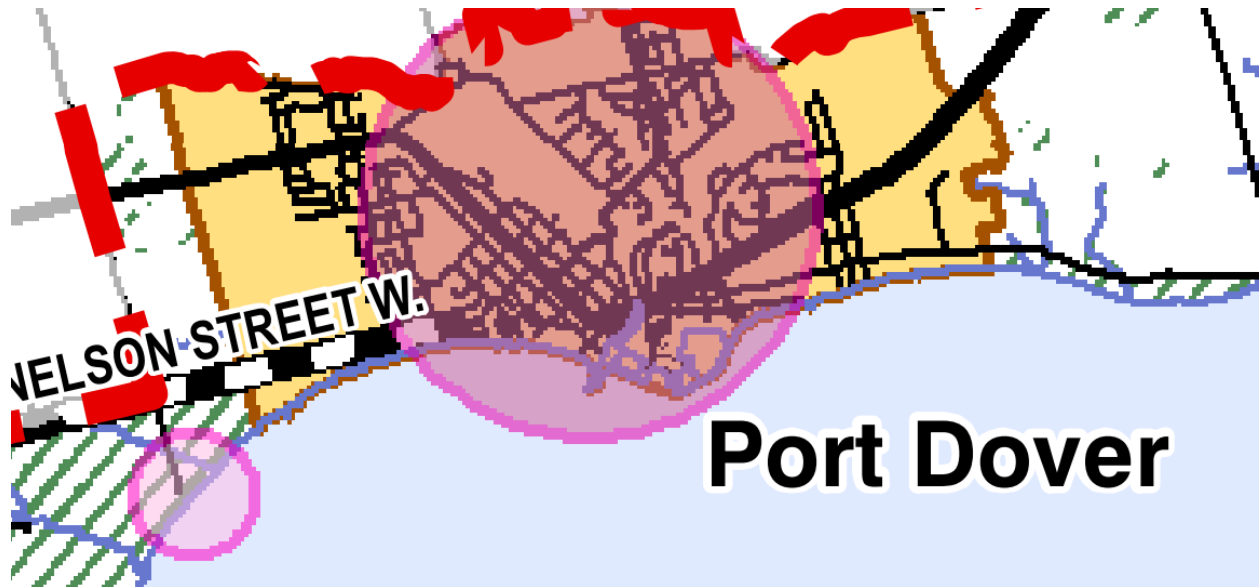
11.6.1.1 Urban Tourism Nodes

The Urban Areas of Port Dover and Port Rowan are identified as Urban Tourism Nodes and are intended to be the focus of tourism and economic activities within the LSPA. A range of tourism related uses, including commercial establishments, accommodations, restaurants, entertainment and recreational uses shall be encouraged and promoted in Port Dover and Port Rowan.

The following shall be the policy of the County:

a) The Urban Areas of Port Dover and Port Rowan are identified as Urban Tourism Nodes on Schedule “F” and shall be the focus of tourism and economic activities in the LSPA.

b) Tourism development shall be primarily directed to the Downtown Area and within the Urban Waterfront Designation, and support a range of urban and recreational uses, including: commercial establishments, accommodations, restaurants, entertainment and recreational uses. Further tourism development shall be promoted within the Central Business District Designation and the Commercial Designation.



11.6.2 Significant Lookouts and Views

The Plan supports the preservation and enhancement of significant lookouts, views and vistas within the LSPA and along the lakeshore.

11.6.2.1 Lookouts

Lookouts shall be promoted by the County in locations suitable for establishing a more formal venue from which to experience significant views, panoramas and vistas of the lakeshore that are important to understanding the overall configuration, character and landscape of the County's lakeshore. It is intended that ancillary tourism related uses may be associated with lookouts, as contemplated by the policies of Section 11.6.1.2 (Secondary Tourism Nodes).

The following shall be the policy of the County:

- a) The development of lookouts shall be promoted by the County in locations suitable for establishing a more formal venue from which to capture significant views, panoramas and vistas of the lakeshore.
- b) Lookouts should be accessible and integrated with Ontario's South Coast Scenic Route, and other trail systems to promote an interconnected network of tourism related uses.

c) The LSPA Community Design Guidelines (Appendix “D”) identifies lookouts within the LSPA, which shall be preserved, protected and enhanced through the development approvals process, and by limiting development within certain areas. The LSPA Community Design Guidelines provides general design guidance with respect to the development of lookouts.

d) The County recognizes that lookouts may benefit from public ownership to ensure protection of the feature and to provide for public access, where appropriate. The County shall consider all options for the acquisition and protection of lookouts, including:

- i) Dedication;
- ii) Assistance from other levels of government, agencies and charitable foundations;
- iii) The bonusing provisions of the Planning Act;
- iv) Land exchange;
- v) Long-term lease;
- vi) Easement agreements;
- vii) Land trusts; and
- viii) Placing conditions on development approval.

Notwithstanding the preceding, the identification of land as a Lookout does not obligate the County to acquire or purchase the land.

11.6.2.2 Important Views

This Plan recognizes the importance of preserving and enhancing the important views which are experienced everyday from publicly accessible streets perpendicular to the shoreline within the Urban Areas, Hamlet Areas, Resort Areas, and elsewhere, along the lakeshore.

The following shall be the policy of the County:


- a) The LSPA Community Design Guidelines (Appendix “D”) identifies important views within the Urban Areas, Hamlet Areas and Resort Areas, which shall be preserved, protected and enhanced through the development approvals process, and by limiting development within certain areas.
- b) The County shall endeavour to maintain County owned land, public right-of-ways and unopened road allowances where they abut the lakeshore to protect important views and accommodate opportunities for lakeshore access where appropriate, in accordance with the policies of Section 11.6.4 (Water Access and Water-Based Uses).



Figure 3: Port Dover Character Areas

Note: Some neighbourhoods built since 2002 are not indicated in the diagram due to lack of data.

 Hazard Land

 Wooded Area

 Important View

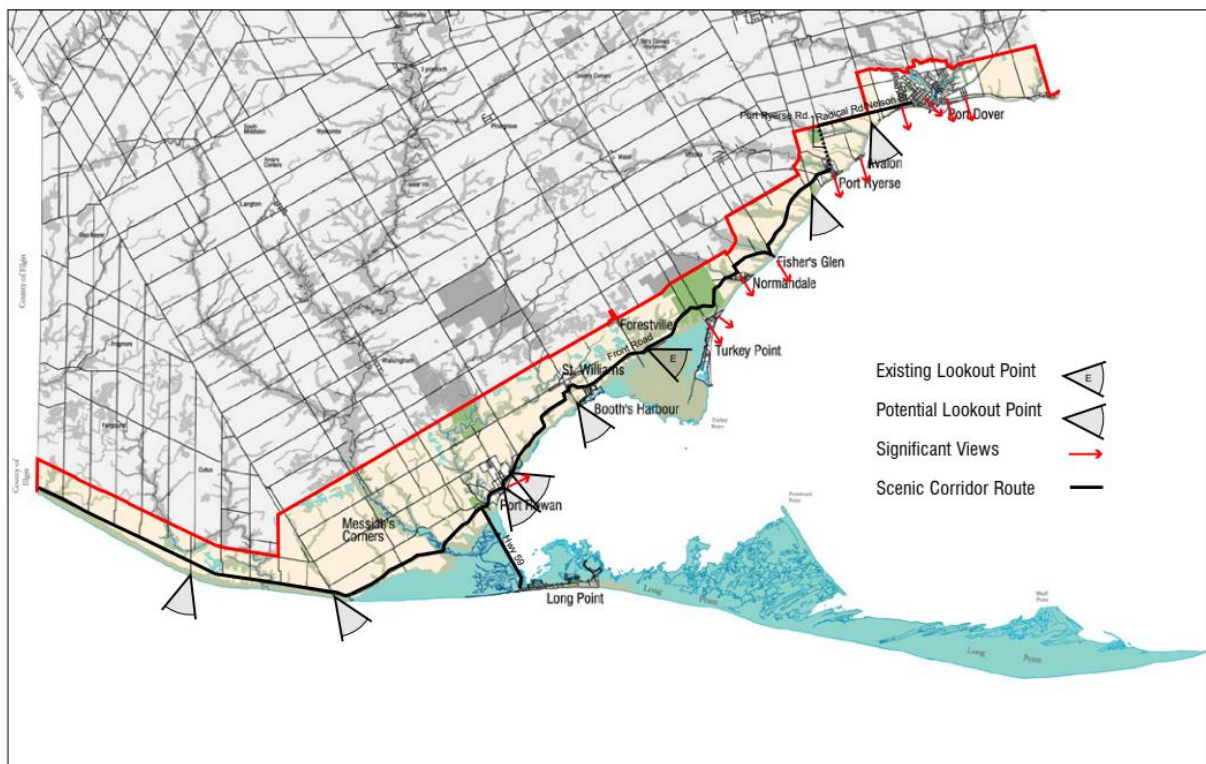


Figure 20: Location of scenic corridor with significant views and lookout points.

2. Lookout points and secondary tourism nodes

Figure 20 identifies existing and potential lookout points. These views are grand panoramas that are important to the understanding of the overall configuration, character, and use of the landscape of Norfolk County's lakeshore. They are prime

locations for rest stops along the scenic route and could be improved with picnic shelters, plaques, parking lay-bys and rest rooms. When combined with secondary tourism nodes, they should be rural in character, fit within the surrounding context, and reflect the natural heritage of the nodes' setting. Traditional building materials such as wood and stone are encouraged.

Planning Comment: *The subject lands are located within a tourism node, which promotes the development of overnight accommodations. The site is adjacent to a proposed lookout, which is located at the municipal water pumping station.*

11.6.3 Accommodations

The accommodation of overnight tourists within the County is a high tourism and economic development priority of the County. This Plan supports the provision of roofed accommodations within the LSPA to provide overnight accommodations to support the County's tourism and economic development objectives. Roofed accommodations may include bed and breakfast establishments, small inns, hotels and motels, guest houses, resort-oriented condominiums or similar accommodations.

The following shall be the policy of the County:

- a) The County shall promote the provision, maintenance and improvement of roofed accommodations in appropriate locations within the County, where such uses are permitted by the policies of this Plan, and may include: bed and breakfast establishments, small inns, hotels and motels, guest houses, lodge-style facilities, resort-oriented condominiums, or similar accommodations.
- b) Large-scale roofed accommodations, including hotels and motels, small inns, resort-oriented condominiums, or similar accommodations, shall be directed to the Urban Areas, and to a lesser extent to the Hamlet Areas, where the services, facilities and infrastructure exist to accommodate the use, and in accordance with the policies of this Plan.

Planning Comment: *Policy 11.6.3, Accommodations, specifically notes that overnight tourist accommodations are a high tourism and economic development priority of the County. The proposed application is considering the addition of four tourist cabins for the travelling public.*

11.7.2.1 Ontario's South Coast Scenic Route

Ontario's South Coast Scenic Route is envisaged as a scenic drive and combined recreational trail which provides a network that links major tourist, recreation, agriculture and natural environment destinations along the lakeshore. The combined recreational trail shall accommodate a variety of non-motorized uses, including cycling, walking, roller-blading, and running. Ontario's South Coast Scenic Route is designated on Schedule "F" and generally extends across the lakeshore along Lakeshore Road and

Front Road into Port Ryerse, then north along Port Ryerse Road and east along Radical Road/Nelson Road to Main Street, Port Dover. Ontario's South Coast Scenic Route also extends south along the Long Point Causeway (Highway 59) from Lakeshore Road to Long Point.

a) The County shall support the development of Ontario's South Coast Scenic Route as illustrated on Schedule "F". Ontario's South Coast Scenic Route is intended to consist of a scenic drive accommodating vehicular traffic, in addition to a combined on-road/off-road recreational trail where feasible, to accommodate a variety of non-motorized activities, including cycling, walking, roller-blading, and running. Ontario's South Coast Scenic Route shall provide a network that links major tourist, recreation, agriculture and natural environment destinations along the lakeshore.

c) The County shall promote the development of recreational, commercial and tourism related uses along Ontario's South Coast Scenic Route by providing a range of appropriate development opportunities in accordance with the policies of this Plan.

e) The County supports the continuity of Ontario's South Coast Scenic Route as a slow-travel scenic route and shall look at opportunities to decrease speed limits where appropriate to address safety concerns related to visibility and road alignment.

f) The County shall promote the creation of a safe environment and monitor the level and volume of traffic along Ontario's South Coast Scenic Route to ensure adequate traffic movement and safety, in this regard the County shall strictly control the number and locations of access points along Ontario's South Coast Scenic Route.

g) The County shall promote the creation of an aesthetically pleasing route, with such attention to building orientation, access and egress, outside storage, landscaping, fencing, and signage.

k) The County shall encourage the protection of views and vistas along Ontario's South Coast Scenic Route, through their review of development applications along the route, particularly along the south side of the route where views of the lakeshore are prominent. In this regard, development applications shall be reviewed and evaluated based on minimizing their potential impact on views and the landscape, particularly with respect to building profile, height, massing, materials and colour.

Planning Comment: Ontario's South Coast Scenic Route generally extends across the lakeshore along Lakeshore Road and Front Road into Port Ryerse, then north along Port Ryerse Road, continues east along Radical Road/Nelson Street to Main Street, Port Dover and extends to the south into Long Point along Highway 59. Policies within section 11.7.2.1 of the LSPA promote providing a range of appropriate development opportunities along Ontario's South Coast Scenic Route. It is intended to provide a picturesque route along Lake Erie that accommodates a combination of transportation modes including vehicles, cycling, walking and running.

11.9.4 Relationship to this Plan

The Secondary Plan is guided by the sustainable development approach identified in this Plan, which seeks to recognize the interconnected nature of healthy communities, economic vitality and the protection of the natural environment, and the relationship of these matters to growth management and land use planning. The sustainable development approach for the lakeshore builds upon the goals, objectives and policies of this Plan by providing sustainable development strategies with respect to growth management, agriculture, the natural heritage system, tourism and recreation, infrastructure, and community design.

The LSPA Secondary Plan complements the general policies and land use designations of the Part I – The Primary Plan while providing more detailed planning strategies and land use guidance for the lakeshore. The LSPA Secondary Plan must be read in conjunction with the policies of the Part I – The Primary Plan. Where a conflict arises between the Part I – The Primary Plan and the LSPA Secondary Plan, the policies of the LSPA Secondary Plan shall prevail.

LSPA Community Design Guidelines (Appendix “D”)

2. MAIN PORT TOWNS

The two largest commercial centres on the Lakeshore are Port Dover and Port Rowan. They share many southern Ontario small town characteristics, along with the special character derived from their original fishery port function, and current nautical and recreational assets.

2.1 Port Dover General Character Description

Port Dover is an urban area with a population of 5,949* located at the junction of Lynn River, Black Creek and Lake Erie. It is a popular recreation and tourist destination due to its fishing industry heritage, the beach, restaurants, and shops and due to the multiple services that it provides to recreational boaters. The town is also a service centre for the surrounding rural area.

The oldest part of town is set on a gently sloping tableland on the west side of Lynn River and Silver Lake. Three streets — St. George, Main Street and St. Andrew — connect the traditional neighbourhoods on the tableland to the harbour’s commercial district set at lake level where most of the tourist summer activities take place. The waterfront is composed of three distinct areas: the Harbour Commercial District, the Commercial Port, and the Recreational Marina. These areas have different functions that work symbiotically to create an environment that supports tourism. For example, the fishing activities in the Commercial Port are a key attraction to the Port Dover harbour experience.

7. Large Lakefront Homes

Two distinct groupings of large homes built on long and deep lots face Silver Lake and Lake Erie, some of which may have heritage value.

2.3 Main Port Town Design Guidelines

Port Dover

Port Dover has a relatively strong and resilient character due to its small town size, larger street network, and number of well-established neighbourhoods. Its building stock consists of a wide range of types, material, and architectural style.

Municipal Guidelines

The principles of the Port Dover Waterfront Master Plan and Secondary Plan, January 2001 are embodied in these Guidelines. The following excerpts summarize the key design subjects. For a greater level of detail, please refer to those documents.

- Buildings. They frame the edges of and influence the quality of public space through their location, orientation, scale and detail. They are also important as landmarks, focal points, and gateways.

Residential Guidelines

Bulk: Replacement buildings should be in scale with the house sizes in the neighbourhood.

Planning Comment: *When read in its entirety, the Official Plan identifies a variety of priorities for the County to consider including, but not limited to, the encouragement of overnight accommodations and tourism opportunities, the provision of a variety and mix of housing options, promoting the intensification of municipally serviced lots in urban areas as well as developing safe and attractive neighbourhoods that strive for excellence in community design.*

The Official Plan Amendment, as submitted by the applicants, is not consistent with the long-term vision of the Official Plan as it requests to recognize residential uses within the Hazard Land designation. A modified Official Plan Amendment that permits accessory tourist cabins to the primary residential use

Zoning By-law Definitions

Planning Comment: *The subject lands are currently occupied by a single detached dwelling and four cottages. Historically, the cottages have been rented at various lengths of time, including annual and summer terms. Currently, the cottages are rented on a short term basis and are geared to the vacationing public.*

“NON-COMPLYING” shall mean an existing lot, building or structure that does not fulfil the requirements of either the specific Zone regulations or general provisions of this By-Law for the Zone in which the lot, building or structure is located and the general provisions, but which complied to the applicable regulations and general provisions when the lot was created or the building or structure was constructed.

“ACCESSORY BUILDING OR STRUCTURE” shall mean a detached building or structure used for an accessory use, such as, without limitation, a detached garage or the storage or shelter of materials, equipment or other items, and may contain an accessory residential dwelling unit. [7-Z-2020].

“ACCESSORY USE” shall mean a use naturally and normally incidental to, subordinate to and exclusively devoted to a principal use and located on the same lot therewith.

“BED & BREAKFAST” shall mean a single detached dwelling containing, as an accessory use, one (1) or more rooms provided, for gain, with or without meals, for the travelling or vacationing public as temporary accommodation. Such rooms shall contain no cooking facilities. A bed & breakfast does not include a restaurant, boarding or lodging house, rooming house, group home or hotel.

“BUILDING” shall mean an enclosed structure consisting of any combination of walls, roof and floor or a structural system serving the same function, including all associated works, fixtures and service systems but excluding an attached deck or unenclosed porch.

“DWELLING” shall mean a building containing one (1) or more dwelling units. A dwelling may include an attached private garage.

“DWELLING UNIT” shall mean a suite of two (2) or more rooms used by one (1) or more individuals living together, in which cooking, eating, living, sleeping and sanitary facilities are provided, which has a private entrance directly from outside the building, from a common hallway or from a common stairway. A dwelling unit does not include a bunk house, group home, mobile home or recreational vehicle.

“HOTEL” shall mean one (1) or more buildings providing temporary sleeping accommodation, within individual rental units, with or without cooking facilities, mainly for the travelling or vacationing public. A hotel may include as secondary uses restaurants, bar or night clubs, recreational facilities and conference and convention facilities. This definition includes a motel, traveller’s motel and a motor hotel.

“TOURIST CABIN” shall mean a detached, furnished building providing temporary rental accommodation for one (1) or more individuals, in which cooking, eating, sleeping and sanitary facilities are provided, for use by the vacationing public.

“YARD” shall mean the space between a building or structure on a lot and the lot lines of the lot. Any yard requirement herein is expressed as a horizontal linear distance perpendicular to a lot line. Where yards meet at a corner greater than 180 degrees, measured from the inside of the property, the yards shall extend to the point of intersection of the adjoining yard. A required yard shall be the distance from the lot line to the extent specified by this By-Law.

“FRONT YARD” shall mean a yard extending across the full width of the lot between the front lot line of the lot and the nearest part of any excavation or main building on the lot.

Planning Comment: *The application is proposing to recognize existing cottages and a single detached dwelling as well as to permit tourist cabins. The above definitions from the Zoning By-law provide context to the interpretation of the zoning by-law.*

3.2 Accessory Uses to Residential Uses

3.2.1 No building or structure which is accessory to any permitted residential use in any Zone shall:

- a) exceed a building height of 5 metres in an Urban Residential Zone (R1 to R6), 7 metres in the Resort Residential Zone (RR), 8 metres in the Agricultural Zone (A), and 6 metres in all other Zones [8-Z-2020];
- b) occupy any part of a front yard, except:
 - i. an accessory building or structure in an Agricultural Zone (A) which shall occupy no part of a required front yard;
- c) occupy any part of a required exterior side yard;
- d) be nearer than 1.2 metres of a lot line within an interior side yard or 1.2 metres of an interior lot line within a front yard;
- e) be nearer than 1.2 metres of an interior lot line within a rear yard except:
 - i. in the case of a mutual private garage in the rear yard on a common interior side lot line, no separation distance is required;
 - ii. in the case of a rear lot line adjoining a private or public lane, no setback is required;
- f) in the case of a through lot, be nearer than 6 metres from any street line or the average setback of the nearest structures whichever is less;
- g) occupy more than 10 percent of the lot area, for all accessory buildings together, to a maximum of 55 square metres usable floor area in an Urban Residential Zone (R1 to R6) and 100 square metres usable floor area in all other Zones, excluding Agricultural Zone (A) where a maximum size of 200 square metres of usable floor area is permitted to a maximum of 10 percent of the lot area. [7-Z-2018] Swimming pools shall not constitute a structure for the purposes of this provision;
- h) be established on any lot until or unless the main building or use to which it is accessory is established.

Planning Comment: *Staff may consider the tourist cabins as a permitted use if they are accessory to the primary residential use on the subject lands. This section of the zoning by-law provides the framework for accessory uses to residential uses. When assessing whether the tourist cabins are appropriate for the site, staff considered the overall number of structures, maximum useable floor area for each tourist cabin and the*

combined total of useable floor area, a separation minimum between the tourist cabins, a maximum height requirement, yard setbacks and parking requirements.

3.24 Non-Conforming Uses

3.24.1 Nothing in this By-Law shall apply to prevent the use of any land, building or structure for any purpose prohibited by this By-Law if such land, building or structure was lawfully established and used for such purpose on the date of the passing of this By-Law, and provided that it continues to be used for that purpose.

3.24.2 Nothing in this By-Law shall prevent the strengthening or restoration of a nonconforming building or structure to a safe condition so long as the strengthening or restoration does not alter the height, area, size or volume of the building or structure or changes its use to other than a conforming use.

3.24.3 Nothing in this By-Law shall prevent a non-conforming building or structure, which is partially or fully damaged or destroyed from being restored or reconstructed provided yard depths, height, area, size or volume of the building or structure as it existed at the time prior to the damage or destruction are maintained or compliance with regulations of the Zone in which the building or structure is located is not further reduced.

3.25 Non-Complying

Nothing in this By-Law shall prevent a non-complying building or structure from being enlarged, extended, reconstructed, repaired, renovated or used provided that the enlargement, extension, reconstruction, repair or renovation does not further reduce the compliance of the building or structure with any provision of this By-Law.

Planning Comment: *The above provisions may apply to the existing cottages and single detached dwelling if they were legally permitted at the date of the passing of the By-Law. Zoning Amendment application ZN-002/2007 and By-law 19-Z-2007 changed the HL boundary to reflect the updated Conservation Authority mapping. During the application process the applicant agreed to the amendment and staff noted the two cottages within the HL zone would continue to be legal non-conforming. Staff report PED 07-48 acknowledged that the four small cottages had been rented in the past, primarily during the summer months and on occasion on an annual basis. Staff reviewed the Building Permit file and did not find permits for the four existing cottages nor the single detached dwelling to confirm the legal non-confirming status of the structures. A review of historical air photography suggests that the cabins were constructed around 1978 when the site was zoned R2, which permitted a single detached dwelling and a converted duplex.*

3.26 Number of Dwellings Per Lot

Where this By-Law allows a dwelling to be located on a lot, not more than one (1) dwelling shall be permitted, except within Urban Residential Zones, Hamlet Zone (RH) and Agricultural Zone (A) in which an accessory residential dwelling unit is permitted. [7-Z-2020]

Planning Comment: Based on the definition of “tourist cabin”, Planning staff do not consider them as dwelling units. The proposed zoning amendment is consistent with this provision.

5.1 Urban Residential Type 1 Zone (R1)

5.1.1 Permitted Uses

In an R1 Zone, no land, building or structure shall be used except in accordance with the following uses:

- a) dwelling, single detached
- b) bed & breakfast, subject to Subsection 3.4
- c) home occupation
- d) accessory residential dwelling unit, subject to Subsection 3.2.3.

5.1.2 Zone Provisions

In an R1-A and R1-B Zone, no building or structure shall be erected or altered except in accordance with the provisions in the following Zones:

Provision	R1-A	R1-B
a) minimum lot area:		
i) interior lot	450 square metres	360 square metres
ii) corner lot	560 square metres	450 square metres
b) minimum lot frontage:		
i) interior lot	15 metres	12 metres
ii) corner lot	18 metres	15 metres
c) minimum front yard:	6 metres	6 metres
i) detached garage with rear lane	3 metres	3 metres

d) minimum exterior side yard:	6 metres	6 metres
e) minimum interior side yard:		
i) detached garage	3 m & 1.2 m	3 m & 1.2 m
ii) detached garage with a rear lane; attached garage	1.2 m each side	1.2 m each side
f) minimum rear yard:	7.5 metres	7.5 metres
g) maximum building height:	11 m [8-Z-2017]	11 m [8-Z-2017]

5.1.3 Projection of an Attached Garage

The wall of an attached garage facing the street in an R1-B Zone shall project no more than 3.5 metres from the main front wall of the dwelling. This projection shall be measured from the wall of the garage facing the front lot line to the nearest structural element of the front wall of the dwelling facing the front lot line, including any covered porch which extends along the entire front wall of the dwelling, but excluding eaves, stairs or gutters.

This provision shall not apply where:

- a) the front wall of the dwelling and the wall of the attached garage containing the opening for vehicular access do not face the same lot line; or,
- b) the width of the attached garage is less than 60 percent of the width of the dwelling.

Planning Comment: *The application as submitted, is requesting to permit additional tourist cabins within the portion of the subject lands zoned R1-A. The modified Zoning By-law Amendment recommends that the tourist cabins be permitted as accessory to the primary residential use.*

11.1 Hazard Land Zone (HL)

11.1.1 Permitted Uses

In an HL Zone, no land, building or structure shall be used except in accordance with the following uses:

- a) dock, pier or wharf
- b) farm, excluding any building

- 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
- d) public park, provided there are no buildings located thereon except buildings used as an open pavilion and for sanitary facilities or change houses for bathers.

11.2 Interpretation of Zone

Notwithstanding Subsection 1.4.2, the extent of the Hazard Land Zone (HL) shown on the Zoning Maps may be revised on a site specific basis where initiated by the land owner without amendment to this By-Law where such revision is determined to be acceptable to and confirmed in writing by the Conservation Authority having jurisdiction.

11.3 Additional Zone Provisions for Lakeshore Erosion Prone Areas

The provisions set out in Section 3.15 Lakeshore, Erosion Prone Area Provisions shall apply.

Planning Comment: Planning Staff does not support the request to recognize the existing tourist cabins and single detached dwellings within the Hazard Land zone.

Planning Comment: Staff have concerns regarding the number of tourist cabins and compatibility with the surrounding residential uses. A reduction in the number of tourist cabins would provide for greater separation between the neighbouring single detached dwelling to the west as well as a greater distance between the individual cabins and all accessory structures on the property. After completing a site inspection, staff observed two trailers, a recreational vehicle, newly constructed garage and multiple sheds. A reduction in the overall number of structures will help reduce the intensification of the site. Fewer tourist cabins along Nelson Street West will also satisfy the goals of the LSPA regarding Ontario's South Coast Scenic Route. A detailed site planning process will help determine how many tourist cabins may be appropriate on the site given the extent of the R1-A Zone.