

CD-24-115 – ZNPL2020244 – 185 Robinson Street, Simcoe

Attachment A - Planning Policy and Zoning Considerations

Planning Act

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

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

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

Provincial Policy Statement, 2020

The Provincial Policy Statement is intended to be read in its entirety, and the relevant policies are to be applied in each situation. Part IV: Vision for Ontario's Land Use Planning System provides the overall context for Ontario's long-term prosperity and social well-being. It states that efficient development patterns optimize the use of land, resources and public investment in infrastructure and public service facilities.

The subject land is within the settlement area as defined in the Provincial Policy Statement. Section 1.1.3.1 states that Settlement areas shall be the focus of growth and development. Section 1.1.3.4 states that appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.

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

Policy 1.4.3 of the PPS states, "Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market through subsections a), b), c) d) e) and f).

The PPS defines Special needs as "any housing, including dedicated facilities, in whole or in part, that is used by people who have specific needs beyond economic needs, including but not limited to, needs such as mobility requirements or support functions required for daily living. Examples of special needs housing may include, but are not limited to long-term care homes, adaptable and accessible housing, and housing for

persons with disabilities such as physical, sensory or mental health disabilities, and housing for older persons.”

Section 1.6 of the PPS outlines policies surrounding Infrastructure and Public Service Facilities. Policy 1.6.1 b) states that infrastructure and public service facilities are to be integrated with land use planning and growth management while meeting current and projected needs.

Section 1.6.6 of the PPS outlines policies surrounding Sewage, Water and Stormwater.

Policy 1.6.6.1 a) outlines that planning for sewage and water services shall accommodate forecasted growth in a manner that promotes the efficient use and optimization of existing:

- 1) Municipal sewage and municipal water services; and
- 2) Private communal sewage services and private communal water services, where municipal sewage services and municipal water services are not available or feasible;

Subsection d) outlines that sewage and water services shall be integrated and considered throughout all stages of the planning process.

Policy 1.6.6.2 of the PPS states, that municipal sewage and water services are the preferred form of servicing for settlement areas to minimize potential risks to human health and safety. Within settlement areas existing municipal sewage and water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of services.

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

Norfolk County Official Plan

The subject lands are currently designated “Urban Residential” in the Norfolk County Official Plan.

Section 2.2.3.2 of the Official Plan outlines objectives surrounding Maintaining and Enhancing the Rural and Small Town Character, in which policy e) states that “Develop land use patterns in the Urban Areas that are compact and efficient”.

Section 2.2.4.2 outlines the objectives of maintaining a high quality of life in that the County must provide a variety of housing forms, tenures and levels of affordability through development, redevelopment, intensification and infilling projects.

Section 4.8, of the Norfolk County Official Plan outlines the policies surrounding Potentially Contaminated Sites through subsections a), b) c) d) and e). The County encourages the remediation and redevelopment of identified contaminated sites in accordance with the Environmental Protection Act. Where the redevelopment of land involves a change of use of the property to a more sensitive use, a Record of Site Condition shall be completed.

Planning Comments: *The applicant has provided the County with an Environmental Site Assessment (Phase 1 and 2) along with a Record of Site Condition from the Ministry of Environment. The submitted ESA and RSC that were provided to the County were the same documents that were provided in 2012 when the three storey office building was in the planning process. As the current proposed use is for a more sensitive land use, planning staff has requested that the applicant obtain a new RSC from the Ministry.*

Section 5.3 b of the Norfolk County Official Plan outlines policies surrounding Housing. This section outlines that the County is to ensure that a full range of housing types and densities are provided to meet the anticipated demand and demographic change, while meeting the social, health and well-being of both current and future residents, including those with special needs.

Planning Comments: *The proposed apartment building will provide a type of housing that is currently in short supply. This development will help the County meet its 15% targets as outlined above.*

Section 5.3.1 Residential Intensification f) outlines a list of criteria in which infill development, intensification and redevelopment of sites is based on. The criteria is as follows:

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

Planning Comments: *A Traffic Impact Study (TIS) has been submitted as a part of the application. A Functional Servicing Report (FSR) is required to be submitted at the Site Stage. Greater details within the FSR and TIS may be required during the Site Plan Stage. The proposed residential condominium would provide a high density form of housing within the Urban Area of Simcoe, adjacent to the downtown of Simcoe. The*

proposed development is proposed to be facing in an east to west direction (parallel to the existing 3 storey office building on the subject lands).

Section 7.7.1 outlines the permitted uses within the urban residential designation. Subsection i) states that 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).

Subsection l) states that small scale neighbourhood convenience commercial and personal service uses to serve the daily shopping needs of a neighbourhood shall be permitted. Section 7.7.2 d) states that no more than one commercial structure or building shall be permitted on any site, and the gross floor area of the commercial use shall generally not exceed 300 square metres;

Planning Comments: *The proposed development is considered a high density residential development. The proposed commercial component of the development is measured at roughly 300 square meters. Staff have confirmed that the size of the commercial space proposed meets the maximum size requirement and therefore an Official Plan Amendment is not required to address the above noted policies.*

Section 7.7.2 of the Norfolk County Official Plan outlines the land use policies of the Urban Residential Land Use designation of the Norfolk County Official Plan. Section 7.7.2 c) states that “High density residential uses, including apartment buildings and other forms of multiple housing of a similar density shall be carefully located. The following criteria shall be addressed in the consideration of such applications, especially in proximity to lower density residential development. This includes:

- Density;
- Height;
- Character of the development
- The accommodation of amenities such as garbage storage, parking and landscaping;
- Mitigating impacts on surrounding uses through traffic increases and overshadowing;
- Accessibility to open space (parks);
- Proximity to schools; and
- The site is subject to Site Plan Control.

Planning Comments: *The proposed development is for an 8 storey 143 residential unit apartment building is substantially higher and more dense than the properties within immediate proximity to the subject lands. However, there are several examples within the Urban Area of Simcoe in which a high density apartment building abuts low-rise residential development with minimal to no transition in building heights. Staff are of the opinion that the proposed development does have sufficient accommodation of amenities on site as there are garbage facilities located on the subject lands, as well as proximity to the Norfolk General Hospital, the Downtown of Simcoe, the Simcoe Town*

Centre (shopping centre with the Food Basics) as well as the medical facilities located at the existing building at 185 Robinson Street. The subject lands are also within walking distance to the Elgin Avenue Public Elementary School, Ecole Sainte-Marie elementary, Simcoe Composite Secondary School and Holy Trinity High School.

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

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

Norfolk County Zoning By-Law 1-Z-2014

The Subject lands are currently zoned Urban Residential Type 6 Zone (R6) with a Holding provision (H) on the property in the Norfolk County Zoning By-Law.

Section 5.6.1 of the Norfolk County Zoning By-Law 1-Z-2014 outlines the permitted uses in the R6 Zone. They are as follows:

- a) Dwelling, apartment
- b) Home occupation
- c) Retirement home

Section 5.6.2 of the Norfolk County Zoning By-Law 1-Z-2014 outlines the provisions in the R6 Zone. They are as follows:

- d) Minimum rear yard 9 meters
- e) Floor Area Ratio for an 8 storey building 1

The applicant is also proposing a reduced rear yard setback of 3.5 meters from the required 9 meter setback, resulting in a reduction of 5.5 meters.

The applicant is also proposing a Floor Area Ratio of 1.55. The Urban Residential Type 6 (R6) zone provisions outline that the maximum Floor Area Ratio for an 8 storey building is 1. Therefore, the applicant is requesting an increase in the Floor Area Ratio of 0.55.

Currently on the subject lands, there are three Special Provisions that exist. Special Provision 14.812 will remain and reads as follows:

Notwithstanding the uses *permitted* in the CBD Zone, the following shall not be *permitted*:

- a) ambulance service

- b) *automobile gas station*
- c) *automobile service and repair station*
- d) *automobile washing establishment*
- e) *bus or taxi terminal*
- f) *dry cleaning establishment*
- g) *dwelling, apartment*
- h) *fire hall*
- i) *funeral home*
- j) *hotel*
- k) *lumber yard and building supply establishment*
- l) *parking lot*
- m) *police station*
- n) *retirement home*
- o) *vehicle sales or rental establishment*
- p) *warehouse*
- q) *wholesale outlet.*

In lieu of the corresponding provisions in the CBD Zone, the following shall apply:

- a) maximum floor area of a *restaurant* – 260 square metres;
- b) maximum *parking space* width:
 - i. 2.7 metres for 45 degree parking;
 - ii. 2.9 metres for 90 degree parking;
- c) minimum barrier-free *parking space* length – 5.8 metres;
- d) minimum number of *parking spaces* – sixty six (66).

Notwithstanding the provisions of Section 4.0, the provisions of Subsection 4.2.1 shall not apply.

**For Clarity Section 4.2.1 reads as follows:

- **Location of Parking on a Lot**
 - All *parking spaces* shall be wholly provided on the *lot* occupied by the *building, structure* or use for which the *parking spaces* are *required* except where a *lot* has both residential and non-residential Zones in which case any *parking spaces* for non-residential use shall not be *permitted* on any portion of the *lot Zoned* residential.

Special Provision 14.664 Reads as follows:

14.664 In lieu of the corresponding provisions in the R6 Zone, the following shall apply:

- a) minimum front yard – 1.5 metres except that any portion of an apartment dwelling greater than six (6) storeys shall be setback a minimum of 12 metres;
- b) minimum exterior side yard – 1.5 metres;

- c) minimum interior side yard – 6.5 metres;
- d) maximum building height – eight (8) storeys;
- e) maximum number of dwelling units – seventy four (74);
- f) minimum parking aisle width – 6.6 metres for 90 degree parking;
- g) setback of parking from an interior lot line shall not apply.

Notwithstanding the provisions of Section 4.0, the provisions of Subsection 4.2.1 shall not apply

Special Provision 14.713 reads as follows:

In lieu of the corresponding provisions in the R6 *Zone*, the following shall apply:

- a) *front lot line* shall mean the most westerly *lot line*;
- b) minimum *front yard* – 2 metres;
- c) minimum *exterior side yard* – 3.5 metres;
- d) minimum *interior side yard* (left) – 3.5 metres;
- e) minimum *interior side yard* (right) – 4 metres;
- f) maximum *building height* – five (5) *storeys*;
- g) maximum number of *dwelling units* – sixty six (66);
- h) lofts forming part of an *apartment dwelling unit* shall not be considered a separate
 - a. *storey*;
- i) minimum *parking space* width – 3 metres;
- j) minimum *parking aisle* width – 6.6 metres for 90 degree parking;
- k) *parking spaces* adjacent to southerly wall of the *apartment dwelling* may be used for
 - a. commercial parking purposes;
- l) *setback* from a *street line* or property line for a *parking lot* shall not apply;
- m) minimum barrier-free *parking space* width – 3.65 metres;

n) minimum number of *parking spaces* – eighty six (86).

Notwithstanding the provisions of Section 4.0, the provisions of Subsection 4.2.1 shall not apply.

Staff are recommending that both Special Provisions 14.614 and 14.713 be removed and replaced with Special Provision 14.1061 as follows:

14.1061 In addition to the uses permitted in the *Urban Residential Type 6 (R6) Zone, Commercial Retail Units (300m²)*, office use shall be *permitted* with revised parking requirements.

In lieu of corresponding provision Section 4.1.3 of the Norfolk County Zoning By-Law 1-Z-2014, the following shall apply:

a) Width of parking space for vehicle parked with wall or fence adjacent – 3 meters

In lieu of the corresponding provisions in the *Urban Residential Type 6 (R6) Zone*, the following shall apply:

- a) Maximum number of dwelling units (143);
- b) Minimum *rear yard* – 3.5 meters;
- c) Maximum Building Height of 8 Storeys;
- d) Minimum *floor are ratio*:
 - i. eight (8) *storey building* – 1.6