

ZNPL2025149 – Butternut Drive Subdivision Phase II

Attachment B – Existing Planning Policy and Zoning Considerations

Planning Act

Section 2 of the Planning Act outlines matters of provincial interest to which local boards shall have regard to, in carrying out their responsibilities that include but are not limited to:

- (h) the orderly development of safe and healthy communities;*
- (j) the adequate provision of a full range of housing;*
- (p) the appropriate location of growth and development;*
- (q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;*
- (r) the promotion of built form that,*
 - (i) is well-designed,*
 - (ii) encourages a sense of place, and*
 - (iii) 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”.

Provincial Planning Statement 2024 (PPS)

The Provincial Planning Statement, 2024 (PPS) provides policy directions on matters of provincial interest related to land use planning and development, which are intended to be complemented by local policies addressing local interests.

Policy 2.2.1. outlines that “*Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents*” by permitting and facilitating “*all housing options*” and “*all types of residential intensification*”, “*promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation*”.

Policy 2.3.1.1. states that “*Settlement areas shall be the focus of growth and development. Within settlement areas, growth should be focused in, where applicable, strategic growth areas*”.

Policy 2.3.1.3. states that “*Planning authorities shall support general intensification to support the achievement of complete communities, including by planning for a range and mix of housing options*”

Policy 3.6.2. states that *“Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety”*.

Policy 3.6.8. states that *“Planning for stormwater management shall:*

- a) be integrated with planning for sewage and water services and ensure that systems are optimized, retrofitted as appropriate, feasible and financially viable over their full life cycle;*
- b) minimize, or, where possible, prevent or reduce increases in stormwater volumes and contaminant loads;*
- c) minimize erosion and changes in water balance including through the use of green infrastructure;*
- d) mitigate risks to human health, safety, property and the environment;*
- e) maximize the extent and function of vegetative and pervious surfaces;*
- f) promote best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development; and*
- g) align with any comprehensive municipal plans for stormwater management that consider cumulative impacts of stormwater from development on a watershed scale”*.

Norfolk County Official Plan

The subject property is designated “Urban Residential” in the County’s Official Plan and located within the Urban Area of Simcoe. The Urban Residential designation allows for medium density residential uses including block townhouse dwellings subject to the policies of Section 7.7.2 (b).

Policy 7.7.2. b) states that *“Triplex, fourplex, townhouses, and other medium density housing forms, shall generally have a net density of between 15 and 30 uph”*.

Policy 7.7.2. b) further states that *“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,*
- 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.*

Planning comments

A total of 172 dwelling units is being proposed on ± 2.77 hectares of land as part of Phase II Big Sky Subdivision which amounts to a density of 66 units per hectare that is twice the range of 15-30 unit/ha outlined in policy 7.7.2. b). Phase I of Big Sky subdivision includes 52 single detached dwellings that extend over approximately 4.42 hectares. The total density is ± 12 units per hectare.

The proposed residential density of Phase II is 5.5 times superior to the adjacent residential density of Phase I and fails to provide regard to adjacent low residential density development given the increased parking requirements to accommodate 172 dwelling units and the total impervious surfaces of the proposed on-site parking spaces per each lot. Staff note that the initial residential density for Phase II that was limited to 86 townhouse units is 31 unit/ha as approved (related application 28TPL2022079).

Overall, the proposed development provides limited landscaping along the streetscape and at the edges of the medium density development adjacent to the low-density residential area. Although the road that services the proposed 172 dwelling units is continuous, limited landscaping and setbacks are provided at the corners/angles of the road namely at Block 4, Block 12 and Block 1 in comparison to the adjacent low residential development area of Phase I (refer to site photos below).

The angles/corners of the lots in Phase II are predominantly dedicated to on-site parking spaces (refer to Concept Plan).



Figure 1 Southeast intersection of Butternut Drive and Bird Street (existing)



Figure 2 Southwest intersection of Bird Street and Tulip Crescent (existing)

The site will be served by an extension of Butternut Drive that provide vehicular connection to Decoud Road (Collector Road). The proposed Phase II development does not have direct access onto a collector road. A Traffic assessment has been provided by the proponent (prepared by BG Group, dated April 2025). The report includes among other considerations a review of the existing road network, an assessment of the estimated traffic volume and a review of the on-street parking supply.

The report concludes that *“Under future background and future total traffic conditions, acceptable operations will be maintained at all area signalized and unsignalized intersections, with all approaches operating at a v/c of under 0.45 or at LOS C or better during both the weekday morning and afternoon peak periods. No physical*

improvements on the existing road network will be required to accommodate forecasted traffic volumes”.

A Functional Servicing Report (prepared by CounterPoint Engineering, dated April 2025). The technical report concludes that *“the existing Phase 1A infrastructure, proposed by-pass storm sewer and Decou Road Drain to the Lynn River, and proposed internal servicing have sufficient capacity to service the proposed the Phase 1B development”*. Staff note that Phase (1B) in the technical report refers to the proposed development of 172 dwelling units as part of Big Skey Phase II. Phase (1A) refers to Phase I of the subdivision that includes 52 single detached dwellings.

The development does not provide on-site amenities such as parking or common areas that would provide for a more adequate residential density and open landscaped areas. The proposed residential intensification is inadequate with the abutting residential uses and the existing built environment, streetscapes and urban aesthetic.



Figure 3 Proposed Block of 8 Townhouses (stone and brick)



Figure 4 Proposed Block of 4 Townhouses (stone and brick)



Figure 5 Existing development on Bird Street



Figure 6 Existing development on Tulip Crescent

Policy 8.9.4. states that *“The implementation of storm water management practices shall take into consideration the potential impact of climate change, including the potential for increased frequency and intensity of major storm events”.*

Planning comments

A Functional Servicing Report proposes a set of stormwater management measures to account for the increased impervious surfaces. The report states the following *"Due to the increase in imperviousness for townhouse units in Phase 1B an orifice tube is proposed to control peak stormflows from Phase 1B to design rates in the downstream sewers. Stormwater quantity storage has been designed within the Phase 1B storm sewers to detain the excess stormflow restricted by the orifice. And, alterations to the existing wetland SWMF are proposed to accommodate the higher quality and quantity control requirements for Phase 1B"*.

Staff note that the proposed development is subject to a concurrent redline draft plan of subdivision application 28TPL2025152. Any additional technical requirements will be addressed as conditions of the amended draft plan of subdivision.

Policy 5.4.a) states that *"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"*.

Policy 5.4.b) outlines that through the review of development applications, including plans of subdivision, the County shall promote the improvement of the physical character, appearance and safety of streetscapes.

Planning comments

Staff note that the aesthetic attributes of the proposed development do not provide sufficient qualitative incentives that support enhanced streetscapes, the beautification of residential communities and a sense of place.

Zoning By-Law 1-Z-2014

The subject lands are zoned Urban Residential Type 4 (R4) zone with a Holding (H) provision.

The proposed development requires amendments to special provision 14.1022 and additional provisions in the zoning by-law.

The zoning by-law table (Table 1) provides a review of the zoning by-law deficiencies that apply for the proposed development, and which have not been fully identified in the submission.

A Holding (H) provision is maintained on the subject lands to ensure an appropriate development agreement is executed and registered on title in addition to the confirmation of servicing capacities and allocation by Norfolk County.

Table 1 Zoning by-law deficiencies table

	Zoning By-law requirement	Proposed	Compliance
Section 4.2.1.	<i>"All parking spaces shall be wholly provided on the lot occupied by the building, structure or use for which the parking spaces are required".</i>	<i>The parking spaces of all blocks extend beyond the property line which is not permitted in the zoning by-law.</i>	<i>The requirement of section 4.2.1. is not met for all blocks.</i>
Section 4.2.3.b)	<i>" For Urban Residential Type 1 to 4 Zones (R1 to R4), the following shall apply b) not more than one (1) required parking space may be located within the required front yard or required exterior side yard [7-Z-2018]"</i>	<i>A total of three on-site parking spaces are provided for each lot at the required front yard which is prohibited in the zoning by-law.</i>	<i>The requirement of section 4.2.3.b) is not met for all blocks.</i>
Section 4.2.4.a)	<i>"For... street townhouses..., required parking spaces shall be prohibited within the required front yard or required exterior side yard; except where a dwelling unit has a private garage in which case the driveway leading to the private garage may be used as a parking space subject to the size requirements herein".</i>	<i>None of the townhouse dwellings provide a private garage. A total of three parking spaces are proposed in the required front yard which include the two (02) required parking spaces for the townhouse unit and one (01) required parking space for the additional residential dwelling.</i>	<i>The requirement of section 4.2.4.a) is not met for all blocks.</i>

Section 4.2.4.2)	<i>“for accessory residential dwelling units, notwithstanding the foregoing, one (1) parking space dedicated for the use of the accessory residential dwelling unit, may be permitted in the front yard provided a minimum of 50 percent of the required front yard shall be maintained as landscaped open space notwithstanding such dedicated parking space”.</i>	<i>Refer to zoning comments in Attachment C.</i>	<i>The following requirement is not met for all blocks.</i>
Section 5.4.2.	<i>The minimum required rear yard in the R4-zone for street townhouses is 7.5 metres.</i>	<i>Minimum required rear yard Block 9 – 5 metres Block 13 – 4 metres</i>	<i>The requirement is not identified for Block 9 The requirement is not met for Block 13</i>
Special provision 14.1022	Part 1 (as shown in Map A of the By-law 27-Z-2022): a) minimum lot frontage: interior lot – 6 meters	<i>Minimum interior lot frontage: All blocks except 7 & 9 – 6 metres Block 7 – 5 metres Block 9 – 5.5 metres</i>	<i>Deficiency is not identified for Block 7 and Block 9</i>
Special provision 14.1022	Part 2 (as shown in Map A of the By-law 27-Z-2022): a) minimum lot frontage: corner lot – 8.7 meters	<i>Minimum corner lot frontage: Block 4 – 4 metres Block 9 – 4 metres</i>	<i>Not identified for Block 1, Block 4</i>

Special provision 14.1022	Part 2 (as shown in Map A of the By-law 27-Z-2022): c) minimum rear yard – 6 metres	Minimum rear yard: Block 1 to 2, Block 4, Block 10 – 6 metres Block 3,5, 9 – 5.5 metres Block 12 – 4.5 metres Block 13 – 4 metres	The requirement is not met for blocks Block 2,5,9,12 to 13.
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