

CDS-25-042 – 28TPL2024308 & ZNPL2024309 – Woodway Trails, Simcoe
Attachment B - 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 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 Planning Statement, 2024 (PPS 2024)

The PPS 2024 provides policy direction on development and use of land province wide, helping achieve the provincial goal of meeting the needs of the province while enhancing the quality of life for all Ontarians.

Section 2.1 relates to planning for people and homes. It further states that planning authorities are to provide an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the market area. Section 2.2 requires planning authorities to provide an appropriate range and mix of housing options and densities to meet the projected needs of current and future residents

Section 2.3 of the PPS outlines that settlement areas shall be the focus of growth and development. Within settlement areas, settlement areas are to be based on densities and a mix of land uses that efficiently use land and resources, optimize existing in and planned infrastructure and public services. Settlement areas are to support active transportation and are transit supportive.

Section 2.9 of the PPS encourages planning that reduces greenhouse gas emissions and prepares for the impacts of a changing climate through approaches that support the achievement of compact transit supportive and complete communities.

Section 3.5 provides policy as it pertains to Land Use Compatibility. Subsection 3.5.1 outlines that major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize risk to public health and safety and to ensure the long term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.

Section 3.6 provides policy as it pertains to sewage, water and stormwater services. This section outlines that municipalities are to plan for sewage and water services that shall accommodate forecasted growth in a timely manner that promotes the efficient use and optimization of existing municipal sewage services and municipal water services. These services are to be prepared in a manner that can be sustained by the water resources, is feasible and financially viable, protects human health and the natural environment while aligning with comprehensive municipal planning for these services.

Section 3.9 provides policies as it pertains to public spaces, recreation, parks trails and open space. The PPS outlines that healthy, active and inclusive communities should be promoted by planning public streets, spaces and facilities to be safe, meet the needs of persons of all ages and abilities, and facilitates active transportation, as well as community connectivity.

Conformity with the Norfolk County Official Plan

The proposed development is within the designated area of 'Urban Residential' in Norfolk County Official Plan. The Urban Residential designation is meant to encompass neighborhoods in the County's urban area capable of providing a variety of residential forms that serve a diverse population.

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

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

- infill development and residential development of vacant land or underutilized land in existing neighbourhoods will be encouraged;
- redevelopment shall include the replacement of existing residential uses with compatible new residential developments at a high density;
- the County shall target that a minimum 25 percent of its annual residential growth be accommodated through infill, intensification and redevelopment within the existing built-up areas in the Urban Areas with full municipal services;
- on lands designated Urban Residential and located outside of the Built-Up areas of Simcoe, Port Dover, Delhi, Waterford and Port Rowan, the minimum overall density of residential development shall be 15 units per hectare of developable land area;
- developable land shall not include Hazard Lands, Provincially Significant Wetlands and Significant Natural Areas;
- the existing water and sanitary sewer services can accommodate the additional development;

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

Section 8.9.1 related to services in urban areas recommends that all development in the Urban Areas shall be fully serviced by municipal piped water supply and wastewater treatment systems.

Section 5.4 of the Officials Plan provides direction on physical design in the context of new and existing development and stresses a generally high quality of settlement design throughout the County.

The following provides a conformity check through the analysis of relevant Official Plan policies:

b) Through the review of development applications, including plans of subdivision, and other development proposals, the County shall have the following policies:

- 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;
- i) shall promote efficient and cost-effective development design patterns that minimize land consumption;
- ii) shall promote the improvement of the physical character, appearance and safety of streetscapes, civic spaces, and parks;
- iii) shall encourage tree retention and tree replacement;
- iv) shall ensure that design is sympathetic to the heritage character of an area, including the area's cultural heritage resources;
- v) shall strongly encourage design that considers and, wherever possible, continues existing and traditional street patterns and neighbourhood structure; and
- vi) 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.
- k) The County, in consultation with a development proponent(s) and the Norfolk Heritage Committee, shall define a style of street furnishing that should include shared and accessible bicycle racks, garbage receptacles, benches and street lamps to be used in a new development.
- 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.

Section 9.6.4 of the Officials Plan provides direction on the criteria of the approval of draft plan of subdivision application.

The following provides a conformity check through the analysis of relevant Official Plan policies:

- a) The provisions of the *Planning Act* relating to subdivision control, including subdivision agreements, shall be used by Council to ensure that the land use designations and policies of this Plan are complied with, and that a high standard of design is maintained in all development.
- b) Prior to approval of an application for plan of subdivision or plan of condominium, the County shall confirm the availability of adequate servicing infrastructure and allocation in accordance with Section 8.9.3 (Servicing Allocation and Phasing), waste collection and disposal services, and roads.
- c) Applications for plan of subdivision or plan of condominium approval shall be considered premature if appropriate services and servicing capacity is not available. Additionally, Council may consider other criteria as reason to deem an application for plan of subdivision or plan of condominium approval to be premature.
- d) The review of plans of subdivision or plan of condominium shall be based in part on the consideration of the community design policies included in Section 5.4 (Community Design) and Section 11.8 (Community Design Strategy) of the Lakeshore Special Policy Area Secondary Plan of this Plan.
- e) All lots within a plan of subdivision shall have frontage on a public road maintained on a year-round basis, constructed to an acceptable County standard. Plans of condominium shall have access to a public road maintained on a year-round basis, however, it is recognized that development within the condominium plan may occur on private roads.
- f) Provincially Significant Features and Natural Heritage Features shall be protected

and preserved in the design of any plan of subdivision or condominium.

- g) Plans of subdivision or condominium shall be appropriately phased to ensure orderly and staged development.
- h) All plans of subdivision shall be subject to a subdivision agreement between the County and the development proponent.
- i) All plans of condominium shall be subject to a development agreement between the County and the development proponent.
- j) Parkland dedication shall be provided pursuant to Section 9.10.5 (Parkland Dedication) of this Plan. Land to be dedicated for park purposes must be acceptable to the County. Under no circumstances shall the County be obligated to accept parkland being offered in a proposed plan of subdivision.
- k) The County shall consult with the appropriate Conservation Authority and the Province, as well as other relevant agencies, in considering an application for approval of a plan of subdivision or condominium.

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

Existing Zoning: Development (D) Zone and Hazard land (HL)

Permitted uses are:

- a) bunk house
- b) dwelling, single detached
- c) farm, excluding the housing of livestock, animal kennels and feed lots, and excluding orchards
- d) farm produce outlet, accessory to a farm
- e) home industry
- f) home occupation
- g) seasonal storage of recreational vehicles and recreational equipment as a secondary use to a farm.

Proposed Zoning Amendments:

From Development Zone to each of the respective zonings for each part:

- Part 1 From Development Zone to Urban Residential Type 1 (R1-B) with a Holding (H) and with Special Provision
- Part 2 From Development Zone to Urban Residential Type 4 (R4) with a Holding (H) and with Special Provision
- Part 3 From Development Zone to Urban Residential Type 4 (R6) with a Holding (H) and with Special Provision
- Part 4 From Development Zone to Open Space (OS) with a Holding (H) and with Special Provision
- Part 5 Hazard Land (HL) No change

Tables 1, 2 and 3 below, provides an summary of the Special Provision amendments being requested through this Zoning By-Law Amendment application to change the zoning provisions within each respective zoning classification.

Table 1: The proposed Special Provision to amend the following zone provisions for the portions of land proposed to be zoned Urban Residential Type 1 (R1-B) (H) within the Draft Plan of Subdivision for the Woodway Trails Subdivision.

Urban Residential Type 1 (R1-B) (H)			
Provision	Required	Proposed	
5.1.2 Zone Provisions	<ul style="list-style-type: none"> • Interior lot – 360 m² • Corner lot – 450m² 	<ul style="list-style-type: none"> • Interior lot – 308m² • Corner lot – 377m² 	<ul style="list-style-type: none"> • Proposed reduction in Interior Lot area of 52 m² • Proposed reduction in corner lot area of 37 m²
a) minimum lot area			
b) minimum lot frontage	<ul style="list-style-type: none"> • Interior lot – 12m • Corner lot – 15 m 	<ul style="list-style-type: none"> • Interior lot – 11m • Corner lot – 13 m 	<ul style="list-style-type: none"> • Proposed reduction of 1 meter lot frontage for interior lots. • Proposed reduction of 2 meter lot frontage for corner lots.
d) minimum exterior side yard	<ul style="list-style-type: none"> • 6 meters 	<ul style="list-style-type: none"> • 3 meters 	<ul style="list-style-type: none"> • Proposed reduction of 3 meters

Table 2: The proposed Special Provision to amend the following zone provisions for the portions of land proposed to be zoned Urban Residential Type 4 (R4) (H) within the Draft Plan of Subdivision for the Woodway Trails Subdivision.

Urban Residential Type 4 (R4) (H)			
Provision	Required	Proposed	
5.4.2 Zone Provisions	Street Townhouse	Street Townhouse	• Proposed reduction in corner lot area of 21m ² .
a) minimum lot area	• Corner lot – 264m ²	• Corner lot – 243m ²	
b) minimum lot frontage	Street Townhouse	Street Townhouse	• Proposed reduction of 0.5 meters of lot frontage for interior street townhouses.
	• Interior lot – 6.5m	• Interior lot – 6m	• Proposed reduction of 2meters of lot frontage for corner street townhouses.
	• Corner lot – 11m	• Corner lot – 9m	• Proposed reduction of 0.5 meters of a corner lot accessed by a rear lane for street townhouses.
	• Corner lot accessed by a rear lane – 6.5m	• Corner lot accessed by a rear lane – 6m	
d) minimum exterior side yard	Street Townhouse	Street Townhouse	• Proposed reduction of 3 meters for exterior side yard setbacks for street townhouses,
	• With a 6 meter front yard – 6 m	• With a 6 meter front yard – 3 m	group/stacked townhouses with a 6 meter front yard.
	Group/Stacked Townhouse	Group/Stacked Townhouse	
	• With a 6 meter front yard – 6 m	• With a 6 meter front yard – 3 m	
e) minimum interior side yard	Group/Stacked Townhouse	Group/Stacked Townhouse	• Proposed reduction of 1.8 meters for interior side yard setback for Group/Stacked townhouses.
	• 3 m	• 1.2 meters	
f) minimum rear yard	Street Townhouse	Street Townhouse	• Proposed reduction of 1 meter for the rear yard setbacks of both Street Townhouses and Group/Stacked Townhouses.
	• Attached garage – 7.5 m	• Attached garage – 6.5 m	
	Group/Stacked Townhouse	Group/Stacked Townhouse	
	• Attached garage - 7.5m	Attached garage - 6.5m	
h) maximum building height	Street Townhouse	Street Townhouse	• Proposed increase in maximum building height of 3 meters for both Street and Group/Stacked Townhouses.
	• 11 m	• 14 m	
	Group/Stacked Townhouse	Group/Stacked Townhouse	
	• 11 m	• 14 m	

Table 3: The proposed Special Provision to amend the following zone provisions for the portions of land proposed to be zoned Urban Residential Type 6 (R6) (H) within the Draft Plan of Subdivision for the Woodway Trails Subdivision.

Urban Residential Type 6 (R6) (H)			
Provision	Required	Proposed	
5.6.1 Permitted Uses	<ul style="list-style-type: none"> • Dwelling, apartment • Home occupation • Retirement Home 	<ul style="list-style-type: none"> • Dwelling, apartment • Home occupation • Retirement Home • Street Townhouse • Group Townhouse 	<ul style="list-style-type: none"> • The proposed uses of a Street and Group Townhouse are being proposed as additional permitted uses.
5.6.3 Step Back of Upper Floors	<ul style="list-style-type: none"> • The exterior wall of each floor of a building facing a street and located above four (4) storeys shall be stepped back 2 meters from the exterior wall of the 4th storey and each floor above six (6) storeys shall be setback an additional 2 meters from the exterior wall facing a street. 	<ul style="list-style-type: none"> • Section 5.6.3 Step Back of Upper Floors Shall not apply 	<ul style="list-style-type: none"> • Proposing that Section 5.6.3 does not apply to the subject lands.
5.6.4 Angular Plane	<ul style="list-style-type: none"> • Where an R6 Zone abuts an Urban Residential Zone (R1-A, R1-B or R2), no portion of an apartment dwelling shall exceed the height of a 45 degree angular plane originating at the lot line of the nearest R1-A, R1-B, or R2 Zone. 	<ul style="list-style-type: none"> • Section 5.6.4 Angular Plan provision shall not apply. 	<ul style="list-style-type: none"> • Proposing that Section 5.6.4 does not apply to the subject lands.

For Clarity, the definition of Angular Plane is Identified in Section 2.6 of the Zoning By-Law 1-Z-2014. Angular Plane, as defined in the By-Law, shall mean a maximum building height measured as a vertical angle of 45 degrees beginning at the property line of an R1-A, R1-B or R2 lot.

The following is also used in the Zoning By-Law to provide a visual representation of the definition of Angular Plane.

Figure 1: Angular Plan illustration.

