ATTACHMENT C

Planning Consideration Review

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

The Provincial Planning Statement, 2024 (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 proposed ZBA application is consistent with Section 2.2 of the Provincial Planning Statement. Section 2.2 of the PPS deals with housing:

1. Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market area by:

    a) establishing and implementing minimum targets for the provision of housing that is affordable to low and moderate income households, and coordinating land use planning and planning for housing with Service Managers to address the full range of housing options including affordable housing needs;

    b) permitting and facilitating:

        1. all types of residential intensification, including the development and redevelopment of underutilized commercial and institutional sites (e.g.,

shopping malls and plazas) for residential use, development and introduction of new housing options within previously developed areas, and redevelopment, which results in a net increase in residential units in accordance with policy 2.3.1.3;

The application is consistent with the PPS.

Conformity with the Official Plan

The Norfolk County Official Plan (the OP) provides the essential tool to direct future growth, development and change in the County and to create the community envisioned by Norfolk's residents. This Plan responds to the uncertain nature of the future with clear and resilient principles and policies. It ensures that the planning framework and processes are clearly identified to ensure that Norfolk County remains a healthy, safe and successful community with a rich agricultural base and a strong economy, a diverse natural environment, and a great place to live.

The subject lands are currently designated Urban Residential which permits the proposed development.

The OP provides the following criteria to be assessed when reviewing infill applications:

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.

The Traffic Impact Statement submitted with the application outlines that the road network can accommodate the additional traffic generated by this proposal. It does not address how the parking shortfall proposed on the site would be addressed. Scott Drive is not constructed to a standard that can readily accommodate on-street parking.

The physical character of adjacent properties is not compatible with the proposed development. The neighbourhood is comprised of large lots containing single detached dwellings. The subject property is large and may be capable of accommodating more than one unit (subject to servicing availability), but the proposed development is a significant departure from the surrounding character.

The subject application does not conform to the intent of the Official Plan.

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

The subject lands are currently zoned Urban Residential Type 1 (R1-A) Zone. The applicant proposes to amend the Zoning to Urban Residential 4 (R4) Zone with a special provision. The special provision would include:

- A reduction in the required parking spaces from 2 per unit to 1.5 per unit for a total of 12 spaces where 16 are required;
- A reduction of the required visitor spaces from 3 spaces to 0 spaces;
- A reduction in parking aisle width from 7.3 metres to 6.0 metres.

The proposed relief is not supportable on the subject lands. The reduction in parking cannot be offset by on-street parking as there is no on-street parking available. The neighbourhood is less walkable than other areas in Port Dover, which increases the likelihood that more vehicles will be required by residents of the proposed development.

As discussed above, the neighbourhood is comprised of larger lots with single detached dwellings. The R4 Zone is not compatible with the character of the neighbourhood.

A Holding provision is proposed to address the following items:

a) Completion of the necessary water modelling or fire hydrant testing to confirm that fire flows can be provided to the development or that the applicant commits to the necessary upgrades to resolve same, to the satisfaction of Norfolk County;
b) Submission of an acceptable geotechnical and hydrogeological report to the satisfaction of Norfolk County to confirm:
    i. The suitability of the lands to support the proposed infiltration gallery;
    ii. The confirmation of the seasonally high groundwater table;
    iii. The construction restrictions/parameters for building in light of ii. above.
c) Submission of a suitable grading plan to the satisfaction of Norfolk County for the site addressing the matters of self-containment and accommodation of abutting land drainage.

Should this application be approved, the applicant must address the above items before the Holding can be removed and a building permit can be issued.