

# ST. ANDREW'S LAKE VILLAGE

## PLANNING JUSTIFICATION REPORT

1145 FULLER AVE., PENETANGUISHENE  
LOTS 21B, 53B, 63B, & PART OF LOT 77B RP 69  
IPS NO. 05-137

December 2018



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1145 Fuller Avenue  
Lots 21B, 53B, 63B, and Part Lot 77B on Registered Plan 69

**TOWN OF PENETANGUISHENE,  
COUNTY OF SIMCOE**

APPLICATION FOR

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**ZONING BYLAW AMENDMENT & DRAFT PLAN  
OF SUBDIVISION**

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PREPARED BY  
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ON BEHALF OF  
**TONKING MANAGEMENT INC.**

December, 2018

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## 1.0 INTRODUCTION

Innovative Planning Solutions has been retained by Tonking Management Inc. to complete a Planning Justification Report in relation to a Zoning By-law Amendment ("ZBA") and Draft Plan of Subdivision Applications for lands legally described as Lots 21B, 53B, 63B, and Part Lot 77B on Registered Plan 69, known municipally as 1145 Fuller Avenue, Penetanguishene. The site is located immediately southeast of the intersection of Fuller Avenue and Pine Grove Road and has frontage along both roads. The subject property is approximately 13 hectares (32 acres) and is currently occupied by a detached dwelling made up of three (3) apartments as well as accessory structures (Figure 1).

The purpose of the application is to rezone the subject lands from the 'Rural Exception (RU-9)' and 'Environmental Protection (EP)' zones in the Town of Penetanguishene Zoning Bylaw 2000-02, to the 'Neighbourhood Residential – Exception' and 'Environmental Protection' zones. The lands are currently designated as 'Environmental Protection One' and 'Neighborhood Residential' by both Penetanguishene's in-force Official Plan (1997) and Final Draft new Official plan. The proposed density of the development is approximately 23 units per hectare (UPH). The Zoning Bylaw Amendment (ZBA) aims to rezone the lands and allow for special provisions to ensure conformity and consistency with the development concept. Further details of the proposed development are provided under Section 3 of this document.

This report will review applicable policy documents noted below and demonstrate how the development proposal meets applicable provisions:

- Provincial Policy Statement;
- Places to Grow: Growth Plan for the Golden Greater Horseshoe;
- County of Simcoe Official Plan;
- Final Draft (2018) of the new Town of Penetanguishene Official Plan;
  - Hereon "Draft OP";
- 'In-force' Town of Penetanguishene Official Plan (1997);
  - Hereon "IF OP";
- Town of Penetanguishene Zoning Bylaw 2000-02;



## **1.1 BACKGROUND**

The initial application for development was received and deemed complete in 2007. It was held in abeyance by the Town until the completion of a Growth Management Study and its implementation through the Town's Official Plan (OP) Update. The update to the Town's OP was then postponed as a result of the County of Simcoe's Official Plan as well as the Simcoe Area amendment to the Province's Growth Plan. In 2011, this application was appealed to the Ontario Municipal Board (OMB) on the Town's failure to make a decision concerning the OPA.

In 2014, policies 3.5.10 to 3.5.13 of the County OP was approved by order of the Board for the allocation of up to 20,000 persons where lands previously not dedicated for urban uses are designated for urban uses due to settlement area boundary adjustments. In addition, the OMB hearing for the County of Simcoe's new Official Plan established a new settlement area boundary for the Town of Penetanguishene that mirrors the municipal boundary. As a result of the boundary decision, the subject lands were deemed to be within the settlement area. Following the decision by the OMB on the Settlement Area Boundaries and Growth Management approach of the County Official Plan, the applicant requested that the OMB consider the appeal of OPA 1/2008. The proceedings of the OMB pre-hearing conference held in October 2014, the Board issued a memorandum of Oral Decision in November of 2014 (Appendix 1). In June of 2015 the Council of the Town of Penetanguishene formally designated the subject lands 'Neighborhood Area' and 'Environmental Protection One' and granted a population allocation of 400 persons under to 20,000 surplus provided under provisions 3.5.10 to 3.5.13 of the County OP.

## **2.0 SITE DESCRIPTION AND LAND USES**

The subject land area is 13.21 hectares (32.64 acres) with 570.92 metres of frontage along Fuller Avenue and 105.02 metres of frontage along Pine Grove Road. The site is currently occupied by a detached dwelling made up of three (3) apartments as well as accessory structures. The lot is predominantly wooded and will require clearing for development. Any clearing of vegetation on-site will be in compliance with municipal and county prescription. Topography becomes wet along the eastern extent of the lot, towards St. Andrews Lake. The development lands are predominantly flat with some relief in the southwestern corner, downward toward St. Andrews Lake and Pine Grove Road. The lands immediately adjacent St. Andrews Lake are identified as a Provincially Significant Wetland (PSW).

Fuller Avenue has been identified in the Draft OP (Schedule C) as a Major Road, and as an Arterial in the IF OP (4.2.1.1). A Cycling Route also runs down Fuller avenue as per Schedule C of the Draft OP. The site also exists in close proximity to the Future Trail Connections identified near the intersections of Fuller Ave. & Robert St. E, Fuller Ave. &



Robillard Dr., and Fuller Ave. & Broad St. as per Schedule C of the Draft OP. The County of Simcoe provides a bus transit service running from Penetanguishene to Barrie at hourly intervals, seven days a week (Linx service). The only formal stop currently offered in Penetanguishene for this service is nearby the intersection of Poyntz St. & Main St., which is approximately 3.5km from the subject site (Figure 5). In 2016, the Town of Penetanguishene and the Town of Midland formed a partnership to provide a transit service connecting the two municipalities (Figure 5). Currently one route is offered servicing much of the Town of Penetanguishene. Though the run through the intersection of Fuller Avenue and Pine Grove Rd., the nearest stop on the line to the subject lands is currently at the intersection of Church Street & Cambridge Street (Figure 5), approximately 750m to the nearest point on the subject lands.

The lands are zoned 'Rural Exception (RU-9)' and 'Environmental Protection (EP)' in the Town of Penetanguishene Zoning Bylaw 2000-02 (Figure 2) and designated 'Neighborhood Area' and 'Environmental Protection One' in the IF OP. The boundary of the 'Environmental Protection One' designation corresponds to the limits of St. Andrews PSW, and is a boundary previously confirmed with the Ministry of Natural Resources and Forestry (MNRF). Nearby amenities include: those commercial and cultural uses located downtown Penetanguishene (~2.5 to 3.5km), Dutchman's Cove Marina (~2km), Hindson and Beacon Bay Marinas (~6km); educational institutions including Ecole St. Louis (~1.5km), St. Ann's Catholic School (~2.2km), Burkevale Protestant Separate School (~2.5km), and Penetanguishene Secondary School (~3.5km); and, public facilities such as the Team Howard Community Centre (2,700m), Discovery Park (~1.5km) and Huronia Park (1.5km) and the Village Square Mall (~3.5km). Generalized surrounding land uses are as follows (Figure 4):

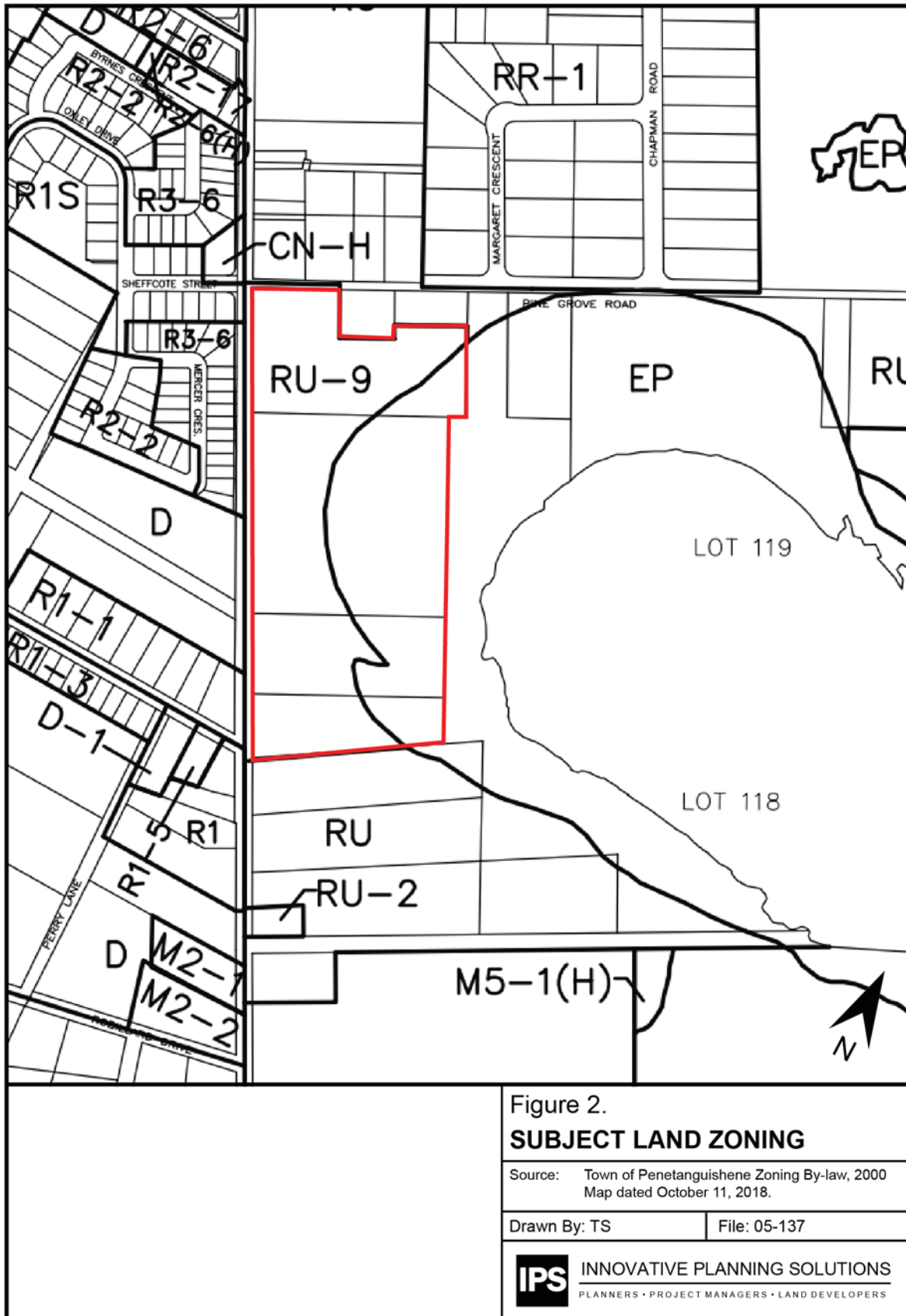
**North:** Single-detached residential lots of varying acreages.

**East:** Environmental Protection; St. Andrew's Provincially Significant Wetland (PSW), and St. Andrew's Lake.

**South:** Lands south of the site are largely rural in nature.

**Southwest:** Industrial employment uses along Centennial Drive and adjoining streets.

**West:** Single-detached residential lots of varying sizes and vacant lands owned by the municipality.



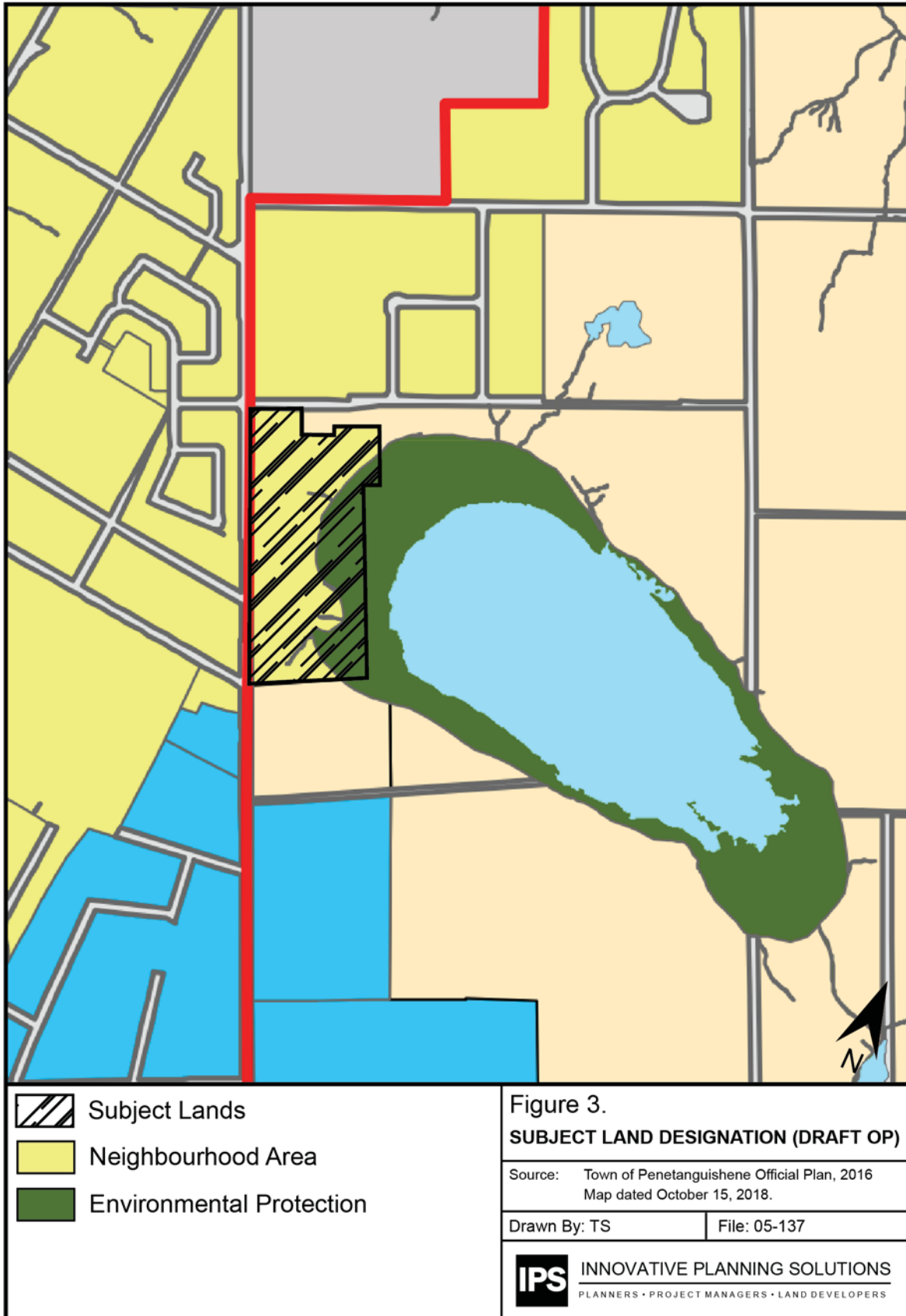






Figure 4.  
**SUBJECT LANDS CONTEXT**

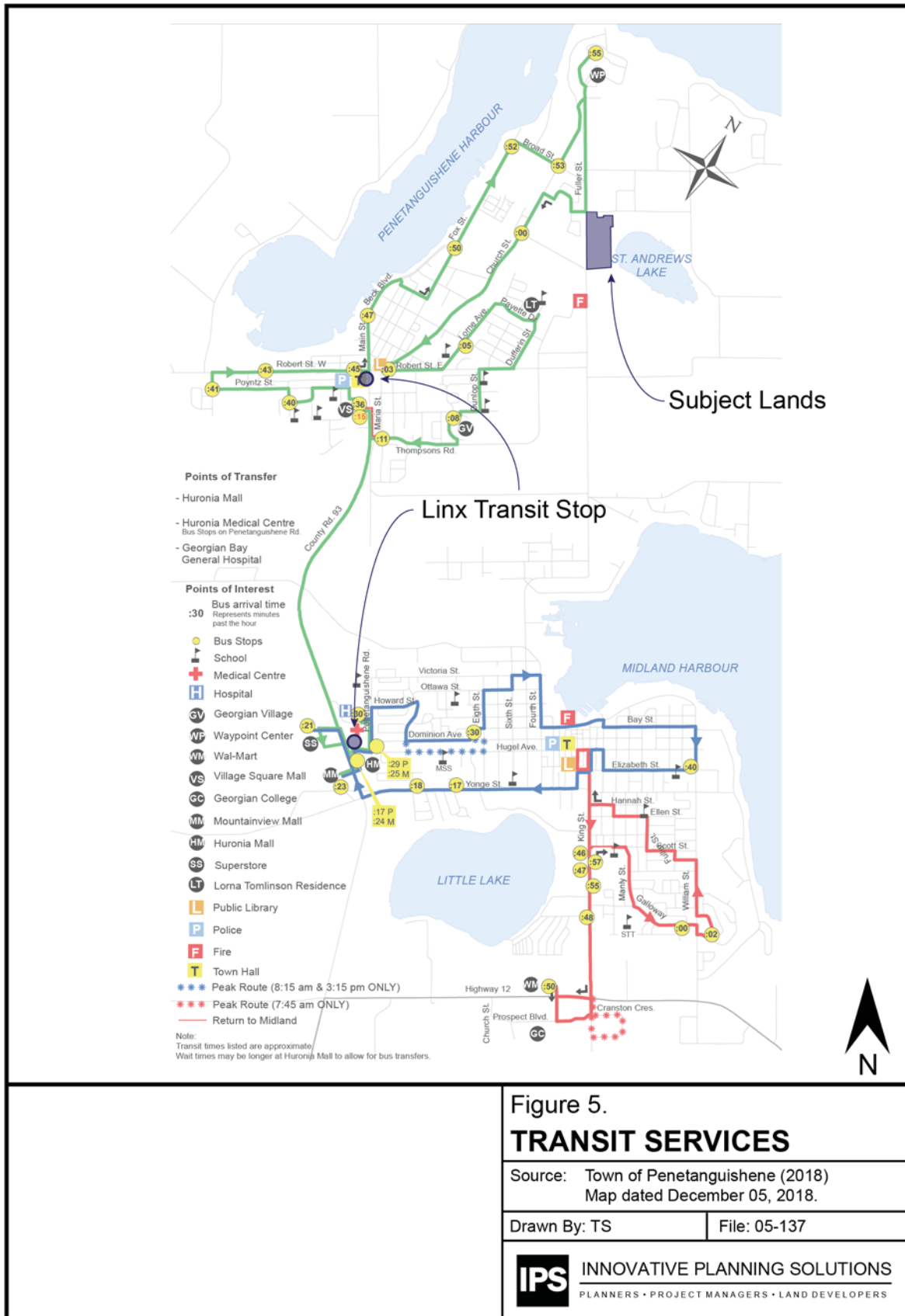
Source: County of Simcoe Webmap (2018)  
Map dated October 11, 2018.

Drawn By: TS

File: 05-137



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### 3.0 DESCRIPTION OF DEVELOPMENT

This Section will provide a detailed description of the development concept and indicate the requested zoning exceptions necessary to permit the development.

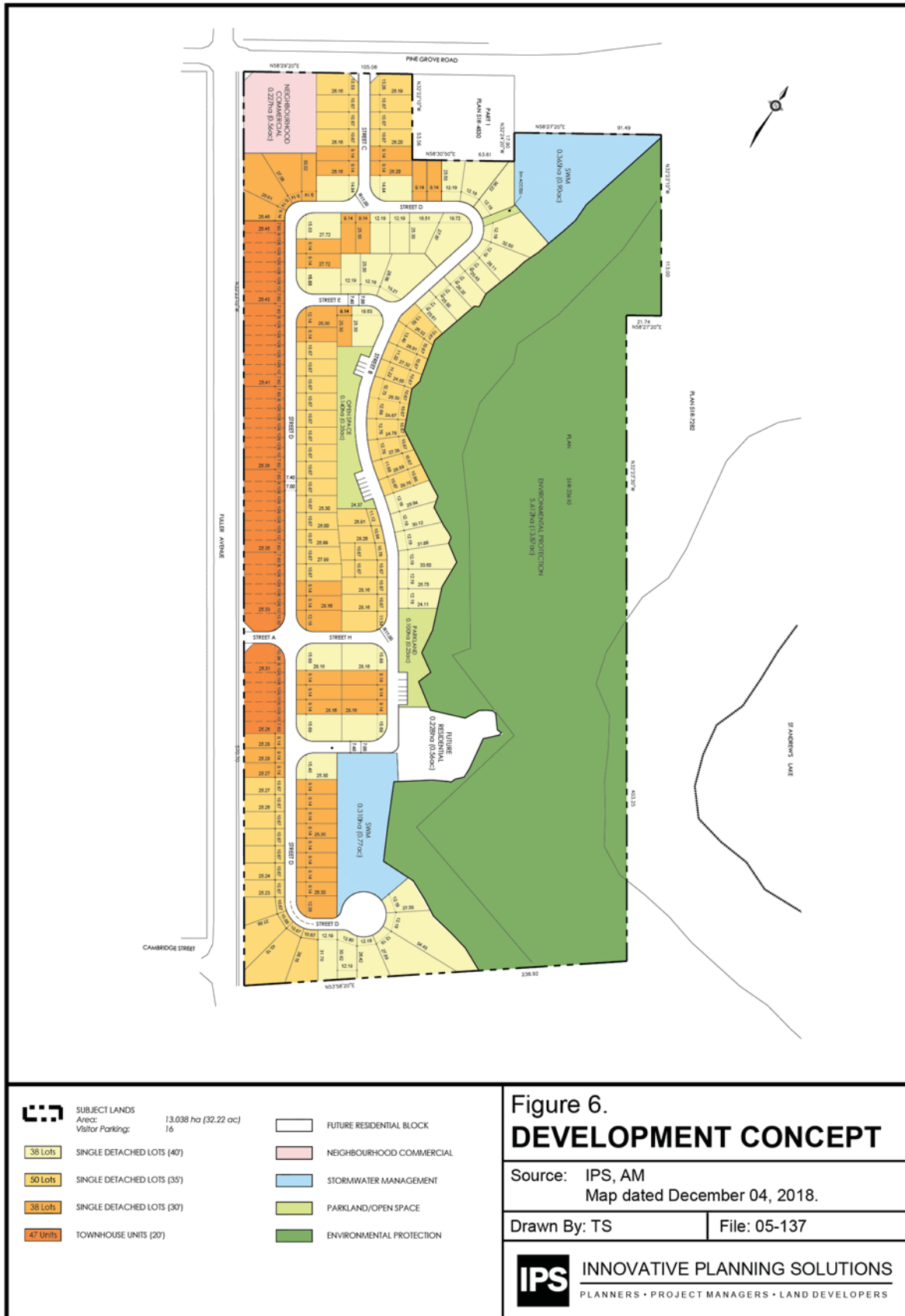
#### 3.1 DEVELOPMENT CONCEPT

The development concept (Figure 6, Appendix 2) proposes 126 single-detached units and 47 townhouse units, totalling 173 residential units. In addition, condominium parks and two 'future development' blocks are proposed to be appropriately zoned; one commercial and one multi-residential. The total developable area is 7.42 ha (18.34 ac), lending to a development density of approximately 23 UPH or approximately 56 persons per hectare (PPH), as per the household sizes provided in the Simcoe County Land Budget (2010). Employment opportunities will be provided both through the condominium corporation and through the proposed commercial zoning. The development proposed is a freehold common element condominium.

All residential units are oriented inward toward a network of internal condominium roads. One cul-de-sac is proposed toward the southerly extent. Road radius and widths meet the specifications of municipal fire and emergency services as well as county waste collection services. As such, it is anticipated waste collection will be serviced by the County of Simcoe. The condominium road network would have two accesses, one along Fuller Avenue and one along Pine Grove Road. A minimum of 362 parking spaces will be provided at a (minimum) rate of two (2) private spots per dwelling unit (346 spots), and 16 common visitor spots, 3 of which satisfy barrier free requirements.

Two 'neighborhood park' blocks totalling 0.24 ha (0.59 ac) are provided centrally at two locations. The development will contribute to municipal parkland through the cash-in-lieu option under the provisions of Section 2.2.7 in IF OP. A portion of the subject lands is proposed to be zoned Environmental Protection (EP) in conformity with the IF OPA decision previous (Appendix 1). The lands rezoned EP contain the areas of the site within the St. Andrew's Lake PSW and would be conveyed to the municipality as a condition of the plan of subdivision. Two stormwater management ponds (0.673 hectares) are proposed to meet stormwater management requirements. Full details related to the design can be found in the Functional Servicing and Stormwater Management Report submitted under separate cover.

One commercial block (0.227 ha) and one future residential (0.228) block are proposed for rezoning, though there are no formal plans to develop either at the time of this application. The commercial block is excluded from the proposed plan of subdivision to ensure the lot can be severed and developed along timelines independent of those related to the residential development.



### 3.2 OFFICIAL PLAN STATUS

The subject lands are were previously redesignated 'Neighborhood Area' and 'Environmental Protection One' as per IF OPA No.27, April 2015 (Appendix 1). Schedule A (as seen in Figure 3) of the Draft OP is reflective of the adopted designations. No Official Plan amendment is required at this time.

### 3.3 ZONING BY-LAW AMENDMENT

To facilitate the proposed 173-unit condominium development, the subject lands will be required to be rezoned. Rezoning will include the provision of 'Open Space (OS)', 'Residential Third Density – Exception (R3-XX)', 'Environmental Protection', 'Commercial Neighborhood (CN)', and 'Residential Multiple (RM)' zones as arranged in Schedule A, Appendix 3. Site-specific exceptions are requested to provisions of the 'Residential Third Density – Exception XX (R3-XX)' Zone as it applies both to Single Detached and Row Home uses. The Amendment would not only permit the proposed development through the provision of suited zoning, but would move the subject lands into conformity with the IF OP and Draft OP, and would allow the for the site-specific exception to zone provisions required to support the proposal, as noted Tables 1 and 2 following:

**Table 1.** Residential Third Density (Row/Town Homes) Zoning Matrix

PROVISION	REQUESTED	PROVIDED
Lot Area (min.)	230.0 m <sup>2</sup>	150.0 m <sup>2</sup>
Lot Frontage (min.)	30.0 m	30.0 m
<b>Setbacks</b>		
Front yard (min.)	6.0 m	4.5m/6.0 m
Int. Side Yard (min.)	4.0 m & 6.0 m other side	1.5 m
Ext. Side Yard (min.)	4.5 m	3.0 m
Rear Yard (min.)	7.5 m	5.0 m
Lot Coverage (max.)	35%	60%
Height (max.)	11.0m	11.0m
GFA% of lot (max.)		
Bachelor	32.0 m <sup>2</sup>	32.0 m <sup>2</sup>
1 Bedroom	51.0 m <sup>2</sup>	51.0 m <sup>2</sup>
2 Bedroom	65.0 m <sup>2</sup> + 10.0 m <sup>2</sup> for each additional bedroom over 2	65.0 m <sup>2</sup> + 10.0 m <sup>2</sup> for each additional bedroom over 2

**Table 2.** Residential Third Density (Single Detached) Zoning Matrix

PROVISION	REQUESTED	PROVIDED
Lot Area (min.)	511.0 m <sup>2</sup>	225.0 m <sup>2</sup>
Lot Frontage (min.)	15.0 m	9.0 m
<b>Setbacks</b>		
Front yard (min.)	6.0 m	4.5m/6.0 m
Int. Side Yard (min.)	1.0 m	0.6 m
Ext. Side Yard (min.)	4.5 m	3.0 m
Rear Yard (min.)	7.5 m	5.0 m
Lot Coverage (max.)	35%	55%
Height (max.)	11.0m	11.0m
Footprint (min.)	74.0 m <sup>2</sup>	74.0 m <sup>2</sup>

The 'Residential Third Density – Exception XX (R3-XX)' zone recognizes the deficiencies noted in Tables 1 & 2. The exceptions requested are not anticipated to insight adverse effects on the existing neighbourhood or the future residents of the proposed development.

The proposed development is considered Greenfield as per the Draft OP. Under provision 2.3.1 of this Plan, the Town will endeavour to achieve the minimum density target of 50 people and jobs combined per hectare in Designated Greenfield Areas. The proposed development supports a population density of approximately 56 persons per hectare (PPH), using the household sizes provided by Simcoe County Land Budget (2010). The neighborhood commercial uses, as well as the Without exception to the provisions requested, it is not believed that the developable area would be able to satisfy the population density requested by the IF OP. Further, a minimum density of 50 UPH is permitted on the subject lands as per IF OPA No. 27.

The proposed exceptions permit densities which allow for the development of an array of accommodation options, particularly with respect to row/town homes, which inherently support a higher density versus single detached constructions. Given the provisions under Section 5.2 of the Draft OP, which would support the diversity of housing and land use proposed, the exceptions requested would be justified. Further, the proposed densities minimize land consumption and promote cost-effective development as directed under Draft OP provision (4.1.2(a)).

Given IF OPA No. 27 and given alignment with the provisions of Penetanguishene's Draft OP, the requested exceptions to Penetanguishene's Zoning Bylaw 2000-02 are justified.

### 3.4 DRAFT PLAN OF SUBDIVISION

The Draft Plan of Subdivision seeks to create several Blocks of land for a variety of uses including, residential, parkland, stormwater management, environmental protection and road right of way. The total area of lands being subdivided equates to 12.81 hectares (31.65 acres). As previously noted, the 0.56-acre commercial block at the intersection of Fuller Ave. & Pine Grove Rd. are excluded from the proposed plan of subdivision to ensure the block can be severed and developed at timelines independent of those related to the residential development. The Draft Plan of Subdivision can be seen in Appendix 4.

The proposed development includes 173 residential units; 38 forty-foot (40') single-detached lots, 50 thirty-five-foot (35') single-detached lots, 38 thirty-foot (30') single-detached lots, and 47 twenty-foot (20') town/row home lots.

The condominium road network would have two accesses, one along Fuller Avenue and one along Pine Grove Road. All common element uses such as the private roads, stormwater management ponds, parks, and visitor parking are proposed to be one continuous block. All lands rezoned environmental protection are to be conveyed to the municipality under one block. The commercial block will not be included in the plan of subdivision.

The Site Plan is provided in Appendix 2, and the draft plan of subdivision in Appendix 4. A full description of the development is available under Section 3.1 of this document.

**Table 3.** Condominium plan of subdivision matrix

USE	LOTS/BLOCKS/STREETS	UNITS	AREA		
			HA	AC	%
Residential single-detached lots (40')	7, 10-18, 29-35, 5-50, 75-79, 82, 85-89, 117, 121, 122, 126	38	1.67	4.11	13.0
Residential single-detached lots (35')	1-4, 9-28, 51-61, 69-72, 93-106, 110-116	50	1.53	3.79	12.0
Residential single-detached lots (30')	5, 6, 8, 9, 36-44, 62-68, 73, 74, 80, 81, 83, 84, 90-92, 107-109, 118-120, 123-125	38	1.01	2.50	7.9
Residential town/row home blocks (20')	Blocks 1-6	47	0.79	1.94	6.1
Future Residential	Block 7	TBD	0.23	0.56	1.8
Environmental Protection	Block 8	---	5.61	13.87	43.8
Common element	Block 9	---	1.97	4.88	15.4
<b>TOTAL</b>		<b>173</b>	<b>12.81</b>	<b>31.65</b>	<b>100.0</b>

### 3.5 TECHNICAL REPORTS AND SUPPORTING STUDIES

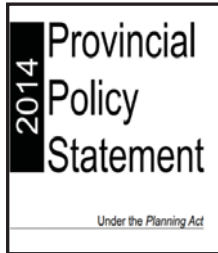
Through discussion with Town of Penetanguishene, six (6) technical reports and/or supporting studies were deemed to be required in support of a Zoning Bylaw Amendment and Draft Plan of Subdivision Applications, and have been submitted under separate cover:

1. **Archaeologic Assessment;**  
New Era Archaeology
2. **Traffic Impact Study (TIS);**  
JD Engineering
3. **Water Balance Study;**  
Jones Consulting Group Ltd.
4. **Stormwater Management/Functional Servicing Report (SWM/FSR);**  
Jones Consulting Group Ltd.
5. **Environmental Impact Study (EIS);**  
Azimuth Environmental Consulting Inc.  
**2018 Amendment;**  
Birks Natural Heritage Consultants Inc.
6. **Species at Risk (SAR) Assessment;**  
Birks Natural Heritage Consultants Inc.

## 4.0 PLANNING POLICY AND ANALYSIS

Section 4.0 will outline the applicable planning and development policies impacting the proposed application. Each subsection will outline the applicable policies and contain planning rationale on conformity and development principles.

### 4.1 PROVINCIAL POLICY STATEMENT



The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS has been reviewed relative to the proposed application and associated development concepts with emphasis placed on the following sections:

<i>Section 1.1</i>	Managing and Directing Land Use to Achieve Efficient Development and Land Use Patterns
<i>Section 1.4</i>	Housing
<i>Section 1.6.7</i>	Transportation Systems
<i>Section 1.8</i>	Energy and Air Quality
<i>Section 2.1</i>	<i>Natural Heritage</i>

It is important to note that the subject lands are within the Town of Penetanguishene Primary Settlement Area as identified in Schedule 8 of the Growth Plan for the Greater Golden Horseshoe, and designated as a Greenfield Area by the Draft OP. In compliance with the provisions of Sections 1.1.1, 1.1.3.2, and 1.1.3.6 of the PPS, the proposed development;

- offers financially viable growth through minimizing land consumption;
- conserves natural heritage features through they conveyance of environmentally sensitive areas to the municipality;
- offering a diversity of land uses and residential types in an area well connected to the community's trail and transportation network (Draft OP, Schedule C);
- which can be developed by through the use of existing service levels (i.e. municipal sanitary & water); and
- which propose development on a Greenfield site which currently sits vacant.

Penetanguishene's IF OP identifies that natural heritage features on the subject lands would include those constituting part of St. Andrew's Lake, which are otherwise designated as Environmental Protection One. No development is proposed on these lands in conformity with 2.1.4 of the PPS. All lands previously designated as Environmental Protection One will be conveyed to the municipality as a condition of the proposed plan of subdivision. All recommendations from the completed SAR report will be abided to or fulfilled in conformity with 2.1.7 of the PPS. The MNRF were consulted



with during the drafting of the report. An amendment to an earlier-completed EIS was undertaken for the entirety of the subject lands. The findings of the EIS and amendment support that the proposed development can occur without negative impacts on the (significant) natural features or on their ecological functions identified in Penetanguishene's IF OP (2.1.8 PPS).

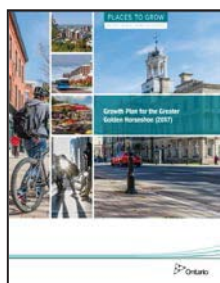
The proposed development is an appropriate use of the subject lands given they exist within the Penetanguishene Primary Settlement Area (1.1.3.1). The proposed development will contribute to Penetanguishene's economic development and competitiveness both through the compact, mixed-use design of the site (1.3.1(c)), and through the provision of employment opportunities both through the condominium corporation and through the commercial zoning to be developed at a later date (1.3.1(a),(b)).

Under Section 1.4.3 of the PPS on Housing, planning authorities are directed to provide for a range and mix of housing types and densities to meet the requirements of an expanding population. The proposed development provides various residential types (single-detached, row/town home, (future) 'multiple residential', lending to a greater diversity of residential unit market values and thereby being accessible to a greater diversity of household incomes while remaining respectful of the fiscal needs of the community.

Sections 1.6.7 on Transportation Systems and Section 1.8 on Energy Conservation, Air Quality and Climate Change both emphasize the promotion of compact developments with close transit links. The location of the subject lands as well as the inclusion of commercial uses within the proposed development lends to use of the adjacent cycling route and other active modes of transportation. Existing bus transit infrastructure could be accommodated by residents St. Andrews Lake.

Based on the above the proposed application is consistent with the Provincial Policy Statement.

## 4.2 GROWTH PLAN FOR THE GGH



The Growth Plan for the Greater Golden Horseshoe (GGH) has been prepared and approved under the Places to Grow Act. The Plan builds on the PPS together with other Provincial Plans to inform decision-making regarding growth management and environmental protection particular to the GGH. The Town of Penetanguishene is recognized as a Primary Settlement Area within the Growth Plan for the GGH. The subject lands are located outside the Town's Delineated

Built Boundary as indicated in Schedule A of the Town's Draft OP and is therefore considered Greenfield development.



Section 2.2 of the Plan provides policies for Where and How to Grow. Applicable policies of this Section include 2.2.1 Managing Growth, 2.2.6 Housing, and 2.2.7 Designated Greenfield Areas. Under Section 2.2.1, forecasted growth will be directed to settlement areas that: have a delineated built boundary; have existing or planned municipal water and wastewater systems; and can support the achievement of complete communities. The Plan directs fair growth to the Town of Penetanguishene given it satisfies these criteria. The development proposes additional residential and commercial uses to an area which benefits from convenient access to several existing amenities. The development contributes to the vision of a complete community, as detailed in the Growth Plan for the GGH, by providing a mix of residential and commercial uses. Through the provision of the neighborhood commercial block, the proposed development incorporates access to commercial amenities for residents of St. Andrew's Village, and improves the diversity of commercial amenities available to existing surrounding neighborhoods. and public open spaces and parks. In conformity with Section 2.2.6, the proposed development will contribute to the variety of housing options in the area by introducing row/townhouse units where single detached dwellings are the predominate structural type within the community. This will provide housing options to a wider demographic and will accommodate a diverse range of household sizes and incomes. The development of the land for row/townhouse units generally provides more affordable housing options versus single detached development.

Section 2.2.7 on Designated Greenfield Areas (DGAs) provides that new development taking place in DGAs will be planned, designated and zoned and designed in a manner that:

- a) supports the achievement of complete communities;
- b) supports active transportation; and
- c) encourages the integration and sustained viability of transit services.

The proposed development supports the achievement of complete communities by providing a mixed-use neighbourhood with numerous amenities to residents of diverse socio-economic backgrounds. The development supports active transportation through its location along Fuller Avenue and proximity to the trails and cycling network identified in Schedule C of the Draft OP. The development encourages the integration and viability of transit services as it injects population and the tax base necessary to support transit infrastructure. Existing bus transit infrastructure (Penetanguishene/Midland Line) could be utilized by residents of St. Andrews Lake.

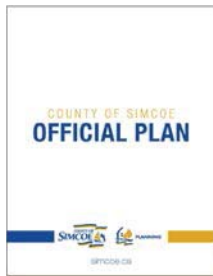
Section 2.2.7.5 provides that the density target contained in the Official Plan that is approved and in effect as of July 1, 2017 will continue to apply until the next municipal comprehensive review is approved and in effect. The subject lands have been allocated a population of 400 persons as per IF OPA No. 27 (Appendix 1). The proposed

development is at a density of 55 PPH as calculated using the Simcoe County Land Budget (2010). The development would contribute to employment opportunities through the inclusion of (neighborhood) commercial space and through employment by the condominium corporation itself.

Section 6 of the Plan applies to the Simcoe Sub-area, including the Town of Penetanguishene. Section 6 directs a significant portion of growth within the Simcoe Sub-area to communities where development can be most effectively serviced, and where growth improves the range of opportunities for people to live, work, and play in their communities, with a particular emphasis on primary settlement areas. Given Penetanguishene is identified as a primary settlement area and given Penetanguishene's Draft OP provides Greenfield Developments within the settlement area are intended to achieve minimum density targets of 50 people and jobs per hectare, the proposed development (55 PPH) is in alignment with the growth patterns identified under Section 6.

Based on the above and through a review of the Growth Plan, it is determined that the applications conform to the Growth Plan for the Greater Golden Horseshoe.

#### **4.2 COUNTY OF SIMCOE OFFICIAL PLAN**



The County of Simcoe Official Plan is a document designed to assist in growth management in a County expected to experience continued strong growth in population and urban development over the next twenty years in accordance with the Growth Plan (2006) as amended. It attempts to achieve a balance between the demands for economic development, community building, and environmental conservation and provide a framework for coordinated planning with adjacent municipalities, agencies, and other levels of government.

The subject property is within the Penetanguishene "Primary Settlement Area" as per Schedule 5.1 of the plan. The proposed development contributes to the diversity of housing options available in the Town of Penetanguishene (3.1.4); various styles and sizes of single detached and row/townhome uses are included in the site design. Settlement areas are positioned to be developed at higher densities, given development is more feasible where municipal services are pre-existing (3.2.4). Given the Town of Penetanguishene is home to a variety of pre-existing municipal services, the County of Simcoe directs significant growth to the lower-tier municipality (3.2.3). The County of Simcoe Official Plan permits the subdivision of land by plan of subdivision where the subdivision is in conformity with the municipal designation or otherwise supports the intent of the OP (3.3.2).

Under Section 3.3.15, the County of Simcoe Official Plan restricts development on lands adjacent to the habitat of endangered species and threatened species, or within

significant woodlands unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions. A species at risk report has been completed at the study site and submitted under separate cover. All recommendations made by Birks Natural Heritage Consultants will be addressed to their satisfaction, that of the municipality, and the MNRF prior to any site alteration, regrading or demolition taking place (See Section 3.5.1 of this report). A SWM report has been submitted under separate cover which satisfies section 3.3.19 of the County OP. A Traffic Impact Study has also been submitted in conformity with the requirements of 3.3.20 of the County OP.

Section 3.5 outlines objectives and policies for Settlements within the County. The proposed development proposes both population and employment growth to a Primary Settlement Area (3.5.1). The concept lends to a mixed-use, compact urban form which efficiently utilizes the subject lands, and pre-existing service and infrastructure levels (3.5.2, 3.5.3, 3.5.4).

As per 3.5.6 of the County OP: designated Greenfield areas, within primary settlement areas, and with full municipal sewage and water services are poised for higher density targets. The subject lands are designated Greenfield by the Draft OP given they are within the municipal settlement area but outside the built-up boundary. Section 3.5.23 of the County OP provides density targets relative to Greenfield development for local municipalities. The minimum density target for Greenfield development within the Town of Penetanguishene is set at 50 residents/jobs per hectare. The development proposes approximately 55 PPH. Employment opportunities would be contributed to both through the commercial block on the corner of Fuller Avenue and Pine Grove Road, as well as through the employment by the condominium corporation.

The proposed development conforms to the County of Simcoe Official Plan.

#### **4.3 TOWN OF PENETANGUISHENE OFFICIAL PLAN**



The purpose of the (in-force) Official Plan of the Town of Penetanguishene is to guide development and redevelopment in the Town to achieve a healthy, safe, efficient and attractive environment. The Plan sets out the pattern of land use and the provision of public works in a deliberate attempt to reduce the element of speculation arising from uncertainties as to the manner and sequence of development. The designations indicated in Schedule A1 have not

been updated and are not reflective of decision made with reference to OPA No. 27, April 2015 (Appendix 1). The applicable policies of the Official Plan are analysed below:

The proposed development is supported by servicing described in detail through the Functional Servicing, Stormwater Management, and Traffic Impact Studies submitted under separate cover. With reference to diversity of use, the proposal entails the zoning

of both residential uses and neighborhood commercial uses, in line with the residential-commercial 'mixing' described under provision 2.6.3.2.

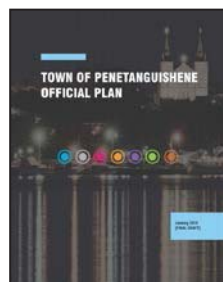
The development is proposed within Penetanguishene's Wellhead Protection Area delineated in Schedule A1. To the satisfaction of 2.6.4, no uses are proposed which would discharge contaminants into underlying groundwater resources. A Water Balance Study is submitted under separate cover.

Lands designated as Environmental Protection One will be conveyed to the municipality as a condition of proposed the plan of subdivision. No development is proposed within areas designated Environmental Protection One.

The developable portion of the land are designated 'Neighborhood Area' as per OPA No. 27, April 2015 (Appendix 1). Single detached (3.1.1.1), multiple residences (3.1.1.2), open space (3.1.4), and accessory commercial (3.1.3), as proposed, are all permitted uses within the 'Neighborhood Area' designation.

Based on the above the applications conform to the In-force Official Plan for the Town of Penetanguishene.

#### **4.4 FINAL DRAFT (DECEMBER 2018) OF THE NEW OFFICIAL PLAN FOR THE TOWN OF PENETANGUISHENE**



The Final Draft of the New Official Plan for the Town of Penetanguishene (Draft OP) provides the overarching tools to direct future growth, development and change within the Town and to create a more sustainable community for the Town's residents. This plan is not yet in force but has been reviewed to comprehensively address all planning policies. It is noted that this Official Plan will have no basis on the approval of the following applications given that this is only a draft document.

Penetanguishene is identified as a primary settlement area within the County of Simcoe Official Plan and the Growth Plan for the GGH. The development of existing Designated Greenfield Areas (i.e. those outside of the Delineated Built Boundary but within the Settlement Area) is a primary focus of the municipality (Section 2.3). In alignment with provision 2.3.1, the proposed development would lend to approximately 56 PPH as per the residential densities provided in the Simcoe County Land Budget (2010). Employment would be created through both the commercial uses included in the rezoning and through the maintenance requirements associated with the condo corporation.

The lands are designated Neighborhood Area and Environmental Protection Area as per Schedule A. All development would be permitted within the Neighborhood Area as per Section 4.2.1. The proposed development would contribute to the available stock of single-detached and row/townhomes available within the community (4.2.3). The

diversity of housing proposed, innovative mixed-use zoning configuration, and varying density is of a design generally encouraged by the municipality as per (4.2.4, 4.2.8), particularly where existing infrastructure and services are available to accommodate the proposed design (5.3.1). The influence of the proposed development on Penetanguishene's nearby public road system is addressed through the Traffic Impact Study completed by J.D. Engineering and submitted under separate cover.

The proposed density and built form are sensitive to the single-detached neighbourhoods adjacent and are suited in meeting the socio-economic needs of the greater Penetanguishene community through a diversity of housing options. With respect to provisions related to design and built form (3.1), the proposed development contributes to Penetanguishene's vision of well-designed communities through:

- design patterns which limit land consumption but remain sensitive to the housing demands of the community;
- usage of materials and massing which contributes to and enhances the traditional character of built-form in the municipality;

The proposal provides for two privately held 'neighborhood' parks - as defined under 3.2.2.4(a). The provided neighborhood parks would provide recreational and leisure opportunities to neighborhood residents in conformity with parks policies 3.2.2.5, 3.2.2.10, and 3.2.2.13.

Under the housing policies of Section 3.8.1 of the Draft OP, provision 3.8.1.2 and 3.8.1.4 provide that the Town will work in coordination with the County and proponents to ensure that a full range of housing types, densities, and sizes are provided to meet the anticipated demand and demographic changes in housing composition over the timeline of the plan. Further, Section 3.8.1.5 explicitly references the provision of townhomes and units of mixed size as is proposed in the development. The Town leverages the example of higher density housing forms (semis, towns, and multiples) as contributing to the affordable housing needs of the community when included in new subdivisions (3.8.1.3). Under Provision 3.8.2.12 the Town encourages development of low-income housing geared towards older persons, which may include lower maintenance housing types such as condominiums and townhouses; as is proposed in the development.

The development is proposed within Penetanguishene's Wellhead Protection Area (WHPA Q1 & Q2, D, C1) as delineated in Schedule B2. To the satisfaction of 3.13.1.6, no uses are proposed which would discharge contaminants into underlying groundwater resources. The lands are also within a Highly Vulnerable Aquifer (HVA) area as delineated in Schedule B2. To the satisfaction of 3.13.1.12, the employment of LIDs, as per the SWM and FSR reports submitted under separate cover, will mitigate adverse impact on the underlying HVA. A Water Balance Study is submitted under separate cover.

Based on the above the applications conform to the Final Draft Official Plan for the Town of Penetanguishene, again noting however that this Official Plan will have no basis on the approval of the following applications given it is only a draft document.

## 5.0 CONCLUSION

This report supports the proposed development of the subject lands. The proposed applications aims to facilitate the development of 173 residential units, over half (0.5) an acre of parkland use, and 0.6 acres of (neighborhood) commercial use. It is important to recognize that the proposed zoning bylaw amendment will bring the t lands into conformity with the official designation, where they currently conflict. The applications will permit the lands to be developed in an efficient and compact manner, without adversely impacting any significant natural heritage features, health and without negatively contributing to public health and safety concerns. The proposed development would provide density at a scale in conformity with the upper- and lower- tier (municipal) Official Plans and would positively contribute to the fabric of the neighborhood and the diversity of housing stock in the greater community. It is in our professional opinion that the proposed development represents good planning as it conforms to the applicable policies reviewed in the Provincial Policy Statement, Growth Plan – Places to Grow, the County of Simcoe Official Plan, and both the in-force and Final Draft Official Plan documents for the Town of Penetanguishene.

Respectfully submitted,

### Innovative Planning Solutions



Darren Vella, MCIP, RPP  
*President & Director of Planning*



Tyler Searls, BCD  
*Planner*

## APPENDICES

**APPENDIX 1: OMB DECISION AND OPA NO. 27, 2015**



**Ontario Municipal Board**  
Commission des affaires municipales  
de l'Ontario



**ISSUE DATE:** August 18, 2015

**CASE NO(S).:**

PL110487

**PROCEEDING COMMENCED UNDER** subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

**Applicant and Appellant:**  
**Subject:**

Janice and David Wright  
Request to amend the Official Plan - Failure of  
Town of Penetanguishene to adopt the  
requested amendment

**Existing Designation:**  
**Proposed Designation:**  
**Purpose:**  
**Property Address/Description:**  
**Municipality:**  
**Approval Authority File No.:**  
**OMB Case No.:**  
**OMB File No.:**  
**OMB Case Name:**

Restricted Rural  
Neighbourhood Residential  
To permit a multi-residential project  
1145 Fuller Avenue  
Town of Penetanguishene  
OPA 1/2008  
PL110487  
PL110487  
Wright v. Penetanguishene (Town)

**Heard:** July 28, 2015 by telephone conference call

**APPEARANCES:**

**Parties**

County of Simcoe

Town of Penetanguishene

David and Janice Wright

**Counsel**

M. Green  
W. Thomson

E. Veldboom

D. White

**DECISION DELIVERED BY J. V. ZUIDEMA ON JULY 28, 2015 AND ORDER OF THE BOARD**

---

[1] An Official Plan Amendment ("OPA") was filed by David and Janice Wright ("Appellants"). The purpose of the proposed amendment was to have a portion of their property located at 1145 Fuller Avenue ("subject property") in the Town of Penetanguishine ("Town") re-designated from Restricted Rural to Neighbourhood Residential.

[2] The OPA was necessary in order to permit a multi-residential project consisting of single detached, duplex and semi-detached dwellings. The development proposal is known as St. Andrew's Village.

[3] According to the Town, in June 2007 a complete application was submitted by the Appellants. Around the same time the Town was in the process of its Growth Management Study ("GMS").

[4] The OPA was held in abeyance so not to prejudice the outcome of the GMS and implemented through the Town's five year review of its Official Plan ("OP"). That five year review was intrinsically tied to the County of Simcoe ("County") Official Plan and the Province's proposed plan for the Simcoe Area.

[5] In any event, because of these factors, the OPA had been delayed and finally the Appellants appealed on the basis that a decision has not been made within the statutory timeframe of 180 days.

[6] A number of appearances were held before this Board. Only three parties were recognized by the Board: the County, the Town and the Appellants. There were no Participants and no one else brought a motion seeking Party or Participant status.

[7] The parties arrived at a settlement and that settlement was addressed via Telephone Conference Call ("TCC"). Because a few members of the public were interested in the proceeding, the Town arranged for the call to be heard by those members at the venue originally set for the hearing of this matter. The Board

appreciates the Town's efforts in this regard as not only are members of the public included in the proceeding, conducting the matter via TCC resulted in considerable savings in time and public resources; that cost saving is in the public interest.

[8] An Affidavit of Mr. Darren Vella had been filed in advance of the TCC and Mr. Vella was also on the call to provide *viva voce* evidence to support his Affidavit. Proposed OPA 27 was attached as Exhibit 2 to his Affidavit.

[9] Mr. Vella's Affidavit methodically and thoroughly reviewed all relevant policies (2005 and 2014 PPS, the Provincial Growth Plan, and the County and Town OPs) with specific references contained in his Affidavit.

[10] He also reviewed the Minutes of Settlement which were also filed and marked into the record. For the convenience of the reader of this decision, the Minutes of Settlement is attached to this decision and marked as Attachment 1.

[11] Mr. Vella's evidence was uncontested and provided jointly amongst the parties. I provided an oral decision allowing the appeal in order to give effect to the settlement achieved.

[12] This written disposition is a reflection of that oral decision.

[13] Therefore the Board relies on Mr. Vella's uncontested evidence to arrive at its decision. The Board orders that the appeal is allowed in part in order to give effect to the settlement and the Town's OP is modified in the form of OPA 27 as attached to Mr. Vella's Affidavit and as such, is approved.



"J. V. Zuidema"

J. V. ZUIDEMA  
VICE CHAIR

If there is an attachment referred to in this document,  
please visit [www.elto.gov.on.ca](http://www.elto.gov.on.ca) to view the attachment in PDF format.

**Ontario Municipal Board**

A constituent tribunal of Environment and Land Tribunals Ontario

Website: [www.elto.gov.on.ca](http://www.elto.gov.on.ca) Telephone: 416-212-6349 Toll Free: 1-866-448-2248

# ATTACHMENT 1

PL110487

## ONTARIO MUNICIPAL BOARD

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990,  
c. P. 13, as amended

Applicant & Appellant:	Janice and David Wright
Subject:	Request to amend the Official Plan – Failure of Town of Penetanguishene to adopt the requested amendment
Existing Designation:	Restricted Rural
Proposed Designation:	Neighbourhood Residential
Purpose:	To permit a multi-residential project
Property Address/Description:	Lots 21B, 53B, 63B, Part Lot 77B, Registered Plan 69, municipally know as 1145 Fuller Avenue
Municipality:	Town of Penetanguishene
Approval Authority File No.	OPA 1/2008
OMB Case No.	PL110487
OMB File No.	PL110487

### MINUTES OF SETTLEMENT

BETWEEN:

JANICE AND DAVID WRIGHT ("Wright")

and

THE CORPORATION OF THE TOWN OF PENETANGUISHENE ("the Town")

and

THE CORPORATION OF THE COUNTY OF SIMCOE ("the County")

WHEREAS Wright is the owner of 13.21 hectares of land located at Lots 21B, 53B, 63B, Part Lot 77B, Registered Plan 69, municipally known as 1145 Fuller Avenue, in the Town of Penetanguishene, in the County of Simcoe (the "Subject Lands");

AND WHEREAS on May 7, 2007 Wright submitted an application for an Official Plan Amendment, to the Town of Penetanguishene to redesignate the Subject Lands for urban residential development (the "OPA");

AND WHEREAS on May 12, 2011 Wright appealed to the Ontario Municipal Board ("the Board") against the Town of Penetanguishene's failure or neglect to approve the OPA ("the Appeal");

AND WHEREAS the Town, the County and Wright are parties to the Appeal which is scheduled to be heard by the Board over a period of three days commencing July 28, 2015;

AND WHEREAS the County adopted a new Official Plan for the County on November 25, 2008 (the "County OP");

AND WHEREAS on June 1, 2012 Wright appealed to the Board from the failure of the Ministry of Municipal Affairs and Housing to approve the County OP within 180 days (O.M.B. Case No. PL091167 – Appellant Party 11);

AND WHEREAS Wright, the Town, the County (collectively the "Parties" and individually a "Party") have engaged in settlement discussions in an attempt to resolve the issues of the appeal;

AND WHEREAS as part of the settlement discussions, Wright has provided the additional information requested by the Town and County staff regarding the findings of the supporting studies and has produced a revised OPA and supporting information. The Town has circulated the revised OPA and supporting information to the prescribed public agencies and ministries and has held a public meeting with respect to the revised OPA and adopted a resolution in support of the revised OPA. Wright has applied for the County's population allocation program and submitted a Planning Justification Report to the County to address the County's Official Plan policies 3.5.10 and 3.5.11 regarding an allocation of up to a maximum of 400 persons and has received approval by County Council for the allocation of population to the Subject Lands;

AND WHEREAS the Parties have agreed upon a revised Official Plan Amendment (the "OPA") for the Subject lands which is attached hereto as Schedule "A";

AND WHEREAS the Parties enter into these Minutes of Settlement (the "Minutes") to resolve the appeal in a mutually advantageous manner that recognizes and respects the interests of all Parties;

AND WHEREAS the resolution of the appeal on the basis of the OPA and these Minutes will resolve Wright's issues associated with the County OP;

AND WHEREAS the Parties' counsel, consultants and/or staff recommend approval of the OPA and the settlement as set out in these Minutes to their respective clients;



NOW THEREFORE in consideration of the payment by each Party to the other Party of the sum of Two Dollars (\$2.00), the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. The recitals above are true.
2. The attached Schedule "A" forms part of these Minutes.

#### THE OPA

3. Wright hereby agrees to modify their appeal and to pursue the approval of the OPA in accordance with these Minutes.

The Parties acknowledge and agree that portions of the proposed residential development of the Subject Lands, being the area designated 'Neighbourhood Residential – Special Exception' which is currently designated 'Restricted Rural', should be approved on the basis that it qualifies for, should and will be allocated an additional population of 400 people pursuant to policy 6.3.2.2 of the *Growth Plan for the Greater Golden Horseshoe* ("Growth Plan") and policies 3.5.10 and 3.5.11 of the County OP, which were approved by order of the Board on July 28, 2014 in O.M.B. Case No. PL091167 (the "County Policies"). The Parties agree that the approval of an additional 400 people for the 8.79 hectare portion of the area designated 'Neighbourhood Residential – Special Exception' meets the requirements and criteria of policy 6.3.2.2 of the *Growth Plan* and the County Policies.

4. The Parties further acknowledge and agree that the OPA represents good planning and is in the public interest.
5. The Parties acknowledge and agree that the OPA attached as Schedule "A" should be approved.

#### IMPLEMENTATION OF SETTLEMENT

6. The Parties acknowledge that the County policies 3.5.10 to 3.5.13 of the County OP were approved by order of the Board on July 28, 2014 for the allocation of up to 20,000 persons over the entire County as permitted by Sections 6.3.2.2 and 6.3.2.3 of the *Growth Plan*. The Parties acknowledge and agree that the additional population of 400 persons has been allocated to the Subject Lands.
7. County Council on June 23, 2015 approved the allocation of an additional population of 400 people beyond the forecasts in Schedule 7 of the *Growth Plan* for the Town of Penetanguishene to the Subject Lands, pursuant to the County Policies as approved by

order of the Board on July 28, 2014. The County supports the approval of the OPA based on the additional population allocation. If the Board approves the OPA as set out in the Minutes upon the joint request of the Parties, the County will update its ledger to indicate the allocation of 400 persons to the Subject Lands in accordance with policy 3.5.11 paragraph C in the County OP. A copy of the County approval of the additional population allocation is attached as Schedule "B" hereto.

8. Wright will ensure that all future development applications to implement the OPA will be consistent with the proposed concept plan and the Planning Justification Report submitted supporting the population allocation request.
9. To ensure consistency with the proposed concept plan and Planning Justification Report, Wright agrees that all future development applications shall include:
  - a. Development on full municipal water and sewage services;
  - b. A minimum density target of 50 persons and jobs per hectare;
  - c. Complete community components such as active transportation, appropriate transportation infrastructure, and public services facilities;
  - d. Both employment and residential uses and contribute to the achievement of jobs for the local municipality;
10. The Town acknowledges and agrees that it supports the allocation of an additional 400 people to the Subject Lands pursuant to the County Policies. The Town's request to the County for this additional allocation is reflected within the OPA document adopted by the Town.

#### THE OPA APPEAL

11. Upon execution of these Minutes by all Parties, the Parties will advise the Board that a settlement of the appeal has been reached amongst the Parties based on the revised OPA and allocation of population. The Parties will request that the Board cancel the scheduled three day hearing time and schedule a Settlement Hearing.
12. At the Settlement Hearing, the Parties will request that the Board approve the OPA attached as Schedule A. The Parties will provide such evidence and make such oral or written submissions as are necessary to support that request.
13. The Parties each agree not to request a costs award from the Board against each other in respect of any aspect of the appeal.

#### THE COUNTY OP APPEAL

14. Upon approval of the OPA by the Board, Wright shall withdraw from the County OP hearing.



**GENERAL**

15. The Parties acknowledge and agree that if the Board does not approve the OPA as set out in Schedule A or in such modified form as is satisfactory to the Parties, these Minutes shall be terminated and any obligations or benefits thereof shall no longer apply.
16. The Parties agree that they are contractually bound to the terms of these Minutes, and that the obligations and benefits thereof are immediately enforceable by civil action should a Party be in breach of them.
17. To the extent allowable by law, these Minutes shall be binding and enure to the benefit of the Parties, their successors and assigns.
18. Subject to applicable law, the Parties shall execute diligently and expeditiously such further documents and take such further action as may be reasonably required in order to implement and give full legal force and effect to the terms of these Minutes.
19. The Parties agree to act reasonably and with good faith in respect of all dealings between the Parties pursuant to these Minutes.
20. These Minutes constitute the entire agreement between the Parties with respect to the appeal and supersede all prior agreements, negotiations and understandings with respect thereto.
21. Any amendment to or waiver of any provision of these Minutes must be in writing and signed by the applicable Parties.
22. If any provision of these Minutes is deemed illegal, invalid or unenforceable, by an arbitrator or any court of competent jurisdiction from which no appeal exists or is taken, that provision will be severed from these Minutes and the remaining provisions will remain in full force and effect.
23. These Minutes may be executed in one or more counterparts, which together shall constitute a complete set of these Minutes, and executed counterparts may be delivered by email or facsimile transmission.
24. Headings are included for ease of reference only and shall not affect the interpretation or construction of these Minutes.

**IN WITNESS WHEREOF** the Parties have executed these Minutes as of the dates indicated

below:

Date: AUG 5/15

[Signature]  
Janice Wright *BY HER SOLICITOR*  
DAVID S. WHITE

Date: AUG 5/15

[Signature]  
David Wright *BY HIS SOLICITOR*  
DAVID S. WHITE

Date: \_\_\_\_\_

**THE CORPORATION OF THE TOWN OF  
PENETANGUISHENE**

\_\_\_\_\_  
Name:

Title:

\_\_\_\_\_  
Name:

Title:

We have authority to bind the corporation

Date: \_\_\_\_\_

**THE CORPORATION OF THE COUNTY  
OF SIMCOE**

\_\_\_\_\_  
Name:

Title:

\_\_\_\_\_  
Name:

Title:

We have authority to bind the corporation



**THE CORPORATION OF THE  
TOWN OF PENETANGUISHENE**

**BY-LAW NO. 2015-24**

**A By-law to adopt Amendment No. 27 to the  
Town of Penetanguishene's Official Plan**

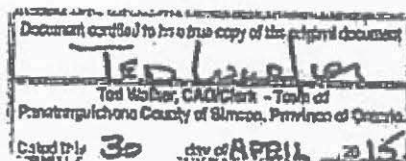
The Council of the Corporation of the Town of Penetanguishene In accordance with the provisions of the Planning Act, R.S.O. 1990, enacts as follows:

1. That the attached text and maps (Schedule A), which constitutes Amendment No. 27 to the Official Plan of the Town of Penetanguishene is hereby adopted.
2. That the Acting Clerk is hereby authorized and directed to make application for approval of Amendment No. 27.
3. That this by-law shall come into force and take effect on the day of the final passing thereof.

BY-LAW READ a First, Second and Third time and finally passed in open Council this 22<sup>nd</sup> day of April, 2015.

MAYOR

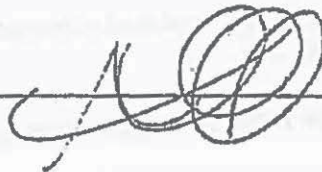
ACTING CLERK



**SCHEDULE A**  
**AMENDMENT No. 27**  
**TO THE**  
**OFFICIAL PLAN OF THE TOWN OF PENETANGUISHENE**

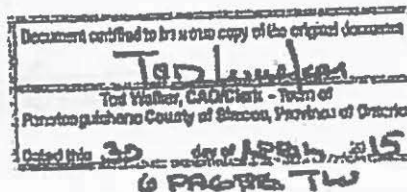
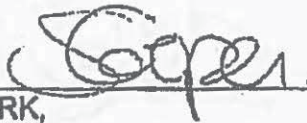
The attached explanatory text and Schedule "A" constituting Amendment No. 27 to the Official Plan for the Town of Penetanguishene, was prepared and adopted by the Council of the Corporation of the Town of Penetanguishene by By-law No. 2015-24 in accordance with the provisions of Section 17 and 22 of the Planning Act, R.S.O. 1990 c.P. 13 as amended.

MAYOR,



CORPORATE  
SEAL OF TOWN

CAO/CLERK,





## **THE CONSTITUTIONAL STATEMENT**

The following Amendment to the Official Plan for the Town of Penetanguishene consists of three parts;

### **PART A – THE PREAMBLE**

Consists of the purpose, location and basis for the Amendment and does not constitute part of the actual Amendment.

### **PART B – THE AMENDMENT**

Consisting of the following text and Schedule "A" constitute Amendment No. 27 to the Official Plan of the Town of Penetanguishene.

### **PART C – THE APPENDICES**

Consists of the background information and planning considerations associated with this Amendment. This section does not constitute part of the actual amendment.

## **PART A – THE PREAMBLE**

### **PURPOSE**

The purpose of the Official Plan Amendment is to re-designate Part of Lots 21B, 53B, 63B & Part of Lot 77B, Registered Plan 69 in the Town of Penetanguishene, County of Simcoe from the 'Restricted Rural' and 'Environmental Protection One' designations to the 'Neighbourhood Residential – Special Exception' and 'Environmental Protection One' designations. Approximately 8.8 hectares is proposed as Neighbourhood Residential – Special Exception and the remaining 4.4 hectares of the 13.2 hectare site as Environmental Protection One.

### **LOCATION**

The subject property is located in the Town of Penetanguishene. The lands affected by this Amendment are known as Lots 21B, 53B, 63B & Part of Lot 77B, Registered Plan 69 in the Town of Penetanguishene, County of Simcoe. The lands consist of an area of 13.2 hectares (32.6 acres) with 570 metres of frontage on Fueller Avenue and 107 metres on Pine Grove Road.

### **BASIS**

The purpose of the amendment is to facilitate the development of medium and high density housing types and a neighbourhood commercial block containing a 465 square metre structure for retail uses. The concept plan submitted with the applications indicates 217 units and an adult lifestyle community. The proposed Official Plan Amendment application aims to facilitate residential development on a designated Greenfield site by redesignating the lands from Restricted Rural and Environmental Protection One to Neighbourhood Residential – Special Exception and Environmental Protection One.



## **PART B – THE AMENDMENT**

### **1.0 DETAILS OF THE AMENDMENT**

The Official Plan of the Town of Penetanguishene, as amended is hereby further amended as follows:

1. Schedule A1 to the Official Plan, as amended is hereby further amended by designating the lands known as Lots 21B, 53B, 63B & Part Lot 77 B, RP 69, in the Town of Penetanguishene from Restricted Rural and Environmental Protection One to Neighbourhood Residential – Special Exception and Environmental Protection One, as shown on Schedule "A" attached hereto and forming Part of this Amendment.
2. Section 5.0 of the Official Plan shall be amended to include a new Section 5.13 after Section 5.12:

#### **"Section 5.13 Lots 21B, 53B, 63B & Part Lot 77B, R.P. 69**

Notwithstanding Section 3.1, the following applies to the lands known as Lots 21B, 53B, 63B & Part Lot 77B, R.P. 69 and identified on Schedule A of the Amendment.

On lands within the Neighbourhood Residential Designation Exception One, the following shall apply:

##### **5.13.1 Density Requirements**

The minimum density shall be 50 persons and jobs per hectare.

##### **5.13.2 Accessory Retail Standards**

One accessory retail building shall be permitted to be 465 square metres."

## **2.0 IMPLEMENTATION**

The provisions of the Official Plan regarding the implementation of that Plan shall also apply to this Amendment.

## **3.0 INTERPRETATION**

The provisions of the Official Plan as amended from time to time shall apply in regard to this Amendment.



# **SCHEDULE 'A'**

**OPA No. 27**

**LOTS 21B, 53B, 63B & PART OF LOT 77B  
REGISTERED PLAN 88**

**IN THE**

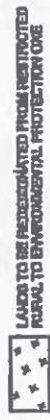
**TOWN OF PENETANGUISHENE**

**COUNTY OF SIMCOE**

**2016**



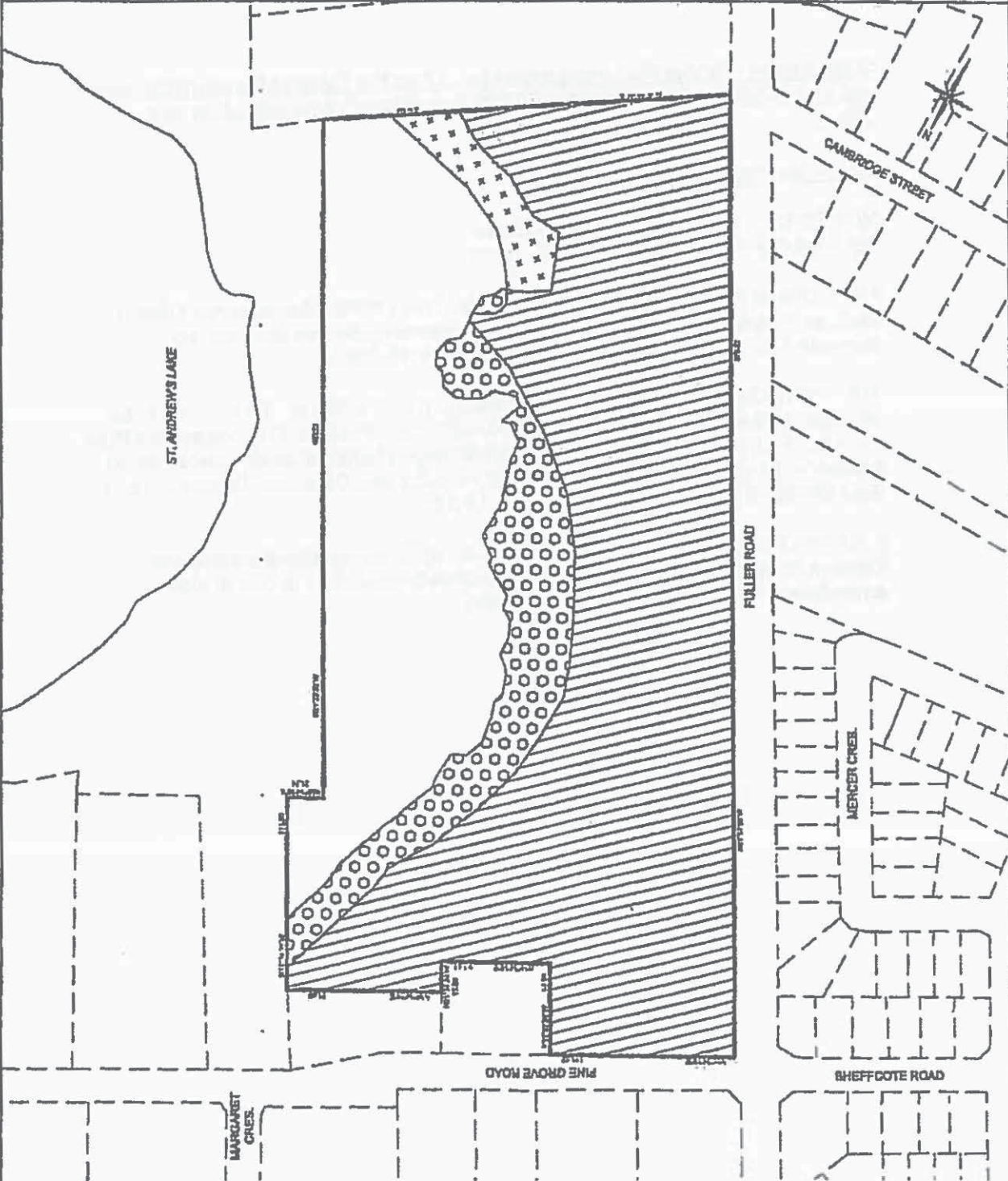
**SUBJECT PROPERTY**



ADOPTED THIS 22nd DAY OF JULY, 2016

MAYOR

CADDLERK





## SCHEDULE "B"



Resolution from the June 23, 2015 County Council Meeting. This resolution was adopted by County Council.

CCW 15-194 - Official Plan Amendment No. 27 for the Town of Penetanguishene and Application for a Portion of the 20,000 Population Program St. Andrew's Village

Recommendation No. CCW-189-15

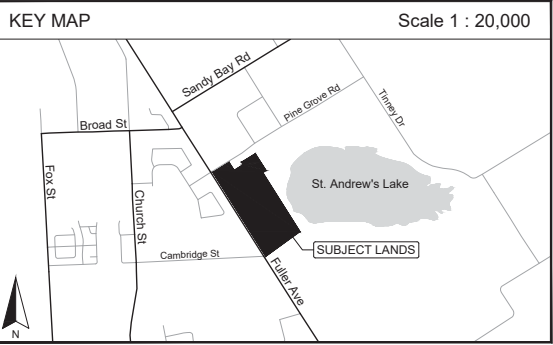
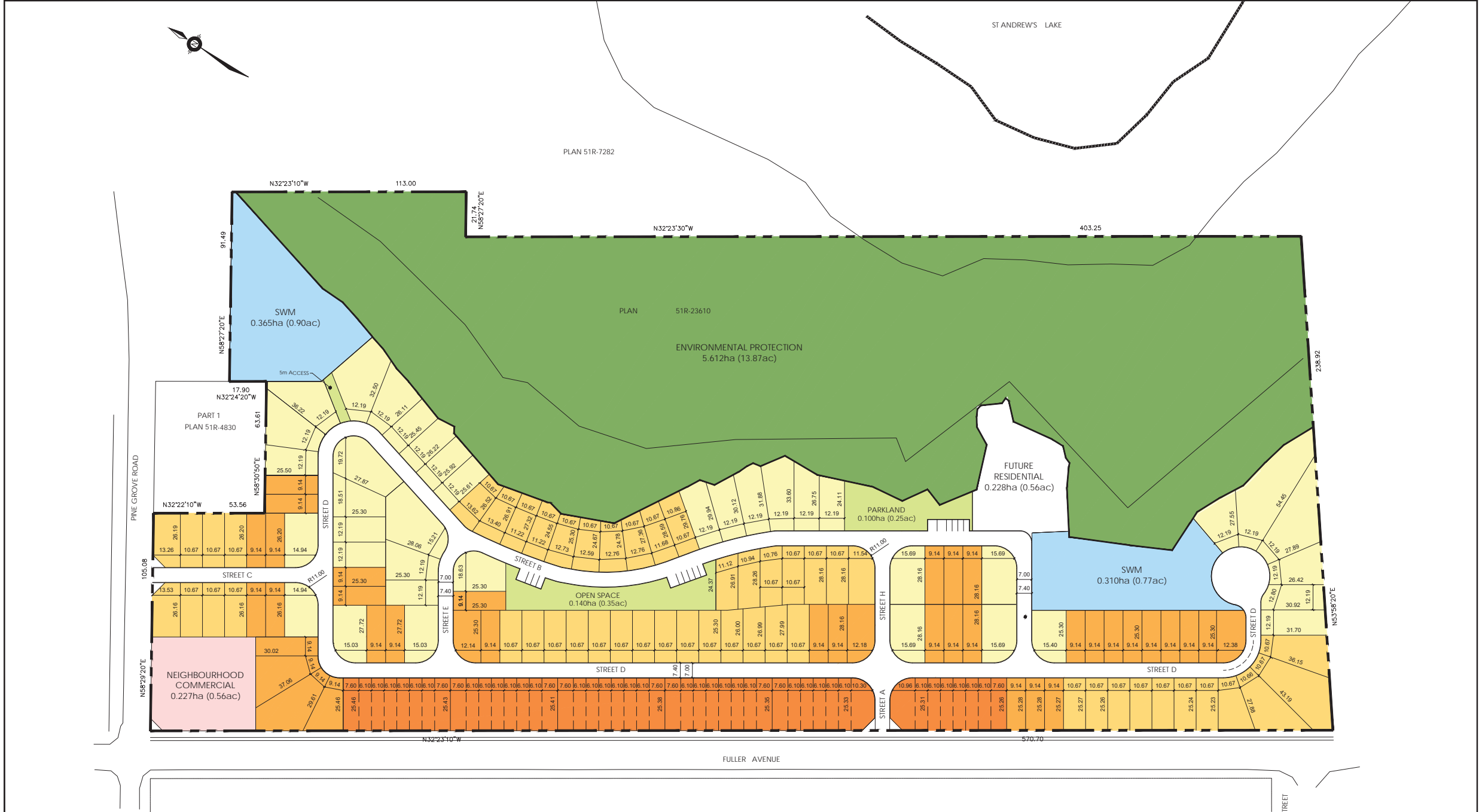
MOVED BY: Councillor Dubeau  
SECONDED BY: Councillor B. Smith

THAT Official Plan Amendment No. 27 to the Town of Penetanguishene Official Plan, as adopted by the Town of Penetanguishene by By-law 2015-24, be supported as set out in Schedule 3 to Item CCW 15-194;

AND THAT County Council approve a maximum population of 400 persons to be allocated to the lands located at Lots 21B, 53B, 63B, Part Lot 77B, Registered Plan 69, 1145 Fuller Avenue, in the Town of Penetanguishene, otherwise known as St. Andrew's Village, under Growth Plan policy 6.3.2.2 and County of Simcoe Official Plan (Modified 2012) policies 3.5.10 and 3.5.11;

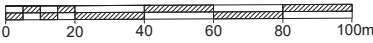
AND THAT the County's solicitor and Director of Planning, Development and Tourism be authorized to execute minutes of settlement for the official plan amendment and the allocation of population.

## **APPENDIX 2: SITE PLAN**



SITE PLAN

LOTS 21B, 53B, 63B, & PART OF LOT 77B  
REGISTERED PLAN 69  
FORMERLY IN THE TOWNSHIP OF TAY  
NOW IN THE  
TOWN OF PENETANGUISHENE  
COUNTY OF SIMCOE  
2018



- LEGEND
- SUBJECT LANDS  
Area: 13.038 ha (32.22 ac)  
Visitor Parking: 16
  - 38 Lots SINGLE DETACHED LOTS (40')
  - 50 Lots SINGLE DETACHED LOTS (35')
  - 38 Lots SINGLE DETACHED LOTS (30')
  - 47 Units TOWNHOUSE UNITS (20')
  - FUTURE RESIDENTIAL BLOCK
  - NEIGHBOURHOOD COMMERCIAL
  - STORMWATER MANAGEMENT
  - PARKLAND/OPEN SPACE
  - ENVIRONMENTAL PROTECTION

PROPOSED ZONING

	REQUIRED R3 (ROW HOUSE)	PROPOSED R3-XX (ROW HOUSE)
Min. Lot Frontage	30.0m	30m
Min. Lot Area	230.0m <sup>2</sup>	150m <sup>2</sup>
Max. Lot Coverage	35%	60%
Min. Front Yard Setback	6.0m	4.5m/6.0m
Min. Interior Side Yard Setback	4.0m and 6.0m other side	1.5m
Min. Exterior Side Yard Setback	4.5m	3.0m
Min. Rear Yard Setback	7.5m	5.0
Max. Height	11.0m	11.0m
Max. Accessory Building Height	4.0m	4.0m
Min. Gross Floor Area		
Bachelor	32.0 m <sup>2</sup>	32.0 m <sup>2</sup>
1 Bedroom	51.0 m <sup>2</sup>	51.0 m <sup>2</sup>
2 Bedroom	65.0 m <sup>2</sup>	65.0 m <sup>2</sup>
	(+ 10.0m <sup>2</sup> for each additional bedroom over 2)	(+ 10.0m <sup>2</sup> for each additional bedroom over 2)

	REQUIRED R3 (SINGLE DETACHED)	PROPOSED R3-XX (SINGLE DETACHED)
Min. Lot Frontage	15.0m	9.0m
Min. Lot Area	511.0m <sup>2</sup>	225m <sup>2</sup>
Max. Lot Coverage	35%	55%
Min. Front Yard Setback	6.0	4.5m/6.0m
Min. Interior Side Yard Setback	1.0m	0.6m
Min. Exterior Side Yard Setback	4.5m	3.0m
Min. Rear Yard Setback	7.5m	5.0m
Max. Height	11.0m	11.0m
Max. Accessory Building Height	4.0m	4.0m
Min. Ground Floor Area	74.0m <sup>2</sup>	74.0m <sup>2</sup>

ST. ANDREW'S LAKE VILLAGE (173 LOTS)  
TOWN OF PENETANGUISHENE

SCHEDULE OF REVISIONS			
No.	Date	Description	By



INNOVATIVE PLANNING SOLUTIONS  
PLANNERS • PROJECT MANAGERS • LAND DEVELOPERS  
150 DUNLOP STREET EAST, SUITE 201, BARRIE, ONTARIO L4M 1B1  
tel: 705 • 812 • 3281 fax: 705 • 812 • 3438 e: info@ipsconsultinginc.com www.ipsconsultinginc.com

Date:	November 20, 2018	Drawn By:	AM
File:	05-137	Reviewed By:	TS



### **APPENDIX 3: DRAFT ZONING BY-LAW AMENDMENT & SCHEDULE A**

## THE TOWN OF PENETANGUISHENE ZONING BY-LAW NUMBER 2000-02

"A By-law of the Town of Penetanguishene to amend Zoning By-Law No. 2000-02 by rezoning lands described as Lots 21B, 53B, 63B, and Part Lot 77B on Registered Plan 69, in the Town of Penetanguishene, Simcoe County, known municipally as 1145 Fuller Avenue, in the Town of Penetanguishene, from the Rural (RU) and Environmental Protection (EP) Zones to the Residential Third Density with Exceptions (R3 - XX), Environmental Protection (EP), Commercial Neighborhood (CN), Residential Multiple Density (RM), and Open Space (OS) Zones."

**WHEREAS** the Council of the Corporation of the Town of Penetanguishene may pass by-laws pursuant to Section 34 of the Planning Act, R.S.O 1990, as amended;

**AND WHEREAS** the Council of the Corporation of the Town of Penetanguishene has determined a need to rezone a parcel of land known municipally as 1145 Fuller Avenue;

**AND WHEREAS** the Council of the Corporation of the Town of Penetanguishene deems the said application to be in conformity with the Official Plan of the Town of Penetanguishene, as amended, and deems it advisable to amend By-law 2000-02.

### **NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF PENETANGUISHENE HEREBY ENACTS AS FOLLOWS:**

1. **THAT** the Zoning By-Law Map, is hereby further amended by rezoning those lands described as Lots 21B, 53B, 63B, and Part Lot 77B on Registered Plan 69, in the Town of Penetanguishene, Simcoe County, municipally known as 1145 Fuller Avenue, in the Town of Penetanguishene, from the Rural (RU) and Environmental Protection (EP) Zones to the Residential Third Density with Exceptions (R3 - XX), Environmental Protection (EP), Commercial Neighborhood (CN), Residential Multiple Density (RM), and Open Space (OS) Zones as shown in Schedule "A" attached hereto, and Schedule "A" attached hereto forms part of By-Law 2000-02 as amended;
2. **THAT** the following additions shall be made to Residential Third Density with Exceptions (R3 - XX) Zone:

With respect to 'row home' dwelling units;

- i. A minimum lot area of 150.0 square metres shall be permitted;
- ii. A maximum lot coverage of 60.0% shall be permitted;
- iii. Notwithstanding a minimum driveway length of 6.0 metres, a minimum front yard setback of 4.5 metres shall be permitted;
- iv. A minimum interior side yard setback of 1.5 metres shall be permitted;
- v. A minimum exterior side yard setback of 3.0 metres shall be permitted;
- vi. A minimum rear yard setback of 5.0 metres shall be permitted;

With respect to 'single detached' dwelling units;

- vii. A minimum lot frontage of 9.0 metres shall be permitted;
- viii. A minimum lot area of 225.0 square metres shall be permitted;
- ix. A maximum lot coverage of 55% shall be permitted;
- x. Notwithstanding a minimum driveway length of 6.0 metres, a minimum front yard setback of 4.5 metres shall be permitted;
- xi. A minimum interior side yard setback of 0.6 metres shall be permitted;
- xii. A minimum exterior side yard setback of 3.0 metres shall be permitted; and,
- xiii. A minimum rear yard setback of 5.0 metres shall be permitted; and

3. **THAT** this by-law shall take effect as of the date of passing, subject to the provisions of the Planning Act, R.S.O. 1990, Chap. P.13 as amended.

**BY-LAW** read a **FIRST**, **SECOND**, and **THIRD** time and finally **PASSED** this \_\_\_\_ day of \_\_\_\_\_ 2019.

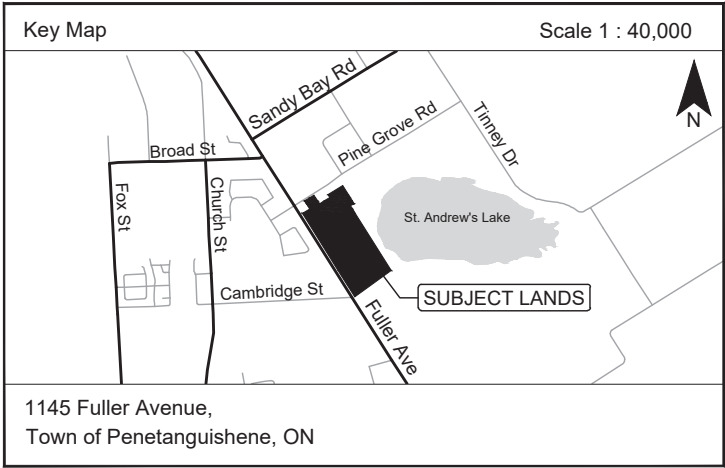
**The Corporation of the Town of Penetanguishene**

\_\_\_\_\_

Mayor

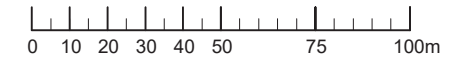
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Clerk



## SCHEDULE 'A' to ZONING BY-LAW AMENDMENT

**1145 FULLER AVENUE**  
LOTS 21B, 53B, 63B, & PART OF LOT 77B  
REGISTERED PLAN 69  
FORMERLY IN THE TOWNSHIP OF TAY  
NOW IN THE  
**TOWN OF PENETANGUISHENE**  
COUNTY OF SIMCOE



### LEGEND

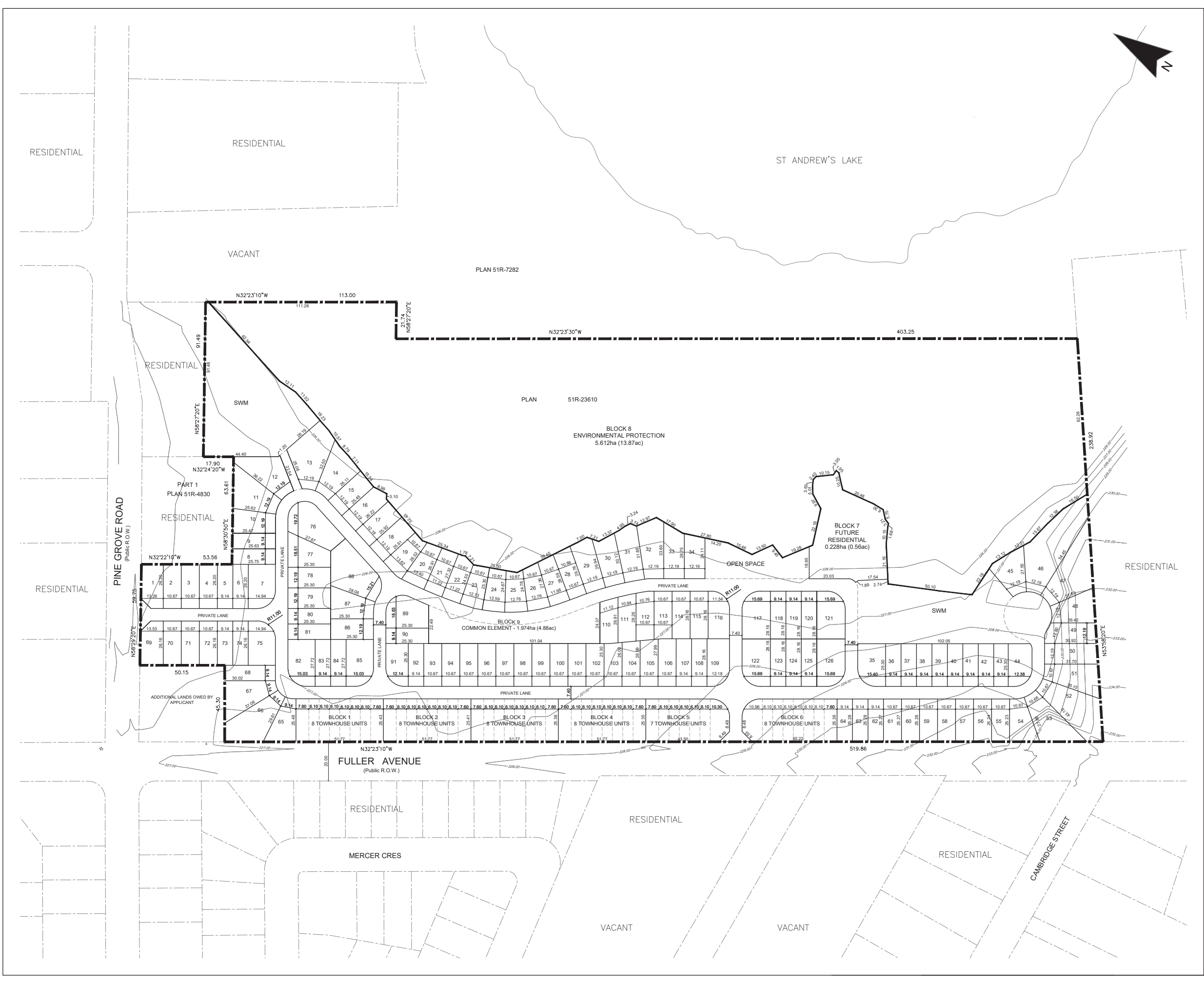
-  Lands to be zoned Residential Third Density Exception XX (R3-XX)
-  Lands to be zoned Residential Multiple Density (RM)
-  Lands to be zoned Open Space (OS)
-  Lands to be zoned Environmental Protection (EP)
-  Lands to be zoned Commercial Neighbourhood (CN)

Scale: 1 : 2,000	Date: November 28, 2018
Drawing: 05-137	Drawn By: AM

## SCHEDULE 'A' - ZONING BY-LAW AMENDMENT

1145 FULLER AVENUE - TOWN OF PENETANGUISHENE

#### **APPENDIX 4: DRAFT PLAN OF SUBDIVISION**



KEY MAP Scale 1:30,000

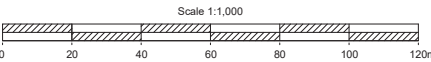


## DRAFT PLAN OF SUBDIVISION

LOTS 21B, 53B, 63B, & PART OF LOT 77B

REGISTERED PLAN 69  
FORMERLY IN THE TOWNSHIP OF TAY  
NOW IN THE

TOWN OF PENETANGUISHENE  
COUNTY OF SIMCOE



### LAND USE SCHEDULE

	LOTS/BLOCKS	Units	ha	ac	%
Single Residential Lots (12.2m)	7, 10-18, 29-35, 45-50, 75-79, 82, 85-89, 117, 121, 122, 126,	38	1.665	4.11	13.0
Single Residential Lots (10.7m)	1-4, 19-28, 51-61, 69-72, 93-106, 110-116	50	1.532	3.79	12.0
Single Residential Lots (9.1m)	5, 6, 8, 9, 36-44, 62-68, 73, 74, 80, 81, 83, 84, 90-92, 107-109, 118-120, 123-125	38	1.013	2.50	7.9
Townhouse Units (6.0m)	Blocks 1-6	47	0.785	1.94	6.1
Future Residential	Block 7	-	0.228	0.56	1.8
Environmental Protection	Block 8		5.612	13.87	43.8
Common Element	Block 9		1.974	4.88	15.4
TOTAL		173	12.809	31.65	100

Note: Common element block includes lanes, open space blocks, and stormwater management blocks.

### ADDITIONAL INFORMATION REQUIRED UNDER SECTION 51(17) OF THE PLANNING ACT

a) SHOWN ON PLAN	d) SEE LAND USE SCHEDULE	f) SHOWN ON PLAN	i) TIOGA LOAMY SAND
b) SHOWN ON PLAN	e) SHOWN ON PLAN	g) SHOWN ON PLAN	j) SHOWN ON PLAN
c) SHOWN ON PLAN		h) MUNICIPAL WATER	k) ALL MUNICIPAL SERVICES
			l) NONE

### OWNERS' CERTIFICATE

I HEREBY AUTHORIZE INNOVATIVE PLANNING SOLUTIONS TO PREPARE THIS DRAFT PLAN OF SUBDIVISION AND SUBMIT THIS DRAFT PLAN OF SUBDIVISION FOR APPROVAL.

DATE	JANICE WRIGHT
DATE	DAVID WRIGHT

### SURVEYOR'S CERTIFICATE

I CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AND THEIR RELATIONSHIP TO ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN.

NOVEMBER 28, 2018	
DATE	DINO ASTRI O.L.S. DINO ASTRI SURVEYING LTD.

### SCHEDULE OF REVISIONS

No.	Date	Description	By

**IPS** INNOVATIVE PLANNING SOLUTIONS  
PLANNERS • PROJECT MANAGERS • LAND DEVELOPERS  
150 DUNLOP STREET EAST, SUITE 201, BARRIE, ONTARIO L4M 1B1  
tel: 705 • 812 • 3281 fax: 705 • 812 • 3438 e: info@ipsconsultinginc.com www.ipsconsultinginc.com

Date:	November 27, 2018	Drawn By:	AM
File:	05-137	Reviewed By:	TS





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