



BAY MOORINGS

Planning Justification Report
February 2019



BAY MOORINGS
PLANNING JUSTIFICATION REPORT
TRAVIS & ASSOCIATES
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APPENDIX 1 Proposed Zoning By-law Amendment

EXECUTIVE SUMMARY

This report presents, reviews and assesses an application to amend the Penetanguishene Zoning By-law to re-zone a portion of the subject lands to allow for residential development. The application is based on a re-development concept plan depicting an integrated waterfront neighborhood and marina facilities.

The Bay Moorings site is located on the west side of Fox Street in the Town of Penetanguishene. The lands comprise 6.4ha and are designated “Marine Commercial One” in the Town of Penetanguishene Official Plan with site specific land use development policies. The lands are currently zoned “CM1” (Commercial Marine One) and “CM1-1” (Commercial Marine One Exception 1). The lands have been used historically as a recreational boating marina serving the south Georgian Bay region. The subject application proposes to amend provisions of the “CM1-1” zone to recognize a revised site boundary (north) and allow for marina and marina related uses. The adjacent harbor water lots are zoned Lake Side (LS). The subject application does not propose to modify or amend the LS zoning provisions.

The result of the subject application will be an amendment to the Zoning By-law enabling medium density residential development and retention of a marina facility in accordance with the intent of the local Official Plan.

The proposal is to rezone the lands to allow up to 86 dwelling units comprising a range unit types that include single detached, townhouse and apartment type dwellings. The resulting density would be 16.2 units per ha (86u/5.3ha). In addition, provisions are made for a recreation centre, on-site parkettes, resident access to the harbor and retention of a marina facility. No changes to the Official Plan are proposed.

In addition to this planning report the application is supported by environmental reports, engineer servicing report and a traffic report. Due to historical uses, there is evidence of impacted soils in some isolated areas. A Record of Site Condition process is underway that will fully address this matter, including treatment and remediation.

Upon review of the Provincial Policy Statement, the Growth Plan, the Simcoe County Official Plan and the Town of Penetanguishene Official Plan along with technical studies noted herein, it is concluded that the proposed amendments are consistent with Provincial policy, conform to the intent of the Simcoe County Official Plan and, conform to the intent of the Town of Penetanguishene Official Plan.

1. PURPOSE

In December, 2017 Travis & Associates was retained by Bay Moorings Marina Holdings LP to provide planning advisory services for a land use proposal to amend the Town of Penetanguishene Zoning By-law. Retained services also included the preparation of a Planning Justification Report (PJR) and submission of applications to amend the Zoning By-law.

The purpose of this PJR is to present and assess the proposed amendments to the Town of Penetanguishene Zoning By-law. In particular, this report will:

1. Describe the existing land use context
2. Explain the planning approvals proposal
3. Identify applicable land use planning policy considerations
4. Review supporting technical documents
5. Provide a professional planning analysis
6. Summarize findings

2. SITE DESCRIPTION

The subject lands have a municipal address of 200 Fox Street, Penetanguishene, Ontario (see **Figure 1: Location and Context**, below). Legally, the lands are referred to as comprising Lots 114, 115, 116, 118, 119, Block C and Parts of Cambridge Street and Oxford Street, Registered Plan 70, Town of Penetanguishene, County of Simcoe.

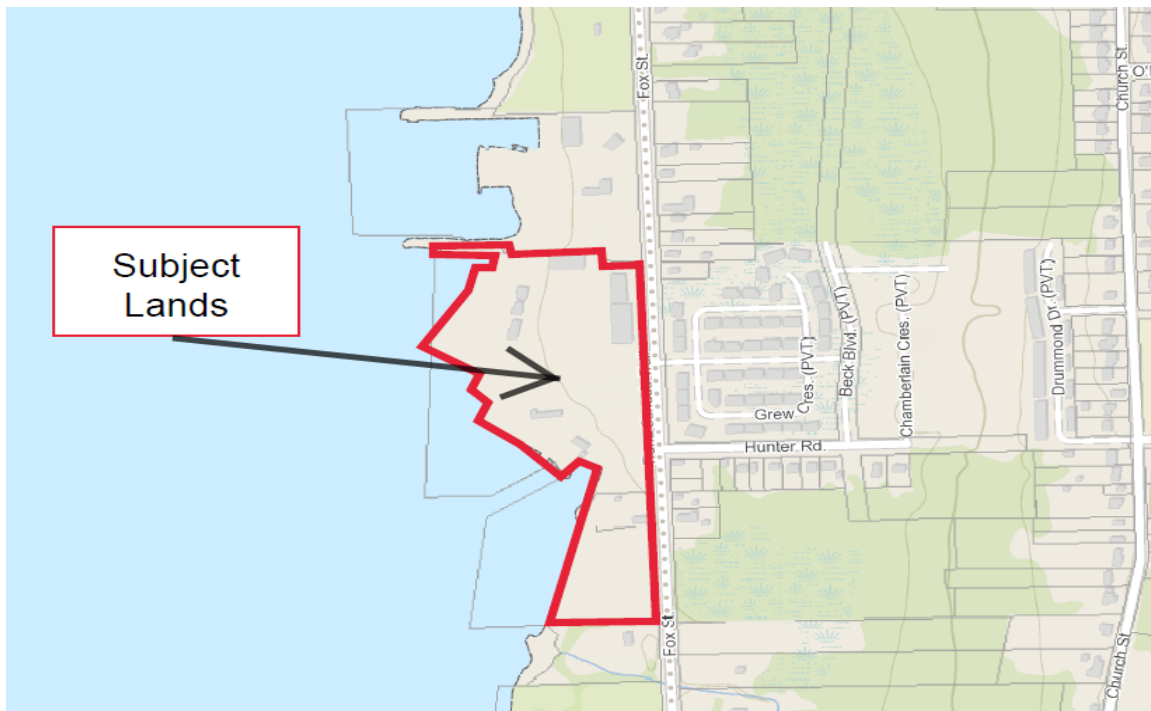


Figure 1: Location and Context

The subject lands comprise approximately 6.3ha of land along with adjacent water lots. The frontage along Fox Street is approximately 444m. The site has an irregular depth from about 60m to about 210m.

The site was generally developed as a marina since about the 1960's. Existing development consists of various marina maintenance and storage buildings, parking and docking facilities along with buildings that house offices, chandlery and restaurant. As the site has been extensively developed and built out over the years, natural vegetation is limited to ornamental trees and shrubs with some older trees.

The subject lands are on full municipal services and have access of a year-round, paved municipal road (Fox St).

3. SURROUNDING LAND USES

The subject lands are bordered on the north by an older commercial marina. To the east is new residential development (off Hunter Road and Bay Mooring Blvd). To the south is the existing municipal sewage treatment plan. Penetang Harbour flanks the west.

Overall, the subject lands are situated in a neighborhood dominated by residential developments to the east and south, marina developments and associated recreational boating. The nature of the surrounding uses is illustrated clearly in the area air photo excerpted as Figure 2.

4. PROPOSAL

The subject proposal is to rezone the lands to allow up to 86 dwelling units comprising a range unit types that include single detached, townhouse and apartment type dwellings. The resulting density is 16.2 units per ha (86u/5.3ha). In addition, provisions are made for a recreation centre, on-site parkettes, resident access to the harbor and retention of a marina facility. No changes to the Official Plan are proposed.

Figure 3 (Development Concept Plan) shows the redevelopment intent of the site. The unit types envisaged are single detached units situated in the westerly (interior and harbor side) portion of the site. Townhouse type dwellings are proposed as a housing form addressing the Fox Street frontage. The proposed 3 storey apartment building is more or less centered in the north portion of the site. Marina and marina facilities are situated at the south end of the property and will be separate from the residential sector.

The concept plan, refined through local architect Lloyd Hunt, is intended to illustrate the maximum density proposed and how a variety of housing types can be accommodated in a logical, complimentary layout. Additional site plan detail will be developed as part of a subsequent site plan review and approval process.



Figure 2: Surrounding Land Uses – Air Photo

DEVELOPMENT CONCEPT PLAN

DATE: 19.01.25

SCALE: 1:1500

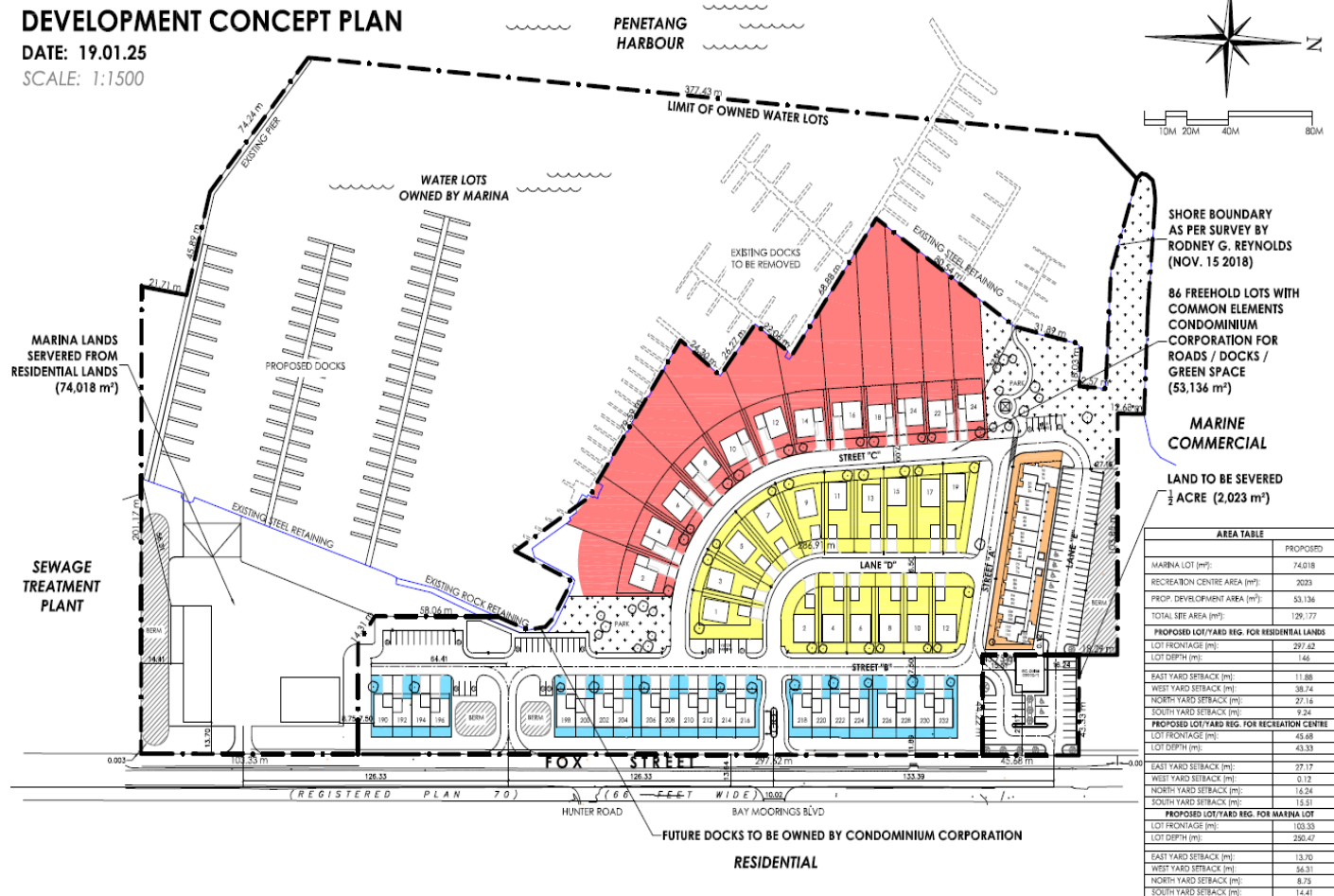


Figure 3: Development Concept Plan, 2019

The proposed development would result in maintaining a predominant water oriented operating marina facility and utilize existing water lots for recreational boating and docking facilities. The land base of the marina facility is located at the south of subject lands and comprises approximately 0.74 ha (1.8acs). As noted previously, the land area intended for residential development is approximately 5.3ha (13.1acs). The land set aside for the recreational facility is about 0.2ha (0.5acs).

The Area Table is reproduced below for ease of reference and presents the overall intended development performance criteria intended to be reflected in the proposed Zoning By-law Amendment (Appendix 1, attached). Overall, the intent is to provide for setbacks of residential building types from the boundaries of the residential portion of the subject lands. In this case, the north yard would be that yard abutting the existing marina lands to the north, the west yard would be those lands abutting the harbor, the south lands abut the proposed marina operation lands and, the east lands Fox Street. As reference previously, the concept plan shows the overall land use and the relationship of the land uses and dwelling types to each other. Specific By-law provisions are noted in Section 4.1, below, and are detailed in the aforementioned Appendix 1.

AREA TABLE	
	PROPOSED
MARINA LOT (m ²):	74,018
RECREATION CENTRE AREA (m ²):	2023
PROP. DEVELOPMENT AREA (m ²):	53,136
TOTAL SITE AREA (m ²):	129,177
PROPOSED LOT/YARD REG. FOR RESIDENTIAL LANDS	
LOT FRONTAGE (m):	297.62
LOT DEPTH (m):	146
EAST YARD SETBACK (m):	11.88
WEST YARD SETBACK (m):	38.74
NORTH YARD SETBACK (m):	27.16
SOUTH YARD SETBACK (m):	9.24
PROPOSED LOT/YARD REG. FOR RECREATION CENTRE	
LOT FRONTAGE (m):	45.68
LOT DEPTH (m):	43.33
EAST YARD SETBACK (m):	27.17
WEST YARD SETBACK (m):	0.12
NORTH YARD SETBACK (m):	16.24
SOUTH YARD SETBACK (m):	15.51
PROPOSED LOT/YARD REG. FOR MARINA LOT	
LOT FRONTAGE (m):	103.33
LOT DEPTH (m):	250.47
EAST YARD SETBACK (m):	13.70
WEST YARD SETBACK (m):	56.31
NORTH YARD SETBACK (m):	8.75
SOUTH YARD SETBACK (m):	14.41

Table 1: Area Breakdown and Principal Setback Requirements

4.1 Zoning By-law Amendment

Town of Penetanguishene Zoning By-law 2000-02 zones the subject lands Commercial Marine One “CM1” and CM1-1(Figure 4). The adjacent and associated water lots are zoned Lake Side (LS). The subject proposal does not seek to amend LS zoning provisions. Permitted uses in the CM1 zone include:

6.3.1 CM1 - USES PERMITTED

- a) Uses Permitted - Principal Uses
 - A Marina
- b) Uses Permitted - Secondary Uses
 - A Hotel or Motel
 - A Restaurant or Tavern
 - A Commercial Parking Lot
 - A Private Park
 - A Local Retail Store
 - One dwelling unit for owner or caretaker
 - Additional dwelling units, not exceeding the number of such units existing on the date of passing of this by-law.

The existing CM1-1 exception provision allows for:

Notwithstanding any provisions of this By-law to the contrary, the following provisions shall apply to the property zoned “CM1-1” on Schedule “A” to this By-law, legally described as Part of Lots 117 and 118, West Side of Fox Street, Registered Plan No. 70, more particularly described as Parts 6, 7 and 10, Plan RD-51A, municipally known as **176 Fox Street**:

Permitted Principal Uses

- A Boat and Marine Equipment Sales and Service Establishment;
- A Boat Storage Facility
- One dwelling unit for owner or caretaker
- Home Sales and Administrative Office for Land Lease Community

Permitted Secondary Uses

- A Bed & Breakfast Establishment within a single detached dwelling;
- A Restaurant or Tavern

The minimum lot frontage and area are deemed to be complied with.

The proposal is to amend the Zoning By-law provisions to allow for a maximum of 86 units comprising single detached, townhouse and apartment type dwelling units and update the current CM1-1 exception provisions. The detailed Amendment is included in Appendix 1 herein and includes the following proposed regulations:

- Uses shall be limited to single detached, semi-detached, townhouse, one apartment building and a recreational center. Marina and related uses shall continue to be permitted.
- The number of dwelling units in the entire area within this zone shall not exceed 86 (86).
- The following zoning exceptions shall apply;
- Building envelope for Residential:
 - Front yard setback (Fox Street) 4m
 - Interior side yard 5m
 - Rear yard (harbor) 15m
- For an apartment dwelling;
 - Maximum number of units 36
 - Maximum height 15.0m & 4 storeys
 - Minimum parking 1.5 spaces/unit

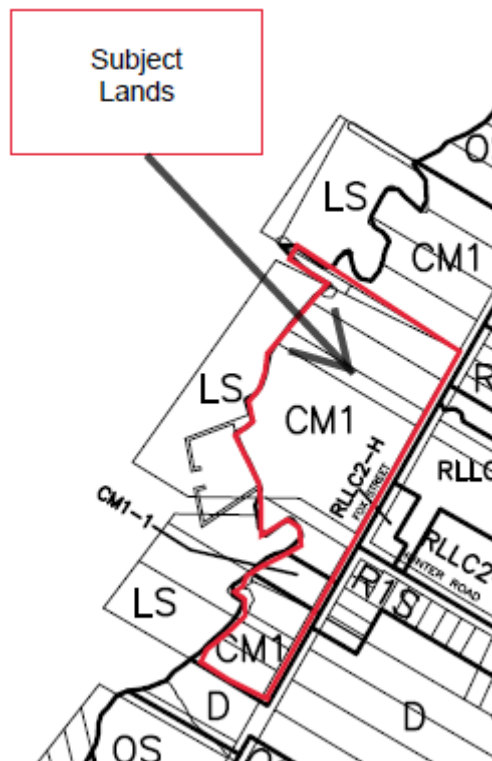


Figure 4: Existing Zoning

5. BACKGROUND

Redevelopment of the subject lands has been considered by various owners in the past. In 2008 Travis & Associates were engaged in a master planning exercise exploring a medium density recreationally oriented approach. In 2017, the new owners expressed a desire to pick up on the potential for redevelopment with a residential focus while retaining marina facilities.

5.1 Preconsultation with Town

Meetings with Planning Staff, senior administrative and engineering staff were held in 2018. The first meeting held in January, 2018 introduced the notion of redevelopment with a focus on a mixed-use residential approach along with retaining a portion of the lands for continued marina uses. In addition, the Owner completed the process of purchasing an adjacent and related water lot from the municipality.

6. PLANNING ACT

The *Planning Act* is the legislated basis for land use planning in Ontario. It provides for policy and regulatory direction and permissions for how land use is controlled. Section 1 provides for the legislated purposes of the *Planning Act*. In particular, Subsections 1.1 (a) and (b) note that among others, two purposes of the Act are to “*promote sustainable economic development in a healthy natural environment*” and, to “*provide for a land use planning system led by provincial policy*”. ***It is submitted that the subject proposal is aligned with and implements the stated purposes.***

Sections 2 and 3 of the *Planning Act* require that planning decisions shall have regard to “*matters of provincial interest*”, as well as “*be consistent with*” provincial policy statements and, “*conform with*” provincial plans.

With regards to land use controls, Section 34 provides the basis for Zoning By-laws. Addressing Subsection 34(1), it is submitted that the proposed ZBA appropriately regulates and restricts the “*use of land*” as well as the “*erection, locating or using of buildings*”. Subsection 34 (10.1) requires provision of prescribed information. This prescribed information is specified under provisions of Ontario Regulation 545/06. It is submitted that the prescribed information is provided through this PJR, the completed Application for a Zoning By-law Amendment and, the supporting Reports and Studies reviewed in Section 8 herein. ***It is submitted that the proposed ZBA provisions in addition to applicable provisions of the comprehensive By-law 2010-040 complies with the direction and policies of Section 34 of the Planning Act.***

In summary, the subject application complies with the purpose of the Planning Act and with applicable provisions concerning Zoning By-laws.

7. PLANNING POLICY CONSIDERATIONS

The Lands are located in Penetanguishene, Ontario and are therefore subject to several layers of policy direction. The two provincial level policy instruments are the Provincial Policy Statement, 2014 (the “PPS”) and, the Growth Plan for the Greater Golden Horseshoe, 2017 (the “Growth Plan”). The two municipal policy instruments are the County of Simcoe Official Plan (the County Official Plan) and, the Town of Penetanguishene Official Plan (the Town Official Plan). This Section considers the subject applications in the context of these hierarchical policy instruments.

7.1 Provincial Policy Statement

The Provincial Policy Statement, 2014 (the “PPS”) is a province wide planning policy directive on matters of provincial interest related to land use planning and development.

Under Part I the PPS explains that provincial plans and municipal official plans “provide a framework for comprehensive, integrated, place-based and long-term planning that supports and integrates the principles of strong communities, a clean and healthy environment and economic growth”. Part II

summarizes the legislative authority for the PPS. The PPS is issued under authority of Section 3 of the *Planning Act*. Accordingly, decisions affecting planning matters “shall be consistent with” the PPS. Part III provides direction on how to read the PPS including that it PPS be read in its entirety. In Part IV, the vision for Ontario’s planning system is detailed and includes the ideal that strong communities along with a clean and healthy environment and a strong economy are “inextricably linked”. Part V provides a series of policies under three key approaches to sound land use planning, namely: Building Strong Communities; Wise Use of Management of Resources, and; Protecting Public Health and Safety.

The entire PPS has been reviewed. The following summarizes Part V policies that are specific to the subject application by way of being land use and “place-based”.

Section 1: Policies are geared to “Building Strong Healthy Communities”. Under Subsection 1.1.1 policies are directed at sustaining “Healthy, liveable and safe communities”. In this regard efficient development and land use patterns are to be promoted along with provision of a range and mix of residential housing with employment, institutional, recreational, parks and open space uses (1.1.1 a) and b)). In addition, development and land use patterns which may cause environmental or public health concerns are to be avoided (1.1.1 c)). Cost-effective development patterns are to be promoted in order to minimize land consumption and servicing costs are to be promoted (1.1.1 e)). This Section also directs that within settlement areas, sufficient land shall be made available to accommodate an appropriate range and mix of land uses for needs to a time horizon of up to 20 years through intensification and redevelopment (1.1.2). *The subject application would enable an efficient development pattern contributing to a range of medium density type residential dwellings while protecting environmental shoreline features. It is submitted that the proposal is consistent with Section 1 PPS policy directions.*

Section 1.1.3: Directs that Settlement areas shall be the focus of growth and development with their vitality and growth to be promoted. Furthermore, this policy states that land use patterns shall be based on density and mix of uses that, among other objectives, can efficiently use land and public services as well as support active transportation. *The subject application apply to lands within an existing settlement area that is fully serviced. The subject proposal represents a land use pattern that is an efficient use of land and public services. In this respect, the proposal is consistent with Section 1.1.3 PPS policy.*

Section 1.4: In Section 1.4 the PPS requires planning authorities to provide for an appropriate range and mix of housing types and densities in a manner that, among other matters, efficiently uses land resources as well as public infrastructure. *The subject proposal would result in a mixed use, variable density housing form and, will enable redevelopment of land on full municipal services. The proposal is consistent with these PPS directions.*

Section 1.6: This Section speaks to promotion of intensification and redevelopment in serviced settlement areas. *The subject proposal is consistent with this direction, in particular Section 1.6.6.2. as the subject application represents an opportunity for intensified development on full municipal services.*

Section 2: This section provides policies addressing the wise use and management of the natural environment and resources. In particular polices in 2.1.4, 2.1.5 and, 2.1.8 direct that development and site alteration shall not be permitted. The submitted studies undertaken as part of the planning process leading up to the subject proposal *concluded that development of the subject lands will not adversely affect the environments identified in this section.*

Section 3: Section 3 provides natural hazards policies. *The above noted studies concluded that the shoreline protection works and proposed remediation of shoreline works result in appropriate protection to enable development as proposed and therefore show that the proposed development can occur while being consistent with the PPS direction.*

In summary, the above demonstrate that the proposed Zoning By-law Amendment is consistent with key relevant PPS policy directives.

7.2 Growth Plan

The Town of Penetanguishene lies within the boundaries of the Growth Plan for the Greater Golden Horseshoe (the “Growth Plan”). The Growth Plan provides directions guiding the location, nature and, management of growth and development of land. **Schedule 4** to The Growth Plan (2017) identifies the Town of Penetanguishene as an Urban Growth Center in the overall structure of the Growth Plan. In particular, **Schedule 4** identifies the area in which the subject lands lie as being within the (conceptual) “Built Up Area”. Furthermore, Schedule 8 identifies the Town of Penetanguishene as comprising part of a “Primary Settlement Area” within the Simcoe Sub-Area. Due to location within the Town of Penetanguishene, the subject lands lie within the built up area of a primary settlement area under the Growth Plan. *Therefore, development and redevelopment of the subject lands is consistent with the overall growth direction envisaged in the Growth Plan.*

Section 1.2.1: Presents guiding principles that include, among other matters: supporting the development of complete communities; prioritizing intensification and higher densities to make more efficient use of land and infrastructure; and; supporting provision of a range and mix of housing types. *As the subject application results in enabling a mixed use, variable density residential development on land that is serviced with municipal water and sewer, the subject application conforms to applicable key principles of the Growth Plan.*

Section 2: Provides policy directions on “Where and How to Grow”. Growth management policies in Section 2.2.1 2 specifically directs that the “vast majority” of growth shall be directed to settlement areas that: have a delineated built boundary; have existing or planned municipal water and sewer, and; can support the achievement of complete communities. The subject lands lie within Penetanguishene, can be serviced by municipal water and sewer and, are easily part of an integrated complete community as they have proximity and ready access to a wide range of public and private facilities and services. *As the subject application would result in a mixed use and medium density dwelling types, the proposal would conform to these Growth Plan directions.*

Section 3: Provides policy direction for “Infrastructure to Support Growth”. Transportation (3.2.2), Water and Waste Water Systems (3.2.6), and Stormwater Management (3.2.7) policies are primarily applicable in considering the subject application. Regarding transportation, the subject lands are accessed off the existing paved municipal road system. On the matter of water and waste water, development of the

subject lands can be serviced by treated municipal systems that have appropriate capacity. Regarding stormwater management, it is demonstrated through the supporting engineering work that the lands can meet stormwater management standards and not adversely affect the environment or adjacent lands. ***With regards to key servicing directives in Section 3, it is respectfully positioned that the subject proposal conforms to Growth Plan on the basis of location and availability of municipal services.***

Section 4: Provides policy direction on protecting natural systems among other matters. ***The Functional Servicing Report along with the supporting environmental studies conclude that existing and proposed development can be maintained and achieved without adversely affecting natural systems so in this respect the subject application conform with the Growth Plan.***

Section 5: Addresses Implementation of the Growth Plan. Recognition is made to key implementation tools such as Official Plans and zoning By-laws (Section 5.1) and the need for a coordinated approach with upper and lower tier municipalities (Section 5.2.3). Recently approved policies in the Official Plans for both the County and Town take into account the directions sought through the Growth Plan. ***Establishing the conformity of the subject proposal with the County Official Plan and the intent of the Local Official Plan in Sections 7.3 and 7.4 to this report demonstrates conformity with the direction of Growth Plan implementation policies.***

Section 6: Provides growth policies specific to the Simcoe Sub Area. The policies direct significant growth 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 particular emphasis on primary settlement areas”. ***Penetanguishene is designated as a primary settlement area and the subject lands represent an opportunity for intensification on full municipal services resulting in conformity with the direction sought by these policies.***

In summary, a review of the subject proposal in light of applicable policies of the Growth Plan it is concluded that the proposed amendment to the Zoning By-law conforms to the overall intent of the Growth Plan and to applicable, specific policies of the Growth Plan.

7.3 Simcoe County Official Plan

Schedule 5.1, “Land Use Designations”, to the County of Simcoe Official Plan (see Figure 5) designates the subject lands as being within Built Boundary of the Penetanguishene Settlement Area.

The subject lands are situated within the Settlement designation and, as established previously, full municipal services can be provided. The proposed amendment retains the overall intent to provide medium density type residential uses and, protect identified and assessed natural heritage features. The subject proposal will result in more diversified economic use of the lands while adding to a wider range of housing options. ***With respect to these attributes to and of the subject application, it is concluded the proposal conforms to the intent of the four major Official Plan themes promoted in the Simcoe County Official Plan.***

Section 3.1 identifies the following four themes on which the Official Plan is based.

- Direction of a significant portion of growth and development to settlements where it can be effectively serviced, with a particular emphasis on *primary settlement areas*.
- Enabling and managing resource-based development including agriculture, forestry, aggregates, and tourism and recreation.
- Protection and enhancement of the County's *natural heritage system* and *cultural features* and heritage resources, including water resources.
- Development of communities with diversified economic functions and opportunities, and a diverse range of housing options.

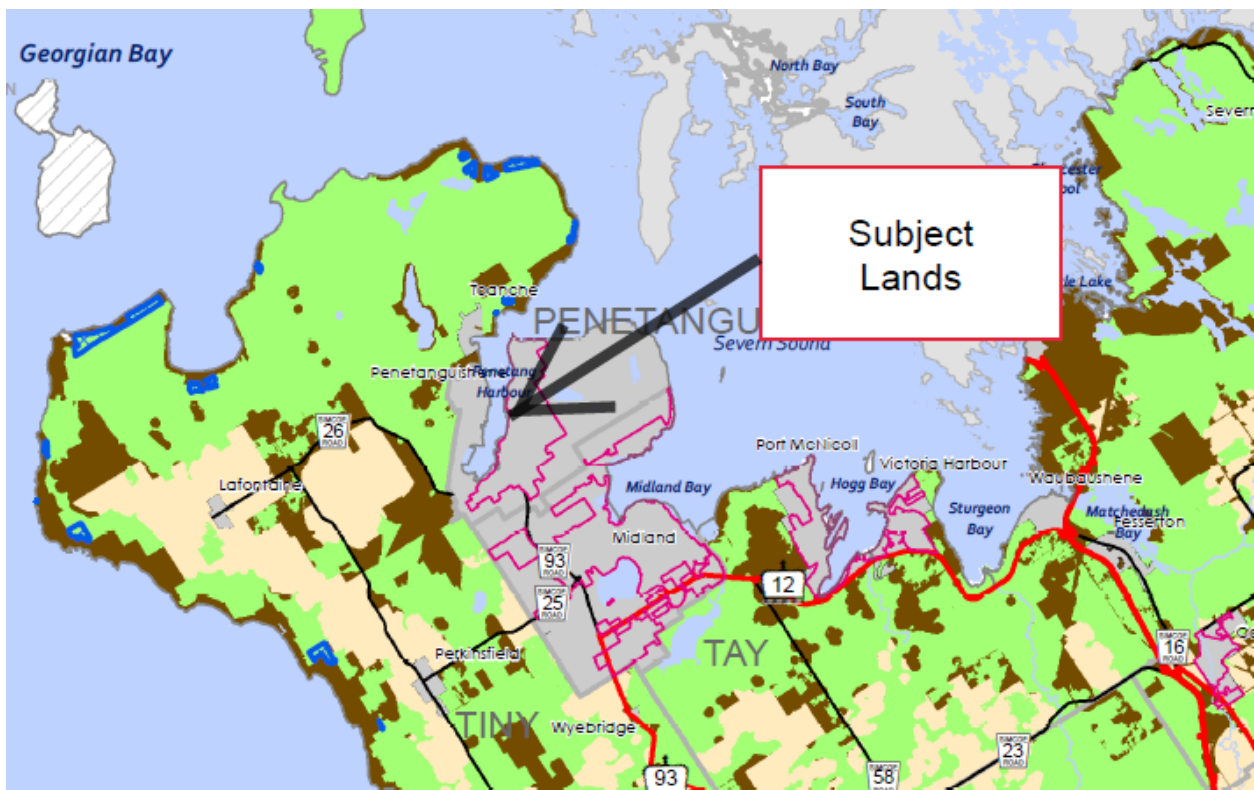


Figure 5: Simcoe County Official Plan, Schedule 5.1, Land Use Designations (Excerpt)

Sections 3.2.3 and 3.2.4 to the County Official Plan directs that the majority of population growth shall be directed to Settlement areas and with municipal services. *On the basis of location and land use, subject proposal conforms to these directions.*

Section 3.3 provides for several policies that are County wide and address natural heritage systems and transportation. As noted previously, engineering studies and environmental reports identified adjacent

constraints, recommended appropriate protection and recognition through defined development setbacks and concluded that the subject applications can respect these policies. ***As a result of engineering and environmental study the subject application is demonstrated to conform to the direction provided by these County Official Plan policies.***

Section 3.5 contains policies addressing Settlement Areas. Overall, the objectives are to focus growth and development within settlements in a location and manner that provides for efficient, compact urban form, on full municipal services contributing to mixed use settlements. ***Given the location, servicing, density and land use mix of the proposal, the subject proposal conforms to the intent of the County settlement policies.***

In summary, as the subject lands are located within a designated Settlement Area, that the proposal will result in provision of medium density residential uses on the subject lands on full municipal services it is concluded that the subject application conforms to the intent and direction of the County of Simcoe Official Plan.

7.4 Town of Penetanguishene Official Plan

The existing operative Town of Penetanguishene Official Plan (Official Plan) is dated 2001 and designates the subject lands “Marine Commercial One” with Exception Policy 5.11. Under Section 3, the overall land use direction is to allow a marina as a principle use. Commercial uses are to have a low profile. Residential uses are anticipated with heights not to exceed 3 storeys and a density not to exceed 30 units per ha. Innovative designs are encouraged.

Under Exception 5.11, additional policy direction includes the requirement for design guidelines to account for water views, public access, building design and colour to be harmonious and connections to Fox Street to be provided.

The subject application, having a basis in a comprehensively designed Development Concept Plan (Figure 3) conform to the intent of these overall directions.

In late 2018 Council adopted a new Official Plan (currently under review by Simcoe County). For the most part, overall land use policy direction was carried forward – however in a more detailed and updated context. The November 2019 Official Plan has its basis in Provincial Policy and Upper-Tier (Simcoe County) policy directions (S.1.5). The key growth strategies of directing development to within the Town’s build boundary, encouraging intensification, mixed uses and optimization of serviced lands are found upon these upper level policy directions (S.2.2).

Under Schedule A to the November 2018 Official Plan, the subject lands are designated “Mixed Use and Commercial Area” (see Figure 6). Under Section 4.4, the range of permitted uses includes residential (medium density) and commercial. Height limits of 3 storeys are continued from the existing Official Plan. Development details are further expanded upon in Section 4.4.2 and include principle directions provided for in the existing Official Plan.

The subject proposal conforms to these overall directions in the adopted Official Plan on the basis of location, land use, density and design.

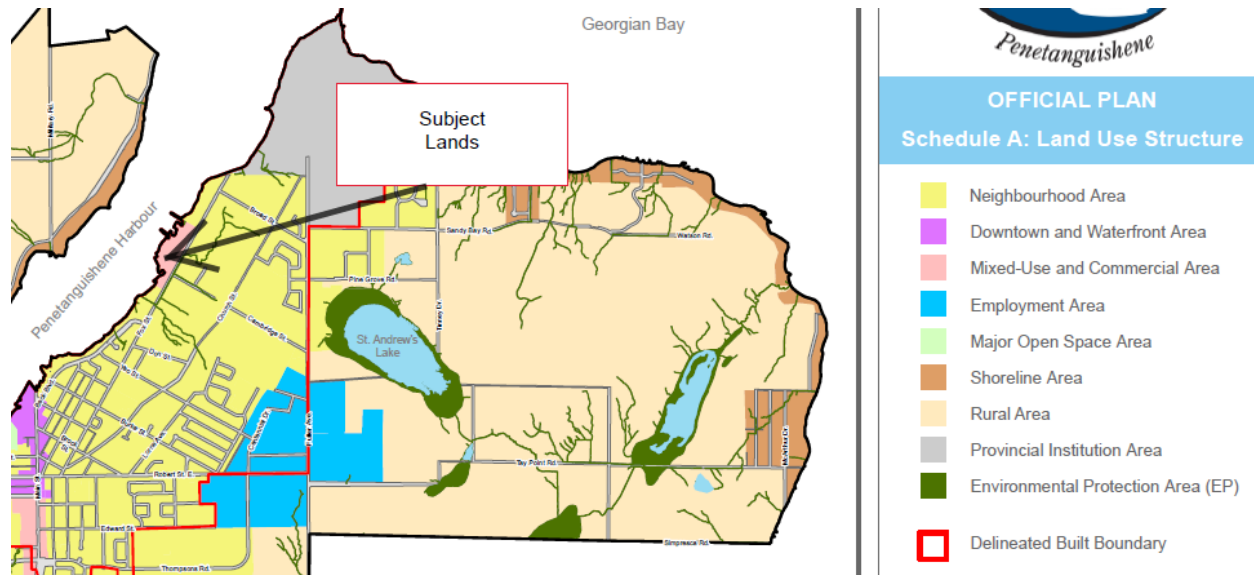


Figure 6: Penetanguishene 2018 Adopted Official Plan – Land Use Structure

Under S. 3.1 to the Adopted Official Plan, emphasis is placed on community design and built form. Urban design, architecture and streetscape quality are referenced. The Development Concept Plan (Figure 3) implements many of the directions sought and is the basis for the proposed Zoning By-law amendment herein. Further refinements to design and specific design detail are anticipated through the Site Plan Approval process under provisions of the Planning Act.

S.3.1 to the Adopted Official Plan provides policy direction on Housing. There is direction to “provide for sufficient, diverse and affordable housing” along with a “stable residential housing market”. The Town’s residential sector is clearly comprised of both full-time residents and, part time and recreationally oriented residents. It is reasonably anticipated that the target market for the product resulting from the subject application would primarily be recreationally oriented. Nonetheless, the design, mix and density of the subject proposal supports directions of a diverse and stable market.

Under S. 3.10.8.1 requirements for environmental review are outlined. The direction being that such requirements are to be identified prior to development applications submission. The studies and reports accompanying this submission (Section 8, below) have been discussed with staff during the preconsultation meetings.

In summary, the subject application conforms to the general intent of the existing Official Plan, is able to meet the development performance criteria of the Official Plan as they apply to the

different land use categories while at the same time, enabling the municipality to implement key Provincial Policy, Growth Plan and, Simcoe County Official Plan directions, goals and objectives. In addition, the subject application conforms to the intent of principle directions set out in the November 2018 Adopted Official Plan.

8.0 SUPPORTING STUDIES

As a result of preconsultation processes along with a review Official Plan policy, the following reports and studies were identified by municipal planning staff as being required as part of the application submission process:

- i. Engineering – Functional Servicing/SWM Report/TIS - WMI February 2019
- ii. Soils – Cambium, July, 2018
- iii. Geotechnical Investigation – MTE September 2018
- iv. Coastal/Wave Uprush – Shoreplan 2019
- v. Hydrogeological and Water Balance Study – Wilson Associates September 2018
- vi. Well Survey – Wilson Associates, November 2018
- vii. Tree Inventory – Horton Forestry Services, June, 20018
- viii. Habitat Evaluation – Birks Natural Heritage, October 2018

The Functional Servicing, Stormwater Management and TIS Report, prepared by WMI Inc. and dated February 2019 is also provided with this submission. The 2019 report concludes that the overall servicing and stormwater management strategy is capable of supporting the proposed development. The conclusion includes the following observations (Section 10):

1. The subdivision will be fully serviced with municipal water and sewer.
2. Fire protection can be provided on the proposed watermain in the site.
3. Stormwater management controls will be implemented to provide “enhanced” level of protection.
4. Water balance and phosphorous reduction initiatives will be implemented.
5. There are no traffic volume impacts as a result of development of the site.
6. The site can be serviced by gas, hydro, telephone and cable.

Therefore, the proposed development can be fully serviced with appropriate stormwater management programs and design. The site can be provided with a full range of utilities. There are no traffic volume impacts.

The Cambium soils report identified conditions of existing fill on the site and provided recommendations for it’s re-use. The report will be used by Geotech and engineering during future, more detailed engineering works design.

The Geotechnical Investigation conducted multiple bore hole sampling throughout the site. The conclusion was that the site is suitable for the proposed development. The nature of the soils will affect design and construction and the report concluded with geotechnical recommendations for site grading and construction.

The Coastal Wavy Uprush report prepared by ShorePlan examined the shoreline and existing shoreline structures. The report concluded that a minimum development setback of 10m be accounted for. The report provides an assessment of existing structures and flood and erosion hazard limits. The report concludes that with protection measures development of the site in accordance with Development Concept Plan can be constructed.

The Hydrogeological and Water Balance study (Wilson) concluded that there will be a loss of overall infiltration with the development proposal in comparison to pre-development conditions and, that infiltration enhancement measures must be adopted to infiltrate approximately 33% of runoff from impervious surfaces. The report notes that this objective will be reached through Low Impact Development measures such as swales.

The 2018 Well Survey (Wilson) concluded that based on investigation and survey it is assumed that no wells are located within the survey area, an observation consistent with lack of reported water well records and provision of municipal services. The survey was subject to peer review (exp January 2019) that concluded there is no well for water supply within 500m of the subject lands and, has no objection to the use of the non-potable site condition standards requested by MTE.

The Tree Inventory included observation on wildlife habitat within tree cover and tree removal during re-development. The report concluded that the trees on site do not meet the definition of “forest” and are exempt from the municipal tree cutting by-law. In addition, the report concluded that the site does not support wildlife associated with “forested property”. The report also noted that much of the site is currently pavement or gravel with limited remnant of forest cover.

The Habitat Evaluation concluded that “the proposed works are not expected to result in a contravention of the ESA for Species at Risk bats.

Finally, due to previous land uses and the fact that the proposal seeks to introduce a residential land use, the MECP will require RSC (Record of Site Condition) filing. As such, MTE is currently undertaking a Phase One ESA and a Phase Two in support of the required RSC filing with MECP. This is outlined in the October 11, 2018 letter from MTE and provided with this submission.

Based on the findings and conclusions to these various supporting studies it is respectfully submitted that sufficient information is provided to support redevelopment of the subject lands in accordance with the directions illustrated in the Development Concept Plan.

9.0 SUMMARY/CONCLUSION

The proposed Zoning By-law amendment seeks to introduce provisions that will enable retention of marina uses and facilities while introducing a mixed density residential waterfront neighborhood. The

proposed development is generally presented in the provided Development Concept Plan and the implementing Zoning is detailed in the attached proposed Zoning By-law Amendment.

From the Provincial perspective, the subject proposal has been demonstrated to be consistent with the PPS and, conform to the policies of the Growth Plan.

In reviewing applicable Official Plan policy, it has also been demonstrated that the subject proposal conforms to the County of Simcoe Official Plan and the overall intent, Goals and Objectives of the Penetanguishene Official Plan. The location of the subject lands represents a logical area for the Town to utilize as part of mandated intensification targets and in terms of existing transportation access, infrastructure and municipal water and sewer servicing capacity.

It is respectfully submitted that approval of the subject application will result in land use regulation (Zoning By-law) that further refines the nature and extent of residential development while maintaining the intent of the existing Official Plan and the November 2018 Adopted Official Plan. In this respect, ***the subject application enhances the ability of the Penetanguishene Official Plan to implement the intent of the County Official Plan, the principles of the Growth Plan and, the directions sought through the PPS.*** As a result, the proposal to amend the Zoning By-law are in the public interest and represent good planning.

Prepared By:

Travis and Associates
Colin Travis, MCIP RPP
January 2019

APPENDIX 1

DRAFT OF PROPOSED ZONING BY-LAW AMENDMENT

Bay Moorings

BY-LAW No. 2018 - XX

OF THE

CORPORATION OF THE TOWN OF PENETANGUISHENE

BEING A BY-LAW UNDER THE PROVISION OF SECTION 34 OF THE *PLANNING ACT*, R.S.O. 1990, C. P.13, AS AMENDED

WHEREAS Section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, permits a Council to pass a by-law prohibiting the use of land, buildings or structures within a defined area or areas;

AND WHEREAS Penetanguishene Zoning By-law No. 2000-02 is the governing By-law of the Corporation of the Town of Penetanguishene and such was finally passed by the Council of the Town of Penetanguishene on January 9, 2012;

AND WHEREAS the Council of the Corporation of the Town of Penetanguishene has deemed it advisable to amend Penetanguishene Zoning By-law No. 2000-02, and thus implement the Official Plan of the Town of Penetanguishene;

AND WHEREAS Council deems that adequate public notice of the public meeting was provided and adequate information regarding this Amendment was presented at the public meeting held Month-day, 201X, and that a further public meeting is not considered necessary in order to proceed with this Amendment;

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

- 1. THAT** Schedule "A" of Penetanguishene Zoning By-law No. 2000-02, as amended, is hereby further amended as it pertains to lands shown more particularly on Schedule 'A' affixed hereto and forming part of this by-law, by rezoning said lands from the COMMERCIAL MARINE ONE (CM1) ZONE to the COMMERCIAL MARINE ONE EXCEPTION (CM1 - XX) ZONE and the RESIDENTIAL THIRD DENSITY EXCEPTION XX (R3- XX) ZONE.
- 2. THAT** Section 5.3.12 titled R3 – Zone Exceptions of the Penetanguishene Zoning By-law No. 2000-02, as amended, is hereby amended by adding the following Exception XX to read as follows;

“XX – Schedule ‘A’ – Lot XX, Concession XX (Bay Moorings)

Notwithstanding Section 2: Definitions, Section 3: General Provisions, Section 4: Zone Requirements, Section 5.3: Residential Third Density (R3) Zone and, Section 6.3 Commercial Marine One (CM1) Zone to the contrary, the following definitions, list of provisions, list of permitted uses and provisions shall apply to these lands:

- I. Apartment Dwelling buildings shall also be permitted;
- II. Uses, buildings and structures accessory to the use permitted in 5.3.1 a) excluding home occupation and home industries shall be permitted;
- III. The maximum number of apartment house dwelling units permitted on the subject lands depicted on Schedule 'A' shall be thirty six (36) units;
- IV. The maximum number of residential dwelling units excluding apartment house dwelling units shall be eighty-six (86) units;
- V. The Front Lot Line shall be deemed the lot line separating Fox Street and the subject lands depicted on Schedule 'A1';
- VI. The minimum yard setback requirements for buildings and/or structures shall be:

Front:	4.0 metres (Fox Street);
Interior Side:	5.0 metres;
Rear:	15.0 metres (Harbour);
- VII. The maximum number of Apartment House Dwellings buildings shall one (2);
- VIII. The maximum building height shall be measured from the finished first floor elevation to: Two (2) Storeys: Elevation of Highest Roof Ridge – 11.0m, Three (3) Storeys: Elevation of Highest Roof Ridge – 14m and Four (4) Storeys:
- IX. Parking Spaces: One and one-half (1.5) parking spaces, inclusive of visitor and accessible parking, for each residential Apartment House Dwelling unit and Two (2) parking spaces for Singled Detached and Townhouse dwelling types.
- X. Number of Driveway Entrances: Three (3) maximum (Fox St).
- XI. Number of Emergency Entrances: One (1) maximum (Fox St).
- XII. A Private Community Recreation Building and/or a Pool Amenity Area complete with a Pool Change Room Building and a Facility Pump House and Maintenance Building having a combined maximum total building gross floor area for all accessory buildings of 500 square metres shall be permitted on these lands.
- XIII. The Maximum Building Height of all accessory amenity buildings may not exceed two (2) storeys: Elevation of Highest Roof Ridge – 13.0m as measured from the finished first floor elevation.
- XIV. Despite any future severance, partition or division of the subject lands depicted on Schedule 'A1', the provisions of this By-Law shall apply to the whole of the subject lands as if no severance, partition or division occurred.
- XV. Permitted principal uses shall also include a Marina, Boat Storage Facility, Boat and Marine Sales and Service Establishment.
- XVI. Minimum lot area and lot frontage for CM1 uses shall be deemed to be complied with.

3. **THAT** Penetanguishene Zoning By-law No. 2000-02 is hereby amended to give effect to the foregoing, but that Penetanguishene Zoning By-law 2000-02 shall in all other respects remain in full force and effect.

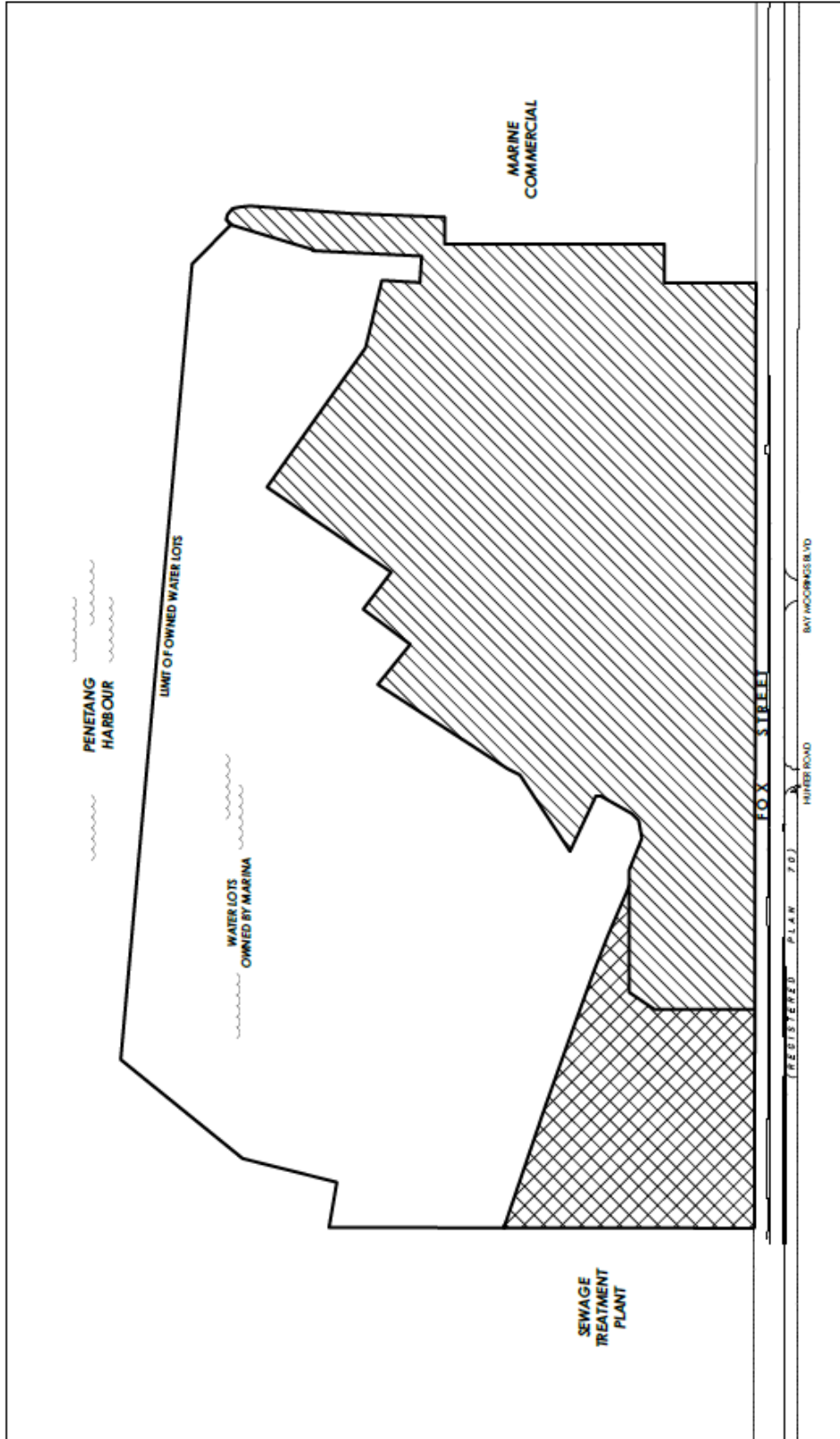
4. **THAT** this By-law shall come into force and effect on the date it is enacted and passed by the Council of the Corporation of the Town of Penetanguishene, subject to notice hereof being circulated in accordance with the provisions of the *Planning Act* and Ontario Regulation 545/06, and if required as a result of such circulation the obtaining of




the approval of the Local Planning Appeal Tribunal.

ENACTED AND PASSED this XX day of MONTH
201X.

MAYOR

CLERK



<p>SCHEDULE - A</p>	<p>PROPOSED ZONING BY-LAW AMENDMENT</p> <p>BAY MOORINGS MAPLE LEAF PENETANGUISHENE, ON</p>
<p>LEGEND</p> <ul style="list-style-type: none">  Subject Lands Boundary  Lands to be zoned from Commercial Marine Exception One (CM1) Zone to Residential Third Density Exception XX (R3-XX) Zone  Lands to be zoned from Commercial Marine One Zone to Commercial Marine One Exception XX (CM1-XX) Zone 	<p>TRAVIS & ASSOCIATES ZONING CONSULTANTS 1100 SHEPPARD AV. E. SUITE 100 SCARBOROUGH, ONTARIO M1B 4Y1 TEL: 416-291-1100 WWW.TRAVIS-ON.COM</p>
<p>14/02/2019</p>	<p>C/2019_MJBM_ZBA</p>
<p>D.C.</p>	<p>D.C.</p>