



## Planning Report

**To:** Town of Saugeen Shores Council

**From:** Julie Steeper, Intermediate Planner

**Date:** April 22, 2025

**Re:** Zoning By-law Amendment - Z-2024-054 (Rae)

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### Recommendation:

Subject to a review of submissions arising from the public meeting:

That Council approve Zoning By-law Amendment - Z-2024-054 (Rae) and By-law 37-2025.

### Summary:

The purpose of the application is to rezone the lands from Highway Commercial (HC) to Highway Commercial Special (HC-35) with special provisions. The rezoning would recognize a reduced rear yard setback, increased exterior side yard setback, reduced landscaped open space located in the front yard, and reduced parking setback from the street, where Concession 6 shall be considered the front lot line. The rezoning would also identify that certain provisions relating to Accessory Dwelling Units in the Highway Commercial Special (HC-35) do not apply. If approved, the effect of the proposed amendments will facilitate the development of a three-storey, 16 residential unit and commercial mixed-use building on the subject lands.

The by-law associated with this report is included in the By-law section of the Agenda.

The property is located at 5094 Highway 21 at the northeast corner of Concession 6 and Highway 21. The site is surrounded by a mix of commercial and residential uses on all sides of the property. Bruce County Chiropractic and Rehabilitation Centre is located directly adjacent to the north, and Saugeen Acres borders the rear of the property. The Sunny Motel is across the road of Concession 6 and a residential apartment building is located on the opposite side of Highway 21.

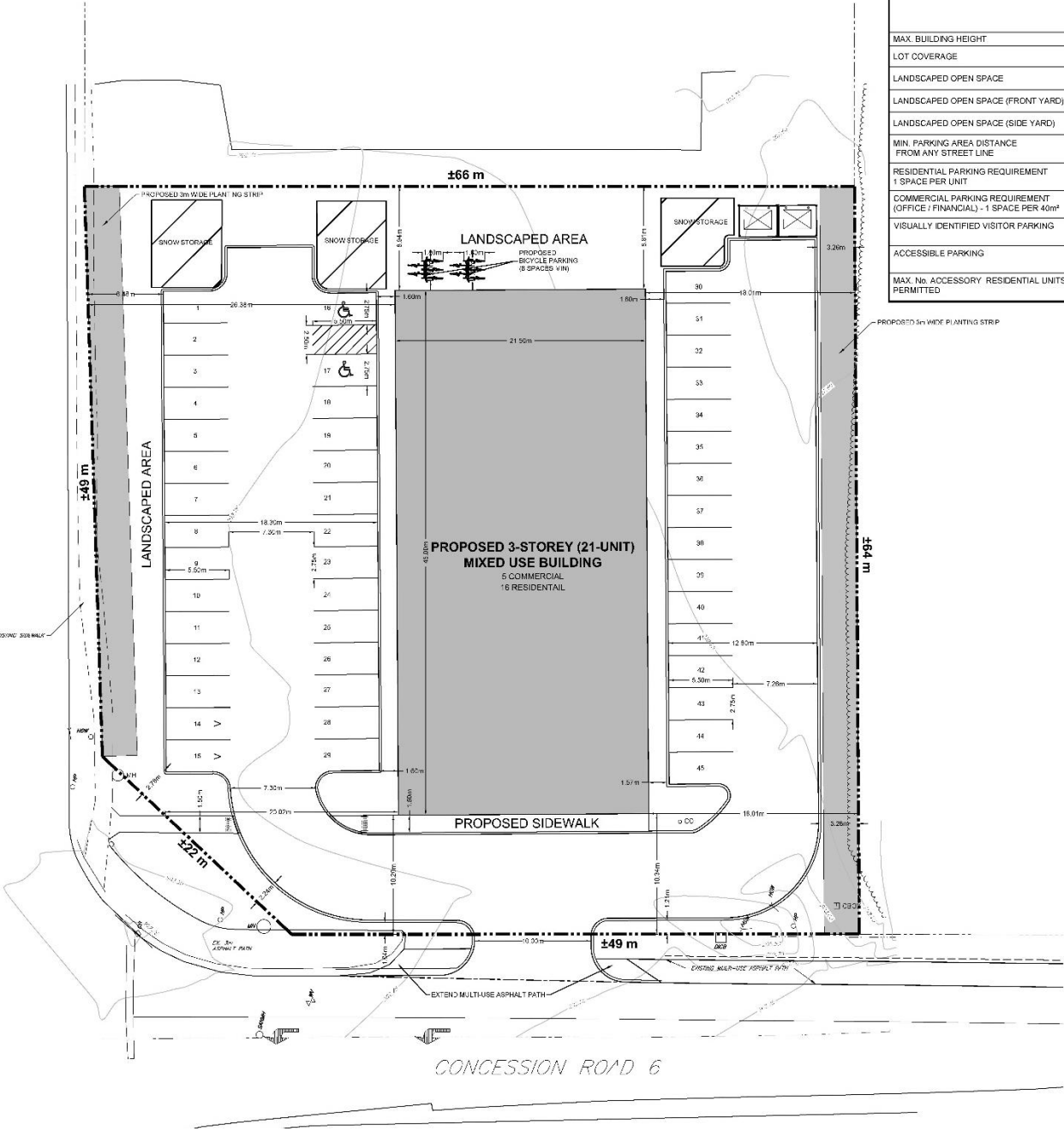
## Airphoto



5094 HIGHWAY 21 - CON 7 S PT LOT 9  
Town of Saugeen Shores (Saugeen Township)  
Roll Number 411044000122400

Site Plan (full version attached separately)

HWY 21 / GODRICI STRILL



DEVELOPMENT STATISTICS		
PROPOSED USE: MIXED USE ZONE: HIGHWAY COMMERCIAL (HC)		
REGULATION	REQUIRED	PROVIDED
MIN. LOT AREA	1000m <sup>2</sup>	4070.06m <sup>2</sup>
MIN. LOT FRONTAGE (CONCESSION 6)	30 m	48 m
MIN. FRONT YARD	10 m	10 m
MIN. EXTERIOR SIDE YARD (HWY 21)	10 m	27 m
MAX. EXTERIOR SIDE YARD (HWY 21)	20 m	27 m
MIN. REAR YARD	10.0m	8 m
MIN. INTERIOR SIDE YARD	10m ABUTTING RESIDENTIAL 4.5m ABUTTING OTHER USES	18m
MAX. BUILDING HEIGHT	10 m	±10 m
LOT COVERAGE	35% MAX.	23.77%
LANDSCAPED OPEN SPACE	30% LOT AREA (MIN)	34.67% (1417.69m <sup>2</sup> )
LANDSCAPED OPEN SPACE (FRONT YARD)	10% MIN	4.58% (185.26m <sup>2</sup> )
LANDSCAPED OPEN SPACE (SIDE YARD)	-	14.38% (585.75m <sup>2</sup> )
MIN. PARKING AREA DISTANCE FROM ANY STREET LINE	3 m	2 m
RESIDENTIAL PARKING REQUIREMENT 1 SPACE PER UNIT	15 SPACES	16 SPACES
COMMERCIAL PARKING REQUIREMENT (OFFICE / FINANCIAL) - 1 SPACE PER 40m <sup>2</sup>	25 SPACES	25 SPACES
VISUALLY IDENTIFIED VISITOR PARKING	2 SPACES	2 SPACES
ACCESSIBLE PARKING	2 SPACES	2 SPACES
MAX. No. ACCESSORY RESIDENTIAL UNITS PERMITTED	1 UNIT	16 UNITS

## Images of Existing Site



## Planning Analysis:

The following section provides an overview of the planning considerations that were factored into the recommendation for this application, including relevant agency comments (attached), and planning policy sections.

### Efficient Use of Land and Infrastructure

The Provincial Planning Statement (PPS) supports the vitality and long-term sustainability of settlement areas. The PPS directs that the majority of growth and development should occur in these areas. The PPS also encourages the development of mixed densities and land uses that make the most efficient use of land and resources. The PPS encourages intensification, a range of housing types and tenures, and a compact form of development where it can be appropriately accommodated. Directing new development and intensification to settlement areas is supported to ensure the wise use of land and resources, to promote efficient



development patterns, protect resources (e.g., natural and agricultural), ensure effective use of infrastructure and public facilities, and minimize unnecessary public expenditures.

The Bruce County Official Plan designates the subject lands Primary Urban Communities. The Town of Saugeen Shores Official Plan designates the lands Highway Commercial. The goals and objectives of both the County and local Official Plans direct much of the future growth to Primary Urban Communities, such as Port Elgin, to support the efficient use of land and infrastructure.

Currently, two commercial buildings containing an auto detailing business are on site. The applicant is proposing to demolish the existing buildings and to construct a three storey mixed-use building with commercial on the main level and sixteen residential apartment units on the second and third floors. The site has immediate access to arterial roads (Concession 6 and Highway 21) and will connect to existing municipal services. The proposal supports the efficient use of land and infrastructure.

### Mixed Uses

Through an amendment to the Town's Official Plan in 2024, medium and high density residential uses are now permitted in the Highway Commercial designation provided those residential units are accessory to a commercial use, the uses are compatible and off-street parking is provided. Permitted commercial uses include, but are not limited to, offices, retail stores, food stores, restaurants, hotels/motels, outlet stores, home improvement stores and automotive uses.

The subject lands are currently zoned 'Highway Commercial (HC)' in the Town of Saugeen Shores Zoning By-law. The 'HC' zone is intended to establish areas for the location of large-format retail and commercial uses which require high visibility, larger buildings/floor space, open storage, and increased parking requirements than can be found in other commercial areas. The 'HC' zone permits a broad range of commercial uses and also permits accessory dwelling units in accordance with the provisions of the Zoning By-law. The proposal includes commercial on the main floor and sixteen residential units on the upper floors of the mixed-use building. The size and number of units on the commercial ground floor have yet to be determined by the applicant. It should be noted that the applicant will be required to meet the Zoning By-law provisions which state the minimum gross floor area for stand-alone retail, office, and food stores in the 'HC' zone shall be 300 square metres, and that in buildings where more than one retail, office or food store unit is proposed to be less than 300 square metres, at least one other commercial unit shall have a minimum gross floor area of 464 square metres.

The Zoning By-law states that accessory dwelling units shall be located behind a non-residential unit on the first floor or below a non-residential unit on the first floor or entirely above the first floor of the building, with exception to the entrance or entrances to the dwelling units. The applicant is requesting that Section 3.6.1 Accessory Dwelling Units respecting the minimum lot size and lot frontage for accessory dwelling units located in a non residential building not apply to the proposal. Section 3.6.1 b) and c) in the Zoning By-

law would require 500 square metres in lot size and 15m in lot frontage for each dwelling unit. The subject lands are +/-4070 square metres with a frontage of +/-49m which meets the minimum lot area and frontage provisions in the 'HC' zone. Section 3.6.1, however, would require the site to have an additional 8000 square metres of lot area and an additional 240m of lot frontage for the sixteen proposed residential units. The provisions are intended to ensure sufficient space on a site for the proposed commercial and residential uses. The Zoning By-law previously only permitted one accessory residential unit in 'HC' zone but was amended in 2024 to allow for more than one accessory residential unit. The provisions requiring additional lot area and frontage per residential unit were not amended in 2024. This was intended to allow mixed use proposals to be evaluated through a Zoning By-law Amendment to ensure an appropriate development scale for the size of the site. The existing lot frontage and area on this property are considered suitable for the scale of development proposed. Allowing relief from the minimum lot area and frontage requirements of Section 3.6.1 b) and c) are appropriate for this project.

### Setbacks

The applicant is seeking relief from other provisions of the Zoning By-law, specifically a reduced rear yard setback, reduced parking setback from the street, increased exterior side yard setback, and reduced percentage of landscaped open space in the front yard.

The subject property abuts Highway 21 and Concession 6. For a corner lot, the shorter lot line abutting a street is deemed to be the front lot line and the longer lot line abutting a street is deemed to be the exterior side lot line. The site has +/-49m of frontage on both roads. For the purposes of Zoning By-law interpretation, the applicant is seeking to identify the property line adjacent to Concession 6 as the front lot line. Allowing this requested relief may be considered reasonable.

The applicant is requesting a reduction to the minimum rear yard setback. The rear yard setback would be the setback in relation to the adjacent commercial zoned property to the north. The purpose of a rear yard setback is to ensure sufficient amenity space and to provide separation between buildings and adjacent uses. The Zoning By-law requires a minimum rear yard setback of 10m in the 'HC' zone whereas the applicant is proposing 8m. The applicant is requesting relief for 2m. It is not anticipated allowing for a reduced minimum rear yard would result in any impacts to surrounding properties to use their property for permitted uses. The intent of the rear yard is being maintained.

The applicant is requesting relief regarding the provision relating to the separation from the parking area to the street line. The application is proposing 2m whereas the required setback is 3m in the Zoning By-law. The applicant is meeting or exceeding the minimum 3m setback along most of Highway 21. The reduced setback is relating to the southwest corner of the property in the area of the sight visibility triangle that forms part of the road allowance. The purpose and intent of the setback is to ensure clear visibility and reduced risks or conflicts between vehicles. The purpose and intent of the setback is being maintained. The reduction allows for vehicular movement between potential parking spots and is considered reasonable in nature to allow.

The proposed structure will exceed the maximum exterior side yard setback. The exterior side yard setback is relating to the side yard adjacent to Highway 21. The Zoning By-law allows a maximum exterior side yard of 20m whereas the applicant is proposing 27m. Exceeding side yard setbacks adjacent to highway traffic is considered desirable, particularly with the mix of residential and commercial uses proposed. One of the main purposes of exterior side yards (the yard between the development and the highway) is to maintain sight lines at intersections. These sight lines appear to be adequate and the proposal would maintain the intent and purpose of the Zoning By-law. The increased setback is in relation to a portion of the building and how it is sited within an uneven side lot line which is contributing to the difference in setback.

The applicant is also seeking to reduce the percentage of landscaped open space in the front yard. The special provisions of the 'HC' zone (Section 13.4.4) require at least 50% of the required landscaped open space to be located in the front yard or in front of the main building on the lot, whichever is farther from the front lot line. In this case, the subject property is a corner lot and has 2 frontages along Highway 21 and Concession 6. The applicant is proposing Concession 6 to be the front of the property. The applicant has requested relief in order to accommodate the entrance and parking spaces. The Zoning Bylaw requires 30% of the lot be Landscaped Open Space and the applicant is proposing 34%. 14% of the landscaped open space is proposed to be located along Highway 21. Given, most of the traffic volume occurs along the highway 21, it is considered reasonable in nature to allow. The development is exceeding the landscaped open space requirements for the site overall. The purpose and intent of landscape open space is being achieved through the proposal.

The applicant is meeting all other required setback, yard, lot coverage, height and open space requirements of the 'HC' zone. The relief requested for the above-mentioned differences in setbacks are not anticipated to create any negative impacts.

### Vehicular Access and Parking

The existing entrances for the site are located on Highway 21 and Concession 6. Both are considered arterial roads. The local Official Plan policies limit access to arterial roads. The Highway Commercial designation policies specially note that well planned development will be encouraged by reducing access points by combining exits and entrances or by creating a service road, where possible. The proposal is changing to only provide access along Concession 6 which will implement Official Plan policies.

The policies also state that all new development along arterial roads must consider the impact of the proposed use on the functioning of those roads. A Transportation Impact Assessment was conducted as part of this application. The study provided an analysis of existing traffic conditions and assessment of potential traffic impacts with recommendations regarding the proposed development. The study concluded that the development would not require any off-site transportation improvements and is forecasted to operate within acceptable service levels. The recommendations indicated that an eastbound turn lane

would not be warranted on Concession 6 given forecasted total traffic volume. No comments of concern were received from the Town or MTO regarding access aspects.

Regarding parking, the applicant is proposing 16 spaces for residential units with 2 visitor parking spaces. The commercial use has not been determined but the proposal allows for 25 parking spaces. The subject property is more than large enough to accommodate the required vehicular and bicycle parking for both the commercial and residential development components of the proposal.

### Water and Sewer Services

Full municipal services are the preferred form of servicing in settlement areas. All Highway Commercial uses shall be serviced with municipal water and sewage services unless otherwise approved by the Town. Municipal water and sanitary services are proposed. The proposed water and sanitary services will be connecting to the existing watermain and sewer line along Concession 6. The proposed development will be serviced with a new 150 mm diameter water service from the existing 300 mm diameter PVC watermain on Concession 6. The proposed development will be serviced with a new 150 mm diameter sanitary service. The new service will be connected to the existing 250 mm diameter PVC sanitary sewer on Concession 6.

### Stormwater Management

The Official Plan policies also require stormwater management through new development proposals to control the quantity, quality and erosion potential of stormwater to mitigate impacts to surrounding lands, municipal infrastructure and the environment. The site is flat and has split drainage consisting of sheet flow midway through the site heading west toward a catch basin in the parking lot that outlets to Highway 21 and the other half of the site flows southeast toward Concession 6 into the existing drainage ditch. Through the submission of a Functional Servicing Report, the applicant has indicated that the pervious areas on site are proposed to increase through the introduction of landscaped open space areas. As a result, the proposed development peak flows will be less than the existing peak flows on site. The applicant is proposing to direct flows to storm sewers and catch basins on the site connecting to the existing storm sewer system or the Concession 6 ditch. This connection or outletting will depend on the final grading of the site. No comments of concern were received from the Town and final stormwater management design will be confirmed through the detailed design of the development.

### Archeological Potential

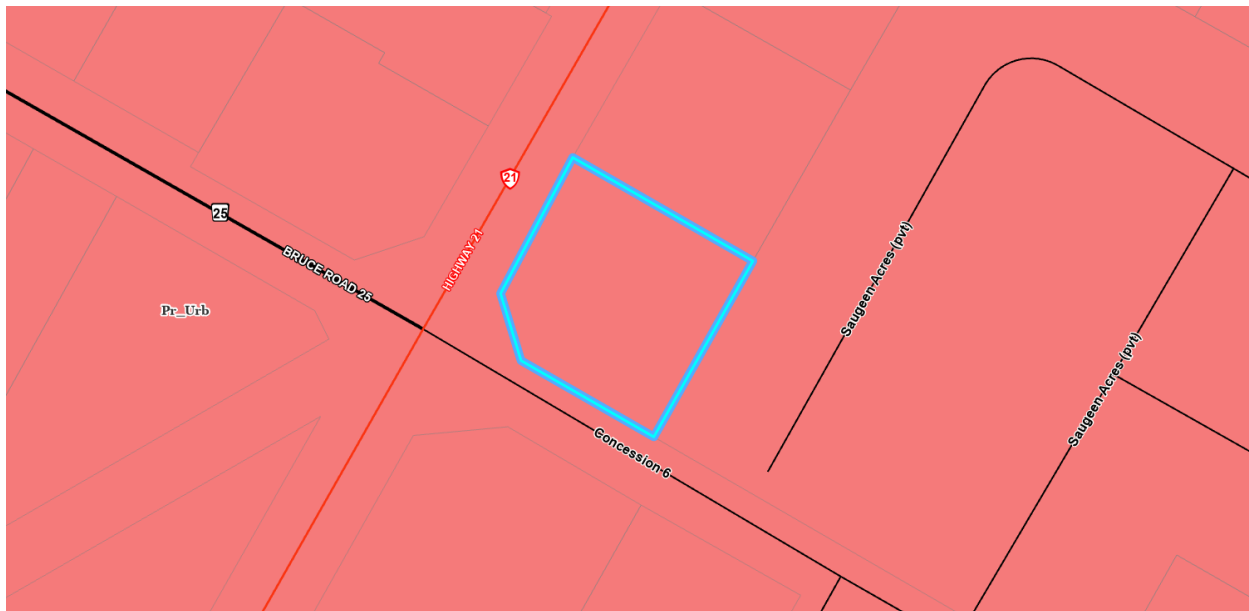
The lands are considered to have high archeological potential. In review with the Saugeen Ojibway Nation Environment Office during the pre-consultation stage, it was determined that an Archaeological Assessment was not needed due to previous disturbance of the lands where development is proposed.



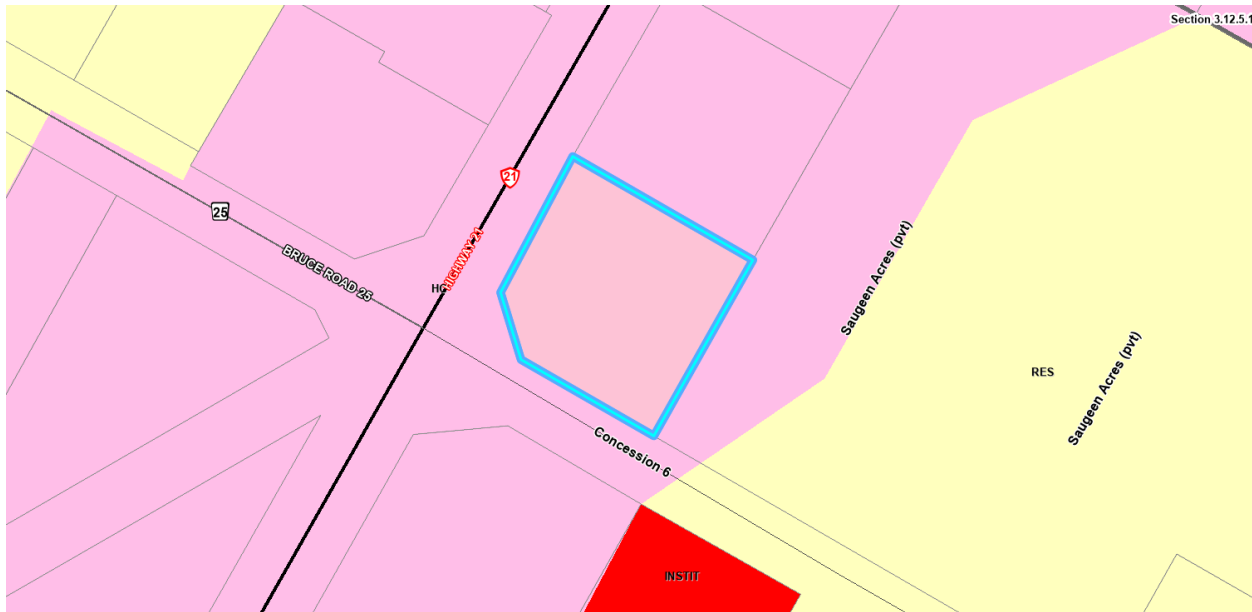
## Appendices

- County Official Plan Map
- Local Official Plan Map
- Local Zoning Map
- List of Supporting Documents and Studies
- Agency Comments
- Public Comments
- Public Notice
- Site Plan

### County Official Plan Map (Designated Primary Urban Communities)



## Local Official Plan Map (Designated Highway Commercial)



## Local Zoning Map (Zoned Highway Commercial 'HC')



## List of Supporting Documents and Studies

The following documents can be viewed in full at [Planning Saugeen Shores | Bruce County](#).

- Functional Servicing Report, Prepared by COBIDE Engineering Inc. (August 2, 2024)
- Planning Justification Report, Prepared by Ron Davidson Land Use Planning Consultant Inc. (February 10, 2025)

- Transportation Impact Assessment, Prepared by Paradigm Transportation Solutions Limited (July 2024)
- Site Plan, Prepared by COBIDE Engineering Inc. (February 10, 2025)

### Agency Comments

Town of Saugeen Shores: The Town has reviewed the above-noted re-zoning application, and the supporting materials provided.

The proposed mixed-use commercial residential development is generally supported. However, it is noted that since the application was submitted, the Provincial Planning Statement (PPS, 2024) has been implemented, and there have been housekeeping amendments to both the Town's Official Plan and Zoning By-law. An addendum to the Planning Justification Report to summarize how the changes in legislation and local planning documents have impacted the proposal may be necessary. In addition, there are several errors and/or deficiencies with the submission that the Town recommends be addressed prior to a Public Meeting being scheduled.

### Site Plan

- Parking requirements:
  - 25 spaces required for commercial office ( $967.5 \text{ sq m} / 40 = 24.1875 = 25$  rounded up)
  - 16 for accessory residential units
  - 2 required to be visually identified as visitor parking
  - 2 accessible required
- Accessible Parking should align with the design standards found in Section 3.24.3 Accessible Parking the Zoning By-law.
- Residential Visitor Parking not shown
  - 3.24.2 Required Number of Parking Spaces
  - Residential, Accessory Residential Unit For all other units not in the Commercial Core
  - 1 space per residential unit; plus 1 space for every 8 residential units, or fraction thereof, to be set aside for and visually identified as visitor parking
- Bicycle parking should be added to the list of items missing from the Site Plan.
- Zoning Matrix:
  - Include the maximum number of accessory residential units permitted/ proposed (1/16)
  - Include required / provided visitor parking
  - Required Minimum Interior Side Yard is incorrect

- Required Maximum Building Height is incorrect
- Driveway entrance could be widened to 10 m, if desired
- 3.0 m planting strips should be shown on the site plan (3.15.2 b))

#### Engineering Comments on Site Plan\*

- Please show and label the existing Multi-Used Asphalt path on the Southerly side of the property (on Concession 6) and how the entrance will impact it.
- Proposed painted lines should be included to delineate the multi-use path for people entering and exiting the property.
- Include proposed elevation within the site plan
- Show proposed building entrances
- Show proposed ground level balconies, if applicable
- Show proposed and existing grades along the property lines
- Show fire route within parking lot
- Show proposed and existing Water and Sanitary service connections with all appurtenances within the site and the ROW
- Show proposed stormwater management infrastructure as per the Functional Servicing Report
- Show proposed Stormwater surface flow with grades and directional arrows with slope in parking lot and grassed side-yards
- Show necessary Erosion and Sediment Control measures as stated in the Functional Servicing Report
- Label composition of the asphalt parking lot
- Label to curb and provide the OPSD
- Include an accessible ramp dedicated for the accessible parking spots on the sidewalk adjacent to the building.

\*NOTE: Items identified by the Town's Engineering department do not need to be addressed at the Planning Act application stage, except for details that demonstrate compliance or noncompliance with the Town's Zoning By-law.

#### Planning Justification Report

- As noted above, the Planning Justification Report (PJR) does not align with the current PPS and local planning documents.
- The proposed square meter area of commercial building space should be confirmed.
- Requesting relief from the provisions of the by-law relating to commercial space floor area when more than one commercial space is proposed should be considered.
- Conceptual Site Plan included in the Planning Justification Report (PJR) is not the Site Plan circulated with the Application.
- Arranging for the preparation of a survey prior to the processing of the proposed Zoning By-law Amendment should be considered.

#### Design Details

- As the gateway entrance to Port Elgin, a higher standard of building design is expected.

- Locating parking behind the structure with minimal parking out front is the preference.
- The location of the proposed garbage should be relocated to not be along Highway 21.
- Landscape open space along Highway 21 should be increased.
- Trail connection comes from Lamont Sports park down to this corner and we would like to see that connection formalized through the development as necessary and the necessary sidewalks to the development planned in relation to that link.
- Improvements to landscaping in the daylighting triangle should be included in the landscape plan.
- Street Trees should be included in the landscape plan.
- Opportunities to enhance buffering along the east property boundary should be considered.
- The following Town resources should be referred to:
  - Subdivision and Site Plan Development Guide should be referred to. The subject property is within the Highway Commercial District.
  - Port Elgin Tool Kit
  - Urban Existing Neighbourhoods Design Guidelines

The following comments are offered on the Revised Conceptual Site Plan, dated February 6, 2025:

- Lot coverage is missing from the Zoning Matrix
- One (1) Bicycle Parking space has been included on the Site Plan; however, the Town's Zoning By-law requires 8 total bicycle parking spaces for this site. Bicycle parking spaces required are 0.08 spaces per dwelling unit for apartment buildings or commercial buildings with accessory residential uses ( $0.08 \times 16 = 1.28$ ) which is rounded up to 2 required bicycle parking spaces for residential, plus bicycle parking for the commercial/retail use: 3 spaces, plus 0.3 spaces for every 100 m<sup>2</sup> of gross floor area, equaling 6 bicycle parking spaces for commercial. If the intent is to provide the minimum required bicycle parking spaces for both the residential and commercial uses, the Town will require these spaces to be shown in an appropriate location on the Site Plan during the Site Plan Control process. If the intent is to provide less bicycle parking spaces than required, relief should be requested.

The Town's January 31, 2025 e-mail to the County included additional comments on engineering and design. Following the zoning by-law amendment process, the Town can work with the developer to ensure the interests of the Town are appropriately addressed at the Site Plan approval stage.

Historic Saugeen Metis (HSM): The HSM Lands, Waters and Consultation Department has reviewed the relevant documents and has no objection to the proposed Zoning By-law Amendment as presented.

Ministry of Transportation (MTO) Highway Corridor Management: A Terms of Reference for a Traffic Impact Study or Brief was submitted to MTO for review by Paradigm Transportation



Solutions Limited in January 2024. Upon review, MTO indicated that “There is no proposed direct access to Highway 21/Goderich St and the volumes that will be generated as a result of this development are low. Therefore, MTO are not required to review a TIB or TIS.” Since there is a reduction of proposed units from 31 to 16, based on the current proposal, MTO review, approval and permits will not be required. In the future, if there are changes to the proposed including (but not limited to) an increase in units, or direct access to Highway 21/Goderich St, a TIS will be required.

Bruce County Transportation and Environmental Services: No comment.

Risk Management (Source Water): This property falls outside the vulnerable source protection area where Source Protection Plan policies apply, therefore have no comments associated with this application under the Clean Water Act.

Saugeen Valley Conservation Authority: Staff find the applications acceptable and comments are provided in full below.

### **Public Comments**

No comments were received from the public at the time of writing this report.