

Attachment C – Planning Considerations

Planning Act

Provincial interest

2 The Minister, the council of a municipality, a local board, a planning board and the Tribunal, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as,

- (e) the supply, efficient use and conservation of energy and water;
- (f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- (h) the orderly development of safe and healthy communities;
- (h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;
- (j) the adequate provision of a full range of housing, including affordable housing;
- (l) the protection of the financial and economic well-being of the Province and its municipalities;
- (m) the co-ordination of planning activities of public bodies;
- (n) the resolution of planning conflicts involving public and private interests;
- (o) the protection of public health and safety;
- (p) the appropriate location of growth and development;
- (q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;
- (r) the promotion of built form that,
 - (i) is well-designed,
 - (ii) encourages a sense of place, and
 - (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;

Provincial Policy Statement

The Provincial Policy Statement, 2020 (PPS) provides policy direction on matters of provincial interest related to land use planning and development, which is intended to be complemented by local policies addressing local interests. The PPS promotes healthy, livable and safe communities through the efficient use of land throughout the Province of Ontario.

Section 1: Building Healthy Communities of the PPS promotes the building of strong, healthy communities and includes policies in regards to avoiding development and land use patterns which may cause environmental or public health and safety concerns. Specifically, Policy 1.1.1 identifies that healthy, liveable and safe communities are sustained by promoting efficient development and land use patterns, accommodate an appropriate range and mix of housing options (including improving accessibility for persons with disabilities and older persons), employment, institutional space, recreation, park and open space as well as other uses to meet the long-term needs of the community.

1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

1.1.1 Healthy, liveable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;
- d) avoiding development and land use patterns that would prevent the efficient expansion of *settlement areas* in those areas which are adjacent or close to *settlement areas*;
- e) promoting the integration of land use planning, growth management, *transit-supportive* development, *intensification* and *infrastructure* planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;
- f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;
- g) ensuring that necessary *infrastructure* and *public service facilities* are or will be available to meet current and projected needs;
- h) promoting development and land use patterns that conserve biodiversity; and
- i) preparing for the regional and local impacts of a changing climate.

1.1.3.1 *Settlement areas* shall be the focus of growth and development.

1.1.3.2 Land use patterns within *settlement areas* shall be based on densities and a mix of land uses which:

- a) efficiently use land and resources;
- b) are appropriate for, and efficiently use, the *infrastructure* and *public service facilities* which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
- c) minimize negative impacts to air quality and climate change, and promote energy efficiency;
- d) prepare for the *impacts of a changing climate*;
- e) support *active transportation*;
- f) are *transit-supportive*, where transit is planned, exists or may be developed; and
- g) are *freight-supportive*.

Land use patterns within *settlement areas* shall also be based on a range of uses and opportunities for *intensification* and *redevelopment* in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for *transit-supportive* development, accommodating a significant supply and range of *housing options* through *intensification* and *redevelopment* where this can be accommodated taking into account existing building stock or areas, including *brownfield sites*, and the availability of suitable existing or planned *infrastructure* and *public service facilities* required to accommodate projected needs.

1.1.3.4 Appropriate development standards should be promoted which facilitate *intensification*, *redevelopment* and compact form, while avoiding or mitigating risks to public health and safety.

Planning Comments: *The subject lands are located within the settlement area, or urban area of Delhi. The settlement area is serviced by municipal water and wastewater and the proposed development will contribute to the mix of land uses within the downtown area.*

1.4.3 Planning authorities shall provide for an appropriate range and mix of *housing options* and densities to meet projected market-based and affordable housing needs of current and future residents of the *regional market area* by:

a) establishing and implementing minimum targets for the provision of housing which is *affordable* to *low and moderate income households* and which aligns with applicable housing and homelessness plans. However, where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation with the lower-tier municipalities may identify a higher target(s) which shall represent the minimum target(s) for these lower-tier municipalities;

b) permitting and facilitating:

1. all *housing options* required to meet the social, health, economic and well-being requirements of current and future residents, including *special needs* requirements and needs arising from demographic changes and employment opportunities; and

2. all types of *residential intensification*, including additional residential units, and *redevelopment* in accordance with policy 1.1.3.3;

c) directing the development of new housing towards locations where appropriate levels of *infrastructure* and *public service facilities* are or will be available to support current and projected needs;

d) promoting densities for new housing which efficiently use land, resources, *infrastructure* and *public service facilities*, and support the use of *active transportation* and transit in areas where it exists or is to be developed;

e) requiring *transit-supportive* development and prioritizing *intensification*, including potential air rights development, in proximity to transit, including corridors and stations; and

f) establishing development standards for *residential intensification*, *redevelopment* and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

Planning Comments: *The application is proposing an 18 unit purpose built rental building which will contribute to the range and mix of housing types within the Norfolk County and specifically the downtown area of Delhi.*

Official Plan

The subject lands are designated “Downtown” by the Norfolk County Official Plan. It is necessary to read the Official Plan in its entirety to ensure the policies are applied using the correct context.

2.2.3 Maintaining and Enhancing the Rural and Small Town

Character 2.2.3.1 Goal Protect the unique character of Norfolk’s cultural landscapes, Urban Areas, Hamlet Areas and Agricultural Area through heritage conservation, community design and redevelopment policies that promote community health, safety and broad aesthetic appeal.

2.2.3.2 Objectives

- a) Preserve and enhance the history and cultural heritage of the County.
- b) Encourage the beautification, improvement and/or redevelopment of the County.
- c) Revitalize and reuse underutilized land in the County.
- d) identify and protect key cultural heritage elements in the County through the appropriate use of available planning tools.
- e) Develop land use patterns in the Urban Areas that are compact and efficient.
- f) Maintain and enhance the rural character of Norfolk’s many Hamlet Areas through appropriate infill development.
- g) Protect and improve the significant cultural heritage resources and cultural heritage landscapes, and encourage the conservation of historical buildings, all of which contribute to Norfolk’s unique character.
- h) Identify and conserve artefacts of historic, architectural and archaeological interest.
- i) Protect and conserve those natural and cultural landscape features that contribute to the County’s unique character

2.2.4 Maintaining a High Quality of Life

2.2.4.1 Goal Reinforce Norfolk’s strong sense of community through the provision of public services, the development of safe and attractive communities and the celebration of Norfolk’s unique cultural and natural heritage, by involving residents in making decisions on planning matters and by promoting a healthy community through active lifestyles.

2.2.4.2 Objectives

- a) Provide for a variety of housing forms, tenures and levels of affordability through development, redevelopment, intensification and infilling projects.

- b) Support the maintenance and development of public service resources, such as education facilities, community-based care facilities and programs, and leisure and recreation opportunities in the County.
- c) Ensure that new development is designed in a manner that provides a safe, aesthetically appropriate, and stimulating environment.
- d) Provide for the development of a multi-purpose trail system through a linked open space system, respecting the needs and privacy of private landowners and the agricultural community.
- e) Provide for a wide variety of recreation opportunities, including active, passive, indoor, outdoor and targeted leisure activities.
- f) Improve accessibility to the lakeshore area and increase the number of access points to the waterfront.
- g) Enhance opportunities for all residents to access healthy food options.
- h) Ensure that all public buildings and facilities and new development are accessible to all members of the public including people with disabilities.

2.2.6 A Well Governed, Well Planned and Sustainable County

2.2.6.1 Goal Support an open and responsive municipal government that actively builds public and private sector partnerships in the pursuit of the responsible and efficient use of land, resources, and services, while ensuring community and financial sustainability.

2.2.6.2 Objectives

- a) Offer an open and responsive County which provides clear opportunities for public input into the land use planning process.
- b) Communicate and collaborate with other jurisdictions in the planning and development of infrastructure and services, and to support other initiatives such as environmental and air quality projects and programs.
- c) Communicate and cooperate with private sector interests to review development initiatives, and where deemed appropriate, to support those projects that will benefit the County.
- d) Ensure the responsible use of land by encouraging the redevelopment, intensification and infilling of underutilized land and the efficient use of greenfield lands in Urban Areas.
- e) Direct new urban development to Urban Areas and Hamlet Areas, ensuring a compact form, and an appropriate mix of land uses and densities, resulting in the efficient use of land, infrastructure, and public services and facilities.
- f) Reduce conflicts between existing and proposed land uses through buffering, setbacks, landscaping and other measures, as appropriate.
- g) Ensure that all new development in Urban Areas occurs on full municipal services, except in areas specifically provided for in this Plan, to ensure the maintenance of healthy communities and the natural environment.
- h) Ensure that all new development will be a long-term financial benefit to the County.
- i) Utilize the provisions of the Development Charges Act and other provincial legislation to reduce growth related capital costs borne by the existing residents of the County.
- j) Encourage the development of a broad, balanced tax base.

4.8 Potentially Contaminated Sites

The historic use of land in Norfolk County has resulted in the potential for some land to be contaminated as a result of previous activities. These sites represent a potential hazard to human health, ecological health and the natural environment, but also represent opportunities for potential redevelopment and neighbourhood revitalization, if properly remediated.

The following shall be the policy of the County:

- a) The County encourages the identification of contaminated sites, their remediation, and appropriate redevelopment, in accordance with the Environmental Protection Act and its regulations and in accordance with the and procedures and the policies of this Plan.
- b) Where the development or redevelopment of land involves the change of use of the property to a more sensitive use, a Record of Site Condition shall be completed by a qualified person and filed on the Brownfields Environmental Site Registry, in accordance with the requirements of Ontario Regulation 153/04, before the issuance of a building permit for the proposed use. The issuance of any building permit for the proposed use shall also be consistent with any certificate of property use or order issued for the property on the Environmental Site Registry.
- c) The County shall ensure that the decommissioning and remediation of contaminated sites are completed in an environmentally responsible manner.
- d) Norfolk County is reliant on ground water sources for drinking water. The County shall require that all environmental remediation of contaminated sites be carried out to achieve potable ground water site condition standards as established by the Ministry of the Environment and Climate Change.

Planning Comments: Official Plan Section 4.8 recognizes that there is potential for some land to be contaminated as a result of previous activities. The County encourages the identification of contaminated site, their remediation and appropriate redevelopment in accordance with the Environmental Protection Act and regulations. The Phase 1 Environmental Assessment submitted by the applicant indicated that a second phase assessment is recommended. A holding provision is recommended to address the necessary environmental work to ensure the site is safe for residential development.

5.3 Housing

The provision of housing is an essential part of planning in Norfolk County. There are many factors that affect supply and demand in the housing market, and only some of them can be managed by a municipality in Ontario. The County may influence the location, timing and scale of development through the provision of infrastructure and the review of residential development proposals including site plans and plans of subdivision and condominium. It is desirable to have close cooperation between all levels of government and the private sector in order to provide for sufficient and affordable housing, and a stable residential housing market. The County shall ensure that a full range of housing types are provided to meet the anticipated demand and

demographic change, including accessible housing forms to facilitate aging in place and for persons with disabilities.

For the purposes of this Plan, Affordable Housing is defined as:

- a) In the case of ownership housing, the least expensive of housing for which the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual household income for low and moderate income households; or housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the regional market area;
- b) In the case of rental housing, the least expensive of: a unit for which the rent does not exceed 30 percent of gross annual household income for low and moderate income households; or a unit for which the rent is at or below the average market rent of a unit in the regional market area.

For the purposes of this definition: low income households means households with incomes in the lowest 20 percent of the income distribution for the County and moderate income households means households with incomes in the lowest 30 percent to 60 percent of the income distribution for the County.

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

c) The provision of housing that is affordable and accessible to low and moderate income households shall be a priority. The County shall target that 25 percent of all new housing provided throughout the County be affordable to low and moderate income households and that at least 10 percent of all new units be affordable to low income households, those with incomes falling within the lowest 20 percent of the income distribution for the County. The County shall encourage the provision of affordable housing through: i) supporting increased residential densities in appropriate locations and a full range of housing types, adequate land supply, redevelopment and residential intensification, where practical; ii) the timely provision of infrastructure in the Urban Areas; iii) supporting the reduction of housing costs by streamlining the development approvals process; iv) negotiating agreements with the public and private sectors to address the provision of affordably priced housing through the draft plan of subdivision and condominium approval process; v) considering innovative and alternative residential development standards that facilitate affordable housing and more compact development form; and vi) possibly developing a Municipal Housing Strategy with annual housing targets, mixes of housing types, affordability thresholds and related data.

e) The County shall encourage innovative and appropriate housing development that exhibits design and adaptability characteristics, and may represent nontraditional additions to the County's housing stock.

g) The County shall encourage that housing be considered when opportunities for redevelopment become available. This includes the redevelopment of existing single-use and underutilized areas with full municipal services, such as shopping plazas, business and employment sites and older commercial and residential areas, especially where the land is in close proximity to human services. Special attention shall be given to the design of buildings, the landscaping treatment and features of the site to ensure that the proposed redevelopment is physically compatible with the adjacent uses.

j) The County shall encourage opportunities for more affordable housing to be provided in the Downtown Areas.

5.3.1 Residential Intensification

The intensification of urban residential development reduces the need to use vacant designated land on the periphery of the Urban Areas. It also reduces the need for urban expansions encroaching into the Agricultural Area. Urban residential intensification, infilling and redevelopment of existing areas allows for the efficient provision of urban services thereby helping to minimize the costs of providing services while meeting an important component of the County's housing needs.

The following shall be the policy of the County:

a) Housing shall, in part, be provided through urban residential intensification, which may include any of the following:

- i) small scale intensification through modifications to an existing dwelling to include a second unit or construction of a new building containing one or two units;
- ii) infill development and residential development of vacant land or underutilized land in existing neighbourhoods; and/or
- iii) redevelopment which includes either the replacement of existing residential uses with compatible new residential developments at a high density or the replacement of non-residential uses with compatible residential or mixed use development with a residential component.

b) The County shall target that a minimum 25 percent of its annual residential growth be accommodated through infill, intensification and redevelopment within the existing built-up areas in the Urban Areas with full municipal services. The boundary of the Built-Up areas of Simcoe, Port Dover, Delhi, Waterford and Port Rowan are indicated on Schedule "B" to this Plan and delineates the extent of existing development at the time of the approval of the Official Plan Amendment implementing the Five-Year Review of the Official Plan. Development within the Built-Up Area boundary will be considered as infill development and development situated between the Built-Up Area boundary and the boundary of the Urban Area will be considered as greenfield development.

f) The County shall consider applications for infill development, intensification and redevelopment of sites and buildings through intensification based on the following criteria:

- i) the development proposal is within an Urban Area, and is appropriately located in the context of the residential intensification study;
- ii) the existing water and sanitary sewer services can accommodate the additional development;
- iii) the road network can accommodate the traffic generated;
- iv) the proposed development is compatible with the existing development and physical character of the adjacent properties and surrounding neighbourhood; and
- v) the proposed development is consistent with the policies of the appropriate Land Use Designation associated with the land.

h) Small scale intensification shall be permitted in all areas designated for urban residential use, except where infrastructure is inadequate or there are significant physical constraints.

Planning Comments: *The proposed development will contribute to the targets for multi-residential housing.*

5.4 Community Design

Safe and attractive neighbourhoods contribute to the overall community health of the County. Excellence in community design is essential to creating a physical environment where people have the appropriate places to interact, live, work, recreate and learn. The following policies relate to the physical design of communities, including new applications within the County for development, such as plans of subdivision, infill development proposals, and site plans.

The following shall be the policy of the County:

a) Through implementation of this Plan, the County shall seek to maintain and improve the physical design characteristics of the Urban Areas in the context of new and existing development and stress a generally high quality of settlement design throughout the County.

b) Through the review of development applications, including plans of subdivision, site plans and other development proposals, the County: i) shall ensure that new development is designed in keeping with the traditional character of the Urban Areas, in a manner that both preserves the traditional image of the Urban Areas and enhances the sense of place within the County while maintaining the community image of existing settlement areas; ii) shall promote efficient and cost-effective development design patterns that minimize land consumption; iii) shall promote the improvement of the physical character, appearance and safety of streetscapes, civic spaces, and parks; iv) shall encourage tree retention and tree replacement; v) shall ensure that design is sympathetic to the heritage character of an area, including the area's cultural heritage resources; vi) shall strongly encourage design that considers and, wherever possible,

continues existing and traditional street patterns and neighbourhood structure; and vii) may require, at the County's sole discretion, that proponents submit design guidelines with development applications, establishing how the policies of this Section have been considered and addressed. Such guidelines may also be required to address related issues of residential streetscaping, landscaping, setbacks, sidewalks, signage, garage placement, and architectural treatment.

c) Adequate measures shall be taken to ensure that the permitted uses have no adverse effects on adjacent land uses. Adequate buffering shall be provided between any uses where land use conflicts might be expected, and such buffering may include provisions for grass strips and appropriate planting of trees and shrubs, berms or fence screening, and other means as appropriate. Modifications to building orientation may also be appropriate buffering measures, but not in replacement of appropriate plantings.

e) The County shall require compatibly scaled and designed infill developments within areas designated as Downtown, which enhance the traditional character and economic viability of such centres.

g) Streetscaping that reflects the intended character of settlement areas is encouraged. In particular, traditional streetscaping in the Downtown Designations of the Urban Areas will be encouraged.

j) The County may require the provision of certain pedestrian, cycling and trail linkages through the development approvals process.

m) The County shall encourage development design considering the principles of Crime Prevention Through Environmental Design (CPTED). Specifically, the County shall encourage proponents of new development to use appropriate lighting to deter crime and to situate buildings on lots to maximize natural surveillance.

o) The County shall review site plans and drawings submitted in accordance with Section 41 of the Planning Act and Section 9.6.5 (Site Plan Control of this Plan) regarding accessibility for persons with disabilities including but not limited to areas of accessible parking, exterior paths of travel, lighting, ramps, entrances and street furniture.

Planning Comment: *These policies will be assessed through the site plan control process.*

5.6.1 Parks

The County shall carry out programs to acquire new parks, improve existing parks and facilities and provide public parks to meet the needs of the community, as well as to address existing park deficiencies. Parks, community recreation centres and trails should be located so that they are easily accessible from residential neighbourhoods, preferably by walking. The following shall be the policy of the County: a) The County shall secure the maximum benefit of the Planning Act with respect to parkland

dedication from development. Parkland dedication shall be conducted in accordance with Section 9.10.5 (Parkland Dedication) of this Plan.

Planning Comment: *Cash-in-lieu of Parkland dedication will be paid through the site plan control process.*

5.7.4 Archaeological Resources

The County recognizes that there are archaeological remains of prehistoric and historic habitation, or areas containing archaeological potential within the County. The following shall be the policy of the County:

- a) Archaeological potential areas shall be determined through the use of Provincial screening criteria, or criteria developed based on the known archaeological record within the County by a licensed archaeologist as part of an archaeological management plan.
- b) For a proposed development within an area of archaeological potential, an archaeological assessment shall be required prior to final planning approval, or as a condition of final planning approval. Archaeological assessment reports prepared by licensed archaeologists shall be in compliance with guidelines set out by the Ministry of Tourism, Culture and Sport, as well as licensing requirements developed under the Ontario Heritage Act.
- c) Where archaeological resources are identified, the County recognizes that there may be a need for Stage 4 archaeological mitigation by conservation in place or excavation as a result of proposed development or construction. The County may consider archaeological preservation on site, to ensure that the integrity of the resource is maintained. The County may also maintain the integrity of archaeological resources by enacting a Zoning By-law to prohibit incompatible land uses and/or the erection of buildings or structures on land which is a site of a significant archaeological resource. d) The County, on the advice of the Ministry of Tourism, Culture and Sport, may undertake the preparation of an Archaeological Management Plan. The Plan shall identify and map known archaeological sites registered with the Provincial Archaeological Sites Database, as well as areas within the County having archaeological potential. The Master Plan may also outline policies, programs and strategies to protect significant archaeological sites.

Planning Comments: *A holding provision is recommended to address the necessary archeological assessment prior to site plan approval.*

5.8 Access to Healthy Food

- a) The County recognizes community gardens as valuable community resources that provide open space and a local food source, offer recreational and educational opportunities, and build social connections. The County may permit community gardens as an interim use in industrial areas, parks and recreation areas, institutional lands, urban residential areas and in Hamlet Areas. b) The County may support initiatives that increase access to healthy food, such as: i) promoting the awareness of community gardening; ii) where appropriate, offering County-owned lands as new community garden sites, such as undeveloped parcels and closed road right of ways; iii)

encouraging backyard, roof top, and workplace gardening, as well as edible landscaping and fruit bearing trees to complement community gardens.

Planning Comments: *Planning staff will encourage the inclusion of a community garden within the outdoor amenity space through the site plan control process.*

6.4 Urban Areas

The six Urban Areas within the County have historically functioned as the focal points for growth and development activity, as well as public and private sector investment. This role will continue in the future. The Urban Areas will accommodate the greatest amount of the targeted growth throughout the planning period, and will be the focus of residential, commercial, employment, government, institutional, office, entertainment, cultural, and health and social service activities.

The following shall be the policy of the County:

b) It is the policy of this Plan that the Urban Areas will incorporate the following: i) a full range of housing types, including affordable and special needs housing;

c) The County shall ensure through its planning activities that each Urban Area develops with efficient land use patterns that minimize the extension of municipal services and infrastructure and will sustain the community and financial wellbeing of the County over the long-term.

h) Intensification, infill and redevelopment of designated and underutilized sites, and areas in transition in the Urban Areas will be encouraged. The intensification, infill and redevelopment of designated and underutilized sites that are contaminated, or suspected of contamination, shall be subject to the policies of Section 5.7 (Potentially Contaminated Sites). The County shall target 25 percent of its growth in the Urban Areas to be accommodated through infill, intensification and redevelopment.

6.4.1 Downtown Areas

The Downtown Areas are identified as a specific land use designation on Schedule “B” to this Plan. The planned function of Downtown Areas shall be to serve as primary activity centres for the County and the location for a wide range of uses, including retail, service commercial, cultural, recreational, entertainment, business and professional, governmental, institutional, arts and cultural, community, employment, and residential uses. Downtowns are the historic heart of the community and serve as a primary gathering place and location for events and festivities that give identity to the community. The diversity of land uses shall be promoted to foster the health and continued growth of the Downtown Areas, while conserving and enhancing cultural heritage resources and community identity. It is intended that the planned function of the Downtowns will be maintained as the County’s Urban Areas continue to grow and develop.

The following shall be the policy of the County:

e) The County shall protect and enhance, where possible and appropriate, the historic architectural character of the Downtown Areas and main street areas, particularly focusing on the pedestrian scale and design of the buildings and streetscapes, and the arrangement of windows and treatments on the building facades.

g) The County will encourage the private sector to increase the amount and intensity of residential uses in and around the Downtown Areas by supporting appropriate residential development and redevelopment, in accordance with the policies of this Plan.

j) Linkages between the Downtown Areas and recreation trails shall be encouraged to foster pedestrian activity and encourage tourism in the Downtown Areas.

6.5.3 Delhi Urban Area

The County will support and promote the continued development of Delhi as the third largest Urban Area in the County. The Delhi Urban Area is recognized as an important urban community, employment, cultural and agricultural support centre in the County. The following shall be the policy of the County:

a) The County shall support the development of a full range of housing types in the Delhi Urban Area, including affordable and special needs housing.

b) Business opportunities shall be supported at appropriate locations to provide employment and services to residents, visitors and businesses, particularly agricultural operations.

c) A concentration of community services for the County, including social, cultural, entertainment, health, educational and other supporting facilities shall be promoted within the Delhi Urban Area.

d) An open space and recreational network that is integrated with open spaces throughout the County, and provides appropriate urban, natural and active areas shall be promoted within the Delhi Urban Area.

e) The County may undertake a Community Improvement Plan in accordance with Section 9.5.2 (Community Improvement) of this Plan that may include the Delhi Downtown Area as a focus.

f) The County shall promote the Delhi Urban Area as the focus of the area's agricultural heritage and as a focal point for the tobacco heritage theme. The County shall promote and support museums, interpretive centres, thematic signage and other measures that recognize the unique economic history and character of the area.

7.8 Downtown Designation

The Downtown Designation represents and designates the traditional centres of the County, accommodating the largest and most diverse concentration of central functions. This Designation includes retail, office, service, entertainment and other commercial uses, as well as government, institutional, residential and community activities.

Downtowns will be the focus of compact and focussed development oriented to the pedestrian scale. There are five Downtown Designations within the County, including Simcoe, Port Dover, Delhi, Waterford and Port Rowan. These areas are delineated on Schedule "B" and the planned function of these areas is described in Section 6.4.1 (Downtown Areas).

Subject to the other policies of this Plan, the following policies shall apply in determining uses permitted on land designated Downtown on Schedule “B”.

- b) Residential uses shall be permitted, provided that the uses do not negatively impact the planned function of the Downtown Designation, subject to the following provisions:
 - i) in a building of commercial character, residential uses shall only be permitted above the ground floor and on the ground floor in the rear of the building, provided that the street frontage is maintained for commercial uses; and
 - ii) in an existing building of residential character, residential uses (either a single detached dwelling or multiple residential dwellings), and/or commercial uses shall be permitted, provided the residential character of the building is maintained.
 - iii) for the purposes of this policy, the residential or commercial character of a building may be determined in consultation with the Chief Building Official of the County.
 - iv) new low density housing forms, such as single detached and semidetached dwellings will be discouraged in the Downtown designation.
 - v) rental and ownership forms of housing will be encouraged.

Planning Comments: *Upon staff review of these policies, it is the professional opinion of staff that an Official Plan amendment for policy 7.8 b) i) or ii) is not required. The proposed development is not within a building of commercial character nor an existing building of residential character as the site is vacant. The proposed development is a multi-residential structure which is consistent with the policy to discourage low density housing forms and will provide 18 rental units in downtown Delhi.*

7.8.2 Land Use Policies

The following policies apply to land designated Downtown.

- a) The height, massing and layout of buildings within the Downtown Designation shall be oriented to a pedestrian scale.
- b) The historic patterns of downtown developments in Norfolk County has been characterized by ground floor commercial uses with narrow street frontages, frequent pedestrian entrances and windows that create pedestrian appeal. The design of new buildings and the redevelopment or adaptive re-use of existing buildings shall enhance the quality of the pedestrian environment by including transparent frontages, the articulation of facades and the use of quality materials at the street level.
- c) High activity uses, such as restaurants and retail stores that animate the streetscape will be encouraged at the street level.
- d) Historic streetscape patterns such as block lengths, building heights, setbacks and separations will be maintained. e) As at grade uses may change over time, the floor to ceiling height of ground floors for all buildings shall be sufficient to adapt to a range of permitted uses.

n) The site plan control policies in accordance with the policies of Section 9.6.5 (Site Plan Control) of this Plan shall apply to all development applications in the Downtown Designations.

Planning Comments: *The proposed development meets the objectives of Section 7.8.2. The proposed height, massing and layout of the building is pedestrian oriented, is consistent with the historic patterns of downtown Delhi and the design for the new building is anticipated to enhance the quality of the pedestrian environment. Small modifications or further design development of the building may be recommended during the site plan control process regarding the window placement on the second and third storeys.*

8.9.1 Services in Urban Areas

The following shall be the policy of the County:

c) All development in the Urban Areas shall be fully serviced by municipal piped water supply and waste water treatment systems, save and except for circumstances outlined in Section 8.9.1 f) (Services in Urban Areas). Notwithstanding this, appropriate development shall be permitted in the Courtland Urban Area on the basis of a municipal water system and private waste water disposal systems.

d) In Urban Areas, priority shall be given to the development of land that is presently serviced by watermains and sanitary sewer systems, or those areas that can most easily be serviced, at minimal expense.

e) Infilling of vacant areas within the Urban Areas which are already provided with full municipal services is encouraged, and shall be a criterion when evaluating proposed plans of subdivision and consents, with respect to the extension of services, utilities or the associated construction.

Planning Comment: *Servicing allocation will be confirmed through the site plan control process.*

9.0 Implementation

9.1 Introduction

This Official Plan shall be implemented by means of the powers conferred upon the County by the Planning Act, the Municipal Act and other statutes as may be applicable. In particular, the Official Plan shall be implemented by the enactment of zoning by-laws, property standards and occupancy by-laws, the planning tools available to the County, development control under Planning Act, and the undertaking of public works.

9.6.1 Official Plan Amendments

The County shall consider all applications to amend this Official Plan, and shall notify the public and various Provincial Ministries and other agencies in accordance with the requirements of the Planning Act. The following shall be the policy of the County:

- a) Applications to amend this Plan shall include a planning rationale report for the proposed change, prepared by the applicant. This shall include, but not be limited to, information regarding the proposed use, servicing, density if applicable, floor area if applicable, lot layout, site plans as appropriate and applicable, and the criteria outlined in Section 9.6.1(c) of this Plan. The County, at its sole discretion, may waive the requirement for a planning rationale report for minor and/or site specific amendments.
- b) Any specific Official Plan amendment procedures outlined in the policies of this Plan shall apply to the consideration of the application.
- c) The County shall consider the following criteria when reviewing applications to amend this Plan:
 - i) the manner in which the proposed amendment conforms to prevailing Provincial policy and regulations;
 - ii) the manner in which the proposed amendment conforms to the Strategic Plan prepared in support on this Plan;
 - iii) the manner in which the proposed amendment conforms to the Goals and Objectives, and policies of this Plan;
 - iv) the impacts of the proposed amendment on the provision of and demand for municipal services, infrastructure and facilities;
 - v) the adequacy of the proposed servicing solution with respect to the servicing policies of this Plan;
 - vi) the impact of the proposed amendment on surrounding land uses, the transportation system, municipal services and community amenities and services;
 - vii) the impact of the proposed amendment on the community structure and nature of the Urban Areas and/or Hamlet Areas;
 - viii) the impact of the proposed amendment on cultural heritage resources and/or Natural Heritage Features;
 - ix) the impact on agricultural uses and land;
 - x) the impact of the proposed amendment on the financial sustainability of the County; and
 - xi) any other information determined by the County, in consultation with the appropriate agencies, to be relevant and applicable.
- d) Technical revisions to this Plan will not require an Official Plan Amendment provided they do not change the intent of the Plan. Technical revisions include:
 - i) Changing the numbering, cross-referencing and arrangement of the text, tables, Schedules and maps;
 - ii) Altering punctuation, capitalization or language for consistency;
 - iii) Correcting grammatical, dimensional and boundary, mathematical or typographical errors;
 - iv) Updating the delineation of Provincially Significant Wetlands based on mapping provided by the Ministry of Natural Resources and Forestry consistent with Section 7.4.2 a) Provincially Significant Wetland Designation) of this Plan;
 - v) Updating the delineation of Hazard Lands boundaries based on mapping provided by the appropriate Conservation Authority consistent with Section 7.3.2 d) (Hazard Lands Designation) of this Plan; and

vi) Adding technical information to maps or Schedules. 9.6.2 Zoning By-law Amendments Pursuant to Section 9.4.1 (Zoning By-law) of this Plan, the County shall prepare a Zoning By-law. The Zoning By-law shall be maintained and administered by the County, and may be amended at Council's discretion provided the amendments are in keeping with this Plan. The County shall consider all applications to amend the Zoning By-law and shall provide notice of such application in accordance with the provisions of the Planning Act. Applications for Zoning By-law amendments shall be evaluated based on the same or similar criteria as those outlined for Official Plan amendments in Section 9.6.1.

9.6.5 Site Plan Control

Norfolk County shall utilize site plan control as provided for in the Planning Act. Site plan control applications can vary significantly in their complexity and need for review by County departments and external agencies. The Site Plan Control Bylaw for the County may establish different categories of site plan control applications, with a corresponding fee structure, relating to their complexity. The following policies shall apply to site plan control:

- a) Subject to the policies of this Plan, the site plan control area shall apply to the entire County.
- b) Where development consists of single detached, duplexes or semi-detached dwellings, site plan control shall not apply, except in cases where specifically required by this Plan, such as in cases where development is proposed on identified Hazard Lands.
- c) Where development consists of farm operations, farm buildings and the residence of the farm operator, site plan control shall not apply, except in cases where specifically required by this Plan, such as where an on-farm diversified use or agriculture-related commercial or industrial use is proposed, in accordance with Section 7.2.2 (Agricultural Designation- Land Use Policies) of this Plan.
- d) Site plan control shall be used to achieve well-designed, functional, accessible, safe and sustainable built form and public spaces. Proposed development or redevelopment subject to site plan control will not be permitted until the County has approved drawings for all buildings, structures and site development displaying the following: i) Exterior building design; ii) Design elements within and adjacent to the road right-of-way; and iii) site development works.
- e) Proponents of site plan control applications shall have regard to the design policies of Section 5.4 (Community Design) and Section 11.8 (Community Design Strategy) of the Lakeshore Special Policy Area Secondary Plan and to the relevant land use and development policies of this Plan.
- f) The County shall acquire the widening of road rights-of-way, turning lanes, sight triangles at intersections and other road widening requirements, in accordance with the policies of Section 8.2.2 (Hierarchy and Classification of Roads), as a condition of site plan approval.
- g) The County may require proponents to execute a site plan agreement under circumstances where there is construction of more than one building or structure, where

the size of a building is to be substantially increased, where there is the development of a parking lot, and/or in other circumstances deemed appropriate by Council.

h) The County shall consult the appropriate Conservation Authority and any other relevant agency when considering applications for site plan approval, where applicable.

i) The County may apply certain conditions to site plan approval, and may require that a certain standard of design be applied.

j) The County shall require financial security through bonding or other financial arrangement prior to development.

Planning Comment: *It is necessary to read the Official Plan in its entirety to ensure the policies are applied using the correct context. Section 2 outlines goals and objectives that guide the interpretation of the plan policies, such as Maintaining and Enhancing the Rural and Small Town Character (2.2.3) which encourages the beautification, improvement and redevelopment of the County and promotes developing land use patterns in urban areas that are compact and efficient. Policies in Section 2.2.4 describe the objectives of maintaining a high quality of life, which includes providing a variety of housing forms and levels of affordability through development, intensification and infilling projects.*

Official Plan Section 4.8 recognizes that there is potential for some land to be contaminated as a result of previous activities. The County encourages the identification of contaminated sites, their remediation and appropriate redevelopment in accordance with the Environmental Protection Act and regulations. The Phase 1 Environmental Assessment submitted by the applicant recommends that a Phase 2 Assessment is completed. Additionally, Section 5.7.4 identifies that there may be areas containing archaeological potential within the County. An adjacent property has been identified as having archaeological potential. The applicants have been aware that an assessment fulfilling the provincial legislation is required before development occurs on the site.

Planning Comment: *If the zoning amendment is approved, the policies of Section 9.6.5 will be addressed through the site plan control process.*

Planning Comment: *It is the opinion of planning staff that the proposed development meets the overall intent of the Norfolk County Official Plan.*

Zoning By-law

6.0 Commercial Zones

6.1 Central Business District Zone (CBD)

6.1.1 Permitted Uses

In a CBD Zone, no land, *building* or *structure* shall be used except in accordance with the following uses:

- a) adult education and training facility
- b) ambulance service
- c) *animal hospital*, provided the entire operation is carried on within an enclosed *building*
- d) antique shop
- e) art gallery
- f) *auction centre*
- g) *automobile gas station*
- h) *automobile service and repair station*
- i) *automobile washing establishment*
- j) automotive parts shop
- k) *bar or night club*
- l) *boutique*
- m) brew-your-own
- n) bus or taxi terminal
- o) *clinic or doctors' offices*
- p) college or trade school
- q) community centre
- r) *contractor supply and service shop*
- s) *convenience store*
- t) craft, souvenir and gift shop
- u) *day care nursery*
- v) delicatessen and specialty food shops
- w) *department store*
- x) *dry cleaning distribution station*
- y) *dry cleaning establishment*
- z) *dwelling, apartment* subject to the requirements of Subsection 6.1.4
- aa) *dwelling units* in any permitted commercial *building* subject to the requirements of Subsection 6.1.4
- bb) equipment rental establishment
- cc) *farmers market*
- dd) financial institution
- ee) fire hall
- ff) florist shop
- gg) fruit and vegetable outlet

- hh) funeral home
- ii) *garden supply centre*
- jj) hardware store
- kk) *home occupation*
- ll) *hotel*
- mm) laundromat
- nn) library
- oo) *long-term care facility*
- pp) *lumber yard and building supply establishment*
- qq) *merchandise service shop*
- rr) museum
- ss) office, all types
- tt) *parking lot*
- uu) *personal service shop*
- vv) pharmacy
- ww) photographic studio or shop
- xx) *place of assembly*
- yy) *place of entertainment*
- zz) *place of sports and recreation*
- aaa) *place of worship*
- bbb) police station
- ccc) printing and publishing establishment
- ddd) *private club*
- eee) radio, television and cable television studio
- fff) *restaurant*
- ggg) *restaurant, fast-food*
- hhh) *restaurant, take-out*
- iii) *retail store*
- jjj) *retirement home*
- kkk) school
- lll) *supermarket*
- mmm) *training and rehabilitation centre*
- nnn) *vehicle sales or rental establishment*
- ooo) *video store*
- ppp) *wholesale outlet.*

6.4.2 Zone Provisions

In a CBD Zone, no building or structure shall be erected or altered except in accordance with the following provisions:

- a) minimum front yard: 0 metres
- b) minimum exterior side yard: 0 metres
- c) minimum interior side yard: 0 metres except abutting any residential Zone in which case the minimum interior side yard shall be 1.2 metres
- d) minimum rear yard: 0 metres except abutting any residential

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|----|-------------------------------------|--|
| a) | minimum <i>front yard</i> : | 0 metres
<i>Zone</i> in which case the minimum <i>rear yard</i> shall be 6 metres |
| e) | maximum <i>building height</i> : | six (6) <i>storeys</i> |
| f) | maximum <i>front yard setback</i> : | 3 metres but does not permit parking |
| g) | maximum <i>lot coverage</i> : | 80 percent |

6.1.3 Zone Provisions for Dwellings

Notwithstanding the provisions in Subsection 6.1.2, all *single detached, semi-detached, duplex, tri-plex or four-plex dwellings* shall conform to the Urban Residential Type 3 (R3) *Zone* provisions in Subsection 5.3.

6.1.4 Location and Use of First Storey

Any *dwelling units* in the CBD *Zone* shall not occupy more than 50 percent of the *usable floor area* of the *first storey*, and the frontages of the *first storey* shall be dedicated to retail, office or service uses. [66-Z-2018]

6.1.5 Step Back of Upper Floors

The front wall of each floor located above four (4) *storeys* shall be stepped back 2 metres from the front wall of the fourth *storey*.

6.1.6 Angular Plane

Where an *apartment dwelling* in a CBD *Zone* abuts an Urban Residential Type 1 *Zone* (R1-A), (R1-B) or Urban Residential Type 2 *Zone* (R2), no portion of an *apartment dwelling* shall exceed the height of a 45 degree *angular plane* originating at the *lot line* of the nearest Urban Residential Type 1 *Zone* (R1-A), (R1-B) or Urban Residential Type 2 *Zone* (R2).

6.1.7 Zone Provision for Convenience Store

The *usable floor area* of a *convenience store* shall not exceed 280 square metres.

6.1.8 Zone Provision for a Drive Through

A Drive Through shall not be *permitted* within the Central Business District *Zone* (CBD). [6-Z-2018]