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## Public Hearings Committee – July 06, 2021

Subject: ZNPL2021086 – An application has been received to amend the Zoning By-law to include a special provision zoning for the subject lands to accommodate on site parking for a two storey mixed use commercial doctor/dental clinic with four residential apartment units on the second floor. 2642755 ONTARIO INC. and agent G. DOUGLAS VALLEE LTD. has put forth the application affecting the lands described as 68 King Street in Delhi.

Report Number: CD 21-48  
Division: Community Development  
Department: Planning  
Purpose: For Information

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### Executive Summary:

This Public Meeting report is for a zoning by-law amendment submitted by G. DOUGLAS VALLEE LTD. on behalf of numbered company 2642755 ONTARIO INC. with respect to the subject site located at 68 King Street in Delhi. This report describes the proposed application and includes an overview of the relevant policies and regulations that will be evaluated as part of a future comprehensive recommendation report.

The applicant is proposing to amend the Central Business District (CBD) zone to add a special zoning provision for the subject lands to accommodate on-site parking in the front yard for a two-storey mixed use commercial dental clinic with four residential apartment units on the second floor - resulting in a building setback of 25m whereas 3 m is typically seen along King Street.

The requested variances are as follows:

- A. To permit parking in the front yard, whereas section 4.11 prohibits front yard parking in the CBD zone;
- B. To permit a front yard setback of 25 m, whereas section 6.1.2 has a maximum front yard setback permitted of 3 m;
- C. To permit a parking stall depth of 5.7, whereas section 4.1.3 (b) requires a minimum depth of 5.8 m; and
- D. To permit a parking aisle width of 6.8 m, whereas section 4.1.4 (a) requires a minimum width of 7.3 m.

The agent has proposed two design options for the site parking:

Option (1) – would require only special provisions A and B, but would not facilitate a walkway from King Street to the clinic/apartment.

Option (2) – would require all the above special provisions to facilitate a walking path from King Street to the clinic/apartment.

This report is being presented as part of the statutory public meeting required by the *Planning Act*. A subsequent report will be brought forward containing a recommendation for Council consideration.

### **Site Features and Land Use:**

As shown in Map 3 of this report, the subject lands are located between King Street and Church Street West, within the central business district of Delhi. The subject lands are currently vacant.

There are no significant site features on the property to make note of. The property is currently designated Downtown in Norfolk County's Official Plan and zoned 'Central Business District (CBD)'.

The predominant land use in the surrounding area is commercial. Staff would note there are a number of existing single-detached dwellings located adjacent to and within close proximity to the subject lands, but within the CBD zone.



Figure 1: perspective along Church Street West (vacant)



Figure 2: perspective along King Street (vacant)

### **Discussion:**

The proposed amendment to the Central Business District (CBD) zone would include a special provision for the subject lands to accommodate on-site parking for a two-storey mixed use commercial medical (doctor/dental) clinic with four residential apartment units on the second floor.

**Neighbourhood Character and Compatibility:** The character of King Street is primarily commercial with a mix of second storey residential. The majority of storefronts abutting the street, creating a continuous flow in the downtown area which is important towards creating an attractive and engaging experience for pedestrians. Church Street West does not have a continuous streetscape and is impacted by uses which have greater setbacks and open yards / greenspace including uses such as single-detached dwellings, the Delhi United Church, and older commercial lots.

The proposed development is a mixed-use commercial/residential use which is similar with the surrounding area. The proposal will situate the structure approximately 25 m set back from King Street. In comparison, surrounding commercial use setbacks are more commonly setback approximate 3 m and therefore closer to the sidewalk for pedestrian access.

A comprehensive review of neighbourhood character and compatibility will be completed as part of the final recommendation report to Council.

**Site Plan Application:** According to Site Plan Control By-Law 2014-97 and section 9.6.5 of the Official plan related to Site Plan Control, a site plan approval, agreement and securities will be required for the proposed development. This will be completed through a subsequent planning process and will be informed by the public engagement of the ZBA applications which are the subject of this report.

**Circulation Comments:** Planning staff has received department and applicable agency comments which have been consolidated and attached as Appendix A.

**Regard for Public Input:** No public input was received for this application ahead of the completion of this report.

This report is being presented as part of the statutory public meeting where any comments received during the public meeting will be considered and ultimately reflected in the final recommendation report to Council.

**Planning Considerations:**

It is owner's responsibility to be aware of and comply with all relevant federal or provincial legislation, municipal by-laws or other agency approvals.

**Provincial Policy Statement, 2020**

The PPS provides policy direction on matters of provincial interest related to land use planning and development. It promotes efficient development and land use patterns and encourages growth and development within existing settlement areas. The subject land is within the 'settlement area' as defined in the Provincial Policy Statement.

Section 1: Building Healthy Communities of the PPS promotes the building of strong, healthy communities and includes policies about avoiding development and land use patterns which may cause environmental or public health and safety concerns. Section 1.1.1 (b) further promotes, 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), [...].

Section 1.3.1 indicates that planning authorities shall promote economic development and competitiveness, [through] (d) encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities, with consideration of housing policy 1.4.

Section 1.1.4 related to providing a range of housing options state that, 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.

Section 1.4.3 of the PPS states, 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. Section 1.6.6.2 provides direction of municipal sewage and water services. This section identifies that municipal services are the preferred for of servicing for settlement area to support protection of the environment and minimize potential risks to human health and safety. This section identifies that intensification shall be promoted wherever feasible to optimize the use of municipal services.

Section 1.6.6.7, related to stormwater management policies, provides specific performance indicators, including:

- prevention of contaminant loads;
- erosion and changes in water balance;
- mitigation of risks to human health, safety, and the environment;
- promotion of water conservation and efficiency; and
- low impact development.

The proposed is subject to site plan control and as such, site plan approval is required prior to receiving building permits. Section 9.6.5 lists the provisions which govern site plan control in Norfolk County, and states that (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.

***Planning Comments:*** *The proposed development is located within Delhi's downtown commercial core. The subject lands are within the heart of Delhi's downtown where it is in walking distance to a plethora of amenities. The development is anticipated to provide a dental clinic to the community in addition to four (4) residential apartment units on the 2<sup>nd</sup> floor. The development will require municipal servicing allotment for sewage and water servicing. Planning staff will provide a full conformity check based on the above mentioned policies of the PPS, 2020 within the recommendation report.*

### **Norfolk County Official Plan**

The subject lands are designated "Downtown" in the Official Plan. This designation is meant to accommodate 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 focused development oriented to the pedestrian scale

Section 7.8.1 indicates that the predominant use of Downtown lands shall be commercial activates, such as service commercial facilities, business and professional offices, etc. The Downtown designation also permits residential uses in conjunction with a permissive commercial use – contingent that the residential use does not negatively impact the planned function of the Downtown Designation, and 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..

Section 5.4, related to 'Community Design' policies, provide direction to the physical design of the communities for development proposals.

Section 6.5.3 outlines the development guides of the urban area of Delhi, which includes, but not limited to, a range of housing types, business opportunities, greenspaces, and promoting Delhi's heritage.

Section 8.9.1 outlines the policies surrounding Services in the Urban Areas of Norfolk County. Subsection c) states, all development in the Urban Areas shall be fully serviced by municipal piped water supply and waste water treatment systems.

Subsection e) states, 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.

Section 8.9.3 outlines the policies surrounding Servicing allocation and phasing. Subsection a) states, when unallocated servicing capacity does not exist for a proposed development, the County shall defer the processing of the planning application until capacity is available, or until a servicing agreement is in place to ensure that such capacity will be available to service the development. Draft approved plans of subdivision may only proceed to registration if sufficient servicing capacity continues to exist.

***Planning comments:*** A conformity check of the Official Plan policies will be provided within the recommendation report.

## **Norfolk County Zoning By-Law 1-Z-2014**

### Current Zoning

The subject lands are zoned "Central Business District (CBD)". Section 6.1.1 outlined the permitted uses of the CBD zone. The CBD zone permits, among other uses, clinic or doctor's office, and apartment-dwelling subject to the requirements of Subsection 6.1.4.

Policy 6.1.4 reads, "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]". The application is

proposing four (4) residential apartment on the second storey of the building, no residential use is permitted or proposed on the first storey.

### Surrounding Zoning

The predominant land use in the area is commercial, comprised of storefronts and shops along King Street. The exception is a few single-detached dwellings, the Delhi United Church, and older commercial uses along Church Street West. The surrounding zone is strictly CBD.

### Proposed Zoning

The subject Zoning By-law Amendment proposes to maintain the CBD zone, while adding special provisions to address site constraints posed from the development. Therefore, given the proposed layout of the site, the applicants are requesting special provisions to address the following:

- A. To permit parking in the front yard, whereas section 4.11 prohibits front yard parking in the CBD zone;
- B. To permit a front yard setback of 25 m, whereas section 6.1.2 has a maximum front yard setback permitted of 3 m;
- C. To permit a parking stall depth of 5.7, whereas section 4.1.3 (b) requires a minimum depth of 5.8 m; and
- D. To permit a parking aisles width of 6.8 m, whereas section 4.1.4 (a) requires a minimum width of 7.3 m.

As mentioned previously, the agent has proposed two design options for the site parking, the first (Option 1) does not incorporate a walking path from King Street, the second (Option 2) would provide a walking path from King Street.

Option (1) – would require only special provision A and B, but would not facilitate a walking path from King Street to the clinic/apartment.

Option (2) – would require all the above special provision (A, B, C & D) to facilitate a walking path from King Street to the clinic/apartment.

Options (1) and (2) are shown as Appendix B “Draft Site Plan Concept”.

***Planning comments:*** *The proposed development will be further reviewed based on the above mentioned provisions and the related discussion will be provided within the recommendation report.*

### **Strategic Plan Linkage:**

This report aligns with the 2019-2022 Council Strategic Priorities "Foster Vibrant, Creative Communities" and "Create an Optimum Place of Business".

Explanation: The proposed mixed use should facilitate and promote compact commercial and residential growth.

**Conclusion:**

The purpose of this report is to summarize the planning application proposal, provide the comments received from applicable departments and agencies, summarize comments received from member of the public, and to provide general information in relation to the overall application. A staff report with related recommendations will be submitted to Council for consideration at a later date.

**Recommendation(s):**

THAT Report CD 21-48, Public Hearing report for ZNPL2021086, be received for information;

THAT any outstanding technical comments received be provided to the applicant and addressed prior to submission of a future recommendation;

AND THAT any comments received as part of the statutory public meeting be considered in a future recommendation staff report.

**Attachment(s):**

Maps 1 to 4  
Appendix A Circulation Comments  
Appendix B Draft Site Plan Concepts

Submitted By:  
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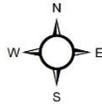
Prepared By:  
Scott Wilson, BES, Hons Planning  
Planner  
519-426-5870 ext. 1892

# MAP 1

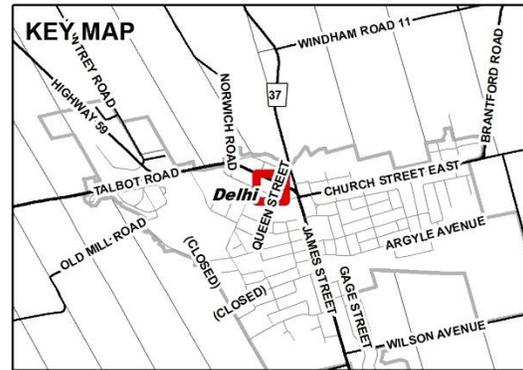
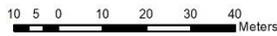
## File Number: ZNPL2021086

Urban Area of

### DELHI



1:1,300



**MAP 2**  
**File Number: ZNPL2021086**  
**Urban Area of DELHI**



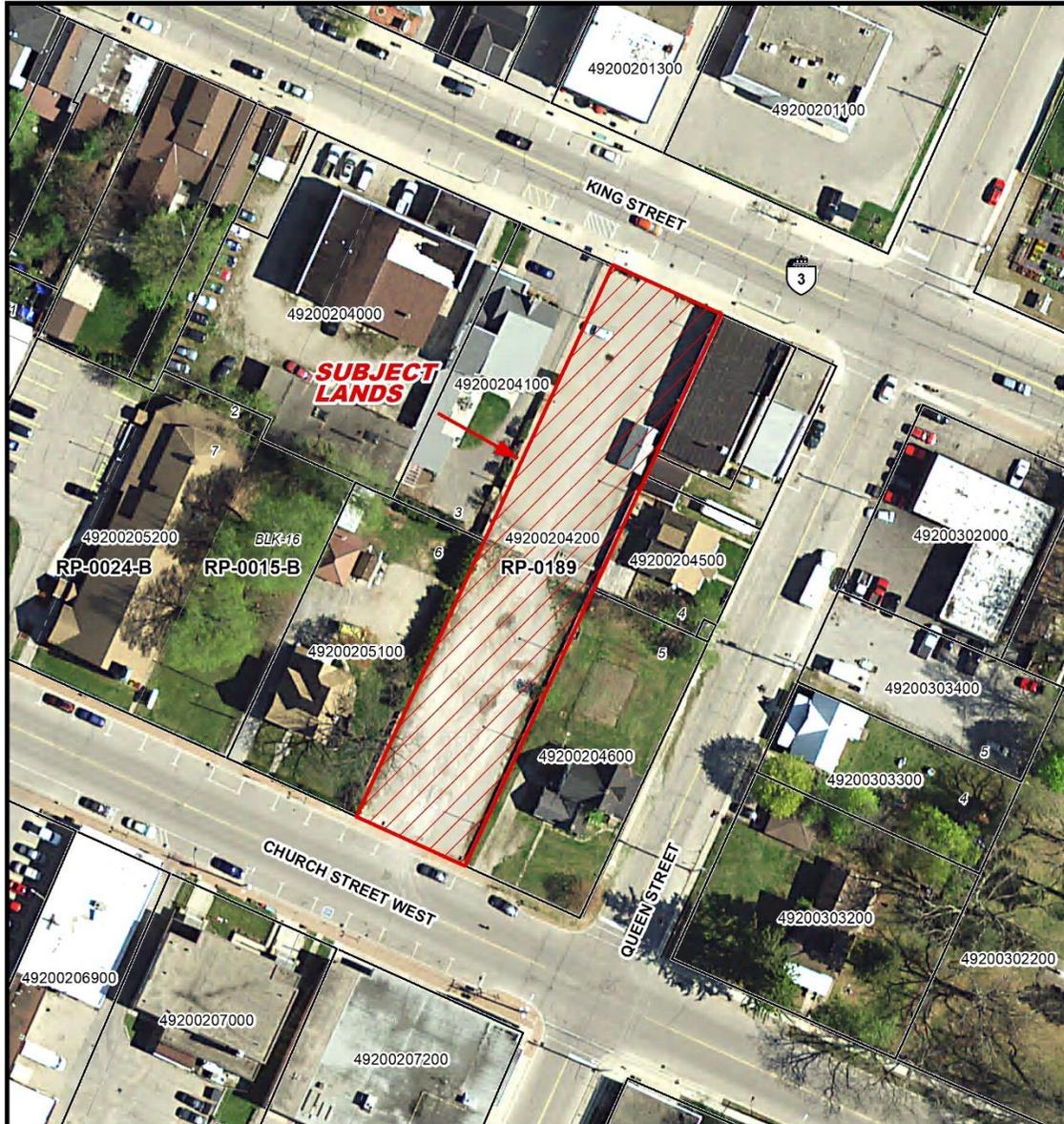
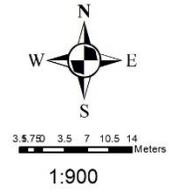
A north arrow is located in the top right corner of the map frame, with 'N' at the top, 'S' at the bottom, 'W' on the left, and 'E' on the right. Below the north arrow is a scale bar marked with 0, 4, 8, 12, and 16 meters. Below the scale bar, the text '1:1,000' is printed.



### MAP 3

File Number: ZNPL2021086

Urban Area of DELHI

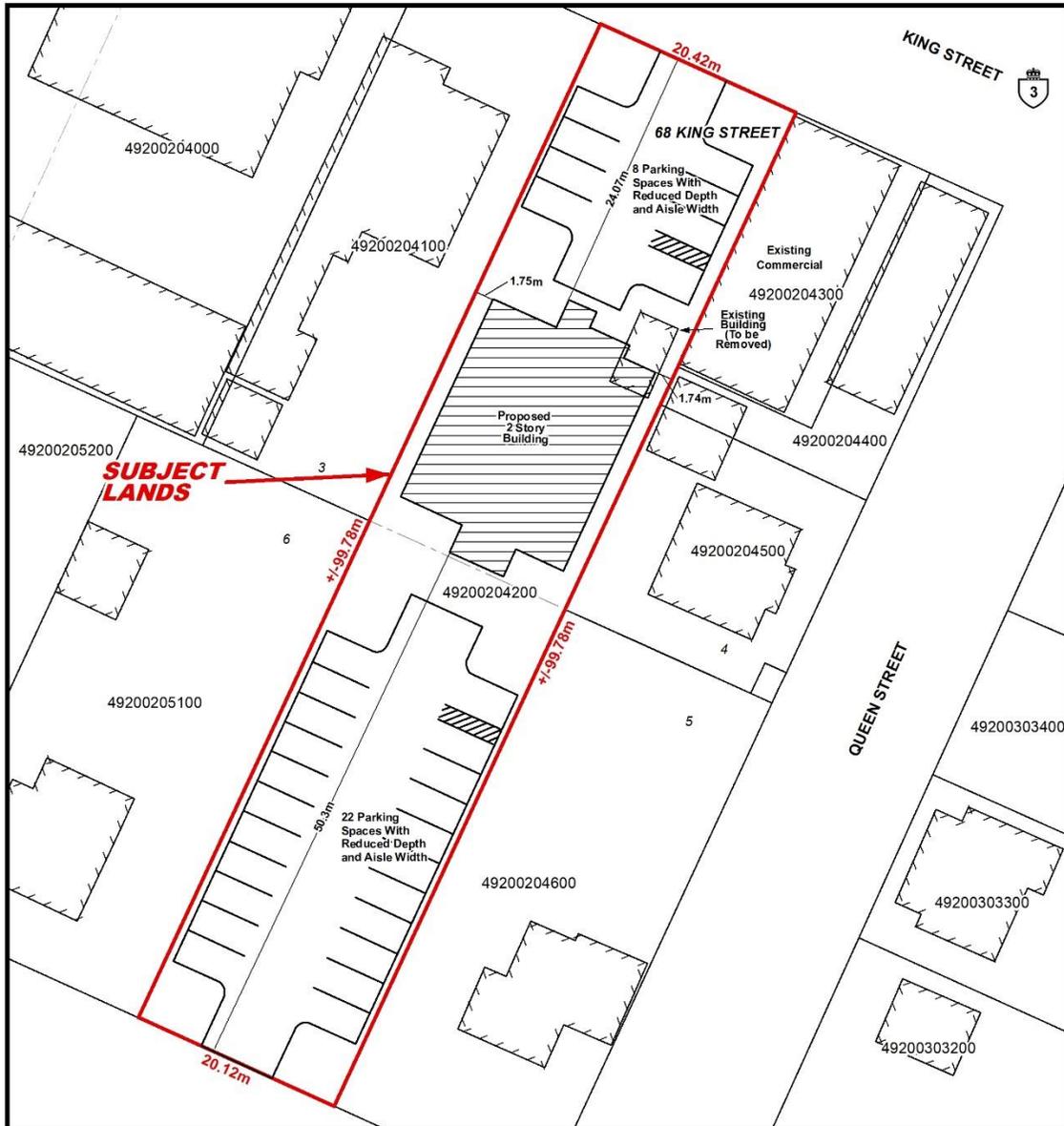


2021-04-09

**MAP 4**  
**File Number: ZNPL2021086**  
**Urban Area of DELHI**



2 1 0 2 4 6 8 Meters  
1:500



## **CD 21-48 ZNPL2021086 – 68 King Street, Delhi**

### **Appendix A: Circulation Comments**

#### **Financial Services – Reviewed - Comments are as follows:**

1. Pending comments

#### **Zoning Administrator – Reviewed – Comments are as follows:**

Zoning as per R2 zone provisions for semi-detached dwellings:

1. Ensure 3.3m x 5.8m uninterrupted parking space is provided in each attached garage
2. Any proposed rear decks required to be 1.2m from interior lot line, and no closer than 3m to rear lot line.
3. 50% of front yard to be maintained as landscaped
4. Maximum building height is 11 meters
5. If garages attached they must accommodate a parking spot at a minimum of 3.3m x 5.8m with no interruptions like stairs, landings, or doors.

#### **Development Engineering – Reviewed – Comments are as follows:**

1. As per the pre-consultation meeting minutes completed in 2018, Sanitary and Water modelling will be required at the Site Plan application stage. The cost to complete the modelling is at the Developer's expense. Please Note: Sanitary and Water modelling confirms conveyance capacity within the sanitary and water distribution system and any recommendations/upgrades from the modelling reports is to be implemented into the design and constructed at the Developer's expense.

#### **Building and By-Law – Reviewed – Comments are as follows:**

1. No concerns

#### **Geographic Information Systems – Reviewed – Comments are as follows:**

1. Contact Norfolk GIS for new civic address when building

#### **Fire – Reviewed – Comments are as follows:**

1. No concerns

#### **Canada Post – Reviewed – Comments are as follows:**

1. Please be advised that this new development will be serviced by Postal boxes at the Port Rowan Post Office. Please advise the customer that they need to register with the Post Office to obtain a box number for their mailing address.

**Paramedic Services – Circulated - No comments received – No concerns**

**Parks and Recreation – Circulated - No comments received – No concerns**

**Forestry – Circulated - No comments received – No concerns**

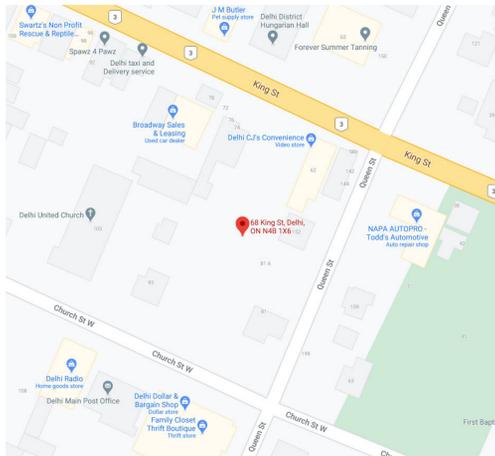
**Health and Social Services – Circulated - No comments received – No concerns**

**Economic Development – Circulated - No comments received – No concerns**

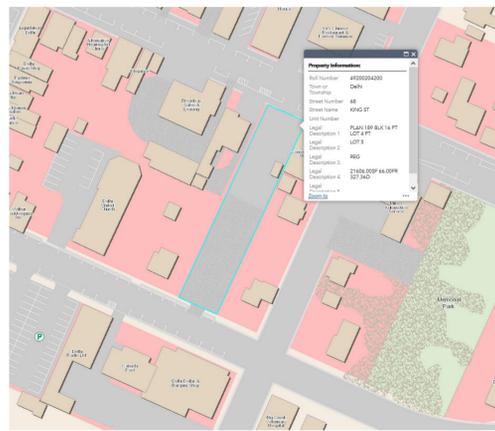
**Health Unit: Residential - Circulated - No comments received – No concerns**  
**Accessibility - Circulated - No comments received – No concerns**



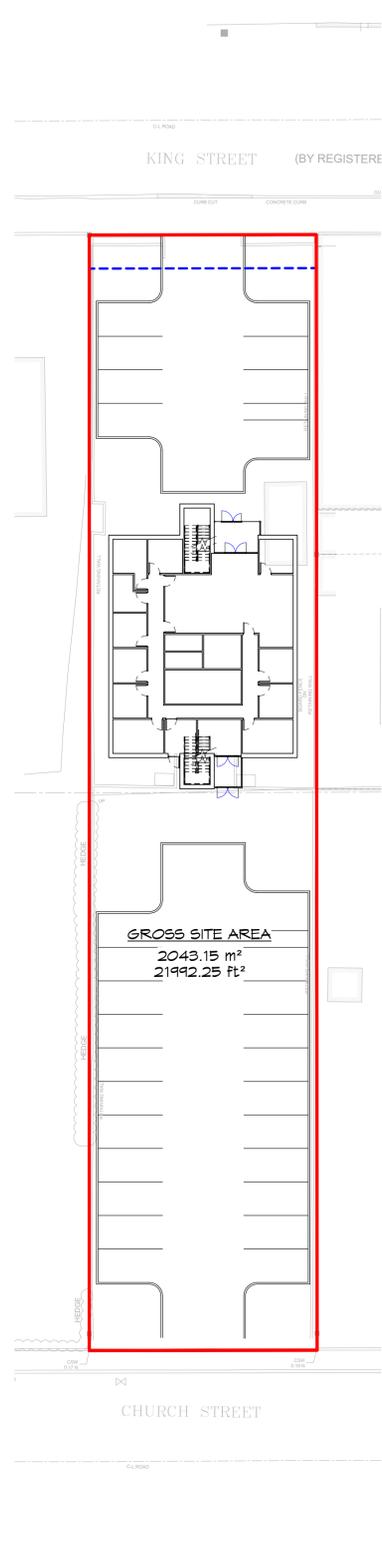
KEY MAP  
SCALE 1:100



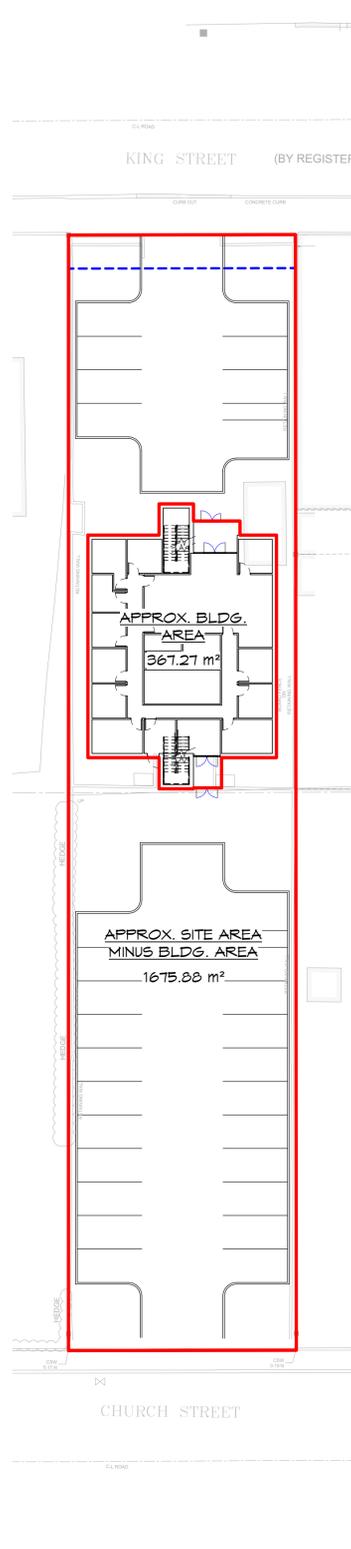
SITE MAP  
SCALE 1:100



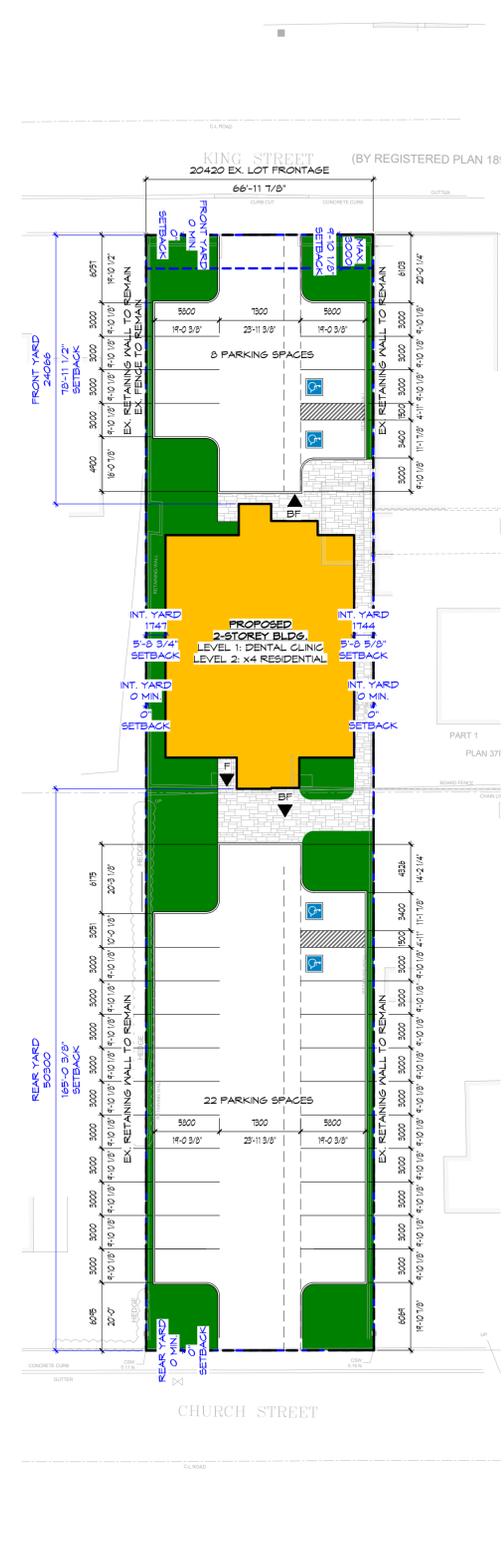
SITE MAP - COMMUNITY MAPS  
SCALE 1:100



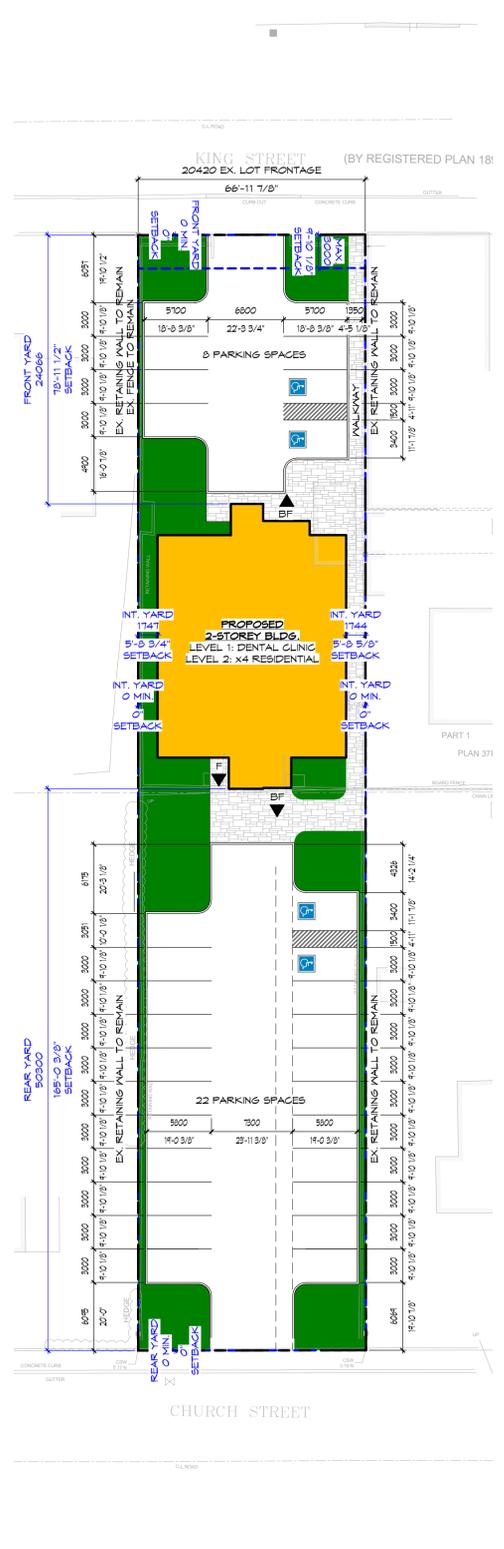
2 GROSS SITE PLAN  
SCALE 1:300



3 GROSS SITE PLAN BLDG. / HARD & SOFT SURFACES  
SCALE 1:300



1 SITE PLAN PROPOSED - ZONING AMENDMENT - OPTION 1  
SCALE 1:300



4 SITE PLAN PROPOSED - ZONING AMENDMENT - OPTION 2  
SCALE 1:300

**SITE STATISTIC & ZONING REQ.'S**

PROPERTY LEGAL DESCRIPTION:			
PLAN 184 BLK 16 PT. LOT 4 PT. LOT 5 IN THE TOWN OF DELHI, IN THE DISTRICT OF NORFOLK COUNTY			
ZONING:			
IN ACCORDANCE TO THE TOWN OF DELHI, ZONING BY-LAW 1-2-2014 NORFOLK COUNTY - JULY 2020 CONSOLIDATION			
PROVISION LAND USE:			
6.1	EX - CENTRAL BUSINESS DISTRICT ZONE (CBD)		
6.1	PROPOSED - CENTRAL BUSINESS DISTRICT ZONE (CBD)		
6.1.1(1)	CLINIC OR DOCTORS' OFFICES		
6.1.1(2)	DWELLING APARTMENT SUBJECT TO THE REQUIREMENTS OF SUBSECTION 6.1.4		
6.1.1(3)	DWELLING UNITS IN ANY PERMITTED COMMERCIAL BUILDING SUBJECT TO THE REQUIREMENTS OF SUBSECTION 6.1.4		
PROVISION SETBACKS (m - METERS):			
6.1.2(a)	MIN. FRONT YARD	0m	-24m
6.1.2(b)	MIN. EXTERIOR SIDE YARD	0m (EXCEPT ABUTTING ANY RESIDENTIAL ZONE IN WHICH CASE THE MIN. INTERIOR SIDE YARD SHALL BE 1.2m)	N/A m
6.1.2(c)	MIN. INTERIOR SIDE YARD	0m	-1.7m
6.1.2(d)	MIN. REAR YARD	0m (EXCEPT ABUTTING ANY RESIDENTIAL ZONE IN WHICH CASE THE MIN. REAR YARD SHALL BE 6m)	-50m
6.1.2(e)	MAX. BLDG. HEIGHT	SIX (6) STOREYS	TWO (2) STOREYS
6.1.2(f)	MAX. FRONT YARD	3m (BUT DOES NOT PERMIT PARKING)	-24m
6.1.2(g)	MAX. LOT COVERAGE	80%	-18%
PARKING REQUIRED:			
PROVISION	NUMBER OF PARKING SPACES	REQUIRED	PROVIDED
4.1.1	NOT WITHSTANDING SUBSECTION 4.9, NO PARKING SPACES ARE REQ'D FOR ANY LANDS IDENTIFIED IN THE CENTRAL BUSINESS DISTRICT ZONE (CBD)	2 SPACE(S)	
4.1.2	PARKING IS PROHIBITED IN THE FRONT YARD	2 SPACE(S)	0 SPACE(S)
PARKING PROPOSED:			
PROVISION	NUMBER OF PARKING SPACES	REQUIRED	
4.9(1)	DWELLING UNIT IN A NON-RESIDENTIAL BLDG. [0-2-2017]: J SPACES / DWELLING UNIT J SPACES X # APARTMENTS =	4 SPACE(S)	
4.9(2)	VISITOR PARKING: 2 SPACE / 3 DWELLING UNITS 2 SPACE X (# / 3) =	2 SPACE(S)	
4.9(d)	DENTAL CLINIC: J SPACE / 15m² J SPACE X (666m² / 15m²) = (GROSS / FOOTPRINT LEVEL 1 AREA USED)	25 SPACE(S)	
4.7	LOADING SPACES:	N/A	
4.7	DROP OFF SPACES:	N/A	
4.7	EX. SPACES:	N/A	
4.9.3	BARRIER FREE PARKING: 26-50 PARKING SPACES = 1 TYPE A + 1 TYPE B SPACE	2 SPACE(S)	
	BARRIER FREE PARKING PROVIDED: TYPE 'A' (3.4m WIDE) PLUS 1.5m AISLE TYPE 'B' (2.4m WIDE) PLUS 1.5m AISLE	4 SPACE(S) 2 SPACE(S) 2 SPACE(S)	
	TOTAL PARKING REQ'D:	24 SPACE(S)	30 SPACE(S)

**SITE PLAN LEGEND**

▲	ENTRANCE / EXIT DOOR (FLUSH W/ GRADE & LEVEL 1 DATUM)
▲	ENTRANCE / EXIT DOOR (BARRIER FREE OPERATOR)
---	PROPERTY LINE
---	SETBACKS
---	PAINTED GRAPHICS ON ASPHALT / CONC. (COORD. BY THE CITY / TOWN HAVING JURISDICTION GUIDELINES)
---	WHEELCHAIR SIGN ON ASPHALT / CONC. (WHITE & BLUE COLOUR)
---	STALL MARKINGS (YELLOW COLOUR)
---	DIAGONAL MARKINGS (YELLOW COLOUR)
HATCH IDENTIFICATION LEGEND	
---	AREA OF ASPHALT
---	LANDSCAPING
---	PERMEABLE PAVERS / CONC. WALKS
---	PROPOSED BLDG.



**vallee**

*Consulting Engineers,  
Architects & Planners*

February 23, 2021

County of Norfolk  
Robinson Administration Building  
185 Robinson Street, Suite 200  
Simcoe, ON N3Y 5L6

**Attention: Mohammad Alam, Senior Planner**

**Reference: Planning Justification Report  
Application for Official Plan/Zoning By-law Amendment I-Z-2014  
G. Douglas Vallee Limited on behalf of Abdulazeez Dentistry Professional  
Group. "Delhi Smiles"  
68 King Street, Delhi, Norfolk County  
Our Project 20-065**

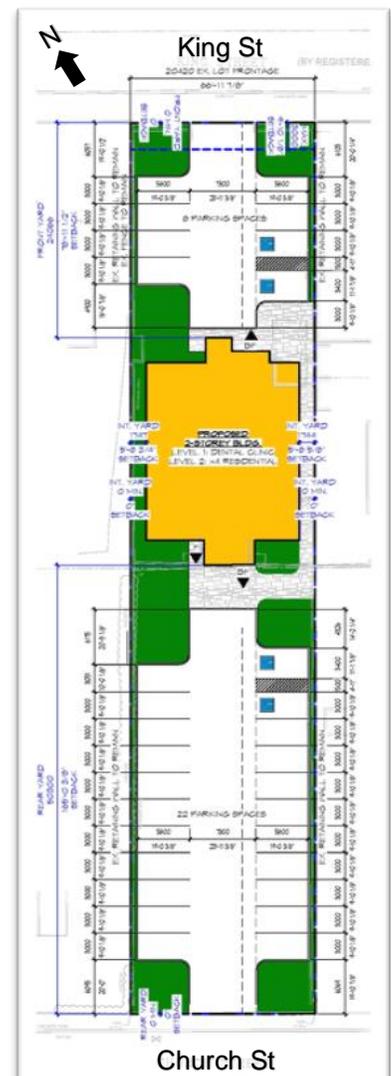
**Introduction:**

G. Douglas Vallee Limited has been retained by Abdulazeez Dentistry Professional Group "Delhi Smiles" (c/o Dr. Kal Jumaily) as Architects, Engineers and Land Use Planners for the development of their new dental clinic / residential mixed use building on King Street in Delhi. The new dental clinic will occupy the entire ground floor of the building, and the second floor will be dedicated to residential rental properties.

The subject site is located at 68 King Street in Delhi and is currently vacant. The property is a through lot between King Street and Church Street West, northwest of Queen Street. A sketch of the site development concept is illustrated to the right.

Norfolk County's by-laws do not require on-site parking within this zone. However, it is important to the success of the dental clinic that the new facility have a strong street presence, and that clients be provided with clear, obvious, and accessible on-site parking. Therefore, it is important to the dental clinic that a small amount of parking be provided between the new clinic and King Street.

It is recognized that the site can accommodate a large amount of parking in the "back lot" to be accessed from Church Street, however, this will not be obvious or clear to clientele when approaching the clinic and searching for parking. Accessible parking in the back lot would be too far from the entrance door at the front of the clinic.



**Figure 1: Site Plan Concept**

It is also important to the dental clinic to provide an easy pedestrian and barrier free access to the facility. This will involve pedestrian walkways from King Street to the building.

**Planning Applications:**

The current site zoning (CBD) permits all of the proposed uses. The application does not propose a change in land use, but rather small amendments to the parking provisions.

The following represent amendments for part of this application.

<b>Amendment</b>	<b>Reason</b>
Special provision to the CBD zone to permit parking in the front yard	Required to provide clear, obvious and accessible parking at the front of the clinic.
Special provision to the CBD zone to increase the maximum front yard setback from 3 to 25 m to facilitate the proposed parking spaces and landscaping	Required to provide clear, obvious and accessible parking at the front of the clinic. Landscaping improvements are also desired to enhance the streetscape.
Special provision to reduce the depth of parking spaces from 5.8 m to 5.7 m	This will assist in creating space across the frontage of the site to facilitate the installation of a pedestrian walk way from King Street to the building.
Special provision to reduce the width of a parking aisle from 7.3 m to 6.8 m	This will assist in creating space across the frontage of the site to facilitate the installation of a pedestrian walk way from King Street to the building.

The lands are designated Downtown in accordance with the Official Plan and Central Business District (CBD) Zone in accordance with the Zoning By-law.

This application:

- Is consistent with the Norfolk County Official Plan.
- Is consistent with the intent of the Provincial Policy Statement 2020.
- Provides a needed form of housing in the downtown.
- Utilizes existing County infrastructure and do not create adverse affects on the County water and sanitary sewer systems.
- Represents good planning.

**Purpose:**

The purpose of this Planning Justification Report is to provide planning support and information to the County to consider when reviewing the proposed applications for a Zoning By-law amendment.

**Site Description:**

The lands are currently completely paved and used for the purposes of parking. Figure 1 below identifies the subject lands in context with adjacent buildings and streetscape of the area.

**G. DOUGLAS VALLEE LIMITED**  
**Consulting Engineers, Architects & Planners**



Authorized by the Association of Professional Engineers of Ontario to offer professional engineering services.





**Figure 2: Location of Subject Lands in Delhi**

Surrounding and Existing Land Uses

The lands in the immediate area are commercial. A convenience store is located adjacent to the east, the Hungarian House Banquet Hall and Meeting Centre to the west, a restaurant and tanning salon to the north and a retail store to the south.

**Background:**

The site fronts on King Street. G. Douglas Vallee Limited designed an urban road reconstruction project for this section of King Street. Those works have now been constructed. The site has full access to sanitary sewers, storm sewers, and watermains.

Appendices to this report include the following:

- Appendix A – Draft Site Plan Concepts
- Appendix B – Norfolk County Official Plan Policy Compliance
- Appendix C – Phase 1 ESA prepared by Soil-Mat Engineers & Consultants Ltd. dated January 22, 2018
- Appendix D – Phase 2 ESA prepared by Soil-Mat Engineers & Consultants Ltd. dated May 29, 2018

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It is noted that Soil-Mat Engineers will be preparing an addendum letter to address the addition of a residential component which was not included in the original scope of the project. This report does not impact the proposed amendments.

This application was submitted to include the information and material required under Section 34 (10.1) of the *Planning Act* as part of a complete application.

### **Planning Review:**

The proposed Zoning By-law amendment was prepared in consideration of several planning documents including the *Planning Act*, the Provincial Policy Statement, the County Official Plan and Zoning By-law. Section 34 of the *Planning Act* allows for the consideration of amendments to the zoning by-law.

#### Provincial Policy Statement (2020)

The subject land is identified as being within a Settlement Area according to the Provincial Policy Statement, 2020 (PPS). The PPS provides policy direction for appropriate land use planning and development patterns to achieve healthy, liveable, and resilient communities that will protect resources of provincial interest, public health and safety, the quality of the natural and built environment, and will facilitate economic growth.

It is encouraged that planning authorities consider infilling, redevelopment and intensification in a compact form in areas that support active transportation and can take advantage of existing infrastructure. A range and mix of housing options and densities are promoted to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements.

A decision by Council to approve the Zoning By-law amendment will be consistent with PPS, 2020.

#### Norfolk County Official Plan

The lands are designated Downtown in accordance with the Official Plan. The details of compliance with the Official Plan are demonstrated in Appendix B.

Section 2.2 of the Official Plan set out six “Goals and Objectives” to which the following **five** are applicable to the proposed residential development:

- Strong and Diversified Economy Goals;
- Maintaining and Enhancing the Rural and Small-Town Character;
- Maintaining a High Quality of Life;
- Upgrading and Expanding Infrastructure; and
- A Well Governed, Well Planned and Sustainable County.

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As demonstrated in Appendix B, the proposed zoning by-law amendment facilitates a development that is in keeping with the Official Plan and the following policies:

- The 'Goals and Objectives' of the Official Plan;
- Section 5.3 – Housing;
- Section 5.4 – Community Design;
- Section 6.5.3 – Delhi Urban Area;
- Section 7.8 – Downtown Designation;
- Section 8.9 – Water and Wastewater Services;
- Section 9.6.2 – Zoning By-law Amendments; and
- Section 9.6.5 – Site Plan Control

Summary of Official Plan review

The proposed Zoning by-law amendment meets the general intent and purpose of the policies of the Official Plan. The development concept represents an appropriate and permitted land use considering the existing character of the area and provides a desirable mix of main floor commercial development with residential units located above. Accordingly, in this instance, the proposed application represents good planning.

Norfolk County Comprehensive Zoning By-law 1-Z-2018

The lands are currently zoned Central Business District Zone (CBD). This zone permits numerous uses including mixed use development. As described in this report, an amendment to permit parking in the front yard and to remove the maximum front yard setback requirement of 3 metres to allow for the 8 parking spaces, is requested.

The proposed development will comply with the CBD Zone provisions with requests for modifications as follows in Table 1:

**Table 1: Central Business District Zone (CBD)**

Zoning Table for Section 6.1	Central Business District Zone (CBD)	Notes:
<b>6.1.1 PERMITTED USES</b>		
aa) <i>dwelling units</i> in any <i>permitted commercial building</i> subject to the requirements of Subsection 6.1.4		Permitted
ss) Office, all types		
<b>6.1.2 ZONE PROVISIONS</b>		
a) Minimum Front Yard	0m	No Change
b) Exterior Side Setback	0m	N/A
c) Interior Side Yard Setback	0m	No change. (1.2m if abutting residential zone)

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d) Rear Yard Setback	0m	No change. (6m if abutting residential zone)
e) Maximum Building Height	6 storeys	No change
f) Maximum Front Yard Setback	3m but does not permit parking	<b>Proposed to permit setback of 25 metres and parking in front yard.</b>
g) Maximum lot coverage	80 percent	No change

<b>4.11 Parking in a Central Business District (CBD) Zone</b>	
4.11.1 Notwithstanding Subsection 4.9, no parking spaces are required for any lands identified in the Central Business District Zone (CBD).	Complies. Parking is provided on-site.
4.11.2 Parking is prohibited in the front yard.	<b>Proposed to remove this provision to permit parking in the front yard.</b>

NOTE: Modifications to parking stall length and aisle widths are proposed to facilitate an alternative design. This is discussed in the ‘**Alternative Zoning Amendment**’ section of this report.

Summary of Zoning By-law review

The proposed mixed-use development complies with the zoning by-law with the exception of the requested amendments to remove the provisions for maximum front yard setback and the prohibition of parking in the front yard. The owner desires to include parking in the front yard to provide office access to commercial customers from a main street in Delhi (King Street). Residential, staff and patient parking is also provided and located in the rear yard.

The purpose of the prohibition of parking in the front yard and maximum building setback is to establish a contiguous streetscape along the main streets in the Urban Area. In this instance, deviation from this concept is appropriate for the following reasons:

- a) The adjacent property to the west is setback approximately 10 metres and includes parking in the front yard. The proposed amendments are not out of character with the adjacent property.
- b) The plaza across the street is setback approximately 15 metres and includes parking in the front yard. The proposed amendments are not out of character with the northerly plaza.
- c) The proposed building is being designed to incorporate residential in addition to offices permitted by the by-law. To increase natural light exposure through windows in the side yards, the proposed position of the mixed-use development is desired. This is discussed further in the ‘Alternatives to design’ section below.
- d) The front yard will incorporate greenspace and landscaping to create an attractive property and building façade that brings greenery into a commercial area.
- e) The proposed site layout will improve the provision of accessible parking spaces to both sides of the building and cater to those with mobility challenges.

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- f) The proposal will minimize wayfinding issues from customers visiting the main floor commercial offices from King Street.

Planning Analysis:

*Alternatives to design*

The subject lands are a through lot whereby the zoning by-law allows a building to be established with a choice to face either King Street or Church Street. Without any amendments, the proposed building could be located 3 metres away from the Church Street right of way. However, King Street is the preferred and most desirable location for a front yard. As discussed above, limited parking is desired to be provided to customers where the primary commercial access is from King Street in the Downtown. Some of the customers visiting the dental and/or doctor's offices will have mobility issues and the provision of accessible parking is desired to be provided on both sides of the building to improve accessibility.

During the design phase of the project, it was considered to include a driveway along one of the sides of the building to provide access to a rear yard parking area and locate the building within the 3 metre maximum setback. The property is not wide enough to accommodate both the building and a driveway. This concept would result in an inefficient building design and challenges with the provision of natural light to the commercial offices and residential units above the main floor, along with separation requirements required by the Ontario Building Code. The Ontario Building Code requires minimum separation distances considering how many windows and doors are proposed near a property line. The commercial and residential components of the proposed building require many windows and thus must be appropriately setback from the property line.

The original design did not include a residential component. The owner recognizes the need to provide housing in the downtown area. As such, the design concept has been altered to include at least 4 residential units. Additional considerations for additional storeys of residential development will occur. Residents and staff of the building will be required to park in the rear yard.

*Business function*

In order to promote the business, visible off-street parking is essential. Some patients may not realize that parking in the rear yard is only accessible in the rear. This may cause patients to search for on-street parking, thereby taking up valuable spaces which are otherwise located onsite. The number of parking spaces proposed in the front yard are close to the number of offices contemplated for the main floor. It is recognized that longer term patients will eventually realize that parking is available to the rear, however, adding to the frustration of finding appropriate parking is not good for business. Furthermore, as mentioned above, accessible spaces are provided as close to the building as possible to better cater to those with mobility challenges, thus improving the patient experience.

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*Character of Area*

The proposed amendments are not out of character with the properties in the general area. Properties highlighted in purple in Figure 3, currently have parking located in the front yard and buildings setback beyond the 3 metre maximum setback provision. This application is consistent with the numerous sites indicated in purple.

The current use of the property is a parking lot which allows for parking throughout the property. Essentially, the proposed development is retaining 8 of those parking spaces in the front yard and enhancing the 'curb appeal' of the parking area through the provision of landscaping.

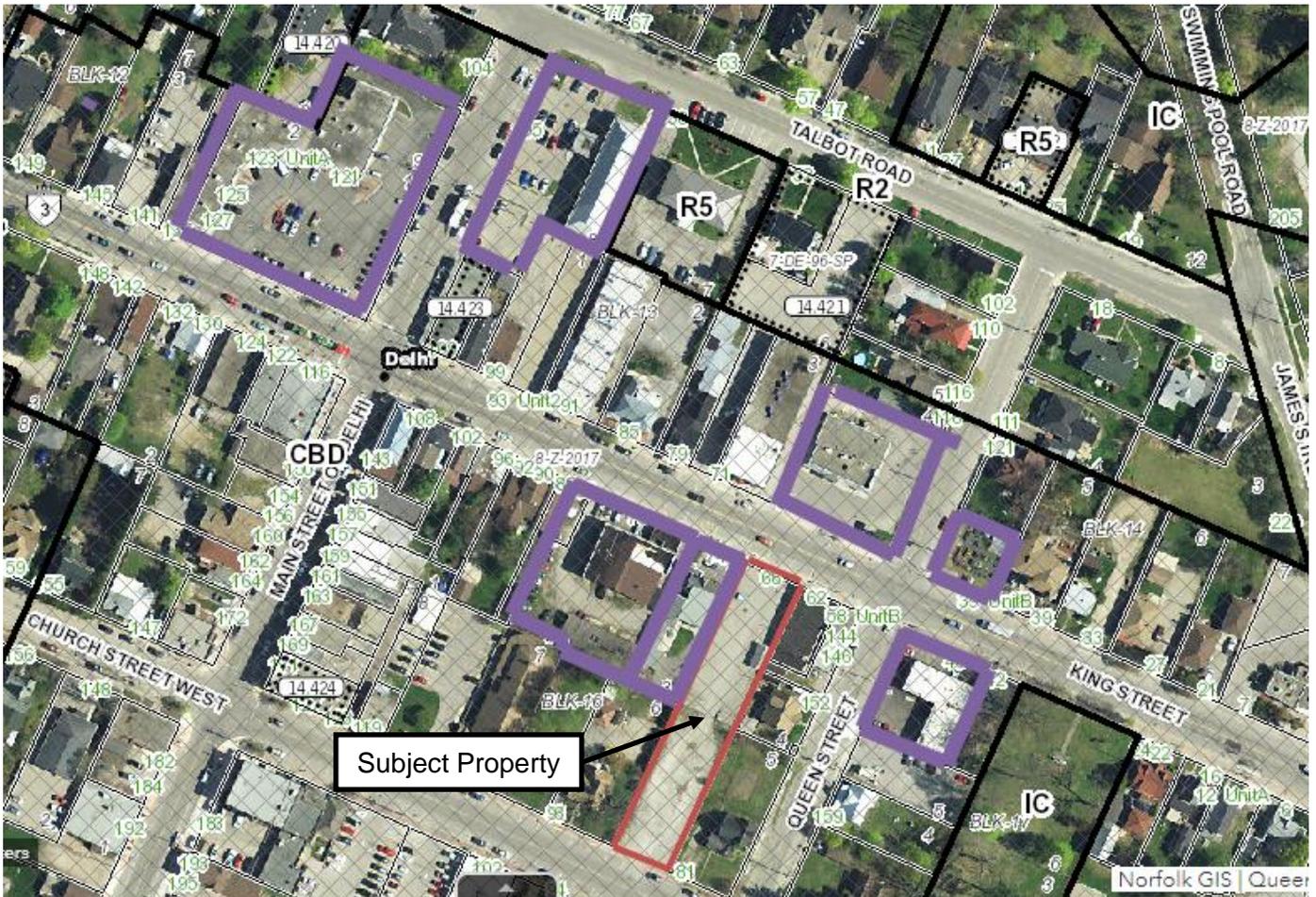


Figure 3: Similar properties with front yard parking

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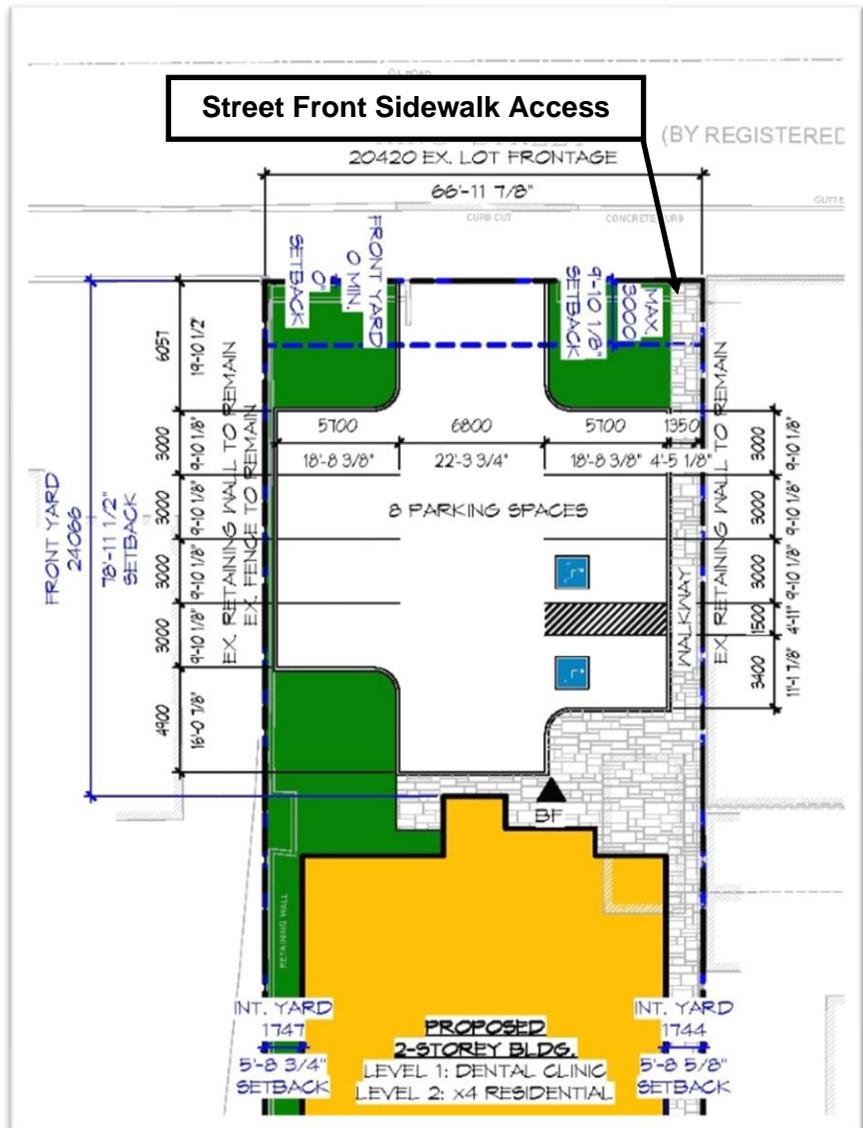
*Alternative Zoning Amendment*

To improve better connectivity and safety from the street and accessible parking spaces in the front yard, an additional design concept is proposed.

The site layout illustrated in Figure 4 has been designed to incorporate a pedestrian walkway to allow for access to the King St sidewalk and to provide 4 spaces with an access to the building, avoiding travel through the parking area. This also has effect of providing an enhanced front yard character to King St.

In order to accommodate the alternative design, a reduction to the parking space depth from 5.8 metres to 5.7 metres, and a reduction to the aisle width from 7.3 metres to 6.8 metres is required. Otherwise, without the amendment, all patients, including those with mobility issues must exit their vehicles and travel through the parking lot to access the building. Pedestrians from King Street would also be required to walk through the parking lot to access the building.

The reduction of both the parking stall depth and aisle width is appropriate. Table 1 includes a list five municipalities with parking space depths. The proposed reduction of 0.1 metres does not prohibit the ability to park a vehicle properly on site and is consistent with the requirements of area municipalities.



**Figure 4: Alternative Zoning Amendment**

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**Table 2: Municipal Parking Space width and length**

Municipality	Section	Width (m)	Length (m)
City of Brantford	6.18.1.1.6	2.75	5.6
Haldimand County	5.2.3	3.0	5.8
Tillsonburg	Table 5.24.1.6	2.7	5.5
City of Hamilton	5.2 b) i)	3.0	5.8
City of London	4.19	2.7	5.5
<b>Average Dimensions</b>		<b>2.8</b>	<b>5.6</b>

Based on the referenced five nearby municipalities, the average zoning requirement for a parking space is 5.6 m x 2.8 m. Our proposal is for 5.7 m x 3.0 m which is larger than the average in both directions. This reduction from Norfolk's standard is required to facilitate improved site design and pedestrian access to the clinic.

Note: Table 2 is a list of the same five municipalities provisions for aisle widths considering two-way traffic with parking spaces at 90 degrees. The average parking aisle width is 6.5 metres. The proposal is for 6.8 m, which exceeds all of the referenced requirements with the exception of Tillsonburg.

**Table 3: Municipal Aisle Width (Aisle Width (Two-way) with parking at 90 degrees.)**

Municipality	Section	Aisle width (m)
City of Brantford	6.18.4.2.1	6.0
Haldimand County	5.2.4 a)	6.5
Tillsonburg	Table 5.24.1.6	7.3
City of Hamilton	5.2 i)	6.0
City of London	4.19 6) b)	6.7
<b>Average Dimension</b>		<b>6.5</b>

The reduction to the length of the parking space is negligible.

Conclusion:

The requested amendments do not impact the land use of the property. The proposed land uses are consistent with the existing zoning provisions.

The proposed amendments are requested to improve the site design, and to allow improved barrier free and pedestrian access to the dental clinic.

The proposed Zoning By-law Amendment facilitates a development that implements the policies of the Norfolk County Official Plan. There are no impacts created by permitting the proposed building to be constructed beyond the 3 metre maximum. Permitting parking in the front yard is appropriate and is

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similar to a number of properties in the immediate area. The analysis of the proposed amendment demonstrates that the overall design of the project caters to the provision of natural light into the commercial offices and residential units of the building, provides for greater accessibility for patients, allows for greenspace to exist along the street line and at the building façade, and supports the business model of the offices through the provision of highly visible parking accommodations. On-site parking provides relief to the areas on-street parking demand.

The alternative design to include a pedestrian pathway from the King Street sidewalk requires amendments to both the parking stall length and the aisle way width. The proposed reductions are similar to other municipal standards and are not anticipated to cause parking and maneuverability challenges.

The analysis of this application is supportive. Accordingly, it is our opinion that the application:

- models good planning;
- maintains and adds character to the existing streetscape;
- facilitates a use permitted by the zoning by-law;
- facilitates a building design that adds residential units to the downtown; and
- improves the safety of pedestrians in a portion of the front yard, with a focus on people with mobility challenges by avoiding travel through the parking lot.

As such it is requested that Staff and Council consider a favourable recommendation and decision to amend the Zoning By-law to permit parking in the front yard, remove the maximum setback provision of 3 metres, and reduce the parking space length and aisle width to facilitate an improved design.

Yours truly,



Eldon Darbyson, BES, MCIP, RPP  
Director of Planning

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