



## Public Hearings Committee – December 05, 2023

Subject: County-initiated OPA and ZBA to conform to Bill 109, Bill 23, and Bill 97 and to provide clarification on policy and process changes as result of the legislated changes.  
Report Number: CD-23-077  
Division: Community Development  
Department:  
Ward: All Wards  
Purpose: For Information

---

### Recommendation(s):

THAT staff Report CD 22-077, “County-initiated OPA and ZBA to conform to Bill 109, Bill 23, and Bill 97 and to provide clarification on policy and process changes as result of the legislated changes,” be received for information; and

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

### Public Meeting Notification:

A public meeting is a statutory requirement in accordance with the Planning Act and is intended to allow members of the public to submit written or oral comments in relation to the proposed development. Additionally, any person may make written submissions at any time prior to County Council making its final decision on the application.

Pursuant to the requirements of the Planning Act R.S.O. 1990, C. P. 13 (“Planning Act”), a notice of the statutory public meeting was posted in the newspaper 20 days in advance of the Public Meeting.

### Discussion:

As requested by Council, and based on recommendations from staff report CD-23-047, the Norfolk County Planning Department is undertaking a County-wide Official Plan Amendment to update the following areas, in response to various provincial legislative changes:

- Additional Dwelling Units;
- Site Plan Control;
- Subdivision;
- Refund of Application Fees;
- Changes to the Definition of “Area of Employment”;

- Development application process updates including pre-consultation and submission requirements; and
- Other Legislative and local policy changes, such as updating language in plans and zoning documents to remove references to the Norfolk Environmental Advisory Committee (NEAC)

The intent of the amendment is to streamline existing processes, provide further transparency and opportunity for collaboration to the planning application process and to ensure County planning policies are currently aligned with provincial legislation and current County policies and procedures.

Updates to the Zoning Bylaw are also proposed in the following sections:

- Subsection 3.2, Accessory Uses to Residential Uses;
- Subsection 3.9, Minimum Services;
- Subsection 3.26, Number of Dwellings Per Lot;
- Subsection 3.38, Site Plan Control;
- Subsection 5.1.1, Urban Residential Type 1 Zone (R1), Permitted Uses;
- Subsection 5.2.1, Urban Residential Type 2 Zone (R2), Permitted Uses;
- Subsection 5.3.1, Urban Residential Type 3 Zone (R3), Permitted Uses;
- Subsection 5.4.1 Urban Residential Type 3 Zone (R4), Permitted Uses;
- Subsection 5.7.1, Hamlet Residential Zone (RH), Permitted Uses; and
- Subsection 12.1.1, Agricultural Zone (A), Permitted Uses.

### **Legislative Direction/Authority**

Bill 109, More Homes for Everyone Act, 2022, received royal assent on April 14, 2022. Through Schedule 5 of the Bill, the Ontario Planning Act was amended to include various changes, including refund requirements for specific planning applications where decisions are not made within the statutory timeline.

Further to Bill 109, Bill 23, More Homes Built Faster Act, 2022 received royal assent on November 28, 2022. Schedule 9 provided clarification on language within the planning act, amended appeal rights for Committee of Adjustment applications, parkland requirements, community benefit charges, and more.

In June of 2023, Bill 97, Helping Homebuyers, Protecting Tenants Act, 2023, received royal assent. Schedule 5 of this bill amended the Planning Act further identified when municipalities are required to refund fees, provided clarification on the use of Interim Control By-laws, further defined “Area of Employment”, and clarified requirements for additional residential units’ parking as well as intended location.

As identified in report CD-23-047, in July 2023, the Planning Department and Council have already taken steps to streamline the development application process to function more efficiently and to assist in meeting the statutory timeframes. The intent of the proposed updates for this amendment is to update the pre-consultation process to ensure a clear expectation and a transparent process is articulated towards meeting the

statutory timeframes while meeting other statutory requirements. The proposed changes have been reviewed by external legal counsel, to ensure compliance with the legislation.

### **Additional Dwelling Units**

On November 28, 2022, the Province received Royal Assent on Bill 23 (More Homes Built Faster Act). Among other changes, the changes to the Planning Act had the effect of allowing a total of three units on a lot containing a single detached, semi-detached, or street townhouse dwelling but all three units could be located in the main building or have one unit located in a detached building and two units in the main building. Bill 97 further clarified the intended location of accessory dwelling units from what was previously identified as “parcel of urban residential land” to a “parcel of land”. Staff are proposing updates to the Official Plan to align with the legislation and provide greater clarity on permitted uses.

In mid-2021, the Planning Department initiated its own review of the existing additional dwelling unit policies through the Growth Management study project. What was identified as the Accessory Residential Dwelling Unit (ARDU) study culminated in staff report, CD-22-079 and an associated Official Plan and Zoning By-law amendment. Official Plan Amendment (OPA) By-law 7-OP-2022 and Zoning By-law Amendment (ZBA) By-law 25-Z-2022 were passed by Council in September of 2022. Since 2022, the legislation has changed again and there has been additional feedback from various stakeholders in regards ARDUs. Staff received feedback in writing from G. Douglas Vallee Limited regarding comments and proposed adjustments on the Zoning By-law policies pertaining to additional dwelling units. As a part of this conformity exercise, comments received (attached as Attachment D) were considered. Staff comments on said comments and a comparison of the current policies (as implemented by by-law 25-Z-2022) is attached as Attachment E.

### **Refund of Application Fees**

As identified in Report CD-23-047, Bill 109 and 97 identified a new requirement in which certain types of development applications are subject to refund if decisions are not made within the identified statutory timeframe. To ensure compliance with statutory timeframes and to provide additional clarity to the pre-application consultation process, updates to Section 9.5 of the Official Plan are necessary to identify the correct path through the development application process, including identifying the various studies that may be required to support the various types of Planning Act applications. Whereas plans, reports and technical studies were identified as potential requirements for complete applications, specific details regarding potential required documents are not specifically listed within the Official Plan except for Planning Justification Reports, an Environmental Impact Study, and a Retail Market Impact Study. It is recommended that the Official Plan is updated to list the various possible technical documents to support the various types of development applications in order to ensure full transparency on development application expectations.

In response to legislative changes and stakeholder input, an update to the pre-consultation process is necessary. Although the current Official Plan language identifies a pre-consultation process, based on changes to the Planning Act, external legal counsel input, as well as a review of municipal best practices, it is necessary to update and revise the process with the intent of a streamlined process towards approvals that occur within statutory timeframes, while still supporting collaboration. The updated process, identified as the “Collaborative Consultation Process”, will have two connected components: a pre-consultation meeting and following that, a submission review component. These two parts together are the overall pre-consultation process as permitted in sections 22(3.1), 34(10.0.1) & 41(3.1) of the Planning Act, and confirmed by external legal counsel.

The first step in relation to new development proposals is a pre-consultation meeting between the applicant, municipality, and other designated authorities. This phase is intended to allow an applicant to present their proposal and to receive verbal and written feedback in the form of a summary checklist of required technical documents and studies for each type of applicable development application, given the specific circumstances of the proposal. This step follows the existing pre-consultation meeting process. The second step in the new development proposal process occurs at the time the application is prepared based on the feedback and requirements listed following the pre-consultation meeting. To ensure the application includes all of the required supportive documentation a submission review is necessary in order to constitute a complete application, as identified in the Planning Act. The intent of this meeting is to ensure that all submitted documents meet the requirements as identified in the pre-submission meeting and to identify any such technical reports that are subject to a peer review.

The implementation of the submission review requirement is currently being used by many municipalities across the province in order to ensure applications reflect all the required documents towards a complete application. This step is a positive approach in order to ensure positive application processes while meeting statutory timeframes, the ultimate goal is improved transparency and customer experience through the development approvals process. Some of the municipalities that have implemented this pre-consultation approach include Guelph/Eramosa Township, Barrie, Richmond Hill, Peterborough, Oshawa, Clarington, Oakville, Whitchurch-Stouffville, Kingston, Ajax, and Whitby. The intention of this refreshed pre-consultation process is that following the submission review the application can be submitted and efficiently deemed complete and ready for technical review in a timeframe that will meet the statutory timeframes.

Associated with the update to the pre-consultation process and overall process improvement is the launching of CityView Portal for planning application submissions. Similar to the process implemented by the Building Department, applicants are able to submit an application online. The initiative which predates the legislative bill changes is intended to be linked to an online payment system in the new year, at which time, all applications will be required to be submitted via the Portal. This new option to pay virtually will integrate with the new pre-consultation process and will allow staff to review

submitted files prior to opening the virtual payment option, just as payments are currently separated from a submission now. This process integration will save the applicant from having to supply a cheque or come into the office to make formal payment unless the applicant prefers to utilize these in-person options. It will also allow access to view the file status in real-time to see comments and other file related items. Additionally, associated with the updated processes new pre-consultation forms, new development application forms and other reference material is being created to launch at such time of approval of this by-law.

One additional process change that is necessary due to the impacts of the legislative changes is to remove the ability for some types of combined applications. Prior to the Bills, specifically Bill 109, concurrent applications were permitted, and at times encouraged, to reduce project review timeframes. Due to the differing timeframes between application types and the newly instituted refund process, it is no longer prudent for the County to accept concurrent applications as the timelines cannot be met and would result in refunded fees and additional cost which would have to be absorbed by the County. Accordingly, staff are proposing a change to process in which land use amendments such as Official Plan Amendments and Zoning By-law Amendments have to be in effect prior to a site plan application or plan of condominium or subdivision application (which requires the modified land use permissions) is considered complete. While these applications were previously considered premature, the concurrent process was applied in the spirit of collaboration. Unfortunately, flexibility is no longer available to municipalities to do so. Specifically, the following applications will no longer be permitted to be filed concurrently:

- Site plans in combination with OPA / ZBA applications
- Draft plan of subdivision or condominium in combination with OPA / ZBA applications
- Combined site plan and Draft plan of subdivision or condominium applications
- OPA/ZBA applications can continue to be submitted concurrently.
- Combined Committee of Adjustment applications with OPA/ZBA are not permitted. The permissions associated with the OPA/ZBA are required prior to acceptance of a Committee of Adjustment application, with some exceptions on a case-by-case basis.

### **Site Plan Control**

Bill 109 introduced language to Section 41 of the Planning Act regarding applicant consultation with a municipality before submitting a site plan application. The amendment also allows municipalities to explicitly require consultation by by-law.

Section 9.5.3 (Pre-Consultation and Complete Application) of the County Official Plan establishes a requirement that formal consultation occur with the City and relevant commenting agencies prior to submission. Existing language in the Official Plan is sufficient, however Site Plan Control By-law 2014-97 is to be updated to reflect the updates site plan control language as per the Planning Act. Any future Site Plan Control

By-law will include requirements for consultation prior to submission of a Site Plan application.

Bill 109 also introduced a thirty (30) day evaluation period in regard to a complete application for site plan applications. This time is intended to allow municipalities to ensure that all required information and materials were submitted as part of the application. It is anticipated that the proposed pre-consultation process outlined above will limit the need for staff to utilize this 30-day window as the evaluation of the submission will be completed through the phased pre-consultation process and the additional time will not be necessary. Files will instead be identified as ready to be deemed complete and will be opened for payment upon the successful completion of the phased pre-consultation approach.

An additional component of the Official Plan and the related Site Plan Control By-law 2014-97 requires further amendment as it pertains to the Bill 97 and Ontario Regulation 254/23 which outline the removal of site plan control for land development which includes the construction of 10 residential units or less. Ontario Regulation 254/23 was filed August 9, 2023. The regulation further clarifies exceptions pertaining to:

1. Any area that is within 300 metres of a railway line.
2. Any area that is within 120 metres of,
  - i) a wetland,
  - ii) the shoreline of the Great Lakes-St. Lawrence River System,
  - iii) an inland lake, or
  - iv) a river or stream valley that has depressional features associated with a river or stream, whether or not it contains a watercourse.

In addition to the changes above, Bill 23 also included amendments to the scope of site plan control. Architectural details and landscape design aesthetics are no longer listed as items within the scope of site plan control, except when related to matters of health, safety, accessibility, sustainable design, or the protection of adjoining lands. Staff are proposing some changes in order to ensure consistency with the Planning Act statements, as amended. The proposed amended site plan control by-law to incorporate these changes is also forthcoming and will also be reflected in an update to the Zoning Bylaw of Norfolk County.

## **Subdivision**

Section 51 (plan of subdivision approvals) of the Planning Act has been amended as follows:

- Adding the authority to create a regulation that would limit the matters that could be dealt with as conditions of subdivision approval; and
- Adding new rules that would allow a one-time reinstatement of draft plan approval where the draft plan approval had lapsed, subject to certain conditions.

No regulation has been proposed to limit conditions of subdivision approval by the Province at this time, but Staff will monitor Provincial consultation and report back to Council as necessary.

Through Bill 23, the province amended section 51(20) of the Planning Act, which formerly required approval authorities to hold a public meeting, prior to rendering a decision on plans of subdivision or condominium. The identified purpose for the removal of this requirement has been to streamline the development process and to ensure that new housing is built as quickly as possible. It is however notable, that Bill 23 did not remove the need for public circulation, consultation, and the requirement to consider public comments, but only removed the requirement for holding a public meeting.

Staff are proposing to maintain through additional policy a non-statutory public hearing for any subdivision application that is not subject to another planning application that would trigger a public hearing. This will ensure a standardized public forum is still available for the public to voice their concerns and will bolster transparency in the decision-making process. This will not impact the ability to meet statutory timeframes for draft plan of subdivision applications.

### **Definition Change: Area of Employment**

Bill 97 identified changes to the Planning Act that scope the definition of “area of employment” to include only manufacturing, warehousing, and ancillary uses, and exclude new institutional and commercial uses (including office and retail uses) not associated with manufacturing or warehousing from being designated in official plans for clusters of business and economic uses. It also includes a new subsection that allows municipalities to maintain employment areas with existing institutional or commercial uses not associated with manufacturing or warehousing provided that the use was lawfully established prior to the day the subsection comes into effect. This change is to be reflected in the Official Plan policies.

### **Parkland Dedication and Development Charges**

In addition to the changes outlined above, Bill 109, 23 and 97 also included changes to Parkland Dedication and Development Charges. As outlined in Staff report CD-23-047, these changes will be addressed in a future report to ensure Official Plan Amendments are made concurrently with Parkland and Development Charges By-law updates.

### **Other Legislative and Technical Changes**

Included in the proposed amendments are updates to reflect changes at the municipal level as well. This includes updating titles and other organizational components to reflect the current organizational set up. An example would be removal of references to the Norfolk Environmental Advisory Committee (NEAC) in relation to the review of Environmental Impact Studies.

### **Financial Services Comments:**

There are no new financial impacts resulting from the Official plan Amendments proposed in this report, however over the past year as the relevant pieces of legislation received royal assent staff have implemented a number of changes with financial implications, as summarized below:

After the passage of Bill 23, Information Memo – Bill 23 More Homes Built Faster Act, 2022 was presented to Council on November 16th, 2022. The report estimated that annually, at least \$1.4 million of previously eligible sources of development charges would become uncollectable due to the new provisions. A future Development Charges Background Study may explore strategies for minimizing this amount impacting the levy and rate requirements.

In response to Bill 109, a new budget initiative entitled BUILD Norfolk was developed to increase resourcing for the County’s Planning and Development Engineering functions and to address the expedited timeline requirements for processing development applications. In the Final 2023 Levy Supported Operating Budget, three full-time equivalents (FTEs) were approved in addition to some consulting dollars to ease the backlog of applications for a total of \$572,900 increase to budgeted expenditures.

On April 12, 2023, Report CS-23-006 Comprehensive Review of Development Application User Fees was presented to Council, which proposed a list of user fee amendments to fully offset the increased resourcing costs of BUILD Norfolk through revenues (resulting in no increased levy requirement), and also phase these fees into full cost recovery over five years. The introduction of the pre-submission step has resulted in a new fee being proposed through the County’s 2024 Proposed User Fees and Service Charges Report (CS-23-150), this fee has since been approved by Council.

The Final 2023 Levy Supported Operating Budget also included a provision for \$100,000 related to Planning development fee refunds. As a result of Bill 97 delaying the effective date for providing refunds, staff anticipate substantially all of this provision will not be required, which will generate a surplus at year-end, as noted in the Planning department’s variance drivers within Report CS-23-129 June 30, 2023, Operating Variance Report.

#### **Interdepartmental Implications:**

The proposed amendments to the Official Plan, Zoning By-law Amendment and Site Plan Control By-law to align with provincial policies and to improve transparency in the development application process include improvements to communication regarding requirements through various County departments and divisions. Further, the proposed implementing procedures and processes have been collaboratively drafted and adjusted to best utilize staff resources in all impacted departments and to better serve applicants and the public. Potential refunds, as a result of the provincial legislation changes, will be addressed through collaboration between various departments, including Finance. Further, changes to the Zoning By-law and Site Plan Control by-law will ensure that the changes are implemented as applicable law for their related processes.

#### **Strategic Plan Linkage:**



This report aligns with the 2022-2026 Council Strategic Priority Empowering Norfolk - Putting the tools and resources in place to ensure our business' and residents' success.

Explanation: This is directly related to streamlining development applications and ensuring clear communication in regard to application submission processes.

### **Conclusion:**

The various legislative changes over the past two years will change what development looks like in Norfolk County years into the future. The intent of the proposed Official Plan changes is to address the policy changes deriving from Bills 109, 23 and 97 and to comply with the required legislative changes with a focus on making the applicable planning processes more efficient and transparent.

### **Attachment(s):**

Attachment A Proposed Official Plan Amendment  
Attachment B Proposed Zoning By-law Amendment  
Attachment C Proposed Site Plan Control By-law Amendment  
Attachment D G. Douglas Vallee Limited Correspondence  
Attachment E Policy Matrix regarding Vallee Comments

### **Approval:**

Reviewed By:  
Tricia Givens, M.SC. (PL), MCIP, RPP  
Director of Planning  
Community Development Division  
Planning Department

Prepared By:  
Nicole Goodbrand, MA, MCIP, RPP  
Project Lead, Long Range Planning and Special Projects  
Community Development Division  
Planning Department



## The Corporation of Norfolk County

### By-Law 2023-XX

#### Being a by-law to adopt Amendment Number XXX to the Norfolk County Official Plan in respect of lands described as all Lands within Norfolk County.

Whereas the Planning Act, R.S.O. 1990, CHAPTER P.13, as amended, Section 17 (22) states that "When the requirements of subsection (15) to (21), as appropriate, have been met and the Council is satisfied that the plan as finally prepared is suitable for adoption, the Council may adopt all or part of the Plan and, unless the plan is exempt from approval submit it for approval."; and

Whereas the Council of The Corporation of Norfolk County has considered an amendment to the Norfolk County Official Plan in accordance with the provisions of the Planning Act, R.S.O. 1990, c.P.13 as amended, Sections 17, 21 and 22; and

Now therefore the Council of The Corporation of Norfolk County hereby enacts as follows:

1. That amendment number XXX to the Norfolk County Official Plan as set out in the text and Schedule "A" attached hereto is hereby adopted.
2. That the effective date of this by-law shall be the date of passage thereof.

Enacted and passed this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
County Clerk

## **Amendment Number XXX to the Norfolk County Official Plan**

### **Part A: Preamble to the Amendment**

The purpose of amendment number XXX to the Norfolk County Official Plan is to implement the recent *Planning Act* amendments arising from Provincial Bill 109, *More Homes for Everyone Act, 2022*, Bill 23, *More Homes Built Faster Act, 2022* and Bill 97, *Helping Homebuyers, Protecting Tenants Act, 2023* while also streamlining existing processes and providing further transparency to the planning application process. Included in this amendment are updates to Province of Ontario ministry names within the document and minor updates to reflect updated local policy.

#### **Location of the Lands Affected**

This amendment will affect all Lands within Norfolk County.

#### **Basis of the Amendment**

In 2022 and 2023 the Province of Ontario implemented changes to the *Planning Act* through Bill 109, Bill 23 and Bill 97.

Bill 109, *More Homes for Everyone Act, 2022*, received royal assent on April 14, 2022. Through Schedule 5, the *Planning Act* was amended to include various changes, including refund requirements for specific planning applications where decisions are not made within the statutory timeline.

Bill 23, *More Homes Built Faster Act, 2022* received royal assent on November 28, 2022. Through Schedule 9, the *Planning Act* was amended to include various changes, including clarification on language within the *Planning Act*, amending appeal rights for Committee of Adjustment applications, parkland requirements, community benefit charges, revised requirements for accessory residential dwelling units, and more.

Bill 97, *Helping Homebuyers, Protecting Tenants Act, 2023*, received royal assent on June 8, 2023. Through Schedule 6, the *Planning Act* was to include various changes, including when municipalities are required to refund application fees, provided clarification on the use of Interim Control By-laws, further defined "Area of Employment", and clarified requirements for additional residential units' parking as well as intended location.

The amendment to the Norfolk County Official Plan is intended to reconcile the Norfolk County Official Plan with the above-noted provincial legislative changes while also streamlining existing processes and providing further transparency to the planning application process. Included in this amendment are updates to Province of Ontario ministry names within the document and minor updates to reflect updated local policy.

The amendment is consistent with the Provincial Policy Statement.

### **Part B: The Amendment**

That the Norfolk County Official Plan is hereby amended as follows:

#### **Text Amendment**

3. That the following text be deleted from Section 2.2.2.2 Objectives:

- e) Ensure that, through redevelopment, existing and potential sources of pollution including contaminated soil are corrected and brought into compliance with acceptable standards as established by the Ministry of the Environment and Climate Change.

And replaced with the following:

- e) Ensure that, through redevelopment, existing and potential sources of pollution including contaminated soil are corrected and brought into compliance with acceptable standards as established by the Ministry of the Environment, Conservations and Parks.

4. That the following text be deleted from Section 2.2.3.1 Goals:

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.

And replaced with the following:

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 and safety.

That the following text be deleted from Section 3.2 Watershed Management:

- i) Applications for development requiring dewatering or using significant amounts of groundwater or surface water from streams, ponds or Lake Erie may be subject to a holding provision in the Zoning By-law in accordance with Section 9.4.2 (Holding Provision), subject to the County receiving confirmation that a Permit to Take Water has been granted by the Ministry of the Environment and Climate Change. For the purposes of this policy, significant means water requirements that exceed what would be usually

expected to sustain normal farming practices such as those found within the County. Examples of such significant water users may include, but are not limited to, the following: golf course uses and commercial water bottling operations. Approvals may also be required from relevant agencies.

And replaced with the following:

- i) Applications for development requiring dewatering or using significant amounts of groundwater or surface water from streams, ponds or Lake Erie may be subject to a holding provision in the Zoning By-law in accordance with Section 9.4.2 (Holding Provision), subject to the County receiving confirmation that a Permit to Take Water has been granted by the Ministry of the Environment, Conservation and Parks. For the purposes of this policy, significant means water requirements that exceed what would be usually expected to sustain normal farming practices such as those found within the County. Examples of such significant water users may include, but are not limited to, the following: golf course uses and commercial water bottling operations. Approvals may also be required from relevant agencies.

5. That the following text be deleted from Section 3.2 Watershed Management:

- m) The County shall monitor all active and inactive waste management sites in cooperation with the Ministry of the Environment and Climate Change.

And replaced with the following:

- m) The County shall monitor all active and inactive waste management sites in cooperation with the Ministry of the Environment, Conservation and Parks.

6. That the following text be deleted from Section 3.3.1 Vulnerable Areas:

The County's wellheads act as the source of groundwater for the County water supply systems. Intakes at the Lehman Dam Reservoir and Port Dover and Port Rowan Water Treatment Plants act as the source of surface water for the County water supply systems. These water supplies must be protected from contamination associated with certain land uses in order to secure the long-term protection of a potable water supply for existing and future residents and businesses by permitting only those land uses that do not represent a significant risk to municipal drinking water sources within vulnerable areas.

The Long Point Region and Grand River Assessment Reports have identified vulnerable areas within the County and where certain land uses and activities may pose a risk to the quality of municipal water supplies. Identified vulnerable areas within the County include Wellhead Protection Areas (WHPAs), Surface Water Intake Protection Zones (IPZs), Highly Vulnerable Aquifers (HVAs), and Significant

Groundwater Recharge Areas (SGRAs). Issue Contributing Areas (ICAs) have also been identified for some of the County's wellheads.

Assessment Reports have also measured the degree to which these areas are vulnerable through the assignment of a 'vulnerability score'. The term "vulnerability" describes how easily a source of water can become contaminated with a hazardous material. The vulnerability score of a vulnerable area can have a value up to 10, with 10 being the most vulnerable. The vulnerability score is used, together with a table of drinking water threats published by the Ministry of the Environment and Climate Change to determine whether a drinking water threat is either significant, moderate, or low.

Vulnerable areas are identified on Schedule "D" and identify the WHPAs and ICAs for the wells servicing County water supplies, the Town of Tillsonburg in Oxford County, and the IPZ for the Lehman Dam Reservoir intake. HVAs and SGRAs are identified on Schedule "D" for information purposes only. Should policies specific to HVAs and SGRAs be added to the Source Protection Plans, this Plan shall be amended to conform to the Source Protection Plans.

A Wellhead Protection Area (WHPA) is the area around a municipal wellhead where land uses and activities have the potential to affect the quality and quantity of water that flows into the well. WHPAs associated with water quality are identified on Schedule "D" as Wellhead Protection Areas A, B and C. Wellhead Protection Area D (WHPA-D) and Wellhead Protection Area E (WHPA-E) for municipal wellheads are also identified on Schedule "D", however the Long Point Region Source Protection Plan does not contain policies that apply to these areas. As a result, the policies of this section do not apply to WHPA-D or WHPA-E. The WHPAs that are considered to be the most vulnerable to surface activities are assigned a vulnerability score of 8 to 10, with the degree of vulnerability generally decreasing the further away from the well. Generally, the WHPAs are modelled based on two factors: the time related capture zones of each well and the vulnerability of the aquifer. The time related capture zones include:

- a 100-metre radius surrounding the well (WHPA-A);
- 2 year travel time for water to enter the well (WHPA-B);
- 5 year travel time for water to enter the well (WHPA-C);
- 25 year travel time for water to enter the well (WHPA-D); and
- 2 hour travel time for surface water to enter a well that is under the direct influence of surface water (WHPA-E).

Water Quantity Wellhead Protection Areas (WHPA-Q1/Q2) are characterized as significant, moderate, or low, and reflect the susceptibility of the aquifer to water use and a reduction in recharge. [7-OP-2020, Amendment 128]

An Intake Protection Zone (IPZ) applies to municipal surface water supply sources and are areas established around municipal intakes within which a spill or leak may enter the intake too quickly prior to implementing measures to prevent pollutants from entering the municipal water system. The most vulnerable Intake Protection Zone related to the Lehman Dam Reservoir is the Intake Protection Zone 1, identified as the IPZ-1 on Schedule "D". The IPZ-2 for the Lehman Dam Reservoir is also identified on Schedule "D"; however, the Long Point Region Source Protection Plan does not contain policies related to this area. As such, the policies of this section do not apply to the IPZ-2.

An Issue Contributing Area (ICA) is an area within a WHPA where the existing or trending concentration of a parameter (i.e. trichloroethylene (TCE), chloride, nitrate, or sodium) or pathogen at a municipal well would result in the deterioration of the quality of water for use as a source of drinking water. ICAs are not assigned a vulnerability score as they represent an area in which certain activities would pose a significant drinking water threat regardless of the vulnerability of the underlying area. ICAs for nitrate are identified on Schedule "D" and are associated with wellheads serving Simcoe.

And replaced with the following:

The County's wellheads act as the source of groundwater for the County water supply systems. Intakes at the Lehman Dam Reservoir and Port Dover and Port Rowan Water Treatment Plants act as the source of surface water for the County water supply systems. These water supplies must be protected from contamination associated with certain land uses in order to secure the long-term protection of a potable water supply for existing and future residents and businesses by permitting only those land uses that do not represent a significant risk to municipal drinking water sources within vulnerable areas.

The Long Point Region and Grand River Assessment Reports have identified vulnerable areas within the County and where certain land uses and activities may pose a risk to the quality of municipal water supplies. Identified vulnerable areas within the County include Wellhead Protection Areas (WHPAs), Surface Water Intake Protection Zones (IPZs), Highly Vulnerable Aquifers (HVAs), and Significant Groundwater Recharge Areas (SGRAs). Issue Contributing Areas (ICAs) have also been identified for some of the County's wellheads.

Assessment Reports have also measured the degree to which these areas are vulnerable through the assignment of a 'vulnerability score'. The term "vulnerability" describes how easily a source of water can become contaminated with a hazardous

material. The vulnerability score of a vulnerable area can have a value up to 10, with 10 being the most vulnerable. The vulnerability score is used, together with a table of drinking water threats published by the Ministry of the Environment, Conservation and Parks, to determine whether a drinking water threat is either significant, moderate, or low.

Vulnerable areas are identified on Schedule “D” and identify the WHPAs and ICAs for the wells servicing County water supplies, the Town of Tillsonburg in Oxford County, and the IPZ for the Lehman Dam Reservoir intake. HVAs and SGRAs are identified on Schedule “D” for information purposes only. Should policies specific to HVAs and SGRAs be added to the Source Protection Plans, this Plan shall be amended to conform to the Source Protection Plans.

A Wellhead Protection Area (WHPA) is the area around a municipal wellhead where land uses and activities have the potential to affect the quality and quantity of water that flows into the well. WHPAs associated with water quality are identified on Schedule “D” as Wellhead Protection Areas A, B and C. Wellhead Protection Area D (WHPA-D) and Wellhead Protection Area E (WHPA-E) for municipal wellheads are also identified on Schedule “D”, however the Long Point Region Source Protection Plan does not contain policies that apply to these areas. As a result, the policies of this section do not apply to WHPA-D or WHPA-E. The WHPAs that are considered to be the most vulnerable to surface activities are assigned a vulnerability score of 8 to 10, with the degree of vulnerability generally decreasing the further away from the well. Generally, the WHPAs are modelled based on two factors: the time related capture zones of each well and the vulnerability of the aquifer. The time related capture zones include:

- a 100-metre radius surrounding the well (WHPA-A);
- 2 year travel time for water to enter the well (WHPA-B);
- 5 year travel time for water to enter the well (WHPA-C);
- 25 year travel time for water to enter the well (WHPA-D); and
- 2 hour travel time for surface water to enter a well that is under the direct influence of surface water (WHPA-E).

Water Quantity Wellhead Protection Areas (WHPA-Q1/Q2) are characterized as significant, moderate, or low, and reflect the susceptibility of the aquifer to water use and a reduction in recharge. [7-OP-2020, Amendment 128]

An Intake Protection Zone (IPZ) applies to municipal surface water supply sources and are areas established around municipal intakes within which a spill or leak may enter the intake too quickly prior to implementing measures to prevent



pollutants from entering the municipal water system. The most vulnerable Intake Protection Zone related to the Lehman Dam Reservoir is the Intake Protection Zone 1, identified as the IPZ-1 on Schedule "D". The IPZ-2 for the Lehman Dam Reservoir is also identified on Schedule "D"; however, the Long Point Region Source Protection Plan does not contain policies related to this area. As such, the policies of this section do not apply to the IPZ-2.

An Issue Contributing Area (ICA) is an area within a WHPA where the existing or trending concentration of a parameter (i.e. trichloroethylene (TCE), chloride, nitrate, or sodium) or pathogen at a municipal well would result in the deterioration of the quality of water for use as a source of drinking water. ICAs are not assigned a vulnerability score as they represent an area in which certain activities would pose a significant drinking water threat regardless of the vulnerability of the underlying area. ICAs for nitrate are identified on Schedule "D" and are associated with wellheads serving Simcoe.

7. That the following text be deleted from Section 3.4 Aquifer Protection:

- a) Removal of possible sources of contamination such as unused fuel tanks, will be promoted through the Ministry of the Environment and Climate Change.

And replaced with the following:

- a) Removal of possible sources of contamination such as unused fuel tanks, will be promoted through the Ministry of the Environment, Conservation and Parks.

8. That the following text be deleted from Section 4.8 Potentially Contaminated Sites:

- 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.

And replaced with the following:

- 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, Conservation and Parks.

9. That the following text be deleted from Section 5.3 Housing:

- f) Conversion of rental housing shall only be considered when:

- a) the rental vacancy rate for the community has been at or above 3 percent for two consecutive surveys as reported by the Canada Mortgage and Housing Corporation (CMHC) Rental Housing Market Survey;
- b) the approval of such conversion does not result in the reduction of the vacancy rate below 3 percent; and
- c) the requirements of any applicable Provincial legislation or regulations are met.

And replaced with the following:

- f) Conversion of purpose built rental housing to other uses, including condominiums, shall only be considered when:
  - a) the rental vacancy rate for the community has been at or above 3 percent for two consecutive surveys as reported by the Canada Mortgage and Housing Corporation (CMHC) Rental Housing Market Survey;
  - b) the approval of such conversion does not result in the reduction of the vacancy rate below 3 percent; and
  - c) the requirements of any applicable Provincial legislation or regulations are met.

10. That the following text be deleted from Section 5.3.3 Special Housing Forms:

There are a number of unique housing forms that promote the policies of this Plan. However, several forms of housing require additional policy guidance to ensure compatibility, public safety and protection for County residents. The following policies apply to such housing forms, including accessory dwellings, garden suites, and mobile homes.

The following shall be the policy of the County:

- a) The County shall determine, at its sole discretion, when a housing form will be evaluated as a special housing form.
- b) The County may deem the special housing form to be subject to site plan control in accordance with Section 9.6.5 (Site Plan Control) of this Plan.
- c) The proposed special housing form shall have regard to the type of housing in the surrounding neighbourhood and shall be compatible with it. Standards to

ensure compatibility with the surrounding neighbourhood shall be provided in the Zoning By-law.

And replaced with the following:

There are a number of unique housing forms that promote the policies of this Plan. However, several forms of housing require additional policy guidance to ensure compatibility, public safety and protection for County residents. The following policies apply to such housing forms, including accessory dwellings, garden suites, and mobile homes.

- a) The County shall determine, at its sole discretion, when a housing form will be evaluated as a special housing form.
- b) The proposed special housing form shall have regard to the type of housing in the surrounding neighbourhood and shall be compatible with it. Standards to ensure compatibility with the surrounding neighbourhood shall be provided in the Zoning By-law.

11. That the following text be deleted from Section 5.3.3.1 Accessory Residential Dwellings:

#### **5.3.3.1 Accessory Residential Dwellings**

An “additional residential dwelling unit is a self-contained residential dwelling unit supplemental to the primary residential dwelling use of the property. The additional residential dwelling unit may be located within the primary dwelling (interior) or in a detached accessory building or detached structure ancillary to the primary residential unit. Accessory residential dwelling units shall comply with the following policies:

- a) Interior Unit - One (1) additional residential dwelling unit may be permitted within a single detached dwelling, a semi-detached dwelling and street townhouse dwelling unit within areas designated Urban Residential, Hamlet, or Agricultural;
- b) Detached Unit – One (1) additional residential dwelling unit may be permitted in a detached building or structure ancillary to a single detached dwelling, semi-detached dwelling or street townhouse dwelling within areas designated Urban Residential, Hamlet, or Agricultural;
- c) A maximum of two additional residential dwelling units, one interior unit and one detached unit, shall be permitted per lot. Where another special housing form exists on the lot, including without limitation, a garden suite or mobile

home, as determined by Norfolk County, one (1) interior additional residential dwelling unit shall be permitted.

- d) Where an additional residential dwelling unit is located on a lot, a boarding, lodging or rooming house is not permitted. And alternatively, where a boarding, lodging or a rooming house already exist on the lot, an additional residential dwelling unit shall not be permitted on the same lot.
- e) Existing adequate municipal services (water and wastewater) or private services (septic and well) shall be available to service the additional residential dwelling unit to the satisfaction of Norfolk County. Norfolk County shall not be under any obligation to install such services as part of any specific application to establish an additional residential dwelling unit.
- f) Additional residential dwelling units shall not be permitted on lands designated for seasonal or resort residential uses and are specifically not permitted in seasonal dwellings, vacations dwellings, and dwellings intended for short-term accommodation purposes.
- g) Development of an additional residential dwelling unit shall be subject to the following criteria:
  - i. The structural stability of the building is adequate to accommodate the alterations necessary for an additional dwelling;
  - ii. Exterior changes to the structure shall be minimal;
  - iii. Compliance with provisions of the Ontario Building Code, and all other relevant municipal and Provincial standards, including the Zoning By-Law;
  - iv. The unit is ancillary to the primary permitted single detached, semi-detached or street townhouse dwelling use, and is located within an existing primary residential building or within an accessory building or structure; and
  - v. An additional residential dwelling unit shall comply with Ontario Regulation 179/06 under the Conservation Authority Act as they relate to development within lands affected by flooding, erosion or located within hazardous lands.

- vi. The primary use shall be established on the site prior to the development of an accessory residential dwelling unit.
- vii. The entirety of a detached additional residential dwelling unit is to be located within a maximum of 40 metres from the primary dwelling. For detached additional residential dwelling units on private services (well and septic systems) they must be located within the 40 metre distance from the primary dwelling. Detached additional residential dwelling units in excess of the 40 metre distance requirement or other zoning provisions, may be assessed through minor variance or a zoning by-law amendment application.

And replaced with the following:

#### **5.3.3.1 Additional Residential Dwelling Unit**

An “additional residential dwelling unit” is a self-contained residential dwelling unit supplemental to the primary residential dwelling use of the property, to a maximum of three (3) dwelling units total, in accordance with the following policies: :

- a) Two (2) residential dwelling units (a primary residential dwelling unit and one (1) additional residential dwelling unit) may be permitted within a single detached dwelling, a semi-detached dwelling and a townhouse (of any kind) on a parcel of land with residential use if all buildings and structures ancillary to the detached house, semi-detached house or townhouse (of any kind) cumulatively contain no more than one (1) residential unit;
- b) Three (3) dwelling units (a primary residential dwelling unit and two (2) additional residential dwelling units) in a detached house, semi-detached house or a townhouse (of any kind) on a parcel of residential land, if no building or structure ancillary to the detached house, semi-detached house or townhouse (of any kind) contains any residential units;
- c) One (1) additional residential dwelling unit in a building or structure ancillary to a detached house, semi-detached house or a townhouse (of any kind) on a parcel of residential land, if the detached house, semi-detached house or rowhouse contains no more than two (2) residential dwelling units and no other building or structure ancillary to the detached house, semi-detached house townhouse (of any kind) contains any residential units.
- d) Where another special housing form exists on the lot, including without limitation, a garden suite or mobile home, as determined by Norfolk County, one (1) interior additional residential dwelling unit shall be permitted.

- e) Existing adequate municipal services (water and wastewater) or private services (septic and well) shall be available to service any additional residential dwelling unit to the satisfaction of Norfolk County. Norfolk County shall not be under any obligation to install such services as part of any specific application to establish an additional residential dwelling unit.
- f) Additional residential dwelling units shall not be permitted on lands designated Resort Residential and are specifically not permitted in seasonal dwellings, vacation dwellings, and dwellings intended for short-term accommodation purposes.
- g) Development of an additional residential dwelling unit shall be subject to the following criteria:
  - i) The structural stability of the building is adequate to accommodate the alterations necessary for an additional dwelling
  - ii) Compliance with provisions of the Ontario Building Code, and all other relevant municipal and Provincial standards, including the Zoning By-Law;
  - iii) The unit is ancillary to the primary permitted single detached, semi-detached or townhouse dwelling use, and is located within an existing primary residential building or within an accessory building or structure; and
  - iv) An additional residential dwelling unit shall comply with Ontario Regulation 179/06 under the *Conservation Authority Act* as they relate to development within lands affected by flooding, erosion or located within hazardous lands;
  - v) The primary use shall be established on the site prior to the development of a detached accessory residential dwelling unit;
  - vi) The entirety of a detached additional residential dwelling unit is to be located within a maximum of 40 meters from the primary dwelling. For detached additional residential dwelling units on private services (well and septic systems) they must be located within the 40 metre distance from the primary dwelling. Detached additional residential dwelling units in excess of the 40 metre distance requirement or other zoning

provisions may be assessed through minor variance or a zoning by-law amendment application.

12. That the following text be deleted from Section 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.
  - d) Development design that establishes reverse lotting on Provincial Highways and County Roads will not be permitted. Development design that requires features such as noise attenuation or privacy fencing will be discouraged. Wherever possible, new development will be oriented toward streets or parks.
  - 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.
  - f) A high quality of architecture and site design for institutional uses such as schools, places of worship, libraries and other public service buildings is encouraged.
  - 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.
  - h) A high quality of park and open space design is strongly encouraged. The land for parkland dedication shall be carefully selected to facilitate their use as a central focal point for new or existing neighbourhoods.
  - i) Public art in the County shall generally be encouraged to incorporate themes supporting and promoting local history, civic pride, businesses and technology. The provision of public art in the Downtown



Designations shall be encouraged. The County may consider granting increases in height or density for a particular development proposal in exchange for the provision of public art, in accordance with Section 37 of the *Planning Act*.

- j) The County may require the provision of certain pedestrian, cycling and trail linkages through the development approvals process.
- k) The County, in consultation with a development proponent(s) and the Norfolk Heritage Committee, shall define a style of street furnishing that should include shared and accessible bicycle racks, garbage receptacles, benches and street lamps to be used in a new development.
- l) The County may undertake the preparation of urban design guidelines to achieve the policies of this Section for all or parts of the County.
- 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.
- n) To promote environmental sustainable development, the County shall encourage the design of sustainable neighbourhoods in keeping with Leadership in Energy and Environmental Design - Neighbourhood Development (LEED ND) design principles in accordance with the policies under Section 11.8.2.1 Sustainable Neighbourhood Design of the Lakeshore Special Policy Area Secondary Plan.
- 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.

And replaced with the following:

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 encourage design in new development that compliments the character of the Urban Areas, in a manner that both preserves the image of the Urban Areas and enhances the sense of place within the County and established settlement areas;
  - ii) shall promote efficient and cost-effective development design patterns that minimize land consumption, negative impacts to health, safety, accessibility, sustainable design or the protection of adjoining lands;
  - 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 encourage that design is sympathetic to the heritage character of an area, including the area's cultural heritage resources;
  - vi) shall ensure 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, in accordance with applicable policies and legislation, such as the *Planning Act*.

- 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.
- d) Development design that establishes reverse lotting on Provincial Highways and County Roads will not be permitted. Development design that requires features such as noise attenuation or privacy fencing will be discouraged. Wherever possible, new development will be oriented toward streets or parks.
- 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.
- f) A high quality of architecture and site design for institutional uses such as schools, places of worship, libraries and other public service buildings is encouraged.
- 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.
- h) A high quality of park and open space design is strongly encouraged. The land for parkland dedication shall be carefully selected to facilitate their use as a central focal point for new or existing neighbourhoods.
- i) Public art in the County shall generally be encouraged to incorporate themes supporting and promoting local history, civic pride, businesses and technology. The provision of public art in the Downtown

Designations shall be encouraged. The County may consider granting increases in height or density for a particular development proposal in exchange for the provision of public art, in accordance with Section 37 of the *Planning Act*.

- j) The County may require the provision of certain pedestrian, cycling and trail linkages through the development approvals process.
- k) The County, in consultation with a development proponent(s) and the Norfolk Heritage Committee, shall define a style of street furnishing that should include shared and accessible bicycle racks, garbage receptacles, benches and street lamps to be used in a new development.
- l) The County may undertake the preparation of urban design guidelines to achieve the policies of this Section for all or parts of the County.
- 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.
- n) To promote environmental sustainable development, the County shall encourage the design of sustainable neighbourhoods in keeping with Leadership in Energy and Environmental Design - Neighbourhood Development (LEED ND) design principles in accordance with the policies under Section 11.8.2.1 Sustainable Neighbourhood Design of the Lakeshore Special Policy Area Secondary Plan.
- 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.

13. That the following text be deleted from Section 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.
- e) Six Nations of the Grand River and the Mississaugas of the New Credit shall be notified at such time as that Norfolk County Council commences an Archaeological Management Plan and shall be invited to participate in the process.
- f) The County shall ensure adequate archaeological assessment and consult appropriate government agencies, including the Ministry of Heritage, Tourism and Sport, when an identified, marked or unmarked

cemetery is impacted by development. The provisions of the *Ontario Heritage Act* and the *Cemeteries Act* shall apply.

- g) The discovery of any previously unknown burials of human remains shall be reported to the police or the coroner. Once foul play is ruled out the Registrar of Burials at the Ministry of Government and Consumer Services will order a site investigation to be carried out by an archaeologist. Based on the resulting report, the Registrar shall determine the most appropriate representatives of the deceased to consult and next steps for the disposition of the site and remains. Six Nations of the Grand River and the Mississaugas of the Credit First Nation shall be provided notification in regards to the identification of burial sites and significant archaeological resources related to the activities of their ancestors.
- h) If an area is considered to be an area of marine archaeological potential, particularly along shorelines and waterfronts, the County shall require the proponent to carry out a marine archaeological assessment pursuant to the *Ontario Heritage Act* by a licensed marine archaeologist to the satisfaction of the County and the Province.

And replaced with the following:

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 Heritage, Sport, Tourism and Culture Industries, 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 Heritage, Sport, Tourism and Culture Industries, 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.
- e) Six Nations of the Grand River and the Mississaugas of the Credit shall be notified at such time as that Norfolk County Council commences an Archaeological Management Plan and shall be invited to participate in the process.
- f) The County shall ensure adequate archaeological assessment and consult appropriate government agencies, including the Ministry of Heritage, Sport, Tourism and Culture Industries, when an identified, marked or unmarked cemetery is impacted by development. The provisions of the *Ontario Heritage Act* and the *Cemeteries Act* shall apply.
- g) The discovery of any previously unknown burials of human remains shall be reported to the police or the coroner. Once foul play is ruled out the Registrar of Burials at the Ministry of Public and Business Service Delivery of Ontario will order a site investigation to be carried out by an archaeologist. Based on the resulting report, the Registrar shall determine the most appropriate representatives of the deceased to consult and next steps for the disposition of the site and remains. Six Nations of the Grand River and the Mississaugas of the Credit First Nation shall be provided notification in regards to the identification of burial sites and significant archaeological resources related to the activities of their ancestors.

- h) If an area is considered to be an area of marine archaeological potential, particularly along shorelines and waterfronts, the County shall require the proponent to carry out a marine archaeological assessment pursuant to the *Ontario Heritage Act* by a licensed marine archaeologist to the satisfaction of the County and the Province.

14. That the following text be deleted from Section 5.7.5 Development Policies:

- d) The County, on the advice of the Ministry of Tourism 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.

And replaced with the following:

- d) The County, on the advice of the Ministry of Heritage, Sport, Tourism and Culture Industries, 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.

15. That the following text be deleted from Section 6.6 Hamlet Areas:

- v) a servicing feasibility study has been completed to the satisfaction of the County in accordance with the Ministry of the Environment and Climate Change guidelines and in consultation with the appropriate Conservation Authority, which demonstrates that the proposal's impact on ground and surface water will be within acceptable limits;

And replaced with the following:

- v) a servicing feasibility study has been completed to the satisfaction of the County in accordance with the Ministry of the Environment, Conservation and Parks guidelines and in consultation with the appropriate Conservation Authority, which demonstrates that the proposal's impact on ground and surface water will be within acceptable limits;

16. That the following text be deleted from Section 6.6 (b) Hamlet Areas:



- i) no new municipal water and wastewater systems will be required for development. The long-term suitability of the area for individual on-site waste water disposal and water supply systems must be demonstrated through a servicing feasibility study completed in accordance with Ministry of the Environment and Climate Change guidelines and approved by the County, in consultation with the Conservation Authority;

And replaced with the following:

- i) no new municipal water and wastewater systems will be required for development. The long-term suitability of the area for individual on-site waste water disposal and water supply systems must be demonstrated through a servicing feasibility study completed in accordance with Ministry of the Environment, Conservation and Parks guidelines and approved by the County, in consultation with the Conservation Authority;

17. That the following text be deleted from Section 6.7.2 (c) Industrial Influence Area:

- iii) Any change to the delineation of the Industrial Influence Area shall require an amendment to this Plan, which shall be supported by a land use compatibility study, and the requirements of Section 9.6.1 (Official Plan Amendments) of this Plan. The land use compatibility study shall be prepared in consultation with the Ministry of the Environment and Climate Change and approved by the County.

And replaced with the following:

- iii) Any change to the delineation of the Industrial Influence Area shall require an amendment to this Plan, which shall be supported by a land use compatibility study, and the requirements of Section 9.6.1 (Official Plan Amendments) of this Plan. The land use compatibility study shall be prepared in consultation with the Ministry of the Environment, Conservation and Parks and approved by the County.

18. That the following text be deleted from Section 7.2.2 Land Use Policies:

- q) Land application of manure, biosolids and septage is regulated by the Province in accordance with the *Nutrient Management Act* and the *Environmental Protection Act*. Land application of manure, biosolids and septage shall address the requirements of the above noted legislation, as appropriate. The Ministry of the Environment and Climate Change and the Ministry of Agriculture Food and Rural Affairs shall be encouraged to

consult the current Norfolk Municipal Groundwater Study and the Source Water Protection Policies of Section 3.3 of this Plan when considering proposals under the above noted legislation.

And replaced with the following:

- q) Land application of manure, biosolids and septage is regulated by the Province in accordance with the *Nutrient Management Act* and the *Environmental Protection Act*. Land application of manure, biosolids and septage shall address the requirements of the above noted legislation, as appropriate. The Ministry of the Environment, Conservation and Parks and the Ministry of Agriculture Food and Rural Affairs shall be encouraged to consult the current Norfolk Municipal Groundwater Study and the Source Water Protection Policies of Section 3.3 of this Plan when considering proposals under the above noted legislation.

19. That the following text be deleted from Section 7.2.5.2 South Walsingham – Resort Residential Site-Specific Policy Area:

- g) Prior to any construction of the condominium complex, all conditions of the County and Ministry of the Environment and Climate Change with respect to water and waste water disposal shall be satisfied.

And replaced with the following:

- g) Prior to any construction of the condominium complex, all conditions of the County and Ministry of the Environment, Conservation and Parks with respect to water and waste water disposal shall be satisfied.

20. That the following text be deleted from Section 7.5.2 (b) Land Use Policies:

- ii) a servicing feasibility study has been completed in accordance with the Ministry of the Environment and Climate Change guidelines which demonstrates that the proposal's impact on ground and surface water will be within acceptable limits;

And replaced with the following:

- ii) a servicing feasibility study has been completed in accordance with the Ministry of the Environment, Conservation and Parks guidelines which demonstrates that the proposal's impact on ground and surface water will be within acceptable limits;

21. That the following text be deleted from Section 7.7.1 Land Use Policies:

- a) The predominant use of land shall be a variety of urban dwelling types, including single detached dwellings, semi-detached dwellings, duplex dwellings and similar low-profile residential buildings not exceeding 2 dwelling units per lot.

And replaced with the following:

- a) The predominant use of land shall be a variety of urban dwelling types, including single detached dwellings, semi-detached dwellings, duplex dwellings and similar low-profile residential buildings not exceeding 3 dwelling units per lot.

22. That the following text be deleted from Section 7.9.2 Land Use Policies:

The following policies shall apply to land designated Mixed Residential/Commercial

- a) It is intended that in the process of introducing commercial uses into Mixed Residential/Commercial areas that the residential character of the individual buildings and the general area shall be maintained by sensitive conversion of existing buildings with a residential character and by development of complementary additions or new buildings, by control of signs visible from the exterior and by properly locating and screening off-street parking.
- b) compatible building design and location, to achieve a consistent streetscape and to be compatible with the heritage character of adjacent properties will be encouraged.
- c) Adequate parking shall be provided on-site and shall generally be located to the rear of the main front wall of the building. Parking shall be adequately screened and buffered so as not to impact on adjacent residential uses.
- d) Building signage should be consistent in design and size and shall be subject to the County's Sign Bylaw.
- e) Outside storage or display of goods, merchandise, or equipment shall be prohibited.
- f) Comprehensive block development of lands in separate ownerships will be encouraged, to achieve well-designed and integrated development, including:

- i) integrated internal circulation systems;
- ii) co-ordinated access points, to minimize the total number of access points to abutting roads;
- iii) compatible building design and location, to achieve a consistent streetscape and to be compatible with the heritage character of adjacent properties;
- iv) complementary landscaping plans;
- v) integrated parking areas; and
- vi) consistent signage and lighting facilities.

And replaced with the following:

The following policies shall apply to land designated Mixed Residential/Commercial

- a) It is intended that in the process of introducing commercial uses into Mixed Residential/Commercial areas that the residential character of the individual buildings and the general area shall be maintained by sensitive conversion of existing buildings with a residential character and by development of complementary additions or new buildings, by control of signs visible from the exterior and by properly locating and screening off-street parking.
- b) compatible building design and location, to achieve a consistent streetscape and to be compatible with the heritage character of adjacent properties will be encouraged, where applicable, according to applicable policies and legislation.
- c) Adequate parking shall be provided on-site and shall generally be located to the rear of the main front wall of the building. Parking shall be adequately screened and buffered so as not to impact on adjacent residential uses.
- d) Building signage should be consistent in design and size and shall be subject to the County's Sign Bylaw.
- e) Outside storage or display of goods, merchandise, or equipment shall be prohibited.

- f) Comprehensive block development of lands in separate ownerships will be encouraged, to achieve well-designed and integrated development, including:
  - g) integrated internal circulation systems;
  - h) co-ordinated access points, to minimize the total number of access points to abutting roads;
  - i) compatible building design and location, to achieve a consistent streetscape and to be compatible with the heritage character of adjacent properties;
  - j) complementary landscaping plans;
  - k) integrated parking areas; and
  - l) consistent signage and lighting facilities.

23. That the following text be deleted from Section 7.12.2 Land Use Policies:

- d) A separation distance, determined in consultation with the Ministry of the Environment and Climate Change and the relevant guideline related to land use compatibility, shall be established between an industrial use and any sensitive land use. This separation distance shall be enforced through a site specific amendment to the Zoning By-law and site plan control through the use of a minimum building setback applied to any industrial use building adjacent to an established or approved sensitive land use.
- e) In locating any sensitive land use in the vicinity of any established or approved industrial use, the County shall establish appropriate separation distances in consultation with the Ministry of the Environment and Climate Change and the relevant guideline related to land use compatibility.

And replaced with the following:

- d) A separation distance, determined in consultation with the Ministry of the Environment, Conservation and Parks and the relevant guideline related to land use compatibility, shall be established between an industrial use and any sensitive land use. This separation distance shall be enforced through a site specific amendment to the Zoning By-law and site plan control through the use of a minimum building setback applied to any industrial use building adjacent to an established or approved sensitive land use.

- e) In locating any sensitive land use in the vicinity of any established or approved industrial use, the County shall establish appropriate separation distances in consultation with the Ministry of the Environment, Conservation and Parks and the relevant guideline related to land use compatibility.

24. That the following text be deleted from Section 7.16.2 Land Use Policies:

- c) The County shall encourage the visual and functional enhancement of the area designated Urban Waterfront. As such, all new development, within the designated area shall be subject to site plan control and shall be designed and sited to maximize the compatibility with abutting uses including adherence of the companion Urban Design Guidelines, and the following issues:
  - i. building design, roof lines, density, scale and massing;
  - ii. height, notwithstanding that the maximum permitted height of any new building shall be 4.0 storeys;
  - iii. setbacks, signage, lighting, and buffering of existing and proposed development;
  - iv. the use of landscaping and the provision of benches, planters and other street furniture;
  - v. the conservation of buildings and structures of cultural heritage value and interest; and ; and
  - vi. the conservation and enhancement of Natural Heritage Features.

And replaced with the following:

- c) The County shall encourage the visual and functional enhancement of the area designated Urban Waterfront. As such, all new development, as defined in the *Planning Act*, within the designated area shall be subject to site plan control and shall be designed and sited to maximize the compatibility with abutting uses including adherence of the companion Urban Design Guidelines, and the following issues:
  - i. building design, roof lines, density, scale and massing;
  - ii. height, notwithstanding that the maximum permitted height of any new building shall be 4.0 storeys;

- iii. setbacks, signage, lighting, and buffering of existing and proposed development;
- iv. the use of landscaping and the provision of benches, planters and other street furniture;
- v. the conservation of buildings and structures of cultural heritage value and interest; and;
- vi. the conservation and enhancement of Natural Heritage Features.

25. That the following text be deleted from Section 7.17.2 Land Use Policies:

- g) Development of lands in the vicinity of lands designated as Major Public Infrastructure shall be in compliance with applicable Ministry of the Environment and Climate Change guidelines.

And replaced with the following:

- g) Development of lands in the vicinity of lands designated as Major Public Infrastructure shall be in compliance with applicable Ministry of the Environment, Conservation and Parks guidelines.

26. That the following text be deleted from Section 8.5 Rail Lines:

Norfolk County views the existing rail line in the County as an asset, and supports the continuation of a safe and efficient railway network. While a number of rail lines have been eliminated, the remnant rail line traversing the County from the Town of Tillsonburg to the east of the Courtland Urban Area will be supported and promoted.

The following shall be the policy of the County:

- a) Any proposed new residential or other sensitive use within 300 metres of an active railway right-of-way shall be supported by noise and compatibility studies, completed to the satisfaction of the County, in consultation with the appropriate railway company and the Ministry of the Environment and Climate Change.
- b) Any proposed new development within 75 metres of an active railway right-of-way shall be supported by a vibration impact study, completed to the satisfaction of the County, in consultation with the appropriate railway company and the Ministry of the Environment and Climate Change.

- c) For development adjacent to a railway right-of-way, appropriate safety measures such as setbacks, berms and security fences will be provided to the satisfaction of the County in consultation with the appropriate railway company.
- d) Proponents of development within 300 metres of an active railway right-of-way are encouraged to consult with the appropriate railway company prior to filing formal development applications.

And replaced with the following:

Norfolk County views the existing rail line in the County as an asset, and supports the continuation of a safe and efficient railway network. While a number of rail lines have been eliminated, the remnant rail line traversing the County from the Town of Tillsonburg to the east of the Courtland Urban Area will be supported and promoted.

The following shall be the policy of the County:

- a) Any proposed new residential or other sensitive use within 300 metres of an active railway right-of-way shall be supported by noise and compatibility studies, completed to the satisfaction of the County, in consultation with the appropriate railway company and the Ministry of the Environment, Conservation and Parks.
- b) Any proposed new development within 75 metres of an active railway right-of-way shall be supported by a vibration impact study, completed to the satisfaction of the County, in consultation with the appropriate railway company and the Ministry of the Environment, Conservation and Parks.
- c) For development adjacent to a railway right-of-way, appropriate safety measures such as setbacks, berms and security fences will be provided to the satisfaction of the County in consultation with the appropriate railway company.
- d) Proponents of development within 300 metres of an active railway right-of-way are encouraged to consult with the appropriate railway company prior to filing formal development applications.

27. That the following text be deleted from Section 8.8 Noise, Vibration, Odour and Light Emissions:



- c) New residential or other sensitive uses shall not be permitted in any area where it is anticipated that noise from vehicular traffic or from the nature of the use will exceed Ministry of the Environment and Climate Change standards.
- d) The noise generated by new commercial or industrial uses shall not be transmitted to either existing or proposed residential or other sensitive areas at a level that exceeds that introduced by road traffic adjacent to or within the residential area.
- e) The development of new industrial uses shall have regard for the Ministry of the Environment and Climate Change guidelines respecting separation distances between industrial uses and sensitive uses. In locating any sensitive land use in the vicinity of any established or approved business/employment use, the County shall have regard for the relevant Ministry of the Environment and Climate Change guidelines.

And replaced with the following:

- c) New residential or other sensitive uses shall not be permitted in any area where it is anticipated that noise from vehicular traffic or from the nature of the use will exceed Ministry of the Environment, Conservation and Parks standards.
- d) The noise generated by new commercial or industrial uses shall not be transmitted to either existing or proposed residential or other sensitive areas at a level that exceeds that introduced by road traffic adjacent to or within the residential area.
- e) The development of new industrial uses shall have regard for the Ministry of the Environment, Conservation and Parks guidelines respecting separation distances between industrial uses and sensitive uses. In locating any sensitive land use in the vicinity of any established or approved business/employment use, the County shall have regard for the relevant Ministry of the Environment, Conservation and Parks guidelines.

28. That the following text be deleted from Section 8.9.1 Services in Urban Areas:

- b) Development in proximity to any waste water treatment plant shall adhere to the minimum separation distances and standards of the appropriate Ministry of the Environment, Conservation and Parks Guidelines. Prior to the approval of any development of a sensitive land use in proximity to a waste water treatment plant, the Ministry of the Environment and Climate Change shall be consulted, and its standards shall be satisfied. The County may, to deal with specific

situations, require separation distances that are greater than the minimum standards set by the Ministry.

And replaced with the following:

- b) Development in proximity to any waste water treatment plant shall adhere to the minimum separation distances and standards of the appropriate Ministry of the Environment, Conservation and Parks Guidelines. Prior to the approval of any development of a sensitive land use in proximity to a waste water treatment plant, the Ministry of the Environment, Conservation and Parks shall be consulted, and its standards shall be satisfied. The County may, to deal with specific situations, require separation distances that are greater than the minimum standards set by the Ministry.

29. That the following text be deleted from Section 8.9.4 Stormwater Management:

- d) Prior to the approval of a development application, the County shall require the preparation and approval of a stormwater management plan which either implements the management concept of the Subwatershed Study, if prepared, or is completed in accordance with guidelines of the appropriate Conservation Authority and the current Ministry of the Environment and Climate Change Stormwater Planning and Design Manual. At its sole discretion, the County may, defer these requirements to the detailed design phase, and implement the policies of this Subsection as a condition of development approval.

And replaced with the following:

- d) Prior to the approval of a development application, the County shall require the preparation and approval of a stormwater management plan which either implements the management concept of the Subwatershed Study, if prepared, or is completed in accordance with guidelines of the appropriate Conservation Authority and the current Ministry of the Environment, Conservation and Parks Stormwater Planning and Design Manual. At its sole discretion, the County may, defer these requirements to the detailed design phase, and implement the policies of this Subsection as a condition of development approval.

30. That the following text be deleted from Section 8.10 Waste Management:

Certain municipal resources are required to manage the solid waste generated by residences and businesses in Norfolk County. Reducing the volume of solid waste through the recycling program will help to ensure a sustainable natural

environment and municipal sustainability. Norfolk County shall effectively and efficiently manage the solid waste generated within the County.

The following shall be the policy of the County:

- a) Waste management shall include waste diversion (recycling), waste disposal and waste as a potential resource. The County recognizes and supports the Provincial initiative of reducing waste through a diversion action plan, and may initiate its own diversion plan.
- b) A recycling collection box system shall be available throughout the County.
- c) Residential composting shall be encouraged.
- d) The County shall co-operate with all levels of government and other agencies in promoting public awareness of waste issues and in promoting waste diversion strategies as well as other alternative waste management techniques.
- e) Wherever practical, methane or other greenhouse gas emissions from waste management operations shall be captured and used as an alternative energy source.
- f) Closed Waste Disposal Sites and Waste Transfer Sites are identified on Schedule "J" to this Plan. Notwithstanding the general nature of the denotation of Waste Disposal Sites in this Plan, new or the expansion of existing waste disposal sites shall proceed by way of Official Plan Amendment, in accordance with Section 9.6.1 (Official Plan Amendments) of this Plan. Prior to approval of the Official Plan Amendment, new Waste Disposal Sites or expansions, shall obtain an Environmental Compliance Approval from the Ministry of the Environment and Climate Change. New or expanding Waste Disposal Sites shall be re-designated as a site-specific policy area within the Major Public Infrastructure Designation and be subject to the applicable policies of Section 7.17 (Major Public Infrastructure Designation) of this Plan.
- g) Development proposals within 500 metres of either an active or closed Waste Disposal Site shall be accompanied by a hydrogeologic/engineering study prepared by the proponent that satisfies the County and the requirements of the Ministry of the Environment and

Climate Change Parks guidelines related to land uses on or near landfills and dumps. The study shall address any mitigation measures required. The requirement for a hydrogeologic/engineering study within 500 metres of either an active or closed Waste Disposal Site may be modified as follows:

- i) Where hydrogeologic/engineering studies have determined the actual influence area to be less than 500 metres, the study area can be reduced to coincide with the actual influence area; or
  - ii) Where hydrogeologic/engineering studies have determined that significant impacts may be encountered at or beyond 500 metres, the area in which an assessment for a change in land use shall be required shall be extended beyond the 500 metre area.
- h) Redevelopment of closed Waste Disposal Sites may be permitted by way of Official Plan and Zoning By-law amendments, upon the County consulting with the Ministry of the Environment and Climate Change and/or other appropriate jurisdiction, and subject to the following policies:
- i) written approval has been received from the Ministry of the Environment and Climate Change, and/or other appropriate jurisdiction, that the development satisfies the provisions of the *Environmental Protection Act*;
  - ii) the studies required by the Ministry of the Environment and Climate Change shall be carried out to the satisfaction of the Ministry and the County and shall demonstrate that development is compatible and can proceed without unmitigated negative impact;
  - iii) the County shall require the construction and phasing of all development to coincide with the control of any problems identified by the engineering studies;
  - iv) the required studies of methane gas, leachate and hydrogeology shall be completed to the satisfaction of the County in consultation with the Ministry of the Environment and Climate Change; and

- v) the County shall be satisfied with respect to any matter regarding structural stability, safety and integrity of any and all structures
- i) The County may establish appropriate standards for new development near Waste Transfer Sites to minimize conflicts between the proposed use and the operations of the Waste Transfer Site.

And replaced with the following:

Certain municipal resources are required to manage the solid waste generated by residences and businesses in Norfolk County. Reducing the volume of solid waste through the recycling program will help to ensure a sustainable natural environment and municipal sustainability. Norfolk County shall effectively and efficiently manage the solid waste generated within the County.

The following shall be the policy of the County:

- a) Waste management shall include waste diversion (recycling), waste disposal and waste as a potential resource. The County recognizes and supports the Provincial initiative of reducing waste through a diversion action plan, and may initiate its own diversion plan.
  - b) A recycling collection box system shall be available throughout the County.
  - c) Residential composting shall be encouraged.
  - d) The County shall co-operate with all levels of government and other agencies in promoting public awareness of waste issues and in promoting waste diversion strategies as well as other alternative waste management techniques.
  - e) Wherever practical, methane or other greenhouse gas emissions from waste management operations shall be captured and used as an alternative energy source.
  - f) Closed Waste Disposal Sites and Waste Transfer Sites are identified on Schedule "J" to this Plan. Notwithstanding the general nature of the denotation of Waste Disposal Sites in this Plan, new or the expansion of existing waste disposal sites shall proceed by way of Official Plan Amendment, in accordance with Section 9.6.1 (Official Plan Amendments) of this Plan. Prior to approval of the Official Plan Amendment, new Waste Disposal Sites or expansions, shall obtain an Environmental Compliance

Approval from the Ministry of the Environment, Conservation and Parks. New or expanding Waste Disposal Sites shall be re-designated as a site-specific policy area within the Major Public Infrastructure Designation and be subject to the applicable policies of Section 7.17 (Major Public Infrastructure Designation) of this Plan.

- g) Development proposals within 500 metres of either an active or closed Waste Disposal Site shall be accompanied by a hydrogeologic/engineering study prepared by the proponent that satisfies the County and the requirements of the Ministry of the Environment, Conservation and Parks guidelines related to land uses on or near landfills and dumps. The study shall address any mitigation measures required. The requirement for a hydrogeologic/engineering study within 500 metres of either an active or closed Waste Disposal Site may be modified as follows:
- i) Where hydrogeologic/engineering studies have determined the actual influence area to be less than 500 metres, the study area can be reduced to coincide with the actual influence area; or
  - ii) Where hydrogeologic/engineering studies have determined that significant impacts may be encountered at or beyond 500 metres, the area in which an assessment for a change in land use shall be required shall be extended beyond the 500 metre area.
- h) Redevelopment of closed Waste Disposal Sites may be permitted by way of Official Plan and Zoning By-law amendments, upon the County consulting with the Ministry of the Environment, Conservation and Parks and/or other appropriate jurisdiction, and subject to the following policies:
- i) written approval has been received from the Ministry of the Environment, Conservation and Parks, and/or other appropriate jurisdiction, that the development satisfies the provisions of the *Environmental Protection Act*;
  - ii) the studies required by the Ministry of the Environment, Conservation and Parks shall be carried out to the satisfaction of the Ministry and the County and shall demonstrate that development is compatible and can proceed without unmitigated negative impact;

- iii) the County shall require the construction and phasing of all development to coincide with the control of any problems identified by the engineering studies;
  - iv) the required studies of methane gas, leachate and hydrogeology shall be completed to the satisfaction of the County in consultation with the Ministry of the Environment, Conservation and Parks; and
  - v) the County shall be satisfied with respect to any matter regarding structural stability, safety and integrity of any and all structures
- i) The County may establish appropriate standards for new development near Waste Transfer Sites to minimize conflicts between the proposed use and the operations of the Waste Transfer Site.
31. That Subsections 9.5.3 through 9.7.2 be deleted and replaced with the following, and that the subsequent subsections be renumbered from 9.8 to 9.11 to 9.7 to 9.10:

#### **9.6.1 Collaborative Consultation Process**

- a) The County requires pre-consultation, in accordance with Sections 22(3.1), 34(10.0.1) & 41(3.1) of the Planning Act, for any development or related planning application. The Collaborative Consultation process precedes the filing of any formal application requiring *Planning Act* approval. The specific reports/studies that are required to be submitted together with the application will be identified and confirmed through the pre-consultation process involving the County, any applicable external agencies and applicable Indigenous Communities.
- b) The Collaborative Consultation Process will consist of two steps:
- i) Step one (1) is a pre-consultation meeting.
    - Upon acceptance of any and all associated fees, as identified by Norfolk County fee by-law, amended time to time, the pre-consultation meeting shall be chaired by the Planning Department and include the applicant, applicable County departments, agencies and other designated authorities, as identified as appropriate for each proposal by the Director of Planning or designate.
    - The County may waive the requirement for formal pre-consultation, where the County has identified that due to the nature of the proposal, the need for and scope of required information and materials can be determined without formal consultation. In these instances a desktop review of an application submission, as determined to be appropriate

by the Planning Department and applicable staff departments, may be required or the requirement may be waived in its entirety.

- Upon completion of each pre-consultation Meeting, the Planning Department shall prepare and deliver pre-consultation checklist to the applicant.
- ii) Step two (2) is a submission review meeting.
- The intent of review is to review the information and materials required, as identified in the Pre-consultation notes, to evaluate the submission for its ability to meet the requirements of a complete application and provide an opportunity for dialogue and collaboration between applicants and staff.
- c) The County shall determine the information and materials necessary for submission with the application based on the nature of the application, and in accordance with the list of studies identified in this Plan. This determination will set out clear requirements for a complete application through the pre-consultation process.
- d) Where pre-consultation is required, development applications submitted to the County prior to the formal pre-consultation meeting shall be considered incomplete and returned to the applicant.

#### **9.6.2 Deeming an Application Complete**

- a) An application will be deemed complete, as identified in sections 22(6.1), 34(10.4), 41(3.6) & 51(19.1) of the *Planning Act*, by the County when:
- i) The applicable development application form has been duly completed to the satisfaction of the County;
  - ii) When all required drawings have been submitted;
  - iii) When all required studies have been submitted to the County and it has been confirmed that any previously identified required studies address all matters in any established or agreed-upon terms of reference, and
  - iv) All applicable application fees have been paid.
- b) Where an application is deemed to not be complete, resubmissions shall be required to include all components of the application. Individual components shall not be accepted.



- 9.6.2.1 If an application is submitted and no decision is made with respect to a complete application within: 60 days for Site Plan Control applications; 90 days for zoning by-law amendment application and 120 days for Official Plan Amendments and Official Plan and Zoning Bylaw Amendments, applicants may be entitled to a pro-rated refund as outlined in the [insert applicable fee by-law.

### **9.6.3 Development Applications: Required Information and Material**

- a) Pursuant to the provisions of the Planning Act, Council and/or its designated approval authorities may require applicants to provide additional information or material to accompany the following development applications:
- Official Plan amendments;
  - Zoning by-law amendments;
  - Applications for Plan of Subdivision or Condominium;
  - Applications for site plan control;
  - Consent applications; and,
  - Applications for minor variance.
- b) In addition to the information and materials required under the Planning Act and any other legislation or regulation, as amended, the following must be provided by the applicant at the time of the filing of a development application for a planning approval listed in Section 9.6.3.a. above:
- i) description of the applicant's interest in the land (owner, tenant, purchaser);
  - ii) identification of the registered land owner, if different from the applicant;
  - iii) owner's authorization and consent to apply for the planning approval, if the owner is not the applicant;
  - iv) identification of the agent for the applicant, if any, with written authorization from the applicant;
  - v) identification of the applicant's planner, if any;
  - vi) owner's authorization / consent to use and disclose personal information and to allow site visits;

- vii) signed pre-consultation meeting notes, if applicable;
- viii) assessment roll number of the subject land(s);
- ix) the existing Official Plan designation and zoning for the property;
- x) description and sketch of any existing or proposed easements and/or rights-of-way;
- xi) description and/or sketch of existing uses, previous uses and complete description (e.g. frontage and depth) of the subject lands;
- xii) description and/or sketch of the existing land uses adjacent to and within 500 metres of the subject lands;
- xiii) description and/or sketch of the natural and artificial features on the subject lands and within 500 metres of the subject lands (e.g. buildings, railways, wells, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, etc.); and,
- xiv) any studies identified by the County under Section 9.6.4 of this Plan.

#### **9.6.4 Complete Applications: Additional Information – Studies and Assessments**

- a) In addition to the requirements of Section 9.6.3. additional information in the form of the studies or assessments listed in this Section may be required in order to consider a development application complete.
- b) The additional information will be required as part of a complete application under the *Planning Act* in order to ensure that all the relevant and required information pertaining to a development application is available at the time of submission to enable Council or its designated approval authorities to make informed decisions within the prescribed time periods. It also ensures that the public and other stakeholders have access to all relevant information early in the planning process.
- c) In all instances, the number and scope of studies and assessments to be required for the submission of a complete application shall be in keeping with the scope and complexity of the application.
- d) Additional information not identified within this section may be required as required by Indigenous communities and any other designated authorities having jurisdiction.

- e) The additional information or material that may be required, subject to the development application, includes, but is not limited to, the following:
  - a. Environmental/Natural Heritage/Natural Hazards
    - i. Environmental Impact Study
    - ii. Environmental Strategy
    - iii. Completed Screen Guide of review of MECP Endangered and Threatened Species
    - iv. Fluvial Geomorphology
    - v. Phase I Environmental Site Assessment
    - vi. Phase II Environmental Site Assessment
    - vii. Restoration Plan
    - viii. Tree Inventory and/or Tree Preservation Study
    - ix. Top-of-Bank Demarcation
    - x. Sub-Watershed Plan
  - b. Cultural Heritage Resources and Archaeological Resources
    - i. Heritage Impact Assessment
    - ii. Heritage Conservation Plan
    - iii. Archaeological Assessment
    - iv. Engineer's Report (Building Condition)
  - c. Transportation
    - i. Traffic/Transportation Impact Study
    - ii. Street Parking Study
    - iii. Parking Study
  - d. Servicing and Infrastructure
    - i. Area Management Plan for Storm Water

- ii. Contour Plan
- iii. Erosion Hazard/Sediment Control Plan
- iv. Floodplain Analysis
- v. General Plan of Services
- vi. Hydrogeology Study
- vii. Functional Servicing Report, including but not limited to details, calculations, alternatives, recommendations, detailed analysis of considerations pertaining to Integrated Sustainable Master Plan
- viii. Major Roadway Alignments, cross sections and intersections
- ix. Roadway Structures
- x. Watercourse Improvements and Channelization
- xi. Railway Crossings Plan
- xii. Geotechnical Report
- xiii. Grading Plan (Cut and Fill Plan)
- xiv. Master Drainage Plan
- xv. Sanitary Drainage Systems Plan, including pump station locations
- xvi. Storm Water Management Report/Plan
- xvii. Modelling, Sanitary and Water, impacts and mitigation measures addressed
- e. Development Impacts
  - i. Air Quality Study
  - ii. Agricultural Impact Assessment
  - iii. Air Treatment Control and Odour Mitigation Plan
  - iv. Farm Viability Study
  - v. Height Survey of Adjacent Buildings

- vi. Land Use Compatibility Study
- vii. Noise and/or Vibration Study
- viii. Employment Land Needs Assessment
- ix. Contamination Management Plan and Remediation Strategy
- x. Photometric Plan
- xi. Odour Assessment and Mitigation Report
- xii. Dust Assessment and Mitigation Report
- xiii. Light Assessment and Mitigation Report
- xiv. Mineral Aggregate Resource Analysis
- xv. Record of Site Condition
- xvi. Completed Restricted Land Use Form
- f. Financial and Market Impacts
  - i. Retail Market Impact Study
  - ii. Municipal Financial Impact Assessment
- g. Planning
  - i. Affordable Housing Report
  - ii. Zoning Matrix
  - iii. Holding Symbol Removal Confirmation Letter
  - iv. Land Assembly Documents
  - v. Zoning Compliance Confirmation
  - vi. Planning Justification Report
  - vii. Pre-consultation Checklist
  - viii. Statement of conformity with Minimum Distance Separation Formula

- ix. Peer Review Studies
- h. Plans and Drawings
  - i. Concept Plan
  - ii. Sun/Shadow and/or Wind Analysis
  - iii. Survey (completed within the last five years preceding the application submission date)
  - iv. Site Plan/proposed Draft Plan of Subdivision and/or Condominium
  - v. Phasing Plan
  - vi. Park Concept Plan
- f) Notwithstanding the required studies and assessments listed above in Section 9.6.4.e), Council may ask for additional information that is considered reasonable and necessary in order to make a decision on a development application.

#### **9.6.4.1 Qualified Persons and Peer Reviews**

- a) All required reports and technical studies will be carried out by qualified persons retained by and at the expense of the applicant. The County may require a peer review of any report or study by an appropriate public agency or a professional consultant retained by the County at the applicant's expense.
- b) The County may refuse all information, studies and materials, submitted as part of a complete application(s) if it considers the quality of the submission unsatisfactory. In addition, the applicant may be required to submit any other supporting information, studies and materials identified by the County during the formal pre-consultation process for the application to be deemed complete.

#### **9.6.4.2 Development Application Supporting Requirements**

Under circumstances outlined in this Plan, the preparation of one or more studies may be required as part of a complete development application.

The following policies relate to the requirements for specific types of supporting studies required by this Plan. In conjunction with policies of this Plan, the County may also create additional criteria or policies in relation to other technical studies by way of update to this Plan or through completion of other County guideline documents or technical design criteria documents.

**a) Environmental Impact Study**

The following shall apply to circumstances where the policies of this Plan require the preparation of an Environmental Impact Study (EIS).

The EIS required in this Section shall be prepared to the satisfaction of the County, after considering, when appropriate, Long Point Region Conservation Authority, Grand River Conservation Authority and/or the Ministry of Northern Development, Mines, Natural Resources and Forestry, where appropriate and/or required. The Ministry of Northern Development, Mines, Natural Resources and Forestry, as required, and Long Point Region or Grand River Conservation Authority may be consulted as to the nature and extent of the physical hazard and/or sensitive features. The Ministry of the Environment, Conservation and Parks, or other appropriate agencies, and appropriate First Nations may also be consulted in this regard.

In consultation with the County's Planning Department, and the appropriate Conservation Authority where appropriate, a scoped EIS may be prepared for minor planning applications. The nature and scope of a particular development proposal shall serve to define the type of EIS and review criteria to be addressed. Draft terms of reference are subject to the County's Planning Department approval for both full and scoped EIS.

In circumstances where there is a low likelihood of impact on the natural environment, and/or intervening development between the land subject to the development application and the feature triggering the EIS requirement, the County, in consultation with the appropriate Conservation Authority where required, may waive the requirement for the EIS. The decision to waive an EIS is at the sole discretion of the Director of Planning. The County may consider waiving the requirement for the preparation of an EIS where one or more of the following applies:

- a) A development is subject to a duplicate or similar process, such as an environmental assessment (EA) where the EA addresses the same minimum requirements as an EIS;
- b) A development is minor in nature; for example, no new building or structure is proposed;
- c) A building or structure is being renovated or reconstructed on the same or similar footprint;
- d) The site conditions for a development are such that the preparation of an EIS would serve no useful purpose for the protection of natural heritage features in the context of the proposed development.

To assist the County in determining the adequacy of the EIS, the County may require a peer review, paid for by the applicant, and may request the review other applicable external agencies..

**The EIS shall include:**

- a) A proposal description including a description of the proposed use:
  - i) a description of the study area;
  - ii) current land use, existing land use regulations, and ownership of the subject land and land adjacent to the proposed location;
  - iii) the timing of construction/development, including any phasing of the development;
  - iv) alternative forms the development may take;
  - v) activities associated with the proposal, and its alternatives that may have environmental impacts (e.g., work on stream banks, tree-cutting, removal of vegetation, earth-moving, excavation and post-construction activities);
  - vi) a list of relevant reports and supporting studies that have been completed for the site; and
  - vii) a general map showing main roads, proposed lot lines, building envelopes, laneways, septic systems, wells and waterline locations, the extent of the proposed vegetation removal, surrounding natural heritage features or areas, and other features as requested through the EIS pre-consultation.
- b) A Biophysical Inventory of the resource, including:
  - i) unless specified during the EIS pre-consultation, an explanation and justification of the level of investigation undertaken whether data is gathered from existing sources, or a limited or detailed field inventory is undertaken; and
  - ii) unless specified in the EIS pre-consultation biophysical inventory, identifying:
    - physical and hydrologic features including:
      - soil types and drainage characteristics;



- overburden and bedrock geology;
  - areas of high water table;
  - areas of groundwater recharge and discharge;
  - location and usage of wells;
  - drainage patterns;
  - basin boundaries and watercourses;
  - existing erosion sites; and
  - areas of shallow soil.
- the environmental significance of the site based on criteria outlined in the current natural areas inventory for the County;
  - the classification of the subject land under the Ministry of Natural Resources Ecological Land Classification for Southern Ontario;
  - the delineation and mapping of wetland boundaries using the Ministry of Natural Resources Ontario Wetland Evaluation System for Southern Ontario;
  - a detailed flora and fauna inventory specific to each Ecological Land Classification unit, including at a minimum:
    - the location of native plant and animal species;
    - physical and hydrologic features;
    - the location of potential linkages to connect woodlands within and adjacent to the proposed development site;
    - current management practices being employed in the area; and
    - the presence of trees 150 years or older;
  - the location and presence of Species at Risk (SAR) as identified federally or provincially;

- any other natural features such as hedgerows, windbreaks, isolated tree groupings, wildlife nesting or staging areas, linkages with other natural areas and wildlife corridors; and
  - the reasoning behind the choice of study areas within and adjacent to the proposed development site, and the seasons and times of year of the inventory.
- c) An assessment of the impacts of the proposal describing the significance of any negative or positive effects on the surrounding Provincially Significant Features, Natural Heritage Features, functions or areas. Specifically, the assessment should include:
- i) direct on-site effects (e.g. elimination of habitat);
  - ii) indirect effects (e.g., sediment transported downstream);
  - iii) effects on the significant characteristics of the natural heritage feature, function or area;
  - iv) short-term and long-term effects;
  - v) secondary effects (e.g. changes to the aesthetic qualities or the educational value of the area, obstructions of greenway connections);
  - vi) external effects (e.g., effect on groundwater table);
  - vii) effects on the use of natural heritage features, functions, or areas by people (e.g. recreational or educational uses); and
  - viii) an explanation of the method used to determine the effects.
- d) Identification and evaluation of impact avoidance, enhancement and mitigating measures proposed including, but not limited to:
- i) the assessment of all feasible mitigating measures;
  - ii) those effects that can be reduced or eliminated by the various mitigating measures;
  - iii) a detailed description of the proposed mitigating measures to eliminate or reduce the negative effects;
  - iv) the relative effectiveness of implementing these mitigating measures should be estimated, and the extent of any remaining impacts discussed; and

- v) opportunities for the enhancement of the Natural Heritage Feature, function, or area resulting from positive effects.
- e) Recommendations and conclusions based on the above evaluation of impact avoidance, enhancement and mitigating measures shall outline the preferred alternative for impact avoidance, enhancement and mitigation including:
  - i) modifications to the concept plan or site plan;
  - ii) construction requirements or constraints;
  - iii) integral components of detailed designs or site plans, such as surface water/stormwater management plan, erosion control plan, tree protection plan, rehabilitation/landscape management plan, or wildlife management plan;
  - iv) appropriate buffers/setbacks; and
  - v) other environmental protection measures.
- f) Summary consisting of a brief overview of the proposal, the effects on the environment and a statement of opinion from a qualified person on whether or how the development could proceed without negatively impacting the values of the natural heritage feature, function or area.

#### **9.7.1.2 Scoped Environmental Impact Study**

The following shall apply to circumstances where the policies of this Plan require the preparation of a Scoped Environmental Impact Study (SEIS) for minor planning applications.

The SEIS shall include:

- a) A proposal description in accordance with Section 9.7.1 (Environmental Impact Study), including a description of the study area, the reasoning behind the choice of study area to assess the proposed development or site alteration; the choice of Natural Heritage Features and functions to be examined; and, the choice of seasons and times of year to conduct the biophysical inventory;
- b) A Biophysical Inventory of the subject land, and potentially affected adjacent lands, in accordance with Section 9.7.1 (Environmental Impact Study);
- c) A classification of the subject land, and affected adjacent lands, using the Ministry of Natural Resources and Forestry Ecological Land Classification for Southern Ontario, in accordance with Section 9.7.1 (Environmental Impact Study);

- d) A classification and evaluation of unevaluated wetlands on the subject land, and affected adjacent lands, using the Ministry of Natural Resources and Forestry Ontario Wetland Evaluation System for Southern Ontario, in accordance with Section 9.7.1;
- e) An assessment of the significance of the natural heritage features and functions on the subject land, based on criteria outlined in the current natural areas inventory for the County, and the Ontario Ministry of Natural Resources and Forestry Significant Wildlife Habitat Technical Guide;
- f) An assessment of the impacts of the proposed undertaking, in accordance with Section 9.7.1 (Environmental Impact Study) and Section 11.5.3 c) and (e), including the identification and evaluation of:
  - i) on-site effects (e.g., elimination of habitat);
  - ii) off-site effects (e.g., sediment transported downstream);
  - iii) short-term and long-term effects;
  - iv) the hydrological function of the wetland; and
  - v) effects on the use of natural heritage features, functions, or areas by people (e.g., recreational or educational uses);
- g) The identification and evaluation of impact avoidance, enhancement and mitigation measures, in accordance with Section 9.7.1 (Environmental Impact Study); and,
- h) Recommendations and conclusions, in accordance with Section 9.7.1 (Environmental Impact Study).

### **9.7.1.3 Policies**

The following policies shall apply to the preparation of Environmental Impact Studies and Scoped Environmental Impact Studies:

- a) In the preparation and review of an EIS or SEIS, the Ministry of Natural Resources and Forestry, the Ministry of the Environment and Climate Change and other appropriate agencies may be consulted as to the nature and extent of the physical hazard and/or sensitive features. The EIS shall be prepared to the satisfaction of the aforementioned agencies if their approval is required.
- b) If the County is of the opinion, upon reviewing the EIS, that the proposed use will have a detrimental impact on the Natural Heritage Feature, hydrological function, and/or physical hazard, and mitigative techniques are required, the County may

permit the proposed use subject to such terms and conditions that the County deems appropriate.

- c) If the detrimental impact of the proposed use on the Natural Heritage Feature and/or the physical hazard cannot be adequately mitigated, then the development shall not be permitted.
- d) The acceptance of an EIS or SEIS is independent of any required approvals under the Planning Act, and does not guarantee that a planning application will be approved.

### **9.7.2 Retail Market Impact Study**

Retail market studies, where required by this Plan, shall be completed to the satisfaction of the County. To assist the County in determining the adequacy of the retail market impact study, Council may require a peer review, paid for by the proponent.

- a) A retail market impact study shall demonstrate that there is sufficient market support for the proposed additional retail space and that the entry of the new space will not cause store closures sufficient to prejudice the planned function of the Downtown Areas, lands designated Shopping Centre Commercial or lands designated Commercial. Council will not support applications which result in market impacts sufficient to create urban blight or those which result in an area of the County becoming commercially under serviced.
- b) A retail market impact study shall:
  - i) Identify the type and size of retail facility that is warranted or will be warranted by a certain year;
  - ii) Provide updated information on the performance of the County's retail sector or sub-sector that may potentially be impacted by the proposal, and identify the impact of the proposed development on other retail locations, particularly Downtown Areas. The retail market study, in its analysis, must allow for a healthy downtown retail space.;
  - iii) Assess the appropriateness of the proposed development from the perspectives of both market justification and impact and in particular that the planned function of other commercially designated lands, particularly the Downtown Area, will not be prejudiced. The retail market study shall consider the County-wide retail market structure and provide detailed floor space inventories on a County-wide basis. Vacant commercial floor space in Downtowns and other commercial areas should not be discounted;

- iv) Provide satisfactory justifications for assumptions made on changes in income and expenditure levels over the forecast period and for the assumptions made on the tolerance for the Downtowns and other commercial centres for any negative impacts that may result from the proposed development; and
  - v) Enable the County to identify the specific requirements and limitation which should be included in the amendments to this Plan, Zoning Bylaw amendments, site plan agreements, or otherwise made a condition of approval.
- c) The cost of retail market impact studies and any other required supporting documentation shall be borne by the proponent. Costs incurred by the County in engaging peer review consultants to evaluate the proposal and supporting submissions shall be reimbursed by the proponent.
  - d) At the discretion of Council, based on advice from the County's peer review consultant(s), the preceding study requirements may be varied or waived where Council is satisfied that sufficient information is already available to permit the above-noted requirements to be considered, or where a change in the content of required studies is deemed appropriate by Council in order to generate information relevant to the intended implementation of the policies of the plan.

### 9.6.5 Official Plan Amendments

The County shall consider complete 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 all supportive documentation identified through the pre-consultation process, including but not limited to:
  - a planning justification report in relation to the proposed development application, prepared by a registered professional planner. 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 justification 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.

### **9.6.6 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 complete 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.

### **9.6.7 Activities of the Committee of Adjustment**

#### **9.6.7.1 Minor Variances**

The Committee of Adjustment shall deal with all applications for minor variances to the provisions of the Zoning By-law and other by-laws, as delegated by Council. The Committee of Adjustment shall deal with such complete applications in accordance with the relevant provisions of the *Planning Act*. The decisions of the Committee of Adjustment shall also comply with the general intent of this Plan and the Zoning By-law.

#### **9.6.7.2 General Consent to Sever Land Policies**

Applications for consent to sever land shall be considered on the basis of the policies of this Section, the underlying land use designation and the associated policies of this Plan. The Committee of Adjustment shall deal with all complete applications that have been approved, for consent in accordance with the relevant provisions of the *Planning Act*. The decisions of the Committee of Adjustment shall also be consistent with prevailing Provincial policy.

In addition to the specific land division and consent policies associated with the underlying land use designation, the following policies shall apply to applications for consent:



- a) Plans of subdivision shall be the preferred method of land division. Consents should only be granted when it is clearly not necessary or in the public interest that the land be developed by plan of subdivision. Plans of subdivision shall be required and applications for consent shall not be approved under the following circumstances:
- i) more than three (3) lots (two severed and one retained) from a land holding are being created;
  - ii) lots created require a new public road for the provision of access;
  - iii) the provision or extension of municipal services (water and/or sewer, as appropriate) is required; or
  - iv) other matters that may arise during the review of the proposed development.
- b) Notwithstanding Section 9.6.7.2 a) i), the requirement for a plan of subdivision may be waived for infilling or redevelopment of up to four (4) lots having frontage on a public road that is maintained on a year-round basis in an Urban Area serviced by municipal water and sanitary sewers.
- c) If a plan of subdivision is not deemed necessary, regard shall be had to the other policies within this Plan and to the following criteria when considering an application for consent:
- i) consents shall only be granted when the land fronts onto an existing, assumed public road that is maintained on a year-round basis;
  - ii) consents shall have the effect of infilling in existing areas and not extending existing development;
  - iii) creation of the lot does not compromise the long-term use of the remaining land or retained parcel; and
  - iv) consents may be considered for large parcels, where future development of the large parcels is to proceed by plan of subdivision.
- d) The size of any parcel of land created by consent should be appropriate for the use proposed, considering the level of services available, the soil conditions, and other factors. No parcel shall be created which does not conform to the provisions of the Zoning By-law, except where a minor variance has been secured, in accordance with Section 9.6.3.1 (Minor Variances) of this Plan.

- e) A hydrogeological study to confirm soil conditions and suitability for potential future private services may be required where the retained or severed parcel(s) is(are) sufficiently large to accommodate subsequent lots.
- f) Consents for building purposes shall not be permitted under the following circumstances:
  - i) the land is located within any Natural Heritage Features, as defined by this Plan, and a suitable building site cannot be found through the evaluation completed in an Environment Impact Study;
  - ii) the land is located in a floodplain;
  - iii) the land is located on or within 500 metres of a Bedrock Resource Area, 300 metres of a Sand and Gravel Resource Area, or 75 metres of mineral or petroleum resource deposits or an active petroleum well, as identified in the Oil, Gas and Salt Resources Library of the Ministry of Natural Resources and Forestry;
  - iv) Provincial or County transportation objectives, standards or policies cannot be maintained; or
  - v) the created and retained parcels cannot be provided with an adequate level of service.
- g) On the granting of an application for consent, conditions may be imposed on the severed and retained parcels.
- h) Compliance with the Minimum Distance Separation Formulae shall be required subject to the policies of Section 7.2 (Agricultural Designation).
- i) Subject to the specific policies of this Plan, consents may be permitted for the purposes of making lot boundary corrections, for the purposes of granting easements, for conveyances and consolidations, and other such administrative or technical matters, provided that such matters are minor in nature. The County shall support the consolidation of undersized lots.

#### **9.6.8 Draft Plan of Subdivision and Condominium Approval**

Complete applications for approval of a draft plan of subdivision or condominium shall be considered on the basis of the underlying land use designation and the associated policies of this Plan. While the County shall deal with all complete applications for draft plan approval in accordance with the relevant provisions of the *Planning Act*, applications that do not conform to the policies of this Plan shall not be approved.

The following policies shall apply to plans of subdivision:

- a) The provisions of the *Planning Act* relating to subdivision control, including subdivision agreements, shall be used by Council to ensure that the land use designations and policies of this Plan are complied with, and that a high standard of design is maintained in all development.
- b) Prior to approval of an application for plan of subdivision or plan of condominium, the County shall confirm the availability of adequate servicing infrastructure and allocation in accordance with Section 8.9.3 (Servicing Allocation and Phasing), waste collection and disposal services, and roads.
- c) Applications for plan of subdivision or plan of condominium approval shall be considered premature if appropriate services and servicing capacity is not available. Additionally, Council may consider other criteria as reason to deem an application for plan of subdivision or plan of condominium approval to be premature.
- d) The review of plans of subdivision or plan of condominium shall be based in part on the consideration of the community design policies included in Section 5.4 (Community Design) and Section 11.8 (Community Design Strategy) of the Lakeshore Special Policy Area Secondary Plan of this Plan.
- e) All lots within a plan of subdivision shall have frontage on a public road maintained on a year-round basis, constructed to an acceptable County standard. Plans of condominium shall have access to a public road maintained on a year-round basis, however, it is recognized that development within the condominium plan may occur on private roads.
- f) Provincially Significant Features and Natural Heritage Features shall be protected and preserved in the design of any plan of subdivision or condominium.
- g) Plans of subdivision or condominium shall be appropriately phased to ensure orderly and staged development.
- h) All plans of subdivision shall be subject to a subdivision agreement between the County and the development proponent.
- i) All plans of condominium shall be subject to a development agreement between the County and the development proponent.
- j) Parkland dedication shall be provided pursuant to Section 9.10.5 (Parkland Dedication) of this Plan. Land to be dedicated for park purposes must be acceptable to the County. Under no circumstances shall the County be obligated to accept parkland being offered in a proposed plan of subdivision.

- k) The County shall consult with the appropriate Conservation Authority and the Province, as well as other relevant agencies, in considering an application for approval of a plan of subdivision or condominium.

### 9.6.9 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, as defined in the *Planning Act*, 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 to the extent that it is a matter relating to exterior access to a building that will contain affordable housing units or to any part of such a building or is a matter referred to in subparagraph 41(4)2(d) and 41(4.1.1) of the *Planning Act*;
  - 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.

#### **9.6.10 Demolition Control**

To prevent the premature demolition of residential buildings and to avoid the creation of vacant parcels of land in stable neighbourhoods within designated areas of the County, Council may prepare and enforce a Demolition Control By-law in accordance with the provisions of the *Planning Act*.

That the following text be deleted from Section 9.7.1.3 Policies:

- a) In the preparation and review of an EIS or SEIS, the Ministry of Natural Resources and Forestry, the Ministry of the Environment and Climate Change and other appropriate agencies may be consulted as to the nature and extent of the physical hazard and/or sensitive features. The EIS shall be prepared to the satisfaction of the aforementioned agencies if their approval is required.

32. That the following text be deleted from Section 9.11 (renumbered 9.10)  
Interpretation:

Norfolk County Council, appointed Committees and County staff shall be responsible for interpreting all aspects of the Plan. Where policies may reference specific issues of significance to the Province, the interpretation of this Plan shall

be conducted in conjunction with the Ministry of Municipal Affairs. As the sections of the Plan and Schedules are interrelated, the Plan shall be read and interpreted in its entirety.

And replaced with the following:

Norfolk County Council, appointed Committees and County staff shall be responsible for interpreting all aspects of the Plan. Where policies may reference specific issues of significance to the Province, the interpretation of this Plan shall be conducted in conjunction with the Ministry of Municipal Affairs and Housing. As the sections of the Plan and Schedules are interrelated, the Plan shall be read and interpreted in its entirety.

**Part C: Additional Information**

This document will be implemented by Norfolk County enacting an appropriate amendment to the Norfolk County Zoning By-Law 1-Z-2014

DRAFT

## The Corporation of Norfolk County

### By-Law \_\_-Z-2023

**Being a By-Law to amend Zoning By-Law 1-Z-2014, as amended, for property described as all Lands Within Norfolk County.**

Whereas Norfolk Council is empowered to enact this amending By-Law, by virtue of the provisions of Section 34 of the *Planning Act, R.S.O. 1990, CHAPTER P.13*, as amended; and

Whereas this By-Law conforms to the Norfolk County Official Plan; and

Now therefore the Council of The Corporation of Norfolk County hereby enacts as follows:

1. That Subsection 2.52.2 be removed and replaced with the following:

**“INTERIOR ADDITIONAL RESIDENTIAL DWELLING UNIT”** shall mean an additional dwelling unit that is within, but supplemental to the permitted primary residential dwelling unit of the property, where the additional unit has its own kitchen and bathroom.

2. That Subsection 3.2.3 be removed and replaced with the following:

a) *Additional Residential Dwelling Units* shall be *permitted* in the following zones:

- i. Urban Residential Type 1 (R1);
- ii. Urban Residential Type 2 (R2);
- iii. Urban Residential Type 3 (R3);
- iv. Urban Residential Type 4 (R4);
- v. Hamlet Residential (RH); and
- vi. Agricultural (A).

b) *Additional Residential Dwelling Units* shall be *permitted* in *single detached, semi-detached, group townhouses, stacked townhouses and street townhouses* and located on the same *lot* as the *primary dwelling*.

- c) *Additional Residential Dwelling Units* shall not occupy any part of a *front yard* or a required *exterior side yard* except an *accessory building or structure* in an *Agricultural Zone (A)* which shall occupy no part of a *required front yard*.
- d) The *Additional Residential Dwelling Unit* shall have its own exterior entrance separate from the exterior entrance to the primary *dwelling unit*, but shall not be *permitted* on an elevation, or façade of the *building* that faces a public *street* or private road; and shall have no means of internal access to the primary *dwelling unit*, except that access to a primary and second *dwelling* through a common vestibule entry is *permitted*. This clause shall not apply to *stacked townhouses, group townhouses* or *street townhouses*.
- e) The maximum number of residential *dwelling units permitted per lot* shall be three (3), including up to two (2) *Interior Additional Residential Dwelling Units* and no *Detached Additional Residential Dwelling Unit* or one (1) *Detached Additional Residential Dwelling Unit* and one (1) *Interior Additional Residential Dwelling Unit*.
- f) A *lot* may contain one (1) *Interior Additional Residential Dwelling Units* and a garden suite but not a *Detached Additional Residential Dwelling Unit* and a garden suite.
- g) An *Additional Residential Dwelling Unit* shall not be *permitted* in Resort Residential Zones.
- h) *Additional Residential Dwelling Units* are not *permitted* within a farm *building* or an *on-farm diversified use*.
- i) All *Additional Residential Dwelling Units* shall be required to meet all legislation, regulation, By-Law standards and requirements and all appropriate permits must be issued prior to the establishment of the *Additional Residential Dwelling Unit*.
- j) *Additional Residential Dwelling Units* are *permitted* in *dwelling units* connected to municipal water and waste water services or private water and septic systems.
- k) Properties on a Provincial Highway that are regulated by the Ministry of Transportation (MTO) shall only be *permitted* to have a second *additional residential dwelling unit* subject to MTO approval and permit.



3. That Subsection 3.2.3.1 be removed and replaced with the following:

*3.2.3.1 Interior Additional Residential Dwelling Unit*

- a) Two (2) *Interior Additional Residential Dwelling Unit(s)* are permitted within the primary dwelling of any *single detached, semi-detached, stacked townhouses, group townhouses and street townhouses* if all buildings and structures ancillary to the *single detached dwelling, semi-detached dwelling, stacked townhouse, group townhouse and street townhouse* cumulatively contain no detached additional residential unit.
- b) One (1) *Interior Additional Residential Dwelling Units* is permitted in a *single detached dwelling, semi-detached dwelling, stacked townhouses, group townhouses and street townhouses* if all buildings and structures ancillary to the *single detached dwelling, semi-detached dwelling, stacked townhouse, group townhouse and street townhouse* cumulatively contain no more than one (1) detached additional residential unit.
- c) *Interior Additional Residential Dwelling Units* proposed in the basement of a primary dwelling may occupy the whole basement.
- d) The useable floor area of an addition to the primary dwelling unit to accommodate an *Interior Additional Residential Dwelling Unit* shall not exceed 75m<sup>2</sup> (807 square feet). In the case of an *interior additional residential dwelling unit* which is located in the basement of a *single detached, semi-detached, stacked townhouse, group townhouse or street townhouse*, the interior dwelling unit may occupy the whole basement.
- e) An *Additional Residential Dwelling Unit* shall have its own exterior entrance separate from the exterior entrance to the primary dwelling unit, but shall not be permitted on an elevation, or façade of the building that faces a public street or private road; and shall have no means of internal access to the primary dwelling unit, except that access to a primary and second dwelling through a common vestibule entry is permitted. This clause shall not apply to *stacked townhouses, group townhouses or street townhouses*.
- f) *Decks and Unenclosed Porches* are subject to the provisions outlined in Section 3.6 of the Norfolk County Zoning By-Law 1-Z-2014.

- g) One (1) off-street *parking space* shall be provided for the *additional residential dwelling unit* in addition to the minimum required *parking spaces* for the primary *dwelling*, and in accordance with provisions in the Off Street Parking Section of this By-Law except that the required *parking spaces* may be located in tandem.
  - h) A minimum of 50 percent of the *front yard* shall be maintained as landscaped open space. This provision shall not apply to *stacked townhouses* or *group townhouses*.
  - i) The *lot* complies with all other provisions of Norfolk County Zoning By-Law 1-Z-2014.
4. That the following subsection be added to Section 3 General Provisions of said Zoning By-Law 1-Z-2014:

#### *3.2.3.2 Detached Additional Residential Dwelling Unit*

- a) *Detached Additional Residential Dwelling Units* are not permitted within a farm building or a building used for an *on-farm diversified use*.
- b) One (1) *Detached Additional Residential Dwelling Unit* in a building or structure ancillary to a *single detached dwelling, semi-detached dwelling or townhouse* if the a *single detached dwelling, semi-detached dwelling or townhouse* contains no more than One (1) *interior additional residential dwelling units* and no other building or structure ancillary to the *single detached dwelling, semi-detached dwelling, stacked townhouse, group townhouse and street townhouse* contains any residential units.
- c) The maximum *useable floor area* of a *Detached Additional Residential Dwelling Unit* is 75m<sup>2</sup> (807 square feet). This includes any basement area and excludes any attached garage.
- d) *Detached Additional Residential Dwelling Units* are not permitted to be nearer than 1.2 meters of an *interior side yard and rear yard*, except:
  - i. In the case of a mutual *private garage* in the *rear yard* on a common *interior side lot line*, no separation distance is required;
  - ii. In the case of a *rear lot line* adjoining a private or public *lane*, no *setback* is required;

- e) *Detached Additional Residential Dwelling Units* shall not occupy any part of a *front yard* or *exterior side yard*.
  - f) The entirety of the *building height* of a *Detached Additional Residential Dwelling Units* shall not exceed a *building height* of 5 metres in an Urban Residential Zone (R1 to R4), 6 metres Hamlet Residential Zone (RH) and 8 metres in the Agricultural Zone (A).
  - g) The entirety of the *Detached Additional Residential Dwelling Unit* is to be located within a maximum of 40 metres from the primary *dwelling*.
  - h) *Decks* and *Unenclosed Porches* are subject to the provisions outlined in Section 3.6 of the Norfolk County Zoning By-Law 1-Z-2014.
  - i) One (1) off-street *parking space* shall be provided for each *additional residential dwelling unit* in addition to the minimum required *parking spaces* for the primary *dwelling*, and in accordance with provisions in the Off Street Parking Section of this By-Law;
  - j) A minimum of 50 percent of the *front yard* shall be maintained as landscaped open space. This provision shall not apply to *stacked townhouses* or *group townhouses*.
  - k) In addition to the provisions outlined in Section 3.2.3.2, a *Detached Additional Residential Dwelling Unit* is also subject to the provisions outlined in Section 3.2.3.
5. That Subsection 3.9.1 be removed and replaced with the following:

3.9.1 No land shall be used and no *building* or *structure* shall be *erected*, used or occupied, including alteration or change of use of a *building* or *structure* in any urban *Zone* unless:

- a) servicing capacity is confirmed as being available for all watermains and sanitary systems;
- b) watermains, storm sewers, sanitary systems and hydro service are constructed and operational and all regulatory approvals have been received to the satisfaction of the *County* or appropriate approval authority;
- c) stormwater management facilities, if required, are constructed and operational;
- d) adequate water supply is available for fire protection;
- e) roadways and/or lanes are constructed to the satisfaction of the *County* and

- provide safe and adequate access to all *buildings* or *structures*; and
- f) Confirmation of adequate servicing capacity, stormwater management facilities and adequate water supply shall be made based on submission of Functional Servicing Report, Fire Flow Study or other applicable works as identified by Norfolk County.

6. That Subsection 3.26 be removed and replaced with the following:

3.26 Number of *Dwellings* on a Lot

Where this By-Law allows a *dwelling* to be located on a *lot*, not more than one (1) *dwelling* shall be *permitted*, except within Urban Residential Zones (*R1-R4*), Hamlet Residential Zone (*RH*) and Agricultural Zone (*A*) in which up to two *Interior Additional Residential Dwelling Units* or one *Interior Additional Residential Dwelling Units* and one *Detached Additional Residential Dwelling Unit* (for a total of two (2) *Additional Residential Dwelling Units*) are *permitted*.

7. That Subsection 3.38.3 be removed and replaced with the following:

3.38.3 Notwithstanding the above, no site plan shall be required for:

- a) development of farm *buildings* and the residence of the farm operator;
  - b) development in the form of residential freehold *street townhouse* units approved as part of a registered plan of subdivision;
  - c) development in the form of *single detached, semi-detached, or duplex dwellings*, except in cases where specifically required; and
  - d) the construction, erection or placing of a *building or structure* identified as not included in the definition of development in accordance with Section 41.1 of the Planning Act.
8. That Subsection 5.1.1 d), 5.2.1 g), 5.3.1 j), 5.4.1 f), 5.7.1 f), and 12.1.1 r) be removed and replaced with the following:

*Additional Residential Dwelling Unit*, subject to Subsection 3.2.3.

9. That this By-Law shall become effective upon final approval of the related Amendment number XX to the Norfolk County Official Plan.

Enacted and passed this **date** day of **month**, 2023.

---

Mayor: A. Martin

DRAFT

**Explanation of the Purpose and Effect of  
By-Law XX-Z-20XX**

This By-Law affects All Lands within Norfolk County.

As a conformity exercise in response to Bill 109, 23 and 97 the Additional Residential Dwelling Unit policies and provisions as well as references to site plan control for 10 or less units have been updated according to the *Planning Act* updates.

The purpose of this By-Law is to revise the existing accessory structure/building provisions, revise existing *Additional Residential Dwelling Units* provisions to conform to recent *Planning Act* Changes, and to ensure conformity with changes to the *Planning Act* regarding the development of 10 or less units in relation to Site Plan Control and the *Planning Act* definition of development.



## The Corporation of Norfolk County

### By-Law 20XX-XX

**Being a by-law to amend By-law 2014-97, as amended, being the Site Plan Control By-law.**

WHEREAS Subsection 41(2) of the Planning Act, R.S.O. 1990, c.P.13, as amended ("the Planning Act"), enables the Council of a municipality to designate the whole or any part of such a municipality as a Site Plan Control Area when such provisions are included in the Official Plan; and

AND WHEREAS Section 5 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, states that the powers of the Council shall be exercised by By-Law, unless the municipality is specifically authorized to do otherwise; and

AND WHEREAS Norfolk County has an Official Plan in effect which designates the all of the lands situated within the municipal boundaries of Norfolk County as a Site Plan Control Area; and

AND WHEREAS Norfolk County enacted By-law 2014-97, as amended ("By-law 2014-97"), being a Site Plan Control By-law; and

AND WHEREAS Council has decided to amend By-law 2014-97,

Now therefore the Council of The Corporation of Norfolk County hereby enacts as follows:

1. Section 2.1 of By-law 2014-97 is deleted and substituted with the following:  
"Development": shall mean development as in Subsection 41(1) of the *Planning Act*, as amended.
2. Section 2.2 of By-law 2014-97, is deleted and substituted with the following:  
"Director of Planning" means the Director of Planning of the Corporation of Norfolk County, or any successor to that position, or designate thereof.
3. All references in By-law 2014-97, to "Manager Community Planning" will be substituted with "Director of Planning".
4. Section 3.1 of By-law 2014-97 is amended in the following manner with a double strikethrough identifying a deletion and an underline identifying an insertion:

No person shall undertake any development on land located within a zone identified as subject to site plan control unless the Council of Norfolk County or any person delegated authority to do so by Norfolk County Council or the ~~Ontario Municipal Board~~ Ontario Land Tribunal has approved plans, drawings, and any agreements, in accordance with Subsection 41(4) of the Planning Act and imposed any conditions in accordance with Subsection 41(7) of the Planning Act.

5. Section 3.3 of By-law 2014-97 is amended in the following manner with a double strikethrough identifying a deletion and an underline identifying an insertion:

All development located on the said lands shall be subject to and in accordance with a site plan agreement, if deemed required, pursuant to Section ~~40-41~~ of the Planning Act.

6. Section 5.1 of By-law 2014-97 is amended in the following manner with a double strikethrough identifying a deletion and an underline identifying an insertion:

Subject to Section 6 of this By-Law, the following classes of development require site plan approval:

- a) all medium and high density residential development, including:
  - i. a lot upon which site plan approval has been required under a subdivision or other development agreement; or
  - ii. a lot zoned R3, R4, R5, or R6 zones;
- b) all commercial, industrial and institutional development in residential zones;
- c) all development in commercial zones;
- d) all development in employment or industrial zones;
- e) all development in institutional zones;
- f) all development in Open Space Tent and Trailer Zone;
- g) all development of and expansions to Medical Marijuana Cannabis Production Facilities and Processing; ~~and~~
- h) all development identifies as a part of on-farm diversified use; and



- i) all development larger than the maximum permitted area under section 12.2 Value Added- Agriculture of the Zoning By-Law of Norfolk County 1-Z-2014.

7. That the effective date of this by-law shall be the date of passage thereof.

Enacted and passed this \_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
County Clerk

DRAFT

## Nicole Goodbrand

---

**From:** Tricia Givens  
**Sent:** Monday, November 27, 2023 11:17 AM  
**To:** Nicole Goodbrand  
**Subject:** FW: Additional Residential Units - Zoning By-law Requirements

**Tricia Givens, M.Sc.(PI), MCIP, RPP**  
Director, Planning  
Community Development Division  
185 Robinson St.  
Suite 200, Simcoe, Ontario, N3Y 5L6  
519-426-5870 x. 8229 | 226-NORFOLK



Providing valued public services that are responsive to our community's needs

---

**From:** Lesley Hutton-Rhora <[lesleyhuttonrhora@gdvallee.ca](mailto:lesleyhuttonrhora@gdvallee.ca)>  
**Sent:** Wednesday, August 23, 2023 10:43 AM  
**To:** Tricia Givens <[Tricia.Givens@norfolkcounty.ca](mailto:Tricia.Givens@norfolkcounty.ca)>; Mohammad Alam <[Mohammad.Alam@norfolkcounty.ca](mailto:Mohammad.Alam@norfolkcounty.ca)>; Roxanne Lambrecht <[Roxanne.Lambrecht@norfolkcounty.ca](mailto:Roxanne.Lambrecht@norfolkcounty.ca)>; Mayor Amy Martin <[amy.martin@norfolkcounty.ca](mailto:amy.martin@norfolkcounty.ca)>  
**Cc:** John Vallee <[Johnvallee@gdvallee.ca](mailto:Johnvallee@gdvallee.ca)>; Scott Puillandre <[Scottpuillandre@gdvallee.ca](mailto:Scottpuillandre@gdvallee.ca)>  
**Subject:** Additional Residential Units - Zoning By-law Requirements

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Morning Mohammad, Tricia, Roxanne & Mayor Martin,

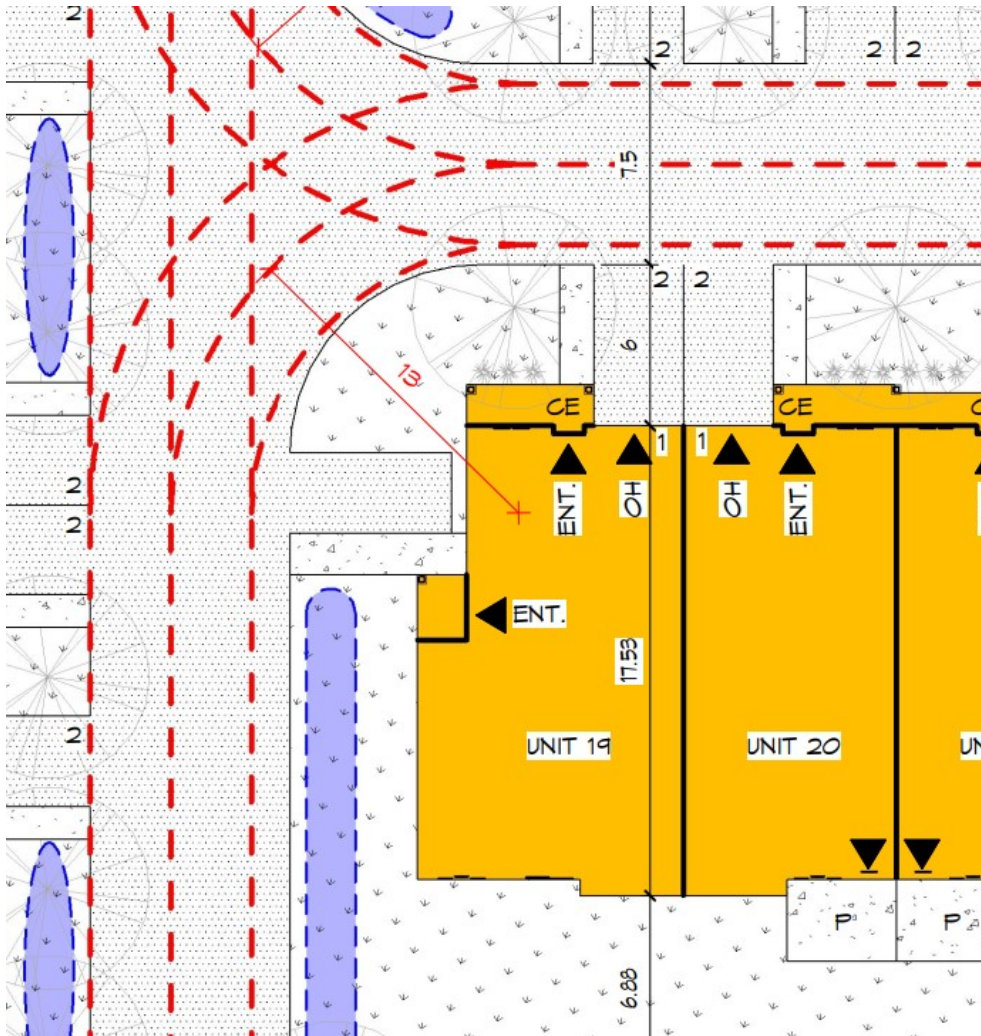
We have heard recent messaging regarding the incorporation of additional residential units (ARDUs) within new developments loud and clear, and to that end have been encouraging our clients to consider incorporating provisions for ARDUs into the design of new developments (with considerable success!).

In an effort to align with the Provincial & County objectives for intensification, many of these developments include semi-detached or townhouse style dwellings. The Ontario Building Code presents specific requirements related to exiting, natural light, fire separation & fire exposure clearances for ARDUs that lead their placement within typical interior townhouse units prohibitive or impossible. As a result, provisions for **ARDUs are strategically planned for end unit conditions**, where the appropriate amount of windows and exiting facilities can be included in accordance with Building Code requirements.

To that end, **one aspect of the current zoning by-law presents specific challenges with respect to the incorporation of ARDUs**. Section 3.2.3 d) (as amended by By-Law 25-Z-2022) requires the following:

- d) The *Additional Residential Dwelling Unit* shall have its own exterior entrance separate from the exterior entrance to the primary *dwelling unit*, but shall not be permitted on an elevation, or façade of the building that faces a public street or private road; and shall have no means of internal access to the primary *dwelling unit*, except that access to a primary and second *dwelling* through a common vestibule entry is permitted.

If the ARDU entrance cannot face a public street or private lane, it means that **the locations within a typical development that could accommodate an ARDU are severely impaired**. Using the attached schematic design for proposed townhouses at 38 New Lakeshore as an example, ARDU units can successfully be incorporated into end unit conditions in compliance with Building Code requirements by locating the door on the end wall. In this location however, the door is “on an elevation, or façade of the building that faces a public street or private road”.



On behalf of our Clients, we encourage Norfolk County to **consider amending the by-law to remove the restriction outlined in 3.2.3 d)**. Doing so would allow us to incorporate more opportunities for ARDUs within new developments, while meeting the requirements of the Ontario Building Code with respect to providing safe and appropriate egress from the basement unit.

We kindly ask that you **provide comment on this proposal by Friday September 8<sup>th</sup>**. In the absence of comment from County staff, the Vallee team will register as a deposition for the September 19<sup>th</sup> Council meeting to formally present this request.

Please feel free to reach out with any questions.

Thanks and take care,

Lesley Hutton-Rhora

**G. DOUGLAS VALLEE LIMITED**

Consulting Engineers, Architects and Planners

2 Talbot Street North Simcoe Ontario N3Y 3W4

Phone: 519.426.6270 x163 Fax: 519.426.6277

[www.gdvallee.ca](http://www.gdvallee.ca)



---

Disclaimer: This e-mail and any attachments may contain personal information or information that is otherwise confidential and it's intended for the exclusive use of the intended recipient. If you are not the intended recipient, any use, disclosure or copying of any part of it is prohibited. Norfolk County accepts no liability for damage caused by any virus transmitted in this message. If this e-mail is received in error, please immediately reply and delete or destroy any copies of it. The transmission of e-mails between an employee or agent of Norfolk County and a third party does not constitute a binding contract without the express written consent of an authorized representative of The Corporation of Norfolk County.

## Nicole Goodbrand

---

**From:** Tricia Givens  
**Sent:** Monday, November 27, 2023 11:16 AM  
**To:** Nicole Goodbrand  
**Subject:** FW: Additional Residential Dwelling Units

**Tricia Givens, M.Sc.(PI), MCIP, RPP**  
Director, Planning  
Community Development Division  
185 Robinson St.  
Suite 200, Simcoe, Ontario, N3Y 5L6  
519-426-5870 x. 8229 | 226-NORFOLK



Providing valued public services that are responsive to our community's needs

---

**From:** John Vallee <Johnvallee@gdvallee.ca>  
**Sent:** Monday, October 16, 2023 5:48 PM  
**To:** Tricia Givens <tricia.givens@norfolkcounty.ca>  
**Cc:** Scott Puillandre <Scottpuillandre@gdvallee.ca>; Lesley Hutton-Rhora <lesleyhuttonrhora@gdvallee.ca>; 'Paul Aucoin (paulaucoin@hotmail.ca)' <paulaucoin@hotmail.ca>; Brandon Sloan <Brandon.Sloan@norfolkcounty.ca>; Nicole Goodbrand <Nicole.Goodbrand@norfolkcounty.ca>  
**Subject:** RE: Additional Residential Dwelling Units

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon Tricia.

Thanks for your prompt response!

I am following up on the two items from my email below.

### **ONE: Norfolk County's By-Law 25-Z-2022 which does not permit ARDU's within group townhouses**

Thank you for your commitment to address these issues through a staff driven process. The Cottonwood project is advancing, and we are looking towards an application for site plan approval, however, Norfolk County's zoning by-law will not permit the ARDU's that the County requires us to include within the development. In your email below you say:

*"staff would work with the proponent to ensure the appropriate zoning was in place to reflect that specific development"*

Does this mean that mean that staff will initiate and make an application to amend the zoning by-law for this specific site, or will the developer be required to apply for this amendment with the support of staff?  
If the developer will be required to make this application, then we will need to do this as soon as possible to avoid delaying this project.

At this time, we are simply seeking clarification of your intentions in this regard so that we can advise our client on the most expeditious path forward for his development.

We request a brief meeting with you to discuss this unusual circumstance. We believe that this will save a lot of time with emails back and forth.

**Two: Updates to the Consolidated Zoning By-Law as available on the Norfolk County Website.**

Can you advise of the timing for the consolidated zoning by-law on Norfolk's website to be updated to include amendments (like By-Law 25-Z-2022) that have been implemented over the past 34 months?

I look forward to your guidance on these matters.

Thanks!

*John D. Vallee, P.Eng., President*  
**G. DOUGLAS VALLEE LIMITED**  
Consulting Engineers, Architects and Planner  
2 Talbot Street North Simcoe Ontario N3Y 3W4  
519.426.6270  
[www.gdvallee.ca](http://www.gdvallee.ca)



---

**From:** Tricia Givens <tricia.givens@norfolkcounty.ca>  
**Sent:** Monday, October 16, 2023 4:19 PM  
**To:** John Vallee <Johnvallee@gdvallee.ca>  
**Cc:** Scott Puillandre <Scottpuillandre@gdvallee.ca>; Lesley Hutton-Rhora <lesleyhuttonrhora@gdvallee.ca>; 'Paul Aucoin (paulaucoin@hotmail.ca)' <paulaucoin@hotmail.ca>; 'Tom O'Hara (tom@teamohara.com)' <tom@teamohara.com>; Brandon Sloan <Brandon.Sloan@norfolkcounty.ca>; Nicole Goodbrand <Nicole.Goodbrand@norfolkcounty.ca>  
**Subject:** FW: Additional Residential Dwelling Units

Good afternoon,

As previously mentioned, staff are working to update the Official Plan and Zoning By-law to ensure compliance with legislative changes as well as to update components of ARDU to address various items, including those listed below. Your earlier message was documented and is being used towards these revisions.

At present, staff are focused on completion of these tasks and will reach out when there is a document prepared in which a draft form could be shared as a discussion point.

In the meantime, if there is a site-specific site that is coming forward in the coming months, then staff would work with the proponent to ensure the appropriate zoning was in place to reflect that specific development.

The process for either a county-wide Official Plan Amendment / Zoning Bylaw Update includes a public hearing and then a recommendation report. Staff are working towards a public hearing meeting prior to the end of the year. Staff will reach out to advise and confirm the time and share any information for further discussion when it is ready.

Regards,  
Tricia

**Tricia Givens, M.Sc.(PI), MCIP, RPP**

Director, Planning  
Community Development Division  
185 Robinson St.  
Suite 200, Simcoe, Ontario, N3Y 5L6  
519-426-5870 x. 8229 | 226-NORFOLK



Providing valued public services that are responsive to our community's needs

---

**From:** John Vallee <[Johnvallee@gdvallee.ca](mailto:Johnvallee@gdvallee.ca)>

**Sent:** Friday, October 13, 2023 10:07 AM

**To:** Tricia Givens <[tricia.givens@norfolkcounty.ca](mailto:tricia.givens@norfolkcounty.ca)>; Brandon Sloan <[brandon.sloan@norfolkcounty.ca](mailto:brandon.sloan@norfolkcounty.ca)>

**Cc:** Scott Puillandre <[Scottpuillandre@gdvallee.ca](mailto:Scottpuillandre@gdvallee.ca)>; Lesley Hutton-Rhora <[lesleyhuttonrhora@gdvallee.ca](mailto:lesleyhuttonrhora@gdvallee.ca)>; Paul Aucoin ([paulaucoin@hotmail.ca](mailto:paulaucoin@hotmail.ca)) <[paulaucoin@hotmail.ca](mailto:paulaucoin@hotmail.ca)>; Tom O'Hara ([tom@teamohara.com](mailto:tom@teamohara.com)) <[tom@teamohara.com](mailto:tom@teamohara.com)>

**Subject:** Additional Residential Dwelling Units

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Tricia & Brandon:

As you are aware, we are receiving pressure to include ARDU's within our residential developments....including group townhouse condominiums.

Our clients have agreed to include these ARDU's within these condo projects; Cottonwood for example.

We have become aware of Norfolk County's By-Law 25-Z-2022 which does not permit ARDU's within group townhouses.

That same By-Law also creates a number of challenges for the development of ARDU's.

- 6. b) limits ARDU's to Singles, semis, and street towns. Does not permit in group towns, stacked towns etc.
- 6. d) limits entrance location
- 7. a) Limits ARDU's to singles, semis and street towns. Does not permit in group towns, stacked etc.
- 7. b) Limits floor area and again only permits in single, semis, and street towns.
- 7. c) limits entrance location



- 7. f) requires 50% of the front yard to be landscaped.
- 8. c) word smithing required
- 8. f) requires ARDU within 40 m of primary dwelling
- 8.f) requires 50% of front yard to be landscaped.
- Others?

We request a meeting with you to review this By-Law in the hope that Norfolk Staff will bring “house keeping amendments” to Council to facilitate ARDU’s new developments.

If Norfolk staff is not able to quickly bring forward house keeping amendments, then we would like to discuss options for these projects to move forward.

I would also like to know the timeline for By-Law 25-Z-2022 and other amendments to the Zoning By-Law to be made available to the public through the consolidated Zoning By-Law as posted on the County’s website.

Please advise of your availability to meet with us in this regard.

Thank you and enjoy your weekend!

*John D. Vallee, P.Eng., President*

**G. DOUGLAS VALLEE LIMITED**

Consulting Engineers, Architects and Planner

2 Talbot Street North Simcoe Ontario N3Y 3W4

519.426.6270

[www.gdvallee.ca](http://www.gdvallee.ca)



---

Disclaimer: This e-mail and any attachments may contain personal information or information that is otherwise confidential and it’s intended for the exclusive use of the intended recipient. If you are not the intended recipient, any use, disclosure or copying of any part of it is prohibited. Norfolk County accepts no liability for damage caused by any virus transmitted in this message. If this e-mail is received in error, please immediately reply and delete or destroy any copies of it. The transmission of e-mails between an employee or agent of Norfolk County and a third party does not constitute a binding contract without the express written consent of an authorized representative of The Corporation of Norfolk County.



## Policy Matrix regarding Received Comments

All comments received have been reviewed and incorporated into the draft proposed by-law.

ZBA 25-Z-2022 Section and applicable Concern	Proposed ZBA Section	Current Policy	Proposed Policy	Staff Comment
6. b) limits ARDU's to Singles, semis, and street towns. Does not permit in group towns, stacked towns etc.	3.2.3 b)	<i>Additional Residential Dwelling Units</i> shall be <i>permitted</i> in <i>single detached, semi-detached</i> and <i>street townhouses</i> and located on the same <i>lot</i> as the primary <i>dwelling</i> .	<i>Additional Residential Dwelling Units</i> shall be <i>permitted</i> in <i>single detached, semi-detached, group townhouses, stacked townhouses</i> and <i>street townhouses</i> and located on the same <i>lot</i> as the primary <i>dwelling</i> .	Bill 23 changes amended the housing types that are automatically permitted additional dwelling units. It specifically identified a detached house, semi-detached house or rowhouse. Planning staff propose updating our policies to reflect these provincial changes by including <i>group townhouses, stacked townhouses</i> and <i>street townhouses</i> .
6. d) limits entrance location	3.2.3 d)	The <i>Additional Residential Dwelling Unit</i> shall have its own exterior entrance separate from the exterior entrance to the primary <i>dwelling unit</i> , but shall not be <i>permitted</i> on an elevation, or façade of the <i>building</i> that faces a public <i>street</i> or private road; and shall have no means of internal	The <i>Additional Residential Dwelling Unit</i> shall have its own exterior entrance separate from the exterior entrance to the primary <i>dwelling unit</i> , but shall not be <i>permitted</i> on an elevation, or façade of the <i>building</i> that faces a public <i>street</i> or private road; and shall have no means of internal	Previous iterations of zoning provision limited the potential for townhouse units to have additional dwelling units for interior units and end units which were on a corner lot. With the Bill 23 changes to the <i>Planning Act</i> , "rowhouses" were

		access to the primary <i>dwelling unit</i> , except that access to a primary and second <i>dwelling</i> through a common vestibule entry is <i>permitted</i> .	access to the primary <i>dwelling unit</i> , except that access to a primary and second <i>dwelling</i> through a common vestibule entry is <i>permitted</i> . This clause shall not apply to <i>stacked townhouses, group townhouses</i> or <i>street townhouses</i> .	included in dwelling types in which additional dwelling units were permitted. By removing townhouses from the housing types that the clause applies to eliminates this limitation.
7. a) Limits ARDU's to singles, semis and street towns. Does not permit in group towns, stacked etc.	3.2.3.1 a)	Two (2) Interior Units in a single detached dwelling, semi-detached dwelling or rowhouse on a parcel of land, if all building and structures ancillary to the single detached dwelling, semi-detached dwelling or rowhouse cumulatively contain no more than one detached additional residential unit;	Two (2) <i>Interior Additional Residential Dwelling Unit(s)</i> are <i>permitted</i> within the primary <i>dwelling</i> of any <i>single detached, semi-detached, stacked townhouses, group townhouses</i> and <i>street townhouses</i> if all buildings and structures <i>ancillary</i> to the <i>single detached dwelling, semi-detached dwelling, stacked townhouse, group townhouse</i> and <i>street townhouse cumulatively contain no detached additional residential unit</i> .	Similar to above, the provision was updated to allow two interior units in any <i>single detached, semi-detached</i> and <i>townhouse dwellings</i> .
7. b) Limits floor area and again only permits in single, semis, and street towns.	3.2.3.1 d)	The <i>useable floor area</i> of an addition to the primary <i>dwelling unit</i> to accommodate an <i>Interior Additional Residential Dwelling Unit</i> shall not exceed 75m <sup>2</sup>	The <i>useable floor area</i> of an addition to the primary <i>dwelling unit</i> to accommodate an <i>Interior Additional Residential Dwelling Unit</i> shall not exceed 75m <sup>2</sup>	Permitted housing types has been updated to include all townhouse types. Bill 23 identifies that the minimum floor area of

		(807 square feet). In the case of an <i>interior additional residential dwelling unit</i> which is located in the basement of a <i>single detached, semi-detached</i> and <i>street townhouse dwelling</i> the <i>interior dwelling unit</i> may occupy the whole basement.	(807 square feet). In the case of an <i>interior additional residential dwelling unit</i> which is located in the basement of a <i>single detached, semi-detached, stacked townhouse, group townhouse</i> or <i>street townhouse</i> , the <i>interior dwelling unit</i> may occupy the whole basement.	a residential unit cannot be identified under by-law, the changes to the <i>Planning Act</i> however do not speak to maximums. Staff are proposing to keep the useable floor area limitation.
7. c) limits entrance location	3.2.3.1 e)	The <i>Additional Residential Dwelling Unit</i> shall have its own exterior entrance separate from the exterior entrance to the primary <i>dwelling unit</i> , but shall not be <i>permitted</i> on an elevation, or façade of the <i>building</i> that faces a public <i>street</i> or private road; and shall have no means of internal access to the primary <i>dwelling unit</i> , except that access to a primary and second <i>dwelling</i> through a common vestibule entry is <i>permitted</i> .	An <i>Additional Residential Dwelling Unit</i> shall have its own exterior entrance separate from the exterior entrance to the primary <i>dwelling unit</i> , but shall not be <i>permitted</i> on an elevation, or façade of the <i>building</i> that faces a public <i>street</i> or private road; and shall have no means of internal access to the primary <i>dwelling unit</i> , except that access to a primary and second <i>dwelling</i> through a common vestibule entry is <i>permitted</i> . This clause shall not apply to <i>stacked townhouses, group townhouses</i> or <i>street townhouses</i> .	Similar to section 3.2.3 d), an exception to this clause is proposed for all townhouse types to limit the limitations on additional residential dwelling units.

7. f) requires 50% of the front yard to be landscaped.	3.2.3.1 h)	A minimum of 50 percent of the <i>front yard</i> shall be maintained as landscaped open space.	A minimum of 50 percent of the <i>front yard</i> shall be maintained as landscaped open space. This provision shall not apply to <i>stacked townhouses or group townhouses</i> .	Staff recognize the limitations presented by this clause in practice within stacked townhouses or group townhouses developments. Removing the applicability of the clause for these two specific uses is intended to provide additional flexibility in developing housing types representative of the “missing middle”.
8. c) word smithing required	3.2.3.2 d)	Be nearer than 1.2 meters of an <i>interior side yard</i> and <i>rear yard</i> , except:  I. In the case of a mutual <i>private garage</i> in the <i>rear yard</i> on a common <i>interior side lot line</i> , no separation distance is required;  II. In the case of a <i>rear lot line</i> adjoining a private or public <i>lane</i> , no <i>setback</i> is required;	<i>Detached Additional Residential Dwelling Units</i> are not permitted to be nearer than 1.2 meters of an <i>interior side yard</i> and <i>rear yard</i> , except:  I. In the case of a mutual <i>private garage</i> in the <i>rear yard</i> on a common <i>interior side lot line</i> , no separation distance is required;  II. In the case of a <i>rear lot line</i> adjoining a private or public <i>lane</i> , no <i>setback</i> is required;	Provision was unclear and was updated.

8. f) requires ARDU within 40 m of primary dwelling	3.2.3.2 g)	The entirety of the <i>Detached Additional Residential Dwelling Unit</i> is to be located within a maximum of 40 metres from the primary <i>dwelling</i> .	The entirety of the <i>Detached Additional Residential Dwelling Unit</i> is to be located within a maximum of 40 metres from the primary <i>dwelling</i> .	This requirement is maintained by staff as it ensures the proposed ARDU is ancillary to the main dwelling type by providing proximity and limits the potential of unnecessary impact on agricultural uses in rural areas and future intensification on urban lots.
8.f) requires 50% of front yard to be landscaped.	3.2.3.2 j)	A minimum of 50 percent of the <i>front yard</i> shall be maintained as landscaped open space.	A minimum of 50 percent of the <i>front yard</i> shall be maintained as landscaped open space. This provision shall not apply to <i>stacked townhouses or group townhouses</i> .	Similar to 3.2.3.1 h), the proposed