

# 9 . I M P L E M E N T A T I O N & M O N I T O R I N G

*“A Well Governed, Well Planned and Sustainable County”*

## 9.1 INTRODUCTION

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

## 9.2 THE PLANNING PERIOD

This Plan is based on a 20-year planning horizon to the year 2026, which principally relates to the population and employment projections and designated land supply. The effect of most of the land use policy will have implications well beyond the 20 year timeframe and will accordingly represent a long-term or permanent commitment. Policies protecting natural heritage features and resources require an indefinite timeframe to be effective. Buildings, water and sewer servicing, and other similar facilities also have a relatively long life span, and therefore require a long-term commitment beyond the scope of a 20-year planning horizon.

## 9.3 OFFICIAL PLAN MONITORING & REVIEW

Changing conditions may necessitate amendments to this Plan. The policies are based on the vision and strategic goals and objectives developed through the extensive public consultation undertaken during the preparation of this Official Plan. Furthermore, the policies of the Plan are based on assumptions and a

regulatory environment that are subject to change over time. Therefore, Plan monitoring and review is required to identify trends in planning issues in the County, to analyze the effectiveness of the policies of the Plan and to allow for adjustments and updating.

The following shall be the policy of the County:

- a) As provided for in the *Planning Act*, the County shall provide the opportunity for interested citizens and organization to present submissions on the Plan at least every five years. Through this process, the County shall determine the need to amend the Plan to ensure that the policies remain realistic and appropriate with regard to changing social, economic and environmental circumstances.
- b) Monitoring of specific policies is prescribed in the policies of the Plan, and shall be undertaken in accordance with those policies.
- c) The County shall continue to prepare servicing monitoring analyses of the Urban Areas to determine allocated servicing for water supply and sanitary services, reserve capacity and systems utilization.
- d) The County shall continue to develop and maintain a County geographic information system for planning and management purposes, and provide updated mapping information, statistics, forecasts and analyses related to planning issues and Plan policies.
- e) In response to any changes in the regulatory environment, changes to the planning policies of the Province of Ontario, or other planning initiatives, the County may initiate an amendment process at any time.
- f) Where judicial or quasi-judicial decisions, including those of the Ontario Municipal Board, materially impact the County's interpretation or intent in the policies of this Plan, Council may choose to initiate a review of any or all of the policies at any time.
- g) Typographical errors may be corrected without amendment to this Plan.

## 9.4 ZONING BY-LAW & OTHER BY-LAWS

### 9.4.1 Zoning By-law

The County shall prepare, and Council shall adopt, a Comprehensive Zoning By-law that shall be in conformity with the principles, policies and land use designations contained in this Plan. The By-law shall include adequate development standards. The By-law shall establish specific zones and permitted uses that reflect the policies and land use designations of this Plan. Within each land use designation, more than one zone may be established to ensure that the policies of this Plan are properly implemented. It is not the intent of this Plan to necessarily zone all land for uses designated in this Plan. Existing uses may be recognized in the implementing Zoning By-law.

### 9.4.2 Holding Provisions

Holding zones may be established in order to achieve orderly development and ensure that policies established in this Plan have been met. Council may place a holding symbol on the zone that prevents development from occurring until the County is satisfied that certain conditions have been met, allowing Council to indicate support for the development in principle, while identifying the need for additional actions prior to development proceeding. Specific actions or requirements for the lifting of the holding provision shall be set out in the County's Zoning By-law or the amendment thereto. These actions or requirements include, but are not necessarily limited to, the following:

- a) The allocation of municipal servicing capacity on the part of Council;
- b) The phasing and logical progression of development;
- c) The provision of adequate service or road infrastructure and works;
- d) The completion and confirmation that environmental contamination remediation has occurred on site, or that satisfactory verification of suitable environmental site condition is received by the County;
- e) The completion of an appropriate supporting study(ies) to the satisfaction of the County, in consultation with other agencies, as required;
- f) Confirmation that the requisite permits and approvals from external authorities have been received;
- g) The completion of a development or the subdivision of land, including the negotiation of a development or subdivision agreement;
- h) That site plan approval has been granted by the County, and a site plan agreement has been entered into, pursuant to the provisions of the *Planning Act*; and/or
- i) That the specific policies of this Plan have been complied with.

### 9.4.3 Interim Control By-laws

The County may establish interim control by-laws in accordance with the relevant sections of the *Planning Act*, in order to control the use of land, buildings or structures within specifically identified areas for a specified period of time not exceeding two years in length.

### 9.4.4 Temporary Use By-laws

The County may pass a temporary use by-law to allow a use otherwise prohibited by the Zoning By-law. A temporary use by-law will define the land to which it applies, and shall prescribe the period of time during which it is in effect. Council may extend this period by passing further by-laws, subject to the specific

policies of this Plan. Temporary use by-laws shall not be passed for the purpose of permitting uses that are not in conformity with this Plan.

In enacting a temporary use by-law, Council shall consider the following:

- a) The compatibility of the proposed use with the surrounding land uses;
- b) The adequacy of any services that may be required for the proposed use;
- c) Access and parking requirements;
- d) Traffic impacts; and
- e) The conformity of the proposed temporary use with the policies of this Plan.

#### **9.4.5 Property Standards By-law**

Council may enact by-laws pursuant to the *Ontario Building Code Act*, setting out minimum standards for the maintenance and occupancy of all buildings and properties. Any such by-law shall apply to part of the County, or throughout the County, to be determined at Council discretion. These by-laws should have regard for any or all of the following matters or related items and set appropriate standards or conditions for:

- a) The physical conditions of vacant land, yards and passageways including the accumulation of debris and rubbish;
- b) The adequacy of sanitation including drainage, waste disposal, garbage and pest control;
- c) The physical condition of accessory buildings; and
- d) The physical conditions of dwellings or dwelling units, institutional, commercial and/or industrial buildings, structures and properties.

Any such by-law may require that substandard properties be repaired and maintained to comply with the standards, prohibit the use of a substandard property and require the demolition and clearing of such property which the owner does not intend to repair and maintain.

Upon passing a Property Standards By-law, Council shall appoint a Property Standards Officer who will be responsible for administering and enforcing the By-law. Council shall also appoint a Property Standards Committee for the purpose of hearing appeals against any order issued by the Property Standards Officer.

### **9.5 PLANNING TOOLS**

#### **9.5.1 Secondary Plans**

Secondary plans shall be prepared to plan for growth and development on large tracts of land within the County or existing portions of the County that require

special land use policies. Should tracks of land for growth and development be identified that are beyond the existing Urban Area boundaries as a result of subsequent reviews of this Plan, a secondary plan shall be required prior to development. The following policies shall apply to the preparation of secondary plans:

- a) The establishment of a secondary plan area shall account for any existing uses within the area.
- b) Secondary plans may be used to establish unique or more detailed land use policies or land use designations than that of this Plan.
- c) Secondary plans shall establish the location of key community services and amenities including schools, parks and related uses.
- d) Secondary plans shall be adopted as amendments to this Plan and therefore shall be treated as an amendment to the Official Plan. Secondary plans shall be placed in a second part of this Plan. Therefore, by amendment to this Plan, a “Part II” would be established to embody any secondary plans. This Plan would then become “Part I – The Primary Plan”.
- e) The preparation of a secondary plan and establishment of a secondary plan area shall be approved by resolution of Council.
- f) The costs of preparing a secondary plan shall be borne by the affected landowners, and not the County. Should Council direct that a secondary plan be undertaken for an area that requires special land use policies, the County may either share in the costs of preparing the secondary plan, or choose to assume the costs without landowner participation.
- g) The goals, objectives and policies of this Plan shall be maintained in any secondary plan.

#### **9.5.1.1 Supporting Requirements for Secondary Plans**

The County, in order to provide the appropriate background information for the any secondary plan, may require the undertaking of a number of background reports. These may include, but shall not be limited to:

- a) A determination of environmental protection and natural heritage areas;
- b) A master servicing plan;
- c) A stormwater management study;
- d) A traffic impact analysis;
- e) An urban design master plan;
- f) An agricultural impact assessment; and
- g) A planning rationale report.

The requirements of Subsections (a) through (e) may be embodied in an integrated and comprehensive study known as a Master Environmental Servicing Plan (MESP).

#### **9.5.1.2 Planning Rationale for Secondary Plans**

The planning rationale report required by Section 9.5.1.1 shall address the following:

- a) The integration of proposed new development with the existing development;
- b) The distribution of proposed land uses;
- c) The range of housing styles and densities;
- d) Neighbourhood commercial uses to service the residential areas;
- e) Linkages between the residential areas, parks, schools, recreational areas and institutional facilities; and
- f) The impact on adjacent agricultural operations, including consideration of Minimum Distance Separation Formulae.

#### **9.5.1.3 Contents of Secondary Plans**

Secondary Plans shall generally include the following:

- a) A statement of the basis or rationale for the preparation of the Secondary Plan;
- b) A description of the area under study and the role and relationship of the area to the County as a whole;
- c) A description of the current land use, ownership, built and natural environment, and infrastructure in the area;
- d) A statement of the desired land use arrangement for the area;
- e) Goals and objectives appropriate for the area including a statement of how they are in keeping with the Goals and Objectives of this Plan;
- f) Concept plan(s) showing, where appropriate, the following:
  - i) land use designations of the desired type and pattern of development with due consideration to the community design policies of this Plan,
  - ii) the nature and location of public facilities,
  - iii) the desired transportation network for the area and its links to the existing transportation network of the County,
  - iv) the nature and location of municipal services,

- v) the identification, protection and integration of significant cultural, built and Natural Heritage Features, and
- vi) the phasing of development and infrastructure;
- g) Specific policies and strategies for achieving the goals and objectives established for the area that complement the policies of this Plan; and
- h) Implementation measures to ensure the orderly delivery of the planned development.

### 9.5.2 Community Improvement

The County shall work to maintain and promote an attractive, well maintained and safe living and working environment through community improvement. The Community Improvement provisions of the *Planning Act* give Norfolk County a number of planning tools to proactively stimulate community improvement, rehabilitation and revitalization. In designated Community Improvement Project Areas, the preparation of Community Improvement Plans will provide Norfolk County with various powers to promote community improvement. This includes incentives to stimulate or leverage private and/or public sector investment.

The following shall be the policy of the County:

- a) Community Improvement in Norfolk County shall be accomplished through the following measures and activities:
  - i) the ongoing maintenance, rehabilitation, redevelopment and upgrading of areas characterized by deficient, obsolete and/or deteriorated buildings, land use conflicts, environmental contamination, deficient municipal hard services, social, community, recreational services, or economic instability;
  - ii) the establishment of programs to encourage private sector redevelopment and rehabilitation that addresses identified economic development, land development, environmental, housing, and/or social development issues/needs;
  - iii) the designation by by-law of Community Improvement Project Areas, the boundary of which may be the whole of Norfolk County or any part thereof; and
  - iv) the preparation, adoption and implementation of Community Improvement Plans, pursuant to the *Planning Act*.
- b) The designation of Community Improvement Project Areas shall be based on one or more of the following conditions being present:
  - i) buildings, building facades, and/or property, including buildings, structures and land of heritage and/or architectural significance, in need of preservation, restoration, repair, rehabilitation, or redevelopment;

- ii) non-conforming, conflicting, encroaching or incompatible land uses or activities;
  - iii) deficiencies or deterioration in physical infrastructure including, but not limited to, the sanitary sewer system, storm sewer system, and/or watermain system, roads, parking facilities, sidewalks, curbs, gutters, streetscapes and/or street lighting;
  - iv) poor road access and/or traffic circulation;
  - v) deficiencies in community and social services including, but not limited to, public open space, municipal parks, neighbourhood parks, community centres, libraries, arenas, other recreational facilities, and public social facilities;
  - vi) inadequate mix of housing types;
  - vii) known or perceived environmental contamination;
  - viii) poor overall visual quality, including but not limited to, streetscapes, urban design and other physical amenities;
  - ix) built or natural heritage resources that need to be preserved, rehabilitated or renewed;
  - x) high commercial or industrial vacancy rates;
  - xi) shortage of land to accommodate widening of existing rights-of-way, building expansion, parking and/or loading facilities;
  - xii) other impediments to the repair, rehabilitation or redevelopment of underutilized land and/or buildings;
  - xiii) any other economic, environmental, or community development reasons; and/or
  - ixv) there is the potential for, or existence of, a Business Improvement Area.
- c) Community Improvement Plans shall be prepared and adopted to:
- i) encourage the renovation, repair, rehabilitation, remediation, redevelopment or other improvement of land and/or buildings;
  - ii) encourage residential and other types of infill and intensification;
  - iii) upgrade and improve municipal services and public utilities such as sanitary sewers, storm sewers, watermains, roads and sidewalks;
  - iv) encourage the preservation, restoration, adaptive reuse and improvement of buildings exhibiting significant heritage or architectural elements;
  - v) encourage the construction of a range of housing types and the construction of affordable housing;



- vi) improve traffic circulation within the Community Improvement Project Areas;
  - vii) encourage off-street parking and provide municipal parking facilities where feasible and appropriate;
  - viii) promote the ongoing viability and revitalization of the Downtown Areas as the focus of pedestrian oriented retail, commercial, office, civic, cultural, entertainment and government uses;
  - ix) facilitate and promote community economic development;
  - x) improve social, community or environmental conditions; and/or
  - xi) improve community quality, safety and sustainability.
- d) In order to implement Community Improvement Plans within designated Community Improvement Project Areas, Norfolk County may undertake a range of actions, including:
- i) the municipal acquisition of land and/or buildings within Community Improvement Project Areas, and the subsequent:
    - clearance, grading, or environmental remediation of these properties;
    - repair, rehabilitation, construction or improvement of these properties;
    - sale, lease, or other disposition of these properties to any person or governmental authority; and/or
    - other preparation of land or buildings for community improvement.
  - ii) provision of public funds such as grants, loans and other financial instruments;
  - iii) application for financial assistance from senior level government programs;
  - iv) participation in any senior level government programs that provide assistance to private landowners for the purposes of community improvement;
  - v) provision of information on municipal initiatives, financial assistance programs, and other government assistance programs;
  - vi) supporting heritage conservation through the *Ontario Heritage Act* and the Norfolk Heritage Committee;
  - vii) supporting the efforts of the Chambers of Commerce, Boards of Trade and Business Improvement Associations to revitalize the Downtown Areas through the implementation of various programs, including façade rehabilitation;

- viii) encouraging the continuation and enlargement of the Business Improvement Area to enhance and maintain the viability of the commercial area;
  - ix) encouraging off-street parking and providing municipal parking facilities where feasible and appropriate;
  - x) encouraging infill development in appropriate areas;
  - xi) enforcing the Property Standards By-law;
  - xii) co-operating with school boards, local municipal boards, service clubs, business organizations, educational institutions and other organizations to promote and facilitate the utilization of existing facilities and, where feasible, to rehabilitate these facilities to offer new and/or better services to the community;
  - xiii) encouraging the rehabilitation of private buildings by advising property owners of government subsidies and programs, and assisting where possible, the property owners in obtaining grants; and/or
  - ixv) where conflicting land uses occur in Community Improvement Project Areas, endeavouring to limit the expansion of these uses and encouraging and/or assisting in the relocation of the offensive use.
- e) Throughout the identification of a Community Improvement Project Area and the development of a Community Improvement Plan, the Municipality shall involve the residents of the affected areas in the identification of service level deficiencies and priorities.

## 9.6 DEVELOPMENT CONTROL

### 9.6.1 Official Plan Amendments

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

The following shall be the policy of the County:

- a) Applications to amend this Plan shall include a planning rationale report for the proposed change, prepared by the applicant. This shall include, but not be limited to, information regarding the proposed use, servicing, density if applicable, floor area if applicable, lot layout, site plans as appropriate and applicable, and the criteria outlined in Section 9.6.1(c) of this Plan. The County, at its sole discretion, may waive the requirement for a planning rationale report for minor and/or site specific amendments.
- b) Any specific Official Plan amendment procedures outlined in the policies of this Plan shall apply to the consideration of the application.

- c) The County shall consider the following criteria when reviewing applications to amend this Plan:
- i) the manner in which the proposed amendment conforms to prevailing Provincial policy and regulations;
  - ii) the manner in which the proposed amendment conforms to the Strategic Plan prepared in support on this Plan;
  - iii) the manner in which the proposed amendment conforms to the Goals and Objectives, and policies of this Plan;
  - iv) the impacts of the proposed amendment on the provision of and demand for municipal services, infrastructure and facilities;
  - v) the adequacy of the proposed servicing solution with respect to the servicing policies of this Plan;
  - vi) the impact of the proposed amendment on surrounding land uses, the transportation system, municipal services and community amenities and services;
  - vii) the impact of the proposed amendment on the community structure and nature of the Urban Areas and/or Hamlet Areas;
  - viii) the impact of the proposed amendment on cultural and/or Natural Heritage Features;
  - ix) the impact on agricultural uses and land;
  - ix) the impact of the proposed amendment on the financial sustainability of the County; and
  - x) any other information determined by the County, in consultation with the appropriate agencies, to be relevant and applicable.

## 9.6.2 Zoning By-law Amendments

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

### 9.6.2.1 Bonussing

The County may pass a site-specific Zoning By-law amendment to authorize increases in the height and density of development above what is permitted in the Zoning By-law, in return for the following:

- a) The provision of affordable or rental housing;
- b) The preservation of built or cultural heritage features;
- c) The enhancement of Natural Heritage Features;
- d) Parkland greater than that required by this Plan;
- e) The provision of community centres, day care facilities or other public service facility; and/or
- f) Public art.

### 9.6.3 Activities of the Committee of Adjustment

#### 9.6.3.1 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 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.

#### 9.6.3.2 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 applications 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 9.6.3.2 (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 by the Province;
  - 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.
- 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.

#### 9.6.4 Draft Plan of Subdivision and Condominium Approval

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 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 7.4 (Community Design) 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.

### 9.6.5 Site Plan Control

Norfolk County shall utilize site plan control as provided for in the *Planning Act*. The following policies shall apply to site plan control:

- a) Subject to the policies of this Plan, the site plan control area shall apply to the entire County.
- b) Where development consists of single detached, duplexes or semi-detached dwellings, site plan control shall not apply, except in cases where specifically required by this Plan, such as in cases where development is proposed on identified Hazard Lands.
- c) Where development consists of farm operations, farm buildings and the residence of the farm operator, site plan control shall not apply, except in cases where specifically required by this Plan, such as where an on-farm secondary business is proposed.
- d) 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.
- e) The County shall consult the appropriate Conservation Authority and any other relevant agency when considering applications for site plan approval, where applicable.

- f) The County may apply certain conditions to site plan approval, and may require that a certain standard of design be applied.
- g) The County shall require financial security through bonding or other financial arrangement prior to development.

## **9.7 DEVELOPMENT APPLICATION SUPPORTING REQUIREMENTS**

Under circumstances outlined in this Plan, the preparation of one or more studies may be required in support of a development application. At the County's sole discretion, any report or study required in support of a development application, in addition to those referenced in this Section, may be subject to a County peer review study completed at the cost of the proponent.

The following policies relate to the requirements for the supporting studies required by this Plan.

### **9.7.1 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 input from the Norfolk Environmental Advisory Committee, Long Point Region Conservation Authority, Grand River Conservation Authority and/or the Ministry of Natural Resources. The Ministry of Natural Resources, 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, or other appropriate agencies, may also be consulted.

In consultation with the Norfolk Environmental Advisory Committee and the appropriate Conservation Authority, a scoped EIS may be prepared for minor planning applications or prior to issuance of a building permit in circumstances where no other development application approvals are required. The nature and scope of a particular development proposal shall serve to define the type of EIS and review criteria to be addressed.

In circumstances where there is a low likelihood of impact on the natural environment, and intervening development between the land subject to the planning or building permit application(s) and the feature triggering the EIS requirement, the County, in consultation with the appropriate Conservation Authority, may waive the requirement for the EIS.

To assist the County in determining the adequacy of the EIS, Council may require a peer review, paid for by the proponent, in addition to the review of the Norfolk Environmental Advisory Committee, appropriate Conservation Authority and Ministry of Natural Resources.

The EIS shall include:



- a) A Proposal Description including a description of the proposed use:
- i) current land use, existing land use regulations, and ownership of the subject land and land adjacent to the proposed location;
  - ii) the timing of construction/development, including any phasing of the development;
  - iii) alternative forms the development may take;
  - iv) 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);
  - v) a list of relevant reports and supporting studies that have been completed for the site; and
  - vi) 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) if not 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;
  - if the subject land is within or adjacent to a significant woodland, or a potentially significant woodland, and if so the inventory shall include:
    - 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;
    - whether the woodland is currently being managed; 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.

#### 9.7.1.1 Policies

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

- a) In the preparation and review of an EIS, the Ministry of Natural Resources, and the Long Point Region or Grand River Conservation Authority shall be consulted as to the nature and extent of the physical hazard and/or sensitive features. The Ministry of the Environment shall be consulted on an as-needed basis. The EIS shall be prepared to the satisfaction of the aforementioned agencies.
- b) If the County, upon reviewing the EIS, is satisfied that the proposed use will not have a detrimental impact on the natural environment or Natural Heritage Feature and/or that physical hazards do not exist, then the County may adopt the Official Plan amendment, rezone the land, execute the site plan agreement, grant draft approval to the plan of

subdivision or condominium, grant consent, and/or grant a minor variance, whatever the case may be.

- c) 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 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.
- d) 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.

### **9.7.2 Environmental Procedures for Potentially Contaminated Sites**

The development or redevelopment of known or potentially contaminated sites shall require the proponent to assess and remediate where necessary in accordance with the requirements of Ontario Regulation 153/04. Proponents of application(s) for Official Plan amendment, zoning by-law amendment, plan of subdivision/condominium or site plan approval shall document the previous uses of the subject property or adjacent properties that may have impacted the subject lands in accordance with the requirements of a Phase 1 Environmental Site Assessment (ESA) to assist in the determination of the potential for site contamination as part of the supporting documentation for the planning application(s). Proponents shall submit all information to the County prior to the scheduling of a public meeting, and shall present the results of the Phase 1 ESA at the public meeting. At the County's discretion, applications for minor variance and consent may also be required to document previous uses to assist in the determination of the potential for site contamination. In the event that the Phase I ESA reports actual or potential that the site is contaminated, prior to the issuance of any final planning approval, the proponent must demonstrate that site assessment has been undertaken, remediation completed where necessary, and a Record of Site Condition (RSC) filed on the Brownfields Environmental Site Registry (Registry). Also, wherever a change in property use from industrial, commercial or community use to residential, institutional, parkland or agriculture is proposed, the proponent must demonstrate that a valid RSC has been filed to the Registry prior to the issuance of a building permit for any structure that will be used in connection with the property.

### **9.7.3 Retail Market Impact Study**

Retail market impact 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;
  - iii. Assess the availability and suitability of the Downtown Areas as a location for the proposed development;
  - iv. 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; 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.

## 9.8 PUBLIC CONSULTATION & PARTICIPATION

The public actively participated in the development of this Plan. The County shall take steps to ensure the continuation of a proactive public consultation program, to actively involve the public in the monitoring of this Plan, and to ensure that alternative means to resolve planning disputes and objections are pursued.

The following shall be the policy of the County:

- a) The County shall provide the opportunity for residents and property owners to become involved and participate in the planning process related to the implementation of this Plan in accordance with the policies of this Plan and the requirements of the *Planning Act*. The following policies shall apply to public consultation and participation:
- i) the County shall use a variety of techniques to encourage the participation of the public when Council is considering changes to this Plan. Subject to the requirements of the *Planning Act*, Council may establish the public consultation program it feels will best deal with the matters before it.
  - ii) the County shall provide notification of any amendment to this Plan in accordance with the requirements of the *Planning Act*, and may consider additional notice to ensure that the potentially affected residents in the County are aware of the amendment.
  - iii) the County shall encourage a pre-submission consultation on privately-initiated applications processed under the *Planning Act*.
  - iv) Council recognizes that the provisions of the *Planning Act* require it to take action on a development application within a prescribed period of time, subject to the application being complete and the provision of adequate information about the proposal being available to the public and Council so that informed decisions can be made.
- b) The County shall actively seek the views and participation of the public prior to making any decisions regarding amendments to this Plan or the Zoning By-law. In each case involving such planning matters, at least one public meeting shall be called and the public shall be encouraged to offer their opinions and suggestions. Calling and holding public meetings on planning matters shall be the responsibility of the Council or, in cases where Council has delegated the responsibility, a formal Committee of Council.
- c) In order to provide ample opportunity to the general public to review and discuss proposed Official Plan and or Zoning By-law amendments and to prepare their comments, at least 14 days advance notice of the public meeting shall be given for site specific Zoning By-law amendments and 14 days for site specific Official Plan amendments. Notice of the public meeting shall be given by the County Clerk in the following manner:
- i) by personal service or prepaid first class mail, to every owner of land in the area to which the proposed amendment would apply, and within 120 metres of the area to which the proposed amendment would apply, as shown on the last revised assessment roll, at the address shown on the roll. Where the County Clerk has received written notice of a change of

- ownership of land, notice shall be given only to the new owner at the address set out in the written notice;
- ii) notice of a public meeting for the purpose of informing the public in respect of a site specific Official Plan amendment or site specific Zoning By-law amendment shall be given by personal service or prepaid first class mail to every person and agency that has given the County Clerk a written request for such notice in respect of the proposed Official Plan or Zoning By-law amendment; and
  - iii) a written request given under subsection (ii) shall show the person's or agency's address.
- d) The notice of public meeting shall be completed in accordance with the requirements of the *Planning Act*, and where appropriate shall contain the following information:
- i) date, time, and place of meeting;
  - ii) a key plan showing the location of the subject site; and
  - iii) a description of the proposal, or a description of the matters which may be addressed in an amendment to the Official Plan or Zoning By-law in the event that the application is approved.
- e) In addition to the notice of public meeting, the applicant in the case of a site specific amendment to the Official Plan or Zoning By-law shall be required to post a sign on the property to the satisfaction of the County, clearly visible to the general public, which would briefly describe the development proposal. The sign shall be in place at least thirty (30) days in advance of the public meeting.
- f) Notwithstanding the notice period prescribed, a minimum 20 day notice period, as set out in the *Planning Act*, shall apply in instances of a general Official Plan or Zoning By-law amendment, where there is no public notice sign placed on a property, or where Council considers a development proposal to be of a scale which may impact significantly on neighbouring properties.
- g) Mediation and alternative dispute resolution techniques shall be supported and be the preferred method of resolving land use disputes.

## 9.9 FINANCIAL MANAGEMENT

The County ensures optimal service delivery and implementation of the Plan. With increasingly constrained financial resources available to all levels of government, the implementation of this Plan must be financially viable. This Plan shall be managed to ensure that the required capital expenditure to provide the services for development and improvement are paid in an equitable and appropriate manner. The County will strive to maintain financial sustainability and integrity by managing its financial resources and by undertaking development in a fiscally responsible manner.

The following shall be the policy of the County:

- a) The County may use the population, dwelling and employment targets in the Plan in budget planning, and to coordinate public works and related initiatives. The County may also choose to use more conservative projections in municipal activities to ensure wise financial management.
- b) The County shall diligently seek the maximum revenues possible from senior levels of government to compensate it for any federal or provincial responsibilities transferred to it in relation to the provision of public infrastructure, community soft services, and land use planning.
- c) Where possible, the County shall use financial mechanisms available to it under any legislative authority, including the *Municipal Act*, *Development Charges Act*, *Planning Act* and any other applicable legislation.
- d) The County shall recover all growth-related capital costs through development charges, in accordance with Provincial legislation. The County may pass development charges by-laws that apply to the County, as a whole and/or that apply to specific geographic areas within the County.
- e) The County reserves the right to request a Municipal Financial Impact Assessment for any development application. The contents of such a study shall be determined by the County at the time of the request. The Study shall be prepared and shall be peer reviewed at the cost of the development proponent. Development applications or proposals that otherwise comply with the relevant policies of this Plan may be refused on the basis of financial impact and burden on the County, if suitable mitigation measures are not available.

## 9.10 PLAN ADMINISTRATION

### 9.10.1 Existing Uses

The following shall be the policy of the County:

- a) Nothing in this Plan shall affect the continuance of uses legally existing on the date this Plan was adopted by Council.
- b) The County may recognize the existing use of land in the implementing Zoning By-law. However, Council in co-operation with residents will attempt to reduce the number of non-conforming uses whenever and wherever possible according to the policies of this Plan.

### 9.10.2 Non-Conforming Uses

The County recognizes that some existing uses will not be consistent with all of the policies of this Plan. Notwithstanding the policies of this Plan to the



contrary, such uses may be permitted in the Zoning By-law in accordance with the legally existing standards on the date of adoption of this Plan. To recognize such uses, the County may also develop suitable zone categories with appropriate standards in the Zoning By-law, provided that:

- a) The specific zone category shall not permit a change of use that would aggravate any situation detrimental to adjacent uses;
- b) The use or uses permitted shall not constitute a danger to surrounding uses and persons by creating any hazardous situations;
- c) The use or uses do not interfere with the desirable development of adjacent areas; and
- d) Minor adjustments to the boundaries of sites, or minor extensions of sites containing non-conforming uses that are recognized in the Zoning By-law shall be deemed to conform to this Plan.

### 9.10.3 Non-Complying Uses

Where an existing use of land is permitted within the applicable zone in the County's Zoning By-law, but the lot, buildings or structures located on the property do not meet one or more of the provisions or regulations of the applicable zone, the use shall be considered to be legal non-complying. Applications for the expansion, alteration or addition of the non-complying use shall be considered by way of Zoning By-law amendment or minor variance, depending on the nature of the proposal.

### 9.10.4 Land Acquisition

The County may acquire land to implement any element of this Plan in accordance with the provisions of the *Municipal Act*, the *Planning Act*, or any other Act. Municipal land assembly shall be permitted for residential, commercial, industrial, institutional or open space uses, provided such activity complies with the policies of this Plan.

The County will consider all options for the acquisition of land, including:

- a) Dedication;
- b) Assistance from other levels of government, agencies and charitable foundations;
- c) The bonussing provisions of the *Planning Act*, subject to the other relevant policies of this Plan;
- d) Density transfers;
- e) Land exchange;
- f) Long-term lease;
- g) Easement agreements;
- h) Land trusts; and

- i) Placing conditions on development approval.

Notwithstanding the preceding, the County shall not be obliged to acquire or purchase any land.

### 9.10.5 Parkland Dedication

The County shall secure the maximum benefit of the *Planning Act* with respect to land dedication for park development and shall strive to meet the policies of Section 7.5.1 (Parks) of this Plan relating to park development. The following policies shall apply to parkland dedication:

- a) Parkland dedication shall be calculated based on the total gross area of the land within the plan of subdivision and/or site plan.
- b) Where land is to be developed for residential purposes, Council may require the conveyance of land for park purposes or the equivalent cash-in-lieu in accordance with the maximum of the following criteria or combination thereof:
  - i) five percent (5%) dedication of the gross area of the land proposed for development; and/or
  - ii) dedication at a rate of one hectare per 300 units.
- c) Where land is developed or redeveloped for industrial or commercial purposes, Council may require conveyance of land for park purposes or equivalent cash-in-lieu at a rate of two percent (2%) of the gross area of the land proposed for development.
- d) Where land in a draft plan of subdivision is to be used for any use other than residential, industrial or commercial purposes, Council may require conveyance of land for park purposes or equivalent cash-in-lieu at a rate of five percent (5%) of the gross area of the land proposed for development.
- e) The County may accept cash-in-lieu of the land dedication to be paid into a special account and used as specified in the *Planning Act*. Council will consider cash-in-lieu of parkland dedication under the following circumstances:
  - i) where the required land dedication fails to provide an area of suitable shape, size or location for development as public parkland;
  - ii) where the required dedication of land would render the remainder of the site unsuitable or impractical for development; and/or
  - iii) where it is preferable to have consolidated parkland of a substantial size servicing a wide area.
- f) Where new development is proposed on a site, part of which has physical limitations or hazards, then such land shall not necessarily be

acceptable as part of the land dedication under the *Planning Act*. All land dedicated to the County shall be conveyed in a physical condition satisfactory to the County, and shall meet minimum standards in terms of drainage, grading and general condition.

- g) As a condition of development approval, a proponent shall be required to provide a park facilities design satisfactory to the County for any park within the development. The park facility design shall have regard to Section 7.5.1 (Parks) of this Plan. However, in order to ensure that the size, configuration and orientation of the park is such that it can be programmed in an efficient manner, it may be necessary to prepare a park facilities design prior to development approval.

## 9.11 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 and Housing. As the sections of the Plan are interrelated, the Plan shall be read and interpreted in its entirety.

The following shall be the policy of the County in relation to the interpretation of this Official Plan:

- a) The boundaries of Urban Areas, Hamlet Areas and Resort Areas as illustrated on Schedules “A” and “B” are intended to be precise and shall be interpreted as such by the County. Actual measured distances and boundaries in relation to the Urban Areas, Hamlet Areas and Resort Areas shall be determined based on the schedules of the Zoning By-law.
- b) The boundaries between land uses designated on Schedule “B” are approximate except where they coincide with roads, rivers or other clearly defined physical features.
- c) Boundaries of Natural Heritage Features and Aggregate Resource Areas identified on Schedule “C” may be further refined through an Environmental Impact Study (EIS) or an update to a natural areas inventory. Where the general intent of the Plan is maintained, and subject to consultation with the MNR, minor adjustments to boundaries shall not necessitate an amendment to this Plan.
- d) Any reference to numerical values such as quantity, area, density, or population and employment targets shall be considered as approximate only and not absolute. Minor changes shall not necessitate an amendment to this Plan.
- e) In the case of a discrepancy between the policies in the text and related schedule, the policies in the text shall take precedence.
- f) In the case of a perceived discrepancy between the policies, the more restrictive policy, as determined by the County, shall apply.

- g) Wherever a use is permitted in a designated area, it is intended that uses, buildings or structures normally incidental, accessory and/or essential to that use shall also be permitted.
- h) Unless otherwise defined or interpreted to be defined through the policies of this Plan, terms and words used in this Plan shall be interpreted as defined in the Provincial Policy Statement or the Zoning By-law, where such terms are defined by said documents. In the case of a discrepancy between the Provincial Policy Statement and the Zoning By-law, the Zoning By-law shall prevail in the definition of a term or word. The County shall ensure that the definitions in the Zoning By-law are consistent with the Provincial Policy Statement.
- i) Municipal buildings, activities, services and utilities shall be permitted in any land use designation, providing the County has appropriate regard for the policies of this Plan. This shall be deemed to include activities and services provided under the *Municipal Act*, *Drainage Act* or any other legislation.
- j) Where any Act or portion thereof is referenced in this Plan, it is intended that such references should be interpreted to include any subsequent legislation that may amend or replace the specific statute.
- k) Where any guideline, manual, or portion thereof, is referenced in this Plan, it is intended that such references should be interpreted to include any subsequent guideline or manual that may amend or replace the referenced document.
- l) The effect of this Plan is such that no municipal public works shall be undertaken, and no municipal by-law passed for any purpose, that does not conform to and comply with this Plan.
- m) Public works undertaken by all other levels of government or public agencies, including the Government of Canada and the Province of Ontario, shall also be required to conform to this Plan, except where exempted under specific Federal or Provincial legislation.
- n) The quotes beneath the Chapter titles shall not be considered to be operative components of this Plan. Save and except for figures and tables specifically referenced in the policies of this Plan, the words, images or other elements in the margins shall not be considered operative components of this Plan.
- o) The references to “Norfolk County” or “the County” in this Plan shall mean the Corporation of Norfolk County, a municipality in the Province of Ontario to which this Plan applies.
- p) Sections 1 through 10 inclusive are considered operative components of this Plan. Any appendix to this Plan shall not be considered to be an operative component. Any changes to an appendix to this Plan shall not require an amendment.
- q) In the Plan, some of the Schedule “B” maps overlap in area with other Schedule “B” maps. Where an amendment is made to one Schedule

“B”, a corresponding amendment is also immediately made to any other overlapping map in Schedule “B”.<sup>1</sup>