

4 . M A N A G I N G L A N D U S E

“A Well Governed, Well Planned and Sustainable County”

4.1 INTRODUCTION

This Plan contains thirteen land use designations, as set out on Schedule “B”, that designate all land within Norfolk County. These land use designations are detailed in this Section of the Plan. The land use designations are as follows:

- Agricultural Designation;
- Hazard Lands Designation;
- Provincially Significant Wetland Designation;
- Hamlet Designation;
- Resort Residential Designation;
- Urban Residential Designation;
- Central Business District Designation;
- Shopping Centre Commercial Designation;
- Commercial Designation;
- Industrial/Business Park Designation;
- Institutional Designation;
- Parks and Open Space Designation; and
- Urban Waterfront Designation.

While there are thirteen land use designations, there are a number of Special Policy Areas (found in Section 3), Site Specific Policies (found in Section 4) and general policies (found throughout the Plan) that may also apply when interpreting permitted uses and development entitlements on specific parcels of land.

4.2 AGRICULTURAL DESIGNATION

The majority of land within the County is designated Agricultural, reflecting the dominance of agriculture. The Agricultural Designation is intended to strengthen the agricultural community in the County. The policies are designed to protect agriculture from the intrusion of incompatible uses, such as non-farm related residential dwellings and other uses that are sensitive to contemporary agricultural practices.

4.2.1 Permitted Uses

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

- a) The primary use of land shall be for farming, agriculture, nursery and horticulture crops production, aquaculture, agro-forestry, maple syrup production and agriculture-related uses, including the growing of crops, the raising of livestock and other animals, poultry and fish, fur and other products. The farm holding shall generally consist of all agricultural lots, the farm residence, farm buildings and structures including wind turbines for domestic electricity production, and any farm woodlands or Natural Heritage Features.
- b) A secondary farm residence may be permitted, provided the secondary farm residence is on the same lot, is accessory to the main farm operation, is used for full time farm help, and servicing is adequate. A consent for such a dwelling shall not be permitted. The accommodation of seasonal or temporary farm help may include the use of bunkhouses or mobile homes.
- c) Permitted uses shall also include those which add value to farm produce. These may include such uses as processing, preserving, storing and packaging of farm produce on farms. Such facilities may be used co-operatively among farms, but at a scale not to exceed the needs of the surrounding agricultural community of the County.
- d) Outlets for the retail sale of local farm produce shall also be permitted on farms.
- e) Agricultural events shall be permitted.
- f) The extraction of aggregate, mineral or petroleum resources shall be permitted in accordance with the *Aggregate Resources Act*, the *Mining Act* or the *Oil, Gas and Salt Resources Act*, as appropriate, subject to the policies of Section 5.5 (Natural Resources) of this Plan.
- g) Forestry uses shall be permitted, subject to the policies of Section 5.5 (Natural Resources) of this Plan.
- h) The development of wind energy systems for electricity production to be sold to the electrical grid, generally known as “wind farms”, shall be permitted, except on land east of Big Creek in the Lakeshore Special

Policy Area where they shall not be permitted. The development of wind energy systems shall be subject to a site-specific Zoning By-law Amendment and the policies of Section 4.2.2 (e) (Agricultural Designation – Land Use Policies).

- i) The following uses may also be permitted, provided these uses do not conflict with existing farming operations, or with any policies related to Provincially Significant Features or Natural Heritage Features:
 - i) Accessory residential dwellings within the main residential building, or garden suites, subject to the policies of Section 7.3.3 (Special Housing Forms);
 - ii) Home occupations, subject to the policies of Section 4.2.2 (a) (Agricultural Designation – Land Use Policies);
 - iii) On-farm secondary businesses, subject to the policies of Section 4.2.2 (c) (Agricultural Designation – Land Use Policies);
 - iv) Agriculture-related commercial and industrial operations, subject to the policies of Section 4.2.2 (d) (Agricultural Designation – Land Use Policies);
 - v) Public and private open space and recreational uses, subject to the policies of Section 4.2.2 (f) (Agricultural Designation – Land Use Policies); and
 - vi) Petroleum exploration and production under the *Oil, Gas and Salt Resources Act*, subject to the policies of Section 5.5.1 (Petroleum Resources and Mineral Aggregates).
- j) Large-scale recreational uses, including campgrounds, tent and trailer parks, and similar uses, that legally exist on the date of adoption of this Plan shall be permitted. Physical expansion, relocation, or establishment of new such uses shall be subject to an amendment to this Plan.
- k) Non-farm related rural residential development shall not be permitted, except in accordance with Section 4.2.3 (Agricultural Lot Creation and Lot Adjustment Policies) or on an existing lot of record, subject to the other applicable policies of this Plan.
- l) The policies of Section 3.8.1 (Lakeshore Special Policy Area) shall also apply in interpreting permitted uses within the Lakeshore Special Policy Area.
- m) Uses accessory to any of the permitted uses in the Agricultural Designation are permitted.

4.2.2 Land Use Policies

The following policies apply to land designated Agricultural.

- a) Home occupations not related to farming shall be permitted within a dwelling or accessory building, provided the use remains clearly secondary to the farm operation or principal use of the lot, and provided the use is operated by a farm family member, or the resident of the property. The actual range of home occupations permitted and the standards applying to them shall be set out in the Zoning By-law. Examples of home occupations include an office, consulting room or studio for a profession, business or a trade, and a hairdressing establishment.
- b) Home industries shall be permitted provided that such activities primarily serve the local community, the use is wholly conducted within an accessory building (shed or other accessory building), and the use remains clearly secondary to the principal use of the lot. The use shall be conducted by the property owner, with the support of up to three employees. In order to ensure that the scale of the business is clearly accessory to the main permitted use, the gross floor area of the home industry shall not exceed the gross floor area of the residential unit. Examples of home industries include small scale carpentry, electrical, welding machine and small engine repair or similar uses.
- c) On-farm secondary businesses comprise a gainful occupation conducted in whole or in part of an accessory building (shed or farm building) by a member of the farm family, with support of up to three employees. In order to ensure that the scale of the business is clearly accessory to the farm use, the gross floor area of the on-farm secondary business shall not exceed the gross floor area of the residential unit. Outside storage associated with the on-farm secondary business shall be temporary, limited in scale and screened from view from surrounding roads. On-farm secondary businesses shall have no negative impact on Natural Heritage Features. On-farm secondary businesses shall be subject to site plan control, if warranted and appropriate, in accordance with the policies of Section 9.6.5 (Site Plan Control).
- d) Agriculture-related commercial and industrial uses that are clearly supportive of and directly related to agricultural operations, such as feed mills, grain drying, abattoirs, large animal veterinary clinics, animal kennels, grain, fruit and vegetable handling and storage facilities, livestock marketing or sales yards, fertilizer plants, sawmills and farm implement and repair dealers, may be permitted subject to the following criteria:
 - i) the use must be justified on the basis of being required in close proximity to the farm operation;
 - ii) the proposed use complies with the Minimum Distance Separation Formulae;

- iii) the proposed use shall be serviced with an approved water supply and wastewater treatment facility;
 - iv) the proposed use shall be accessed via a Provincial Highway, subject to the approval of the Province; or an arterial or collector road, subject to the approval of the County;
 - v) the location of the proposed use shall provide for minimum sight distances from the access points in either direction along a County road;
 - vi) the proposed use shall be located and designed to mitigate potential adverse impacts, including noise impacts, on adjacent residential and other incompatible uses by buffering measures such as landscaping, berming and building setback and layout;
 - vii) the proposed use shall not be permitted in Provincially Significant Features or Hazard Lands identified on Schedules “B” or “C” to this Plan;
 - viii) the proposed use shall not be permitted in Natural Heritage Features identified on Schedule “C” to this Plan, unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions, in accordance with the policies of Section 6.4 (Natural Heritage Systems) of this Plan;
 - ix) the proposed use shall not be permitted on adjacent land to Provincially Significant Features or Natural Heritage Features identified on Schedules “B” or “C” to this Plan, unless the ecological function of the adjacent land has been evaluated and it has been demonstrated that there will be no negative impacts on the features or on their ecological functions, in accordance with the policies of Section 6.4 (Natural Heritage Systems) of this Plan;
 - x) the proposed use shall be subject to a Zoning By-law Amendment; and
 - xi) the proposed use shall be subject to site plan control, where warranted and as appropriate, in accordance with the policies of Section 9.6.5 (Site Plan Control) of this Plan.
- e) Wind farms shall normally be located on large parcels of agricultural land, containing many of the safety, noise and visual mitigation measures on-site, and having only limited existing residential development nearby. The sites shall be separated from sensitive uses in order to reduce the potential impact of safety, noise and visual intrusion on these areas. The proposed sites shall have suitable access to a public road with the existing design capacity to accommodate construction and maintenance vehicles needed for the wind farm. The sites shall have sufficient area to provide setbacks from sensitive residential and

institutional land uses, to provide safety from structure collapse or falling ice. The wind energy system shall be designed, built, operated and maintained by organizations or individuals qualified to undertake the work.

Wind farms shall only be permitted by site-specific Zoning By-law amendment in the Agricultural Designation and the Hazard Lands Designation where the applicant demonstrates, through appropriate studies, undertaken by qualified professionals, that all issues related to the amendment application have been addressed. The proponent shall undertake one or more of the following applicable studies:

- i) a noise impact study shall be undertaken to determine setbacks from wind farms so that noise levels do not exceed the Ministry of the Environment noise standards for sensitive land uses;
- ii) where the proposed wind farm is located within the Ministry of Transportation's permit control area, a development permit shall be acquired from the Province;
- iii) a visual impact study shall be undertaken to determine the impact and mitigation measures required for wind turbines on the landscape as viewed from Lake Erie, provincial highways or municipal roads or other public access land. Visual impact shall also be assessed to determine the impact and mitigation measures required for the shadow or reflection of light coming from any part of the wind turbine on adjacent sensitive land uses or major roads;
- iv) wind farms shall not be permitted in Provincially Significant Features. Where Natural Heritage Features or functions, as identified in this Plan, are potentially impacted, an EIS shall be undertaken in accordance with Section 9.7.1 (Environmental Impact Study); and
- v) where airstrips or telecommunication systems exist in proximity to the proposed wind farm, a study shall be undertaken to ensure the siting and operating of the turbines do not impact on the operation or safety of these land uses.

Wind farms shall be subject to site plan control, in accordance with the policies of Section 9.6.5 (Site Plan Control).

- f) Large-scale recreational uses, such as golf courses, campgrounds and similar uses, shall require an Official Plan Amendment in accordance with Section 9.6.1, and in the case of proposals within the Lakeshore Secondary Planning Area, Section 3.8.1. Secondary and small scale public and private open space and recreational uses including vacations farms and other tourism uses, may be permitted in the Agricultural Designation subject to the following policies:

- i) the use shall be of an appropriate scale that it is clearly secondary to agricultural uses;
- ii) land characterized by rolling topography, forest cover, and rivers and streams, will be given preference for the establishment of outdoor recreation uses, subject to the policies of Section 6 (Sustainable Natural Heritage);
- iii) the use shall not be permitted in Provincially Significant Features, Hazard Lands, or any Aggregate Resource Areas, where the aggregate resource has not yet been extracted, identified on Schedules “B” or “C” to this Plan;
- iv) the use shall not be permitted in Natural Heritage Features identified on Schedule “C” to this Plan, unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions, in accordance with the policies of Section 6.4 (Natural Heritage Systems) of this Plan;
- v) the use shall not be permitted on adjacent land to Provincially Significant Features or Natural Heritage Features identified on Schedules “B” or “C” to this Plan, unless the ecological function of the adjacent land has been evaluated and it has been demonstrated that there will be no negative impacts on the features or on their ecological functions, in accordance with the policies of Section 6.4 (Natural Heritage Systems) of this Plan;
- vi) the use shall be located on lower priority agricultural land;
- vii) the use shall comply with the Minimum Distance Separation Formulae; and
- viii) the use will be compatible with existing or planned uses in the vicinity.

Existing and active cemeteries shall be allowed to expand within the Agricultural Designation. The establishment of new cemeteries shall not be permitted.

- g) Development of institutional uses for the purposes of developing a resource-based educational facility is not permitted in the Agricultural Designation. However, further to the policies of Section 7.2 (Public Services) of this Plan, an amendment to this Plan shall be considered on the basis of the following criteria:
 - i) there is a demonstrated need for the proposed facility and the proposed use cannot locate in an Urban Area or Hamlet Area because it must reasonably be located in close proximity to farming activities, Natural Heritage Features or other resources;
 - ii) the proposed use shall be serviced by an approved water supply and wastewater treatment facility;

- iii) the proposed use shall be accessed via a Provincial Highway, subject to the approval of the Province, or an arterial or collector road, subject to the approval of the County;
 - iv) the proposed use complies with the Minimum Distance Separation Formulae;
 - v) the proposed use shall not be permitted in Provincially Significant Features, Hazard Lands, or any Aggregate Resource Areas identified on Schedules “B” or “C” to this Plan;
 - vi) the proposed use shall not be permitted in Natural Heritage Features identified on Schedules “B” or “C” to this Plan, unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions, in accordance with the policies of Section 6.4 (Natural Heritage Systems) of this Plan;
 - vii) the proposed use shall not be permitted on adjacent land to Provincially Significant Features or Natural Heritage Features identified on Schedules “B” or “C” to this Plan, unless the ecological function of the adjacent land has been evaluated and it has been demonstrated that there will be no negative impacts on the features or on their ecological functions, in accordance with the policies of Section 6.4 (Natural Heritage Systems) of this Plan;
 - viii) the proposed use shall be located on lower priority agricultural land;
 - ix) the proposed use shall be subject to a Zoning By-law amendment, in accordance with the policies of Section 9.6.2 (Zoning By-law Amendments) of this Plan; and
 - x) the proposed use shall be subject to site plan control, in accordance with the policies of Section 9.6.5 (Site Plan Control) of this Plan.
- h) In order to avoid land use conflicts within the Agricultural Designation, it is the policy of this Plan that the Minimum Distance Separation (MDS) Formulae be used to establish appropriate standards for separating incompatible uses from existing, new or expanding livestock facilities. These standards will also apply to circumstances where new residential lots or other non-agricultural land uses are proposed in proximity to existing livestock facilities. The MDS-I and MDS-II calculations of the Province shall apply. The Zoning By-law shall establish separation distances between livestock operations (to be defined within the By-law) and non-agricultural land uses in accordance with Minimum Distance Separation Formulae.
- i) 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 the Ministry of Agriculture and Food shall be encouraged to consult the current Norfolk Municipal Groundwater Study when considering proposals under the above noted legislation.

- j) Development in proximity to existing or potential aggregate, mineral or petroleum resource extraction operations shall be subject to the relevant policies of Section 5.5.1 (Petroleum Resources and Mineral Aggregates).
- k) Wayside pits and quarries, and portable concrete or asphalt plants used on public authority contracts shall be permitted, without the need for an amendment to this Plan, rezoning or development approval under the *Planning Act* in all areas, except in Urban Areas, Hamlet Areas, Resort Areas, Provincially Significant Features, or Natural Heritage Features as defined by Section 6.4 (Natural Heritage Systems) of this Plan. Wayside pits and quarries, and portable concrete or asphalt plants shall not be permitted in the Hazard Lands Designation.
- l) Development within the Agricultural Designation shall be further subject to the policies of Section 3.7 (Agricultural Area) of this Plan.

4.2.3 Agricultural Lot Creation & Lot Adjustment Policies

The following policies apply to land designated Agricultural.

- a) Consent to sever land may be considered for the following purposes:
 - i) the assembly or disassembly of agricultural lots for agriculture uses, subject to the policies of Section 4.2.4 (Agricultural Lot Size Policies);
 - ii) agriculture-related commercial and industrial uses in accordance with the policies of Section 4.2.2(d) (Agricultural Designation – Land Use Policies);
 - iii) agriculture-related commercial, institutional and industrial uses existing prior to August 24, 1978, provided the retained parcel of land is not considered a vacant lot, and subject to the policies of this Plan;
 - iv) infrastructure and utilities, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way;
 - v) a currently habitable farm dwelling existing prior to August 24, 1978 surplus to a farming operation as a result of farm consolidation, subject to the policies of Sections 4.2.3(b) and (c);
 - vi) technical reasons including minor boundary adjustments, corrections of deeds, quit claims, easements or rights-of-way, or other purposes that do not create an additional separate lot, and which do not change the lot configuration such that a non-

agricultural lot is created which would not be in conformity with the policies of this Plan.

- b) As a condition of the approval of a consent granted under Section 4.2.3(a)(v), the County shall ensure that the land is zoned in the Zoning By-law such that no new residential dwelling shall be permitted on the retained agricultural lot. No consent shall be granted unless it is demonstrated that the severed lot will not adversely affect the operation or viability of the farm operation on the retained lot or any adjacent land.
- c) Further to Sections 4.2.3(b), a consent to sever a currently habitable dwelling existing prior to August 24, 1978 shall be subject to the following criteria:
 - i) the severed lot shall be of an appropriate size for the intended residential use, which shall be determined in the Zoning By-law, and shall minimize the amount of agricultural land removed from active production;
 - ii) the severed lot shall be serviced by approved water supply and wastewater treatment facilities;
 - iii) subject to the appropriate policies of this Plan, the severed lot shall be an appropriate distance from existing pits and quarries, waste disposal sites, and other potential land use conflicts;
 - iv) both the severed and retained lots shall be situated with frontage and, safe and direct access onto a permanently maintained public road. Preference shall be given to locations on roads other than Provincial Highways or arterial roads;
 - v) potential impacts of the consent on cultural heritage resources shall be assessed and mitigated where necessary;
 - vi) both the severed and retained lots shall comply with the Minimum Distance Separation Formulae; and
 - vii) the severed lot shall not be permitted within Provincially Significant Features. Consents adjacent to Provincially Significant Features, or within or adjacent to Natural Heritage Features, shall be supported by an EIS, prepared in accordance with the policies of Section 9.7.1 (Environmental Impact Study).

4.2.4 Agricultural Lot Size Policies

The following policies apply to land designated Agricultural.

- a) The expansion of farm holdings through lot assembly is encouraged wherever possible. Agricultural lots may be assembled and disassembled, provided that the lots remain viable for agriculture uses, are of a size appropriate for the type of agriculture uses that are common in Norfolk County, and are sufficiently large to maintain flexibility for future changes in economic conditions and in the type or

size of agricultural operations. The minimum agricultural lot size shall generally be approximately 40 hectares. Assembly and disassembly of agricultural lots to sizes that are generally 40 hectares or larger shall be permitted and encouraged by the County. The County may consider applications to assemble and disassemble agricultural land into viable agricultural lots that are less than approximately 40 hectares in size, subject to the following considerations:

- i) agriculture shall be the proposed use of both the severed and retained lots;
 - ii) it shall be demonstrated that both the severed and retained lots will be economically viable and flexible to respond to economic change. The applicant shall provide information necessary to evaluate the viability of the new farming operations on the parcels of land. Information pertaining to the scale and nature of the operation, projected revenue, expenses, financing, soil quality, water quality and quantity, and any other viability criteria relevant to the proposal shall be provided to the satisfaction of the County, in consultation with the Province;
 - iii) it shall be demonstrated that nearby lots of similar size to that proposed are not available and suitable for the intended agriculture use;
 - iv) the suitability of both the severed and retained lots shall be assessed based on the type and size of agricultural operations in the area as well as the lot sizes typically associated with the agricultural operation proposed;
 - v) it shall be demonstrated that both the severed and retained lots remain sufficiently large to permit a change in the commodity produced, an adjustment in the scale of operation, diversification or intensification; and
 - vi) both the severed and retained lot shall comply with the Minimum Distance Separation Formulae.
- b) A minimum agricultural lot size of 40 hectares shall be established in the Zoning By-law. The County shall only consider a proposal to disassemble agricultural land to a lot size smaller than 40 hectares by way of applications for Zoning By-law amendment and consent, subject to Section 4.2.4(a). Applications for minor variance seeking relief from the minimum agricultural lot size provisions of the Zoning By-law shall not be considered minor in nature and shall not be approved.

4.2.5 Site Specific Policies

The Site Specific Policies embodied in this Plan reflect existing land use entitlements and approved development policies relating to specific sites.

4.2.5.1 Houghton – Place of Entertainment Site Specific Policy Area

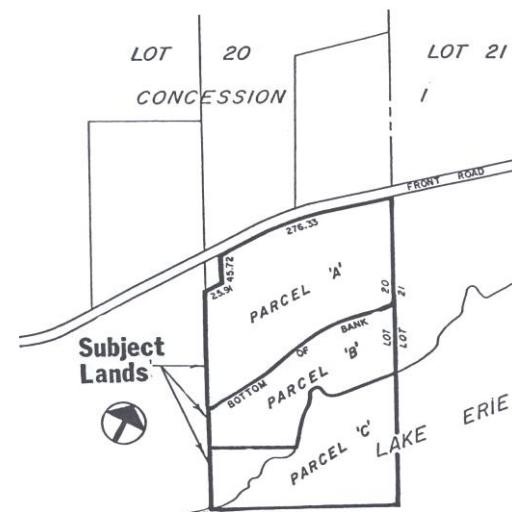
On land designated Agricultural – Site Specific Policy Area 4.2.5.1 on Schedule “B” to this Plan, in addition to the uses permitted, an existing place of entertainment shall be permitted.

4.2.5.2 South Walsingham – Resort Residential Site Specific Policy Area

On land designated Agricultural – Site Specific Policy Area 4.2.5.2 on Schedule “B” to this Plan, a lifestyle residential condominium may be permitted in addition to the existing travel trailer park and marina facility subject to the following:

- a) The condominium units shall not be restricted to any particular recreational season, but are intended for lifestyle recreational residential occupancy;
- b) That the maximum number of condominium dwelling units shall be limited to 75 and that the location of such units be restricted to the lands shown as “Parcel A” on Figure 1 to this Plan;
- c) The total number of recreational dwelling units including both condominium dwelling units and travel trailers shall be limited to a maximum of 107 and that no more than 32 travel trailers shall be located on “Parcel B” on Figure 1 to this Plan;
- d) The land shown as “Parcel C” on Figure 1 to this Plan shall remain in Hazard Lands and Provincially Significant Wetland Designations, and placed in an appropriate zone in the Zoning By-law;
- e) The marina facility shall be limited to a maximum of 200 boat slips;
- f) Prior to any construction of the condominium complex, appropriate engineering reports shall be required to demonstrate structural integrity and bank stability. As well, stormwater management plan prepared to the satisfaction of the County, the Conservation Authority, and MNR shall be required.
- g) Prior to any construction of the condominium complex, all conditions of the County and Ministry of the Environment with respect to water and sewage disposal shall be satisfied.
- h) The Zoning By-law shall contain an appropriate definition of the type and intended use of the condominium dwelling units, as set out in Subsection a) above, and prescribe appropriate development standards including those set out in Subsection b) and c) above. A holding provision shall be applied until such time as a development agreement has been signed to ensure appropriate development of the land. The land shall be placed under site plan control.

Site Specific Policy Area
4.2.5.2 – Figure 1



4.2.5.3 Charlotteville – Craft Shop & Tea Room Site Specific Policy Area

On land designated Agricultural – Site Specific Policy Area 4.2.5.3 on Schedule “B” to this Plan, a craft shop and a tea room shall also be permitted, provided the tearoom does not include the serving of hot meals and is limited to a maximum of 50 persons and that the craft shop is of a small scale.

4.2.5.4 Townsend – Arts & Crafts Gallery Site Specific Policy Area

On land designated Agricultural – Site Specific Policy Area 4.2.5.4 on Schedule “B” to this Plan, a gallery for the display and sale of arts and crafts shall also be permitted.

4.2.5.5 Townsend – Tea Room Site Specific Policy Area

On land designated Agricultural – Site Specific Policy Area 4.2.5.5 on Schedule “B” to this Plan, a tea room restaurant with a maximum of 40 seats shall also be permitted.

4.2.5.6 Townsend – Salvage Yard Site Specific Policy Area

On land designated Agricultural – Site Specific Policy Area 4.2.5.6 on Schedule “B” to this Plan, a salvage yard shall also be permitted.

4.2.5.7 Woodhouse – Resort Residential Site Specific Policy Area

On land designated Agricultural – Site Specific Policy Area 4.2.5.7 on Schedule “B” to this Plan, resort residential development shall also be permitted.

4.2.5.8 Woodhouse – Contractor’s Yard Site Specific Policy Area

On land designated Agricultural – Site Specific Policy Area 4.2.5.8 on Schedule “B” to this Plan, a septic tank pumper truck contractor’s yard shall also be permitted.

4.2.5.9 Woodhouse – Commercial Site Specific Policy Area

On land designated Agricultural – Site Specific Policy Area 4.2.5.9 on Schedule “B” to this Plan, limited Commercial uses which serve the travelling public or require large storage areas shall also be permitted. The permitted Commercial uses shall be limited to an automobile service station, motel, motor hotel, miniature golf use, commercial greenhouse and tree and plant nursery, convenience store, one residential dwelling unit and a home occupation.

4.2.5.10 Woodhouse – Residential Lots Site Specific Policy Area

Land designated Agricultural – Site Specific Policy Area 4.2.5.10 on Schedule “B” to this Plan may be subdivided into four residential lots. Protection from any shoreline or riverine hazards shall be addressed through the Zoning By-law and development agreement.

4.2.5.11 South Walshingham – Estate Residential Site Specific Policy Area

On land designated Agricultural – Site Specific Policy Area 4.2.5.11 on Schedule “B” to this Plan, in addition to the uses permitted, estate residential uses shall be permitted.

4.2.5.12 Charlotteville – Storage Site Specific Policy Area

On land designated Agricultural – Site Specific Policy Area 4.2.5.12 on Schedule “B” to this Plan, in addition to the uses permitted, the use of containers for non-agricultural storage purposes to a maximum of 50 units on and off the land shall be permitted.

4.2.5.13 Charlotteville – Country Store/Market Site Specific Policy Area

On land designated Agricultural – Site Specific Policy Area 4.2.5.13 on Schedule “B” to this Plan, in addition to the uses permitted, the following uses shall be permitted:

- a) A fruit market including the sale of processed products, baked goods and preserves and the sale of crafts related to farm products; and
- b) A small scale agriculturally-oriented country store to include the sale of such items as tourist and camping supplies and refreshments.

4.2.5.14 Middleton – Industrial Site Specific Policy Area

On land designated Agricultural – Site Specific Policy Area 4.2.5.14 on Schedule “B” to this Plan, in addition to the uses permitted, an industrial operation may be permitted. The Zoning By-law shall include appropriate buffering or separation provisions for any surrounding sensitive or incompatible uses. The land shall be subject to site plan control.

4.2.5.15 Charlotteville – Paintball Facility Site Specific Policy Area

On land designated Agricultural – Site Specific Policy Area 4.2.5.15 on Schedule “B” to this Plan, in addition to the uses permitted, an outdoor paintball facility shall be permitted.

10-OP-2007
Amendment 10

Ontario Municipal Board
Order # 2586,
Issued August 7, 2008
Amendment 6

11-OP-2007
Amendment 8

2-OP-2008
Amendment 11

4-OP-2008
Amendment 13

4.2.5.16 Townsend – Fabricating Shop Site Specific Policy Area

On land designated Agricultural – Site Specific Policy Area 4.2.5.16 on Schedule “B” to this Plan, in addition to the uses permitted, a small scale fabricating shop specializing in custom counter tops and sinks may be permitted.

4.2.5.17 Charlotteville – The Point Campground Site Specific Policy Area

On land designated Agricultural – Site Specific Policy Area 4.2.5.17 on Schedule “B” to this Plan, a campground shall be permitted as an additional permitted use in the Agricultural designation.

4.2.5.18 Solar Farm Site Specific Policy Area

Notwithstanding the Agricultural designation on lands identified as having reference to this policy on Schedule B, a solar farm may also be permitted by site-specific Zoning By-law amendment.

Approval would be subject to site plan control. The required Site Plan Agreement would address matters such as buffering, access, parking, the placement of structures and the decommissioning of the site.

4.2.5.19 Waterford – Yin Subdivision Site Specific Policy Area

On land designated Commercial – Site Specific Policy Area 4.2.5.19 on Schedule “B” to this Plan, commercial uses shall be limited to motels, restaurants, auto service facilities, farm produce outlets and implement dealerships, building supply and lumberyard and other commercial types catering primarily to the travelling public and neighbourhood commercial uses.

4.2.5.20 Vittoria Fire Hall Site Specific Policy Area

Notwithstanding the Agricultural designation on the lands identified as having reference to this policy on Schedule “B”, a fire hall and associated uses may also be permitted by site specific Zoning By-Law amendment.

4.2.5.21 Townsend – Landscaping Business Site Specific Policy Area

On land designated Agricultural – Site Specific Policy Area 4.2.5.21 on Schedule “B” to this Plan, in addition to the uses permitted, a landscaping business (garden centre, tree and plant nursery) with a maximum display area of 186 square metres (2,000 sq ft) for products not generated on site (landscape rock, garden product and equipment) and accessory landscape contractor’s yard with an associated 465 square metre building shall also be permitted.

4.2.5.22 Turkey Point Winery Site Specific Policy Area

In addition to the uses permitted in the Agricultural designation, a winery with a maximum useable floor area of 185.8 square metres (2,000 square feet), restaurant accessory to the winery with a maximum seating capacity of 35 people with one meeting room with seating for 15 people, overnight accommodation with a total of 15 rooms (not to exceed 66 square metres (710.5 square feet each room) and an office may be permitted.

17-OP-2008
Amendment 19

4.2.5.23 Solar Power Facility Site Specific Policy Area

Notwithstanding the Agricultural designation on the lands identified as having reference to this policy on Schedule B6, a solar power facility may also be permitted by site-specific Zoning By-law amendment.

19-OP 2008
Amendment 20

Approval would be subject to site plan control. The required Site Plan Agreement would address matters such as buffering, access, parking, the placement of structures and the decommissioning of the site.

4.2.5.24 Solar Farm Site Specific Policy Area

Notwithstanding the Agricultural designation on the lands identified as having reference to this policy on Schedule B, a solar farm may also be permitted by site-specific Zoning By-law amendment.

1-OP -2009
Amendment 21

Approval would be subject to site plan control. The required Site Plan Agreement would address matters such as buffering, access, parking, the placement of structures and the decommissioning of the site.

4.2.5.25 Townsend – Cloet Road & Concession 13 Solar Farm Site Specific Policy

On lands designated Agricultural - Site specific Policy Area 4.2.5.25 on Schedule "13" to this Plan, in addition to the uses, a solar farm shall also be permitted.

6-OP -2009
Amendment 23

4.2.5.26 Middleton — Landscape Product Production and Supply Facility Site Specific Policy Area

On land designated Agricultural — Site Specific Policy Area 4.2.5.26 on Schedule "B" to this Plan, a landscape product production and supply facility shall also be permitted.

6-OP -2010
Amendment 36

4.2.5.27 Amending By-law 4-OP-2009 for Amendment 25, refused by Ontario Municipal Board Order # 20090022

4.2.5.28 Middleton — Kampbow Farms Site Specific Policy Area

On land designated Agricultural — Site Specific Policy Area 4.2.5.28 on Schedule "B" to this Plan, in addition to the uses permitted, and notwithstanding

8-OP -2009
Amendment 26

3-OP-2010
Amendment 33

5-OP-2010
Amendment 35

8-OP -2011,
Amendment 44

5-OP -2011, 6-OP-
2011, 7-OP-2011
Amendment 45, 46, 47

9-OP -2011,
Amendment 49

section 7.3.3.3, the use of a prefabricated mobile home as a permanent secondary dwelling for the accommodation of full time farm help shall also be permitted.

4.2.5.29 Woodhouse —R D Cookson Disposal Ltd Site Specific Policy Area

On land designated Agricultural — Site Specific Policy Area 4.2.5.29 on Schedule "B" to this Plan, in addition to the uses permitted, a waste transfer site shall also be permitted.

4.2.5.30 Windham — Depauw Site Specific Policy Area

On land designated Agricultural — Site Specific Policy Area 4.2.5.30 on Schedule "B" to this Plan, this amendment will facilitate the severance of the single detached residence situate on the subject lands.

4.2.5.31 Number not used

4.2.5.32 Number not used

4.2.5.33 Charlotteville — RV Woodland Campground Site Specific Policy Area

On land designated Agricultural — Site Specific Policy Area 4.2.5.33 on Schedule "B" to this Plan, in addition to the uses permitted, a campground with a maximum of 200 campsites shall be permitted.

4.2.5.34 North Walsingham —DeVos Composting Site Specific Policy Area

On land designated Agricultural — Site Specific Policy Area 4.2.5.34 on Schedule "B" to this Plan, in addition to the uses permitted, a facility for the composting of sawdust, mulch, woodchips, leaf and yard waste, and horse manure shall also be permitted.

4.2.5.35 Houghton - Upland Creek Game Preserve Site Specific Policy Area

On land designated Agricultural— Site Specific Policy Area 4.2.5.35 on Schedule "B" to this Plan, in addition to the uses permitted, an upland hunting game preserve shall be permitted.

4.2.5.36 Houghton – Krygsman Composting Site Specific Policy Area

On land designated Agricultural— Site Specific Policy Area 4.2.5.36 on Schedule "B" to this Plan, in addition to the uses permitted, a leaf and yard waste composting facility shall also be permitted.

1-OP -2013,
Amendment 57

4.2.5.37 Town of Simcoe – Live Nation Community Concert Site Specific Policy Area

On land designated agricultural— site specific policy area 4.2.5.37 on schedule "B" to this plan, a temporary use On land designated Agricultural - Site Specific Policy Area 4.2.5.37 on schedule B6 to this plan a temporary use by-law may be enacted to permit camping and parking associated with a concert event to be located at the Simcoe Fairgrounds scheduled for August 23 and 24, 2013.

3-OP-2013
Amendment 59

The term of the temporary use by-law shall be from August 19 to 26, 2013 after which time any temporary structures or appurtenances will be removed and the lands restored to the original soil conditions from an agricultural use perspective. Sufficient buffering will be maintained adjacent to any existing residential uses.

4.2.5.38 Charlotteville – Hidden Valley Resort Park Site Specific Policy Area

On land designated Agricultural— Site Specific Policy Area 4.2.5.38 on Schedule "B" to this Plan, in addition to the uses permitted, the use of recreational vehicle and tent and trailer park to a maximum of 311 serviced campsites shall be permitted

4-OP -2014,
Amendment 68

4.2.5.39 *Amending By-Law 5-OP-2013 for Amendment 61, refused by Ontario Municipal Board Order PL131270 September 12, 2014*

4.2.5.40 Charlotteville Lakeside Vista Site Specific Policy Area

On land designated Agricultural— Site Specific Policy Area 4.2.5.40 on Schedule "B" to this Plan, in addition to the uses permitted, the following uses shall be permitted:

- a) Music concerts (maximum of five (5) per year, May through October, for a total of seven (7) days for each event, including set-up and clean up)
- b) Other shows and events such as: medieval times, car shows, fundraisers, etc. (maximum of 10 per year, each for a total of two (2) days in length including set-up and clean up)
- c) Accessory vendors (food/drink/merchandise) to any permitted event
- d) Accessory camping to any permitted event (maximum of 500 camp sites)
- e) Accessory parking to any permitted event

2-OP-2016,
Amendment 80 repealed
15-OP -2014,
Amendment 67 and
replaced it

- f) Fitness camps
- g) Wedding ceremonies.

1-OP -2013,
Amendment 57

**4.2.5.41 Townsend – Stratford Value Added
Agriculture/Tearoom/Boutique Site Specific Policy Area**

On land designated Agricultural— Site Specific Policy Area 4.2.5.41 on Schedule "B" to this Plan, in addition to the uses permitted, a value added farm business for the use of wool from sheep and goats, washing and spinning of wool to be used to make fabric. The use will also include educational workshops for the purpose of spinning and weaving and making clothing and artwork in addition to an accessory tearoom and boutique to sell goods shall be permitted.

1-OP -2013,
Amendment 76

4.2.5.42 Windham – Brantford Road/Windham West Quarter Line Road– Two Severances Site Specific Policy Area

On land designated Agricultural— Site Specific Policy Area 4.2.5.42 on Schedule "B" to this Plan, in addition to the uses permitted, a severance to allow two residential dwellings one fronting the original road allowance on the Windham West Quarter Line Road and the other fronting the Brantford Road shall be permitted.

1-OP -2016,
Amendment 79

4.2.5.43 Houghton – Friesen Mini-barns Site Specific Policy Area

On land designated Agricultural – Site Specific Policy Area 4.2.5.43 on Schedule “B” to this Plan, in addition to the uses permitted, the manufacturing of mini-barns/sheds using a maximum of 1.7 hectares of land including a maximum of 742.8 square metres of indoor space within accessory agricultural buildings as a home industry and a maximum of four (4) employees shall be permitted.

7-OP -2015,
Amendment 76

4.2.5.44 Woodhouse – Vanderpost Site Specific Policy Area

On lands designated Agricultural, site specific policy area 4.2.5.44 - on ‘Schedule B’ to this plan, a zip line course with trails, and an assembly building with a maximum useable floor area for retail space of 37.16 square metres shall be permitted.

4.3 HAZARD LANDS DESIGNATION

Hazard lands are lands that have inherent environmental hazards such as flood susceptibility, erosion susceptibility, instability and other physical conditions which are severe enough, if developed upon, to pose a risk to occupants of loss of life, property damage and social disruption.

Through the Hazard Lands Designation, it is the intent of the County to protect life and property by respecting natural and human-made hazards and constraints in land use development. New development should only take place in areas which are not susceptible to hazards.

4.3.1 Permitted Uses

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

- a) Uses legally existing on the date of adoption of this Plan shall be permitted.
- b) Existing and established agricultural and related uses, excluding buildings and structures, shall be permitted. Notwithstanding the presence of any existing and established agricultural and related uses, wayside pits and quarries, and portable asphalt plants shall not be permitted in the Hazard Lands Designation.
- c) Forestry uses, excluding buildings and structures, shall be permitted.
- d) Conservation uses and uses that assist in conserving or managing water supplies, wildlife or Natural Heritage Features shall be permitted.
- e) Flood and erosion control structures and drainage systems operated and approved by the County or the appropriate Conservation Authority shall be permitted.
- f) Further to the policies of Section 9.11 (i) (Interpretation), public utilities with adequate flood proofing measures and appropriate regard for Natural Heritage Features shall be permitted.
- g) The following uses may be permitted, provided that the use will not pose additional risk to life or property and the requirements of the appropriate Conservation Authority have been satisfied:
 - i) small-scale outdoor recreational uses, such as a parkette, excluding large scale recreational uses such as golf courses, campgrounds and similar uses;
 - ii) petroleum extraction approved under the *Oil, Salt and Gas Resources Act*; and
 - iii) marine uses along the shoreline as identified on Schedule “B” to this Plan, including marinas, which may include a restaurant, recreational park and camping facility and/or sales and service

function in association with the marine operation, and accessory uses.

- h) Uses accessory to any of the permitted uses in the Hazard Lands Designation are permitted.

4.3.2 Land Use Policies

The following policies apply to land designated Hazard Lands.

- a) Development on Hazard Lands which would aggravate or contribute to the hazard shall not be permitted.
- b) There are areas of extensive development located on Hazard Lands. In these areas, a reasonable compromise shall be made between the extent of the hazard and the continued use and future development of the area. This situation is particularly applicable to the Urban Areas, Hamlet Areas and Resort Areas, as set out on Schedule “A”. The Zoning By-law may establish specific zones to address existing development located within the Hazard Lands Designation.
- c) The extent of the Designation shall be considered approximate on Schedule “B”. In all cases, it shall be necessary to verify the boundaries on an individual basis in consultation with the appropriate Conservation Authority.
- d) There is no public obligation either to change the delineation of or to purchase any area within the Hazard Lands Designation
- e) Schedule “B” illustrates the Hazard Lands Designation based on mapping provided by the Long Point Region Conservation Authority and the Grand River Conservation Authority. The Hazard Lands Designation comprises three principal hazards (riverine hazards, shoreline hazards and other hazards). The following policies shall apply in this regard.
- f) The placing and removal of fill of any kind within the Conservation Authority’s Fill Regulated Area is prohibited unless approved by the appropriate Conservation Authority.

4.3.2.1 Flood Plain (Riverine) Policies

- a) The regulatory flood standard for riverine flood plains shall be the 1 in 100 year flood for the Long Point Region Watershed and the Regional Storm, which is based on the 1954 Hurricane Hazel event, for the Grand River Watershed.
- b) The County accepts a one zone concept where new buildings or structures in the defined flood plain will be prohibited or restricted to those which are not susceptible to flood related damages and will not cause adverse impacts to existing upstream or downstream development or land. Where the one zone concept is applied, the entire flood plain defines the floodway.

- c) The County, in consultation with the Conservation Authorities and the Province, may, at its sole discretion, apply a two zone concept, that is, a floodway and flood fringe, for selected portions of the flood plain without amendment to this Plan. The appropriate Conservation Authority shall be consulted, with regard to site-specific detailed studies, to determine the technical justification of a two-zone approach. The appropriate Conservation Authority shall also determine the flood proofing measures required. New development shall not be permitted in the floodway. Development that may be permitted in the flood fringe area shall be protected to the level of the regulatory flood.
- d) A major expansion of any existing non-conforming uses in the Hazard Lands Designation shall be discouraged, and shall be subject to the policies of Section 9.10.2 (Non-Conforming Uses).
- e) Replacement, minor infilling, minor additions, and redevelopment in some areas of existing development, located within the Hazard Lands Designation, may be permitted, subject to the policies of Section 9.10.2 (Non-conforming Uses). In such an area of existing development, infilling and redevelopment may be considered after detailed study of each local situation in consultation with the appropriate Conservation Authority. Proponents of development in such areas must undertake hazard minimization measures which meet the requirements of the appropriate Conservation Authority and other appropriate agencies. Proponents may be required to enter into a site plan agreement regarding the undertaking of such measures.
- f) Any new development permitted in the flood plain shall be protected by acceptable flood proofing actions and measures.
- g) Access for new buildings will ensure that vehicular and pedestrian movement is not prevented during flood episodes.
- h) The following uses are prohibited on flood plains:
 - i) uses related to the manufacture, storage, disposal or consumption of hazardous substances or the treatment, collection or disposal of sewage;
 - ii) institutional uses such as hospitals, nursing homes and schools; and
 - iii) uses associated with services such as fire, ambulance, police or electrical substations.
- i) Building setbacks from the margins of Hazard Lands will be determined on a site specific basis in relation to the nature, extent and severity of the existing and potential hazards.
- j) Development in Hazard Lands, other than a flood plain, may be considered provided that the existing or potential hazards can be overcome by accepted engineering techniques and resource management practices which meet the approval of Council, the

Conservation Authority and other appropriate agencies. In considering each application, Council shall have regard for:

- i) the existing physical hazards;
 - ii) the potential impacts of these hazards;
 - iii) the proposed methods by which these impacts may be overcome in a manner consistent with accepted engineering and resource management practices and techniques, such as those set out in Provincial technical manuals; and
 - iv) the costs and benefits in economic, social and ecological terms of any engineering works or resource management practices needed to overcome these impacts.
- k) Hazard Lands shall normally be zoned in a separate classification in the Zoning By-law. Exceptions may be permitted if approved by the appropriate Conservation Authority and the County.

4.3.2.2 Shoreline Policies

- a) The shoreline of Lake Erie is subject to naturally fluctuating lake levels, seiche episodes, regular wave action and storms. Development will generally be directed to areas outside of the furthest landward of the dynamic beach hazard limit, the flood hazard limit and the erosion hazard limit.
- b) Development and site alteration shall not be permitted within:
 - i) the dynamic beach hazard; and
 - ii) areas that would be rendered inaccessible to people and vehicles during times of flooding hazards, erosion hazards, dynamic beach hazards and/or other water related hazards, unless it has been demonstrated that the site has safe access appropriate for the nature of the development, and the natural hazard.
- c) Development and site alteration may be permitted in Hazard Land areas other than those identified in Section 4.3.2.2(b), where the risk to public safety and other effects can be absorbed, managed or mitigated in accordance with the following standards:
 - i) the flooding and erosion hazards can be safely addressed, and the development and site alteration is carried out in accordance with floodproofing standards, protection works standards, and access standards;
 - ii) existing hazards are not aggravated or new hazards are not created;
 - iii) no adverse environmental impacts will result, and no negative impact on Provincial Significant Features or Natural Heritage Features will result;

- iv) Vehicles and people have a way of safe ingress and egress during times of flooding, erosion or other emergencies; and
 - v) Development is carried out in accordance with established standards and procedures.
- d) In cases of severe water or erosion damage to County roads or other County properties, studies shall be undertaken to compare the costs of erosion abatement with structure relocation, road closing or relocation, or the acquisition of new properties. Alternatives shall be considered prior to any erosion abatement scheme or other course of action being undertaken.
- e) Where there is existing non-conforming development, repairs and minor additions to buildings and accessory uses such as boat houses may be permitted.
- f) The replacement of an existing building or structure may be permitted provided the hazard has been adequately addressed through the use of accepted engineering and resource management practices. Acceptable replacement shall not result in an increase in the original usable floor area of the building or structure, or alter the original use or affect shoreline processes.

There may be areas where the hazard needs to be addressed on a comprehensive basis, rather than on an individual lot basis. Replacement of an existing building or structure may need to be evaluated in the context of a comprehensive review of the particular hazard. The County shall consult with the appropriate Conservation Authority in this regard.

- g) Nothing in the above policies shall be interpreted to prohibit the relocation of an existing building or structure presently located within the erosion hazard limit either to a location farther away from the top of bank on the same lot or to another lot farther away from the top of bank, even if still within the erosion hazard limit. If a structure is relocated to another lot, no replacement structure may be constructed on the lot from which the original structure was moved, unless it is located on an area outside of the furthest landward of the dynamic beach hazard limit, the flood hazard limit and the erosion hazard limit.
- h) The County, in the administration of grants under the *Shoreline Property Assistance Act*, shall require detailed studies of the impact of proposed private erosion control structures on the adjacent shoreline. All property owners within 152 metres of the proposed shoreline modification shall be notified of any proposed modification. Steps shall be taken to determine whether the proposed scheme could damage adjacent properties. Joint schemes between adjoining property owners will be encouraged. The County will direct shoreline owners to agencies that are able to propose the best solution for controlling erosion or flooding. However, no direct involvement or responsibility is assumed by the County.

4.3.2.3 Other Hazards

There is land subject to hazards due to steep slopes, unstable soils and/or erosion in locations other than flood plains or the shoreline area. Development of such areas may be considered provided that the existing or potential hazards can be overcome by accepted engineering and resource management practices and techniques. The following shall be considered in the review of development proposals within these hazard areas, and the County shall consult the appropriate Conservation Authority in this regard:

- a) the existing physical hazards;
- b) the potential impacts of these hazards;
- c) the proposed methods by which these impacts may be overcome in a manner consistent with accepted engineering and resource management practices and techniques;
- d) the costs and benefits in economic, social and ecological terms of any engineering works or resources management practices needed to overcome these impacts; and
- e) protection of Provincially Significant Features and Natural Heritage Features.

4.3.3 Site Specific Policies

The Site Specific Policies embodied in this Plan reflect existing land use entitlements and approved development policies relating to specific sites.

4.3.3.1 Hastings Drive Site Specific Policy Area

On land designated Hazard Lands – Site Specific Policy Area 4.3.3.1 on Schedule “B” to this Plan, no new development shall be permitted.

4.3.3.2 Port Dover – Restaurant/Spa Site Specific Policy Area

On land designated Hazard Lands – Site Specific Policy Area 4.3.3.2 on Schedule “B” to this Plan, in addition to the uses permitted, a restaurant and a spa in conjunction with the restaurant shall be permitted.

4.3.3.3 Turkey Point Winery Site Specific Policy Area

In addition to the uses permitted in the Hazard Land designation, trails, canopy tours and zip lines are permitted.

17-OP-2008
Amendment 19

4.3.3.4 S. Walsingham – Boathouse Site Specific Policy Area

In addition to the uses permitted in the Hazard Land designation, a boathouse, no portion of which shall be used for accommodation for human habitation, shall also be permitted with the following maximum floor area dimensions:

1. Main level boathouse 137.9 square metres
2. Main level tool room 18.1 square metres
3. Upper area storage loft 113.4 square metres
4. Upper area bathroom 18.1 square metres
5. Upper observation deck 30.65 square metres
6. Upper access walkway 21.83 square metres
7. Exterior stairway 929 square metres
8. Exterior sitting area 72.8 square metres
9. Exterior Main walkway 37.16 square metres

7-OP-2009
Amendment 27

4.3.3.5 S. Walsingham – Nature Conservancy Office Site Specific Policy Area

On land designated Hazard Land — site specific policy area 4.3.3.5 on schedule "b" to this plan, an administrative office for the oversight and management of land holdings held by an environmental agency shall also be permitted.

5-OP -2012,
Amendment 55

4.3.3.6 S. Walsingham – Nature Conservancy Office Site Specific Policy Area

On land designated Hazard Land between the Windham West Quarter Line Road and the Brantford Road – site specific policy area 4.3.3.6 on schedule "B" to this plan a severance to allow two residential dwellings one fronting the original road allowance on the Windham West Quarter Line Road and the other fronting the Brantford Road shall be permitted.

5-OP -2012,
Amendment 55

4.3.3.7 Woodhouse – Vanderpost Site Specific Policy Area

On land designated Hazard Land, site specific policy area 4.3.3.7 – on 'Schedule B' to this plan, a zip line course with trails shall be permitted.

7-OP -2015,
Amendment 76

4.4 PROVINCIALY SIGNIFICANT WETLAND DESIGNATION

The highest level of protection and conservation for Provincially Significant Wetlands (PSW) is required by Provincial policy. Wetland significance and boundaries are identified by the Ministry of Natural Resources (MNR) using the Ontario Wetland Evaluation System. This Plan designates all identified PSW on Schedule “B” and illustrates the PSW and the adjacent 120 metres on Schedule “C”.

4.4.1 Permitted Uses

Development and site alteration shall not be permitted within the Provincially Significant Wetland Designation. Subject to the other policies of this Plan, the following policies shall apply in determining uses permitted on land designated Provincially Significant Wetland on Schedule “B”.

- a) Agricultural uses existing legally on the date of adoption of this Plan shall be permitted to continue.
- b) Permitted uses shall include conservation management, hunting, trapping, fishing, compatible recreational activities and education activities, subject to the approval of the County, in consultation with the appropriate Conservation Authority.
- c) Facilities and structures such as boardwalks, duck blinds and fish huts may be appropriate, subject to the approval of the County, in consultation with the MNR and appropriate Conservation Authority.
- d) Uses accessory to any of the permitted uses in the Provincially Significant Wetland Designation are permitted, subject to the policies of Section 6.4.1 (Provincially Significant Features).

4.4.2 Land Use Policies

The following policies apply to land designated Provincially Significant Wetland.

- a) Based on mapping provided by the Ministry of Natural Resources, which is updated from time to time, the precise delineation of the Provincially Significant Wetland Designation may be refined without amendment to this Plan. The County shall maintain up-to-date schedules reflecting the current delineation provided by the MNR.
- b) Development or site alteration shall generally not be permitted on land adjacent to a Provincially Significant Wetland, subject to the policies of Section 6.4.1 (Provincially Significant Features).

- c) New utilities or facilities such as roads, sewer or water lines shall be located outside of PSW. Where such utilities or facilities must be located within a PSW, alternative methods and measures to minimize impacts on the wetlands shall be considered. No utility structures, including communications towers, shall be located within the PSW Designation.
- d) Provincially Significant Wetlands shall be protected according to the policies of this Plan through the Zoning By-law.

4.5 HAMLET DESIGNATION

There are 42 Hamlet Areas located within the County. These Hamlets originated as service and residential centres. The Hamlet Areas represent an alternative to the Urban Areas. These roles shall be encouraged to continue. Hamlet development, in the form of residential, and commercial and industrial service uses, is a preferred alternative to scattered non-farm development.

4.5.1 Permitted Uses

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

- a) Low density residential on lots suitably sized to accommodate servicing systems shall be the main permitted use.
- b) Home occupations shall be permitted in association with a residential use.
- c) Bed and breakfast establishments shall be permitted within a single detached residential dwelling, provided that all of the required parking is accommodated on the same lot, and subject to criteria in the Zoning By-law.
- d) Small scale compatible commercial and industrial uses will be permitted within the Hamlet Designation, subject to the policies of Section 4.5.2 (Hamlet Designation – Land Use Policies).
- e) Small scale institutional uses, and park and recreational uses shall be permitted.
- f) Mobile home parks shall not be permitted.
- g) Uses accessory to any of the permitted uses in the Hamlet Designation are permitted.

4.5.2 Land Use Policies

The following policies apply to land designated Hamlet.

- a) Commercial and industrial uses within the Hamlet Designation, shall be of a dry nature, not requiring excessive amounts of water for their operations.
- b) Development within the Hamlet Designation shall also be subject to the policies of Section 3.6 (Hamlet Areas) of this Plan.

4.5.3 Site Specific Policies

The Site Specific Policies embodied in this Plan reflect existing land use entitlements and approved development policies relating to specific sites.

4.5.3.1 Norfolk Mall Site Specific Policy Area

Land designated Hamlet – Site Specific Policy Area 4.5.3.1 is delineated on Schedule “B” to this Plan, reflecting the Norfolk Mall located in the Hamlet of Norfolk North (Lot 14, Concession 3, N.T.R., in the former Township of Middleton), which is recognized as a unique circumstance. The mall is a Regional Scale retail facility in proximity to the Town of Tillsonburg and serves a trade area encompassing the west part of Norfolk County, south part of Oxford County and east part of Elgin County.

The following shall be the policy of the County in relation to the Norfolk Mall Special Policy Area:

- a) A Shopping Mall shall be permitted on lands identified as Parts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12, Plan 37R-9200, provided it does not exceed 23,780 square metres in gross floor area. Specifically on the lands identified as 4.5.3.1 (a) on Schedule "B" to this Plan, a maximum of 11,165 square metres shall be occupied by a Department Store, of which not more than 3,020 square metres can be used for food store sales. The site specific zoning for the subject lands shall place a Holding provision for the food store sales component of the Department Store until after January 1, 2016 and the removal of the Holding provision shall be subject to a satisfactory market assessment at that time at the expense of the proponent. A maximum of 2,335 square metres of commercial retail unit space and two restaurants with a maximum of 465 square metres each shall also be permitted. The floor area and type of use for the anchor tenants in the Shopping Mall shall be restricted through site specific Zoning on the site. Any change in use, or significant redevelopment or expansion, of either of the anchor tenants in the Shopping Mall,
- b) shall require an amendment to this Plan and the Zoning for the subject lands.
- c) On the lands identified as 4.5.3.1 (b) on Schedule “B” to this Plan, a supermarket not exceeding 9,300 square metres shall be permitted. Commercial retail unit uses as outlined in Section 4.5.3.1 (e) are permitted to a maximum area of 50 square metres. Any change in use, or significant redevelopment or expansion, shall require an amendment to this Plan and the Zoning By-law for the subject lands.
- d) Prior to Council approval of any zone change to allow for such change in use, significant redevelopment or expansion, the landowners shall be required to prepare and submit retail market impact and planning studies to the satisfaction of Norfolk County Council, to ensure the proposed development will not undermine the planned function of surrounding central business districts, specifically including the Town of Tillsonburg. The Town of Tillsonburg shall be consulted in accordance with Section 3.9 (Norfolk/Tillsonburg Fringe Area). The cost of the preparation of the studies and associated peer review required shall be at the landowner’s expense.

10-OP -2011,
Amendment 50 -
replaced subsection a)

- e) No expansion to the Shopping Mall may proceed until such time as water and sanitary sewer services have been extended to the Shopping Mall from Oxford County or an agreement has been entered into regarding servicing of the subject lands between the landowners and the County of Oxford.
- f) For the purposes of Section 4.5.3.1 and the Zoning By-law applicable to the subject lands, the term “Shopping Mall” shall mean any type of retail complex regardless of whether it is connected by an internal corridor or accessed by doors that have direct access to the outside. The permitted uses for the commercial retail units on the subject lands include retail establishments, restaurant, real estate office, service shop, funeral home, laundromat, hotel, motel, place of entertainment and recreation, automobile service station, commercial garage and other similar uses.

4.5.3.2 Fernlea Hamlet Area Site Specific Policy Area

On land designated Hamlet – Site Specific Policy Area 4.5.3.2 on Schedule “B” to this Plan, in addition to the uses permitted, an existing mobile home park shall be permitted within the Fernlea Hamlet Area.

4.5.3.3 Norfolk North and Norfolk West Hamlet Areas Site Specific Policy Area

Notwithstanding the policies of this Plan, on land designated Hamlet – Site Specific Policy Area 4.5.3.3 on Schedule “B” to this Plan, in the Hamlet Areas of Norfolk North and Norfolk West, new commercial development on sites other than the Norfolk Mall shall be limited to the following uses:

- i) automobile service stations;
- ii) restaurants;
- iii) motels, hotels;
- iv) vehicle sales and rental establishments;
- v) farm implement sales and services;
- vi) commercial greenhouse and tree and plant nurseries;
- vii) fruit and vegetable outlets;
- viii) convenience stores up to 280 square metres;
- ix) personal service shops;
- x) lumber yards;
- xi) places of entertainment; and
- xii) funeral homes.

4.5.3.4 Windham Centre – Windham Centre School Conversion Site Specific Policy Area

On land designated Hamlet – Site Specific Policy Area 4.5.3.4 on Schedule “B” to this Plan, in addition to the uses permitted, a maximum 14 unit apartment dwelling within the existing former school structure on private water and wastewater servicing shall be permitted.

1-OP -2015,
Amendment 72

4.6 RESORT RESIDENTIAL DESIGNATION

This Plan recognizes the important role of the Resort Areas for the provision of seasonal cottages and recreational facilities along the Lakeshore. There are six Resort Areas along the County's lakeshore: Avalon, Booth's Harbour, Fisher's Glen, Long Point, Normandale and Turkey Point. Development within the Resort Residential Designation is constrained by natural and human-made limitations. Natural limitations such as soil type, topography, flood and erosion prone areas and hazard lands impact this land, affecting both existing and future land uses.

4.6.1 Permitted Uses

Subject to the other policies of this Plan, the following policies shall apply in determining uses permitted on land designated Resort Residential on Schedule "B".

- a) Vacation dwellings shall be permitted, subject to the policies of Section 4.6.2 (b) (Resort Residential Designation – Land Use Policies).
- b) Residential dwellings used for permanent occupancy that existed legally on the date of adoption of this Plan shall be permitted. No further development or conversion of residential dwellings for permanent occupancy shall be permitted.
- c) Small scale resort-oriented commercial uses shall be permitted, subject to the policies of Section 4.6.2 (Resort Residential Designation – Land Use Policies).
- d) Small scale Institutional uses shall be permitted, subject to the policies of Section 4.6.2 (Resort Residential Designation – Land Use Policies).
- e) Marine-related uses including marinas, which may include a restaurant and/or sales and service function in association with the marine operation, and accessory uses, shall be permitted, provided that the shoreline hazards will not be aggravated and the requirements of the Conservation Authority have been satisfied.
- f) Recreational, open space, and natural heritage appreciation uses shall be permitted.
- g) Tent and trailer parks may be permitted, subject to approval of the County and the Conservation Authority.
- h) Uses accessory to any of the permitted uses in the Resort Residential Designation are permitted.

4.6.2 Land Use Policies

The following policies apply to land designated Resort Residential.

- a) All of the land designated Resort Residential are entirely within the area identified by the Conservation Authority as being hazard land.

Consequently, the land shall be subject to the policies of Section 4.3 (Hazard Lands Designation), save and except for the Permitted Uses noted in Section 4.6.1 (Resort Residential Designation – Permitted Uses).

- b) Notwithstanding the policies of the Plan, infilling on existing lots of record for the purposes of developing a vacation home for seasonal use, replacement of existing buildings or structures, repairs and minor additions to existing buildings or structures, and accessory uses may be permitted. Proposals for development in this regard must recognize the hazards that exist and be constructed in such a manner that the risk to the occupants and the structure is reduced. The Conservation Authority shall be consulted to determine the appropriate methods to minimize risk.
- c) The consolidation of existing undersized lots of record shall be encouraged.
- d) The preferred location of new resort-oriented commercial or institutional uses shall be adjacent to arterial roads in locations which are not unreasonably disruptive to the character of surrounding resort residential uses. Sites for such uses shall be appropriately sized to accommodate any related outdoor activities, suitable building envelopes incorporating appropriate setbacks and separations, parking areas and sewage disposal systems.
- e) Development within the Resort Residential Designation shall be further subject to the policies of Section 3.8 (The Lakeshore) of this Plan.

4.7 URBAN RESIDENTIAL DESIGNATION

The Urban Residential Designation applies to the Urban Areas of the County. The Urban Areas are expected to continue to accommodate attractive neighbourhoods which will provide for a variety of types of residential forms as well as neighbourhood facilities such as elementary schools, parks, places of worship and convenience commercial uses which are integral to and supportive of a residential environment.

A variety of housing types are anticipated to be developed to meet the varying demands and characteristics of the population. Opportunities to provide housing for individuals or groups with special needs including the elderly and those with special physical, social or economic needs within the County will be encouraged.

4.7.1 Permitted Uses

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

- 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.
- b) Medium density residential uses shall be permitted including triplex dwellings, fourplex dwellings, row or block townhouse dwellings, converted dwellings containing more than two dwelling units, walk-up apartments and similar medium profile residential buildings, subject to the policies of Section 4.7.2 (b) (Urban Residential Designation – Land Use Policies).
- c) High density residential uses in development forms greater than those described in Subsections (a) and (b) shall be permitted subject to the policies of Section 4.7.2 (c) (Urban Residential Designation – Land Use Policies), save and except for in the Courtland Urban Area where high density residential uses shall not be permitted.
- d) An accessory residential dwelling unit or garden suite shall be permitted subject to the policies of Sections 7.3.3.1 (Accessory Residential Dwellings) and 7.3.3.2 (Garden Suites) of this Plan.
- e) In accordance with Section 5.4 (b)iv) (Tourism), bed and breakfast establishments shall be permitted in any single detached residential dwelling, provided that all the required parking is accommodated on the same lot, and subject to criteria established in the Zoning By-law.
- f) Elementary schools and day care centres shall be permitted, provided that they have access to an arterial or collector road.
- g) Places of worship with a site area of up to 1 hectare, neighbourhood community and cultural centres and institutional uses of similar scale

shall be permitted, provided that they have access to an arterial or collector road.

- h) Neighbourhood parks and parkettes, as defined in Section 7.5.1 (Parks) of this Plan shall be permitted, whereas community parks, major parks and other large-scale recreational uses shall only be permitted in the Parks and Open Space Designation, through the policies of Section 4.13.1 (Parks and Open Space Designation – Permitted Uses).
- i) Senior citizens' homes or similar housing facilities for senior citizens including nursing homes shall be permitted to develop in accordance with the medium density residential policies of Section 4.7.2 (b) (Urban Residential Designation – Land Use Policies).
- j) A home occupation in a dwelling unit shall be permitted, except where an accessory dwelling unit, garden suite, or bed and breakfast establishment exists on the lot, provided the use does not change the residential character of the building and lot, and residential remains the principal use. The use shall be compatible with the surrounding residential uses.
- k) Group homes, hostels, temporary shelters, emergency shelters and other similar forms of special needs housing shall be permitted, subject to the policies of Section 7.3.2 (Special Needs Housing) of this Plan. In the Courtland Urban Area, only small-scale group homes, hostels, temporary shelters, emergency shelters and other similar forms of special needs housing shall be permitted.
- l) Small scale neighbourhood convenience commercial and personal service uses to serve the daily shopping needs of a neighbourhood shall be permitted, subject to the policies of Section 4.7.2 (d) (Urban Residential Designation – Land Use Policies).
- m) Mobile homes or trailer parks shall not be permitted.
- n) Uses accessory to any of the permitted uses in the Residential Designation are permitted.

4.7.2 Land Use Policies

The following policies apply to land designated Urban Residential.

- a) Single, semi-detached and duplex housing forms shall generally have an average net density of 15 units per hectare (uph), save and except for land designated Urban Residential in the Courtland Urban Area, where private servicing limitation shall determine the density of development.
- b) Three-plex, four-plex, townhouses, and other medium density housing forms, shall generally have a net density of between 15 and 30 uph, save and except for in the Courtland Urban Area where private servicing limitations shall determine the density of development. New medium density residential development and other uses that are similar in terms of profile, shall meet the following criteria:

- i) the density, height and character of the development shall have regard to adjacent uses;
 - ii) the height and massing of the buildings at the edge of the medium density residential development shall have regard to the height and massing of the buildings in any adjacent low density residential area and may be subject to additional setbacks, or landscaping to provide an appropriate buffer;
 - iii) the development will be encouraged to have direct access to an arterial or collector road, where possible and appropriate;
 - iv) the watermains and sanitary sewers shall be capable of accommodating the development, or the proponent shall commit to extending services at no cost to the County, save and except for in the Courtland Urban Area, where private septic systems shall be permitted;
 - v) the development is adequately serviced by parks and school facilities;
 - vi) in developments incorporating walk-up apartments, block townhouse dwellings and medium-profile residential buildings, on-site recreational facilities or amenities such as playground equipment may be required;
 - vii) the development shall be designed and landscaped, and buffering shall be provided to ensure that the visual impact of the development on adjacent uses is minimized;
 - viii) except for a triplex dwelling, fourplex dwelling or other similar small scale developments, a report on the adequacy of the road network to accommodate the expected traffic flows, and the adequacy of water and sewer services may be required to be prepared by the proponent and approved by the County; and
 - ix) triplexes, fourplexes, freehold street townhouses or other similar small scale developments, may be subject to site plan control, in accordance with the policies of Section 9.6.5 (Site Plan Control) of this Plan.
- c) High density residential uses, including apartment buildings and other forms of multiple housing of a similar density shall be carefully located. The following criteria shall be addressed in the consideration of such applications, especially in proximity to lower density residential development:
- i) the density, height and character of the development shall be compatible with adjacent uses;
 - ii) the ability of the site to accommodate necessary facilities and amenities, such as garbage storage, parking and landscaped areas;

- iii) the height, form and density of the proposed development is such that no undue adverse impacts in terms of overshadowing, increased traffic or loss of amenity area are created for surrounding residential uses;
 - iv) the relationship of the site to nearby lower density residential uses, in view of the desire to provide a gradual transition in height and density wherever possible;
 - v) the degree to which the site has access to significant open space amenities such as valleylands or major parks;
 - vi) municipal watermains and sanitary sewers shall be required and shall be capable of accommodating the development, or the proponent shall commit to extending services at no cost to the County;
 - vii) the proximity of the site to arterial or collector roads, and/or pedestrian accessibility to a Downtown Area or, in the case of the Simcoe Urban Area, a Secondary Centre, or other locations of supporting services and facilities;
 - viii) the adequacy of local services including schools and other community services. It is recognized that accessibility to such facilities, including health care services, may be particularly important to residents with special needs; and
 - ix) the use shall be subject to site plan control, in accordance with the policies of Section 9.6.5 (Site Plan Control) of this Plan.
- d) In evaluating applications for neighbourhood commercial uses in the Urban Residential Designation, the following criteria shall be met:
- i) no more than one commercial structure or building shall be permitted on any site, and the gross floor area of the commercial use shall generally not exceed 300 square metres;
 - ii) building height shall be limited to one storey unless residential apartments are located on the upper floor(s), in which case the maximum building height shall be subject to the surrounding residential density provisions;
 - iii) landscaping, fencing, berming and other screening shall be provided adjacent to residential land uses;
 - iv) all required parking shall be provided on the site, and cash-in-lieu of required parking in accordance with the policies of Section 8.2.3 (Parking) of this Plan, shall not be accepted by the County;
 - v) driveway access shall be approved by the County;
 - vi) the facility shall be located at or in proximity to the intersection of arterial or collector roads, and shall not be located mid-block within a residential area; and

- vii) the use shall be subject to site plan control, in accordance with the policies of Section 9.6.5 (Site Plan Control) of this Plan.
- e) Development within the Urban Residential Designation shall be further subject to the policies of Section 3.4 (Urban Areas) and 3.5 (Specific Urban Area Policies) of this Plan.

4.7.3 Site Specific Policies

The Site Specific Policies embodied in this Plan reflect existing land use entitlements and approved development policies relating to specific sites.

4.7.3.1 Port Dover – Mill Store Site Specific Policy Area

On land designated Urban Residential – Site Specific Policy Area 4.7.3.1 on Schedule “B” to this Plan, in addition to the uses permitted, an existing retail establishment focussing on the sale of fabrics and clothing, a farmers market, a place of sports and recreation, and an adult training centre shall be permitted.

4.7.3.2 Port Dover – Restaurant Site Specific Policy Area

On land designated Urban Residential – Site Specific Policy Area 4.7.3.2 on Schedule “B” to this Plan, in addition to the uses permitted, a restaurant shall also be permitted to locate within the existing dwelling.

4.7.3.3 Port Dover – Office Site Specific Policy Area

On land designated Urban Residential – Site Specific Policy Area 4.7.3.3 on Schedule “B” to this Plan, in addition to the uses permitted, an administrative office shall also be permitted within the existing one-storey residential dwelling unit.

4.7.3.4 Waterford – Tea Room & Craft Shop Site Specific Policy Area

On land designated Urban Residential – Site Specific Policy Area 4.7.3.4 on Schedule “B” to this Plan, in addition to the uses permitted, a tea room and craft shop shall also be permitted.

4.7.3.5 Waterford – Retail Art Shop Site Specific Policy Area

On land designated Urban Residential – Site Specific Policy Area 4.7.3.5 on Schedule “B” to this Plan, in addition to the uses permitted, a retail art shop shall also be permitted for the sale of limited edition prints, sculptures and carvings.

4.7.3.6 Waterford – Restaurant & Culinary Educational Facility Site Specific Policy Area

On land designated Urban Residential — Site Specific Policy Area 4.7.3.6 on Schedule "B" to this Plan, in addition to the uses permitted, a restaurant located within an existing dwelling and a culinary educational facility with a maximum of eight students shall be permitted.

4.7.3.7 Port Dover – Gardening Supply Outlet Site Specific Policy Area

On land designated Urban Residential – Site Specific Policy Area 4.7.3.7 on Schedule "B" to this Plan, in addition to the uses permitted, a gardening supply outlet shall be permitted for the sale of supplies directly related to the installation and maintenance of the various landscaping backyard pond displays.

4.7.3.8 Simcoe – Mixed Use & Warehousing Site Specific Policy Area

On land designated Urban Residential – Site Specific Policy Area 4.7.3.8 on Schedule "B" to this Plan, in addition to the uses permitted, the following uses shall also be permitted: art gallery; arts, crafts and photographic studio and accessory retail; commercial moving business; fitness centre; warehousing excluding the storage of food and chemicals and hazardous materials; and used furnishings sales accessory to the moving business and warehousing. Other than the warehouse use, the total usable floor area for all other non-residential uses shall be limited to a maximum of 218 square metres.

4.7.3.9 Simcoe – Norfolk Street South Site Specific Policy Area

On land designated Urban Residential – Site Specific Policy Area 4.7.3.9 on Schedule "B" to this Plan, redevelopment, infill, and consents for severance, which result in the demolition of the existing housing stock, shall be discouraged. Consideration of conversion to multiple unit dwellings, home occupations, and bed and breakfast establishments, which maintain the character of the area by preserving the housing stock and architectural designs, shall be encouraged.

4.7.3.10 Simcoe – Norview Residential Area Site Specific Policy Area

Notwithstanding Section 8.2.2 (d) of this Plan, on land designated Urban Residential – Site Specific Policy Area 4.7.3.10 on Schedule "B" to this Plan, frontage on an open public road shall not be required.

11-OP-2008
Amendment 15

11-OP-2011
Amendment 48

1-OP-2006
Amendment 1
OMB Decision 2638

4.7.3.11 Port Dover – Health Clinic Site Specific Policy Area

On land designated Urban Residential- Site Specific Policy Area 4.7.3.11 on Schedule “B” to this Plan, in addition to the permitted uses, animal hospital, clinic or doctor’s offices, financial institution, offices, pharmacy, and retail store associated with a clinic or doctor’s office shall be permitted. The commercial structure or building shall have a gross floor area of up to 900 m², where the number of commercial retail units is limited to a maximum of two units with a maximum useable floor area of 200 m² per unit. The usable floor area of a pharmacy shall be limited to a maximum of 50 m².

4.7.3.12 Simcoe – Office Site Specific Policy Area

On land designated Urban Residential- Site Specific Policy Area 4.7.3.12 on Schedule “B” to this Plan, a 557.4 sq metre (6,000 sq ft) clinic or doctor’s office shall be permitted.

4.7.3.12-Rivard Simcoe – Restaurant within an Existing Dwelling Site Specific Policy Area

On land designated Urban Residential- Site Specific Policy Area 4.7.3.12-Rivard on Schedule “B” to this Plan, a restaurant located within the dwelling on the first floor shall also be permitted

4.7.3.13 Port Dover – Dover Coast Residential Site Specific Policy Area

Notwithstanding the policies in 4.7.1 h), for lands designated “Urban Residential” between Highway 6 and New Lakeshore Road as identified on Schedule “B” with Site Specific Policy Area 4.7.3.13, golf course uses shall also be permitted.

For any residential proposal on the Subject Land and on the Other Lands owned by the applicant, as identified on Schedule B, that are within the Industrial Influence Area (IIA) a distance of no more than 300 metres, the following studies shall be completed and submitted to Norfolk County and Haldimand County.

1. Planning Justification Report
2. Air Quality Assessment
3. Noise Study

Each of the completed studies may be peer reviewed at the discretion of Norfolk County and/or Haldimand County and the proponent shall pay the reasonable cost of the peer review. This review may include consultation with the Ministry of Environment.

**4.7.3.14–Town of Simcoe – Business Administration and Health
Service Practitioner Offices/Apartments Site Specific
Policy Area**

On land designated Urban Residential- Site Specific Policy Area 4.7.3.14- on
Schedule “B” to this Plan, in addition to the uses permitted:

1. Two offices for Health Service Practitioners; a General Business Administration office and two apartment dwelling units OR
2. Two offices for Health Service Practitioners and three apartment dwelling units.

6-OP-2013
Amendment 62

4.8 Central Business District Designation

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

There are five Downtown Areas within the County, including Simcoe, Port Dover, Delhi, Waterford and Port Rowan. These areas are delineated on Schedule "B" and the planned function of these areas is described in Section 3.4.1 (Downtown Areas). The predominant land use designation applying to the Downtown Areas is the Central Business District Designation. However, there are multiple land use designations, including Urban Residential and Commercial, within the Downtown Area.

4.8.1 Permitted Uses

Subject to the other policies of this Plan, the following policies shall apply in determining uses permitted on land designated Central Business District on Schedule "B".

- a) Permitted uses shall include the full range of commercial activities, including all forms of retail and service commercial facilities, business and professional offices, hotels, motels, restaurants, private clubs, places of recreation and entertainment, personal and business services, governmental facilities, outlets for wholesale, retail or mixed retail-wholesale trade, cultural facilities including museums, parks, community facilities, public and private institutions, and limited employment uses.
- b) Residential uses shall be permitted, provided that the uses do not negatively impact the planned function of the Downtown Area, subject to the following provisions:
 - i) in a building of commercial character, residential uses shall only be permitted above the ground floor and on the ground floor in the rear of the building, provided that the street frontage is maintained for commercial uses; and
 - ii) in a building of residential character, residential uses (either a single detached dwelling or multiple residential dwellings), and/or commercial uses shall be permitted, provided the residential character of the building is maintained.

For the purposes of this policy, the residential or commercial character of a building may be determined in consultation with the Chief Building Official of the County.

- c) Uses accessory to any of the permitted uses in the Central Business District Designation are permitted.

4.8.2 Land Use Policies

The following policies apply to land designated Central Business District.

- a) The height, massing and layout of buildings within the Central Business District Designation shall be oriented to a pedestrian scale.
- b) The site plan control policies of this Plan shall apply to all development applications that include a non-residential component.
- c) Adequate off-street parking and loading spaces shall be provided in accordance with the Zoning By-law. Subject to the policies of Section 8.2.3 (Parking), as an alternative to providing on-site parking for non-residential uses, the County may accept cash-in-lieu of parking to improve parking conditions in a particular Downtown Area.
- d) Development within the Central Business District Designation shall be further subject to the policies of Section 3.4 (Urban Areas) and 3.5 (Specific Urban Area Policies).

4.8.3 Site Specific Policies

The Site Specific Policies embodied in this Plan reflect existing land use entitlements and approved development policies relating to specific sites.

4.8.3.1 Simcoe – Mixed Residential/Commercial Site Specific Policy Area

On land designated Central Business District – Site Specific Policy Area 4.8.3.1 on Schedule “B” to this Plan, the following shall apply:

- a) Notwithstanding the permitted uses outlined in Section 4.8.1(a), the uses permitted on this land shall be limited to offices; private clubs; delicatessens; galleries; studios; craft, gift or souvenir shops; convenience stores; personal service shops; bed and breakfast establishments; and a full range of residential dwelling types. Compatible institutional and community uses shall be permitted.
- b) It is intended that in the process of introducing commercial uses into these 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.

4.8.3.2 Delhi – Residential Uses Site Specific Policy Area

On land designated Central Business District – Site Specific Policy Area 4.8.3.2 on Schedule “B” to this Plan, a maximum of two residential dwelling units are

permitted on the ground floor, only in the portion of the building that fronts onto Church Street West.

4.8.3.3 Delhi – Mixed Use/Multi Residential Uses Site Specific Policy Area

3-OP-2011
Amendment 43

On land designated Central Business District – Site Specific Policy Area 4.8.3.3 on Schedule “B” to this Plan, in addition to the uses permitted, a maximum of eight residential dwelling units shall be permitted on the ground floor and a maximum of four residential dwelling units shall be permitted in the basement.

4.9 SHOPPING CENTRE COMMERCIAL DESIGNATION

The Shopping Centre Commercial Designation applies to the existing shopping centres in Simcoe that are outside the Downtown Area. These areas are primarily retail in nature, and provide a less diverse array of goods and services than the Downtown Area.

4.9.1 Permitted Uses

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

- a) Permitted uses in the Shopping Centre Commercial Designation are less diverse than the Central Business District Designation and are primarily of a general retail nature, and may include drug stores, hardware, general merchandise, automotive and highway commercial uses, personal service shops, restaurants, and a limited amount of office uses related to the local area or which cannot be reasonably justified within the Downtown Area, in accordance with the policies of Section 3.4 (b) (Urban Areas).
- b) The type and amount of retail commercial facilities shall be limited by the policies of this Plan and the Zoning By-law provisions applicable to each specific site, including restrictions with respect to permitted uses, definitions and numerical limits, so as to not detract from the Downtown Area as the focus of the County’s commercial structure. In particular, it is intended that any retail activities other than those identified in the Section 4.9.1 (a) (Shopping Centre Commercial Designation – Permitted Uses) shall be limited as appropriate in terms of the number of retail units and the total amount of floor area which may be so used.

4.9.2 Land Use Policies

The following policies apply to land designated Shopping Centre Commercial.

- a) Shopping Centre Commercial development shall be compatible with surrounding uses and shall be adequately buffered from adjacent residential and other sensitive land uses.
- b) Adequate off-street parking and loading spaces shall be provided in accordance with the Zoning By-law.
- c) Shopping Centre Commercial uses shall generally only locate on Provincial Highways, subject to the approval of the Province and the County, or arterial roads, subject to the approval of the County.

- d) A high standard of site design and maintenance shall be required through site plan control.
- e) Any enlargement of an existing Large Retail Use in the Shopping Centre Commercial Designation shall only be permitted by way of site-specific amendment to the Zoning By-law. Prior to considering a Zoning By-law amendment to accommodate an enlarged Large Retail Use, the following criteria shall be met to the satisfaction of the County:
 - i) a planning rationale report, shall be completed assessing the expansion in relation to the planned function of the Downtown Areas including the Central Business District Designation, the Shopping Centre Commercial Designation and the Commercial Designation, impacts on adjacent uses, as well as any other matters determined by the County;
 - ii) a retail market impact study shall be completed in accordance with the policies of Section 9.7.3 (Retail Market Impact Study) of this Plan;
 - iii) a traffic impact study shall be completed in accordance with the specific requirements of the County and the Province, as appropriate;
 - iv) an urban design study and guidelines shall be completed, as outlined in policies of Section 7.4 (Community Design) of this Plan; and
 - v) a comprehensive development master plan addressing the total gross floor area, location of buildings, parking, landscaping, pedestrian amenities, and other site elements, shall be required when dealing with a development comprised of multiple buildings, irrespective of the proposed size and use of the buildings.
- f) Establishment of a new Large Retail Use in the Shopping Centre Commercial Designation shall only be permitted by way of site-specific amendment to this Plan and the Zoning By-law. Prior to considering an amendment to this Plan to accommodate a new Large Retail Use, the following criteria shall be met to the satisfaction of the County:
 - i) a planning rationale report, shall be completed assessing the use in relation to the planned function of the Downtown Areas including the Central Business District Designation, the Shopping Centre Commercial Designation and the Commercial Designation, impacts on adjacent uses, as well as matters outlined in Section 9.6.1 (Official Plan Amendments) of this Plan;
 - ii) a retail market impact study shall be completed in accordance with the policies of Section 9.7.3 (Retail Market Impact Study) of this Plan;

- iii) a traffic impact study shall be completed in accordance with the specific requirements of the County and the Province, as appropriate;
 - iv) an urban design study and guidelines shall be completed, as outlined in policies of Section 7.4 (Community Design) of this Plan; and
 - v) a comprehensive development master plan addressing the total gross floor area, location of buildings, parking, landscaping, pedestrian amenities, and other site elements, shall be required when dealing with a development comprised of multiple buildings, irrespective of the proposed size and use of the buildings.
- g) Proposals to designate additional land as Shopping Centre Commercial within the County shall be subject to the policies of Section 9.6.1 (Official Plan Amendments) and the criteria outlined in Section 4.9.2(f) (Shopping Centre Commercial Designation – Land Use Policies), notwithstanding the size of the proposed use(s), or the presence or absence of a proposed Large Retail Use.

4.9.3 Site Specific Policies

The Site Specific Policies embodied in this Plan reflect existing land use entitlements and approved development policies relating to specific sites.

4.9.3.1 Simcoe – Retail Commercial Site Specific Policy Area

On land designated Shopping Centre Commercial – Site Specific Policy Area 4.9.3.1 on Schedule “B” to this Plan, retail and service commercial uses including a department store with a maximum total floor area of 10,350 square metres, shall be permitted.

Ontario Municipal Board
Order #3411,
issued December 6, 2006

4.9.3.2 Simcoe – Retail Commercial Site Specific Policy Area

On land designated Shopping Centre Commercial – Site Specific Policy Area 4.9.3.2 on Schedule “B” to this Plan, commercial uses which may include a home and auto supply store with a maximum total floor area of 9,941 square metres may be permitted.

Ontario Municipal Board
Order #1177,
issued April 21, 2006
11-OP-2005

No permanent structure or site alteration (grading or earth works) shall be permitted within the lands designated Hazard Lands or Provincially Significant Wetland. These lands contain the Dingle Creek Provincially Significant Wetland and buffer area. Notwithstanding this, the construction of one driveway crossing of Dingle Creek shall be permitted subject to approval by the Department of Fisheries and Oceans, and the Conservation Authority, in consultation with the County and Ministry of Natural Resources.

4.9.3.3 Simcoe – Simcoe Mall Site Specific Policy Area

On land designated Shopping Centre Commercial – Site Specific Policy Area 4.9.3.3 on Schedule “B” to this Plan, retail and service commercial uses shall be permitted including a department store with a maximum gross leasable floor area of 4,645 square metres. In total, the department store and comparison goods shopping shall not exceed 5,574 square metres gross leasable floor area. The size and type of retail uses permitted in the additional commercial floor space shall be limited so as not to detract from the function of the Simcoe Downtown Area and the Central Business District Designation as the most comprehensive retail area in the Simcoe Urban Area.

4.9.3.4 Port Dover – Dover Coast Commercial Site Specific Policy

On land designated Shopping Centre Commercial – Site Specific Policy Area 4.9.3.4 permitted uses shall include banks and financial institutions, gas bars, convenience stores, offices, restaurants, cultural and institutional uses, convention centres hotel/motel. Retail stores and supermarket uses shall also be permitted subject to the policies of section 9.7.3.

4.9.3.5 Simcoe – Retail Commercial Site Specific Policy Area

On land designated Shopping Centre Commercial- Site Specific Policy Area 4.9.3.5 on Schedule "B" to the Plan, commercial uses which may include a building supply establishment and lumber yard with a maximum total floor area of 7943 m² may be permitted. No permanent structure or site alteration (grading or earth works) shall be permitted within the lands designated Hazard Lands or Provincially Significant Wetland. These lands contain the Dingle Creek Provincially Significant Wetland and buffer area. Notwithstanding grading and earth works within the Dingle Creek Provincially Significant Wetland, the construction of one driveway crossing of Dingle Creek opposite Ireland Road shall be permitted subject to approval of the Department of Fisheries and Oceans, and the Conservation Authority, and in consultation with the County and Ministry of Natural Resources. Selective tree and vegetation removal and/or enhancement within the Dingle Creek Wetland and buffer area along Queensway Drive may only be permitted subject to detailed review of plans and environmental information to the satisfaction of the County, Conservation Authority and Ministry of Natural Resources.

Notwithstanding sub-section 9.6.3.2 c) i), a consent may be granted for the lands shown as the subject lands on Schedule "B".

4.9.3.6 Simcoe – Shoe Outlet Store Site Specific Policy Area

On land designated Shopping Centre Commercial- Site Specific Policy Area 4.9.3.5 on Schedule "B" to this Plan, permitted uses shall include, a shoe outlet facility with a maximum useable floor area of 2,508.38 square metres; clinic or doctors' office, health and wellness centre; and a drug store (pharmacy) with a maximum useable floor area of 789.76 square metres shall be permitted.

11-OP-2006
Amendment 1
OMB Decision # 2638
issued Oct 2, 2007

1-OP-2010
Amendment 31

2-OP-2012
Amendment 53

4.9.3.7 Simcoe Retail Commercial Site Specific Policy Area

On land designated Shopping Centre Commercial- Site Specific Policy Area 4.9.3.5 on Schedule "B" to this Plan, Shopping Centre Commercial uses with a maximum total floor area of 14,400 square metres may be permitted. No permanent structure or site alteration (grading or earth works) shall be permitted within the lands designated Hazard Lands or Provincially Significant Wetland. These lands contain the Dingle Creek Provincially Significant Wetland and buffer area. Notwithstanding this, the construction of one driveway crossing of Dingle Creek shall be permitted subject to approval by the Department of Fisheries and Oceans, and the Conservation Authority, in consultation with the County and Ministry of Natural Resources. Selective tree and vegetation removal and/or enhancement within the Dingle Creek Wetland and buffer area along Queensway East may only be permitted subject to detailed review of plans and environmental information to the satisfaction of the County, Conservation Authority and Ministry of Natural Resources.

The size of retail uses permitted shall be limited in the implementing Zoning By-Law so as not to detract from the function of the Simcoe Downtown Area and the Central Business Designation as the most comprehensive retail area in the Simcoe Urban Area. The proposed development is subject to further phasing. The second stage of development shall only be permitted to proceed subject to additional retail market analysis that addresses any impacts from the first stage of development, as set out in the Zoning By-Law, and the current market conditions.

As per Section 4.9.2 of the Official Plan, an Urban Design Study shall be completed as a condition of the lifting of a Holding (H) provision to be implemented through the Zoning By-Law.

9-OP-2015
Amendment 78
OMB Decision
#PL150952 issued
April 19, 2016

4.10 COMMERCIAL DESIGNATION

The Commercial Designation applies to areas located in the Urban Areas along the major transportation routes where commercial uses catering to the travelling public, destination oriented commercial uses, space extensive commercial uses, and mixed residential-commercial uses can be accommodated.

Commercial areas are accessible locations along the County's major transportation routes offering suitable accommodation for a specific range of commercial uses which have the following basic characteristics:

- a) *highway-oriented uses which rely on exposure to the travelling public and require a location readily accessible to major transportation routes;*
- b) *destination uses, which are principally commercial in nature, provide a less diverse array of goods and services than the Downtown Areas, and provide a specialized product or service to persons coming specifically to the premises to do business and therefore do not require to locate in the Downtown Areas;*
- c) *space-extensive uses having physical requirements in terms of the size or configuration of the site or building such that they cannot be accommodated within the Downtown Areas; and*
- d) *mixed residential and commercial uses that have historically located along the major transportation routes.*

4.10.1 Permitted Uses

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

- a) The primary permitted uses shall include retail establishments and commercial uses, which are destination oriented or are intended to serve the travelling public, including automobile parking depots, automobile service stations, vehicle sales and service, public garages, repair service and rental establishments, motels, hotels, restaurants, animal hospitals, commercial recreation uses, private clubs, funeral homes, day care centres and similar uses.
- b) Category-specific retail establishments shall be limited to furniture, appliance, carpet, flooring, home electronics and/or garden centres, and building supply centres that are under 3,000 square metres of gross leasable floor space.
- c) Food stores, drug stores, personal service shops and other similar uses intended for the Central Business District and/or Shopping Centre Commercial Designations shall not be permitted.
- d) Large Retail Uses over 3,000 square metres of gross leasable floor space, such as department stores, retail warehouses, and other uses

engaged in the retailing and/or wholesaling of goods, wares or products and other similar uses intended for the Central Business District and/or Shopping Centre Commercial Designations shall not be permitted.

- e) Residential uses shall be permitted, provided that the uses do not negatively impact the planned function of the areas described in Section 3.5.1 (Simcoe Urban Area), subject to the following provisions:
 - i) in a building of commercial character, residential uses shall only be permitted above the ground floor; and
 - ii) in a building of residential character, either single detached or multiple dwelling, residential and/or commercial uses shall be permitted, provided the residential character of the building is maintained.

For the purposes of this Policy, the residential or commercial character of a building may be determined in consultation with the Chief Building Official of the County.

- f) Uses accessory to any of the permitted uses in the Commercial Designation are permitted.

4.10.2 Land Use Policies

The following policies apply to land designated Commercial.

- a) Commercial development shall be compatible with surrounding uses and shall be adequately buffered from adjacent sensitive land uses.
- b) Adequate off-street parking and loading spaces shall be provided in accordance with the Zoning By-law
- c) Commercial uses shall only locate on Provincial Highways, subject to the approval of the Province and the County, or arterial or collector roads, subject to the approval of the County.
- d) A high standard of site design and maintenance shall be required through site plan control.
- e) Proposals to designate additional land as Commercial within the County shall be subject to the policies of Section 9.6.1 (Official Plan Amendments) and the criteria outlined in Section 4.9.2 (f) (Shopping Centre Commercial Designation – Land Use Policies), notwithstanding the size of the proposed use(s), or the presence or absence of a proposed Large Retail Use.

Council may waive the requirements of this policy if it is convinced that the proposed Commercial Designation is sufficiently minor, that there will be no impact on the planned function of the commercial areas and the Downtown Areas of the County, and there is no associated Large Retail Use.

4.10.3 Site Specific Policies

The Site Specific Policies embodied in this Plan reflect existing land use entitlements and approved development policies relating to specific sites.

4.10.3.1 Delhi – Commercial Site Specific Policy Area

On land designated Commercial – Site Specific Policy Area 4.10.3.1 on Schedule “B” to this Plan, in addition to the uses permitted, general retail and service commercial, business and professional offices, institutional uses, limited employment uses, residential apartments and parks and recreational uses shall be permitted.

4.10.3.2 Simcoe – Home and Agricultural Supply Establishment Site Specific Policy Area

On land designated Commercial – Site Specific Policy Area 4.10.3.2 on Schedule “B” to this Plan, a home and agricultural supply establishment shall be permitted.

4.10.3.3 Simcoe – Retail Site Specific Policy Area

On land designated Commercial — Site Specific Policy Area 4.10.3.3 on Schedule "B" to this Plan, in addition to the uses permitted in the Commercial designation, a retail store to a maximum floor area of 120 square metres shall be permitted. The retail sale and service of water softeners and retail sales of bottled water and related items is permitted.

4.10.3.4 Simcoe – Food Processing Facility Site Specific Policy Area

On land designated Commercial – Site Specific Policy Area 4.10.3.4 on Schedule “B” to this Plan, a food processing facility shall be permitted.

4.10.3.5 Policy deleted through 2-OP-2012, Amendment 53.

4.10.3.6 Simcoe – Business Office Equipment and Supply Sales Outlet Site and Bulk Food Store Specific Policy Area

On land designated Commercial – Site Specific Policy Area 4.10.3.6 on Schedule “B” to this Plan, in addition to the uses permitted, a business office equipment and supply sales outlet with a maximum gross leasable floor area of 1,860 square metres and a bulk food store with a maximum gross leasable floor area of 522.8 square metres shall also be permitted. One bulk food store shall either be permitted in the site specific area 4.10.3.6 or 4.10.3.8.

10-OP-2009
Amendment 29

15-OP-2006
Amendment 3

6-OP-2008
Amendment 12
3-OP-2012
Amendment 54

4.10.3.7 Simcoe – Office and Retail Site Specific Policy Area

In addition to the uses permitted in the Commercial designation, office uses and a retail store to a combined maximum floor area of 1800 ft² may be permitted. The retail store permits the sale of bottled water and u-fill water centre, sale and service of water treatment equipment including; water softeners, filtration systems, ultraviolet disinfection systems, reverse osmosis drinking water systems and water coolers, hot tubs, spas, saunas, replacement filters, chemicals and accessories are permitted.

9-OP-2008
Amendment 16

4.10.3.8 Simcoe –Bulk Food Store Site Specific Policy Area

On land designated Commercial — Site Specific Policy Area 4.10.3.8 on Schedule "B" to this Plan, in addition to the uses permitted, a bulk food store shall be permitted. One bulk food store shall either be permitted in the site specific area 4.10.3.6 or 4.10.3.8

7-OP-2010
Amendment 37
3-OP-2012
Amendment 54

4.10.3.9 Simcoe –Queensway East Real Estate and Lawyers Office Site Specific Policy Area

On land designated Commercial — Site Specific Policy Area 4.10.3.9 on Schedule "B" to this Plan, in addition to the uses permitted, a legal and real estate office shall be permitted.

2-OP-2011
Amendment 42

4.10.3.10 Simcoe –Queensway Retail Space Site Specific Policy Area

On land designation Commercial Site Specific Policy Area 4.10.3.10 on Schedule B to this Plan, in addition to the uses permitted, a retail store shall be permitted.

9-OP-2008
Amendment 16

4.11 INDUSTRIAL/BUSINESS PARK DESIGNATION

Industrial/Business Park areas are characterized by their high visual profile and accessibility and are generally comprised of industrial, employment, accessory commercial and related uses. Industrial/Business Park areas are located along Provincial Highways, and County arterial and collector roads. Generally, these areas are expected to accommodate a wide range of uses requiring high visibility and good accessibility. High quality design will be essential in these areas and some restrictions on uses will be applied to ensure attractive streetscapes.

4.11.1 Permitted Uses

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

- a) The predominant use of land shall be a wide range of employment and industrial uses, subject to the policies of this Section.
- b) Industrial uses located adjacent to a Provincial Highway or arterial road shall generally be limited to self-contained uses that produce and/or store a product where there is a low probability of significant emissions. Access to a Provincial Highway shall require approval from the Province and the County. Access to the arterial road shall require approval from the County.
- c) Industrial uses that require open storage of goods and materials such as manufacturing, processing, assembling, repairing, wholesaling, warehousing, trucking and storage shall be permitted, however, the open storage shall be screened such that it is not visible from a Provincial Highway or arterial road.
- d) For uses that exhibit any or all of the following characteristics, a study shall be prepared in accordance with the relevant MOE guidelines to demonstrate that the proposed use is compatible with any nearby sensitive uses:
 - i) outdoor storage of goods and materials;
 - ii) frequent shipment of products and/or materials;
 - iii) long production hours and shift operations/unusual hours of operation;
 - iv) large volumes of traffic at off-peak hours; and/or
 - v) likelihood of nuisances, such as noise, odour, dust or vibration.
- e) Office uses shall be permitted subject to the policies of Section 3.4.1(b) (Downtown Areas) of this Plan.

- f) Council may permit the following ancillary uses without an amendment to this Plan:
 - i) commercial uses, provided that the use is associated with and clearly ancillary to the main Industrial/Business Park use;
 - ii) parks and open space uses; and
 - iii) institutional uses, provided they are adequately buffered from uses that produce potential nuisances, such as noise, odour, dust, vibration or heavy traffic, as defined by the Ministry of the Environment or other relevant agency.
- g) Uses accessory to any of the permitted uses in the Industrial/Business Park Designation are permitted.

4.11.2 Land Use Policies

The following policies apply to land designated Industrial/Business Park.

- a) Those uses that create or potentially create extreme environmental stress as a result of air and/or noise emissions, and/or the generation and/or handling of solid or liquid wastes will only be considered based on the submission of an impact assessment satisfactory to the County. The applicant shall demonstrate the feasibility of the proposal and confirm the compatibility of the proposed use prior to receiving the required planning approvals.
- b) A separation distance, determined in consultation with the Ministry of the Environment 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.
- c) 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 the relevant guideline related to land use compatibility.
- d) Deviation from the established separation distances shall require detailed supporting studies of the potential impacts on the sensitive land use by the Industrial use, and vice-versa, and any recommended mitigation measures.
- e) Separation distances between sensitive land uses and Business/Employment uses, or for Industrial/Business Park uses abutting Provincial Highways or arterial roads shall be implemented through the Zoning By-law, as a condition of draft plan approval and/or through site plan control and may include measures such as:

- i) building orientation, design and setbacks;
 - ii) landscaping and screening;
 - iii) access controls;
 - iv) road improvements and widenings;
 - v) restrictions on the range of permitted uses; and
 - vi) restrictions on outside storage.
- f) Adequate off-street parking and loading facilities shall be provided for all permitted uses for employees and visitors. Vehicle access shall be oriented such that industry-related traffic will be discouraged from using local roads where other options are available. Loading facilities and service areas shall be located to avoid conflict between pedestrian circulation, service vehicles and movement along the public rights-of-way.
- g) The provision of appropriate and adequate landscaping and/or other forms of buffering shall be provided to:
- i) enhance all parking lots, and outdoor loading, storage and service areas; and
 - ii) provide separation between the use and any adjacent use, where appropriate.
- h) Industrial uses shall be developed in such a manner to ensure protection and screening of outdoor storage areas from all adjacent roads.

4.11.3 Site Specific Policies

The Site Specific Policies embodied in this Plan reflect existing land use entitlements and approved development policies relating to specific sites.

4.11.3.1 Courtland – Industrial/Business Park Area Site Specific Policy Area

On land designated Industrial/Business Park – Site Specific Policy Area 4.11.3.1 on Schedule “B” to this Plan, the following policies shall apply:

- a) Notwithstanding Section 4.11.1 (Industrial/Business Park Designation – Permitted Uses) to the contrary, a full range of industrial uses shall be permitted within the Site Specific Policy Area, subject to the industrial use(s) being serviced by approved water and wastewater treatment facilities.
- b) Any existing residential development may be recognized in the Zoning By-law.
- c) No new residential development shall be permitted.

- d) In order to promote aesthetic quality, proposals for industrial development within the Site Specific Policy Area that are visible from adjacent roads shall be required to provide a higher standard of amenity in terms of landscaping, building materials or outdoor storage, in accordance with the policies of Section 4.11.2(e) (Industrial/Business Park Designation – Land Use Policies).

4.11.3.2 Port Dover – Silver Lake Industrial/Business Park Site Specific Policy Area

On land designated Industrial/Business Park – Site Specific Policy Area 4.11.3.2 on Schedule “B” to this Plan, a trucking operation shall not be permitted and any proposals for redevelopment shall take into account the nature of the surrounding land uses.

4.11.3.3 Waterford – Flea Market Site Specific Policy Area

On land designated Industrial/Business Park – Site Specific Policy Area 4.11.3.3 on Schedule “B” to this Plan, in addition to the uses permitted, a flea market, auction, bingo hall and accessory uses shall be permitted.

4.11.3.4 Simcoe – Bingo Hall Site Specific Policy Area

On land designated Industrial/Business Park – Site Specific Policy Area 4.11.3.4 on Schedule “B” to this Plan, in addition to the uses permitted, a bingo hall, place of assembly and special event sales, including auctions, shall be permitted.

4.11.3.5 Simcoe – Adult Day Program Site Specific Policy Area

On land designated Industrial/Business Park – Site Specific Policy Area 4.11.3.5 on Schedule “B” to this Plan, in addition to the uses permitted, an adult day program facility and accessory offices shall be permitted.

4.11.3.6 Simcoe – Animal Shelter Site Specific Policy Area

On land designated Industrial/Business Park – Site Specific Policy Area 4.11.3.6 on Schedule “B” to this Plan, in addition to the uses permitted, an animal shelter, including a small office, area for the storage of food and supplies, indoor kennels, outdoor runs, and associated fundraising activities shall be permitted.

4.11.3.7 Simcoe – Agricultural Use Site Specific Policy Area

On land designated Industrial/Business Park – Site Specific Policy Area 4.11.3.7 on Schedule “B” to this Plan, in addition to the uses permitted, an agricultural use and existing residential uses shall be permitted.

4.11.3.8 Delhi – Tobacco Growers Marketing Board Site Specific Policy Area

On land designated Industrial/Business Park – Site Specific Policy Area 4.11.3.8 on Schedule “B” to this Plan, in addition to the uses permitted, a place of assembly for such uses as trade shows, exhibitions, and other similar activities shall be permitted.

Ontario Municipal Board
Decision Issued

4.11.3.9 *Amending By-Law 5-OP-2007 for Amendment 7, refused by Ontario Municipal Board PL070592, November 13, 2008*

4.11.3.10 Simcoe – Judd Industrial Park Medical Marihuana Production Facility Site Specific Policy Area

On land designated Industrial/Business Park – Site Specific Policy Area 4.11.3.10 on Schedule “B” to this Plan, in addition to the uses permitted, a Medical Marihuana Production Facility shall also be permitted. A Medical Marihuana Production Facility shall be defined as a licensed facility used for the cultivation, processing, testing, destruction, packaging and shipping or marihuana used for medical purposes as approved under the federal government’s Marihuana for Medical Purposes Regulation or any subsequent legislation which may be enacted in substitution thereof. Further, no building or structure or portion thereof used for a medical marihuana production facility purpose shall be located closer than 76 metres to any residential zone or any dwelling.

3-OP-2014
Amendment 66

4.11.3.11 Simcoe – Agricultural Greenhouse Site Specific Policy Area

On land designated Industrial Business Park – Site Specific Policy Area 4.11.3.10 on Schedule “B” to this Plan, in addition to the uses permitted, an agricultural greenhouse operation shall be permitted.

3-OP-2015
Amendment 74

4.12 Institutional Designation

The Institutional Designation is intended to recognize those major public institutions that benefit the residents of Norfolk County, and occupy large and prominent sites. These major institutional uses are important sources of both specialized services and employment for the entire County, including uses such as hospitals, secondary schools, post-secondary educational facilities, correctional facilities, courthouses, and government complexes. These institutional uses tend to be intensely built and attract high traffic volumes, consequently they require an independent land use designation.

4.12.1 Permitted Uses

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

- a) Permitted uses shall include Major Institutional Uses, such as hospitals, clinics and treatment facilities, secondary schools, post-secondary educational facilities, government offices, places of worship with a site area greater than 1 hectare, and government-operated institutions, subject to the policies of Section 4.12.2(e) (Institutional Designation – Land Use Policies).
- b) Places of worship, nursing homes, museums and other cultural facilities, service clubs and fraternal organizations are uses permitted principally in other land use designations which shall also be considered as appropriate in the Institutional Designation.
- c) Group homes with a correctional purpose and similar uses licensed under a Provincial or Federal statute, group homes, hostels, temporary shelters, emergency shelters and other similar forms of special needs housing shall be permitted in the Institutional Designation, subject to the policies of Section 7.3.2 (Special Needs Housing) of this Plan.
- d) Ancillary uses which are of an appropriate scale and intended to service the main permitted use, such as a variety store, gift shop, financial institution, pharmacy, or residence shall also be permitted.
- e) Uses accessory to any of the permitted uses in the Institutional Designation are permitted.

4.12.2 Land Use Policies

The following policies apply to land designated Institutional.

- a) Specific development standards for permitted uses and ancillary uses shall be included in the Zoning By-law and may include floor space limitations, parking requirements, and limitations on signage and advertising.
- b) Where an existing use in an Institutional Designation ceases, the County may consider the redesignation of the site to an appropriate

alternative designation only after examination of the following options for part or all of the site:

- i) the use of the site for a suitable alternative institutional purpose;
 - ii) acquisition of the site or a portion of it by the County for institutional or open space use, based on the park needs of the surrounding area; and
 - iii) the use of the site to meet housing targets, particularly for special needs housing.
- c) Any proposal to add or enlarge an Institutional Designation shall be evaluated on the basis of:
- i) the impact on and the compatibility with the uses surrounding the proposed site; and
 - ii) the adequacy of social and physical services, including roads to accommodate the proposed use.
- d) Adequate off-street parking areas shall be provided in accordance with the provision of the Zoning By-law, and access to parking areas shall be limited and designed to provide maximum safety for pedestrian and vehicular traffic.
- e) Major Institutional Uses shall be subject to the following policies:
- i) Major Institutional Uses shall be located where there is direct access to an arterial or collector road to discourage traffic from using local roads;
 - ii) the profile of the development shall relate to the adjacent buildings and uses and results in a gradual transition in terms of the profile of buildings, where applicable and appropriate;
 - iii) the site shall be designed to be accessible to all persons within the community, including the elderly and those persons with physical disabilities; and
 - iv) appropriate landscaping and buffers shall be provided to enhance the physical separation between the use and adjacent sensitive uses, where applicable and appropriate.

4.13 PARKS & OPEN SPACE DESIGNATION

Norfolk County offers a wide range of recreational opportunities to residents and visitors through the uses accommodated in the Parks and Open Space Designation. Recreation needs and facilities have been identified in the Recreation Master Plan, and are further described in Section 7.5 (Recreation) of this Plan. Additionally the cultural needs of Norfolk County may be met to some degree through facilities provided in the Parks and Open Space Designation.

4.13.1 Permitted Uses

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

- a) Large-scale recreational facilities, arenas, community centres, cemeteries, fairs or exhibition grounds, golf courses, community parks, major parks and other public park uses shall be permitted, subject to the policies of Section 7.5.1 (Parks). While driving ranges shall be permitted in association with a golf course, stand-alone driving ranges are not permitted in the Parks and Open Space Designation.
- b) The conservation and enhancement of land and/or environment, as well as the provision of active and passive outdoor recreational and educational opportunities shall be permitted, particularly on land exhibiting environmental sensitivity or containing Natural Heritage Features.
- c) Uses accessory to any of the permitted uses in the Parks and Open Space Designation are permitted, subject to the policies of Section 7.5.1 (Parks).

4.13.2 Land Use Policies

The following policies apply to land designated Parks and Open Space.

- a) Neighbourhood parks and parkettes shall generally be included in the Urban Residential Designation as they are considered to be an integral part of the residential area that they serve.
- b) The policies of Section 7.5 (Recreation) shall apply to development within the Parks and Open Space Designation.

4.13.3 Site Specific Policy Areas

The Site Specific Policies embodied in this Plan reflect existing land use entitlements and approved development policies relating to specific sites.

4.13.3.1 Simcoe – Norfolk Fairgrounds Site Specific Policy Area

On land designated Parks and Open Space – Site Specific Policy Area 4.13.3.1, in addition to the uses permitted, assembly, entertainment and commercial uses shall be permitted, provided the uses are appropriate and compatible with the site and the adjacent uses. Uses more appropriately located in the Simcoe Downtown Area shall not be permitted.

4.14 URBAN WATERFRONT DESIGNATION

The Urban Waterfront Designation is intended to accommodate commercial facilities and services in convenient locations to serve the needs of residents and tourists. It is intended that the Urban Waterfront Designation only be applied in the Urban Areas in direct proximity to the water's edge of Lake Erie, in order to promote the ongoing development of marine industries, tourist destinations, and support existing residents. It is recognized that the inherent flood prone areas and hazard lands influence this Designation, affecting both existing and future land uses.

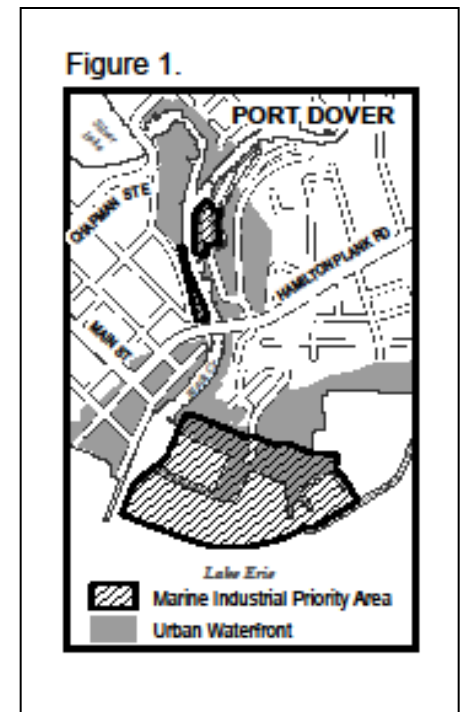
This designation recognizes that marine industrial uses and activities are important and will continue to be important to the local economy and heritage of Port Dover, particularly with respect to the commercial fishing and marine industry. It is the intent of this Plan to protect, maintain and promote the Commercial Fishing Port as an ongoing viable commercial/industrial activity that has significant historic relevance and adds to the charm and appeal of the community.

4.14.1 Permitted Uses

Subject to the other policies of this Plan, the following policies shall apply in determining uses permitted on land designated Urban Waterfront on Schedule "B".

- a) Restaurants, places of entertainment and recreation, motels, hotels, cabins, campgrounds, marinas and related marine commercial facilities, and marine industrial uses shall be permitted, subject to Section 4.14.2(a). In the urban area of Port Dover marine industrial uses shall be priority uses on the lands shown on Schedule B-16 and more specifically shown on Figure 1.
- b) Retail sales outlets and associated commercial uses shall be limited in size, scale and scope by the Zoning By-law to ensure that such uses are associated with the planned function of the urban waterfront area and to avoid uses which are better suited to the planned function of the downtown area or other commercial areas, and shall be subject to Section 4.14.2(a).
- c) Residential uses shall only be permitted as part of a mixed-use building with another permitted use located at-grade and the residential use located above grade. Notwithstanding the foregoing, bed and breakfast establishments shall be permitted within a single detached residential dwelling, provided that all the required parking is accommodated on the same lot, and subject to criteria established in the Zoning By-law. Residential uses shall be subject to Section 4.14.2(a).
- d) Private and public recreational uses, parks, open space and related uses shall be permitted, subject to Section 4.14.2(a).

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- e) The policies of Sections 3.5.2.2 (Port Dover Waterfront Special Policy Area) and 3.8.1 (Lakeshore Special Policy Area) shall apply in interpreting permitted uses within the area designated Urban Waterfront.
- f) Uses accessory to any of the permitted uses in the Urban Waterfront Designation shall be permitted, subject to Section 4.14.2(a).

4.14.2 Land Use Policies

The following policies apply to land designated Urban Waterfront.

- a) Certain land designated Urban Waterfront in the Port Dover Urban Area will be identified by the Long Point Region Conservation Authority as being hazard land. Consequently, the use of such land will be subject to the policies of Section 4.3.2 (Hazard Lands Designation – Land Use Policies), as determined in consultation with the Conservation Authority.
- b) The location and type of outdoor storage will be considered having regard to compatibility with adjacent uses and potential impact on future redevelopment. The Zoning By-law and/or site plan agreement may delineate where open storage may be located together with appropriate setbacks, screening and buffering.
- 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 3.5 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 preservation of historically significant buildings; and
 - vi) the conservation and enhancement of Natural Heritage Features.
- d) In the consideration of any Zoning By-law amendment proposing to establish any of the permitted uses, the following shall be addressed:
 - i) the compatibility of the proposed use with adjacent and neighbouring land uses, particularly existing industrial uses where a residential component is included;
 - ii) adequate access to the property from a public road; and

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- iii) the provision of parking and loading facilities.

4.14.3 Site Specific Policy Areas

The Site Specific Policies embodied in this Plan reflect existing land use entitlements and approved development policies relating to specific sites.

4.14.3.1 Port Dover – Bucks Orchard Beach Park Site Specific Policy Area

On land designated Central Business District – Site Specific Policy Area 4.14.3.1 and Urban Waterfront – Site Specific Policy Area 4.14.3.1, in addition to the uses permitted, residential uses in accordance with the policies of Section 4.7 shall also be permitted. In the consideration of a Zoning By-law amendment to implement the policies of this Subsection, the following shall be addressed:

- a) The compatibility of the proposed use with adjacent uses;
- b) The need for special building design incorporating height limitations, setbacks, buffering and landscaping to enhance compatibility with adjacent uses;
- c) Adequate access to the property particularly regarding emergency vehicles; and
- d) The provision of adequate parking.

Site plan control shall be utilized for new development or redevelopment projects in order to address compatibility and to ensure that such development or redevelopment creates a highly aesthetic and unique area.

4.14.3.2 Port Dover – Dover Wharf Site Specific Policy Area

On land designated Urban Waterfront– Site Specific Policy Area 4.14.3.2 on Schedule “B” to this Plan, in addition to the uses permitted, a 48 unit residential development shall be permitted.

2-OP-2015
Amendment 73