



Working together with our community

## Public Hearings Committee – May 03, 2022

Subject: Official Plan Amendment application OPNPL2022096 and Zoning By-law Amendment application ZNPL2022097 are proposing to add a special policy and provision to the existing residential / commercial land use permissions in order to allow a retail store on the ground floor of the subject property. The owner, Nathan Kew, has put forth the applications affecting the lands described as 6 Victoria Street, Simcoe.

Report Number: CD 22-037  
Division: Community Development  
Department: Planning  
Purpose: For Information

### Recommendation(s):

THAT staff Report CD-22-037, Public Hearing report for OPNPL2022096 and ZNPL2022097, be received for information;

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

### Public Meeting Details:

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

### Site Characteristics:

The subject site is approximately 0.2 acres in size and is located on the southeast corner of Victoria Street and Norfolk Street South in Simcoe (see map in Attachment A). The lands contain an existing triplex dwelling, a driveway entrance from Victoria Street and a driveway entrance from Norfolk Street South that is shared with the adjacent property at 12 Victoria Street which was recently demolished and currently vacant.

The lands are immediately adjacent the southerly extent of Downtown Simcoe and is surrounded by a variety of uses, including a legal office across Norfolk Street to the west and residential dwellings and a funeral home to the south.

## **Proposal Summary:**

The applicant is proposing to allow for a retail store within the ground floor of the building. The size of the commercial unit is approximately 30m<sup>2</sup> comprising a portion of the ground floor and would add several jobs. The lands at 6 and 12 Victoria Street (now with similar ownership) had significant issues and deterioration over many years and the current owner. As part of the site clean up, the owner for 6 Victoria Street has renovated the building and is looking to one of the ground floor units as a retail store in addition to retaining 2 dwelling units within the building. There are no plans for the future use of 12 Victoria Street at this time.

Although the site is within the Mixed Residential Commercial Designation of the Official Plan and zoned Commercial Residential Business Zone, only a convenience store and specialty types of retail are currently permitted along with a range of other residential and commercial uses. As such, a site specific policy and special provision is proposed to be added to the designation and zoning for the property to clarify that a retail store on the ground floor is permitted.

The site has several parking locations for the existing residential dwellings and the commercial unit with a one-way driveway system and existing landscaping (see attached Site Concept).

## **Consultation**

### **Technical Analysis / Circulation Comments:**

The application has been circulated to relevant departments and agencies. Several questions and items were raised through pre-consultation that have been addressed and remaining items are being considered via the minor “stamped” site plan that is associated with the application, including confirmation of the parking arrangement and accessibility requirements. Further comments from zoning are expected to assist with the proposed regulations. Any technical comments will be considered in the Recommendation Report.

### **Notice Provisions:**

Pursuant to the requirements of the Planning Act R.S.O. 1990, C. P. 13 (“Planning Act”), a notice of the statutory public meeting was posted 20 days in advance of the Public Meeting. Notifications were mailed to neighbors 120 m of the subject lands; and a yellow notification sign was posted on the site on April 7, 2022.



### **Regard for Public Input:**

Any public input received will be considered in the Recommendation Report.

## Planning Considerations:

Relevant Provincial Policy Statement, Official Plan policies and the existing zoning permissions is appended as Attachment F and will be analyzed as part of the Recommendation Report.

## Preliminary Review:

Key Items		Preliminary Review
Transportation and Parking		The site has existing access/egress points on Victoria and Norfolk Streets. Turning movements would be further reviewed via the minor site plan process. The existing dwelling units and parking have existed since prior to the existing Zoning By-law; however, the conversion of one unit to commercial space requires 2 parking spaces to be identified for the proposed size of the retail store (with 1 as accessible space). The remaining 2 dwelling units would have a total of 3 existing parking spaces associated with them. The driveway aisle width and configuration is being further reviewed.
Accessibility		The conversion of the space triggers accessibility standards, including one accessible parking space and other requirements under review.
Servicing (W & WW)		The interior conversion has minimal impact on infrastructure.
Land use		The proposal would allow for a mix of uses within the existing building and on the site which is desirable to help improve the previous site conditions and is similar to the surrounding area. It is immediately across the street from the Central Business District Zone which allows a retail store. Additional jobs are proposed to be added and the site could be walkable from the surrounding area.

## Strategic Plan Linkage:

This report aligns with the 2019-2022 Council Strategic Priority "Foster Vibrant, Creative Communities" and "Create an Optimal Place for Business".

Explanation: The proposal would allow the site to be used for a wider range of uses, including a new business.

## **Conclusion:**

The purpose of this report is to summarize and provide information regarding the development applications. A Recommendation Report with further analysis and responding to any outstanding matters raised will be submitted to a future meeting of Norfolk County Council for decision.

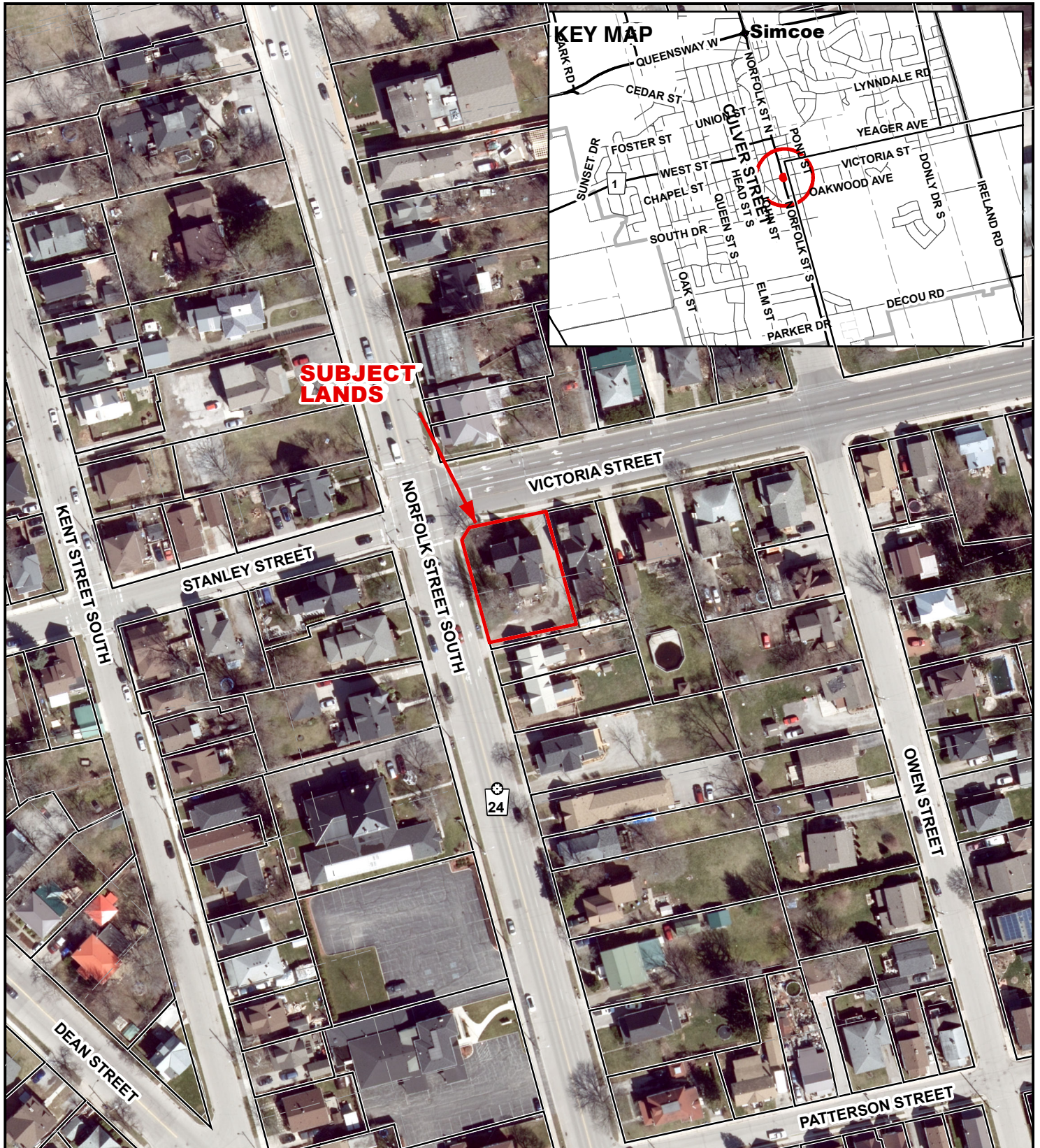
## **Attachments:**

Attachment A Context / Key Map  
Attachment B Proposed Official Plan Amendment  
Attachment C Proposed Zoning Bylaw Amendment  
Attachment D Conceptual Plan  
Attachment E Circulation Map  
Attachment F Planning Policy and Zoning


Prepared and Approved By:  
Brandon Sloan, BES, MCIP, RPP  
General Manager  
Community Development Division

**MAP A**  
**CONTEXT MAP**  
Urban Area of SIMCOE

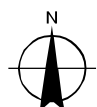
OPPL2022096  
ZNPL2022097  
SPPL2022098



**Legend**

-  Subject Lands
- 2020 Air Photo

4/8/2022



10 5 0 10 20 30 40 Meters

Attachment B:  
Proposed Official Plan  
Amendment By-law



**The Corporation of Norfolk County**

**By-Law \_\_-OP-2022**

**Being a By-Law to Adopt Amendment Number [redacted] to the Norfolk County Official Plan in respect of lands described as Plan 182 Block 126, Pt Lot 9, Pt Lot 9, RP37R1546 Pt of Part 1 (municipality known as 6 Victoria Street), Urban Area of Simcoe, Norfolk County in the Name of Nathan Kew.**

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

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

**NOW THEREFORE** the Council of The Corporation of Norfolk County hereby enacts as follows:

1. That amendment number [redacted] to the Norfolk County Official Plan as set out in the text and Schedule “A” attached hereto is hereby adopted.
2. That the effective date of this By-Law shall be the date of passage thereof.

**ENACTED AND PASSED** this [redacted] day of [redacted], 2022.

\_\_\_\_\_  
Mayor

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

# **Amendment Number [redacted] to the Norfolk County Official Plan**

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

The purpose of amendment number [redacted] to the Norfolk County Official Plan is to facilitate the addition of retail on the ground floor of a building with permitted residential uses.

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

As shown on the attached ‘Schedule “A”’, the subject lands are located on Plan 182 Block 126, Pt Lot 9, Pt Lot 9, RP37R1546 Pt of Part 1 (municipality known as 6 Victoria Street), Urban Area of Simcoe, Norfolk County in the Name of Nathan Kew.

### **Basis of the Amendment**

The purpose of this application is to add a site-specific policy to the existing designation of Mixed Residential/Commercial on the subject lands in order to add “retail” to the permitted uses provided that it is located within a building that has permitted residential uses, such as dwelling units – in effect, as part of a mixed use building.

This amendment has been reviewed in accordance with the Provincial Policy Statement, the Norfolk County Official Plan and is consistent and in conformity with these planning documents.

## **Part B: The Amendment**

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

### **Map Schedule Amendment**

That Schedule B, Land Use, in the Norfolk County Official Plan is amended by identifying all the lands shown as the subject lands on ‘Schedule “A”’ attached to and a part of this amendment as adding Special Policy \_\_\_\_ to the Mixed Residential/Commercial designation.

### **Add Special Policy \_\_\_\_**

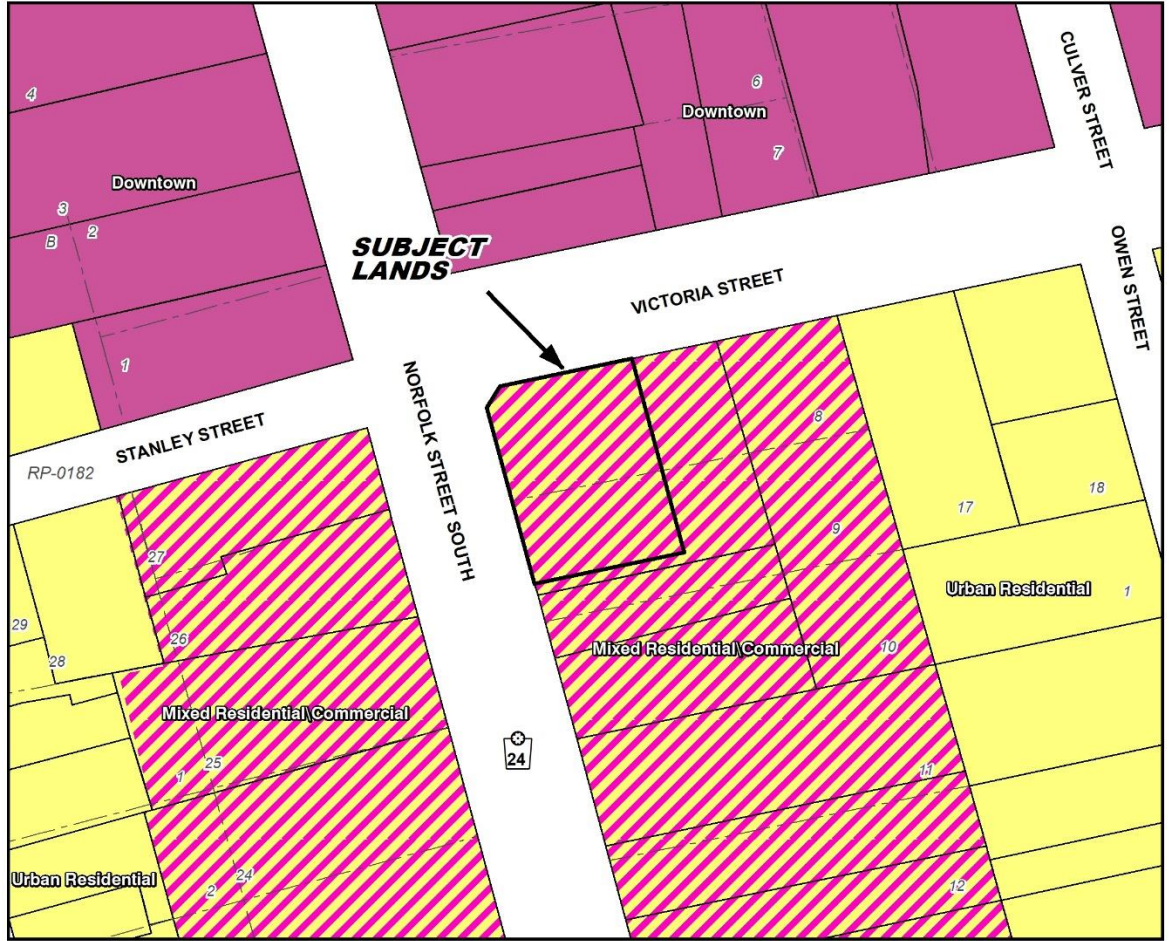
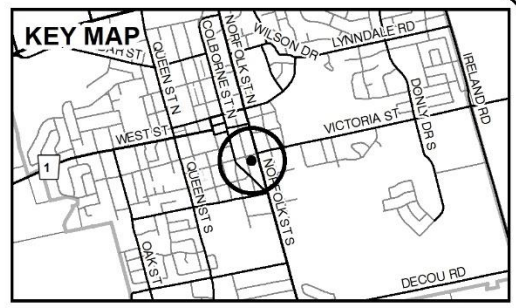
That in addition to Section 7.9.1, retail on the ground floor of a building with permitted residential uses shall also be permitted.

## **Part C: Additional Information**

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

Applicant Nathan Kew  
File Number OPNPL2022097  
Report Number CD 22-037  
Assessment Roll Number 401015013000000

**SCHEDULE A**  
**Amendment No.**  
 to the  
**OFFICIAL PLAN**  
 for  
**NORFOLK COUNTY**  
 in the Urban Area of  
**SIMCOE**



**LEGEND**

Subject Lands

**From: Mixed Residential/Commercial**  
**To: Mixed Residential/Commercial**  
**with a Site Specific Policy Area**

**Official Plan Designations**

- Urban Residential
- Mixed Residential/Commercial
- Downtown
- Urban Area Boundary



1:1,000



Applicant Nathan Kew  
 File Number OPNPL2022097  
 Report Number CD 22-037  
 Assessment Roll Number 401015013000000





**The Corporation of Norfolk County**

**By-Law \_\_-Z-2022**

**Being a By-Law to Amend Zoning By-Law 1-Z-2014, as amended, for property described as Plan 182 Block 126, Pt Lot 9, Pt Lot 9, RP37R1546 Pt of Part 1 (municipality known as 6 Victoria Street), Urban Area of Simcoe, Norfolk County in the Name of Nathan Kew.**

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

**AND WHEREAS** this By-Law conforms to the Norfolk County Official Plan.

**NOW THEREFORE** the Council of The Corporation of Norfolk County hereby enacts as follows:

1. That Schedule A of By-Law 1-Z-2014, as amended, is hereby further amended by delineating the lands identified as the subject lands on Map A (attached to and forming part of this By-Law) as subject to Subsection 14.####;

2. That Subsection 14 Special Provisions is hereby further amended by adding the following:

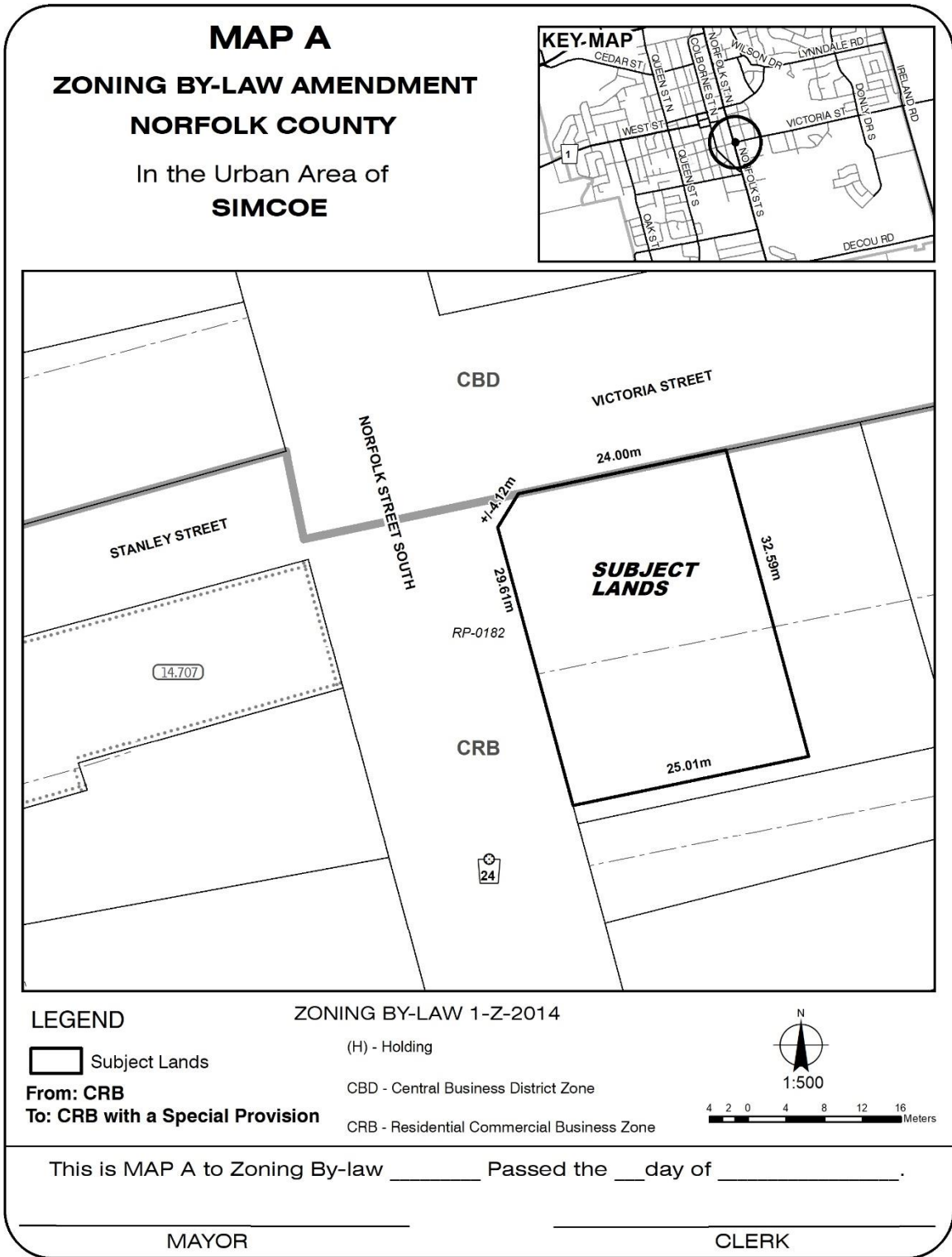
14.#### In addition to the uses *permitted* in the CRB Zone, *retail store* shall also be *permitted* on the ground floor provided that it is within a building with permitted residential uses (a Mixed Commercial-Residential Building) and in accordance with the provisions of Sections 4.0, 6.4.3, 6.4.4 and 6.4.5.

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

**ENACTED AND PASSED** this \_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Mayor

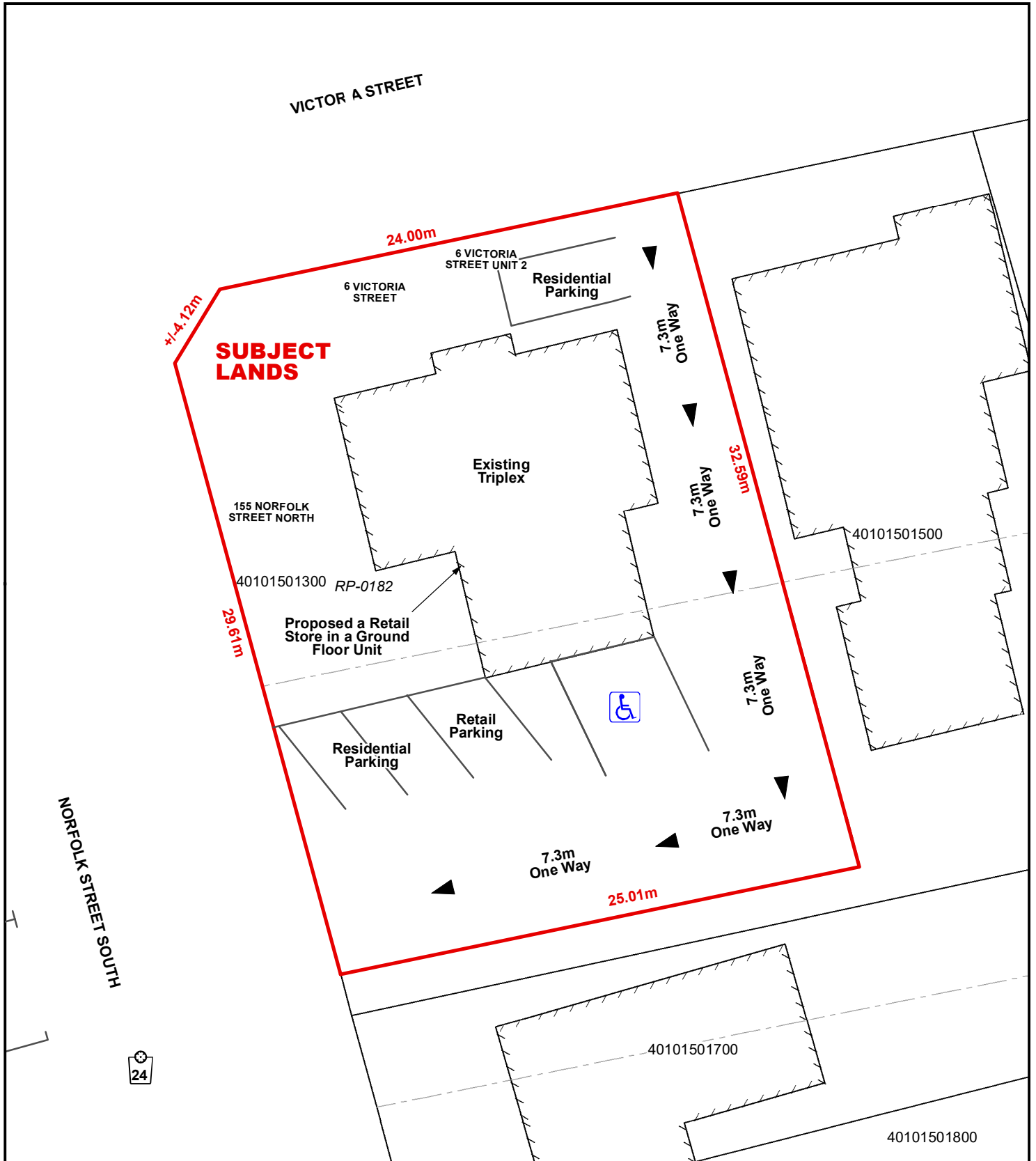
\_\_\_\_\_  
County Clerk




**Explanation of the Purpose and Effect of  
By-Law \_\_-Z-2022**

This By-Law affects a parcel of land described Plan 182 Block 126, Pt Lot 9, Pt Lot 9, RP37R1546 Pt of Part 1 (municipality known as 6 Victoria Street), Urban Area of Simcoe.

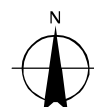
The purpose of this By-Law is to change the zoning on the subject lands to allow a retail store on the ground floor of a building that has other permitted residential uses such as dwelling units – in effect, a mixed commercial/residential building.



**Legend**

 Subject Lands

4/8/2022



2 1 0 2 4 6 8 Meters

# Appendix E – Circulation Map



## Attachment F - Planning Policy and Zoning

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### Provincial Policy Statement, 2020 Considerations

The Provincial Policy Statement, 2020 (PPS) provides policy direction on matters of provincial interest related to land use planning and development, which is intended to be complemented by local policies addressing local interests. The PPS promotes healthy, livable and safe communities through the efficient use of land throughout the Province of Ontario. The PPS directs municipalities to focus their growth within settlement areas where full municipal services are available.

An evaluation of the application against the applicable policies of the Provincial Policy Statement will be included in a future Recommendation Report.

### Official Plan Considerations

*Existing Land Use Designation: "Mixed Residential/Commercial"*

Section 2.2.1.2 j) Provide for emerging retail trends that meet the needs of the County through the establishment of a strong and adaptable commercial structure that is focused on the Downtown Areas of the County.

#### Section 7.9 Mixed Residential / Commercial

The Mixed Residential/Commercial are generally areas of transition from the relatively focussed and primarily commercial developments in Downtown areas to the lower density surrounding residential neighbourhoods. The Mixed Residential/Commercial designation permits residential uses and a restricted range of commercial and encourages the retention of existing older residential buildings which may be of heritage interest.

#### 7.9.1 Permitted Uses

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

- a) The primary permitted uses shall include business and professional 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 uses.
- b) Institutional and community uses, compatible in scale and density to the primary permitted uses may also be permitted.
- c) Uses accessory to any permitted uses in the Mixed Residential/Commercial designation are permitted.

### 7.9.2 Land Use Policies

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

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

*Proposed Land Use Designation: "Mixed Residential/Commercial" with a Site-Specific Special Policy*

In order to facilitate the a retail use, the proposal is to amend the Official Plan of the property to add a site specific policy to add "retail" provided it is in a building with permitted residential uses (e.g., a Mixed Commercial-Residential Building).

An evaluation of the application against the applicable policies will be included in a future Recommendation Report.

### **Zoning By-Law Considerations**

Existing Zoning: "Residential Commercial Business Zone (CRB)"

#### 6.4.1 Permitted Uses

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

- a) adult education and training facility
- b) art gallery
- c) bed & breakfast
- d) boarding or lodging house
- e) clinic or doctors' offices
- f) college or trade school
- g) community centre
- h) convenience store
- i) day care nursery
- j) delicatessen and specialty food shops
- k) dry cleaning distribution station
- l) dwelling, single detached
- m) dwelling, semi-detached
- n) dwelling, duplex
- o) dwelling, tri-plex
- p) dwelling, four-plex
- q) dwelling units in any permitted commercial or institutional building – maximum four (4)
- r) financial institution
- s) fire hall
- t) funeral home
- u) home occupation
- v) laundromat
- w) library
- x) long-term care facility
- y) museum
- z) office, all types
- aa) personal service shop
- bb) photographic studio or shop
- cc) place of assembly
- dd) place of sports and recreation



- ee) place of worship
- ff) police station
- gg) private club
- hh) retirement home.

#### 6.4.2 Zone Provisions for any Sole Residential Use

Notwithstanding the provisions in Subsection 6.4.3 any sole residential use shall conform to the provisions in the Urban Residential Type 3 Zone (R3).

#### 6.4.3 Zone Provisions for Non-Residential Uses or Non-Residential Uses in Combination with Residential Uses

Any non-residential use permitted in this Zone or a combination of nonresidential uses and residential uses in the same building or converted dwelling shall conform to the following provisions:

- a) minimum front yard: 6 metres
- b) minimum exterior side yard: 6 metres
- c) minimum interior side yard: 3 metres and 1.2 metres
- d) minimum rear yard: 7.5 metres
- e) minimum usable floor area:  
for a dwelling unit in a nonresidential building  
40 square metres
- f) maximum building height: 11 metres
- g) maximum lot coverage: 60 percent

#### 6.4.4 Parking in the Front Yard

Notwithstanding the provisions of Subsection 4.2 and Subsection 6.4.2, parking of vehicles in the front yard shall be limited to two (2) parking spaces.

#### 6.4.5 Conversion of an Existing Dwelling to a Commercial Building or a Mixed Commercial – Residential Building

Any existing dwelling having any yard less than that required by this ByLaw may be used for a non-residential use permitted by this Zone or used for a combination of non-residential and residential uses permitted by this Zone provided:

- a) the parking requirements of this By-Law are complied with;
- b) each dwelling unit has a minimum of 40 square metres of usable floor area;
- and,
- c) any extension or addition complies to the yard and setback requirements of this By-Law.

#### 6.4.6 Zone Provision for Convenience Store

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

*Proposed Zoning: “Residential Commercial Business Zone” with a Special Provision*

In order to facilitate the a retail use, the proposal is to amend the zoning of the property to add a site specific provision to add “retail store” provided it is in a building with permitted residential uses (e.g., a Mixed Commercial-Residential Building).

An evaluation of the proposed zoning application will be included in a future Recommendation Report.