

OFFICIAL PLAN

FOR the



**FOR COUNCIL ADOPTION AND APPROVAL BY THE MINISTER OF
MUNICIPAL AFFAIRS AND HOUSING**

March 2, 2010

Approved by MMAH April 24, 2012

OFFICIAL PLAN TRACKING & CONSOLIDATION

(THIS IS NOT PART OF THE OFFICIAL PLAN)

April 24, 2012	Approved by the Ministry of Municipal Affairs and Housing		
Section 6.1.6	(adjourned sine die – not approved)		
Schedules A1 and C	modified and approved by the Ontario Municipal Board on November 9, 2012		
Section 9.1.4	modified and approved by the Ontario Municipal Board December 21, 2012		
Schedule B4	modified and approved by the Ontario Municipal Board on December 21, 2012		
OPA #1 (BL 4-17)	Source water	Township initiated	Approved by Dufferin County March 9, 2017
OPA#2	Second Dwellings	Township initiated	Approved by Dufferin County September 2017

PART A: INTRODUCTORY AND GENERAL POLICIES

1.0 INTRODUCTION

The following text and schedules constitute the Official Plan (hereafter referred to as 'this Plan') of the Township of Mulmur (hereafter referred to as 'the Township') for the Mulmur Planning Area, as first defined by the Minister of Municipal Affairs on November 16, 1961.

This Plan incorporates the provisions of the following documents:

- the Official Plan for the Township of Mulmur, approved by the Ministry of Municipal Affairs with modifications on September 2, 1997;
- modifications ordered by the Ontario Municipal Board;
- Official Plan Amendments No. 1-4 and 6-12 to the previous Official Plan and approved by the Ministry of Municipal Affairs between 1997 and 2009. These amendments include the 2004 five-year up-date (OPA No. 6), and the Agricultural/Rural Conformity Amendment (OPA No. 10). The Primrose Employment Lands Secondary Plan, which was originally intended to be OP Amendment No. 13, has instead also been incorporated into this document;
- the 2005 Provincial Policy Statement;
- changes mandated by the Planning Act R. S. O. 1990 (as amended), including changes which came into effect on January 1, 2007 as a result of the passage of Bill 51, and regulations thereto;
- the requirements of the Places to Grow Act and the Provincial Growth Plan for the Greater Golden Horseshoe;
- the land use policies and designations of the Niagara Escarpment Plan for the Niagara Escarpment Plan Area;
- policy and regulatory requirements of the Nottawasaga Valley Conservation Authority, where appropriate, and;
- source water protection areas and policies, to the extent that information was available prior to adoption of this Plan.

This Plan has been prepared in accordance with the requirements of the Planning Act and related regulations. The policies and provisions of this Plan are consistent with the Provincial Policy Statement and are in conformity, or do not conflict with Provincial plans. Where applicable, this Plan deals with servicing considerations and where measurements are included, the metric system has been utilized.

Since all planning policies and decisions must be consistent and in conformity with Provincial policies and plans, the requirements of those various documents have

been incorporated as the foundation building blocks of this Plan. Where permitted, the Township's policies may be more restrictive than the requirements of the Province, and more detailed policies have been incorporated to ensure that future development and land use is appropriate for the Township.

A comprehensive review of this Plan shall be undertaken by the Township every five years, in accordance with Section 26 of the *Planning Act*, and the Plan shall be updated as necessary to keep it current, relevant and effective in addressing the planning needs of the Township.

2.0 PURPOSES OF THE PLAN

This Official Plan establishes the pattern which development within the Township should follow during the planning period 2009 to 2029.

The policies in this Plan are intended to:

- assist Council and its various appointed Committees in determining appropriate future policies and actions in all matters relating to the development and use of land in the Township;
- make available, to the public, information regarding the intended future development pattern of the Township to guide development and land use initiatives;
- ensure that development is controlled and the uses of land are appropriate, to minimize the potential for land use conflicts;
- preserve the open, natural and rural character of the Township and protect scenic resources and vistas;
- provide for the identification and protection of significant natural features, areas and functions throughout the Township;
- provide for the preservation and protection of the Niagara Escarpment Plan Area and provide support for the regulation and control of development and land uses on the Escarpment in accordance with the Niagara Escarpment Plan;
- encourage the integrated growth of the municipalities in Dufferin County and promote land use policies designed to meet the requirements of both the urban and rural areas;
- encourage the preservation of the character of settlement areas, and ensure that future development contributes positively to their character;
- provide for the identification and preservation of prime agricultural lands and the protection of agricultural activities and uses;
- facilitate and promote innovation and diversification in the agriculture sector;

- encourage the development of recreational facilities and related uses in areas of the municipality suitable for such purposes;
- ensure that non-renewable resources are identified and protected for their long-term use;
- provide for the identification and protection of source water areas;
- ensure that development does not have a detrimental financial impact on the Township;
- ensure that a satisfactory ratio between residential assessment and commercial-industrial assessment is achieved and maintained;
- provide business and employment opportunities within settlement areas by planning for and encouraging appropriate industrial, commercial, institutional and related uses;
- provide a planning framework for various policies and requirements of the Nottawasaga Valley Conservation Authority; and
- provide for the identification and preservation of archaeological and cultural heritage resources in the Township.

3.0 BASIS OF THE PLAN

The policies set out in this Plan have been determined following a process of background review and public consultation. The following is provided to explain the reasoning behind the policies contained in this Plan.

The Township has always been, and remains essentially rural in character. Throughout the development of this Plan, the public has indicated, at every public consultation opportunity, a desire to maintain the open landscape character, and preserve and protect the natural features and scenic resources of the Township.

From its beginnings to the present, the Township has had a predominantly agriculture-based economy. For several decades, there has been a steady influx of recreational property owners, predominantly from the urban areas to the south, into the Township. More recently, young families have also begun to migrate to the area.

This migration is, in large part, the result of the desire of many urban area residents, both working and retired, to live in an attractive rural environment; an increased ability to work from home and a trend toward more self-employment, and the availability of desirable lots and quality housing.

These factors have resulted in a strong demand for rural properties and rural community living. A strengthening rural economy associated with these new residents is emerging. Corresponding to these trends is a demand for more and better facilities and services.

The previous Official Plan and Growth Management Strategies directed growth to the existing communities in the Township wherever possible. This Plan echoes that direction, while providing for the preservation of the character of the existing communities. Growth in the communities has always been, and remains dependent on the ability to provide adequate services on a sustainable basis.

The role of the Township in accommodating population growth, and employment over the planning period has been defined in relation to growth allocations established for the County of Dufferin in the Growth Plan for the Greater Golden Horseshoe. An appropriate balance has been struck between the desire to accommodate a fair share of the County's growth, primarily within settlement areas, while recognizing that opportunities for limited growth exist within the rural areas of the Township.

The Township has many significant environmental areas and natural features, quality resources and outstanding scenery, all of which reinforce its unique and vitally important rural and community character. The greatest challenge for the Township over the next 20 years will be to balance the demands of growth and resource use with the need to preserve and protect all those things that make Mulmur Township such a special place.

4.0 VISION AND GUIDING PRINCIPLES

4.1 OVERALL VISION STATEMENT

The Township is committed to sustainable growth while protecting the environment, natural resources and agriculture as well as the scenic beauty and the rural and community character of the Township. The Township wishes to achieve balance between the many competing land use interests, so that the Township remains a complete community – a highly desirable, safe, prosperous, beautiful and natural place for its residents to live, work, learn and play.

4.2 GUIDING PRINCIPLES OF THIS PLAN

The following are the guiding principles upon which this Plan is based. These principles apply throughout the Township and establish the framework for the remaining policies and the more specific objectives in the various land use designations in this Plan. Where situations of uncertainty or conflict arise in the interpretation of this Plan, reference should be made to these principles.

4.2.1 STRONG COMMUNITIES

The long-term prosperity, environmental health and social well-being of the Township depend on wisely managing change and promoting efficient land use and development patterns. Efficient land use and development patterns will be encouraged, to support strong, livable and healthy communities, protect the environment, promote public health and safety and facilitate economic growth.

4.2.2 GROWTH MANAGEMENT

Population and employment growth has been allocated to the Township by the Province. Future growth will be controlled and managed so that the rate, location and form of

growth addresses the objectives outlined in this Plan and in the Growth Plan for the Greater Golden Horseshoe (of which the Township is a part), within the broader regional context of the County of Dufferin.

4.2.3 SERVICES

The type and level of services will support the goals of growth management, the protection of the environment and the preservation of community character. The provision of services must be within the financial capability of the Township.

4.2.4 CHARACTER

The Township will remain a rural municipality characterized by large open spaces and a generally dispersed development pattern in rural areas. The density of development within settlement areas will be based on the availability of appropriate services, and must preserve and positively contribute to community character.

4.2.5 MUNICIPAL FINANCE

New development shall not place an additional financial burden on the Township and will balance the costs of providing necessary additional municipal services, facilities and infrastructure, through off-setting compensatory benefits.

4.2.6 LOCAL ECONOMY

The Township shall generally encourage developments that will provide economic opportunities and benefits for the residents of the Township.

4.2.7 NON-RENEWABLE RESOURCES

Non-renewable resources, including mineral aggregate resources, shall be protected for long term use.

4.2.8 AGRICULTURE

Prime agricultural areas and agricultural operations shall be protected for long-term use. Developments and uses which have the potential to conflict with agriculture and normal farming practices shall be discouraged, or appropriately separated.

4.2.9 RENEWABLE RESOURCES

Renewable natural resources shall be managed and utilized in a manner which is sustainable over the long term.

4.2.10 NIAGARA ESCARPMENT

The Niagara Escarpment and land in its vicinity will be protected through the incorporation of applicable policies and objectives of the Niagara Escarpment Plan, into this Plan. The Township will ensure that future development within and in the vicinity of the Niagara Escarpment Plan Area will be compatible with and protect this important and internationally recognized area.

4.2.11 WATER RESOURCES

The Township shall ensure the protection, maintenance and enhancement of water and related resources and aquatic ecosystems on an integrated watershed management basis. Land use decisions will protect source water areas, maintain surface and groundwater resources in sufficient quality and quantity to meet existing and future needs on a sustainable basis, promote water conservation and support the efficient use of water.

4.2.12 ENERGY CONSERVATION

The Township shall ensure that energy is used wisely and efficiently.

4.2.13 NATURAL HERITAGE

The Township shall ensure the protection, maintenance and enhancement of the many significant natural heritage features and areas in the Township.

4.2.14 CULTURAL HERITAGE AND ARCHAEOLOGY

Significant built heritage resources and significant cultural heritage landscapes shall be conserved.

Areas with archaeological potential shall be identified and archaeological resources shall be protected, preserved and documented.

4.2.15 HEALTH AND SAFETY

The importance of protecting the health and safety of residents and visitors to the Township shall be paramount.

5.0 GENERAL DEVELOPMENT POLICIES

The following policies apply to all lands within the Township. All applications for development and land division will be subject to these policies. As these policies deal with a variety of development situations, not all of the policies apply to every development.

5.1 COORDINATION WITH MUNICIPALITIES AND THE COUNTY

A coordinated, integrated and comprehensive approach shall be used when dealing with planning matters which cross lower and/or upper-tier municipal boundaries, including:

- a) managing and/or promoting growth and development;
- b) managing natural heritage, water, agricultural, mineral, and cultural heritage and archaeological resources;

- c) providing infrastructure, public service facilities and waste management systems;
- d) dealing with ecosystem and watershed related issues;
- e) dealing with natural and human-made hazards; and
- f) allocating population, housing and employment forecasts, based on regional market areas.

5.2 GROWTH MANAGEMENT

Growth management planning has been conducted on a County-wide basis, in accordance with the Growth Plan for the Greater Golden Horseshoe. The population, housing and employment forecasts contained herein define the anticipated role of the Township in providing for population and employment forecasts for the County of Dufferin set out in the Growth Plan for the Greater Golden Horseshoe.

The Growth Plan for the Greater Golden Horseshoe establishes a population and employment growth forecast (for 2031) for Dufferin County of 80,000 people and 27,000 jobs, respectively. Based on this forecast, the Township's population is expected to increase to approximately 4,290 and its employment will grow to approximately 820 jobs by 2031. This translates into a future growth rate of approximately 0.5% per year (21 persons per year) over the 20 year planning period.

Settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted.

Land use patterns within settlement areas, including infilling and intensification, will reflect a mix of housing and other land uses. The Township shall ensure that new development within settlement areas:

- conforms to approved secondary plans where such plans exist;
- is compatible and is not out-of-character with existing developments;
- has servicing levels which are appropriate for planned densities and which are cost-effective, and;
- protects both ground and surface water resources.

To the extent possible and practical within the above context, the Township shall strive to ensure that design elements are incorporated and land use patterns are promoted which maximize efficiencies in the use of land and resources, as well as the infrastructure and public service facilities that are planned or available. Although there are many existing or committed opportunities for growth in the rural areas, the Township shall strive to ensure that the ratio of settlement area to rural area growth favours the settlement areas.

The Township will play an important role in achieving the objective of the Growth Plan for the Greater Golden Horseshoe that a minimum of 40 percent of new development will consist of intensification and redevelopment County-wide by 2014, as all development within its settlement areas will be considered intensification under the Growth Plan for the Greater Golden Horseshoe.

The Township shall avoid the need for the unjustified and/or uneconomical expansion of infrastructure and public service facilities, generally beyond basic rural service levels and standards. Development in Mansfield shall continue to be serviced by a municipal water supply system.

Land use patterns shall also minimize negative impacts to air quality and climate change, and promote energy efficiency.

The Township shall formulate development standards that facilitate intensification and re-development and achieve a compact form, while maintaining appropriate levels of public health and safety, and the character of rural communities.

New development taking place in designated growth areas should occur adjacent to the existing built-up area. The Township may establish and implement phasing policies to ensure the orderly progression of development within designated growth areas and the timely provision of the infrastructure and public service facilities required to meet current and projected needs.

Recreation and recreation-related developments, including recreation-related housing, may be permitted within the Mansfield North Recreation Area as roughly depicted on Schedule A1, to be more accurately defined in a subsequent recreation area master plan for the area. It is intended that such development that is located on lands that are not already designated for residential purposes in that area shall generally be carried out in accordance with a Recreation Area Master Plan and Master Servicing Plan, to be prepared for that area. Site-specific amendments to this Plan may also be considered for proposals that help achieve the purposes and objectives of this Plan.

Other than lands already designated and zoned for estate residential purposes, new estate residential and other large scale residential development in the rural areas that are not within and directly related to recreational areas or uses, are not permitted. Rural residential development will occur on existing vacant lots and, to a limited extent, on new lots created by consent. Lot sizes shall be large enough to ensure that each lot can sustain its own sewage disposal and water supply systems and that there are opportunities for development that do not detract from the natural, open and rural character of the surrounding area.

In the absence of, as a minimum, offsetting development in the settlement areas, the creation of new lots by consent in the rural areas cannot be justified. The Township shall review the relative rates of development at the municipal comprehensive review stage and introduce policies, if necessary, to ensure that rural lot creation does not exceed the rate of development in the settlement areas.

The settlement of Primrose shall continue to be the focus of industrial, commercial, institutional and related development, in accordance with the provisions of the Primrose Employment Lands Secondary Plan, incorporated into this Plan under Section 8.4,

Business Park. Primrose had been identified as a settlement area, with a substantial area already designated Community and Commercial in the previous Official Plan.

This Plan designates, as Business Park, an area that is smaller in size than that which had been intended for industrial and commercial purposes in the previous Official Plan. This was done in order to recognize and preserve hazard lands and natural features, and because servicing constraints rendered portions of the previously designated area as undevelopable for these purposes.

The conversion of employment lands for any other purpose shall be strongly discouraged, as the Primrose area is the only such area that is considered to be suitable and viable for such purposes. It is intended, therefore, that even if the Primrose Business Park is not fully absorbed during the planning period, it shall be preserved for such purposes for the longer term.

5.3 EXPANSION OF SETTLEMENT AREAS

The expansion of a settlement area boundary may only occur at the time of a municipal comprehensive review and only where it has been demonstrated that:

- a) sufficient opportunities for growth are not available through intensification, redevelopment and designated growth areas to accommodate the projected needs over the next 20 year period;
- b) the infrastructure and public service facilities suitable for the development over the long term and for the protection of public health and safety are planned or available;
- c) in prime agricultural areas:
 - 1. the lands do not comprise specialty crop areas (provincially significant);
 - 2. there are no reasonable alternatives which avoid prime agricultural areas, and;
 - 3. there are no reasonable alternatives on lower priority agricultural lands in prime agricultural areas; and
- d) impacts from expanding settlement areas on agricultural operations which are adjacent or close to the settlement area are mitigated to the extent feasible.

5.4 HOUSING

To provide for an appropriate range of housing types and densities to meet projected requirements of current and future residents of the Dufferin County market area, the Township shall strive to:

- a) maintain the ability to accommodate residential growth for a minimum of 10 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development; and
- b) maintain land with servicing capacity sufficient to provide at least a 3 year supply of residential units. This shall be achieved by making available lands which are suitably zoned to facilitate residential intensification and redevelopment, lands in draft approved and registered plans of subdivision and existing vacant lots.

The Township shall provide for an appropriate range of housing types and densities to meet projected requirements of current and future residents of the County of Dufferin market area by ensuring that a minimum of 25 percent of residential housing within settlement areas is affordable to low and moderate income households. This shall also be achieved by permitting forms of housing appropriate for each settlement area, to meet the social, health and well-being needs of current and future residents, including special needs requirements, and through residential intensification and redevelopment.

The development of new housing shall be directed towards locations where appropriate levels of infrastructure and public service facilities are, or will be made available to support current and projected needs.

Densities for new housing which efficiently use land, resources, infrastructure and public service facilities will be promoted within the limitations of proposed servicing options, the desire to preserve and enhance the character of settlement areas and the need to protect the environment, water resources and water supplies.

Development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety, shall be formulated and implemented.

5.5 PUBLIC SPACES, PARKS AND OPEN SPACE

Healthy, active communities shall be promoted by planning public streets, spaces and facilities that are safe and accessible, meet the needs of pedestrians, and facilitate pedestrian and non-motorized movement, including but not limited to walking, cycling and wheelchair use.

An appropriate range and equitable distribution of publicly-accessible built and natural settings for recreation, including facilities, parklands, open space areas and trails shall be provided.

5.6 ARCHAEOLOGICAL, BUILT HERITAGE AND CULTURAL HERITAGE LANDSCAPES

Significant built heritage resources and significant cultural heritage landscapes shall be conserved.

Care shall be taken to preserve known archaeological sites or areas where such sites might reasonably be expected to exist.

Development and site alterations shall only be permitted on lands containing archaeological resources or areas of archaeological potential if the significant archaeological resources have been conserved by removal and documentation, or by preservation on site. Where significant archaeological resources must be preserved on site, only development and site alterations which maintain the heritage integrity of the site may be permitted.

Development and site alterations may be permitted on adjacent lands to protected heritage property where the proposed development and site alterations have been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.

Mitigation measures and/or alternative development approaches may be required in order to conserve the heritage attributes of the protected heritage property affected by the adjacent development or site alteration.

Where new development proposals include heritage properties, cultural heritage resources shall be identified, mitigation measures for preservation considered and heritage attributes of the heritage resource preserved and integrated into the new design. Archaeological and Cultural Heritage resources may be addressed in the following ways:

- i) existing building or structure may be retained and preserved;
- ii) adaptive reuse of an existing heritage building;
- iii) where alterations or additions to a heritage building or structure is being considered, identification and retention of heritage attributes shall be preserved and integrated into the new design; and
- iv) addition of commemorative plaques on existing or former cultural heritage sites would include accurate historical information with graphic/verbal descriptions

Archaeological activities within the Niagara Escarpment Plan Area shall be carried out in accordance with the provisions of the Niagara Escarpment Plan.

5.7 EMPLOYMENT AREAS

The Township shall encourage economic development and competitiveness by:

- a) providing for an appropriate mix and range of employment (including industrial, commercial and institutional uses) to meet long-term needs;
- b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;
- c) planning for, protecting and preserving employment areas for current and future uses; and

- d) ensuring the necessary infrastructure is provided to support current and projected needs.

The Township may permit conversion of lands within employment areas to non-employment uses only through a municipal comprehensive review. This can occur only where it has been demonstrated that the land is not required for employment purposes over the long term. There must be a substantiated need for the conversion. The proposed alternative use must be generally in conformity with this Plan.

It is not deemed necessary, nor is it considered to be desirable, at this time, to convert any of the employment lands inventory in the Township for other purposes.

5.8 RURAL AREAS

In rural areas located in the Township, permitted uses and activities shall relate to the management or use of resources, resource-based recreational activities, limited residential development and other rural land uses. Development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this infrastructure;

New land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the Provincial Minimum Distance Separation Formulae and Implementation Guidelines, as amended from time to time.

Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.

Locally-important agricultural and resource areas should be designated and protected by directing non-related development to areas where it will not constrain these uses.

Opportunities should be retained to locate new or expanding land uses that require separation from other uses.

Recreational, tourism and other economic opportunities, in conformity with the Growth Plan, should be promoted.

5.9 AGRICULTURAL AREAS

Prime agricultural areas, identified on Schedule A1 as 'Agricultural', shall be protected for long-term use for agriculture. Prime agricultural areas are areas where prime agricultural lands predominate. Specialty crop areas shall be given the highest priority for protection, followed by Classes 1, 2 and 3 soils, in this order of priority.

The Township shall designate any specialty crop areas that may exist in the Township, by amendment to this Plan or at the time of a municipal comprehensive review, in accordance with evaluation procedures established by the Province, as amended from time to time, and in accordance with Section 6.1.7 of this Plan.

In prime agricultural areas, permitted uses and activities are: agricultural uses, secondary uses and agriculture-related uses.

Proposed new secondary uses and agriculture-related uses shall be compatible with, and shall not hinder surrounding agricultural operations. These uses shall be limited in scale, and shall satisfy the criteria for such uses set out in this Plan.

In prime agricultural areas, all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards.

New land uses, including the creation of lots, and new or expanding livestock facilities shall comply with the minimum distance separation formulae.

Lot creation in prime agricultural areas is discouraged and may only be permitted for:

- a) agricultural uses, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;
- b) agriculture-related uses, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services;
- c) a residence surplus to a farming operation as a result of farm consolidation, provided that the Township ensures that new residential dwellings are prohibited on any vacant remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective, and;
- d) infrastructure, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way.

Lot adjustments in prime agricultural areas may be permitted for legal or technical reasons.

The creation of new residential lots in prime agricultural areas shall not be permitted, except in accordance with 5.9c).

The Township may only exclude land from prime agricultural areas for:

- a) expansions of settlement areas in accordance with the Growth Plan and Section 5.3 of this Plan;
- b) extraction of minerals, petroleum resources and mineral aggregate resources, in accordance with Section 9.1 of this Plan, and;
- c) limited non-residential uses, provided that:

1. the land does not comprise a specialty crop area (provincially significant);
2. there is a demonstrated need within the 20 year planning horizon for this Plan for additional land to be designated to accommodate the proposed use;
3. there are no reasonable alternative locations which avoid prime agricultural areas; and
4. there are no reasonable alternative locations in prime agricultural areas with lower priority agricultural lands.

Impacts from any new or expanding non-agricultural uses on surrounding agricultural operations and lands should be mitigated to the extent feasible.

5.10 MINIMUM DISTANCE SEPARATION REQUIREMENTS

The Provincial Minimum Distance (MDS) Separation Formulae and Implementation Guidelines, as amended from time to time, shall be used to determine appropriate minimum separation distances between new land uses, including the creation of lots and to determine appropriate minimum separation distances between new or expanding livestock facilities and existing land uses. The MDS Formulae and Implementation Guidelines, shall be applied throughout the Township, including lands within the Niagara Escarpment Plan Area. The Township shall advise the Niagara Escarpment Commission of MDS requirements relating to proposals for development within the Niagara Escarpment Plan Area.

MDS requirements shall be included within the Township's Comprehensive Zoning By-law.

5.11 INFRASTRUCTURE AND PUBLIC SERVICE FACILITIES

Infrastructure and public service facilities shall be provided in a coordinated, efficient and cost-effective manner to accommodate projected needs. Planning for infrastructure and public service facilities shall be integrated with planning for growth so that these are available to meet current and projected needs.

The use of existing infrastructure and public service facilities should be optimized, wherever feasible, before consideration is given to developing new infrastructure and public service facilities.

Infrastructure and public service facilities should be strategically located to support the effective and efficient delivery of services, including emergency services. Where feasible, public service facilities should be co-located to promote cost-effectiveness and facilitate service integration.

5.12 TRANSPORTATION SYSTEMS

Transportation and land use considerations shall be integrated at all stages of the planning process.

When and as required, transportation systems shall be provided which are safe, energy efficient, facilitate the movement of people and goods, and appropriate to address projected needs. Efficient use shall be made of existing and planned infrastructure.

Connectivity within transportation systems should be maintained and, where feasible, improved, including connections which cross jurisdictional boundaries.

A land use pattern, density and mix of uses should be promoted that minimize the length of trips and number of vehicles.

5.13 TRANSPORTATION AND INFRASTRUCTURE CORRIDORS

The Township shall plan for and protect transportation corridors and rights-of-way in consultation with other road authorities to meet current and projected needs. Development in planned corridors that could preclude or negatively affect the use of the corridor for the purpose(s) for which it was identified shall not be permitted.

The Township shall preserve roads and road allowances, regardless of whether they are currently maintained as traveled roads, to maintain the integrity and continuous linear characteristics of the Township's road system and/or to accommodate other future infrastructure.

5.14 WASTE MANAGEMENT

Waste management systems shall be provided that are of an appropriate size and type to accommodate present and future requirements, and facilitate, encourage and promote reduction, reuse and recycling objectives.

Waste management systems shall be located and designed in accordance with provincial legislation and standards.

5.15 ENERGY AND AIR QUALITY

The Township shall support energy efficiency and improved air quality through land use and development patterns which:

- a) promote compact forms of development;
- b) promote the use of public transit, if and when provided based on need, and other alternative transportation modes in and between residential areas, employment areas and other areas where these may be developed in the future;
- c) focus and design employment areas, commercial and other travel-intensive land uses on sites so as to facilitate the establishment of public transit in the future;

- d) improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion; and
- e) promote design and orientation which maximize the use of alternative or renewable energy, such as solar and wind energy, and the mitigating benefits of vegetation.

Renewable energy undertakings are exempt from Planning Act approvals as per Schedule K of the Green Energy and Green Economy Act, 2009. These undertakings shall be subject to the Green Energy and Green Economy Act and other Provincial and Federal approvals. Where required, the Township will review and comment on proposed renewable energy projects when consulted by renewable energy project proponents in accordance with the Renewable Energy Approval (REA) process under the Environmental Protection Act. Both alternative energy systems and renewable energy systems, as defined in Section 13 of this Plan have the same meaning as renewable energy undertakings under the Green Energy and Green Economy Act.

5.16 EMISSIONS

Any new development or use, other than an agricultural use, involving the generation of significant noise, or any other emission, including, dust, odour, particulates, vibration or which generated any other potential annoyance or disturbance shall be subject to the requirement of an assessment report which clearly demonstrates that all reasonable measures have been taken to minimize impacts, and the impacts are minor and acceptable. Agricultural uses are governed by the Farming and Food Production Protection Act.

The Township shall consult with the Province through the One-Window Planning Service at the pre-consultation stage concerning any development having the potential to generate emissions, to identify appropriate study and other technical approvals that may be required, specific to each proposal.

5.17 SEWAGE AND WATER SERVICES

Servicing and land use considerations at all stages of the planning process shall be integrated. Planning for sewage and water services shall accommodate expected growth in a manner that promotes the efficient use of existing municipal services, if and where they exist.

The Township may choose to use private communal sewage services and private communal water services, or individual on-site sewage services and individual on-site water services, where municipal sewage services and municipal water services are not provided, in accordance with the policies of this Plan.

The Township shall ensure that these systems are provided in a manner that can be sustained by the water resources upon which such services rely, that they are financially viable and comply with all regulatory requirements, that they protect human health and the natural environment and that they promote water conservation and water use efficiency.

In settlement areas, where municipal services exist or are planned, lot creation may occur only if there is confirmation of sufficient reserve capacity within municipal services or private communal services. The determination of sufficient reserve sewage system capacity, should municipal or private communal sewage services be provided in the future, shall include treatment capacity for hauled sewage from private communal sewage services and individual on-site sewage services.

In settlement areas, where municipal services do not exist, individual on-site sewage services and individual on-site water services shall be used for a new development of five or fewer lots or private residences where site conditions are suitable for the long-term provision of such services.

In the rural area, development shall be generally serviced by individual on-site sewage services and individual on-site water services, where site conditions are suitable for the long-term provision of such services, and where communal services do not exist. Such services and service levels are considered appropriate for the limited and relatively low density residential development and other rural land uses planned for the Township, including uses involving the management and use of resources, and associated with resource-based recreational activities.

Partial services shall be permitted where necessary to address failed individual on-site sewage services and individual on-site water services in an existing development. Within settlement areas, partial services shall be permitted to allow for infilling and rounding out of existing development on partial services provided that the capacity to service new development exists or can be provided cost-effectively.

In all cases, the Township shall ensure that site conditions are suitable for the long-term provision of such services and that both the quality and quantity of groundwater resources are protected.

Applications involving all uses which are likely to generate more than 4,500 litres of waste per day, including a plan of subdivision, plan of condominium or a commercial, industrial or institutional development shall be supported by a servicing options report and supporting hydrogeological information outlining the most appropriate and practical form of sewage disposal and water supply services. Any such report submitted in support of a Planning Act application must be acceptable to the Township and either the County of Dufferin Building Department (for sewage systems of less than 10,000 litres of waste per day), or the Ministry of the Environment (for sewage systems of more than 10,000 litres of waste per day).

Applications for Planning Act approvals involving uses which are likely to generate more than 10,000 litres of waste per day shall also be supported by a hydrogeological report addressing the impacts on surface and groundwater resources, and the hydrogeological report shall be acceptable to the Township and the Ministry of the Environment.

Servicing options reports and hydrogeological reports shall only be provided to the Ministry of the Environment through the Provincial One-Window Planning Service.

Development on private communal services shall only be considered by an amendment to this Plan, unless otherwise provided for in this Plan. Where a communal system has

been identified as being the most appropriate form of servicing for permanent, free-hold residential development, the communal servicing system must be owned and operated by the municipality.

Where the Township considers a communal servicing option for other types of development, it shall do so only on the basis of an agreement being registered on the title of the lands which shall ensure that there are adequate financial securities in place and provision for maintenance and operation of those services to minimize the possibility of the municipality having to assume the operations of the communal systems at some time in the future.

Responsibility/default agreements with financial assurances are only acceptable for such servicing facilities and infrastructure where all of those connected to and/or being served by the said facilities and infrastructure are owners, and where the owner is a corporation (ie. a condominium corporation).

Individual on-site sewage and water systems will continue to be the primary form of servicing for small-scale development when it can be demonstrated to the satisfaction of the Township and the Ministry of Environment (for systems designed to treat 10,000 litres/day or more) or the County of Dufferin Building Department or its designate (for systems designed to treat less than 10,000 litres/day) in appropriate reports provided in support of Planning Act applications, that other forms of servicing are not practical.

Any proposed plan of subdivision shall be accompanied by an engineering report containing sufficiently detailed information to permit a meaningful evaluation of the feasibility of sewage disposal systems and water supply systems to be made.

No development or growth can proceed until servicing systems are confirmed to be environmentally sound and feasible and until all required approvals have been obtained.

5.18 NATURAL FEATURES, AREAS AND FUNCTIONS

All wetlands and the significant habitat of endangered species and threatened species, and their ecological functions shall be protected for the long term. Other significant natural features and areas shall also be protected from developments and site alterations where degradation would threaten the health and integrity of the natural features or ecological functions for which an area is identified, due to single, multiple or successive development or site alteration activities.

The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.

Development and site alteration shall not be permitted in:

- a) significant habitat of endangered species and threatened species, and;
- b) significant wetlands.

Unless it has been demonstrated that there will be no negative impacts, as defined in Section 13 of this Plan, on the natural features or their ecological functions, development and site alteration shall not be permitted in:

- a) significant woodlands
- b) significant valleylands
- c) significant wildlife habitat; and
- d) significant areas of natural and scientific interest (ANSIs)

Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements.

Development and site alteration shall not be permitted on adjacent lands to significant habitat of endangered species and threatened species; significant wetlands; significant woodlands; significant valleylands; significant wildlife habitat; significant areas of natural and scientific interest (ANSIs) or fish habitat unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions, as defined in Section 13 of this Plan.

The Township will endeavour to develop and implement a natural heritage system within the Official Plan to assist with the identification and refinement of natural heritage features, functions and linkages within the Township. The Township shall collaborate with the commenting agencies and approval authorities and, where applicable, the Niagara Escarpment Commission, to identify and define natural features that are significant within the meaning of the Provincial Policy Statement.

Criteria should be established to determine whether a site or area may be considered significant. These criteria should be specific to the unique circumstances that occur within the Township. Sites or areas that do not meet the criteria need not then be subject to further study to address the above policy requirements. An example of such a situation may be where a large forested area consists of a pine plantation, with very low natural diversity or significance (ie. not within an area identified on the schedules as being significant for other reasons, such as core wildlife habitat).

Where it is not certain that a site or area is not significant, prescribed studies should be carried out prior to the approval of Planning Act applications for development and related site alterations. Once studies have been carried out and the significance of the feature or area has been determined, the Township shall endeavour to maintain a record. Individual sites or areas that are considered significant shall generally be identified on the schedules to this Plan at each municipal comprehensive review.

Nothing in this Section is intended to limit the ability of existing agricultural uses to continue.

The potential for degradation as a result of multiple or successive development or site alteration activities of a similar nature and/or within the same general geographic area shall be evaluated. Such developments or site alterations may be prohibited or

appropriately regulated in terms of their number, size, density, location and/or extent to ensure that degradation that threatens the health and integrity of the significant natural features or the ecological functions, does not result.

Impacts of development and site alteration shall be identified and evaluated in an environmental impact study (EIS), prepared by qualified professionals, to the satisfaction of the Township, and if applicable, the Nottawasaga Valley Conservation Authority Ministry of Natural Resources and/or the Niagara Escarpment Commission.

The EIS should:

- identify and describe the natural features and ecological functions and evaluate the suitability of the proposed development;
- recommend design and mitigation measures to minimize potential negative impacts on natural features and ecological functions;
- recommend appropriate buffers, including vegetation protection zones, to ensure adjacent lands are protected.

For larger proposals, the EIS may also be required to:

- review alternative development options and alternative methods of mitigating the impacts of the development;
- identify and evaluate opportunities for compensatory measures and environmental enhancement; and
- recommend implementation and monitoring actions.

For minor proposals, the Township may permit a scoped EIS following a preliminary review of the development proposal as part of the pre-consultation process. A scoped EIS will only be permitted where the nature and scale of the proposed development is expected to result in minimal or no negative impacts to natural features or their ecological functions.

The Township shall prepare more detailed guidelines for the preparation of Environmental Impact Studies, including the circumstances that trigger the need for an EIS, the purpose(s) to be achieved, and the required content and scope. Pre-consultation with the Township and the Nottawasaga Valley Conservation Authority or Ministry of Natural Resources, as applicable, is required to ensure that required information is collected at the appropriate times, and to appropriately scope the study.

The Township's various natural heritage features are shown on Schedules B1 and B2 to this Plan, as follows:

Schedule B1 (Category One Natural Features)

- All provincially significant wetlands;

- All regionally and locally significant wetlands;
- All permanently flowing streams, cold water streams and streams with a drainage area greater than 125 ha.;
- All waterbodies (lakes, ponds) generally over 0.1 ha. in size, and flooded lands;

Schedule B2 (Category Two Natural Features)

- A 120 m. buffer adjacent to all provincially significant wetlands (the wetlands themselves are also shown on the Schedule);
- A 30 m. buffer adjacent to all regionally and locally significant wetlands (the wetlands are also shown on the Schedule);
- A 30 m. buffer adjacent to all permanently flowing streams, cold water streams and streams with a drainage area greater than 125 ha., as well as on-stream ponds;
- A 15 m. buffer adjacent to all other waterbodies (lakes, ponds) generally over 0.1 ha. in size;
- Intermittent watercourses with a drainage area of less than 125 ha. and a buffer area of 15 m. on each side;
- Life Science and Earth Science ANSIs;
- Other wildlife habitat, including core deeryards, and;
- Significant woodlands

Category One natural features shown on Schedule B1 are those that require the highest level of protection from development, site alterations and incompatible uses. Category Two natural features (which include any required buffers associated with Category One features), while still warranting protection, may be capable of sustaining some development and site alteration, subject to the policies of this Plan.

5.19 WATER RESOURCES

The Township shall encourage the protection, improvement and restoration of the quality and quantity of water resources by:

- a) using the watershed as the ecologically meaningful scale for planning;
- b) minimizing potential negative impacts, including cross-jurisdictional and cross-watershed impacts;

- c) identifying surface water features, ground water features, hydrologic functions, and natural heritage features, and areas which are necessary for the hydrological and ecological integrity of the watershed;
- d) implementing, where appropriate, the necessary restrictions on development and site alteration to:
 - 1. protect all municipal and private drinking water supplies, and;
 - 2. protect, improve and restore vulnerable surface and ground water, sensitive surface water features and sensitive ground water features, significant recharge areas and highly vulnerable aquifers, and their hydrologic functions;
- e) maintaining linkages and related functions among surface water features, ground water features, hydrologic functions and natural heritage features and areas;
- f) promoting efficient and sustainable use of water resources, including practices for water conservation and sustaining water quality; and
- g) ensuring stormwater management practices minimize stormwater volumes and contaminant loads and, where possible, maintain or increase the extent of vegetative and pervious surfaces.

Development and site alteration shall be restricted in or near sensitive surface water features and sensitive ground water features so that these features and their related hydrologic functions will be protected, improved and restored. The relative sensitivity of such features shall be determined in any required hydrology or hydrogeology studies submitted in support of Planning Act applications.

Mitigation measures and/or alternative development approaches may be required in order to protect, improve and restore sensitive surface water features, sensitive ground water features, and their hydrologic functions.

The Township may require the proponent of any proposal requiring Planning Act application approval that has the potential to substantially impact surface or groundwater resources, such as, for example, a major recreational development involving residential development around a golf course, or a large, agricultural rural or resource-related use, or a quarry, to also prepare and provide a Water Resource Management (WRM) Report which incorporates the findings and recommendations of any required hydrology and/or hydrogeology studies submitted in support of the application(s), and which also demonstrates how the potential impacts on water quality and quantity are to be addressed by:

- i) maintaining natural hydrological characteristics including baseflow of watercourses;
- ii) maintaining sensitive groundwater recharge/discharge areas, aquifer and headwater areas;

- iii) requiring the development and monitoring of water budgets at a scale appropriate for the proposal;
- iv) protecting fish and wildlife habitat;
- v) maintaining existing drainage patterns and/or restoring natural drainage patterns where possible, and;
- vi) protecting significant recharge areas and highly vulnerable aquifers.

The required content of the WRM report shall be determined at the pre-consultation stage in relation to the size and anticipated potential impacts of the proposal and the concerns and requirements of the commenting/approval agencies. The WRM report shall be prepared by a qualified professional to the satisfaction of the Township and/or other approval authorities, as appropriate.

During and after development, sediment and erosion control measures shall be maintained to the satisfaction of the approval authorities.

The following development criteria shall apply to development affecting the quantity and/or quality of water resources:

- a) It shall be demonstrated that water taking and diversions associated with a proposed use are an essential part of their operation. Water taking and diversions shall not have a significant or long term impact on water quality, water quantity and the environment. The Township may require that studies be undertaken to justify the need and amount of water taking and/or diversions and to adequately mitigate impacts on the environment.
- b) When considering whether to allow a use which involves water taking or diversion, the Township shall consider the number, distribution, location and intensity of such activities within the watershed in terms of:
 - i) the impact on water quality and quantity;
 - ii) the cumulative effect on the objectives of this Plan and designation, and;
 - iii) the quantity, character, sensitivity and vulnerability of natural streams and water supplies.

Water-taking and de-watering shall only be permitted in accordance with the standards and permit requirements of the MOECC and the NVCA. Vulnerable Aquifers and Significant Groundwater Recharge Areas, as shown on Schedule C shall be protected. (OPA#1)

The Township shall also take into consideration the water resource management policies and permit requirements of the Ministry of the Environment and the Nottawasaga Valley Conservation Authority.

5.19.1 WATER TAKING

All uses on a lot involving the taking of a total of 50,000 litres per day, or more, of water from surface and/or groundwater sources shall require a Permit to Take Water from the Ministry of the Environment, pursuant to the Ontario Water Resources Act. A detailed hydrology or hydrogeology report, as appropriate, shall be required in support of all such proposals.

The taking of 50,000 litres per day, or more, of water by existing uses permitted by this Plan shall, at all times, be in accordance with the requirements of a valid Permit to Take Water issued by the Ministry of the Environment. No Planning Act application involving the expansion of any such existing use that involves the taking of any additional amount of water not already permitted in a valid Permit to Take Water, shall be approved unless the Ministry of Environment has first confirmed that the additional water taking is appropriate and has been approved.

While the Township will rely on the Ministry of the Environment to determine if a new use, or the expansion of an existing use, involving the taking of a total of more than 50,000 l/per day is appropriate, the Township is concerned that the 50,000 l/day threshold for requiring an evaluation of potential impacts on the surface or groundwater resources of the Township, may be too high, particularly where the cumulative or successive impacts of similar uses could combine to cause significant detriment to sensitive surface or groundwater resources in the Township.

Therefore, with the exception of agricultural uses permitted by this Plan, no Planning Act application involving the expansion of any existing use that involves the taking of any additional amount of water exceeding 20,000 l/day up to a total of 50,000 l/day, or any new use involving the taking of more than 10,000 l/day up to a total of 50,000 l/day shall be approved unless the Township has first confirmed that the proposed water taking is appropriate. The Township may, at its discretion, require a hydrology or hydrogeological study, as appropriate, and may also invite comments and input on the proposal from the Nottawasaga Valley Conservation Authority and/or its hydrogeological consultants.

Provisions shall be incorporated into the Zoning By-law to prohibit the expansion of such existing uses, and all such new uses, other than agricultural uses, except as may be permitted by site-specific amendment to the Zoning By-law, where deemed to be appropriate and in accordance with this Plan, on a case-by-case basis.

Commercial uses that involve the taking of water for sale, whether in bulk and/or in containers, is deemed to be a land use requiring the approval of the Township under the Planning Act. The applicable policies of this Plan and requirements of the Zoning By-law shall apply. Hydrogeology or hydrology studies, as appropriate, may be required.

Any required hydrology or hydrogeology report shall clearly identify and evaluate the impacts on both the surface and groundwater resources of the Township, as well as on existing developments, water supplies and supply systems. The report may be required to consider the impacts on a watershed basis and relate the impacts to an overall water budget.

The report shall be prepared by a firm of qualified professionals, must be acceptable to the Township and/or the Ministry of the Environment and/or the Nottawasaga Valley

Conservation Authority, as applicable, and must demonstrate that the impacts are minimal and acceptable.

Proposals that result in the significant degradation to the quality and quantity of water, sensitive surface water features and sensitive ground water features, and their related hydrologic functions, due to single, multiple or successive development or site alteration activities, shall not be permitted.

5.19.2 SOURCE WATER PROTECTION

The quality and quantity of groundwater and surface water resources in Mulmur will be protected for the provision of safe and clean drinking water in accordance with the Clean Water Act and the Source Protection Plan for the South Georgian Bay Lake Simcoe Source Protection Region as it applies to the Nottawasaga Valley Source Protection Area.

Wellhead protection areas for the three existing wells in Mansfield and a wellhead protection area associated with a well located outside of the Township (in Lisle) shall be managed and are shown on Schedule C. Developments and activities that have the potential to significantly and adversely affect the quality of existing and planned supplies shall not be permitted.

In accordance with the Clean Water Act and the Source Protection Plan, the following land uses and facilities are either managed or prohibited where they would be a significant drinking water threat:

- 1) Waste disposal sites
- 2) Large on-site sewage systems (10,000L)
- 3) Non-agricultural source material storage facilities, commercial fertilizer storage facilities, pesticide storage facilities and outdoor confinement or farm animal yard
- 4) Road salt storage facilities
- 5) Snow storage facilities
- 6) Fuel storage
- 7) Dense non-aqueous phase liquid (DNAPL) storage
- 8) Organic solvent storage

The Township will encourage the design of parking and loading areas, roadways, and sidewalks in a manner that minimizes impermeable areas and the need for road salt application, site and grading design that directs run-off outside of vulnerable areas or to storm sewers and the implementation of salt management measures and best practises.

Private individual on-site sewage systems shall not be permitted where it would be a significant drinking water threat.

The design of new stormwater management facilities shall reduce the risk of drinking water contamination, where possible direct the discharge of stormwater outside of well head protection areas, and shall not be located or designed in a manner that would result in a significant drinking water threat.

The Township may require that Master Environmental Servicing Plans (MESPs) or similar information required to be submitted as part of a complete application for

development to demonstrate that the location and design of infrastructure will avoid associated drinking water threats.

15.19.3 Pine River Sub-watershed Water Resources

The Nottawasaga Valley Conservation Authority (NVCA) has completed a Tier 1 water budget and water quantity stress assessment of the various sub-watersheds within the Township, including large portions of the Boyne and Pine River sub-watersheds as well as small portions of the Upper Nottawasaga and Mad River watersheds.

The Pine River sub-watershed has been identified as being under stress, both in terms of the demands being placed on water resources, and anticipated future demands. The need for further study has been identified, to address the potential for growth and the resulting expansion of municipal, as well as private water supply systems.

A further cause of potential stress is associated with water taking for agricultural operations (irrigation in particular) and from existing and proposed aggregate extraction operations in the sub-watershed.

The findings and recommendations of these further studies, when available, shall be implemented in the Official Plan by the Township, in consultation with other commenting agencies and approval authorities, to protect the water resources of the Pine River sub-watershed. (OPA#1)

5.20 FOREST RESOURCES

Forests in Mulmur Township are generally managed for recreation, conservation and wood production purposes. Forested areas contribute positively to the scenic beauty and rural character of the Township and provide important environmental, visual screening and buffering benefits.

It is therefore important that existing forested areas generally be maintained in order to preserve the rural and scenic character, and maintain the environmental health and integrity of the Township.

The management of productive forests, particularly those of high capability for the continuous production of good quality timber on a sustainable basis, and for their associated wildlife, water conservation, recreation and aesthetic benefits, will be encouraged.

Tree planting and reforestation shall continue to be encouraged, particularly where native tree species are used and a natural ecosystem approach, as opposed to a monoculture (plantation), is adopted.

The preservation of existing forests and reforestation will be promoted in headwaters and groundwater infiltration areas critical to the maintenance of the quality and quantity of natural streams and water supplies, stream valleys, along stream banks, in areas with shallow and unstable soils, steeply sloped areas, on cut over areas and on abandoned and marginal farmlands.

In considering proposals for the development of forested lands, regard shall be had to:

- a) the role that the forests of the site play in maintaining the character of the Township as a scenic and desirable area for recreational, rural residential and tourism development;
- b) the importance of maintaining and enhancing (and, where necessary, compensating for the loss of) tree cover on the site, for conservation and environmental purposes;
- c) the importance of retaining forests considered suitable for future commercial forest production, and;
- d) the appropriateness of the proposal in significant woodlands.

New development should preserve trees and wooded areas as much as possible and practical, and the disturbance of treed areas should be minimized. Site plan and development agreements containing specific protection requirements and management details may be required for developments in forested areas.

Existing tree cover or other stabilizing vegetation shall generally be maintained on slopes in excess of 30 per cent, and preserved wherever possible and practical on slopes between 15 percent and 30 percent, as identified on Schedule B3. Trees to be retained should be protected by means of snow fencing, wrapping, or other acceptable means during construction (e.g. tree wells), where necessary.

Unless specifically exempted by the County of Dufferin Forest Conservation By-law, all cutting of trees requires permit approval from the County. The approval of the Niagara Escarpment Commission is also required for tree cutting or clearing within the Niagara Escarpment Plan Area.

The policies of this Section shall be applied by the Township at the Planning Act applications stage, where and as applicable. The cutting of trees for new development shall not be approved in advance of the approval of the development.

Approval to cut trees for an approved development shall generally be conditional upon:

- a) using tree cutting methods designed to minimize adverse effects on the natural environment including surface drainage and groundwater;
- b) minimizing disruption of habitats for plants and animal species occurring in the area;
- c) retaining the diversity of tree species;
- d) aiming, over the long term, to retain or enhance the quality, appearance and productivity of the forest site, and;
- e) minimizing cutting within highly sensitive areas such as steep slopes, unstable soils, stream valleys, wetlands and areas of significant groundwater recharge and discharge.

5.20.1 SIGNIFICANT WOODLANDS

For the purposes of this Plan, a woodland is significant if it constitutes a forested area of at least 10 ha in size and is: ecologically important in terms of features such as species composition, age of trees and stand history; functionally important due to its contribution to the broader landscape because of its location, size or due to the amount of forest cover in the planning area; or economically important due to site quality, species composition, or past management history.

Single, multiple or successive development or site alteration activities resulting in degradation that threatens the health and integrity of significant woodlands or their ecological functions, shall not be permitted.

Development and site alteration shall not be permitted in significant woodlands or on adjacent lands unless it has been demonstrated, through an EIS, that there will be no negative impacts on the woodland or on its ecological functions. Adjacent lands are defined for the purposes of this Section as lands within 120 m. of the significant woodland.

5.21 FISH AND WILDLIFE RESOURCES

The fish and wildlife resources of the Township are an important indicator of its environmental quality and health. The presence of such resources adds substantially to the quality of life and the experience of being in the Township, whether as a resident or visitor. The Township shall encourage the preservation and protection of these valued resources and, where necessary, their management to sustain and enhance existing populations.

5.21.1 WILDLIFE AND WILDLIFE HABITATS

Wildlife of many varieties abounds in the Township, particularly within the rural and natural areas, the Pine and Boyne River valleys and the Niagara Escarpment Plan Area. Many species are very common, whereas some others are considered rare, vulnerable, threatened or even endangered. All species, and the protection of significant habitats are vital to the diversity and health of the Township's ecosystems.

Wildlife habitat includes those areas of the natural environment where plants, animals, and other organisms, excluding fish, live, and find adequate amounts of food, water, shelter and space needed to sustain their populations, including areas where species concentrate at a vulnerable point in their annual or life cycle; and areas which are important to migratory or non-migratory species.

Where permitted by this Plan, development and site alteration in wildlife habitat shall be designed so as to:

- a) minimize the impacts on wildlife and wildlife habitat;
- b) maintain corridors and linkages with adjacent areas and;
- c) enhance habitat wherever possible.

5.21.2 SIGNIFICANT WILDLIFE HABITAT

Significant Wildlife Habitat includes areas that are ecologically important to indigenous wildlife in terms of their features, functions, representation or amount, and contributing to the quality and diversity of an identifiable geographic area used by wildlife.

Single, multiple or successive development or site alteration activities resulting in degradation that threatens the health and integrity of significant wildlife habitats or their ecological functions, shall not be permitted.

Development and site alteration shall not be permitted in significant wildlife habitat or on adjacent lands unless it has been demonstrated, through an EIS, that there will be no negative impacts on the significant wildlife habitat or on its ecological functions. Adjacent lands are defined for the purposes of this section as lands within 120 m. of the significant wildlife habitat.

5.21.3 FISH HABITAT

Water resources sustaining fish populations shall be maintained in a clean and healthy condition. development and site alteration shall not be permitted in fish habitat, except in accordance with provincial and federal requirements.

Development and site alteration shall not be permitted on adjacent lands to fish habitat unless the ecological function of the adjacent lands has been evaluated through an EIS and it has been demonstrated that there will be no negative impacts on the habitat or on its ecological functions. The following criteria shall also be addressed:

- i) the necessity of ensuring that there will be no net loss, and the potential for realizing a net gain in the productive capacity of fish habitat;
- ii) the importance of maintaining existing watercourses in a healthy and natural state, and;
- iii) the importance of maintaining vegetative buffers in accordance with the sensitivity of the fishery resource.

Adjacent lands are defined for the purposes of this section as lands within 120 m.

Where development and site alteration is permitted, the best available construction and management practices shall be used to protect water quality and quantity, both during and after construction. Treatment of surface run-off to maintain water quality and hydrological characteristics in receiving watercourses shall meet the standards established by the Ministries of Environment and Natural Resources, and the Nottawasaga Valley Conservation Authority.

5.21.4 SPECIES AT RISK

Limited information currently exists on the location and identification of endangered, threatened, special concern, and rare species. The Township encourages landowners

and the proponents of development to contact the Ministry of Natural Resources and/or the Nottawasaga Valley Conservation Authority before preparing any detailed development proposal or undertaking any significant development or site alteration, particularly on sites with relatively undisturbed natural conditions and environmental features, to ensure that such species, and their habitats, will not be harmed or destroyed.

The Township supports a 'stewardship-first' approach to the protection of the habitats of endangered, threatened, special concern, extirpated and rare species.

5.21.5 SIGNIFICANT HABITAT OF ENDANGERED AND THREATENED SPECIES

Development and site alteration shall not be permitted in the significant habitat of endangered and threatened species.

Development and site alteration shall not be permitted on adjacent lands to the significant habitat of endangered and threatened species unless the ecological function of the adjacent lands has been evaluated through an EIS and it has been demonstrated that there will be no negative impacts on the habitat or on its ecological functions. Adjacent lands are defined for the purposes of this section as lands within 120 m.

5.22 WETLANDS

All wetlands in the Township shall be protected from the negative impacts of development or site alterations.

Negative impacts are all impacts that result in degradation that threatens the health and integrity of the wetland or its ecological functions due to single, multiple or successive development or site alteration activities.

Except as outlined in the following section dealing specifically with significant wetlands, development adjacent to and within 30 m. of wetlands shall only be permitted if it can be demonstrated, through an EIS, that it will not result in any of the following:

- i) loss of wetland functions;
- ii) subsequent demand for future development which will negatively affect existing wetland functions;
- iii) conflict with existing site specific wetland management practices; and,
- iv) loss of contiguous wetland area.

5.22.1 SIGNIFICANT WETLANDS

Development and site alterations shall not be permitted in significant wetlands.

Development and site alteration shall not be permitted on adjacent lands to significant wetlands unless the ecological function of the adjacent lands has been evaluated, through an EIS, and it has been demonstrated that there will be no negative impacts on the wetland or on its ecological functions, and addresses the criteria identified in Section 5.22. For all significant wetlands, a minimum 30 metre vegetation protection zone shall be established and maintained. Adjacent lands from significant wetlands are defined for the purposes of this section as lands within 120 m. of the significant wetland.

5.23 AREAS OF NATURAL AND SCIENTIFIC INTEREST

Areas of Natural and Scientific Interest (ANSIs), are of two types, earth science ANSIs and life science ANSIs. A further distinction is made to define those ANSIs which are considered to be "Provincially significant" from those that are considered to be "regionally or locally significant".

Development within Provincially significant ANSIs shall be undertaken only in accordance with Section 5.23.1. Development within all other ANSIs should generally be such that the scenic, scientific, educational or interpretive values of such areas are substantially maintained. Where necessary, setbacks for development from significant features within ANSIs may also be required, in accordance with the policies of this Plan.

Prior to the submission of any application for a proposed new development or use, or the initiation of any development or site alteration within any identified ANSI, consultation with the Ministry of Natural Resources shall take place to determine the classification of the ANSI, and their requirements.

5.23.1 SIGNIFICANT ANSIS

Development and site alteration shall not be permitted within significant ANSI's or on adjacent lands unless it has been demonstrated, through an EIS, that there will be no negative impacts on the natural features or their ecological functions. Adjacent lands are defined for the purposes of this section as lands within 120 m. of the boundary of life science ANSI's and within 50 m. of the boundary of earth science ANSI's.

5.24 VALLEYLANDS

Valleylands may have a combination of natural features warranting protection, and physical constraints from which new development should be protected.

For the purposes of this Plan, valleylands are broken into two distinct categories, according to their natural heritage values, and their physical constraints.

Valleylands with important natural features and/or functions include the following:

- a riparian habitat zone within 30 m. of each side of all coldwater streams and permanently flowing rivers and streams with a drainage area of more than approximately 125 ha.;

- lands within wetlands associated with all such rivers and streams and including their associated wetland buffers, and;
- other forested areas that are contiguous with the above, generally to, but not beyond the valley rim.

Valleylands with hazards and/or physical constraints to development include the following;

- the channels and floodplains of rivers and streams with a drainage area greater than 125 ha.;
- the meander belt associated with all such rivers and streams, and;
- steep slope areas that are contiguous with the above, generally to the valley rim.

These areas, as defined in the above text have not been shown separately on the schedules to this Plan, as no reliable and sufficiently accurate mapping currently exists. However, the above parameters make it relatively easy to identify where valleylands exist within the Township, based on the mapping of other features that are components of valleylands (wetlands, steep slopes) included on Schedules B1, B2 and B3.

The most important valley and stream corridors in the Township are generally already designated as Escarpment Natural Areas in the Niagara Escarpment Plan or as Natural Areas in this Plan.

Development within valleylands shall not be permitted, if there is a conflict with Provincial Policies, or the policies of this Plan or the Niagara Escarpment Plan (generally those developments proposed in close proximity to rivers and streams, within wetlands, floodplains and areas with unstable soils or slopes).

In other valleyland areas with natural features and functions, proposed development and site alterations, supported where necessary by the positive results of an environmental impact study acceptable to the Township, following consultation with other commenting agencies and approval authorities, may be permitted.

Appropriate development set-backs from rivers and streams, wetlands, contiguous forested areas or from significant features within such forested areas, may be established in such studies, and enforced through conditions of Planning Act application approval.

In other valleyland areas with hazards and physical constraints, proposed development and site alterations, supported where necessary by the positive results of a soils and/or slope stability assessment acceptable to the Township and the Nottawasaga Valley Conservation Authority, may also be permitted.

Appropriate set-backs from rivers and streams and from the top and/or toe of slopes may be established in such studies, and enforced through re-zoning where required, or as conditions of Planning Act application approval.

The Township shall also consider the impacts of development and site alterations on steep slopes in relation to the desire to maintain the predominantly open, rural and natural appearance and scenic values of the landscape in the immediate area, and the rural character of the Township generally.

5.24.1 SIGNIFICANT VALLEYLANDS

For the purposes of this Plan, significant valleylands are those lands along the main channels of the Boyne River, the Pine River and Black Bank Creek, and including the associated floodplains, meander belts and wetlands. The boundaries of significant valleylands shall be identified on the schedules to this plan when further information becomes available, through a site-specific amendment, if required for individual developments or at the five-year municipal comprehensive review stage. Other areas may be added if it is determined through subsequent studies that such areas constitute significant valleylands.

Unless it has been demonstrated through an EIS that there will be no negative impacts on the natural features or their ecological functions, development and site alteration shall not be permitted in significant valleylands. Negative impact is defined as degradation that threatens the health and integrity of the natural features or ecological functions for which the valleyland is identified due to single, multiple or successive development or site alteration activities.

Development and site alteration shall not be permitted on adjacent lands to significant valleylands unless the ecological function of the adjacent lands has been evaluated through an EIS, and it has been demonstrated that there will be no negative impacts (as defined in Section 13 of this Plan) on the significant valleyland or on its ecological functions. Adjacent lands are defined, for the purposes of this section, as lands within 120 metres of significant valleylands.

5.25 SCENIC RESOURCES AND FEATURES

Significant scenic resource areas within the Township, categorized as outstanding, very attractive and attractive, are shown on Schedule B4. This information has been derived from mapping prepared by the Niagara Escarpment Commission that categorized landscapes within and in proximity to the Niagara Escarpment Plan Area according to their level of visual attractiveness.

In order to ensure the preservation of the scenic resources and the overall visual attractiveness and rural character of the Township, this mapping shall be used as a basis for determining the need for visual impact assessment studies in support of development proposals that have the potential to significantly impact on the scenic resources within these areas.

To the extent that such areas are within the boundaries of the Niagara Escarpment Commission, the Township shall generally rely on the Commission to evaluate the visual impacts of developments and ensure that developments which are not appropriate from a visual impact perspective are not permitted, and that all other development is designed in such a way as to reduce visual impacts to acceptable levels. A variety of mitigation measures may be required as conditions of development approvals to address visual impacts.

Beyond the Niagara Escarpment Plan Area, the Township shall take the lead in determining the appropriateness of developments and site alterations, from a visual impact perspective. The Township shall consult with the Niagara Escarpment Commission where the impacts of developments and site alterations may be realized from vantage points within the Niagara Escarpment Plan Area, particularly from ridgelines and established scenic overlooks, and from the Bruce Trail. Similarly, where views to the escarpment from beyond may be affected, the Township shall ensure that the visual amenities of the Niagara Escarpment Plan Area that are visible from adjacent areas are preserved.

Developments that are unusually tall, colourful, reflective, expansive or involve movement, and/or the extensive alteration to natural vegetation or the natural contours of the land are generally regarded as having the highest potential impact. Impacts of such developments and site alterations are also the most difficult to mitigate.

A visual impact assessment shall be required for all such major new developments within the areas identified on Schedule B4, where there is potential for significant impacts on the visual attractiveness of those areas. The Township shall weigh these impacts against other implications of such proposals, including social, economic and community benefits, the visual context within which the development is proposed to be located and the policies of this Plan generally, in order to make a determination as to the desirability, and ultimately the appropriateness of any such development.

Developments and site alterations that have a substantial detrimental impact on the scenic resources or visual attractiveness of those areas, that, in the opinion of the Township, outweigh the benefits of the proposal, shall not generally be supported or approved.

5.26 RURAL CHARACTER

Rural character is defined as that which differentiates the rural area from an urban or semi-urban setting, or other built-up area. It is the mix of agricultural uses, vacant open spaces, woodlots and low density, randomly located dwellings in a predominantly rural and natural setting. It is distinguished by open countryside, fields, fencerows and forested areas.

Rural residential development is part of what makes up the rural character. However, the built form need not and generally should not predominate over the natural environment. Rather than the ordered, repetitive built pattern found in urban areas, the development pattern should be discontinuous with relatively large lots and frontages, together with setbacks that vary greatly. The impression is one of an open, natural and rural/agricultural landscape rather than one dominated by man-made structures and landscaped yards.

Residential development forms that have the greatest impact on rural character are clusters or rows of residences at a density and/or under development standards that allow the built environment to dominate. Smaller lot sizes, frontages and setbacks are not characteristic of the rural area. Controls to ensure that development is in accordance with these policies shall be implemented through environmental reviews, zoning provisions and development agreements, where necessary.

Agricultural developments and uses are part of what is also expected in prime agricultural areas, and in rural areas where agricultural uses exist, and they do not detract from the character of such areas.

Developments such as ski hills and golf courses are a normal expectation in rural areas, but many other forms of development have the appearance of being out-of-place in scenic rural areas. Large buildings and tall structures, space extensive uses such as resource extraction uses, and extensive tree removal and re-grading of the landscape are examples of developments and site alterations that have the potential to have a major impact on rural character.

The Township shall weigh these impacts against other implications of such proposals, including social, economic and community benefits, the character of the area within which the development is proposed to be located and the policies of this Plan generally, in order to make a determination as to the desirability, and ultimately the appropriateness of any such development.

Developments and site alterations that have a substantial detrimental impact on the rural character of the area, and the Township generally that, in the opinion of the Township, outweigh the benefits of the proposal, shall not generally be supported or approved.

Where such developments are permitted, all reasonable measures shall be required to mitigate and minimize impacts on the scenic, natural and rural character of the surrounding area and the Township generally.

5.27 NATURAL HAZARDS

Physical hazard areas are areas that should not generally be developed, or from which a degree of protection is considered necessary.

Many of the physical hazard areas in the Township are shown on Schedule B3, as follows:

- All floodplains resulting from the greater of the Timmins Storm flood event or the 100 year flood event;
- All other areas with organic soils and/or poor drainage;
- Identified erosion hazard areas, adjacent river and streams including flooding hazard limit or meander belt allowance, stable slope allowance, toe erosion allowance and erosion access allowance;
- In addition to the above, all other areas where slopes are in excess of 6 m in height and have the potential to be unstable (broken down into areas with between 15 and 30 percent slope, and areas with greater than 30 percent slope);

The areas shown on Schedule A3 are derived from available digital information data bases. Other hazard lands may exist, and associated allowances, access allowances, buffers and set-backs that are intended

to be subject to the policies of this Section may not be shown.

Other hazardous areas and sites may be identified, and appropriate allowances, set-backs and buffers shall generally be established by the Township in consultation with the Nottawasaga Valley Conservation Authority, the lead agency in regards to natural hazards. Such allowances, set-backs and buffers may be reduced or eliminated based on the findings and recommendations of a natural hazard assessment report acceptable to and approved by the Nottawasaga Valley Conservation Authority.

For the purposes of this Section, hazardous lands include any property or lands that could be unsafe for development due to naturally occurring processes. Along river, stream and small inland lake systems, this means the land, including that covered by water, to the furthest landward limit of the flooding hazard or erosion hazard limits.

Hazardous sites include any property or lands that could be unsafe for development and site alteration due to naturally occurring hazards. These may include unstable soils (sensitive marine clays (leda), organic soils) or unstable bedrock (karst topography).

Development shall generally be directed to areas outside of:

- a) hazardous lands adjacent to river and stream systems which are impacted by flooding hazards and/or erosion hazards; and
- b) hazardous sites.

Development and site alteration shall not be permitted within:

- a) areas that would be rendered inaccessible to people and vehicles during times of flooding hazards and/or erosion hazards, unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard; and
- b) a floodway regardless of whether the area of inundation contains high points of land not subject to flooding.

Development shall not be permitted to locate in hazardous lands and hazardous sites where the use is:

- a) an institutional use associated with hospitals, nursing homes, pre-school, school nurseries, day care and schools, where there is a threat to the safe evacuation of the sick, the elderly, persons with disabilities or the young during an emergency as a result of flooding, failure of floodproofing measures or protection works, or erosion;
- b) an essential emergency service such as that provided by fire, police and ambulance stations and electrical substations, which would be impaired during an emergency as a result of flooding, the failure of floodproofing measures and/or protection works, and/or erosion; and

- c) uses associated with the disposal, manufacture, treatment or storage of hazardous substances.

Development in a Floodplain:

- a) All floodplains in the Township are subject to the 'one-zone concept' established by the Nottawasaga Valley Conservation Authority, which means that the entire floodplain is considered to be a floodway as defined by this Plan.
- b) Buildings and structures are not permitted within the floodplain, except where written permission is obtained from the Nottawasaga Valley Conservation Authority.

New development on and in close proximity to steep slopes and ravines, and within meander belts and areas susceptible to erosion shall not contribute significantly to the potential for, or have a significant potential to sustain property damage or threaten human safety.

Developments and site alterations on slopes in excess of 30 percent, as shown on Schedule B3 shall be strongly discouraged, unless they are considered essential and are supported by a detailed soils and slope stability study. Developments and site alterations on slopes between 15 and 30 percent, as shown on Schedule B3, shall generally be avoided. Where development is proposed on such areas, the Township, in consultation with the Nottawasaga Valley Conservation Authority, may require a soils and slope stability study.

Such studies shall include recommendations for ensuring that hazards are appropriately addressed and mitigated, as well as recommended development set-backs from the top and/or toe of such slopes, erosion allowances and erosion access allowances, where required and warranted. Such studies shall be prepared and certified by qualified professionals and be acceptable to the Township and the Nottawasaga Valley Conservation Authority.

All such recommendations shall be implemented and enforced as conditions of development approvals.

The crest or brow and toe of the slope or ravine shall be established on-site by qualified professionals retained by the development proponent, and approved by the Township and/or the Nottawasaga Valley Conservation Authority and/or where applicable, the Niagara Escarpment Commission. These lines shall be plotted on the development plans, and measured set-back distances to the proposed development shall be provided to demonstrate that minimum standard set-backs set out in the Zoning By-law, or lesser set-backs recommended in an approved engineering report have been met.

Disturbances to the grades and vegetation below the crest or brow and above the toe shall be minimized. Enhancements to existing tree and vegetation cover to reduce erosion or improve slope stability may be required to mitigate potential impacts, as conditions of development approvals.

Recommendations on measures to control erosion and sedimentation may also be required in any soils and slope stability report, and implemented and enforced as conditions of development approvals.

Notwithstanding the above policies relating to steep slopes, site alterations on steep slopes associated with uses already permitted by this Plan, such as the alteration of existing ski slopes, are permitted and may be carried out in accordance with the conditions of approval (if any), and with current engineering and resource management best practices.

New developments and uses permitted by amendment to this Plan shall not generally be located on steep slopes. Standards defining where development is not permitted due to slope constraints, and set-backs from the top and toe of slopes shall be prescribed in the Zoning By-law.

Where development on steep slopes is supported by soils and slope stability studies satisfactory to the Township and the Nottawasaga Valley Conservation Authority, such developments may be permitted by site-specific amendment to the Zoning By-law, without an amendment to this Plan. Where development within a prescribed set-back is supported by soils and slope stability studies satisfactory to the Township and the Nottawasaga Valley Conservation Authority, such developments may be permitted by a Minor Variance.

Proposals that result in a significant risk to human safety and/or of property damage as a result of soil or slope instability or failure, due to single, multiple or successive development or site alteration activities, shall not be permitted.

5.28 PROTECTING PUBLIC HEALTH AND SAFETY

The Township's long-term prosperity, environmental health and social well-being depend on reducing the potential for public cost or risk to Township residents and the visiting public from natural or human-made hazards. Development shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage.

5.28.1 HUMAN-MADE HAZARDS

Development on, abutting or adjacent to lands affected by human made hazards, including but not limited to such potential hazards as pollution and contamination, toxic wastes, leachate, gas migration, abandoned wells, mineral aggregate, or mineral extraction or mining operations may be permitted only if rehabilitation measures to address and mitigate known or suspected hazards are underway or have been completed.

Contaminated sites shall be remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effects.

5.29 CONSERVATION AUTHORITY POLICIES

5.29.1 HAZARD LAND POLICIES AND REGULATIONS

The Nottawasaga Valley Conservation Authority (referred to hereafter in this Section as “the Conservation Authority”) is the lead agency in regards to the protection of persons and property from natural hazards associated with hazardous areas and hazardous sites. The regulations and policies of the Conservation Authority relating to natural hazards shall be considered when evaluating development proposals.

The Conservation Authority has been delegated the Provincial responsibility for the regulation of floodplains for defined watercourses (riverine systems) within the Township. To address this delegation, the Conservation Authority has prepared regulations mapping, delineating areas subject to regulatory storm flooding and associated lands to be protected from the hazards of flooding, erosion and slope instability.

The regulation mapping generally includes all valley and watercourse corridors and wetlands within the Township, and includes portions of the drainage basins of the Pine (including Black Bank Creek), Boyne, Noisy and Mad Rivers, as well as Lisle, Walker’s, Tosorontio and Sheldon Creeks within the Township.

The Conservation Authority Regulations were approved by the Minister of Natural Resources in 2006 (Ontario Regulation 172/06). Through the application and enforcement of the regulation, the Conservation Authority ensures that persons and property are protected from natural hazards. The regulations may also be used to assist the Township with the protection and conservation of valley and watercourse corridors, wetlands and fish habitat.

Within the mapped areas, and in any other location where the text of the regulations describes other lands that are subject to the regulations, a permit is required for the following;

- the construction, reconstruction, erection or placing of a building or structure of any kind;
- changes that would alter the use, or potential use of a building or structure;
- increase the size of a building or structure, or increase the number of dwelling units in the building or structure;
- site grading;
- the temporary or permanent placing, dumping or removal of any kind of material originating on the site or elsewhere;
- the straightening, changing, or diverting or interfering with the existing channel of a river, creek, stream or watercourse; or
- changing or interfering with a wetland.

Where a permit is required under Ontario Regulation 172/06, such a permit is a requirement under ‘other applicable law’, as defined under the *Ontario Building Code Act*. Consequently, a building permit shall not be issued for any building or structure

requiring a permit from the Conservation Authority, or for any such building or structure requiring the installation of any essential supporting infrastructure requiring a permit, such as the construction of an access driveway or septic system, unless the required permit has first been obtained from the Conservation Authority.

Where a *Planning Act* application has been made to the Township, the Township shall ensure that the Conservation Authority has been consulted with respect to the requirement for a permit for any development or site alteration, or any other aspect of the proposal requiring a permit from the Conservation Authority, prior to the approval of the application. The Township shall generally only approve such planning applications in circumstances where it is satisfied that the required permits are available.

5.29.2 OTHER CONSERVATION AUTHORITY POLICIES AND PROGRAMS

The Conservation Authority has prepared watershed plans and watershed-level strategies relating to its broad mandate under the *Conservation Authorities Act*, which includes the “conservation of land”. Other policies of the Conservation Authority may therefore also have application in the Township.

The Conservation Authority may also provide comments and recommendations to the Township on *Planning Act* applications, relating to such other matters as the conservation of natural heritage features (such as woodlands, wildlife habitat, ANSIs, etc.), groundwater recharge/discharge areas, stormwater management, etc. Unless otherwise provided for in this Plan, and/or in a services agreement between the Township and the Conservation Authority, such comments are to be taken as advisory, and considered by the Township in relation to the relative merits of economic, social and other implications, and other goals, objectives, policies and requirements of the Township, as generally outlined in this Plan, as well as those of other commenting agencies and approval authorities.

The roles and responsibilities of the Conservation Authority, as an advisory agency to the Township, may be further defined in a services agreement.

Beyond the regulated areas of the Conservation Authority, the Township may use its discretion when seeking advice and assistance on some such matters. In these cases, the Township may opt to rely on the expertise of qualified staff, consultants, and/or the approval authority through the One-Window Provincial Planning Service.

The Township may, at its discretion, consult and cooperate, or collaborate with the Conservation Authority and/or the Ministry of Natural Resources, on programs and projects designed to:

- define the physical limits of valleylands and stream corridors including associated natural hazards such as flooding, erosion, meander belts and slopes, and establish policies and requirements such as allowances and set-backs to ensure the protection of persons and property;
- establish criteria for, and identify and delineate important natural heritage features, functions and linkages, and develop and implement policies, programs and projects to protect, restore and/or enhance the natural heritage system, functions and linkages in the Township;

- develop policies for the protection of source water areas and water supplies;
- participate in the preparation and implementation of watershed, sub-watershed and environmental studies, and;
- acquire and/or manage land for conservation and recreation purposes as part of an overall natural heritage and recreation open space system within, or within and beyond the Township;

5.30 NIAGARA ESCARPMENT DEVELOPMENT PERMITS

Where a Development Permit for any development or site alteration is required from the Niagara Escarpment Commission, such a permit is a requirement under 'other applicable law', as defined under the Ontario Building Code Act. A building permit shall not be issued for any building or structure requiring a Development Permit, or for any such building or structure requiring the installation of any essential supporting infrastructure requiring a permit, such as the construction of an access driveway or septic system, unless the required permit has first been obtained from the Niagara Escarpment Commission.

5.31 STORMWATER MANAGEMENT

All commercial, industrial, institutional, recreational and multiple unit or multiple lot residential development proposals shall be accompanied by a site plan and/or report prepared by a qualified professional that addresses stormwater management and drainage to the satisfaction of the Township and the appropriate approval authorities. The report shall be prepared in accordance with the following, as applicable:

- i) the Stormwater Management Practices Planning and Design Manual (2003), or its successor, as prepared by the Ministry of the Environment;
- ii) the Nottawasaga Valley Conservation Authority Engineering Development Review Guidelines;
- iii) Best Management Practices (BMP);
- iv) a stormwater quantity system which ensures that post-development run-off rates will not be greater than the pre-development run-off rates for storms up to and including the 100 year event, and;
- v) the effects of development on watershed flow regimes including the interconnection with groundwater resources must be addressed, and measures employed to reduce impacts to acceptable levels.

Stormwater management facilities/works must address both the quality and quantity of runoff and are subject to approval under Section 53 of the Ontario Water Resources Act.

5.32 MINERAL AGGREGATE RESOURCE AREAS

Mineral Aggregate Resource Areas are those identified on Schedule B4. Except as provided in the following paragraph, prior to considering proposals for development within Mineral Aggregate Resource Areas, the Township shall be satisfied that the development of these lands for non-aggregate purposes will not adversely impact the availability of aggregate resources in the Township and the County.

Within the Niagara Escarpment Plan Area, only lands designated Escarpment Rural may be considered for new aggregate extraction uses, and then only by amendment to the Niagara Escarpment Plan and this Plan. Aggregate extraction operations and uses are not permitted on lands designated Escarpment Protection and Escarpment Natural in the Niagara Escarpment Plan. The application of the above provisions shall therefore be limited to ensuring that the implications of new development on Mineral Aggregate Resource Areas and on existing or potential aggregate operations and uses must be considered in areas designated Escarpment Rural while, on lands designated Escarpment Protection or Escarpment Natural, only the implications of new development on existing or potential aggregate operations and uses on adjacent lands in close proximity where aggregate extraction may be permitted (designated Escarpment Rural or in another designation outside of the Niagara Escarpment Plan Area), need be considered.

5.33 LANDS ADJACENT TO MINERAL AGGREGATE RESOURCE AREAS

In areas adjacent to or in known deposits of mineral aggregate resources, development which may be adversely affected by existing aggregate operations licensed under the Aggregate Resources Act or potential aggregate operations, shall generally not be permitted.

5.34 LANDS ADJACENT TO THE NAVCAN NAVIGATION FACILITY

The location of the Navigation Canada (NAVCAN) Whitfield Navigation Facility is shown on Schedule A1.

The Township shall consult with NAVCAN prior to the re-designation or re-zoning of any land within a radius of 8 km. of the NAVCAN facility, as shown on Schedule C.

Any proposal involving the erection of a building or structures, or the establishment of any other use, the height of which exceeds the normal requirements of the Zoning By-law pertaining to the zone in which the structure is to be erected that, in the opinion of NAVCAN could block or interfere with the signals between the facility and aircraft, may not be permitted.

The Township shall also ensure that the Province is aware of the facility and the need for NAVCAN clearance relating to any proposal for a wind turbine or wind farm.

5.35 GENERAL DEVELOPMENT CRITERIA

The following General Development Criteria shall apply to development in the Township.

Where a lot is located in more than one designation, development should generally be located on that portion of the lot located in the least restrictive designation.

Any development permitted should be designed and located in such a manner as to preserve the natural and visual characteristics of the area.

All development including new roads, road improvements, service corridors, subdivisions and individual lots should be in harmony with the natural, scenic and rural landscape and/or the built environment, as applicable.

Uses permitted by this Plan may be allowed provided that:

- i) The impact on the quality and quantity of surface and groundwater resources must be acceptable to the appropriate approval authority;
- ii) The site can support the use without a significant negative impact on natural resources and features and the cultural and archaeological heritage resources on the site, or the scenic resources and character of the rural area;
- iii) The cumulative impact of development will not result in unacceptable impacts on the above resources and features;
- iv) The development is not out of character, but rather is in keeping with or contributes positively to the existing built environment;
- v) The site is not considered hazardous to life or property due to the presence of natural hazards such as unstable soil conditions or possible flooding, or human-made hazards such as pollution;
- vi) Development meets all other applicable federal, provincial and municipal requirements, including health and safety, and servicing requirements and emission standards, and;
- vii) Development does not result in the potential for predictable and significant land use conflicts, including conflicts with agricultural, extractive industrial and industrial operations.

5.36 LOT CREATION

Within this Plan there are land division policies that apply to the various land use designations. The following policies apply to all land division in the Township:

- a) Growth Plan policy 2.2.9.3 provides that no more than 3 lots/or units are permitted outside of settlement areas unless there were site specific approvals prior to June 16, 2006 or that development can be justified in accordance with policy 2.2.2.1(i) of the Growth Plan.
- b) The size and configuration of new lots shall be subject to the requirements of this Plan and the Zoning By-law, and the policies of the applicable Niagara Escarpment Plan designation, where applicable;
- c) Ribbon or strip development shall generally be prevented;
- d) Where a lot is proposed in more than one designation, the severance policy of the least restrictive designation may be applied if there is sufficient area in the least restrictive designation to accommodate the development. The form and location of such development on the lot may be defined through zoning, in a development agreement or by other means, as a condition of approval;
- e) New building lots created by consent shall front onto a public road maintained year-round which meet standards of construction and maintenance acceptable to the Township. Agreements providing for the up-grading and/or maintenance of roads fronting and providing access to such lots may be required as a condition of consent or development (building permit) approval.
- f) Approval of entrances to all new building lots shall be obtained in advance of the creation of the lot, in accordance with the Township's Entrance Policy or, in the case of County Roads and Provincial Highways, the policies and requirements of the appropriate road authority. Highway 89 is a controlled access highway and applications for severances involving direct access to Highway 89 are discouraged and will be subject to the criteria and policies of the Ministry of Transportation;
- g) New lots shall not be permitted where the development (e.g. driveway, house, septic, and accessory uses) on the severed and/or retained portion, is on lands containing physical constraints to development such as poor drainage, unstable soils, flood susceptibility, steep slopes or any other physical condition that may jeopardize public health and safety, without the written approval of the Nottawasaga Valley Conservation Authority and the Dufferin County Building Department;
- h) New lots shall not be permitted where the lot to be severed or retained contains a residence which was permitted or approved as a temporary use (such as a garden suite), second unit, or second residential unit dwelling, or farm help house, or any other detached dwelling;

- i) The creation of new lots within or adjacent to the resources and features identified on Schedule B4 are only permitted in accordance with the policies of this Plan and;
- j) Lot lines through natural hazard areas or sites that pose a significant safety threat, and through significant natural heritage features or areas shall be avoided.

5.37 LAND DIVISION BY EXEMPT AGENCIES

Lots created by any agency that is exempt from the requirement to obtain consent approval from the Township for the conveyance of land shall nevertheless be required to consult with the Township prior to any land division or boundary line adjustment, and at the earliest opportunity.

The Township shall ensure that such agencies are made aware of any concerns and requirements the Township may have with the proposal and that the conveyance of any land where concerns and requirements have not been addressed to the satisfaction of the Township is not acceptable.

5.38 USES PERMITTED IN ALL DESIGNATIONS

There are a number of activities and uses, and related developments that may be permitted in all designations throughout the Township outside of those areas within the Niagara Escarpment Plan Area (refer to Section 6.4 for uses permitted in the various designations in the Niagara Escarpment Plan Area). No amendment to this Plan will be required to establish or expand such uses. An amendment to the Zoning By-law may be required where such uses are not also specified as permitted uses in the Zoning By-law.

1. Legally existing uses and structures;
2. Accessory buildings, structures, facilities, site modifications and related uses ancillary to an existing permitted principal use on the lot.
3. Archaeological activities, subject to the policies of Section 5.6;
4. Forest, fisheries and wildlife management;
5. Resource management;
6. Essential infrastructure including public transportation, utility and public servicing infrastructure;
7. Watershed management and erosion control projects carried out or supervised by a public agency;
8. Public parks and open space uses, conservation areas, nature preserves (In prime agricultural areas, such uses shall be prohibited).
9. Ponds, subject to the requirements of the Nottawasaga Valley Conservation Authority and the Ministry of the Environment.

5.39 RECREATIONAL ACTIVITIES AND DEVELOPMENTS

A distinction is made in this Plan between recreational activities and uses, and the facilities, buildings and other developments required to accommodate them. For ease of reference in this section, they shall be referred to as 'recreational activities' and 'recreational developments' respectively.

Many types of recreational activities, such as cross-country skiing or hunting, are not intended to be regulated by the Township, although they may be regulated by other agencies. However, developments associated with these activities and uses such as, for example, a cross-country ski centre offering groomed trails, or a shooting range or hunt club, are intended to be regulated by the Township.

Recreation activities and developments contemplated in this section of the Plan are not intended to be permitted in some designations, where the establishment of the use, or the development or site alteration necessary to support the use would not otherwise be in conformity with the provisions of this Plan. The establishment of a recreational use in any other land use designation must conform to the specific provisions of the applicable designation and to the other General Provisions of this Plan, and to that extent, where there may be a conflict, the policies of those other sections shall prevail.

For the purposes of this Plan, recreational developments have been placed into one of three distinct categories; passive, active and intensive, according to the level of development and site alteration required to support the recreational activity and their relative potential for impacts on the land and/or on adjacent uses.

Many activities cannot be carried out without supporting facilities and structures and/or site alterations. However, some activities requiring little or no supporting infrastructure may still have a significant potential for impacts. For this reason, some types of recreational developments have been elevated to a higher level of intensity in Table 1 (ie. from passive to active or from active to intensive), and some recreational activities with the potential to have significant impacts on the land and/or adjacent uses have also been listed, so that they may be appropriately regulated and controlled.

Passive recreational developments and associated activities generally have little or no impact on the land and surrounding uses. They do not generally require significant support facilities or structures.

Active recreational developments and associated activities often require some support facilities or structures and are generally considered to have a low to moderate impact on the land and/or adjacent uses.

Intensive recreational developments and associated activities generally require significant support facilities and structures, and/or generally have a moderate to high potential for impact on the land and/or adjacent uses.

The classification of various types of recreational developments and activities are as shown in Table 1.

Passive recreational developments and associated activities are generally permitted

throughout the Township and are not generally intended to be regulated by the Township, provided they are not operated on a commercial basis or scale.

Active and intensive recreational developments and associated activities are intended to be regulated by the Township. Where such uses already exist, they may be recognized on the Schedules to this Plan, and/or permitted by the underlying designation on the land, and/or be existing, legal non-conforming uses.

TABLE 1: CLASSIFICATION OF RECREATIONAL DEVELOPMENTS

<u>Passive</u>	<u>Active</u>	<u>Intensive</u>
Walking/hiking trails	Public or commercial outdoor court sports, field sports or ice sports facilities or swimming pool	Downhill ski resort or club
Private indoor or outdoor swimming pool		Residential camp
X-country ski trails	Groomed ski trails or cross-country ski centre	Fitness centre *
Fitness trail	Mini-golf or driving range	Golf Course
Private tennis court	Bicycle track, mountain bike trails or centre	Gymnasium *
Snowmobiling and snowmobile trails	Outdoor education centre	Indoor sports court *
Private outdoor rink, court or playing field	Children's day camp	Skeet shooting rifle or gun range
Private horse riding trails	Outdoor running track	
Private horse jumping rings	Archery range	Campground
	Fishing camp or club	Trailer or RV park
	Recreational day camp	Paintball or paintball Range
	Hunt camp or club	
	Running track	Auto racing or race track
	Commercial horse riding or horse jumping facility	Public or commercial motorcycle or ATV riding or racing, race course or trail
jumping events **	Horse riding / horse Indoor ice sports facility,	arena, curling rink *
	Motor vehicle rally **	

* May be permitted by an amendment to the Zoning By-law

** May be permitted by a Temporary Use By-law

New intensive recreational developments and associated activities shall generally be encouraged to locate within Settlement Areas (where they are oriented toward and serve a local community) or in the Mansfield North Recreation Area (where they are oriented toward the land or a broader recreational or tourism market).

Such uses may, however, also be appropriate at other locations in the Township (generally outside of areas designated Agricultural but including Natural Areas, subject to the Natural Heritage Features and Natural Hazards policies of this Plan), provided adequate justification is provided and the applicable provisions of this Plan and the Niagara Escarpment Plan are satisfied. In prime agricultural areas, such uses shall generally be discouraged and, if proposed, must also satisfy the applicable provisions in Section 5.9 of this Plan.

Additional policies may be incorporated by amendment to this Plan to appropriately regulate uses established by amendment to this Plan, and additional requirements may be included in the Zoning By-law, where such uses require re-zoning, as follows:

Except where already permitted in the Zoning By-law, all new active recreational developments and associated activities, whether operated on a public, commercial, private club, or private landowner use only basis, may be permitted in settlement areas and rural areas of the Township by amendment to the Zoning By-law.

Except where uses already exist, or are permitted by this Plan subject only to the approval of an amendment to the Zoning By-law, intensive recreational developments and associated activities, whether established or operated on a public commercial basis, as private clubs or as organized activities or developments on private lands, may be permitted in settlement areas and rural areas of the Township only by amendment to both this Plan and the Zoning By-law.

Organized rallies involving motorized vehicles and organized events such as major horse riding or jumping competitions, may be permitted on public roads or lands, and/or on private lands, following public notice and consultation, as temporary uses, under a Temporary Use By-law, if the impacts on neighbouring lands and landowners are minimized and the quiet and rural character of the Township is not significantly affected.

Accommodation facilities may be permitted as accessory uses to principal permitted recreational developments or activities, by amendment to this Plan where the development or activity served by the accommodation facility also requires an amendment to this Plan, and/or by amendment to the Zoning By-law, in all other situations where the accommodation facility serves a recreational use and is permitted by this Plan.

An Official Plan amendment shall be required where the predominant use of accommodation facilities does not relate directly to the principal recreational uses permitted on the same lot. Such developments as hotels, motels, health spas, conference centres and similar establishments shall therefore require an amendment to this Plan, as well as the Zoning By-law. Only those uses that are provided for under the Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe for rural areas will be considered. Justification satisfactory to the Township and the Ministry of Municipal Affairs shall be required and provided.

Active and intensive recreational developments shall be subject to site plan control, unless specifically exempted from the Township's Site Plan Control By-law.

New recreational developments and related activities should be located, designed and

carried out so as not to conflict with surrounding land uses, and to be compatible with the natural, rural and cultural character of the area in which they are located. Recreational uses should not exceed the capacity of a site or area to accommodate the use on a sustainable basis.

All recreational uses shall be supported by adequate levels and types of facilities and services necessary to support the maximum anticipated or mandated level of use, including safe access and off-road parking, signage, sanitary and waste disposal facilities and collection where warranted. Public health and safety, and fire safety shall be ensured and first aid and emergency services shall be provided where necessary.

Trails shall be located and designed so as not to adversely affect adjoining private landowners. Trails shall generally be located and designed to avoid steep slopes, wetlands, erosion-prone soils, and ecologically sensitive areas, and significant plant and animal habitats. Where existing trails are in locations that cause environmental deterioration, relocations to a less critical location shall be encouraged. Trail design, construction and management should ensure the safety of trail users.

Recreational uses shall not be permitted in prime agricultural areas. Recreational uses may not be permitted in areas where significant natural resources or features or important scenic features exist, unless it has been demonstrated through appropriate studies that the impacts on the resources or features are minimal and acceptable and/or can be appropriately mitigated. Within the Mansfield North Recreation Area, recreational, recreation-related and even recreation-related residential developments may be considered to contribute positively to the character of this area.

All proposals for new active and intensive recreational uses shall be supported by appropriate technical background studies, as deemed necessary by the Township, addressing such matters as impacts on surface and groundwater resources, traffic impacts, land use compatibility issues and the preservation of rural character. Unless specifically exempted, all recreational uses shall be subject to the requirements and penalties outlined in the Township's Noise By-law.

Where permitted, golf courses shall be designed and maintained to minimize impacts on the natural and physical environment. The Township shall encourage proponents to develop and operate all new golf courses in accordance with the current Audubon International Manual for Naturalizing Golf Courses.

The recreational operation of motorized vehicles such as snowmobiles, all terrain vehicles, etc. on private lands, with the permission of the landowner, and on established trails, with the permission of the responsible trail organization and the landowner, is permitted, subject to applicable Provincial Statutes and the provisions of the Township's Noise By-law and Zoning By-law.

The operation of snowmobiles on Township roads and road allowances is permitted subject to applicable Provincial Statutes and the provisions of the Township's Noise By-law.

The operation of motorized recreational vehicles on Township roads and road allowances may be prohibited, or permitted subject to applicable Provincial Statutes, the

policies of this Plan and the regulations of the Township's Zoning By-law, and the provisions of the Township's Noise By-law.

The development of facilities for the organized or competitive racing of all types of motorized vehicles, and the racing of motorized vehicles, whether on a commercial basis or as organized events carried out on public or private land, shall not generally be permitted.

The Zoning By-law may contain provisions for recreational activities involving vehicles carried out on private lands, including set-backs from sensitive uses, and to ensure compliance with the Township's Noise By-law. Regulations may also be introduced to appropriately control such activities on a case-by-case basis, by amendment to the Zoning By-law.

Game hunting preserves where game animals, whether defined as livestock, indigenous or exotic animals by the Township's Exotic Animals By-law, are kept in enclosed or confined areas and hunted, whether on a commercial basis or as private uses, and related facilities, including fencing which is out of character with the rural area by virtue of its construction (chain link, barbed wire) or its height (generally more than 1.5 m.), shall not be permitted.

Many recreational activities and recreational developments within the Niagara Escarpment Plan Area are also regulated by the Niagara Escarpment Plan. Where there is a conflict between this Plan and the Niagara Escarpment Plan, the Niagara Escarpment Plan shall prevail. A Development Permit and/or an amendment to the Niagara Escarpment Plan may be required for some recreational developments and uses proposed within the Niagara Escarpment Plan Area.

The Zoning By-law shall make a further distinction between recreational developments and related activities that are considered passive, active and intensive and may permit such uses as are deemed appropriate for various zones, in accordance with this Plan.

Recreational developments not specifically included in Table 1 shall be categorized according to their similarity with other listed developments and their relative potential for impact on the land and on adjacent uses. The Township shall determine, on a case-by-case basis consistent with the above provisions and the policies of the designation in which any other development or activity is proposed, if the proposal is appropriate and whether an amendment to this Plan and/or the Zoning By-law is required.

Recreational developments, activities and uses that are similar, or comparable to those classified as passive, which do not have a significant or long-term impact on the land, or on adjacent uses, are generally permitted throughout the Township, with the exception of structural developments such as swimming pools and tennis courts in a Natural Area designation.

5.40 GARDEN SUITES

A one-unit detached residential structure containing bathroom and kitchen facilities that is ancillary to an existing residential structure on a lot and that is designed to be portable, known as a temporary garden suite, may be permitted as a temporary use in any designation permitting a single detached dwelling other than an Escarpment Rural,

Escarpment Protection or Escarpment Natural designation, by amendment to the Zoning By-law. Any by-law passed by the Township authorizing a temporary garden suite may define the area to which it applies, specify the period of time for which the authorization shall be in effect and contain additional requirements, such as minimum and maximum floor area requirements.

The period of time specified in the initial by-law shall not exceed ten years from the day of passage of the by-law, except that the Township may pass subsequent by-laws that grant extensions for a maximum additional period of three years each during which the temporary use is authorized.

Upon the expiry of the specified period or periods of time, the continued use of the temporary garden suite as a residential dwelling is no longer permitted.

As a condition to passing a by-law authorizing the temporary use of a garden suite, the Township may require the owner of the temporary garden suite or any other person to enter into an agreement with the Township dealing with such matters relating to the temporary use of the temporary garden suite as the Township considers necessary or advisable, including:

- The installation, maintenance and removal of the temporary garden suite;
- The provision and adequacy of required services;
- The period of occupancy of the temporary garden suite by any of the persons named in the agreement, and;
- The monetary or other form of security that the Township may require to cover the actual or potential costs to the Township related to the temporary garden suite.

A temporary garden suite shall not be permitted on a lot where an additional single dwelling or an attached accessory dwelling exists or has been approved, in accordance with 5.41.

5.41 SECONDARY DWELLINGS, ADDITIONAL SINGLE DWELLINGS AND ATTACHED ACCESSORY DWELLING UNITS

The Township supports the development of affordable housing through additional single dwellings (stand-alone and within detached accessory buildings) and attached accessory dwelling units in appropriate locations within the Township, where single detached dwellings, semi-detached dwellings and townhouse dwellings, may be permitted. The development of additional single dwellings and attached accessory dwelling units will be considered subject to the following criteria:

- i) providing adequate services;
- ii) limiting future fragmentation and preserving rural character;
- iii) providing adequate parking, including a maximum of one additional parking space;
- iv) compatibility with adjacent land uses;

- v) maintaining appropriate lot coverage and yard setbacks;
- vi) providing appropriate minimum and maximum gross floor areas;
- vii) compliance with building standards in accordance with the Ontario Building Code;
- viii) consistency with any applicable urban design guidelines; and
- ix) other matters as deemed appropriate.

In Niagara Escarpment Commission Development Control Areas the policies of the Niagara Escarpment Plan apply.

The Zoning By-law will provide appropriate regulations for the provision of a variety of second dwelling units to implement the policies of this Plan.

5.42 TRAVEL TRAILERS AND MOBILE HOMES

No camper trailer, travel trailer, mobile home or similar vehicle or unit may be used as a permanent, seasonal or temporary place of residence, except in a designation where a mobile home park or campground is a permitted use, or as otherwise permitted in the Zoning By-law, such as for the accommodation of seasonal farm help.

The Zoning By-law may also provide exceptions in such situations as use by an owner while in the process of replacing a dwelling or constructing a new dwelling on a lot, or for an owner to use as a vacation retreat for an appropriate, specified maximum time period.

5.43 OUTDOOR STORAGE

Outdoor storage shall only be permitted in a designation or zone where it is specifically listed as a permitted use and, in addition to the following and any additional policies contained in this Plan, it shall be subject to the regulations and standards set out in the Zoning By-law.

Outdoor storage areas shall be suitably screened from view from existing and potential as-of-right visually sensitive uses on adjacent properties, by a fence, berm, vegetative buffer or a combination of measures acceptable to the Township to provide appropriate screening, on a case-by-case basis. Screening and buffering requirements shall be implemented through conditions of development approval and/or in development or site plan control agreements.

5.44 HOME-BASED BUSINESS

Home-based businesses of a nature, location and size that are in keeping with the lot on which such businesses may be located, and which are not out of character with developments and uses on adjacent lots and do not result in significant potential for land use conflict, are generally encouraged.

Regardless of scale, any use that requires a Certificate of Approval from the Ministry of the Environment (to address noise, air emissions, or chemical storage) shall not be permitted as a home-based business.

A distinction shall be made in the Zoning By-law between those home-based businesses that occupy a portion of the principal residence on a lot (home occupations), and those that occupy all or some portion of an outbuilding on the lot (home industries). Where such uses are included as permitted uses in any zone in the Zoning By-law, standards and requirements shall be prescribed to regulate the nature of the business activity, and its size and location on the lot, to ensure that land use conflicts are minimized.

Where a home-based business is not permitted as a use accessory to the principal permitted residential use of the lot, such a use may be permitted by amendment to the Township's Zoning By-law, provided the general intent of this section and all other relevant policies of this Plan can be met.

Home-based businesses may be subject to site plan control, in accordance with the provisions of the Township's Site Plan Control By-law.

5.45 SIGNAGE

The Zoning By-law shall distinguish large-scale signs from small-scale signs, according to their face area and/or height. Large scale signs shall require a building permit and, where related to the development of an associated, principal permitted use on a lot, may also be subject to site plan control.

The Zoning By-law may regulate signs, including the face area and/or height of signs, sign illumination, location, etc. Large-scale signs may be prohibited in areas where such signs would detract from the character of built-up areas, or impact on the scenic qualities and character of rural areas.

The Township shall enact a by-law under the Municipal Act to regulate the size, design, location, illumination, massing, etc. of signage within municipal roads and road allowances. The Township may also enact a similar by-law to regulate signage on private lands adjacent to Township roads and road allowances.

Regulations on signage adjacent to other roads and highways shall generally be regulated by the applicable road authority.

The desire to preserve the scenic qualities and the character of both the built up and rural areas shall be reflected in such by-laws wherever possible and practical. In all cases, the safety of the traveling public shall be paramount.

5.46 PROPANE OPERATIONS

Propane Operators are required to define a hazard distance applicable to propane operations referenced in a risk and safety management plan required under Ontario Regulation 211/01 (Propane Storage and Handling) made under the Technical Standards and Safety Act, 2000, as amended.

Where the approval authority has been notified of the Propane Operation's Hazard Distance, notice of Planning Act applications for Official Plans and amendments, Zoning By-laws and amendments, Plans of Subdivision, Consent and Minor Variance is required to be provided to the Propane Operator if any part of the Hazard Distance is within the area to which the application applies.

PART B: LAND USE DESIGNATIONS AND RELATED POLICIES

The following five sections should be read in conjunction with Schedules A1 – A7, Land Use Designations. These Schedules show the location of lands within the Township within the various land use designations identified in this Plan.

Land use designations and related policies have been organized into five distinct categories, as follows:

- The Rural Countryside and Environmental Lands;
- Settlement Areas and Residential Lands;
- Employment Lands, Economic Development, Tourism and Recreation;
- Natural Resources, and;
- Transportation, Utilities and Infrastructure.

Each land use designation in the following five sections (Sections 6 to 10) with a corresponding designation on the Schedules is identified by **BLOCK CAPITAL LETTERS** at the beginning of each sub-section.

6.0 THE RURAL COUNTRYSIDE AND ENVIRONMENTAL LANDS

6.0.1 MISSION STATEMENT

The Township of Mulmur will strive to balance the desire to further develop the countryside and to utilize renewable and non-renewable natural resources while preserving and protecting significant natural features, and the scenic qualities and rural character of the Township.

6.0.2 OBJECTIVES

The following are the Township's objectives relating to the Rural Countryside and Environmental Lands.

1. To ensure that developments and uses do not detract from the predominantly open and natural landscape or the rural character of the Township;
2. To provide for the protection of significant natural features and ensure that developments and uses are carried out in an environmentally sustainable way;
3. To preserve and protect agricultural lands, and encourage the continuation of farming operations, wherever they exist, and the establishment of new farming operations within the Township, for the long term;
4. To provide for the protection and, where appropriate, the exploitation and use of renewable and non-renewable natural resources;

5. To provide for limited agriculture-related, rural-related, recreation-related and resource-related development, including related residential development, at appropriate locations, and;
6. To ensure that appropriate levels of servicing and servicing capacity are available, or can be provided, for all new development.

6.0.3 CRITERIA FOR DESIGNATION

Rural Countryside and Environmental lands are intended to include lands designated Agricultural, Rural and Natural Area. Lands within the Escarpment Rural, Escarpment Protection and Escarpment Natural Area designations within the Niagara Escarpment Plan Area are also included.

Lands shall generally only be added to or taken from their current designation within the Rural Countryside and Environmental Lands areas by amendment and in accordance with the policies of the applicable designation.

6.0.4 GENERAL POLICIES

Only those agricultural, rural, resource and recreational developments and uses existing within the Niagara Escarpment Plan Area, and only those new, small scale uses permitted by the Niagara Escarpment Plan, and for which a development permit has been issued, shall be permitted within the Niagara Escarpment Plan Area. Natural features and areas shall be preserved and protected in accordance with the Escarpment Natural Area and other policies of the Niagara Escarpment Plan. New multiple residential development is not permitted within the Niagara Escarpment Plan Area within the Township.

Rural Countryside developments should be designed in keeping with the surrounding development and the rural nature of the Township. Adequate buffering between new uses and adjacent residential, agricultural and other sensitive uses, and significant natural features, shall be provided.

A detailed visual impact assessment may be required for new uses, other than permitted agricultural uses, which have the potential to significantly impact existing visual resources and features, in accordance with the policies of Section 5.25. Such assessments shall demonstrate that the visual impacts are minor and do not significantly reduce the scenic qualities of the Township, and/or can be adequately mitigated.

An economic impact assessment shall be undertaken to evaluate the financial impact of proposed development on the Township, including the existing assessment base. Proposals which have a detrimental economic impact shall not be permitted unless compensatory measures have been undertaken, to the satisfaction of the Township.

Within the Rural Countryside areas, water supply and sewage treatment systems servicing existing and new development shall be provided in accordance with the policies of this Plan and the requirements of the County of Dufferin or Ministry of the Environment, as appropriate, as well as Provincial policy.

Stormwater management and drainage works for recreational developments and for recreation-related residential and commercial uses permitted in an approved Recreation Area Master Plan, where required, shall be provided in accordance with the requirements of this Plan. Water quantity and quality controls shall be provided. For such uses, the impacts on groundwater shall also be evaluated and adequately addressed, in accordance with the policies of this Plan. Wellhead protection areas shall be protected for the long-term security of domestic water supplies.

Except for agricultural uses that are subject to the requirements of the Farming and Food Production Protection Act, resource and rural-related uses that have the potential to generate emissions, including noise, vibration, dust, odour, particulates, smoke, etc., shall be subject to the policies of this Plan and the requirements of the Ministry of the Environment. Such uses which are considered offensive, noxious or which have significant potential to create significant nuisance impacts on existing, as well as potential as-of-right uses on adjacent lands, shall be identified in the Zoning By-law, and shall not be permitted unless it can be clearly demonstrated that the impacts can and will be adequately and appropriately mitigated.

Provincial Minimum Distance Separation Formulae and Implementation Guidelines, as amended from time to time, shall apply in accordance with Section 5.10 of this Plan.

Developments that have the potential to generate large volumes of traffic shall be subject to the policies of Section 10.1. Where up-grades to adjacent roads, bridges, intersections or other infrastructure are required to accommodate the proposed use, they shall generally be required to be carried out by and at the expense of the proponent, as a condition of development approval.

Uses, other than agricultural uses, which generate large volumes of solid waste shall be subject to the policies of Section 10.2.

Natural feature protection will not limit the ability of existing agricultural uses to continue. However, the Township shall encourage and promote agricultural practices that reduce impacts on natural features and the environment generally.

Residential uses and accessory residential uses related to Rural Countryside uses shall generally be permitted, in accordance with the applicable policies of the specific designations of this Plan, including housing for farm help and secondary residential units in rural residential dwellings.

Lots may be created by consent to accommodate permitted Rural Countryside uses on lands designated for such purposes, subject to the specific policies for each designation as set out below. Lot sizes and design shall be appropriate for the proposed use, and shall conform to the requirements of all approving authorities and the standards of the Zoning By-law.

Appropriate standards and requirements for all such uses shall be incorporated into the Zoning By-law.

Within each of the following designations the following specific policies shall also apply.

6.1 AGRICULTURAL

6.1.1 OBJECTIVES

1. To optimize the availability of prime agricultural lands for agricultural use for the long term;
2. To protect farm operations from incompatible uses, and;
3. To provide opportunities to enhance viability and encourage diversification by permitting secondary and related uses, where appropriate.

6.1.2 CRITERIA FOR DESIGNATION

Lands designated Agriculture shall include the following:

1. Specialty crop areas as defined by Provincial Policy, by amendment to this Plan (at present, no such lands in the Township are considered to be specialty crop areas);
2. All lands where Classes 1, 2 and 3 soils predominate as defined in the Canada Land Inventory, Soil Capability for Agriculture mapping;
3. The remaining lands on original surveyed Township half-lots where the majority of the land within the half-lot is prime agricultural land;
4. Non-prime soils and areas within the Township that are generally less than 200 ha. in size which are surrounded by prime agricultural lands, or not otherwise contiguous to other non-prime lands within the Township or within a non-prime area designated in a land use category other than Agricultural within an adjacent municipality, and;
5. Lands in the Stanton/Rosemont area that were designated from Rural to Agriculture, by order of the Ontario Municipal Board;

Where the Township has accepted a report from a qualified agrologist indicating that certain lands do not satisfy the above criteria, minor adjustments to the boundary between the Agricultural and Rural designations may be made so that the lands may develop in accordance with the Rural policies of this Plan, without an amendment to this Plan.

It is generally intended that the boundaries between the Agricultural and Rural designations shall be squared off along lot boundaries.

6.1.3 PERMITTED USES

Uses permitted in the Agricultural designation include:

- a) An existing transport terminal and related outdoor storage yard and an accessory residential dwelling only, in Part East Half Lot 1, Concession 8 EHS (Specific Policy Area 1);

- b) An existing automobile wrecking/recycling yard and scrap metal recycling establishment, in Part West Half of Lot 29, Concession 8 EHS (Specific Policy Area 3);
- c) Uses permitted in all designations in accordance with Section 5.38;
- d) Agricultural uses;
- e) Agriculture-related uses;
- f) Secondary uses;
- g) A single-detached dwelling;
- h) Accommodation for farm labour where the size and/or nature of the farm operation requires additional employment, provided that the accommodation facilities are located within the farm building cluster;
- i) Infrastructure;
- j) Wayside pits or wayside quarries in accordance with Section 9.1.2;
- k) Additional single dwelling unit, where no farm-help house has been constructed;
- l) Attached accessory dwelling unit.

6.1.4 ADDITIONAL POLICIES

Notwithstanding any other provision of this Plan to the contrary, permitted uses a) and b) above, identified as Specific Policy Areas 1 and 3 respectively on Schedule A1 shall not expand in scale, nor in area, nor be permitted to add to or change the nature of their operation in any substantive way until such time as;

- the lands have been re-zoned and the developments and uses have been brought into conformity with the applicable requirements and standards of the Zoning By-law, by site-specific amendment;
- the requirements of the Township and other review agencies, such as the Ministry of the Environment, Ministry of Transportation and the Nottawasaga Valley Conservation Authority have been addressed;
- a site plan has been submitted to and approved by the Township, and a site plan agreement has been executed and registered on title, and;
- the lands have been fairly and adequately assessed and taxed in accordance with their development and use.

If the above conditions have not been met within two years of the date of approval of this Plan, then;

- any aspect of the development and/or use that has not been proven to have been legally established, shall cease to be permitted, and;
- all such uses shall cease, all such developments shall be removed or converted and the site shall be rehabilitated and restored for a purpose permitted in the Agricultural designation and zone, and;
- actions shall be commenced, if/as necessary, to enforce compliance with the Township's Zoning By-law.

6.1.5 REGULATIONS FOR AGRICULTURE-RELATED AND SECONDARY USES

All agriculture-related and secondary uses, as defined in Section 13 of this Plan, shall;

- be located on the farm, and directly related and secondary to the principal agricultural use on the farm or of the farm operation;
- not inhibit normal agricultural operations on adjacent farms;
- be of a small scale;
- have adequate sanitary and water supply services;
- have safe access from roads and adequate, on-site parking;
- meet such other requirements as are outlined in the implementing zoning by-law, limiting or regulating the size, location and nature of such uses and activities.

6.1.6 IDENTIFICATION AND USE OF SPECIALTY CROP AREAS

Not approved – a decision on this section has been adjourned sine die.

6.1.7 NEW LOTS

Prime agricultural land is to be preserved wherever possible. Existing agricultural parcels should not be subdivided into smaller parcels of land where the severance would reduce the long-term flexibility and viability of the existing farm unit.

On considering a severance for a permitted purpose in the Agricultural designation, the Committee of Adjustment shall ensure the lots are a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type of agricultural operations.

The Township will strive to protect the farmers' right to continue normal farming practices with a minimum of interference from adjacent non-farm uses, and ensure compliance with the Provincial Minimum Distance Separation Formulae and Implementation Guidelines, as amended from time to time.

Except in the very limited circumstances otherwise provided herein, severances are strongly discouraged and shall not generally be approved.

The severance of one residence surplus to a farming operation from an original farm lot (Township half-lot) as a result of farm consolidation may be permitted provided that:

- the dwelling is habitable;
- the requirements of the Zoning By-law can be met;
- the lot area is kept to a minimum;
- neither the dwelling on the severed nor retained part was originally created for the purpose of accommodating farm help nor created as an additional single dwelling unit or as a detached accessory dwelling unit.
- the farm operation severing the lot must have a base of operations elsewhere in the Township or in an immediately adjacent Township;
- the severance complies with the minimum distance separation requirements;
- such severances will be considered only on the basis of one per farm holding defined as the original farm lot of approximately 40 hectares (Township half-lot) and where no more than one lot has been previously created by severance;
- Wherever possible and practical, remnant lots shall be required to be merged with adjacent parcels under the ownership of the same farming enterprise, including small, existing, vacant non-farm lots, to consolidate the farm into larger blocks, eliminate the non-farm residential lot and avoid the sterilization of the remnant parcel as a building lot;
- Where a remnant parcel is created, which cannot be merged with another holding under the ownership of the same farming enterprise, it shall be re-zoned, as a condition of consent approval and prior to the issuance of the certificate of consent, so that it cannot, in future, be used for either farm-related or non-farm residential purposes.

The severance of one original Township half lot (or portion thereof) from another along the original lot line is permitted, provided both the severed and retained lots are sufficient in size to accommodate the type of agricultural uses common in the area, and to permit flexibility for change in the nature of farming operations. Generally, each parcel should have a minimum of 30 ha. of productive farmland.

Notwithstanding the foregoing policies relating to surplus farm dwelling severances and the re-division of original Township lots or half-lots, on any Provincially and locally significant specialty crop areas designated by amendment to this Plan, more detailed consent policies shall, at the time of the amendment, be developed and introduced, to generally provide for the outright protection of such lands, to the exclusion of all

severances, unless it can be demonstrated that the division of the land is essential to the specialty crop agricultural operation, does not diminish the potential of the land base for specialty crop production and does not introduce a use that would be incompatible with specialty crop agricultural uses and activities in the area.

Consents may be granted for boundary adjustments/lot additions, or for other technical reasons, such as easements and rights-of-way or certification of title on prime agricultural areas and also on specialty crop areas, subject to the requirements of the preceding paragraph.

6.1.8 ZONING

Agricultural lands will be zoned in an appropriate, separate category in the implementing zoning by-law. Specialty crop areas shall be placed into a separate zoning sub-category, under the Agricultural zone.

6.2 RURAL

6.2.1 OBJECTIVES

- 1) To facilitate and permit a broader range of compatible rural, resource, recreational and residential uses, and uses related to such uses, that have a minimal impact on agricultural uses, natural resources, environmental features and rural character, and;
- 2) To encourage continued agricultural use and protect farming operations where they exist within rural areas.

6.2.2 CRITERIA FOR DESIGNATION

- 1) lands where the soils are not predominantly of prime importance for agriculture and the use of land has traditionally been for a mix of lower intensity agricultural purposes and pasture, hobby farms, residential uses on large lots, recreation, forestry, conservation and resource related uses;
- 2) The remaining lands on original surveyed Township half-lots where the majority of the land is not prime agricultural land;
- 3) Small isolated pockets of prime agricultural soils and areas within the Township that are generally less than 200 ha. in size which are surrounded by non-prime agricultural lands, or not otherwise contiguous to other prime lands within the Township or within an area designated in a land use category other than Rural within an adjacent municipality;
- 4) Rural lands generally having significant landscape features and views that contribute to the beauty and rural character of the Township.

6.2.3 PERMITTED USES

Uses permitted in the Rural designation include:

- a) An existing water bottling operation, in Part West Half Lot 16, Concession 4 EHS (Specific Policy Area 5);
- b) An existing private, non-commercial golf course located in Part West Half Lot 2, Concession 5 EHS (Specific Policy Area 6);
- c) An existing private, non-commercial fox hunting club and related buildings and structures, located in Part West Half Lot 28, Concession 6 EHS (Specific Policy Area 7);
- d) Uses permitted in all designations (Section 5.38)
- e) Agricultural uses
- f) Agriculture-related uses;
- g) Secondary uses:
- h) a single detached dwelling;
- i) one additional single dwelling unit; or one attached accessory dwelling unit;
- j) Small-scale commercial and small-scale industrial uses related to the management or use of resources, resource-based recreational activities and rural land uses that cannot be located in settlement areas.
- k) Home occupations, cottage and home industries;
- l) conservation areas, parks or recreation areas and reforestation areas;
- m) Small-scale public or private institutional uses;
- n) Recreational uses that do not require an amendment to this Plan, in accordance with Section 5.39; and
- o) Wayside pits or wayside quarries in accordance with Section 9.1.2;

6.2.4 ADDITIONAL POLICIES

Notwithstanding any other provision of this Plan to the contrary, permitted use a) above, identified as Specific Policy Area 5 on Schedule A1 shall not expand in scale, nor in area, nor be permitted to add to or change the nature of their operation in any substantive way until such time as;

- the lands have been re-zoned and the developments and uses have been brought into conformity with the applicable requirements and standards of the Zoning By-law, by site-specific amendment;

- the requirements of the Township and other review agencies, such as the Ministry of the Environment and the Nottawasaga Valley Conservation Authority have been addressed;
- a site plan has been submitted to and approved by the Township, and a site plan agreement has been executed and registered on title, and;
- the lands have been fairly and adequately assessed and taxed in accordance with their development and use.

The private, non-commercial golf course listed as permitted use b) above, and identified as Specific Policy Area 6 on Schedule A1, shall be permitted as an accessory use to the existing residential dwelling on the lot and shall be permitted to be used only for the private enjoyment of the owner, and guests of the owner, on a non-commercial basis. Any expansion of the present use is not permitted. The conversion of this course to a commercial establishment shall only be permitted if an amendment to this Plan is obtained and the lands are re-zoned and brought under site plan control.

The private, non-commercial fox hunting club listed as permitted use c) above, and identified as Specific Policy Area 7 on Schedule A1, shall be permitted as an accessory use to the existing residential dwelling on the lot and shall be permitted to be used only for the private enjoyment of the owners, and guests of the owners, on a non-commercial basis. The conversion of this use to a commercial establishment shall only be permitted if an amendment to this Plan is obtained and the lands are re-zoned and brought under site plan control.

6.2.5 NEW LOTS

Severances involving the creation of one and, in appropriate circumstances, two or a maximum of three new lots from the original 40 ha. Township half-lot, may be considered by the Committee of Adjustment where it can be shown that there will be no adverse effects on nearby farming operations, where impacts on the resources and natural features identifies on the schedules to this Plan are minimal and acceptable, and where the rural character of the area will be maintained.

In assessing applications for severance, priority over the application shall be given to nearby agricultural operations on lands designated Agricultural under this Plan, especially those existing or potential operations having to conform to the Minimum Distance Separation requirements and/or the requirements of, and any regulations made pursuant to the Nutrient Management Act.

Proposals for rural lot creation shall conform to the requirements of Sections 5.35 and 5.36, and the intent of Sections 5.25 and 5.26, and the following policies, so that the character and scenic attractiveness of rural areas is maintained and, wherever possible and practical, enhanced.

The following may be used as guidelines to ensure that rural lot creation is carried out in such a way as to help maintain and, where possible and practical, enhance the rural character:

- The creation of the maximum of three new lots from each and every original Township half-lot is not necessarily appropriate. Although it may not be possible or necessary to adhere to each and every one of the following guidelines which are applicable to a specific situation, preference will be given to proposals which demonstrate that a reasonable effort has been made to achieve compliance and/or where there is a clear opportunity to enhance compliance through the imposition of appropriate conditions of severance, with the owner's agreement and at the owner's expense. Lots may not necessarily be approved if clearly superior opportunities to create lots that better achieve conformity with the guidelines exist elsewhere within the original Township half-lot, regardless of ownership;
- Variations in the size and configuration of lots created within each original Township half-lot, and variations in lot frontages and front and side yard setbacks are encouraged;
- Lot creation shall take into account the unique physical and environmental characteristics and features of the parcel from which each new lot is created, to ensure that both the severed and retained portions have superior building sites upon which development can occur in a manner which does not predominate over or appear out of character with the rural and natural surroundings.
- Consideration shall be given to the existing lot pattern and the cumulative impacts of potential lot creation under these policies on adjacent parcels on each side of the lot being severed and on the opposite side of the road to ensure that the development pattern remains random and that the creation or subsequent development of both existing and new lots does not result in the appearance of a residential cluster or strip development.
- Screening of the building envelope from view from adjacent roads and from existing developments on adjacent lots shall be encouraged and, in some cases, may be required as a condition of severance. Lots which provide natural screening of the building site by means of vegetation and/or topographic relief are preferred.

This does not imply a requirement that the dwelling must be completely obscured from view from roads in both directions, or from adjacent residences or building sites.

The creation or acquisition of a lot by a public body (eg. for a road deviation) will not be considered a previous severance. Remnant lands that may be used as a building site (other than the lands acquired by such public body) will be considered as a previous severance.

Provided that not more than three lots have previously been severed from each of two merged original Township half lots, and subject to all other applicable policies of this Plan, the severance of one original Township half lot (or portion thereof) from another (or portion thereof) along the original lot line is permitted.

Other technical or boundary correction severances are generally permitted, provided that they do not result in the creation of a new lot or the re-division of parcels that have merged, unless, in the latter instance, the severance is otherwise permitted by this Plan and both the severed and retained lots conform to the requirements of the Zoning By-law. Lot enlargements and boundary line adjustments are generally permitted, provided the purposes and overall intent of this Plan are maintained.

6.2.6 ZONING

The Zoning By-law shall place lands in the appropriate Zone to recognize the different uses permitted within this designation.

6.3 NATURAL AREAS

6.3.1 OBJECTIVES

1. To ensure that natural heritage features and areas are preserved and protected for long-term use;
2. To identify natural heritage features and areas and ensure that developments and uses are carried out only where it has been demonstrated that degradation that threatens the health and integrity of the natural features or ecological functions for which an area is identified due to single, multiple or successive development or site alteration activities, does not occur;
3. To encourage compatible recreation, conservation and outdoor education activities;
4. To promote the sustainable management of resources and stewardship of natural features and areas throughout the Township.

6.3.2 CRITERIA FOR DESIGNATION

1. All wetlands;
2. The significant habitat of endangered and threatened species;
3. Lands adjacent to rivers and streams that are, or could be impacted by flooding and/or erosion hazards;
4. Permanently flowing streams and on-stream ponds, including a 30 m. buffer area on each side, and intermittent watercourses generally having a drainage area of greater than 125 ha., including a 15 m. buffer area on each side, and;
5. All other ponds and water bodies over 0.2 ha. in size, including a 15 m. buffer.
6. Other areas with natural features and natural hazards, and adjacent lands which have similar or related features and functions and/or hazards and constraints where development is generally not intended to be permitted.

6.3.3 PERMITTED USES

Uses permitted in Natural Areas include:

- a) Uses Permitted in all designations (Section 5.38);
- b) Home occupations in an existing residence;
- c) Home industries in an existing accessory structure;
- d) Bed and Breakfast and Farm Vacation establishments in an existing residence, and;
- e) Recreational activities associated with passive recreational uses, trail oriented recreational uses and snowmobile trails but not other motorized vehicle trails, subject to the policies of Section 5.39;

6.3.4 ADDITIONAL POLICIES

Except as otherwise provided herein, lands designated Natural Area shall generally be maintained in an undisturbed and natural state.

To protect the species, the significant habitat of endangered and threatened species may not be shown on the Schedules to this Plan, but it is nevertheless intended that such areas will be subject to the Natural Area policies. When and where such areas are identified in studies carried out in support of development proposals, they shall be designated Natural Area.

Consideration shall only be given to the establishment of new uses and the construction of new buildings and structures on existing lots of record within Natural Areas where:

- no reasonable alternative exists elsewhere on the lot;
- the need for the proposed new structure or use is clearly demonstrated and the size and scale are kept to a minimum;
- the proposal is consistent with the Provincial Policy Statement;
- the requirements of this Plan, including Sections 5.18 to 5.37 in particular, have been satisfied;
- the requirements of the Nottawasaga Valley Conservation Authority have been met and a permit has been obtained, and;
- an amendment to the Township's Zoning By-law permitting the proposed development or use has been obtained.

The foregoing does not necessarily imply that a proposed new development or use will be found to be appropriate, or will necessarily be approved. In fact, developments within wetlands and floodplains, as examples, and most other developments and uses

proposed for such areas will not be approved. This policy exists to address the fact that there are suspected to be some existing lots of record within Natural Areas where some such developments and uses may be appropriate. Such situations are not commonplace.

No amendment to this Plan is required for the establishment of developments and uses permitted under this policy within the Natural Area designation, provided a Zoning By-law amendment involving both public consultation and consultation with, and approval from other approval authorities has taken place, and the by-law is in conformity with this Plan and consistent with Provincial policy.

The intent is to avoid Official Plan amendments in situations where it has been determined that the Natural Area mapping is inaccurate or that it has been proven, through appropriate studies, that it is appropriate to permit development within areas currently designated Natural Area. Such areas, where development is approved may be re-designated to the most appropriate designation reflecting the approved use being made of the property at that time, as part of a subsequent municipal comprehensive review. Uses not permitted in this Section, other than agricultural uses on such lands, shall require an amendment to this Plan.

Non-structural development and site alterations may be permitted if it can be demonstrated that the development or alteration is essential to an as-of-right use of the lot, and only where the impacts have been evaluated and are minimal and acceptable, or can be adequately mitigated, or can be balanced by appropriate compensatory measures undertaken elsewhere on the same lot.

Other features and hazards identified by the Provincial Policy Statement, such as significant woodlands, Areas of Natural and Scientific Interest (ANSIs), steep slopes, core deer yards, etc. have been shown on Schedules B2 and B3. These areas are generally only included within the Natural Area designation where they are within or immediately adjacent to features requiring outright protection, or areas that are considered hazardous under Provincial Policy. Some adjacent lands within the Pine and Boyne River Valleys are included in the Natural Area designation.

All areas shown on Schedule B1 and most of the areas identified on Schedules B2 and B3 are within the regulatory control limits of the Nottawasaga Valley Conservation Authority. Virtually all of the areas designated Natural Area in this Plan are similarly regulated by the Conservation Authority. A permit (or an exemption in the case of minor developments which do not typically have an impact on identified natural features or hazard areas) for all developments and site alterations permitted in Natural Areas shall therefore also be obtained from the Nottawasaga Valley Conservation Authority, where required.

Decisions on all Planning Act applications for new developments and uses within Natural Areas and within those areas identified on Schedules B1, B2 and B3 that are subject to the requirements of Sections 18 to 24 of this Plan, and must be consistent with these requirements.

The General Recreation policies of Section 5.39 of this Plan apply to certain types of low intensity, non-intrusive recreational activities and uses which may be carried out within Natural Areas. Such activities and uses shall not result in significant or long term

damage to natural ecosystems, serious erosion, soil compaction or slope stability problems, pollution or significant disturbance to fish and wildlife.

The creation of new lots that extend into or through wetlands or the habitat of endangered or threatened species is not permitted. The creation of new lots that extend into or through other areas designated Natural Areas shall generally be discouraged, and shall not be approved where the creation of such lots would conflict with Provincial Policies or the policies of this Plan.

Both the severed and retained portions must contain building sites designated, or determined to be suitable through re-zoning as provided in this Section, for their intended purposes, with the exception of lots created by a public body or lots created for the purpose of a nature preserve, or for some other permitted purpose that does not require the parcel to be developed, or used for residential purposes.

Where lots are proposed to include Natural Areas, the Committee of Adjustment shall be satisfied, following consultation with other commenting agencies and approval authorities, that the development can occur on lands already designated or zoned, or on portions of the lots which can be re-designated and/or re-zoned for the intended purposes. The impacts on the features identified on Schedules B1, B2 and B3 must be minimal and acceptable, and/or adequately mitigated, and/or balanced by appropriate compensatory measures undertaken elsewhere on the same lot.

Provided no new building lot(s) is created, a severance may be permitted for:

- the purpose of correcting conveyances, provided the correction does not include the re-creation of merged lots, which are entirely within a Natural Area designation;
- the purpose of enlarging existing lots;
- as part of, or following, the acquisition of lands by a public body, or a conservation organization for the purpose of establishing a nature preserve or conservation purposes only lot.

6.3.5 ZONING

Natural Areas shall be zoned to a corresponding environmental protection zone in the Zoning By-law. Regulations and standards appropriate to ensure that such areas are preserved and protected from incompatible developments and uses, and generally maintained in an undisturbed and natural state shall be contained in the Zoning By-law.

Lands outside of the boundaries of the Natural Area designation including, in particular, any lands which have been the subject of a Planning Act application that are found to be environmentally or physically constrained, may be required to be placed into the Natural Area designation where an Official Plan amendment is otherwise involved, and/or into the appropriate, corresponding environmental protection zone, by amendment to the Zoning By-law, as a condition of approval.

Lands inside the boundaries of the Natural Area designation which have been the subject of a Planning Act application that are found to be free of significant natural features or physical constraints, may be re-zoned and, if necessary, also re-designated to accommodate the intended purpose(s).

Where new information demonstrates that lands should be added to, or removed from the Natural Area designation, adjustments to the boundaries of the Natural Area designation shall also be made as part of each municipal comprehensive review, so that the mapping remains up-to-date.

Stormwater ponds shall generally be required to be re-zoned to Environmental Protection as a condition of development approval.

6.4 NIAGARA ESCARPMENT PLAN AREA

6.4.1 OVERALL OBJECTIVE

To ensure that the policies of this Plan, and the decisions and activities of the Township are supportive of, and do not conflict with the objectives of the Niagara Escarpment Commission for the Niagara Escarpment Plan Area.

6.4.2 CRITERIA FOR DESIGNATION

The boundaries of the Niagara Escarpment Plan Area within the Township are shown on Schedule A1. The designations in this Plan shall reflect those of the Niagara Escarpment Plan.

No changes to the boundaries or the designations on Schedule A1 to this Plan can occur unless the Niagara Escarpment Plan has first been amended.

6.4.3 PERMITTED USES IN ALL ESCARPMENT DESIGNATIONS

Permitted Uses in all Escarpment designations in the Township include;

- a. Legally existing uses;
- b. Single dwellings;
- c. Forest, wildlife and fisheries management;
- d. Archaeological activities;
- e. Accessory buildings, structures and facilities (e.g. a garage or farm pond), signs, and the site modifications required to accommodate them;
- f. Incidental uses (e.g. swimming pools, tennis courts) and site modifications required to accommodate them, provided that the impact on the natural environment is minimal;
- g. Uses permitted in Park and Open Space Master/Management Plans which are not in conflict with the Niagara Escarpment Plan;

- h. Home occupations and cottage industries;
- i. Watershed management and flood and erosion control projects carried out or supervised by a public agency;
- j. The Bruce Trail corridor including the pedestrian footpath and, where necessary, bridges, boardwalks and other trail-related constructions and unserviced overnight rest areas and access points for Bruce Trail users;
- k. Small scale recycling depots for paper, glass and cans etc., serving the local community;
- l. Bed and Breakfast Homes;
- m. Farm Vacation Homes;
- n. A second single dwelling on an existing lot of record where there is an existing single dwelling designated and an easement agreement registered under the Ontario Heritage Act, or such a dwelling is considered to be of provincial or national heritage value or interest, and;
- o. Nature preserves owned and managed by an approved conservation organization;

6.4.4 GENERAL POLICIES

The Township will support and work closely with the Niagara Escarpment Commission to further the plans and objectives set out in the Niagara Escarpment Plan for the Niagara Escarpment Plan Area.

Many of the general policies of this Plan are intended to also apply to lands within the Niagara Escarpment Plan Area.

Where there is a conflict between the policies of this Plan and those of the Niagara Escarpment Plan, the policies of the Niagara Escarpment Plan shall prevail.

This Plan may contain policies that are considered to be more restrictive than those of the Niagara Escarpment Plan. The more restrictive policies of this Plan would then apply.

6.4.5 ESCARPMENT RURAL AREA

Escarpment Rural Areas are an essential component of the Escarpment corridor, including portions of the Escarpment and lands in its vicinity. They provide a buffer to the more ecologically sensitive areas of the Escarpment.

6.4.5.1 OBJECTIVES

1. To maintain scenic values of lands in the vicinity of the Escarpment;

2. To maintain the open landscape character by encouraging the conservation of the traditional cultural landscape and cultural heritage features;
3. To encourage agriculture and forestry and to provide for compatible rural land uses;
4. To provide a buffer for the more ecologically sensitive areas of the Escarpment, and;
5. To provide for the designation of new Mineral Resource Extraction Areas which can be accommodated by an amendment to the Niagara Escarpment Plan.

6.4.5.2 CRITERIA FOR DESIGNATION

1. Minor Escarpment slopes and landforms;
2. Lands in the vicinity of the Escarpment necessary to provide an open landscape, and;
3. Lands that are of ecological importance to the environment of the Escarpment.

6.4.5.3 PERMITTED USES

Subject to the Development Criteria of the Niagara Escarpment Plan and the applicable provisions of this Plan, the following uses may be permitted:

- a. Uses permitted in all Niagara Escarpment designations in the Township (Section 6.4.3);
- b. Agricultural operations;
- c. Agricultural purpose only lot, subject to the Special Provisions contained in Section 2.4 of the Niagara Escarpment Plan;
- d. Mobile or portable dwelling unit(s) accessory to an agricultural operation;
- e. In non-prime agricultural areas and non-specialty crop areas, recreational uses such as campgrounds, golf courses and associated golf course country clubs and trail uses, provided that any detrimental impact of these uses on the Escarpment scenic qualities and natural environment is kept to a minimum;
- f. Transportation and utility facilities; however only linear facilities may be permitted in prime agricultural areas and specialty crop areas;
- g. Small scale commercial uses accessory to agricultural operations;
- h. In non-prime agricultural areas and non-specialty crop areas, small scale institutional uses;
- i. Home industries;

- j. Veterinary clinics;
- k. Animal kennels in conjunction with a single dwelling;
- l. In non-prime agricultural areas and non-specialty crop areas, small scale commercial and industrial development servicing agriculture and the rural community;
- m. New licensed pits or quarries producing less than 20,000 tonnes (22,000 tons) annually, subject to the policies of the Niagara Escarpment Plan;
- n. New licensed pits or quarries producing more than 20,000 tonnes (22,000 tons) annually, subject to the policies of, and by amendment to the Niagara Escarpment Plan;
- o. Wayside pits or wayside quarries subject to the Aggregate Resources Act, the Ministry of Transportation Directive on Procedures for Administration of Mineral Aggregate Extraction on MTO Contracts and the Niagara Escarpment Plan;
- p. Small scale recycling depots for paper, glass and cans etc., serving the local community;
- q. Winery and winery incidental uses, subject to the provisions of the Niagara Escarpment Plan;

6.4.5.4 NEW LOTS

New lots may be created subject to conformity with the applicable policies and Development Criteria of the Niagara Escarpment Plan, the general lot creation policies of this Plan and the following.

Provided no new building lot(s) is created, a severance may be permitted for:

- the purpose of correcting conveyances, provided the correction does not include the recreation of merged lots;
- the purpose of enlarging existing lots;
- as part of, or following, the acquisition of lands by a public body; or
- as part of, or following, the acquisition of lands by an approved conservation organization for the purpose of establishing a nature preserve.

New lots may be created for agricultural operations provided both the severed and remnant parcels are of sufficient size to remain useful for agricultural purposes as outlined in the Provincial Policy Statement (PPS) provided such parcels are not less than 16 ha. in a specialty crop area and 40 ha. within a prime

agricultural area. These new lots shall only be permitted municipalities where the Official Plan has identified specialty crop areas and/or prime agricultural areas.

A lot may be created by severing one original township lot or half township lot, where the original township lot is 80 ha or 200 acres or more, from another township lot or half township lot provided there has been no more than one previous lot severed from one of the affected township lots. Such severances shall only occur along the original township lot line.

Provided no lots have been created in the past from the original township lot, or half township lot, where the original township lot is 80 hectares or 200 acres or more, and where the proposed lot is not in conflict with the Agricultural Policies of the Provincial Policy Statement (PPS), one lot may be severed for a permitted use.

No new lots are permitted where one or more lots have been severed from the original township lot, or half township lot, where the original township lot is 80 hectares or 200 acres or more.

The severance of a parcel with a residence that has been rendered surplus to an agricultural operation as a result of a farm consolidation is permitted, subject to the applicable policies of the Niagara Escarpment Plan that apply to such severances and the associated remnant agricultural purposes only lot created by the severance.

A lot created by a public body (e.g. for a road or park) or by an approved conservation organization for a nature preserve will not be considered a previous lot. A remnant lot(s) created as a result of a parcel acquired by a public body, or an approved conservation organization, which may be used as a building lot(s) shall be considered a previous lot.

A lot owned by a public body as part of the parks and open space system or the Bruce Trail Corridor or a lot owned by an approved conservation organization as a nature preserve, which was an existing lot of record prior to its acquisition by the public body or the approved conservation organization shall be considered a previous lot.

Other policies of the Niagara Escarpment Plan also apply.

6.4.6 ESCARPMENT PROTECTION AREAS

Escarpment Protection Areas are important because of their visual prominence and their environmental significance. They are often more visually prominent than Escarpment Natural Areas. Included in this designation are Escarpment features that have been significantly modified by land use activities such as agriculture or residential development, land needed to buffer prominent Escarpment Natural Areas, and natural areas of regional significance.

The policy aims to maintain the remaining natural features and the open, rural landscape character of the Escarpment and lands in its vicinity.

6.4.6.1 OBJECTIVES

1. To maintain and enhance the open landscape character of Escarpment Features;

2. To provide a buffer to prominent Escarpment features;
3. To maintain natural areas of regional significance and cultural heritage features, and;
4. To encourage agriculture, forestry and recreation.

6.4.6.2 CRITERIA FOR DESIGNATION

1. Escarpment slopes and related landforms where existing land uses have significantly altered the natural environment (e.g. agricultural lands or residential development);
2. Areas in close proximity to Escarpment slopes which visually are part of the landscape unit, and;
3. Regionally Significant Areas of Natural and Scientific Interest (Life Science) or areas designated as environmentally sensitive by the Nottawasaga Valley Conservation Authority.

6.4.6.3 PERMITTED USES

Subject to the Development Criteria of the Niagara Escarpment Plan and the applicable provisions of this Plan, the following uses may be permitted:

- a. Uses permitted in all Niagara Escarpment designations in the Township (Section 6.4.3);
- b. Agricultural operations;
- c. Agricultural purposes only lot, subject to the Special Provisions contained in Section 2.4 of the Niagara Escarpment Plan;
- d. Mobile or portable dwelling unit(s) accessory to an agricultural operation;
- e. In non-prime agricultural areas and non-specialty crop areas, recreational uses oriented towards the land which require minimal modification of the existing natural, topographic and landscape features and which do not require the building of major structures (e.g. picnic sites, day use sites, unserviced camp sites, trail uses); Golf Courses are not permitted.
- f. Transportation and utility facilities, however, only linear facilities will be permitted in prime agricultural areas and specialty crop areas;
- g. Small scale commercial uses accessory to agriculture;
- h. In non-prime agricultural areas and non-specialty crop areas, small scale institutional uses;
- i. Home Industries;

- j. Veterinary clinics;
- k. Animal kennels in conjunction with a single dwelling;
- l. Winery and winery incidental uses, subject to specific requirements of the Niagara Escarpment Plan;

6.4.6.4 NEW LOTS

New lots may be created subject to conformity with the applicable policies and Development Criteria of the Niagara Escarpment Plan, the general lot creation policies of this Plan and the following.

Provided no new building lot(s) is created, a severance may be permitted for:

- the purpose of correcting conveyances, provided the correction does not include the re-creation of merged lots;
- the purpose of enlarging existing lots;
- as part of, or following, the acquisition of lands by a public body; or
- as part of, or following, the acquisition of lands by an approved conservation organization for the purpose of establishing a nature preserve.

New lots may be created for agricultural operations provided both the severed and remnant parcels are of sufficient size to remain useful for agricultural purposes as outlined in the Provincial Policy Statement (PPS), provided such parcels are not less than 16 ha. in a specialty crop area and 40 ha. within a prime agricultural area. These new lots shall only be permitted in municipalities where the Official Plan has identified specialty crop areas and/or prime agricultural areas.

A lot may be created by severing one original township lot or half township lot, where the original township lot is 80 hectares or 200 acres or more, from another township lot or half township lot provided there have been no previous lots severed from one of the affected township lots. Such severances shall only occur along the original township lot line.

The severance of a parcel with a residence that has been rendered surplus to an agricultural operation as a result of a farm consolidation is permitted, subject to the applicable policies of the Niagara Escarpment Plan that apply to such severances and the associated remnant agricultural purposes only lot created by the severance.

A lot created by a public body (e.g. for a road or park) or by an approved conservation organization for a nature preserve will not be considered a previous lot. A remnant lot(s) created as a result of a parcel acquired by a public body or an approved conservation organization, which may be used as a building lot(s) shall be considered a previous lot.

A lot owned by a public body as part of the Parks and Open Space System or the Bruce Trail Corridor or a lot owned by an approved conservation organization as a nature preserve which was an existing lot of record prior to its acquisition by the public body or the approved conservation organization shall be considered a previous lot.

Other policies of the Niagara Escarpment Plan also apply.

6.4.7 ESCARPMENT NATURAL AREA

Escarpment features which are in a relatively natural state and associated stream valleys, wetlands and forests which are relatively undisturbed are included within this designation. These contain important plant and animal habitats and geological features and cultural heritage features and are the most significant natural and scenic areas of the Escarpment. The policy aims to maintain these natural areas.

6.4.7.1 OBJECTIVES

1. To maintain the most natural Escarpment features, stream valleys, wetlands and related significant natural areas and associated cultural heritage features;
2. To encourage compatible recreation, conservation and educational activities, and;
3. To maintain and enhance the landscape quality of Escarpment features.

6.4.7.2 CRITERIA FOR DESIGNATION

1. Escarpment slopes and related landforms associated with the underlying bedrock which are in a relatively natural state;
2. Where forest lands abut the Escarpment, the designation includes the forested lands 300 metres (1,000 feet) back from the brow of the Escarpment slope;
3. The most significant Areas of Natural and Scientific Interest (Life Science), and;
4. The most significant stream valleys and wetlands associated with the Escarpment.

6.4.7.3 PERMITTED USES

Subject to the Development Criteria of the Niagara Escarpment Plan and the applicable provisions of this Plan, the following uses may be permitted:

- a. Uses permitted in all Niagara Escarpment designations in the Township (Section 6.4.3);
- b. Existing agricultural operations;
- c. Non-intensive recreation uses such as nature viewing and trail activities except motorized vehicle trails or the use of motorized trail vehicles;
- d. Essential transportation and utility facilities;

6.4.7.4 NEW LOTS

New lots may be created subject to conformity with the applicable policies and Development Criteria of the Niagara Escarpment Plan, the general lot creation policies of this Plan and the following.

Provided no new building lot(s) is created, a severance may be permitted for:

- the purpose of correcting conveyances, provided the correction does not include the recreation of merged lots;
- the purpose of enlarging existing lots;
- as part of, or following, the acquisition of lands by a public body, or;
- as part of, or following, the acquisition of lands by an approved conservation organization for the purpose of establishing a nature preserve.

A lot may be created by severing one original township lot or half township lot, where the original township lot is 80 hectares or 200 acres or more, from another township lot or half township lot provided there have been no previous lots severed from one of the affected township lots. Such severances shall only occur along the original township lot line.

A lot created by a public body (e.g. for a road or park) or by an approved conservation organization for a nature preserve will not be considered a previous lot. A remnant lot(s) created as a result of a parcel acquired by a public body, or an approved conservation organization, which may be used as a building lot(s) shall be considered a previous lot.

A lot owned by a public body as part of the Parks and Open Space System or the Bruce Trail Corridor or a lot owned by an approved conservation organization as a nature preserve which was an existing lot of record prior to its acquisition by the public body or the approved conservation organization shall be considered a previous lot.

Other policies of the Niagara Escarpment Plan also apply.

6.4.8 NIAGARA ESCARPMENT PARKS AND OPEN SPACE

6.4.8.1 OBJECTIVES

The objectives of the Niagara Escarpment Parks and Open Space System are:

1. To protect unique ecological and historical areas;
2. To provide adequate opportunities for outdoor education and recreation;
3. To provide for adequate public access to the Niagara Escarpment;

4. To complete a public system of major parks and open space through additional land acquisition and park and open space planning;
5. To secure a route for the Bruce Trail;
6. To maintain and enhance the natural environment of the Niagara Escarpment;
7. To support tourism by providing opportunities on public land for discovery and enjoyment by Ontario's residents and visitors;
8. To provide a common understanding and appreciation of the Niagara Escarpment, and;
9. To show leadership in supporting and promoting the principles of the Niagara Escarpment's UNESCO World Biosphere Reserve Designation through sustainable park planning, ecological management, community involvement, environmental monitoring, research and education.

6.4.8.2 CRITERIA FOR DESIGNATION

Parks in Mulmur Township included in the Niagara Escarpment Parks System are:

- a) The Boyne Valley Provincial Park
- b) The Pine River Fishing Area
- c) The Bruce Trail

The lands in a) and b) above are shown on Schedule C, Transportation and Infrastructure. The location of the Bruce Trail has not been shown, as it tends to change from time to time.

6.4.8.3 POLICIES

Park agencies are required under the Niagara Escarpment Plan to prepare park and open space plans for all Niagara Escarpment Parks.

The Niagara Escarpment Plan sets out policies for a Niagara Escarpment Parks and Open Space System as a framework for the establishment and coordination of a system of publicly owned lands on the Escarpment as well as the Bruce Trail.

There are in excess of 130 existing and proposed parks and open space areas within the System. The majority are intended to be linked by the Bruce Trail.

6.4.8.4 PARKS AND OPEN SPACE SYSTEM CONCEPT

The System, which is linear in nature, is based on public lands acquired to protect distinctive features and significant areas along the Escarpment. Historical and archaeological sites, often found associated with these feature areas, are also

incorporated. The Bruce Trail corridor serves as the common public linkage tying the parks, open space areas, distinctive natural features and landforms together into the System.

The System consists of lands owned and/or managed by a number of public bodies or approved conservation. The System includes lands that are considered by their managing agencies as public parks, such as provincial parks, certain conservation areas and municipal parks.

6.4.8.5 NODAL PARKS

There are, at present, no Nodal Parks as defined by the Niagara Escarpment Plan, within the Township of Mulmur.

New Nodal Parks may be established without requiring an Amendment to the Niagara Escarpment Plan or this Plan, provided the Ministry of Natural Resources and Niagara Escarpment Commission are satisfied following public and park agency consultation that such a modification would be consistent with the Parks and Open Space System Objectives and the Nodal Park concept outlined in the Niagara Escarpment Plan.

6.4.8.6 THE BRUCE TRAIL

The Bruce Trail is an essential component of the Niagara Escarpment Parks and Open Space System linking parks, open space areas and natural features through the establishment of a trail corridor in conjunction with Bruce Trail access points and overnight rest areas. The long-term goal is to secure a permanent corridor for the Bruce Trail along its entire length.

Where the route of the Bruce Trail does not follow the optimum route or where the optimum route has become available because the opportunity for acquisition has occurred, the method of securing the trail will be fee simple acquisition and lesser rights will be acquired where appropriate. Acquisition will occur on a willing seller/buyer basis.

The optimum route of the Bruce Trail shall be determined by the Bruce Trail Conservancy and the development criteria in the Niagara Escarpment Plan. The process of final corridor selection and acquisition from willing sellers shall include consultations with partner agencies, including the Township.

The Bruce Trail Conservancy is responsible for planning, designing, developing, maintaining and managing the trail corridor in accordance with the provisions of the Niagara Escarpment Plan.

Securing a continuous route for the Bruce Trail will be afforded the same priority as establishing and completing the other parks and open space areas of the Niagara Escarpment Parks and Open Space System.

Components of the Niagara Escarpment Parks and Open Space System in the Township include:

- **Pine River Fishing Area (Resource Management Area)**

The Ministry of Natural Resources manages 76 hectares in the Pine River Valley which is used as a public fishing area and for hunting, picnicking and Bruce Trail hiking.

Land in the Resource Management Area classification include certain public lands that are managed primarily to provide resource related benefits such as forest products, fish and wildlife, or flood control.

These areas will provide many benefits, including recreation opportunities, the protection of important natural and cultural resources and resource products. In most cases, these areas will undergo more intensive resource management than the other classifications.

- **Mulmur Hills (Escarpment Access)**

This scenic 26 hectare property in the Mulmur hills was secured to provide for Bruce Trail access. The property includes a prominent valley feature which is part of an Area of Natural and Scientific Interest (Earth Science).

Escarpment access areas are intended to complement the larger, and in some cases, more developed parks or open space areas, by providing opportunities for public access to the Niagara Escarpment at appropriate points along the escarpment. These areas will normally be small and may provide modest facilities to support day use activities at view points, rest areas, trailheads, picnic sites, scenic areas, fishing areas, beaches, or other points of interest.

New Escarpment accesses may be established by the Ministry of Natural Resources, conservation authorities, or on the initiative of local municipalities or organizations such as service clubs.

- **Boyne Valley Provincial Park (Natural Environment)**

This 435 hectare Provincial Park includes biological and geological Areas of Natural and Scientific Interest. The Bruce Trail passes through the property.

Natural Environment are characterized by the variety and combination of outstanding natural features, historical resources and outstanding landscape. Natural Environment areas provide opportunities for the protection of important natural and cultural features. Activities may range from back-country hiking in the interior of these areas to car-camping and day use activities in the more developed or accessible areas.

6.4.8.7 POLICIES

Management agencies will prepare plans for each park or open space in the Niagara Escarpment Parks and Open Space System. Each plan will establish policy guidelines for long term protection, development and management of the park or open space area.

Consultation with the Township during the preparation of such plans is required. The Open Space and General Recreation policies, as well as other applicable policies of this Plan shall be used as guidance by the Township in providing comments and input on such plans.

Agencies involved with specific park or open space plans must ensure that the implementation of the plan and operation of the park or open space area meet the requirements of the Environmental Assessment Act.

7.0 SETTLEMENT AREA AND RESIDENTIAL POLICIES

7.0.1 MISSION STATEMENT

The Township of Mulmur shall strive to ensure that our settlement areas retain their character as rural settlements, while providing necessary basic support services, facilities and infrastructure to ensure that the quality of life for residents is maintained and enhanced.

7.0.2 OVERALL OBJECTIVES

Subject to the requirements of the Planning Act, the Provincial Policy Statement, the Growth Plan for the Greater Golden Horseshoe and such other policies and plans as may be applicable to the specific matters outlined below, the following are the Township's objectives relating to Settlement Area Lands.

1. To recognize and build upon the existing character of each settlement area by ensuring that development contributes positively to the maintenance and enhancement of that character;
2. To ensure that the necessary services and servicing capacity exists, to meet local needs;
3. To ensure that settlement areas are safe and secure, and desirable places to live;
4. To provide sufficient parks, open spaces and recreational opportunities in or near settlement areas within the Township;
5. To promote development designs and forms that are environmentally sustainable and energy efficient, and;
6. To preserve existing natural features within the boundaries of settlement areas.

7.0.3 CRITERIA FOR DESIGNATION

The Hamlet and Community designations are the primary designations for Settlement Areas.

The boundaries of the six settlement areas within the Township: Mansfield, Primrose, Terra Nova, Honeywood, Violet Hill and Rosemont, are shown on Schedule A1, and in greater detail on Schedules A2 to A7 respectively.

Existing residential, commercial, highway commercial and institutional uses are recognized and placed into the appropriate designation for each settlement area on Schedules A2 to A7. New lands for those uses and lands intended for other uses, such as Open Space Conservation and Open Space Recreation purposes, may be added as separate designations upon the approval of Secondary Plans for lands within the Hamlet designation.

Schedule A2 shows where such other uses are contemplated in the approved Secondary Plan for Mansfield. The designations on Schedule A3 reflect existing developments and uses in Terra Nova, while areas not yet developed are included in the general Hamlet designation at this time. Schedule A3 will be amended to reflect the intended uses established for these areas in an approved Secondary Plan for Terra Nova at a later date.

Schedules A4 to A7 contain designations that reflect the existing development pattern and intended uses of lands in Honeywood, Violet Hill and Rosemont respectively.

Policies relating to the Primrose settlement area are contained in Sections 8.0 and 8.4.

7.0.4 GENERAL POLICIES

No new settlement areas shall be established within the Township.

Settlement areas shall be the focus of growth. Their vitality and regeneration shall be encouraged, to the extent that their unique rural community character is preserved and enhanced.

Enhancements that reinforce the character and generally improve the quality of life and the experience of living in a small rural settlement are desired.

The creation of accessory residential dwelling units or secondary suites within existing single detached dwellings, to meet the demands for housing, and for affordable housing within settlement areas, shall generally be encouraged. No amendment to this Plan is required to permit such units.

The Zoning By-law shall establish requirements for such units. New accessory residential dwelling units may be permitted by site-specific amendment to the Zoning By-law, where it has been demonstrated that the use is compatible with adjacent uses, that the lot and the existing dwelling are of a size sufficient to accommodate the use or can be enlarged, and that adequate parking and other services are available.

Re-developments involving the consolidation of existing undersized lots shall generally be encouraged. The Zoning By-law shall set minimum standards for the development of existing undersized lots.

While existing uses continue to be permitted in Settlement Areas, expansion of existing legal, non-conforming uses that are incompatible due to noise, odour or other emissions, or result in other undesirable impacts on residential uses, shall not be permitted.

Design guidelines shall be developed for both new and existing developments to achieve the above objectives and implement the above policies, to ensure compatibility between uses.

Passive recreational uses listed in Section 5.39 shall generally be encouraged. Uses that have the potential to cause disturbances, such as snowmobiling and recreational playing fields, may be directed to Open Space or rural areas and/or be further regulated or prohibited in the Zoning By-law. Some active and intensive recreational developments and activities, where considered appropriate, may also be

permitted by amendment to this Plan and/or the Zoning By-law in accordance with Section 5.39.

Only existing estate residential subdivisions, smaller areas where infilling may occur within such areas, as well as one of the larger, yet undeveloped parcels designated and zoned Estate Residential as of June 16, 2006 and located in the south portion of the East Half of Lot 16, Concession 6 EHS, are included in the Estate Residential designation in this Plan.

If this larger parcel is not developed for permitted Estate Residential purposes, it may be developed for recreation, recreation-related or recreation-related residential purposes, provided adequate justification under the Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe is provided.

This may occur either by site-specific amendment to this Plan or in accordance with a Recreation Area Master Plan for all or some smaller portion of the area identified as the Mansfield North Recreation Area, in accordance with Section 8.5.

7.1 HAMLET

7.1.1 OBJECTIVES

- 1) To encourage infilling and intensification, including the re-development of existing sites and the development of vacant areas already designated Residential in approved Secondary Plans;
- 2) To encourage the provision of a range and mix of housing typical of, and appropriate for each hamlet, including affordable housing and secondary suites.

7.1.2 CRITERIA FOR DESIGNATION

Mansfield and Terra Nova are included in the Hamlet designation. A Secondary Plan has been prepared and approved for Mansfield, while such a plan is still required to be prepared for Terra Nova. As a result, specific designations have been applied to all lands in Mansfield, while in Terra Nova, specific designations have only been applied to lands upon which developments and uses already exist. All other lands not specifically designated to recognize an existing use in Terra Nova shall remain in the general Hamlet designation until a secondary plan has been completed.

7.1.3 PERMITTED USES

Land in the Hamlet designation may be used for the following:

- a) Uses permitted in all designations (Section 5.38)
- b) Single-detached dwelling;
- c) Home occupation;
- d) Institutional uses such as a school, place of worship, cemetery, museum, community hall or municipal or other governmental

office or facility;

- e) Small-scale commercial retail and service establishment, professional or business office;
- f) Arena, tennis court, playground area or playing field;
- g) Daycare center or day nursery, and;
- h) Recreational uses in accordance with Sections 7.0.4 and 5.39.
- i) one additional single dwelling or one attached accessory dwelling unit.

7.1.4 ADDITIONAL POLICIES

Development by registered plan of subdivision will be encouraged. However, infilling or minor extensions of development along existing roads through the creation of lots by severance may be permitted subject to the approval of the sewage and water services by the Ministry of Environment or the County of Dufferin Building Department, as applicable.

New development shall be designed to maintain the historic rural character of the Hamlets. The built form and building materials should reflect this character. The Township may use site plan control within areas designated Hamlet to ensure that new multi-unit residential and other non-residential development is compatible with and, where appropriate, enhances the character of the existing community.

The provision of a range of housing forms typical of, and appropriate for, the settlement in which they are proposed to be located, shall generally be encouraged. Such housing shall include a proportion of units considered affordable as determined by the Township at the time of application, in accordance with Provincial Affordable Housing requirements at that time.

The creation of an accessory apartment unit in an existing dwelling may be permitted through re-zoning, provided that sewage disposal systems and water supplies are adequate to accommodate the additional demand, that the lot is large enough to provide on-site parking and other amenities, and that the use will not conflict with established uses on adjacent lots.

The development of existing, designated residential lands in the Hamlets is considered as intensification within the meaning of the Growth Plan for the Greater Golden Horseshoe. Therefore, the development of lands within Hamlet boundaries is an important component of achieving not only the growth forecasts for the Township and the County of Dufferin, but also the forty (40) percent residential intensification target to be achieved by 2015 and for each year thereafter for the County of Dufferin.

Over the next ten years, development within the Hamlets shall therefore be encouraged. Up to 2014, the further development of the Hamlets will contribute to growth within the County, while servicing problems within other urban centres in the County are resolved. After 2014, the further development of the Hamlets will help to achieve the intensification

targets of the County as new greenfield developments in other Dufferin County municipalities come on stream.

Where infilling and re-development opportunities do exist, such developments shall also be encouraged. Design guidelines shall be developed for infill and re-development projects within the limits of the built-up areas, to manage intensification, maintain and enhance the character of the communities and ensure public health and safety.

Expansions to existing Hamlets shall only be permitted at the time of a municipal comprehensive review and in accordance with the Growth Plan for the Greater Golden Horseshoe.

Except for infilling and intensification within the built boundaries, development shall be guided by a Secondary Plan for each hamlet. Secondary Plans will be incorporated into this Plan at the time of a municipal comprehensive review or by an amendment to this Plan, provided that conformity with the Growth Plan for the Greater Golden Horseshoe can be demonstrated.

To the extent that there may be a conflict between the policies of this Plan and those of an approved Secondary Plan, or where the policies of the Secondary Plan are more restrictive, the policies of the Secondary Plan shall take precedence.

7.1.A MANSFIELD

The Hamlet of Mansfield is identified as the primary residential growth area within the Township. The following policies, first introduced into the previous Official Plan as the Mansfield Secondary Plan in 1991, and as modified only to ensure consistency with this Plan, remain appropriate and shall continue to apply.

7.1.A.1 MANSFIELD SECONDARY PLAN

7.1.A.1.1 INTRODUCTION

The following policies have been established to guide development in the Hamlet of Mansfield. The intent of the Mansfield Secondary Plan is to create a future development strategy that will provide for the continued use and enjoyment of the area by its residents, while maintaining the social character and environmental quality of the area. The land use designations established by this Secondary Plan are shown on Schedule A2 to this Plan.

7.1.A.1.2 CONCEPT

The policies in the Secondary Plan are based on the concept that the Hamlet of Mansfield will become the focus for residential growth in the Township of Mulmur. Of the existing settlement areas in the Township, Mansfield is best suited for new residential growth. Therefore it is the intent of this Plan to direct a large proportion of growth to Mansfield. As a result, Mansfield is expected to experience moderate growth over the next decade.

Policies of the Secondary Plan recognize that there are lands within Mansfield that are environmentally sensitive due to steep slopes, unstable soil conditions and drainage

characteristics. This Plan is intended to preserve those lands and ensure that development in the vicinity does not adversely affect the environment.

The Hamlet of Mansfield will be served by a municipal water system and private sewage disposal systems. Due to the potential for contamination of the groundwater table as a result of the use of private septic systems, development both within the limits shown in this Plan should occur only when detailed hydrogeological studies covering the entire Hamlet have been provided, and confirm that the groundwater supplies in the area will not be adversely affected. These studies must also confirm that there is sufficient water available from reliable and safe sources to meet the demands of existing and new development.

The Secondary Plan provides for the development of a small compact community with a range of services necessary to serve the day-to-day needs of its residents, including a school site, parks and commercial facilities, all within walking distance of the majority of the development.

7.1.A.1.3 RELATIONSHIP TO OFFICIAL PLAN POLICIES

These policies are intended to enhance the existing policies in other areas of the Official Plan. Should any conflict arise, the policies in this Secondary Plan dealing with the Hamlet of Mansfield shall take precedence. The policies of this Secondary Plan are not intended for application outside of the boundary of Mansfield shown on Schedule A2.

7.1.A.2 HAMLET RESIDENTIAL

7.1.A.2.1 PERMITTED USES

Within the Hamlet Residential designation, on Schedule A1, the use of the lands shall be limited to single detached dwellings, accessory apartments one additional single dwelling or one attached accessory dwelling unit, home occupations and public utilities. Uses permitted in all designations, listed in Section 5.38, are also permitted.

7.1.A.2.2 GENERAL DEVELOPMENT POLICIES

Lands designated Hamlet Residential shall be developed on a municipal water system and private sewage disposal systems.

New development within the Hamlet Residential designation shall occur on lots intended for single family residential purposes having a net average lot area of approximately 0.4 hectares, with a minimum average lot frontage of approximately 38 metres. This development shall occur by Plan of Subdivision except where lots are considered as infilling. Plans of Subdivision may be phased to limit the impact on the existing residents and provide an orderly development process.

The Township may enter into subdivision agreements with the developers of lands within the Hamlet Residential designation to ensure that the form of housing is complementary to the existing residential uses and utilizes a range of dwelling types and architecture. In addition, all Plans of Subdivision shall be designed so future development of adjacent lands within the designation is not prejudiced.

7.1.A.3 COMMERCIAL

Lands designated Commercial are intended to provide for the day-to-day needs of the Hamlet of Mansfield and the surrounding areas.

7.1.A.3.1 PERMITTED USES

Permitted uses in the Commercial designation may include retail stores, personal service shops, professional offices and similar, small scale uses.

7.1.A.3.2 DEVELOPMENT POLICIES

The development of commercial areas shall occur on a municipal water system and private sewage disposal systems. Uses shall generally be of a “dry” nature, so that the total amount of sewage generated can be adequately and safely treated and disposed of on-site in accordance with all applicable requirements of the Ministry of the Environment and/or the County of Dufferin.

Commercial uses shall utilize common parking facilities and accesses to the greatest degree possible. Commercial uses shall be subject to Site Plan Control in accordance with the Planning Act. The Township will require, as a condition of development within this designation, a Site Plan Agreement to ensure that the development is compatible with the character of the community and the appropriate buffering is provided between commercial uses and the residential uses. The Township will generally encourage the expansion of existing commercial uses within the community, where appropriate.

The Development Policies for Highway Commercial lands in Section 7.1.A.4.2 shall also generally apply, with appropriate adaptation, to developments within the Commercial designation.

7.1.A.4 HIGHWAY COMMERCIAL

Lands designated Highway Commercial are intended primarily to serve the travelling public as well as the needs of local residents.

7.1.A.4.1 PERMITTED USES

Permitted uses in the Highway Commercial designation generally include those that serve a broader market area and the Airport Road traffic and the travelling public, in addition to the needs of local residents. Specific permitted uses shall be established in the implementing Zoning By-law, in conformity with the policies of this Section and the Plan generally.

Because of the interface between these lands and the established residential areas to the south, east and north, uses which may unduly disrupt or detract from the residential use and enjoyment of adjacent properties and uses may not be permitted. Where such uses are permitted, appropriate measures may be put into place in the implementing Zoning By-law and/or site development plans and agreement to appropriately and effectively mitigate potential impacts.

Uses shall generally be of a “dry” nature, so that the total amount of sewage generated

can be adequately and safely treated and disposed of on-site in accordance with all applicable requirements of the Ministry of the Environment and/or the County of Dufferin.

7.1.A.4.2 DEVELOPMENT POLICIES

The above policies for lands designated Commercial, shall also apply to lands designated Highway Commercial. In addition, the following policies shall apply:

Due to the need to access Airport Road directly, entrance and access arrangements must meet the requirements of, and be acceptable to the County of Dufferin. Wherever possible, the number of entrances should be minimized, shared entrances should be encouraged and internal traffic aisles between properties/uses should be employed to minimize traffic disruption and enhance safety.

A traffic impact report, prepared by a qualified traffic engineer, may be required for any use which has the potential to generate significant traffic or disrupt the flow of traffic on Airport Road. Road widenings and improvements to Airport Road may be required as a condition of site plan approval.

Appropriate means of controlling and disposing of stormwater run-off, on a site-by-site basis, shall be identified and implemented as part of the site plan approval process. A stormwater management report may be required to be prepared by a qualified engineer for any development that has the potential to generate significant increases in run-off. All potential downstream impacts must be addressed to the satisfaction of the Township Engineer.

A report from a qualified hydrogeologist may be required to assess the impacts of any development on groundwater and/or the municipality's water supply capabilities.

Prior to the approval of site plans, the Township shall require sufficient details of any buildings which are proposed to be constructed. To address concerns relating to the impact on adjacent residential properties and to preserve the small town character, the Township may require design modifications and impose architectural controls to reduce the visual impact and improve the aesthetics of buildings. In addition, the following design guidelines shall be required in order to preserve the small town character of the hamlet of Mansfield.

- Parking areas, aisles and entrance driveways are to be asphalt, concrete, stone, brick or other material which provides all-season access and minimizes dust.
- Solid waste disposal facilities shall be enclosed within the principal building or within a gated enclosure of a minimum of 1.8 m. in height and located in such a way as to facilitate waste collection with a minimum of disturbance to residential uses on adjoining properties. Individual waste receptacles shall be provided where required in an effort to reduce littering. The site plan agreement may also contain provisions for regular litter collection on the premises.
- The design of structures should complement and enhance, rather than

contrast with and detract from the existing built form of the surrounding neighbourhood. This applies to all sides of any building facing an adjoining residential property or street. Unless required for stormwater detention, flat-roofed structures shall be discouraged. Such structures, where permitted, shall incorporate features such as a mansard or parapet to obscure the flat roof.

- Lighting shall be low level and directional, away from adjoining residential properties and roadways.
- Freestanding signs shall be situated at or near the front lot line and shall be designed to complement and enhance the built form. Signs shall not be fastened to trees or fences and shall not generally be illuminated unless they are mounted on the commercial building and facing the street. Signs shall not generally be taller or out of proportion to the development on the lot. Illumination may be regulated where there is potential for impacts on adjacent residential uses. Additional requirements relating to signs appropriate for the specific use and area shall be enforced through zoning provisions and/or conditions of site plan approval.
- Along any property line adjacent to any adjoining lot used for or zoned for residential purposes where the commercial development has the potential to significantly impact on the residential use, a tight board fence of a minimum of 1.8 m., but not more than 3.0 m. in height shall be provided along the lot line between the two uses. Alternatively, fencing of a lesser height and of a design and construction mutually acceptable to both owners may be erected along the lot line, in combination with a landscaped strip of a minimum of 3.0 m. in width, to provide comparable and adequate screening and buffering. Landscaped strips shall generally incorporate two staggered rows of native hardwood and/or conifer tree species of a minimum calliper of 50 mm. dbh and 3.0 m. in height respectively, with a minimum of 50 percent being conifers.
- Areas of a commercial property where the public has access shall generally be limited to those that are not next to the rear yards of adjacent residential properties. To accommodate this, the commercial buildings shall generally be situated at the rear of the lots, with areas where vehicle and pedestrian access is permitted generally being between the buildings and the street. Loading spaces shall not be located in an interior side or rear yard adjacent to a residential zone or use unless buffering is adequate to minimize disturbances.
- Where permitted, areas for the storage, display and sale of goods in the outdoors shall be subject to the set-back requirements for principal structures on the lot and, where a principal commercial building exists on the lot, such uses shall not be located between the principal building and the interior side or rear yard between the building and any residential zone or use.

Existing site services, facilities and amenities (such as lighting, signage,

fencing, landscaping, etc) shall be permitted to be incorporated into the design of the development wherever feasible, provided they do not significantly detract from the general aesthetics and functionality of the development.

7.1.A.5 INSTITUTIONAL

Lands designated Institutional are intended to provide for the development of community and social facilities to serve the residents of Mansfield and the surrounding area.

7.1.A.5.1 PERMITTED USES

Permitted uses within the Institutional designation shall include places of worship, cemeteries, schools, community centres, fire halls, ambulance stations and other municipal or government buildings and facilities.

7.1.A.5.2 DEVELOPMENT POLICIES

Institutional uses shall develop on the basis of piped municipal water and private sewage disposal systems. These uses shall be adequately buffered from surrounding residential areas to ensure they are compatible with the existing and proposed uses within the Hamlet.

7.1.A.6 OTHER POLICIES AND REQUIREMENTS

a) Roads

Arterial and collector Roads in the Hamlet of Mansfield have been shown on Schedule C. These roads shall have a minimum right-of-way of 23 metres with a road surface of not less than 7.5 metres. They shall be asphalt (hot mix) surfaced with the appropriate services including street lights, curb and gutter and sidewalks on one side.

The location of local roads and streets within the Hamlet will be established at the time of development. These roads shall meet the requirements of Section 10.0, Transportation, Utilities and Infrastructure.

b) Servicing

Municipal water services only are available within the Hamlet of Mansfield. This Secondary Plan provides that individual septic systems shall be employed to treat sewage wastes.

Significant further development within the Hamlet of Mansfield shall be guided by a master servicing plan, and should only be permitted where the following are provided to the satisfaction of the Township, the County of Dufferin Building Department and the Ministry of the Environment.

- a) A Hydrogeological Report indicating the availability of groundwater recharge and the potability of the ground water;

- b) A report on soil conditions and the suitability of disposal through the use of private sewage disposal facilities including the impact of sewage disposal on the groundwater supply;
- c) The off-site impacts of development including the direction of groundwater flow from the site and the resulting quality of groundwater;
- d) A detailed stormwater management plan ensuring that post-development run-off will be managed in accordance with this Plan, and;
- e) All utility services shall be placed underground.

c) Development Agreements

Prior to the approval of any development in the Hamlet of Mansfield, the Township may enter into the necessary development agreements to ensure that the costs of development are not borne by existing ratepayers in the Township. Such agreements may include requiring the developer to post a bond or irrevocable letter of credit to ensure that the construction of roads, services, buildings, structures and landscaping is completed to the satisfaction of the Township. In addition, the Township shall impose a Development Charge against new development to offset the capital costs that are likely to be incurred by the Township as the result of new development.

The Township will grant final approval to a development only when the development agreement or site plan control agreement for the development has been completed and registered on the title of the lands to which they apply. Such agreements shall be transferable to subsequent landowners.

d) Vegetation

All developments in the Hamlet shall require the replacement of topsoil and the planting of suitable vegetation cover in accordance with a landscaping plan submitted as a condition of subdivision or site plan approval. Such a plan shall include roadside tree planting details, areas where existing vegetation will be maintained and areas where buffer planting will be required.

e) Parkland Dedication

The dedication of parkland within the Hamlet shall be based on five percent of the lands under application for residential purposes, and two percent for other non-residential purposes required to provide parkland under the Planning Act. The Township may require developers to provide parkland over and above these normal requirements. In such cases, an amount equal to the value of the additional parkland provided, calculated in the same manner as the calculation of cash contributions in lieu of parkland under the Planning Act shall be reimbursed or credited to the landowner(s) providing the additional parkland. The cash-in-lieu contributions of other benefiting landowners who provide no parkland, or less than the above prescribed proportions of their land for parkland purposes, shall generally be used for this purpose, with the balance provided by or through the Township.

f) Development Phasing

It is the intent of this Plan to control development in the Hamlet of Mansfield to ensure that the growth of the community occurs in an orderly manner with limited adverse effects on existing residents.

Development shall occur in phases in accordance with conditions of Plan of Subdivision approval. The provision of parkland and other facilities and services, including school sites if necessary, shall be tied to development approvals to meet the needs of new and existing residents of the Hamlet.

7.1.B TERRA NOVA

The Township shall encourage the completion of a Secondary Plan study for that portion of Terra Nova lying to the north of River Road (20th Sideroad), in consultation with the community at large as well as those landowners who will pay for such a study (and could potentially benefit). Areas to the south of River Road have significant physical and environmental constraints and are either not suitable for hamlet development or suitable only for very limited development at a lower density, where conditions warrant.

Development in depth shall take place by plan of subdivision and where the lands are not already designated Residential on Schedule A3, by amendment to this Plan, in the form of a Secondary Plan. The degree to which such growth is directed to these areas, and the density of development, shall be determined following the completion of servicing options and servicing feasibility studies.

These studies will form the basis for the Secondary Plan identifying the amount of growth that can be accommodated in the Hamlet and the appropriate form of servicing, in accordance with Provincial policies and guidelines. The Secondary Plan shall also ensure that such communities are planned as complete communities, with adequate local service commercial sites, school sites (if needed), parks and open space, recreational facilities, etc. in the context of the Township as a whole and where applicable, the broader regional (County of Dufferin) area.

7.1.5 ZONING

Existing hamlet residential, commercial and institutional uses will be placed in separate zones in the implementing Zoning By-law. Other appropriate uses, as determined by the Secondary Plan, and uses established on new lots shall generally require an amendment to the Zoning By-law, as a condition of their creation.

The Zoning By-law shall establish minimum lot sizes based on the results of hydrogeological studies undertaken in support of development applications or Secondary Plan studies.

7.1.B.1 TERRA NOVA SECONDARY PLAN

(To be incorporated at a later date)

7.2 COMMUNITY

7.2.1 OBJECTIVE

- 1) To encourage infilling and intensification, including the re-development of existing sites, and the developing out of the existing communities;

7.2.2 CRITERIA FOR DESIGNATION

Communities are rural residential settlement areas where there is little or no potential to expand beyond their current boundaries. Honeywood, Rosemont and Violet Hill are the three settlements within the Township included in the Community designation, and are identified on Schedules A4, A5, and A6. Primrose is also within the Community designation, but is intended to be the focus of industrial and commercial development within the Township. Primrose is to be developed in accordance with the policies in Section 8.4.

7.2.3 PERMITTED USES

Land in the Community classification may be used for the following:

1. Uses permitted in all designations (Section 5.38)
2. Single-detached dwelling;
3. Home occupation or home industry;
4. Institutional uses such as a school, place of worship, cemetery, museum, community hall or municipal or other governmental office or facility;
5. Small-scale commercial retail and service establishment, professional or business office;
6. Arena, playing field, tennis court, or playground area;
7. Daycare center or day nursery, and;
8. Recreational Uses in accordance with Sections 7.0.4 and 5.39.
9. One additional single dwelling or one attached accessory dwelling unit.

7.2.4 ADDITIONAL POLICIES

Expansions to Communities are not permitted. Infilling and intensification, where opportunities exist, shall be encouraged. The squaring off of such communities along the

existing grid road system and within the boundaries established on Schedules A4 to A6 may be permitted, subject to other applicable policies of this plan.

The minimum lot size in a Community shall not be less than that required for the safe and efficient operation of private individual services for water and waste disposal on the site.

The creation of an accessory apartment unit in an existing dwelling may be permitted through re-zoning, provided that sewage disposal systems and water supplies are adequate to accommodate the additional demand, that the lot is large enough to provide on-site parking and other amenities, and that the use will not conflict with established uses on adjacent lots.

7.2.A HONEYWOOD

Due to the fact that it is surrounded by prime agricultural lands, the existing boundary of the built-up area shall generally form the end-state boundary of Honeywood. No further development, in depth, by plan of subdivision, or outward from the built-up area along existing roads, by consent, will be permitted except as provided below.

Development in the community of Honeywood shall therefore be restricted to infilling within the Community boundaries. Re-development of existing lots and the consolidation of undersized lots will be encouraged, provided that the required individual services for the proposed uses can be provided on-site.

Prior to any development occurring, the County of Dufferin Building Department and the Township shall be satisfied that there is a potable water supply and suitable area for private sewage disposal.

An area consisting of four existing, undersized lots of record, created by the registered plan for Honeywood many years ago and located on the north side of County Road 21, immediately west of the current built boundary of Honeywood shall be permitted to be developed as two parcels. An application for consolidation shall be completed to merge each pair of adjoining lots to create two larger parcels suitable for building purposes, prior to the issuance of a building permit.

7.2.B VIOLET HILL

Lands designated Estate Residential in Violet Hill, which are known as the Kingsland Estate subdivision, which were originally developed for estate residential purposes by plan of subdivision, shall be placed into an Estate Residential zone in the Zoning By-law. The standards and requirements for that area must reflect the original, intended estate residential purposes. Since Estate Residential development is no longer permitted under Provincial policy, no extension or further development outward from that area shall be permitted.

Further development opportunities in Violet Hill are very limited. The development of this Community is constrained by the prevalence of steep slopes, environmentally sensitive lands and entrance restrictions to/from Highway 89. Violet Hill is also split between two municipal jurisdictions, with some lands on the Mulmur side of Highway 89 being within the adjacent Town of Mono.

Re-development and infilling, and the consolidation of existing, undersized lots shall generally be encouraged, where opportunities exist.

7.2.C ROSEMONT

Further development in Rosemont is constrained by a general lack of sufficient groundwater for domestic water supplies. The orderly development of this Community is further constrained by the fact that the community is split among three municipal jurisdictions and by the entrance restrictions to/from Highway 89.

The creation of new lots by consent, with direct access to the Mulmur-Tosorontio Townline may be permitted, to square off the built boundaries within the area identified on Schedule A6, subject to confirmation that an adequate and potable supply of water exists, that interference with adjacent wells will not compromise other existing private or municipal water supplies in the area, and that the impacts on groundwater from individual septic systems are acceptable.

Lot sizes shall be sufficient to accommodate the required services. Provision shall be made for development in depth in the future, with access to the Mulmur-Tosorontio Townline, similar to that provided on the east side of the Townline.

Due to the high traffic volumes and public safety hazards associated with entrances onto Highway 89, further commercial development requiring direct access to the highway in Rosemont is not permitted.

7.2.5 ZONING

Existing community residential, commercial and institutional uses will be placed in separate zones in the implementing Zoning By-law. New uses and uses established on new lots shall conform to this Plan and shall require an amendment to the Zoning By-law.

Appropriate sizes for new lots shall be set out in the Zoning By-law amendment, based on the proposed use, the soil, drainage and slope conditions and the requirements of the County of Dufferin Building Department or the Ministry of the Environment, as applicable.

7.3 ESTATE RESIDENTIAL

7.3.1 OBJECTIVES

1. To recognize and provide appropriate policy direction for existing estate residential areas, where significant development already exists in approved plans of subdivisions;
2. To remove the Estate Residential designation from certain of the larger, undeveloped blocks previously designated Estate Residential, where the development potential has been realized;

3. To preserve the ability to develop certain of the larger, undeveloped blocks designated and zoned Estate Residential, for estate residential purposes;
4. Subject to the provisions of Section 7.3.1.3, to ensure that no additional areas are designated Estate Residential, on the basis that such development is no longer permitted under Provincial Policy;

7.3.2 CRITERIA FOR DESIGNATION

Lands designated Estate Residential shall include the following:

- 1) All lands that are substantially developed for estate residential purposes, primarily by plan of subdivision at Violet Hill and adjacent to the Mansfield Ski Club, including the Pine River Chalets, Hector's Hill, Big Tree Circle and Mountainview developments and the existing larger estate residential lots along Sideroads 15 and 17, in Concession 6 EHS.
- 2) All other lands that are designated Estate Residential in this Plan, and that are also currently zoned Estate Residential in the Zoning By-law.

7.3.3 PERMITTED USES

Uses permitted in the Estate Residential designation include:

- a) A parking lot in the West Half of Lot 17, Concession 6 EHS (Specific Policy Area 8)
- b) Uses permitted in all designations (Section 5.38);
- c) Single detached dwelling;
- d) one accessory apartment unit in an existing dwelling
- e) a home occupation;
- f) a bed and breakfast establishment;
- g) public parks and public utilities;
- h) small scale communal recreation facilities, and;
- i) recreational uses in accordance with Section 5.39.
- j) one additional single dwelling or one attached accessory dwelling unit.

7.3.4 ADDITIONAL POLICIES

On lands designated as Specific Policy Area 8 on Schedule A1, a parking lot accessory to, and operated solely by and for the purposes of the Mansfield Ski Club Inc., to accommodate vehicles on an overflow basis during special events and periods of heavy use only, is permitted as an additional use. The parking lot use shall cease and the

parking lot removed and rehabilitated before a building permit is issued for any dwelling unit on the lot.

There are some existing parcels within the already substantially developed areas designated Estate Residential in this Plan with sufficient lot frontage and lot area to be potentially further divided. Up to three new lots may be created by consent from existing parcels within these areas, on an infill basis, provided the requirements of this Plan and all other applicable policies and requirements can be satisfied.

Estate residential development on larger, undeveloped blocks designated and zoned for the purpose shall occur by plan of subdivision and be serviced by private individual water supplies and septic systems.

Except as otherwise provided herein, new Estate Residential development on lands not already designated and zoned for the purpose, whether by plan of subdivision or by consent, shall not be permitted.

The creation of one accessory apartment unit in an existing dwelling may be permitted by amendment to the Zoning By-law, provided that sewage disposal systems and water supplies are adequate to accommodate the additional demand, that the lot is large enough to provide on-site parking and other amenities, and that the use will not conflict with established uses on adjacent lots.

7.3.5 ZONING

The existing Estate Residential zone shall be maintained in the Zoning By-law to prescribe regulations and standards appropriate for both existing developments, and for infilling and the development of those larger blocks of lands that are to remain in the Estate Residential designation.

8.0 EMPLOYMENT LANDS, ECONOMIC DEVELOPMENT, TOURISM AND RECREATION

8.0.1 MISSION STATEMENT

The Township of Mulmur will strive to achieve balance between economic development and other interests, and encourage the development of a diversified and economically sustainable local economy.

8.0.2 OBJECTIVES

Subject to other policies of this Plan, the Niagara Escarpment Plan, the Provincial Policy Statement, and such other policies and plans as may be applicable to the specific matters outlined below, the following are the Township's objectives relating to employment lands, economic development and tourism:

- 1) To provide, as a minimum, sufficient lands at all times to satisfy the requirement for employment lands in the Township, and encourage the provision of a broader range of business and employment opportunities locally;
- 2) To encourage new industrial, commercial and institutional land uses to locate within settlement areas, but placing special emphasis on Primrose, in accordance with the Business Park policies in 8.4A;
- 3) To recognize, protect and encourage opportunities resulting from the unique rural economy of the Township that exists largely as a result of the procurement of locally sourced goods and services by part-time rural residents;
- 4) To protect agricultural operations and encourage the development of agriculture-related and secondary uses within agricultural areas;
- 5) To recognize the economic importance of, and the need to preserve the scenic qualities, natural features and rural character of the Township, and accommodate rural and resource-related developments and uses at locations where an appropriate balance can be achieved;
- 6) To recognize opportunities provided by the scenic and natural attractiveness of the Township for travel, recreation and tourism related developments and uses at appropriate locations throughout the Township and within the Mansfield North Recreation Area in particular;
- 7) To recognize and promote additional, appropriate recreational uses, particularly on public lands as well as the Bruce Trail;
- 8) To permit the establishment of small home based businesses and industries where appropriate;

- 9) To ensure that appropriate levels of servicing and servicing capacity is available, or can be provided for all such new development.

8.0.3 CRITERIA FOR DESIGNATION

Employment Lands are intended to include only those lands designated Industrial, Commercial, Institutional and Business Park, including lands designated for such similar purposes within an approved Secondary Plan for employment lands or settlement areas. Other designations, such as Recreation, are not intended to be included as employment lands, and lands within the Mansfield North Recreation Area or within any Recreation Area Master Plan Area are not intended to constitute employment lands within the context of the Provincial Policy Statement.

Lands shall generally only be added to the inventory of Employment Lands in the Township as a result of a municipal comprehensive review or by means of an approved Secondary Plan.

Other lands included within the Employment Lands, Economic Development, Tourism and Recreation category include lands designated as Recreation and Open Space. An area identified on Schedule A1 and referred to as the Mansfield North Recreation Area is also dealt with in this Section.

8.0.4 GENERAL POLICIES

Only those industrial, commercial and institutional uses, and related developments and uses existing within the Niagara Escarpment Plan Area, and only those new, small-scale uses permitted by the Niagara Escarpment Plan, and for which a development permit has been issued, shall be permitted within the Niagara Escarpment Plan Area.

Employment Land developments should be designed in keeping with the surrounding development and the rural nature of the Township. Adequate buffering between Employment Land uses and adjacent uses and in particular, residential and sensitive institutional uses such as schools, and significant natural features and areas, shall be provided.

All lands within land use categories included as Employment Lands in this Plan shall be subject to site plan control, unless a specific exemption has been provided in the Township's Site Plan Control By-law (eg. certain public institutional uses).

Private, individual water supply and sewage treatment systems servicing the development shall be the preferred means of providing such services, in accordance with the policies of this Plan and the requirements of the County of Dufferin or Ministry of the Environment (MOE), as applicable.

Notwithstanding the preceding paragraph, within the Primrose Business Park, private communal or municipal services may be permitted, subject to meeting the requirements of the Ministry of the Environment and this Plan, without an amendment to this Plan.

In accordance with the Ministry of the Environment Reasonable Use policy, the amount of sewage waste to be treated and disposed of on any lot shall not result in the assimilative capacity of the lot, or in the case of a plan of subdivision, the assimilative

capacity of the entire subdivision being exceeded. Advanced forms of treatment that promote water conservation, recovery and re-use, and/or reduce Nitrates and other nutrient loading and contamination shall be encouraged.

New uses on all other individual lots shall be small scale and dry uses, and the sewage disposal systems on all such lots shall be sized, designed and installed in accordance with the requirements of the Ontario Building Code (OBC). In all cases, lot sizes shall be adequate for the proposed use, including the provision of sufficient area for the required septic system, and sufficient spacing between the septic system and any wells on the lot and adjacent lots.

Sewage treatment and disposal systems for all existing uses shall be in accordance with the applicable MOE and/or OBC requirements.

Detailed hydrogeological evaluations based on information obtained from existing wells and, where necessary, test wells installed at appropriate locations shall be carried out where necessary prior to the approval of new developments to ensure that impacts on groundwater quality and quantity are minimized and acceptable.

Stormwater management and drainage shall be provided in accordance with the requirements of Section 5.31 of this Plan. Water quantity and quality controls shall be provided.

Any use that has the potential to generate emissions, including noise, vibration, dust, odour, particulates, smoke, etc., shall be subject to the policies of this Plan and the requirements of the Ministry of the Environment.

Uses which are considered offensive, noxious or which have significant potential to create significant nuisance impacts on existing, as well as potential as-of-right uses on adjacent lands, shall be identified in the Zoning By-law, and shall not be permitted unless it can be clearly demonstrated that the impacts can and will be adequately and appropriately mitigated.

Any use involving the storage of products, equipment, machinery, supplies, scrap, recyclables or any other similar materials or goods in the outdoors shall be subject to the policies of Section 5.43 of this Plan and the requirements of the Zoning By-law. Outdoor storage shall generally only be permitted where the visual and other impacts are minimal or can be adequately mitigated.

Parking and loading facilities, access points to the parking facilities, limited in number and designed in a manner that will minimize the danger to vehicular traffic, and internal aisles, including internal connections between adjacent employment land uses, shall be provided in accordance with the requirements of the Zoning By-law, and shall generally be required to be hard surfaced.

Uses which generate large volumes of traffic shall be subject to the policies of Section 10.1. Where up-grades to adjacent roads, bridges, intersections or other infrastructure are required to accommodate the proposed use, they shall generally be required to be carried out by and at the expense of the proponent, as a condition of development approval.

Uses which generate large volumes of solid waste shall be subject to the policies of Section 10.2.

On-site water supplies to provide adequate fire suppression capabilities for the proposed use, and fire and emergency accesses and routes shall be provided where necessary.

Accessory residential uses to employment land uses shall generally be discouraged. Where permitted, accessory residential uses shall be designed and located within the principal building on the lot in such a way as to minimize the potential for conflict with other existing or as-of-right purposes. Accessory residential uses shall not be permitted where a significant health and safety hazard exists on the lot, or on adjacent lands.

Additional and more detailed design guidelines may be established for employment land developments.

Lands designated Recreation and lands designated for recreational, recreation-related and multiple residential use in an approved Recreation Area Master Plan, shall be subject to site plan control.

Appropriate standards and requirements for all such uses shall be incorporated into the Zoning By-law.

8.0.5 NEW LOTS

Lots may be created by consent or by plan of subdivision, as appropriate, on lands designated for employment lands, recreational or recreation-related purposes, subject to the applicable general policies and the requirements of the applicable designation in this Plan, and the Zoning By-law. A report shall be required to demonstrate that proposed lot creation is consistent with Provincial policies and conforms to the Growth Plan for the Greater Golden Horseshoe.

Part lot control may be applied to accommodate permitted employment land uses on lands designated for such purposes with a plan of subdivision.

Lot sizes and design shall be appropriate to the overall concept plan for the development (if applicable) and for the proposed use, and shall conform with the requirements of all approving authorities and the standards of the Township's Zoning By-law.

8.1 COMMERCIAL

8.1.1 OBJECTIVES

- 1) To recognize existing commercial developments and uses and provide an appropriate policy framework for their continued existence, and for their expansion and change of use where appropriate;
- 2) To permit new local service commercial uses in existing communities where existing opportunities exist and/or new opportunities will be realized as a result of growth, in accordance with an approved Secondary Plan;

- 3) To preserve the long-standing opportunities for commercial developments and uses in the Primrose area, and generally direct commercial uses serving a broader regional market, to the Primrose Business Park;
- 4) To provide for the appropriate development or re-development of existing commercially designated sites along arterial roads and for their expansion and change of use to other employment land uses, where appropriate;
- 5) To provide for limited commercial uses related to agricultural, rural and resource uses in agricultural and rural areas, and within the Niagara Escarpment Plan Area in accordance with the Niagara Escarpment Plan, where it can be demonstrated that the nature, location, and scale of the proposed use is appropriate to serve the local need;
- 6) To provide a policy framework to ensure that only those new commercial uses that are appropriate for the site and area, and compatible with adjacent uses, are established;

8.1.2 CRITERIA FOR DESIGNATION

Lands designated Commercial shall include the following:

- 1) Lands occupied by existing commercial developments and uses;
- 2) Lands designated for commercial uses within a defined Community, in accordance with an approved Secondary Plan;
- 3) Lands already designated, but not yet developed or used for highway related commercial uses, generally along arterial roads, where access already exists or can be obtained, and;
- 4) Lands re-designated for commercial purposes by site-specific amendment to this Plan.

8.1.3 PERMITTED USES

Uses permitted in the Commercial designation include:

- a. An existing private hockey school and related residential accommodation only, in the East Half of Lot 1, Concession 2 EHS (Specific Policy Area 2);
- b. Uses permitted in all designations (Section 5.38)
- c. Retail and wholesale commercial establishments;
- d. Automotive and related uses;
- e. Business and personal services shops;
- f. Food services establishments;

- g. Accommodation and entertainment establishments other than an adult entertainment parlour;
- h. Business or professional offices;
- i. One accessory residential dwelling unit in a portion of a commercial building on the lot, and;
- j. Recreational uses in accordance with Section 5.39.

8.1.4 ADDITIONAL POLICIES

Commercial uses shall generally be directed to the Hamlets and Communities of the Township, including the Primrose Business Park.

The establishment of new commercial uses in the rural area shall generally be discouraged, but may be permitted in accordance with the policies of this Plan.

Notwithstanding any other provision of this Plan to the contrary, permitted use 8.1.3 a) above, identified as Specific Policy Area 2 on Schedule A1 shall not expand in scale, nor in area, nor be permitted to add to or change the nature of their operation in any substantive way until such time as a site plan has been submitted to and approved by the Township, and a site plan agreement has been executed and registered on title.

The Zoning By-law shall restrict the commercial use to that which presently exists on the lot. Any change in use shall require an amendment to the Zoning By-law and, if the new uses are not clearly agriculture, rural, recreation or resource related, an amendment to this Plan shall also be required.

8.1.5 ZONING

The Zoning By-law shall distinguish general commercial from highway commercial uses, and establish permitted uses and set regulations and standards for each.

8.2 INDUSTRIAL

8.2.1 OBJECTIVES

- 1) To recognize existing industrial developments and uses and provide an appropriate policy framework for their continued existence, and for their expansion and change of use where appropriate;
- 2) To preserve the long-standing opportunities for industrial developments and uses in the Primrose area;
- 3) To generally direct industrial uses serving the local area and a broader regional market, as well as most agricultural, rural and resource-related industrial uses to the appropriate location in the Township in accordance with the policies of this Plan;

- 4) To permit limited, small-scale, low impact industrial uses serving local needs in other communities where existing opportunities exist or where new opportunities may be realized as a result of growth, in accordance with approved secondary plans;
- 5) To provide a policy framework to ensure that only those new industrial uses that are appropriate for the site and area, and compatible with adjacent uses, are established;
- 6) To set out policies which will encourage and facilitate the bringing of existing industrial uses which are not in conformity with the requirements of this Plan and/or the Zoning By-law into conformity.

8.2.2 CRITERIA FOR DESIGNATION

- 1) Lands occupied by existing industrial developments and uses;
- 2) Lands designated for industrial uses within a defined Community, in accordance with an approved Secondary Plan;
- 3) Lands re-designated for industrial purposes by site-specific amendment to this Plan.

8.2.3 PERMITTED USES

Permitted uses in the Industrial areas include:

- a) Uses permitted in all designations (Section 5.38)
- b) Building supply center, building service contractors' shop;
- c) Bulk fuel storage and distribution facility;
- d) Recycling or municipal waste transfer facilities;
- e) Transport terminal,
- f) Manufacturing, assembly, processing or fabrication plants;
- g) Warehousing, storage, including outdoor storage where permitted as an accessory use in the Zoning By-law;
- h) Retail commercial outlets in association and incidental to permitted industrial uses;
- i) One accessory residential unit on the same site as a permitted use, provided the industrial uses on the lot or on any adjacent lot do not pose a significant health and safety hazard.

8.2.4 ADDITIONAL POLICIES

Industrial uses shall generally be directed to the Primrose Business Park.

The establishment of new industrial uses in the rural area shall generally be discouraged, but may be permitted in accordance with the policies of this Plan.

Any such use, other than an agriculture-related use, proposed within a prime agricultural area, that has the potential to significantly reduce the productive capacity of a prime agricultural area, or to remove prime agricultural land from production shall be discouraged and an application for any such use shall only be considered if it can be demonstrated that the applicable provisions of Section 5.9 respecting the removal of lands from a prime agricultural area can be addressed to the satisfaction of the Township.

Permanent and portable asphalt plants and concrete batching plants which are not accessory to a principal aggregate extraction use on the same property, and which are not plants established and used by a public road authority or their agent, shall only be permitted at appropriate locations by amendment to this Plan as industrial uses and, in addition to the requirements of this section, they shall also be subject to the policies of Section 9.1.2.1.7.

Notwithstanding the above, permanent and portable asphalt plants are prohibited in the Niagara Escarpment Plan Area, including plants established and used by a public road authority or their agent.

8.3 INSTITUTIONAL

8.3.1 OBJECTIVES

- 1) To recognize existing institutional developments and uses and provide an appropriate policy framework for their continued existence, and for their expansion and change of use where appropriate, and;
- 2) To permit institutional uses serving local needs in settlement areas where existing opportunities exist, or where new opportunities may be realized as a result of growth, in accordance with approved secondary plans;
- 3) To generally direct other institutional uses serving the local area and a broader regional market, to the Primrose Business Park;
- 4) To provide a policy framework to ensure that only those new institutional uses that are appropriate for the site and area, and compatible with adjacent uses, are established;
- 5) To set out policies which will encourage and facilitate the bringing of existing institutional uses which are not in conformity with the requirements of this Plan and/or the Zoning By-law into conformity.

8.3.2 CRITERIA FOR DESIGNATION

- 1) Lands occupied by existing institutional developments and uses;

- 2) Lands designated for institutional purposes within a Settlement Area or Business Park, in accordance with an approved Secondary Plan;
- 3) Lands already designated, but not yet developed or used for institutional uses, and;
- 4) Lands re-designated for institutional purposes by site-specific amendment to this Plan.

8.3.3 PERMITTED USES

Permitted uses in the Institutional areas include:

- a. an existing Salvation Army Adult Rehabilitation Centre and related residential accommodation only, in the East Half of Lot 31, Concession 8 EHS (Specific Policy Area 4);
- b. uses permitted in all designations (Section 5.38)
- c. schools, places of worship, cemeteries, commercial scale day nurseries or day-care centers;
- d. public or private community, religious, cultural or educational establishment;
- e. government and municipal buildings, facilities and uses, and public uses, with the exception of any other such public use specifically permitted in another designation in this Plan, and;
- f. recreational uses in accordance with Section 5.39.

8.3.4 ADDITIONAL POLICIES

Notwithstanding any other provision of this Plan to the contrary, permitted use a) above, identified as Specific Policy Area 4 on Schedule A1 shall not expand in scale, nor in area, nor be permitted to add to or change the nature of their operation in any substantive way until such time as a site plan has been submitted to and approved by Council, and a site plan agreement has been executed and registered on title.

The Zoning By-law shall restrict the institutional use to that which presently exists on the lot. Any change in use to another type of institutional use shall require an amendment to this Plan and the Zoning By-law.

The Site Plan Control By-law may exempt specified public institutional uses from the requirements of site plan control.

8.3.5 ZONING

The Zoning By-law shall distinguish public institutional from private institutional uses, and establish permitted uses and set regulations and standards for each.

8.4 BUSINESS PARK

Lands designated Business Park are shown on Schedule A7.

8.4.A PRIMROSE

8.4.A.1 OBJECTIVES

- 1) To encourage appropriate industrial, commercial and institutional land uses to locate in Primrose by facilitating the creation of a properly planned and functional business park;
- 2) To provide a policy framework, to guide development and land use, and as the foundation for a zoning by-law amendment which will establish permitted uses and appropriate regulations and standards;
- 3) To ensure that generally only small-scale, clean and relatively low impact uses appropriate for the site and area and, in particular, that only those uses that are compatible with adjacent residential uses and the Primrose Elementary School are permitted;
- 4) To identify opportunities and constraints in the area and establish an overall development concept and a framework for the resolution of servicing, access, environmental, traffic, hydrogeology, stormwater management, drainage, cultural and land use compatibility issues;
- 5) To identify and protect those lands in the area with natural features and/or physical constraints by re-designating such areas previously designated for commercial and rural purposes, as Natural Areas;
- 6) To ensure that appropriate types and levels of services are provided to accommodate proposed uses without impacting on the quality or quantity of groundwater, and;
- 7) To set out a policy framework for the establishment of design guidelines to ensure that both new and existing developments are designed and constructed to enhance the attractiveness of the business park.

8.4.A.2 CRITERIA FOR DESIGNATION

- 1) Lands within the Community designation and some of the lands within the Commercial designation in the previously approved Official Plan in the vicinity of Primrose are included;

Expansions to , or removal of lands from the Business Park designation, changes to its boundaries and the re-designation of any other land in the Township to Business Park shall only be done at the time of a municipal comprehensive review and only if the need has been justified in the context of a County-wide growth and employment land needs assessment.

8.4.A.3 CONCEPT

These policies are intended to enhance the existing policies in other areas of the Official Plan.

The Primrose area is a predominantly non-residential area that has long been identified as a settlement area, but intended as the primary location within the Township for industrial and commercial uses. This is primarily as a result of the fact that it is ideally situated at a very busy intersection of Highways 10 and 89, an important crossroad within the surrounding region.

A number of commercial uses already exist within the designated Community and Commercial areas at Primrose. Considerable interest has recently been expressed, both by landowners and by prospective investors, developers and end-users, to establish new businesses and industries in the area.

The policies in the Business Park designation are based on the expectation that, because of its prime location at an important crossroads within the surrounding region, Primrose will be the focus for business development, employment growth and economic activity in the Township.

The Business Park designation essentially re-configures areas previously designated as Community and Commercial in the Official Plan.

Areas with physical constraints and environmental features, and lands which are not otherwise appropriate for business park development shall be re-designated and preserved in their existing rural or natural state.

The intent is to have a well planned and properly functioning “business park”, within which will be located a mix of clean, dry, commercial, light industrial, institutional and public uses appropriate for, and serving the local and regional area.

Lands that are not currently developed will be placed into a Holding Zone, until specific end-uses have been identified and a number of conditions have been met.

8.4.A.4 AVAILABLE BACKGROUND STUDIES

The Township of Mulmur has commissioned various background studies and reports to evaluate the appropriateness of the establishment of a business park in the Primrose area. Reports are available on servicing, hydrogeology, environmental impacts, stormwater management / drainage, and access/traffic.

Although the various studies are preliminary in nature, and based on a raw land state with no known specific development proposal or end-use, they are intended to be used as a yardstick against which specific development proposals may be evaluated.

It is intended that further work to evaluate the impacts of individual proposals will only be undertaken if the impacts are not addressed to the satisfaction of the approval authorities and the Township in these preliminary studies.

The Township may consult with the authors of these various studies and the appropriate review agencies to determine if additional studies are required for specific developments, and to scope the requirements.

8.4.A.5 DEVELOPMENT CHARGES AND RECOVERY OF COSTS

The costs incurred in carrying out these background technical studies and in preparing the Primrose Secondary Plan have been deemed to be costs recoverable through Development Charges applicable to new developments within the Business Park designation, and are now included in the Township's non-residential Development Charge.

The costs of any additional advice required to be obtained from the Township's consultants to determine the need for further development-specific studies, and/or to peer review information provided in support of any application, to determine its completeness, accuracy and acceptability, shall be recovered from the proponent in accordance with provisions outlined in the Township's Tariff of Fees By-law.

8.4.A.6 GRADATION OF USES

There are several, existing residential uses in this area, as well as an elementary school, which are sensitive to the impacts of potential adjacent non-residential uses.

Developments and uses within the business park must be compatible with these existing uses. Lands to the north are also generally more environmentally significant and sensitive, with much of the area being part of the Boyne Valley Provincial Park. To the north-east, the lands are under the control of the Niagara Escarpment Commission and are part of a World Biosphere Reserve.

For these reasons, this Plan identifies specific permitted uses and sets out detailed policies and requirements to ensure that the potential for impacts on these adjacent uses and features are clearly identified and understood and to ensure that measures are taken to mitigate and minimize impacts wherever possible.

New residential uses which are not related to a permitted industrial, commercial or institutional use within the business park are not permitted. Business related residential uses, such as an accessory dwelling for a security guard or caretaker, may be permitted by amendment to the Zoning By-law where adequate justification is provided and in accordance with the applicable policies of this Plan.

Many highway-related commercial uses are highly dependent on exposure to and/or easy access from the adjacent grid roads. Areas specifically intended for such uses have therefore also been identified to take full advantage of the accessibility and exposure this area enjoys.

The remaining areas, in the central portion of the business park, are candidate locations for uses that do not require direct highway exposure, but which should be separated from adjacent sensitive uses.

Consequently, three separate and distinct districts have been identified within the business park, to reflect the need to segregate uses according to the attributes and

constraints of the area. The precise boundaries of these districts shall be established in the Zoning By-law and shall be determined based on the potential impacts and the specific needs of individual end-uses. Such changes to the boundaries between the zones reflecting these districts will not require an amendment to this Plan.

8.4.A.7 GATEWAY TO THE TOWNSHIP – DEVELOPMENT STANDARDS

The Primrose Business Park is situated at a prominent location at a primary entry point into the Township. Consequently, it is important to the Township that the business park be carefully laid out and developed with sensitivity to its function as a gateway to the community.

Development standards and design guidelines shall therefore be developed by the Township, to clearly identify both site plan and building design standards to ensure that a consistent, attractive and high quality business environment is created.

8.4.A.8 ADDITIONAL DEVELOPMENT AND SERVICING POLICIES

a) Environmental Protection

An Existing Conditions and Environmental Constraints Report has been prepared for the Township by Azimuth Environmental Consultants Inc. This report shall be used as a yardstick for determining if there is a need for any further environmental studies to, for example, evaluate the impacts of a site-specific proposals within the business park, or to reduce development set-backs adjacent to Natural Areas.

All lands which are not suitable for development within Primrose , due to the presence of physical constraints and/or natural features, have been identified in the report and all such areas and associated buffer areas as set out below, have been staked out on site and have been designated Natural Area in this Plan. These lands, and a 30 metre buffer area adjacent to the streams and wetlands identified in the Existing Conditions and Environmental Constraints Report, shall be re-zoned to Environmental Protection in the Zoning By-law.

A 6.0 m. buffer has been added adjacent to all natural hazard areas having physical constraints to development and to all natural features identified in the Existing Conditions and Environmental Constraints Report. No new lots shall extend into this buffer area. In addition, the Zoning By-law shall establish yard set-backs which are the greater of 9.0 m. adjacent to the Environmental Protection zone (to provide a minimum 15 m. combined buffer between the feature or hazard and the development on the lot), or 30 m. from streams and wetlands, unless the results of a further, scoped Environmental Impact Study, prepared once the specific end-use has been identified and the details of the proposed development are known, prescribes a set-back which is less than 30 m. and is acceptable to the Township and the Nottawasaga Valley Conservation Authority.

b) Zoning

Lands suitable for development within Primrose have been designated Business Park and shall be re-zoned to an appropriate Business Park Gateway, Core or Transition

zone containing specific permitted uses, regulations and standards for development and use in accordance with the specific provisions of this Plan.

Natural hazard areas and natural features, including associated buffers, and stormwater management facilities identified through detailed studies are to be re-zoned to Environmental Protection in the Zoning By-law.

A Holding symbol shall be affixed to all lands which are vacant, and the Holding symbol shall be removed, on a site-by-site basis, only when the Township is satisfied that the end-use has been identified and is appropriate for the site, the required services have been or can be provided, a site plan acceptable to the Township has been submitted, the requirements of this Plan, the Zoning By-law and all other applicable requirements of the Province and review agencies having jurisdiction (MTO, NVCA, MOE, etc.) have been, or can and will be satisfied and any required agreement between the owner and the Township has been executed and registered.

c) Emissions and Hazardous Substances

Uses which have the potential to generate low levels of emissions such as smoke, dust, noxious odours, noise or vibration, etc. may be permitted within the core areas of the Business Park only, where it can be clearly demonstrated that such emissions will, at all times, be within Provincial requirements and where such uses will have a minimal and acceptable impact on adjacent, established or planned uses.

Uses that involve the production, handling, storage, transfer or disposal of any dangerous goods or hazardous, contaminated, caustic, toxic or pathologic substance or waste, including uses involving the storage or handling of bulk fuels, shall not be permitted.

d) Hydrogeology and Servicing

A Preliminary Hydrogeology and Servicing Concepts Study has been prepared, for the Township, by Azimuth Environmental Consultants Inc. This report shall be used as a yardstick for determining if there is a need for any further hydrogeological or servicing feasibility studies for site-specific proposals within the business park.

Developments and uses that can be sustained by rural service levels (individual private on-site wells and septic systems) are preferred. Where the use does not consume more than 10,000 l/day of water and/or generate similar volumes of sewage waste or other waste water, and is to be accommodated on private services, it must be demonstrated that applicable Ontario Building Code requirements can be met, to the satisfaction of the Dufferin County Building Department.

It is intended that most, if not all of the individual developments/uses within the Business Park will use less than 10,000 l/day of water.

Uses that consume larger quantities of water and/or generate larger volumes of sewage waste or waste water (more than 10,000 l/day) may also be considered. A sewage system for any such use is, by definition, a large sewage works and is subject to the requirements of the Ontario Water Resources Act, which is administered by the Ministry of the Environment. In general, large septic systems must address several additional

design considerations not typically considered for individual septic systems under the Ontario Building Code. Among the additional requirements would be the application of the "Reasonable Use" policy for in-ground based disposal systems, assimilative impact studies for any surface water discharge and pre and post monitoring requirements following system start-up. The requirements of Section 5.19.1 of this Plan shall also apply to water taking.

A further hydrogeological report shall be required to demonstrate that the assimilative capacity of the site is not exceeded, to confirm the availability of an adequate and potable water supply and to demonstrate that the impacts on groundwater generally, and on adjacent wells and water supplies are minimal and acceptable.

Notwithstanding any policy of this Plan to the contrary, such uses, including, for example, appropriate public and private institutional uses serving the community, may be developed on private, communal or municipal services, as appropriate, without an amendment to this Plan.

Where water use is minimal, and the approval authorities for the sewage works do not require a hydrogeological study, the requirement for a further study may be waived by the Township if it is satisfied that the cumulative impacts have been considered and adequately addressed, and that the groundwater reserves will not be unduly depleted or put at risk of contamination.

e) Stormwater Management

A Preliminary Stormwater Management Study has been prepared, for the Township, by C. C. Tatham and Associates Ltd. Detailed designs for stormwater management facility for both quality and quantity control shall be provided at the plan of subdivision approval stage and on an integrated basis, based on the overall concept and the recommendations contained within the Tatham study, and in accordance with the requirements of this Plan.

The overall goal shall be to protect the surface and groundwater resources and the natural features and functions of the Secondary Plan area and the adjacent Boyne River and valley system.

Natural hazards and their limits within Primrose have generally been defined in the Tatham study. More detailed studies to refine slope, erosion and/or flood hazard boundaries may need to be undertaken for subsequent development proposals adjacent to identified natural hazard areas.

Peak flow attenuation is required for all development areas to control post-development flows to pre-development levels. The potential for cumulative downstream impacts should also be considered and addressed.

Level 1 (enhanced) water quality criteria in accordance with the 2003 MOE Stormwater Management Planning Practices and Design Manual, shall be met. This is to be achieved through the implementation of Best Management Practices (BMPs) including an appropriate combination of at-source and conveyance techniques and by providing the required pool and extended detention volumes in end-of-pipe stormwater management facilities.

To provide downstream erosion control and protect stream morphology, a minimum standard of 24 hour extended detention release of the run-off volume captured in a 25 mm. storm event shall be used.

Generally, developments on all sites should, where practical, employ infiltration measures to maintain recharge and water balance conditions wherever possible and practical.

f) Traffic and Related Requirements

A preliminary Traffic Impact Assessment report has been prepared for the Township by C. C. Tatham and Associates Ltd. It shall be used as a yardstick for determining the need for further traffic studies and the Township may, at its discretion, have its consultants advise of the need for further such work, in consultation with the appropriate road authority.

Generally, uses which generate traffic volumes and/or characteristics that vary significantly from the type of traffic or exceed the average level, duration and/or timing of the traffic which has been predicted for the business park, will require further analysis to ensure that traffic concerns and public safety issues have been identified and addressed.

Planned improvements to the Highway 10/89 intersection with County Road 19, are expected to accommodate business park traffic. Approval of any development resulting in turning movements at this intersection which is required in advance of the completion of these improvements must be obtained from the Ministry of Transportation (MTO), prior to the removal of the Holding symbol from the zoning of the lands. Any development that occurs after the design traffic volumes at the intersection have been met or exceeded may be subject to conditions requiring further improvements to the intersection to accommodate the traffic generated by the development.

A northbound left turn storage lane shall be required on County Road 19 at the entrance to the Business Park, in accordance with the findings of the Tatham Study or a subsequent, more detailed study of traffic based on actual end-uses of the site, and the requirements of the County of Dufferin.

Permits shall be obtained from the Ministry of Transportation for all new commercial or industrial development within 800 m. of existing highway property lines. Permits for all other developments within 45 m. of the existing highway property lines and within 395 m. of the centerline of the intersection of Highway 10/89 and County Road No. 19 shall also be obtained.

The Ministry, as part of its future land use planning circulation/approval processes will advise of additional requirements for its review and approval, including, but not limited to the submission of site plans and site servicing plans, the submission of individual stormwater management reports/plans, the dedication of 0.3 m. reserves extending across the entire frontage of all lots fronting on Highway 10/89; setback requirements for buildings, signs, and other structures such as stormwater management facilities, etc.

g) Access and Development Design

All new lots shall front on and be accessed from a new internal municipal road which shall be required to have a 26 m. right-of-way width, with an entrance located on County Road 19 a minimum distance of 300 m. north of the Highway 10/89 intersection or as close to the intersection as is permissible given the traffic volumes and the need for storage lanes to accommodate turning movements at the intersection.

One additional entrance from County Road 19 and north of the main business park entrance, to be used as an emergency second entrance to the business park, shall also be provided. It may also serve as a new or an alternative entrance for the Primrose Elementary School, or as an entrance to a single, private use provided provision is made for an internal connection of that entrance to the road within the business park, as a condition of site plan approval. It may be required to be gated or otherwise controlled at the business park to permit emergency access only.

h) Pedestrian Safety

Measures to ensure that sufficient and safe pedestrian access is provided within and adjacent to the business park shall be provided, as a condition of plan of subdivision approval and/or at the site plan approval stage.

i) Fire Protection

Uses which require extraordinary fire fighting capabilities may not be permitted, unless the capacity exists to effectively deal with fire emergencies. Alternatively, the Township may require the installation, by the developer, of an on-site water storage facility of sufficient capacity to provide adequate fire fighting capability for the development, and/or other enhanced on-site fire fighting capacity, as conditions of approval of any site plan.

j) Parkland

A cash-in-lieu contribution to parkland in accordance with the requirements of the Planning Act shall be made, and it shall be calculated in advance for any plan of subdivision and/or for each site and included in the schedules to the subdivision agreement or site plan agreement, as appropriate. The parkland contribution shall, in all instances, be paid prior to the issuance of a building permit for each development, as specifically provided for in each site plan agreement.

k) Phasing

The Township may require that the development of the business park be carried out in phases, to be shown on the plan of subdivision and/or as provided in the subdivision agreement.

8.4.A.9 BUSINESS PARK DISTRICTS

Because of the need to segregate uses, and to ensure that uses along adjacent arterial roads and next to sensitive land uses are appropriate, three distinct districts within the business park have been identified, and shown on Schedule A7, and policies and requirements specific to those areas have been developed.

Minor adjustments to the boundaries of the Gateway, Core and Transition Districts may be made to accommodate the siting requirements of specific end-uses appropriate for the designation without an amendment to this Plan, provided adjacent existing land uses are not adversely affected and/or the overall design and functionality of the business park are not compromised. Minor adjustments will require an amendment to the Zoning By-law.

The Zoning By-law shall contain specific permitted uses, regulations and standards to implement the provisions of this Plan.

a) GATEWAY DISTRICT

i) Permitted Uses

Within the Gateway District, uses shall generally be limited to light, dry commercial uses that rely on and/or would benefit most from the exposure to and visibility from the adjacent highway and County Road system. The high degree of visibility directly from these major roads make the lands immediately adjacent to them particularly desirable for highway-related and exposure-dependant commercial purposes.

All existing commercial uses, vacant parcels and small, residential lots along Highway 89 are included in this District. New uses on lots which front on internal municipal roads established after the approval of this Secondary Plan and abut either County Road 19 or Highway 10/89, are also included in this District.

Examples include a hotel/motel, a fast food outlet and a gas station – uses that already exist in this area for these very reasons. Retail and personal service uses, as well as travel and tourism related uses would also be appropriate in this designation.

ii) Additional Development Policies

Developments shall be designed so that the front of the building faces the road or street from which access is provided. The side or sides of any building also facing a other road or street, such as those situated on lots which would back onto Highway 89 or County Road 19, and any side facing an exterior side yard, shall be of the same or similar design, and constructed of the same or similar materials as those used on the front façade.

Landscaping amenities in the area between the building(s) on the lot and all the adjacent roads or streets shall be required to enhance the appearance of the development from the arterial road and internal street. Parking areas shall generally be located in an interior side yard or the yard next to the internal street. Outdoor storage is not permitted in any yard between a building on the lot and any adjacent road or street.

b) CORE DISTRICT

i) Permitted Uses

Lands within the Core District are generally intended to be used for light, dry industrial, space extensive commercial uses and for uses where outdoor storage is required.

Light industrial uses appropriate to the level of servicing, and within enclosed building involving manufacturing, processing, fabricating and assembly of materials, warehousing, servicing, repair, storage and distribution are permitted. Related office uses and on-site ancillary retail uses are permitted.

Uses requiring limited outdoor storage, small works yards, small commercial vehicle storage areas, etc. may be permitted in this District, provided the impacts of such uses can be adequately mitigated through screening and buffering. Outdoor activities relating to the outdoor storage uses must not cause disturbances or result in impacts on adjacent uses, whether within or beyond the business park.

Heavy industrial uses, salvage or wrecking yards, slaughter houses and meat packing plants, and industrial uses which generate extensive heavy truck traffic or require extensive outdoor storage areas are not permitted.

ii) Additional Development Policies

Outdoor storage areas which are fully enclosed and gated, and which are located in a rear yard behind an existing, principal structure on a lot, for the storage of equipment, supplies and materials related to the principal permitted use on the lot may be permitted. Enclosures shall generally be designed to be of a sufficient height and construction so as to screen the contents of the enclosure from view from sensitive uses on adjacent properties and from roads. Where necessary, enclosures shall be also be designed to attenuate noise.

Due to the potential for conflict between school buses and heavy truck traffic generated by uses within this District, and because of the potential for other impacts, such as noise and pollution, uses which generate large volumes of truck traffic, as defined in the implementing Zoning By-law amendment, such as a truck or transportation terminal, are not permitted.

c) TRANSITION DISTRICT

i) Permitted Uses

Uses may include day care facilities, park and open space uses, storm water facilities, public uses, places of worship, cemeteries, schools, retail stores, personal service shops, professional offices, business offices, recreational facilities, community centres, fire halls, ambulance stations and other institutional, community service and public uses.

A school bus marshalling yard and student transfer facility may be permitted on lands immediately adjacent to the existing Primrose Elementary School. Adequate screening shall be provided, to buffer the adjacent residential use from the impacts of such development, as a condition of site plan approval.

All permitted uses in the Transition District shall comply with the Provincial Land Use Compatibility Guidelines.

ii) Additional Development Policies

A continuous, bermed and landscaped buffer shall be required, as a condition of draft plan, consent or site plan approval, along the west side of the residential lot to the immediate south of the Primrose Elementary School, and along the south side of the existing school property, or the enlarged yard associated with the school to accommodate an alternative or new entrance, parking and/or school bus marshalling yard/student transfer facility as permitted above.

The berming and landscaping shall be carried out in accordance with the development standards and design guidelines for the business park, and shall be refined in relation to the actual development and use proposed for each immediately adjacent parcel, at the approval stage, in consultation with the Upper Grand District School Board or adjacent residential landowner, as applicable. The approved landscaping measures shall be installed prior to the construction of any development on the immediately adjacent parcels within the business park.

Uses adjacent to and in close proximity to the Primrose Elementary School shall not have the potential to generate harmful emissions or cause significant disturbance or other impacts which could detrimentally affect the adjacent educational and residential uses.

8.5 MANSFIELD NORTH RECREATION AREA

Lands included within the Mansfield North Recreation Area are defined on Schedule A1.

8.5.1 OBJECTIVES

- 1) To generally encourage new recreation and recreation-related developments and uses, particularly large-scale and active uses and activities, to locate within this area;
- 2) To provide for the continuation, and expansion where appropriate, of existing uses and for new recreation-related developments and uses;
- 3) To provide a policy framework for the preparation of a Recreation Area Master Plan for the area, including a master servicing strategy, to guide and direct recreation and related developments and uses in the area;
- 4) To protect the significant natural resources and features of the area and, where practical, minimize and mitigate impacts on the scenic qualities and the rural character of the area.

8.5.2 CRITERIA FOR DESIGNATION

- 1) The primary focus of this area is the Mansfield Ski Club, a downhill ski resort, with a number of other recreation lands with facilities and attractions in close proximity, including the 120 ha. Mansfield Outdoor Centre, a 600 +/- ha. tract of Dufferin County Forest, and private lands associated with the Pine River valley;
- 2) With the exception of a few, small, isolated pockets of predominantly marginal farmland and one existing, small-scale farming enterprise, the lands included

within this area are generally neither used for, nor particularly well suited for agriculture;

- 3) Lands adjacent to existing recreational and residential developments and uses, and areas which may be appropriate for less intensive and passive public or private recreational activities and/or serve as a buffer for future, similar developments and uses between such uses and the surrounding agricultural/rural areas;
- 4) Lands in the vicinity of the Mansfield Ski Club, designated Estate Residential on Schedule A1.

8.5.3 PERMITTED USES

Uses permitted in the Mansfield North Recreation Area shall be those uses permitted in the various designations for specific lands within the area, as shown on Schedule A1.

8.5.4 ADDITIONAL POLICIES

A broad area with similar features and potential for possible, compatible recreation, recreation-related and limited recreation-related residential purposes has been identified as the Mansfield North Recreation Area on Schedule A1, primarily to facilitate a comprehensive planning study effort, and to provide for appropriate buffering between such uses and adjacent rural/agricultural areas.

It is not intended that all of the lands within the Mansfield North Recreation Area are to be developed or used for recreational and related purposes contemplated herein. To the contrary, the vast majority of the area is intended to continue to be maintained as public and private open space and as natural and environmental protection areas.

Lands not suitable for recreation and related purposes, or for other purposes identified in a Recreation Area Master Plan or permitted in an approved site-specific amendment to this Plan, will generally remain in a "Rural" land use designation, or where environmental features and/or physical constraints exist, within a "Natural Area" designation, as appropriate.

This Plan recognizes that some recreational development, by their nature, may have an impact on the visual and scenic resources of the landscape, and may also have an impact on the rural character of the area. Within the Mansfield North Recreation Area, recreational, recreation-related and recreation related residential developments shall not generally be considered to negatively impact on, or be out of character with this area.

Where new recreational developments and uses are proposed, facilities should nevertheless be designed and located so as to reduce their visual impacts, and impacts on rural character to the extent practical. Depending on the location and nature of the proposal, a visual impact assessment or landscape analysis, with recommendations for reducing and mitigating such impacts, may be required.

One of the larger, yet undeveloped parcels designated and zoned Estate Residential as of June 16, 2006 and located in the south portion of the East Half of Lot 16, Concession 6 EHS, is included in the Estate Residential designation in this Plan.

If this larger parcel is not developed for permitted Estate Residential purposes, it may be developed for recreation, recreation-related or recreation-related residential purposes, provided adequate justification under the Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe is provided.

This may occur either by site-specific amendment to this Plan or in accordance with a Recreation Area Master Plan for all or some smaller portion of the area identified as the Mansfield North Recreation Area.

The boundaries of the Mansfield North Recreation Area are provided for general guidance only at this time, and may be revised to include other adjacent lands, or to exclude lands within the area currently identified. A determination of the area to be included in the study shall be made at the request for proposal stage for the required study, based on the level of interest by landowners, the location of their lands, the lands involved in any development proposal(s) triggering the need for the study, the scope of the work and the resulting costs and benefits, among other factors.

The Township shall direct the required studies and collect the funds necessary to complete the studies through front-ending agreements with landowners that may potentially benefit, and/or through best efforts cost recovery agreements and/or through the imposition of area specific Development Charges.

Additional and more detailed policies outlined in the Recreation Area Master Plan study, may be incorporated by amendment to this Plan, or at the time of a municipal comprehensive review.

The policies of Section 5.39 pertaining to recreational development and activities shall have particular application to lands within the Mansfield North Recreation Area, and the master plan may add and modify those provisions to suit this area.

It is generally intended that new large-scale developments and uses on lands not already designated for the purpose within this area be permitted once a Recreation Area Master Plan and a Master Servicing Plan have been completed.

However, the requirement of a Recreation Area Master Plan is not intended to frustrate or prevent good and desirable development and land use proposals from moving forward. The Township may scope, or waive the requirement of the Recreation Area Master Plan accordingly, at its discretion.

In order to realize the goals and objectives of this Plan for this area, the Township may also consider site-specific amendments to this Plan, if the Recreation Area Master Plan has not been initiated or completed, or proves to be too onerous or expensive, or it is deemed unnecessary to comprehensively plan a larger area to accommodate a desirable site-specific proposal.

8.5.5 ZONING

Estate Residential lands not developed for estate residential purposes may only be re-zoned following approval of, and in conformity with another designation applied in a site-specific amendment to this Plan, or in a recreation area master plan.

A new zoning category, or categories, with standards and requirements appropriate for any recreation-related development or recreation-related residential development may be created to reflect the characteristics and appropriately regulate any such approved development(s).

8.5.A MANSFIELD NORTH RECREATION AREA MASTER PLAN

(To be incorporated at a later date)

8.6 RECREATION

8.6.1 OBJECTIVES

- 1) To permit existing uses to continue and, where appropriate, to expand and diversify;
- 2) To encourage the development of new recreational facilities, activities and uses, at appropriate locations.

8.6.2 CRITERION FOR DESIGNATION

- 1) Lands where recreation facilities and uses currently exist, where the lands are used for public or private outdoor recreation, and are already designated for such purposes.

8.6.3 PERMITTED USES

Uses permitted in the Recreation designation include:

- a. Uses permitted in all designations (Section 5.38)
- b. Existing recreational developments, activities and uses;
- c. Public parks including fairgrounds on land owned or under the control of government authorities;
- d. Recreational development and related activities in accordance with Section 5.39;
- e. Ancillary residential uses including accommodation facilities for patrons and employees, and existing trailer parks, and;
- f. Ancillary commercial uses providing goods and services to the patrons of the recreational facility or use.

8.6.4 ADDITIONAL POLICIES

The Township shall encourage the continued development of, and improvements to the recreational developments and facilities in the Township, provided that the development

is generally in harmony with the character of a recreation area, and is sensitive to the natural environment.

Major facilities, buildings and structures developed in conjunction with these uses shall generally be designed and located so as to minimize the visual and environmental impact of these structures wherever practical. This Plan recognizes that some recreational development, by their nature, may have an impact on the visual and scenic resources of the landscape, and may also have an impact on the rural character of the area. On lands designated Recreation, recreational, recreation-related and recreation-related residential developments shall not generally be considered to negatively impact on, or be out of character with the surrounding area.

Where new recreational developments and uses are proposed, facilities should nevertheless be designed and located so as to reduce their visual impacts, and impacts on rural character to the extent practical. Depending on the location and nature of the proposal, a visual impact assessment or landscape analysis, with recommendations for reducing and mitigating such impacts, may be required.

All recreation and recreation-related developments, including residential developments related to recreational uses on lands not already designated for the proposed purpose in this Plan, shall be undertaken only in accordance with, and by amendment to this Plan, or in accordance with an approved recreation area master plan and a master servicing plan for the area, as provided for in Section 8.5.

The establishment of golf courses may be permitted at appropriate locations, in accordance with the policies of, and by amendment to this Plan.

All new uses and any significant change or expansion of existing developments and uses permitted by this Plan shall be supported by detailed servicing information satisfactory to the Dufferin County Building Department or Ministry of the Environment, as applicable, prior to re-zoning and/or site plan approval, as applicable.

The General Recreation policies applicable to all designations have particular application to recreational facilities, activities and uses permitted or contemplated in this designation.

The Recreation Area Master Plan for the Mansfield North Recreation Area may prescribe additional policies and requirements for lands designated Recreation.

Lands designated Recreation in this Plan and any lands designated for recreational, related commercial and multiple unit residential uses, shall be subject to site plan control.

8.6.5 ZONING

Generally, each property within the Recreation designation will be placed into a site-specific zone that reflects the nature, location and extent (scale) of existing and proposed developments, facilities and uses and provides appropriate regulations and standards for each. Any change in use and any significant expansion of existing developments and uses shall generally require an amendment to the Zoning By-law.

8.7 OPEN SPACE

8.7.1 OBJECTIVES

- 1) To provide for the preservation and protection of public open space lands while encouraging compatible activities and uses;

8.7.2 CRITERION FOR DESIGNATION

- 1) Lands that are intended for public access and use, or for long term preservation for broader public benefit, whether owned by a government or non-government organization.

8.7.3 PERMITTED USES

Uses permitted in the Open Space designation include:

- a. Uses permitted in all designations (Section 5.38);
- b. Small-scale structures and facilities required to support permitted activities and uses, and;
- c. Infrastructure.

Subject to restrictions placed on activities and uses of lands designated Open Space by their owner, permitted uses may also include:

- d. Recreational developments and related activities in accordance with Section 5.39;

8.7.4 ADDITIONAL POLICIES

The designation of lands as Open Space does not necessarily imply that such lands are open and accessible to the public, or open and accessible at all times or for any and all recreational purposes.

Such lands often have regulations for activities and uses that are specific to the property or the type of property, or the particular objectives of the owner.

Generally, motorized recreational vehicular use is prohibited. Snowmobile use is often permitted. Hunting and fishing may be permitted in some areas. Passive uses such as hiking, nature appreciation, bird watching and photography are generally permitted, although access facilities and trails are not always provided or maintained. Mountain biking, horseback riding and other uses that could damage sensitive natural features and contribute to soil erosion may be restricted.

Resource management, including forest management, is generally permitted. Some areas are, however, intended to be preserved in a natural state with little or no active management and no intended use for any purpose other than as nature preserves.

The natural resources and significant natural features on, and the scenic qualities of all such lands shall be protected and preserved.

The Township shall generally encourage such areas to be open to the public, and that the range of uses and level of activity be increased, where appropriate, to provide recreational opportunities and experiences for both residents of, and visitors to the Township. Additional use of such areas shall only be encouraged for purposes that are compatible with the objectives of this Plan and the landowner.

The provision of access points, trails, shelters and other facilities shall be encouraged, at appropriate locations, to appropriately support the type and level of use intended for such lands, including safe access points, adequate on-site parking, sanitary facilities, waste receptacles, trails, signage, etc.

Appropriate levels of servicing of such areas shall also be provided to support the intended use(s), including policing of use restrictions and, in particular, unauthorized use by motorized vehicles, waste collection and disposal, sanitary facility maintenance, trail maintenance, etc.

Boundary fences shall be provided and maintained in all areas where a boundary fence is required to contain livestock kept on adjacent lands in accordance with the Line Fences Act.

The boundaries of lands that are not required to be fenced shall be identified at regular intervals to reduce the incidence of trespass onto adjacent private lands and the use of open space lands for purposes that may be carried out on adjacent lands but are not permitted on lands designated Open Space.

Other developments and uses of such lands, shall require an amendment to this Plan and/or the Zoning By-law, or where exempt from Planning Act approval, shall be in accordance with an approved management plan for the area.

8.7.5 ZONING

Open Space lands shall be placed into a separate category in the Zoning By-law and, where necessary and appropriate, the Zoning By-law shall contain specific regulations and standards for the use of specific properties, or categories of land based on ownership and/or intended purpose.

9.0 NATURAL RESOURCES

9.0.1 MISSION STATEMENT

The Township of Mulmur will strive to ensure that non-renewable natural resources are identified and preserved for responsible use, and promote the wise management and permit the use of renewable natural resources on a sustainable basis, when and where appropriate.

9.0.2 OVERALL OBJECTIVES

The following are the Township's objectives relating to Natural Resources.

1. To identify the location, nature and extent of renewable and non-renewable natural resources throughout the Township, and;
2. To provide for the preservation and wise management of resources, and for their responsible and sustainable use, where appropriate.

9.0.3 CRITERIA FOR DESIGNATION

Where known, the location of significant renewable and non-renewable natural resources is shown on Schedule B4 and C to this Plan.

Only those areas where resource uses are actually occurring are identified within the appropriate land use designations on Schedule A1 to this Plan. Except where such proposals are exempt from municipal regulatory authority pursuant to Provincial statutes or regulations, all new proposals and the expansion of existing operations beyond the limits shown on Schedule A1, shall require an amendment to this Plan.

Where the location and extent of renewable and non-renewable natural resources are known, they are identified on Schedule B4 and C. The boundaries shown are considered to be approximate only, and it may be demonstrated through more detailed site evaluations that some of the areas where resources and features were thought to exist do not contain such resources and features. Areas not mapped may be found to contain such resources and features.

No amendment to this Plan is therefore necessary to make minor changes to the boundaries of resources and features mapped on the schedules to this Plan. It is intended that up-dates to these schedules should be carried out as part of a municipal comprehensive review as more and better information is made available. The addition or deletion of areas, and major changes to these Schedules should be made only after consultation with, and with the approval of the appropriate authorities, as appropriate.

9.0.4 GENERAL POLICIES

The Township's long-term prosperity, environmental health, and social well-being depend on protecting natural features, water, soil and minerals and mineral aggregate resources for their economic, environmental and social benefits.

The identification of resources on Schedules B4 and C does not necessarily imply that the extraction, exploitation or use of the resource, or some portions or components of the resource, is desirable, appropriate or feasible. The identification of these mineral resource areas on the Schedules to this Plan does not imply support by the Township for any license application under the Aggregate Resources Act in these areas or for any Amendment to this Plan thereof.

While extraction or use of resources may be in the best interests of the public in general, such activities may not be in the best interests of the Township, and/or the residents living in close proximity. Wherever possible and practical, it is the intent of the Township to ensure that its interests and those of local residents are recognized and protected, and that an appropriate balance between competing and often conflicting interests is achieved. To achieve this, the studies required in Section 9.1.2.1.8 of this Plan shall demonstrate that any proposed extraction shall be undertaken in a manner which minimizes social and environmental impacts.

Existing uses shall be protected from the impacts of new resource extraction proposals to the extent such protections are provided under applicable legislation. Where the impacts on the natural environment are not minimal and acceptable, or cannot be mitigated so they are considered acceptable under applicable legislation and the Provincial Policy Statement, environmental protection shall take priority over resource use proposals. Resource extraction activities and sensitive land uses shall be appropriately designed, buffered and/or separated, to prevent adverse effects and

minimize risks to public health and safety. If such risks cannot be minimized, public health and safety shall take priority over resource use proposals.

Proposals should not result in a substantial negative impact on the rural character or the scenic resources of the Township taking into account mitigation measures including progressive and final rehabilitation of the site.

Proposals for the exploitation of natural resources shall not result in economic hardship to the Township and/or its ratepayers. Compensatory measures shall be required and enforced through conditions of approval and/or agreements between the proponent and the Township, where permitted under applicable legislation.

Where the Township does not have the legislative authority to directly regulate or permit a particular development or use, these policies shall nevertheless generally be used as guidelines for commenting to the approval authorities on such proposals under the Environmental Assessment Act, or such other existing or proposed protocols or procedures as may be established by the Province and/or the Government of Canada, and shall be considered by the Township to be the minimum standards and requirements to which such projects should be required by the applicable approval authorities to adhere.

9.1 NON-RENEWABLE NATURAL RESOURCES

9.1.1 MINERALS AND PETROLEUM RESOURCES

Minerals and petroleum resources, if and where they are identified in the Township, shall be protected for long-term use. Mineral aggregate resource areas are shown on Schedule B4 – Natural Resources. The location and extent of any other resources identified in the future shall be added to the schedules to this Plan, by means of a separate amendment or comprehensive review.

Mineral mining operations and petroleum resource operations, if and where permitted, shall be protected from development and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact.

In areas adjacent to or in known mineral deposits or known petroleum resources, and in significant areas of mineral potential and significant areas of petroleum potential, development and activities which would preclude or hinder the establishment of new operations or access to the resources shall only be permitted if:

- a) resource use would not be feasible; or
- b) the proposed land use or development serves a greater long-term public interest; and
- c) issues of public health, public safety and environmental impact are addressed.

Rehabilitation to accommodate subsequent land uses shall be required after extraction and other related activities have ceased. Progressive rehabilitation should be undertaken wherever feasible.

Extraction of minerals and petroleum resources is permitted in prime agricultural areas, provided that the site is rehabilitated so that substantially the same areas and same average soil quality for agriculture are restored.

9.1.2 MINERAL AGGREGATE RESOURCES

Mineral aggregate resources shall be protected for long-term use. As much of the mineral aggregate resources as is realistically possible shall be made available as close to markets as possible.

Demonstration of need for mineral aggregate resources, including any type of supply/demand analysis, shall not be required, notwithstanding the availability, designation or licensing for extraction of mineral aggregate resources locally or elsewhere.

Extraction shall be undertaken in a manner which minimizes social and environmental impacts.

The conservation of mineral aggregate resources should be promoted by making provision for the recovery of these resources, wherever feasible.

Mineral aggregate operations shall be protected from development and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact. Existing mineral aggregate operations shall be permitted to continue without the need for official plan amendment, rezoning or development permit under the Planning Act. When a license for extraction or operation ceases to exist, the policies of this Plan for areas with high aggregate potential shall continue to apply.

In areas adjacent to or in known deposits of mineral aggregate resources, development and activities that would preclude or hinder the establishment of new operations or access to the resources shall only be permitted if:

- a) resource use would not be feasible, or;
- b) the proposed land use or development serves a greater long-term public interest; and;
- c) issues of public health, public safety and environmental impact are addressed.

9.1.2.1 EXTRACTIVE INDUSTRIAL

9.1.2.1.1 OBJECTIVES

1. To preserve mineral aggregate resources for long term use, when and where appropriate;

2. To protect these resources and existing aggregate operations from incompatible land uses, and;
3. To ensure that activities and uses incidental to aggregate extraction are permitted only where they are appropriate for the site and area.

9.1.2.1.2 CRITERION FOR DESIGNATION

1. Those existing pits and quarries, other than wayside pits and quarries, with licenses issued in accordance with the Aggregate Resources Act.

This Plan also shows the location of mineral aggregate resources throughout the Township on Schedule B4. An amendment to this Plan is required for the establishment of all new pits and quarries in the Township, except temporary wayside pits established and operated by a public road authority for public road construction purposes.

9.1.2.1.3 PERMITTED USES

Lands within the Extractive Industrial designation may be used for the following:

- a) Uses permitted in all designations (Section 5.38);
- b) Agricultural operations and uses;
- c) Mineral extraction operations licensed pursuant to the Aggregate Resources Act;
- d) Except where prohibited under Section 9.1.2.1.7, accessory buildings and facilities directly related to and normally associated with and incidental to the mineral extraction operation which are expressly permitted by this Plan and by a license issued under the Aggregate Resources Act, and;
- e) Incidental uses and site modifications required to accommodate them, provided that the impacts of such uses on the natural environment and on surrounding lands and land uses are minimal and acceptable.

9.1.2.1.4 ADDITIONAL POLICIES

All new extractive industrial uses will require an amendment to this Plan. If applicable, an amendment to the Niagara Escarpment Plan may also be required, for only those lands in the area of the Niagara Escarpment Plan designated as Escarpment Rural Areas.

The following policies outline the municipal requirements for pit and quarry operations and rehabilitation, and the criteria for the establishment of new extractive operations.

In order to preserve the scenic beauty and amenities of the Township, extractive operations should be appropriately screened from public view. The policies of Section 5.25 and 5.26 shall be considered to reduce, to a minimum, impacts on scenic resources and features.

9.1.2.1.5 PITS AND QUARRIES

All extraction and accessory operations shall be conducted in a manner which minimizes environmental and social impacts in accordance with Provincial standards and requirements and the policies of this Plan.

The Township recognizes that extraction must take place where the aggregates are located. However, incidental and related activities and uses may not be appropriate for the site and area, and need not necessarily occur at the extraction site. A distinction between extraction and uses incidental and related to extraction shall be made in the Zoning By-law. Uses incidental or related to aggregate extraction, such as processing and recycling of materials, may be permitted only where there is no negative impacts on the environment and on adjacent lands and land uses.

No pit or quarry shall be excavated so that its edge is at a point less than 30 metres from the limit of any road right-of-way and 15 metres from any adjoining property line unless the adjoining property is also zoned for extractive industrial uses.

All pit and quarry uses must satisfy the requirements of this Plan and of the approval authorities, for water supply and water taking, disposal of liquid wastes and control of emissions and air pollution. A noise study satisfactory to the Township must be submitted prior to any approval to permit a new extractive industrial use.

On prime agricultural land (Classes 1 to 3 according the Canada Land Inventory of Soil Capability for Agriculture), mineral aggregate extraction (including wayside pits and quarries) may occur, if agricultural rehabilitation of the site is carried out and substantially the same acreage and overall average soil capability for agriculture are restored.

The establishment of new or expanded extractive operations, including wayside pits and quarries, and haul routes should consider the following criteria:

- i) The protection of sensitive ecological, geological, historic and archaeological sites or areas;
- ii) The protection of surface and groundwater resources;
- iii) The maintenance of good agricultural land in accordance with the agricultural policies of the Provincial Policy Statement;
- iv) The minimization of the adverse impacts of extractive and accessory operations on existing and approved residential development;
- v) The preservation of the natural and cultural landscapes as much as possible during extraction and after rehabilitation;

For pits or quarries within the Niagara Escarpment Plan Area licensed prior to the approval of the Niagara Escarpment Plan on June 12, 1985, no extraction shall take place at any point nearer the brow of the Escarpment than 90 metres measured

horizontally. For new pit or quarry operations, no extraction shall take place at any point nearer the brow of the Escarpment than 200 metres measured horizontally or any greater setback required by the implementing authority.

New operations will ensure that suitable visual screening is provided prior to and during operations in a manner compatible with the surrounding visual environment.

Screening shall incorporate the following:

- i) Overburden material supplemented with native tree and shrub plantings should be utilized for screening purposes;
- ii) Tree screen plantings are to be of compatible species and sizes to permit only very limited visual contact from the surrounding landscape;
- iii) All plantings should be properly maintained to ensure continued survival and good growth rates, and;
- vi) Where the existing forest is adequate to be considered as an effective screen along the perimeter of the site, no additional artificial berming or stock piling of overburden materials will be permitted within the forested area being used as a natural screen.

Rehabilitation shall be carried out in accordance with the an approved rehabilitation plan under the *Aggregate Resources Act*, and it should take place on a regular and progressive basis, as extraction proceeds. Where it is not practical to rehabilitate immediately for the planned after use, plans should provide for interim rehabilitation to ensure that disturbed areas are kept to a minimum, and both interim and final rehabilitation must take place in accordance with the approved plans and the conditions of the pit license.

The use of off-site material for progressive rehabilitation and the nature of the material used shall be in accordance with the conditions of the license granted under the *Aggregate Resources Act*.

Off-site materials required for the production of a specific aggregate product may be transported to the site provided that the off-site material is free of contaminants and that it is blended with on-site materials and does not represent more than 25 percent, by weight, of the product being produced. The transportation, storage and use of such materials shall be in accordance with conditions of the license. In the Niagara Escarpment Plan Area, the importation of materials must also be acceptable to the Niagara Escarpment Commission and may require a Development Permit under the Niagara Escarpment Plan.

All accessory uses to any extractive operation shall be discontinued and be required to vacate the property as soon as the site is depleted, and on-site processed material has been transported from the property.

Rehabilitation shall consider the following:

- i) Excess topsoil and overburden are to be retained and stabilized for future rehabilitation;
- ii) All excavated pit walls are to be re-graded to a slope of 3 to 1 or flatter. Exposed sections of pit or quarry faces may be left un-rehabilitated for aesthetic or educational purposes, if provisions have been incorporated into an approved after-use plan;
- iii) Vegetation, including seeding to grass or sodding, crops, seedlings and/or trees and shrubs shall be planted as soon as possible following finished grading.
- iv) Site Plans submitted to the Township for areas beyond the area under license pursuant to the Planning Act, shall contain detailed information on the number, size and species of plants required to provide screening and buffering as well as plants to be re-introduced following extraction. Site Plans shall include sufficient instructions and specifications on planting, and on the care and maintenance of all such plants. Replanting shall be required as necessary to ensure that vegetative measures are effective.

The Township may require the owner to enter into a site plan agreement for any portion of a site not covered by the aggregate license issued under the Aggregate Resources Act and/or agreements pursuant to the provisions of the Municipal Act to address such matters as the development and use of lands not under license, hours/days/seasons of operation, the designation of haul routes, the owner's responsibility for the rebuilding, up-grading, maintenance, repair and post-extraction rehabilitation of haul routes, the owner's responsibility for the remediation of impacts on surface and groundwater resources, including impacts on domestic water supplies, the operation and maintenance of vehicles, including the control of noise and other emissions on and off site, and such other matters as may be deemed necessary by the Township to appropriately regulate on-site as well as off-site impacts.

In addition to the policies set out in the preceding section, in the area of the Niagara Escarpment Plan (except for progressive rehabilitation) an application to amend the Niagara Escarpment Plan is required to re-designate the lands for uses upon completion of extraction or termination of the license. In these areas, Development Control as established under the Niagara Escarpment Planning and Development Act will apply.

Upon the completion of extraction or the termination of the license, whichever is first, the owner of a pit or quarry located outside of the Niagara Escarpment Plan area shall complete the rehabilitation of the lands in accordance with the rehabilitation plans and shall submit to the Township an application to re-designate and rezone the lands to the designation and zone which is the most appropriate for the rehabilitated site, given the policies and requirements in place at that time and, where a plan has been submitted as part of an application, the proposed designation and zoning shall also be consistent with that plan.

In prime agricultural areas, the lands shall be returned to the Agricultural designation and zone unless it is demonstrated that the applicable provisions of the Provincial Policy Statement respecting the removal of lands from a prime agricultural area can be

addressed to the satisfaction of the Township and the Ministry of Agriculture, Food and Rural Affairs.

9.1.2.1.6 WAYSIDE PITS AND QUARRIES

Except in the area of the Niagara Escarpment Plan, where wayside pits and quarries are restricted to the Escarpment Rural Area, it is not the intention of this Plan to prohibit the establishment of wayside pits or quarries. A wayside pit or quarry, for the purpose of this Plan shall mean a temporary pit or quarry opened and used by a public road authority solely for the purpose of a particular project or contract.

Except in areas of existing development or particular environmental sensitivity which have been determined to be incompatible with extraction and associated activities, wayside pits and quarries used on public authority contracts shall be permitted without the need for an official plan amendment, re-zoning, site plan agreement or development permit under the Planning Act.

In accordance with the Aggregate Resource Act, an application for a wayside permit shall be accompanied by;

- i) A sketch map drawn to scale indicating property features, present pit areas, excavation faces, areas to be excavated and other areas to be used; and,
- ii) A rehabilitation statement or plan compatible with the proposed operation and land use in the area.

The municipality shall request to be consulted on all applications for wayside permits for Provincial and County road construction purposes.

Wayside permits for municipal construction purposes in the Township will be restricted to sites previously disturbed by extractive operations wherever possible and practical.

The opportunity to use mineral aggregate resources which would not otherwise be commercially developed, including abandoned pits and quarries, shall be considered prior to issuing a wayside permit.

A wayside permit expires on the completion of the project or contract or eighteen months after its issuance, whichever occurs first. Application for renewal or a new permit for the completion of the project or contract will be considered.

An estimated tonnage limit shall be determined based on the requirement of the project or contract and will be placed as a condition on the permit at the time of issuance.

Terms and conditions related to the method of operation and rehabilitation shall also be placed on the permit at the time of issuance.

9.1.2.1.7 ASPHALT PLANTS AND CONCRETE BATCHING PLANTS

Asphalt plants and concrete batching plants which are proposed as principal uses will require an amendment to this Official Plan and shall be subject to Sections 8.0 and 8.2

Industrial and sub-sections a) and b) below.

Asphalt plants and concrete plants, as accessory uses to a principal aggregate extraction operation or use, may be permitted on lands designated “Extractive Industrial”, where appropriate, by amendment to the Zoning By-law.

Portable asphalt plants and portable concrete plants used on public authority contracts shall be permitted without the need for an official plan amendment, rezoning or development permit under the Planning Act in all areas except those areas of existing development or particular environmental sensitivity which have been determined to be incompatible with extraction and associated activities.

Notwithstanding the above paragraphs, permanent and portable asphalt plants and concrete plants are prohibited in the area of the Niagara Escarpment Plan including plants established and used by a public road authority or their agent.

Portable asphalt plants established and used by a public road authority or their agent, shall be permitted in the Rural or Agricultural designations without an amendment to this Plan or zoning By-law, subject to the following provisions:

- a) portable asphalt plants must obtain a certificate of approval (air quality) from the Ministry of the Environment for any equipment relating to the control of air emissions;
- b) portable asphalt plants must be removed from the site upon completion of the public project; and,
- c) sites used for portable asphalt plants in the Agricultural designation shall be rehabilitated back to their former agricultural use.

Notwithstanding the above paragraph, permanent and portable asphalt plants and concrete batching plants are prohibited in the area of the Niagara Escarpment Plan including plants established and used by a public road authority or their agent.

9.1.2.1.8 APPLICATION REQUIREMENTS

An application for an amendment under this section of this Plan shall be supported by documentation, plans, reports and studies acceptable to the Township, including but not necessarily limited to the following, as deemed applicable by the Township:

- i) A geological test report;
- ii) a hydrogeological report addressing the potential for impacts on the quality and quantity of surface and groundwater resources, including a comprehensive, on-going monitoring program and remedial action recommendations or a contingency plan for each anticipated potential impact;
- iii) a comprehensive environmental impact study;
- iv) a study addressing the impacts of emissions such as noise, dust, vibration,

etc., including recommendations for mitigation, in accordance with the requirements of the Aggregate Resources Act;

- v) a traffic study addressing impacts on existing and anticipated future traffic patterns, including weekend and tourist travel, an identification of the primary and all other potential haul routes, an evaluation of the adequacy of the haul route(s), including bridges, an identification of all required improvements and a calculation of the capital contribution(s) required to accommodate the additional traffic resulting from the use, the impacts on adjoining roads as a result of the diversion of traffic from haul routes, and confirmation of the availability of an entrance permit;
- vi) An assessment of the impact of the proposed use on the cultural heritage and archaeological resources (including natural and anthropogenic landscapes, and rural character) on the subject property and on adjacent lands;
- vii) A scenic resources and features study, to demonstrate that the mineral resource extraction development has considered the Township's objectives as set out in Section 5.25;
- viii) a financial impact analysis, that considers the risk of public financial liability associated with the proposal;
- ix) detailed site development, phasing and rehabilitation plans incorporating all of the recommendations of studies and reports submitted in support of the application;
- x) a plan showing the designation and zoning which would be placed on the lands, based on the policies and land use designations of the current Official Plan and the zoning classifications and regulations of the current Zoning By-law, which would be most appropriate for the rehabilitated site, and an accurate reflection of intent of the rehabilitation plans; and
- xi) The application requirements of Section 11.3, to the extent that they may differ from or be in addition to the above requirements, may also apply, at the discretion of the Township.

9.1.2.1.9 ZONING

Extractive Industrial uses shall be placed into a separate zoning category in the Zoning By-law.

In the area of the Niagara Escarpment Plan, Development Control as established under the Niagara Escarpment Planning and Development Act will apply.

9.2 RENEWABLE AND ALTERNATIVE ENERGY SYSTEMS AND USES

The Township has developed detailed and comprehensive guidelines for reviewing and commenting to the appropriate approval authorities on wind energy conversion projects that are no longer subject to municipal Planning Act approvals, except as otherwise

provided in this Plan. The Township may also develop similar detailed guidelines for reviewing and commenting on ground mounted solar projects, hydroelectric and other energy conversion projects proposed within the Township.

The guidelines shall be considered as minimum standards and requirements that proponents will be expected to adhere to and address.

In reviewing and commenting on any such project, environmental protection and the health and safety of Township residents shall be paramount.

Within the Niagara Escarpment Plan Area, the provisions of the Niagara Escarpment Plan continue to apply to energy conversion systems, including the need for Development Permits for all new energy conversion systems.

Development Charges shall apply to such projects and the Township shall carry out a development charges study to determine the appropriate Development Charge to be applied to various types of energy conversion systems, based on the demand for services and the costs incurred by the Township in providing such services to accommodate such projects.

Renewable energy systems are not exempt from the requirements of the Planning Act relating to land division (consents), including the creation of new lots, boundary adjustments, easements and rights-of-way, etc. The policies of this Plan relating to lot creation (Section 5.36) and the more specific policies relating to the granting of consents in the particular designation(s) of the land where the use is proposed to be situated, as well as other applicable policies of this Plan shall be applied to the granting of consents for such uses.

10.0 TRANSPORTATION, UTILITIES AND INFRASTRUCTURE

10.1 ROADS

10.1.1 CLASSIFICATION

Schedule C illustrates the present status of all roads that are maintained throughout the year in the Township. Roads within the original surveyed road allowances, as well as roads that deviate from the original survey pattern (forced or deviation roads) are included. Roads are classified as being arterial, collector or local roads according to their function, standard of construction and maintenance, and anticipated level of service.

The principal function of arterial roads is to carry traffic into, out of and through the Township. These roads are hard surfaced and are of a higher standard of construction,

with reduced grades, gentle curves, substantial sight distances, adequate shoulders, excellent signage, etc.

Collector roads provide important interconnections between arterial and local roads, and connection between areas with significant development and the arterials. They typically have larger traffic volumes than the local roads and are, for the most part, hard surfaced.

Local roads generally have low traffic volumes and are not generally hard surfaced, have a lower standard of construction, often with significant grades and sharp curves, reduced sight distances, narrow shoulders, etc.

The classification of roads should be reviewed by the Township as part of each comprehensive five-year review. A change in the classification of roads, if necessitated by a large-scale development proposal or use which generates high volumes of traffic or significant truck traffic, may be required as part of any application for an amendment to this Plan to accommodate the development or use. Upgrades required to serve the proposed new use shall be carried out by, and at the proponent's expense.

10.1.2 ROAD ALLOWANCES

Roads that are not maintained by the Township throughout the year are also classified on Schedule C according to whether they are maintained by the Township as summer-only roads, or are not maintained at all, or are maintained privately by others.

Except as may otherwise be provided in this Plan, or by site-specific amendment to this Plan, the creation of new lots is not permitted on private roads, or on seasonally maintained or unmaintained public roads. The development of existing lots of record on existing private roads is permitted in accordance with the requirements of the Township's Zoning By-law or the Niagara Escarpment Plan.

The development of existing lots of record on summer maintenance only roads may be permitted if arrangements satisfactory to the Township have been made for upgrading and maintenance. The development of existing lots of record on roads that are not maintained is not permitted.

The Township will not generally up-grade or maintain any road which presently receives no maintenance by the municipality. The Township may enter into an agreement with one or more landowners fronting an unmaintained road to bring the road up to Township standards, at the expense of the owner or owners, so that, as a minimum, emergency vehicles can safely travel the road at all times of the year. In such instances, the owner or owners shall make provisions acceptable to the Township for the subsequent maintenance of the road.

Up-graded roads that are to be maintained by the Township shall be designated for public vehicular use by by-law passed under the provisions of the Municipal Act. In such instances, an amendment to this Plan is not required to permit development on existing lots, and lot creation in accordance with this Plan and, where applicable, the Niagara Escarpment Plan.

The Township shall prepare detailed, step-by-step guidelines and requirements for private owners carrying out up-grades on any municipal road, road allowance or deviation road.

All costs shall be the responsibility of the owner(s). The Township may agree in an agreement with the owner(s) to use its best efforts to re-apportion and recover costs from other non-participating, benefiting landowners on whatever equitable basis the Township determines, as a condition of development approval of adjacent lands.

In all other situations, direct access to a public road maintained year-round is required for all new uses in the Township, with the exception of forestry, resource management and agricultural uses.

The use of a portion of an unmaintained or summer maintenance only road or road allowance as a private driveway may be permitted provided an agreement acceptable to the Township has been executed and registered against the lands served by the driveway. Such access driveways shall not unduly interfere with authorized existing or traditional uses.

The Township shall develop criteria outlining the circumstances in which such access may be provided, to be used as guidelines for landowners contemplating such access, and by the Township for evaluating such requests.

10.1.3 ENTRANCES

There are two Provincial highways located within the Township (Highway 10/89 and Highway 89) which are under the control and jurisdiction of the Ministry of Transportation. Development which falls within MTO's permit control area under the Public Transportation and Highway Improvement Act is subject to the requirements of the Ministry of Transportation.

New entrances or the up-grading of entrances, location of buildings, signs, and encroachments within the permit control area of a Provincial highway shall be subject to the approval of the Ministry of Transportation.

For major development proposals for large traffic generators within the permit control area of a Provincial highway, the Ministry of Transportation will require the applicant to prepare a traffic impact study in accordance with its "General Guidelines for the Preparation of Traffic Impact Studies".

The Township and the Ministry of Transportation will work cooperatively with respect to planning and land development and associated entrance connections within the Ministry of Transportation permit control areas adjacent to all highways and intersections within the Township, in order to provide for the future safety, operation and capacity of both the Provincial highway network and the Township's transportation corridors for the movement of people and goods.

The Township and, in the case of County Roads, the County of Dufferin shall require permit applications for all new entrances and for the up-grading or change of use of existing entrances from/to all roads. Entrances shall only be considered where adequate sight lines exist and can be maintained, taking into account the increased

stopping distance required by entrances on negative grades and posted speed limits. New entrances shall be discouraged on steep hills and curves and in close proximity to intersections and bridges. Entrance requirements shall also reflect the zoning and intended use of the adjacent lands, and the need for adequate and safe access.

Generally, individual accesses to arterial roads should be restricted or regulated to a higher standard by the appropriate road authority, in terms of number (if any), available sight lines, location and design. A consistent policy shall be developed between the Township and County of Dufferin for entrances onto collector roads and the Township shall develop a policy for entrances onto local roads. The policy should address multiple entrances to properties and specify the circumstances where additional entrances may be permissible.

Where new lots are created by consent or plan of subdivision and/or as a condition of site plan approval or re-zoning, the Township may require the dedication of reserves along the sides of properties abutting roads, to control access.

10.1.4 TRAFFIC GENERATED BY NEW DEVELOPMENTS AND USES

Any application for a new land use that has the potential to significantly increase traffic, or contribute significant additional truck traffic, or create a potential traffic hazard shall be considered in consultation with and shall be subject to the policies and requirements of the appropriate road authority. A traffic impact study and/or road condition assessment and up-grades needs assessment shall be required for all such developments and uses.

Development shall only be permitted on roads that have the capacity to accommodate the increased traffic generated by the development. Required up-grades may be phased in accordance with projected increases in traffic volume over time and the warrants for required improvements, provided that an agreement and adequate securities are in place to ensure that required up-grades are completed when needed. Improvements shall be required to be made entirely at the expense of the developer, unless cost-share arrangements acceptable to the appropriate road authority have been put in place in the agreement.

All new roads developed within plans of subdivisions will be constructed to Township standards by those developing the lands. The Township will encourage the development of through roads or looped roads that avoid the creation of cul-de-sacs, except where the scale of development or the natural features of the site preclude the reasonable construction of a through road.

Large scale developments or developments that have the potential to generate large volumes of traffic, or significant truck traffic, shall generally be located on arterial roads, or on collector roads where access to arterial roads can be achieved without involving local roads. Improvements to roads and hard surfacing shall be required where necessary to accommodate the increased traffic resulting from such development, as a condition of development approval.

A change in the classification of a road may also occur as a result of the need to improve and up-grade a road to a higher classification to accommodate development that creates the need for the improvements. The costs of required improvements and up-grades shall, in such a case, generally be borne by the developer. A change in the

classification of a road may be required as part of any Official Plan amendment to accommodate such development.

Lot creation by severance or subdivision shall not be permitted on private roads or unopened or unmaintained road allowances. The Township may, in exceptional circumstances and as part of a required amendment to this Plan, permit a development to be served by private or communal roads where a subdivision, condominium, consent and/or site plan agreement provides for their subsequent, private maintenance. Alternative development standards may also be permitted in such private developments, in an agreement between the owner, or corporation (condominium) and the Township.

The Township may require the proponent of any development or use, or any applicant for an entrance approval to provide information satisfactory to the appropriate road authority to address its concerns and requirements, including but not limited to the appropriateness of sight lines and the adequacy of roads, intersections, bridges, signage and signalization.

Sensitive land uses shall be protected from the adverse impacts of road noise. In order to achieve this, the Township will request that a noise study be undertaken where sensitive land uses are adjacent to sources of road noise which are potentially excessive.

10.1.5 PROPOSED ROAD WIDTHS, WIDENINGS, RESERVES AND SET-BACKS

Except as otherwise provided herein, all road allowances within the rural areas of the Township shall have a minimum 20 metre width. In many areas, a wider road allowance is required to provide sufficient area to ensure proper grades and stabilization of slopes due to topography or environmental conditions. In most such cases, a 26 m. road allowance width is sufficient.

Wherever possible, the road allowances for County Roads shall have a 30 metre width. Existing road allowances under this width may require widening to bring them to this standard. In some settlement areas, a 26 m. width, and where development exists in close proximity to County Roads, a lesser road allowance width may be appropriate, but in no case shall the width be less than 20 m.

Generally, equal amounts of widening of County and Township roads shall be required from each side of existing road allowances. However, physical characteristics of the land may make it necessary to acquire more than half or even all of the total required widening from one side.

The above are intended to be minimum road allowance widths. In extreme cases, more than the minimum widening width prescribed herein may be required in order to ensure that all road works and related infrastructure are contained within the road allowance.

The County of Dufferin or the Township may secure required widenings as a condition of plan of subdivision or condominium, zoning, consent or site plan approval, through voluntary conveyance (donation), through purchase at fair market value, or by means of expropriation where necessary to carry out required road and related infrastructure improvements.

Reserves shall be taken where necessary as a condition of development approval to control access to lots. The Township shall develop a policy on the number of entrances permitted, their spacing, location, size, gradient and design for various types of entrances (commercial, residential, farm, etc.)

All new development shall be set back from the limits of road allowances in accordance with the set-back requirements of the applicable zone in the Zoning By-law. Wherever possible and practical, where roads are known to require widening, the set-backs in the Zoning By-law shall take this into account, to ensure that sufficient space is provided for road works and related infrastructure.

The Zoning By-law shall contain provisions exempting developments from meeting the minimum required set-backs from adjacent road allowances where a deficiency has been created by the taking of a required widening.

Wherever possible, all new septic tanks and weeping beds shall be located a minimum of six (6) metres back from the limit of road allowances, including any required widening, whether the widening has yet been taken or acquired, to ensure that such systems do not need to be relocated to accommodate road rebuilding or widening projects.

The burial of underground electrical lines within road allowances shall generally be discouraged. The approval of Council and Hydro One shall be required where line burial is warranted, to avoid the extensive destruction of trees, overcome physical obstacles or for other environmental or safety reasons. As-constructed drawings showing the precise location and depth of the lines shall be provided. Signage, location markers, warning tape and other means required to ensure public safety shall be provided and maintained, by and at the expense of the owner(s).

New utilities and services within road allowances that serve new developments shall generally be located as near to the limit of the road allowance, as widened, as possible and practical. The Township shall generally take such widenings from the frontages of lands which are the subject of development applications, as a condition of development approval. The Township may also require the developer to acquire widenings from other roads where new utilities and services must be installed to accommodate the development, or acquire the widenings at the expense of the developer before the new services are installed.

10.1.6 ROAD ALLOWANCES SURPLUS TO TOWNSHIP NEEDS

Unmaintained road allowances and deviation roads shall not be disposed of, if they:

- provide connectivity between existing open roads;
- provide access to otherwise landlocked properties, whether held in the same, or separate and distinct ownership;
- provide existing benefits and opportunities for other identifiable public purposes, and/or;
- could provide other potential benefits to the residents of the Township and the public generally in the future.

Road allowances which are deemed to be clearly of no future interest or benefit may be disposed of, by amendment to this Plan, and in accordance with the Township's Disposal of Surplus Land policy.

10.1.7 ROAD IMPROVEMENTS

A roads needs assessment has been carried out and a five-year capital works plan has been developed for the Township, for all roads, bridges and related infrastructure identified as requiring improvement. The needs assessment and capital works plan shall be up-dated annually or at such time as is required in response to any significant development proposal.

The Township will strive to continue to make improvements to accommodate existing traffic, to increase the standard and the level of safety of the Township road system and, among other interim measures deemed appropriate, shall set speed limits, and install warning signs and guard rails at appropriate locations.

To the extent that improvements are growth related, the costs shall be recoverable through development charges, or through the imposition of conditions of development approval.

10.1.8 DEVELOPMENT POLICIES FOR TRANSPORTATION AND UTILITIES

All new and reconstructed transportation and utility facilities shall be designed and located to minimize the impact on the environment and be consistent with the objectives and policies of this Plan. New transportation and utility facilities, authorized under the *Environmental Assessment Act*, should avoid Natural Areas, including significant natural features, areas and functions. Impacts should be minimized wherever possible and practical.

The Township shall develop design and construction guidelines for the construction of all such works.

Subject to Section 5.34 of this Plan, telecommunication facilities shall generally be permitted subject to meeting the requirements of Industry Canada, the Township's Telecommunications Protocol and, where applicable, the Radio Telecommunications and Broadcast Antenna Systems Land Use Protocol of the Niagara Escarpment Commission.

The Township has prepared a Telecommunications Protocol consistent with Industry Canada Directives to assist with the assessment of potential impacts and implications related to the siting of new, or the expansion of existing radio and telecommunication facilities. The Protocol is intended to ensure that the input of the Township and affected property owners in the surrounding area is obtained and considered by Industry Canada in matters relating to the location, siting, design, illumination, visual impacts and other similar matters. The Protocol also sets out a process of public notice and consultation for such facilities which telecommunication providers are required to follow.

The Niagara Escarpment Commission has also developed a similar protocol that is intended to be applicable to all new and expanded facilities within the Niagara Escarpment Plan Area. Within the Niagara Escarpment Plan Area, the Niagara

Escarpment Commission's Protocol shall govern and the Township shall work closely with the Commission to ensure that the concerns and requirements of the Township are identified, and potentially affected landowners are consulted, to avoid unnecessary delays, duplication and cost.

The location of existing telecommunication facilities in the Township is shown on Schedule C. The location of any new facilities established in the Township shall be added to the schedule as part of each municipal comprehensive review.

10.2 WASTE MANAGEMENT

10.2.1 WASTE DISPOSAL

The existing and former waste disposal sites in the Township are identified on Schedule C as WD and FWD respectively. These sites and lands within 500 metres of these sites may be used for a purpose permitted in the underlying designation provided that the Township, in consultation with the Ministry of the Environment, is satisfied that there are no environmental problems associated with the site which may make the lands unsuitable for development.

Prior to approving any new development within 500 metres of an active or inactive waste disposal site, the applicant must be able to demonstrate in a study prepared in accordance with Ministry of the Environment Guideline D4, as amended, that the water supply will not be negatively affected and that there are no other problems such as leachate, gas, other contaminants, rodents or vermin.

No residential use is permitted in conjunction with a licensed waste management site. Re-use of a former waste disposal site for purposes other than waste disposal will require approval in accordance with Section 46 of the Environmental Protection Act.

New waste disposal areas are prohibited in the Niagara Escarpment Plan Area.

10.2.2 WASTE REDUCTION AND RECYCLING

The Township shall encourage the re-use, reduction and recycling of wastes wherever possible and practical. New development shall be required to incorporate such measures as conditions of development approval, where appropriate.

10.3 WASTE DISPOSAL INDUSTRIAL

10.3.1 OBJECTIVES

1. to manage and operate the landfill site in a fiscally and environmentally responsible manner and;
2. providing for its protection from incompatible land uses, and the protection of existing uses from potential impacts from the landfill.

10.3.2 CRITERIA FOR DESIGNATION

Only waste disposal, processing and handling facilities with a current Certificate of Approval from the Ministry of the Environment are designated Waste Disposal Industrial on the schedules to this Plan.

10.3.3 PERMITTED USES

Uses permitted in the Waste Disposal Industrial designation shall at all times be in compliance with a current Certificate of Approval issued by the Ministry of the Environment and may include the following:

- a. Uses permitted in all designations (Section 5.38);
- b. a landfill site;
- c. a waste transfer facility;
- d. a recycling facility;
- e. a compost facility;
- f. the burning of brush and wood free of contaminants;
- g. other uses permitted in a current Certificate of Approval from the Ministry of the Environment, and;
- h. accessory structures and uses to the above.

10.3.4 ADDITIONAL POLICIES

Any new waste disposal, processing or handling facility shall be subject to an environmental assessment process prescribed under Ontario Regulation 101/07, and shall require an amendment to this Plan. Such uses are not permitted in the Niagara Escarpment Plan Area.

No residential use is permitted on lands designated Waste Disposal Industrial.

Only those activities and uses associated with waste disposal, recycling and composting with a current Certificate of Approval from the Ministry of the Environment are permitted. The Certificate of Approval may be altered from its current scope to permit other operations, such as for waste re-use, without the requirement of an amendment to this Plan.

All former landfill sites are designated “FWD” on Schedule A1 and C, and they, as well as development within 500 m. of the boundaries of such sites, are subject to the policies and requirements of the Ministry of the Environment.

10.3.5 ZONING

The Zoning By-law shall place the Township’s landfill site into a separate Zoning category and prescribe appropriate regulations for the use.

PART C: IMPLEMENTATION

11.1 CONSULTATION IN ADVANCE AND COST RECOVERY

The Township may enact a by-law outlining the specific requirements for consultation in advance of the submission of various types of Planning Act applications. Before any application covered by the By-law is submitted, consultation with the Township shall occur in accordance with the provisions of the By-law. An application for consultation in advance of submission may be required for larger and/or more complex proposals.

The costs incurred by the Township related to consultation in advance shall be recovered from the applicant/proponent pursuant to this policy and the Township's Tariff of Fees By-law. The amount of a deposit to be provided to enable the Township to recover all such costs shall be calculated following the initial meeting and the deposit shall be required to be paid in advance of further involvement by the Township with all such applications or proposals.

11.2 PLANNING APPLICATIONS AND RECOVERY OF COSTS

The Township may recover the cost of secondary plan studies, supporting background and technical studies, as well as other planning and development related initiatives undertaken for the benefit of the owners of specific properties, communities or defined areas. The Township may enter into agreements under the Municipal Act to recover the costs from landowners who may potentially benefit.

The Township shall fully recover from the applicant the costs of processing all site-specific planning applications, including the costs of consultation in advance, and of peer reviews carried out by, and/or consultation with qualified independent experts.

The Township may require payment in advance, or the provision of deposits and/or other securities to cover the estimated costs of such work, prior to the further processing of any application.

11.3 COMPLETE APPLICATION REQUIREMENTS

The need for studies, reports, plans and other supporting technical information in support of any Planning Act application shall be determined by the Township following consultation between the Township and the proponent/applicant in advance of submission of the application. In order for an application to be deemed complete, for an Official Plan Amendment under Section 22, a Zoning By-law Amendment under Section 34, an application for a plan of subdivision under Section 51, consent under Section 53 or site plan approval under Section 41 of the Planning Act, those reports, studies, plans and other supporting technical background information as provided in Appendix A – Complete Application, that are deemed by the Township to be required, shall be provided with the application. The Township may consult with other approval or commenting agencies to identify applicable application requirements.

The need for any or all of the studies, reports, plans and other supporting technical information shall be determined by the Township following consultation in advance of submission between the Township and the proponent/applicant.

Such information shall be submitted in quantities determined by the Township and may be required to be submitted in both digital and paper formats.

11.4 NIAGARA ESCARPMENT PLAN AND DEVELOPMENT CONTROL

Land uses within the Niagara Escarpment Plan Area are administered through the Niagara Escarpment Development Control System as provided for under the Niagara Escarpment Planning and Development Act. Existing uses in the area of the Niagara Escarpment Plan may expand, change or be modified in accordance with the criteria which governs such uses under the Niagara Escarpment Plan. Where applicable, Development Permits must be obtained. All new development, unless specifically exempted, including the creation of any new lot, requires Development Permit approval from the Niagara Escarpment Commission.

11.5 PUBLIC MEETING, OPEN HOUSE AND NOTICE PROVISIONS

At least one open house, notice of which may be given together with or separately from the notice of the Public Meeting, shall be conducted a minimum of seven days prior to the Public Meeting for the following:

- A new Official Plan or Official Plan amendment resulting from a comprehensive review and up-date;
- A new Zoning By-law or a conformity amendment intended to bring the Zoning By-law into conformity with a new or comprehensively up-dated Official Plan;
- A Secondary Plan or Recreation Area Master Plan amendment;
- An Official Plan amendment or by-law implementing a development permit system.

Except as otherwise provided in this section or where enhanced Public Notice and/or Public Meeting requirements are outlined in the policies for specific developments, or categories of developments, notification to the residents of the Township of public meetings shall be carried out in accordance with the provisions of the Planning Act.

No amendment to the Official Plan is required for any of the following:

- a) Changes the numbers of sections or the order of sections in the Plan or By-law, but does not add or delete sections;
- b) Consolidates previously approved Official Plan Amendments in a new document;
- c) Corrects grammatical or typographical errors which do not affect the intent or affect the policies, regulations or maps;

- d) Updates mapping to clarify the intent and purpose of the Plan to make it easier to understand without affecting the intent or purpose of the policies or maps; and,
- e) Translates measurements to different units of measure or changes reference to legislation or changes to legislation where the legislation has changed or changes the name of an approval authority.

11.6 OFFICIAL PLAN AMENDMENTS

An amendment to the Schedules or the text of this Plan is required to:

- change a designation or policy of this Plan;
- permit any development or the establishment of any use not expressly permitted by this Plan or otherwise exempted from municipal Planning Act approval by Provincial or Federal statutes or the regulations made thereto.

In considering any amendment to Schedule A1 to A7 which would re-designate additional areas for a particular development or use, or change the permitted uses of a particular area or otherwise change the policies of this Plan, the Township shall have due regard to the following general criteria which are in addition to those outlined elsewhere in this Plan;

- a) the need for the proposed use;
- b) the extent to which the existing areas in the proposed designation are developed, and the nature and adequacy of such existing development;
- c) the physical suitability of the land;
- d) the location of the areas under consideration with respect to;
 1. the adequacy of the existing and proposed roadway system in relation to the development of such proposed areas;
 2. the convenience and accessibility of the site for vehicular and pedestrian traffic and the traffic safety in relation thereto;
 3. the adequacy of the potable water supply, private sewage disposal facilities, and other municipal services in accordance with this Plan and/or in accordance with the conclusions and recommendations of required technical reports;
 4. the compatibility of such proposed use with uses in the surrounding area;
 5. the potential effect of the proposed use on the financial position of the Municipality;

6. the effect of the proposed use on the population level and the social character of the community;
7. the impact of the proposed use on the natural and scenic resources and features of the Township and its open, rural and natural landscape, and;
8. a statement prepared by a qualified planner certifying that the amendment conforms with the Provincial Policy Statement and does not conflict with any other Provincial Plan.

Within the Niagara Escarpment Plan Area, any amendment to this Plan may also require an amendment to the Niagara Escarpment Plan. Amendments to the Niagara Escarpment Plan shall not generally require an amendment to this Plan, to the extent that the provisions of the Niagara Escarpment Plan are intended to take precedence. Amendments to the Niagara Escarpment Plan may be consolidated with this Plan as part of the five year review and up-date process.

11.7 NON-CONFORMING USES

The Committee of Adjustment for the Township of Mulmur shall be guided by the general intent and purposes of this Plan and the implementing Zoning By-law in making decisions on applications dealing with non-conforming uses made to the Committee under the Planning Act.

This Plan will not limit the authority of the Township to pass a by-law permitting the extension or enlargement of any land, building or structure which is being used, at the time of the passing of such by-law, for a purpose which does not conform with the land use designation of this Plan. Such a by-law shall, however, be in conformity with the policies included in this section.

As a general rule, it is intended that any land use that legally exists on the date of approval of this Plan which does not conform with the land use designation shown on Schedules A1 to A6 and deemed to be a 'legal, non-conforming use' should, in the long term, cease to exist.

In specific instances, however, it may be desirable to permit the extension or enlargement of a legal, non-conforming use in order to avoid unnecessary hardship, provided the applicant is in conformity with the following policies.

Where an application for a minor variance, extension or enlargement of a legal, non-conforming use is received, the Committee of Adjustment shall ensure that the proposal does not aggravate the situation created by the existence of the use, especially in regard to the policies of this Plan and the requirements of the Zoning By-law applying to the lot, subject to the following policies:

- a) An approved minor variance, extension or enlargement shall be in an appropriate proportion with respect to what is normally required by the Zoning By-law;
- b) Visual impacts shall be minimal and acceptable and the

proposal shall not impact significantly on the character of hamlets and communities, or the rural character of the Township generally;

- c) The characteristics of the proposed minor variance or the existing non-conforming use or the proposed extension or enlargement shall be examined with regard to noise, vibration, fumes, smoke, dust, odour, lighting, aesthetics and traffic generating capacity. No approval shall be granted if one or more such nuisance factors will be created or increased so as to add substantially to the incompatibility of the use with the surrounding area. The proposal shall also satisfy the applicable requirements of other regulatory agencies;
- d) Neighbouring conforming uses will be protected where necessary by the provision of areas for landscaping, buffering or screening, appropriate setbacks for buildings and structures, devices and measures to reduce nuisances, and where necessary, regulations for alleviating adverse effects caused by such things as outside storage, lighting, and advertising signs. Such provisions and regulations shall be applied to the minor variance or proposed extension or enlargement and, wherever feasible, shall also be extended to the neighbouring complying use in order to improve its compatibility with the surrounding area;
- e) Traffic and parking conditions in the vicinity will not be adversely affected by the granting of the application, and traffic hazards will be kept to a minimum by the appropriate design of entrance and exit points to and from the site and improvements of sight lines, particularly near intersections;
- f) Adequate provisions have been or will be made for off-road parking and loading facilities; and,
- g) Adequate municipal services such as roads and water supply and private sewage disposal facilities, and other necessary services are available or can be made available.
- h) significant natural features, areas, and functions will be protected in accordance with the policies in Section 5.18 of this Plan.

11.8 IMPLEMENTING ZONING BY-LAW

This Plan shall be implemented by the passage of a Zoning By-law that is in conformity with the provisions of this Plan, within three years from the date of approval of this Plan and as otherwise is in accordance with the provisions of the Planning Act.

The following policies will be regarded in the preparation of the Zoning By-law:

- a) It is the intent of this Plan that existing uses that do not conform to the provisions of this Plan shall, in the long term, be brought into conformity with the provisions of this Plan, or cease to exist. However, this Plan is not intended necessarily to prevent the continuation, extension or enlargement of legally existing uses that do not conform to the provisions of this Plan. The Township may, at its discretion, zone lands to permit the continuation, extension or enlargement of existing legal non-conforming uses provided that the Township is satisfied that:

- i) the continuation of the use will have no adverse effect on the present uses of surrounding lands;
 - ii) the use conforms with the Provincial Policy Statement;
 - iii) the subject lands have frontage on and can be accessed from a road which has been assumed for public use and is fully maintained year round and,
 - iv) the continuation of the use will not otherwise detrimentally affect the implementation of other policies of this Plan.
- b) no provision of this Plan shall be deemed to require that the Township immediately zone all or any lands designated for any particular purpose in order to permit their immediate development. Such lands shall only be re-zoned in accordance with the provisions of this Plan at such time as there is sufficient information to determine the appropriateness of specific zoning categories and when the development of such lands is in the public interest and is not considered to be premature.
- c) The implementing Zoning By-law may recognize that there are lots that exist within the Township which do not meet the minimum lot size requirements established in this Plan. The By-law shall permit these lots to be developed in accordance with the policies of this Plan provided that they are large enough to accommodate a dwelling, septic system and water supply and meet the other requirements of this Plan, the Zoning By-law and those of other regulatory authorities;
- d) The Township may regulate minimum as well a maximum heights and densities of development, in its Zoning By-law.

11.9 CONDITIONAL ZONING

Pursuant to Section 34 (16) of the Planning Act, the Township may, in a Zoning By-law or any amendment thereto, permit a use of land or the erection, location or use of buildings or structures and impose one or more prescribed conditions on the use, erection or location.

11.10 HOLDING ZONING

The Township may zone lands to include a holding “H” symbol in conjunction with a specific zoning category, as provided for in Section 36 of the Planning Act.

Legally existing uses of lots so zoned are permitted. Other uses permitted in the applicable underlying zone are permitted once the Holding symbol has been removed.

The use of the Holding symbol shall generally be restricted to the following situations:

- i) where adequate services are not yet available, but are anticipated;

- ii) where the lands are affected by adverse physical or environmental conditions which can be resolved to the Township's satisfaction;
- iii) where the development may impose adverse financial impacts on the Township or where the financial requirements of the Township have yet to be satisfied;
- iv) where the precise nature of the proposed development and use is not yet known and the development of the land requires a development, site plan or other agreement;
- v) where the development is proceeding by Plan of Subdivision and the conditions of approval have yet to be satisfied, and;
- vi) where studies and reports to address specific issues or requirements have not yet been provided to the satisfaction of the Township.

The Township shall remove the "Holding (H)" symbol by amendment to the Zoning By-law, when all of the conditions and requirements leading to the imposition of the Holding zoning have been met, or when the Township is satisfied that they can and will be met.

11.11 INTERIM CONTROL AND INTERIM CONTROL BY-LAWS

The Township may pass interim control by-laws pursuant to the provisions of the Planning Act, which may include all or any specific portion of the Township where Council has directed that a study be undertaken of land use planning policies prior to any further development and/or any change of use in the area to which the Interim Control By-law applies.

11.12 TEMPORARY USES AND TEMPORARY USE BY-LAWS

The Township may pass by-laws pursuant to the Planning Act in order to authorize the temporary use of any land, buildings or structures for a purpose set out in such by-laws which may or may not otherwise comply with the policies and land use designations of this Plan.

Prior to the approval of a temporary use by-law, the Township shall be satisfied that the following principles and criteria are met:

- a) the proposed use shall be of a temporary nature;
- b) the proposed use shall not be incompatible with adjacent land uses and the character of the surrounding area or neighbourhood;
- c) the proposed use shall not require the extension or expansion of existing municipal services;

- d) the proposed use shall not significantly increase the volume or alter the type of traffic serviced by the area roads;
- e) parking and other required temporary facilities and services required by the proposed use shall be provided entirely on-site, and;
- f) the proposed use shall generally be beneficial to the community as a whole.

The Township may permit extensions to a permitted temporary use for such additional periods as are provided for in the Planning Act.

The Township may require an agreement and securities relating to the removal of the use when it is no longer authorized as a temporary use.

11.13 GARDEN SUITES AS TEMPORARY USES

The Township may pass a by-law for the establishment and regulation of 'garden suites' for such purposes and for such periods as are provided for in the Planning Act and the by-law. Extensions to the duration of the use permitted by the by-law for periods of up to three years may also be provided.

The Township may require an agreement and securities relating to the removal of the garden suite when it is no longer authorized.

11.14 DEVELOPMENT PERMIT SYSTEM AND BY-LAW

A Development Permit System, which is a development approvals framework that combines zoning, site plan approval and minor variances into a single process, is not being contemplated for the Township, or any specific part of the Township at this time.

11.15 SITE PLAN CONTROL

All lands within the Township may be included within an area subject to Site Plan Control. The Township may pass a By-law specifying which lands are subject to, and which lands and/or types of development and/or which developments are considered as minor and may be exempted from Site Plan Control. Specifically, the following may be excluded from the requirements of Site Plan Control:

- agricultural and farm related buildings or structures that are utilized in farming operations;
- single-detached dwellings and residential buildings containing less than three dwelling units;
- electric power facilities constructed by a public power authority such as Hydro One;
- the installation of a portable classroom by a School Board;

- the erection of a telecommunication or similar facility regulated by Industry Canada, Transport Canada, NAVCanada or other federal agency;
- energy conversion systems and facilities specifically exempted from municipal Planning Act approval requirements, and;
- certain other public uses where the land is owned and the development is being carried out by the public body, as specified in the Site Plan Control By-law.
- one attached accessory dwelling unit, subject to appropriate servicing;

Notwithstanding the above, agricultural related commercial or industrial operations such as farm equipment sales and service, garden centres (see definition) not directly related and incidental to an agricultural use on the same lot, farm supply sales, and off-farm agricultural storage, service or supply establishments and similar uses, may not be exempted.

For the purpose of this section 'development' and 'redevelopment' shall mean the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability thereof, the laying out and establishment of a commercial parking lot or the use of land for three or more trailers as defined in the Municipal Act or of sites for the location of three or more mobile homes.

No development or re-development shall be undertaken within a designated site plan control area unless the Township has approved the following, as determined to be applicable by the Township:

- a) site plans showing location of all buildings and structures existing and/or to be erected and all servicing and utility facilities and works to be provided;
- b) drawings showing plan, elevation and cross-section views for each building to be erected including the massing and conceptual design, the relationship of the buildings to adjacent buildings, streets and exterior public areas, and the provision of interior walkways, stairs, elevators, escalators to which the public has access from streets, open spaces and interior walkways in adjacent buildings;
- c) information and design details and specifications relating to the exterior design of buildings, structures and facilities, which satisfies the Township's requirements pertaining to their character, appearance, scale and sustainable exterior design, to the extent that such features relate to exterior design;
- d) sustainable design elements on any adjoining municipal road and boulevards including, but not limited to trees and shrubs, hedges, plantings or other ground cover, permeable paving materials, street

furniture, curb ramps, waste and recycling containers, bicycle parking facilities.

The owner of the land may be required to enter into a site plan agreement. As conditions to the approval of plans and designs, and of agreements, the Township may require the owner of the lands to provide to the satisfaction and at no expense to the Township:

- widenings of highways that abut onto the lands;
- facilities to provide access to and from the land such as access ramps and curbing and traffic direction signs;
- off-street loading and parking facilities, access driveways including driveways for emergency vehicles, and the surfacing of such areas and driveways;
- walkways and their surfacing and other means of pedestrian access;
- facilities designed to have regard for accessibility for persons with disabilities;
- lighting;
- walls, fences, hedges, trees, shrubs or other groundcover or facilities for the landscaping of the lands or the protection of adjoining lands
- vaults, central storage and collection areas and other facilities and enclosures for the storage of garbage and other waste materials;
- easements to be conveyed to the Township for the construction, maintenance or improvement of watercourses, ditches, land drainage works, sanitary sewage facilities and other public utilities of the Township or other local board, and
- grading or alteration in elevation or contour of the land and provisions for the disposal of storm, surface and waste water from the lands and from buildings and structures thereon.

Conditions may also be applied to require the owner to:

- maintain, to the satisfaction of the Township, and at the sole risk and expense of the owner, all of the required facilities and works, including the removal of snow from access ramps and driveways, parking and loading areas and walkways;
- enter into agreements with the Township dealing with and ensuring the provision of all facilities and works and their maintenance and ensuring that development proceeds in accordance with the approved plans and drawings and the conditions of approval.

The owner of the land shall be required to provide such fees and deposits as are required to cover the costs of review and approval of the site plan and the preparation

and execution of the agreement, in accordance with the Township's Tariff of Fees By-law. Securities may also be required to guarantee performance of required works.

The dedication of road widenings and any required sight triangles required by the appropriate road authority, free of all encumbrances and at no cost to the road authority, may be required to be provided as a condition of site plan approval.

11.16 PARKLAND

Parkland, or a cash contribution in lieu of parkland shall be required to be provided in all cases where permitted pursuant to the provisions of the Planning Act.

11.17 BUILDING REGULATIONS

It is intended that the Township will review its building regulations from time to time and amend them as may be required. The regulations will continue to be used to maintain control over the erection, demolition and moving of structures within the Township. The regulations will assist in ensuring the health and safety of the Township's residents and the general public. Regard shall also be had to any other statute or regulation affecting the erection, demolition and moving of structures.

11.18 PROPERTY MAINTENANCE STANDARDS AND OCCUPANCY

The Township may enact or up-date a Property Maintenance Standards By-law that has application to all or any portion of the Township specified in the By-law, regarding Minimum Standards for the following:

- a) the physical condition of buildings and structures;
- b) the physical condition of lands;
- c) the adequacy of sanitation, and;
- d) the fitness of buildings and structures for occupancy.

The By-law may require that substandard properties be repaired and maintained to comply with the standards, prohibit the use of substandard property, and require the demolition and clearing of such property which the owner does not intend to repair and maintain. Upon passing a Maintenance and Occupancy By-law, The Township shall appoint a Property Standards Officer who will be responsible for administering and enforcing the By-law.

The Township shall also appoint a Property Standards Committee for the purpose of hearing appeals against an order issued by the Property Standards Officer.

11.19 CAPITAL WORKS PROGRAM

It is intended that the Township will prepare a capital works program in conformity with the proposals and policies of this Plan, in order to assess the immediate and long-term requirements and plan the major expenditures within the financial resources of the Township. The program would be reviewed annually.

The Township may levy against benefiting properties all or part of the cost of municipal services and facilities, including the costs of required plans, studies, reports and evaluations required in support of applications for the approval and provision of such services and facilities, pursuant to the provisions of the Municipal Act.

11.20 COMMUNITY IMPROVEMENT

Community Improvement may be defined as those activities, both public and private, including construction, that maintain, rehabilitate and redevelop the existing physical environment to accommodate and encourage improvements to the social and economic environment.

The intent of these policies is to create a unified approach to Community Improvement in order to make the most effective use of the municipality's financial resources and involve the public in the Community Improvement process.

Community Improvement Areas may be defined by the Township for the purpose of carrying out improvements. Community Improvement Areas and projects may be selected based on the following criteria:

- a) The adequacy of municipal services such as water mains, sewers, sidewalks, lighting, and roads;
- b) The degree to which non-conforming and incompatible land uses exist in the area;
- c) The opportunities for promoting development or redevelopment that is sustainable, energy efficient, oriented to pedestrians, and/or transit supportive;
- d) The opportunities for the provision of affordable housing;
- e) The degree to which physical features such as rivers and wetlands, and conditions such as poor drainage, unstable soils or steep slopes require works or remediation;
- f) The opportunities for the provision of improved community facilities, including parkland, recreational facilities and open spaces;
- g) The degree to which public and private parking facilities are deficient;
- h) The degree to which underutilized non-residential buildings or areas exist and/or are in a poor or unsafe condition, and;
- i) The availability of grants, loans of other funding for required projects.

The Community Improvement Areas defined by this Plan may include any lands or areas within the Township. However, Community Improvement projects are most likely to be

undertaken on those lands within the boundaries of the hamlets of Mansfield and Terra Nova, the communities of Honeywood, Rosemont and Violet Hill, the Primrose Business Park and the general area encompassing the Pine River Chalets/Valley View Close, Mountainview, Hector's Hill, and Big Tree Circle/Cook Crescent neighbourhoods.

Community Improvements may be undertaken by the Township through any of the following:

- i) the designation of community improvement project areas;
- ii) the preparation of community improvement plans;
- iii) the acquisition of land by the Township;
- iv) the creation, approval and enforcement of a property standards by-law;
- v) the use of public funds from local, provincial and federal funding programs;
- vi) the use of private donations;
- vii) the encouragement of site rehabilitation, and;
- viii) the designation of buildings, districts or lands under the Ontario Heritage Act.

As part of a Community Improvement Plan, the Township may prepare a capital works program in order to assess the immediate and long-term requirements and plan the major expenditure within the financial resources of the Township. The program will be revised and updated as required.

The Township may levy against benefiting properties, all or part of the cost of municipal services and facilities.

Nothing in this Plan shall prevent the identification of an upper-tier Community Improvement Area or project pursuant to policies contained in an upper-tier plan, or the provision of grants or loans by the County of Dufferin to the Township (or vice versa) for community improvement projects, on a voluntary basis.

11.21 CONSULTATION WITH APPROVAL AUTHORITY AND OTHER AGENCIES

The Township is required to ensure that decisions on Planning Act applications are consistent with Provincial policies and in conformity with, or not in conflict with Provincial Plans. To meet this objective, the Township shall consult the Province (Ministry of Municipal Affairs and Housing) through the One-Window Planning Service and where appropriate, may consult directly with other ministries and agencies for advice, assistance and direction on specific technical matters.

PART D: INTERPRETATION

12.1 PLAN BOUNDARIES

The outer limit of the Niagara Escarpment Plan Area and the Community designations where abutting a road, lot line or natural feature as shown on Schedules A1 to A7 are fixed and inflexible and can be changed only by an amendment to this Plan and, where applicable, by the Niagara Escarpment Plan.

12.2 ROAD LOCATIONS

The locations of roads as indicated on the Schedules shall be considered as approximate only. Amendments to this Plan therefore will not be required in order to make minor adjustments or deviations to the location of roads, provided that the general intent of this Plan is maintained.

12.3 USES

The permitted uses specifically listed in this Plan are intended to illustrate the range of activities permitted in each respective land use designation. Where a particular proposed use is not specifically listed as a use intended to be permitted in a designation, but where it is included in the list of permitted uses in another designation, that use shall be permitted only in the designation or designations in which it is specifically listed.

Permitted uses not specifically listed shall be prohibited unless it is clearly within the range and of a similar type as the examples provided as permitted uses within each designation, and an amendment to this Plan will be required.

More specific uses and related regulations shall, in any case, be defined in the Zoning By-law, for all areas outside of the Niagara Escarpment Plan Area, and the provisions of the By-law shall be taken as the more definitive.

12.4 ACCESSORY USES

Wherever a use is permitted in a land use designation, it is intended that uses, buildings or structures normally incidental, subordinate and accessory but otherwise considered to be directly related and essential to that use shall also be permitted.

12.5 LAND USE DESIGNATIONS

It is intended that the boundaries of the Land Use categories shown on Schedules A1 to A7 of this Plan, shall be considered as general only, except in the case where the boundary coincides with roads, railways, property lines and other definite physical limits. However, they are not intended, in all cases, to define the exact limits of such areas. Minor adjustments may be made to these boundaries for the purpose of any Zoning By-law without necessitating an amendment to this Plan. Except for such minor adjustments, no areas or zones shall be created that do not conform with this Plan.

The Township recognizes that the boundaries of the "Natural Areas" on Schedules A1 to A7 of this Plan may be imprecise and subject to change. The Township shall determine the extent of these "Natural Areas" on a site-by-site basis when considering

development proposals, in consultation with the Nottawasaga Valley Conservation Authority, the Ministry of Natural Resources and where applicable the Niagara Escarpment Commission. Minor adjustments to the "Natural Areas" designation can occur without necessitating an amendment to this Plan provided written approval is obtained from these agencies, where applicable.

12.6 APPLICATION OF THIS PLAN

The policies of this Plan are intended to guide Council decisions on applications submitted under the Planning Act. Once the principle of development has been established and permitted by this Plan, such developments, activities, uses and site alterations are intended to be subject to only those requirements specifically reflected in the updated implementing Zoning By-law, the conditions of development approval, any agreement between the owner and the Township and/or any other instrument intended to implement the requirements of this Plan. This includes developments, activities, uses and site alterations that are related and incidental to principal permitted developments and uses.

Developments such as buildings and structures of less than 10 sq. m. in size, and site alterations, such as would be required to landscape premises, maintain and repair services, infrastructure or facilities, and all such similar or comparable and minor developments and site alterations are not intended to be subject to the requirements of this Plan.

In the event that the applicability of this Plan to developments, activities, uses and site alterations is brought into question, the Township shall determine whether the Plan, or any specific policies or requirements of this Plan are applicable, in so far as there is no conflict with Provincial plans and policy.

12.7 FLEXIBILITY

The interpretation of the numerical figures with the exception of density figures and growth forecasts can be varied within 5 per cent of the figures in the text and such minor variation will not require an amendment to this Plan.

12.8 MONITORING

The Township, in consultation with affected public agencies, groups and organizations, will encourage the establishment of a monitoring program in order to measure the effectiveness of the policies of this Plan.

12.9 NIAGARA ESCARPMENT PLAN

The Niagara Escarpment Plan remains the senior planning document for the Niagara Escarpment Plan Area. Where there is a conflict with this Plan or the Zoning By-law, the provisions of the Niagara Escarpment Plan prevail.

Township policies in this Plan that are more rigorous or restrictive than those outlined in the Niagara Escarpment Plan are not considered to be in conflict with the Niagara Escarpment Plan and continue to apply.

12.10 CONFLICTS IN CONTENT OR INTERPRETATION WITHIN THIS PLAN

This Plan is a goal-oriented document which sets out higher order, overall guiding principles for the Township, general objectives for broad categories of land uses as well as specific, lower order objectives for each designation. General policies applicable throughout the Township and specific policies for each land use designation which adhere to these principles and achieve these objectives are then set out.

Where a conflict arises with the application of a specific policy to any proposal which is in conflict with the higher order general objectives or guiding principles of this Plan, the higher order general objective or guiding principle applicable to the proposal shall take precedence.

12.11 PLAN REVIEW

The Plan shall be reviewed at least once within five years of its approval by the Minister of Municipal Affairs and Housing. Should economic or social changes occur which necessitate an earlier review, the Township may direct such a review to be undertaken.

PART E: DEFINITIONS

The following definitions have been compiled to assist the reader with the interpretation of this Official Plan.

It should be noted that many of the terms defined below are also common terms used in the normal language of an Official Plan. They are therefore not intended, in all cases, to be interpreted as having the same meaning as the definitions provided below, which are often intended to apply only to specific contexts.

In most instances, the intended context(s) of the terms are provided in the definitions. Three examples are provided.

Access Standards: means methods or procedures to ensure safe vehicular and pedestrian movement, and access for the maintenance and repair of protection works, during times of flooding hazards, erosion hazards and/or other water-related hazards.

Access Allowance: An area of land bordering an area with a physical hazard intended to provide vehicle and/or pedestrian access for the maintenance and repair of protection works and during times of flooding, erosion and/or other water related hazards.

Accessory Building and/or Structure: means a detached building or structure that is not used for human habitation, the use of which is naturally and normally incidental to, subordinate to, or exclusively devoted to a principal use or building and located on the same lot.

Accessory Use: means the use of any land, building or structure which is subordinate to and exclusively devoted to the principal use located on the same lot.

Adjacent lands: means

- a) for the purposes of protecting natural heritage features and functions, those lands contiguous to a specific natural heritage feature or area where it is likely that development or site alteration would have a negative impact on the feature or area. The extent of the adjacent lands may be recommended by the Province, or based on municipal approaches which achieve the same objectives; and
- b) for the purposes of protecting cultural heritage features, those lands contiguous to a protected heritage property.

Additional Single Dwelling: means a separate and complete residential unit that is located within a detached accessory building or structure on the same property as the principal single detached, semi-detached or townhouse residential dwelling.

Adverse effects: as defined in the Environmental Protection Act and for the purposes of this Plan, means one or more of:

- a) impairment of the quality of the natural environment for any use that can be made of it;
- b) injury or damage to property or plant or animal life;
- c) harm or material discomfort to any person;

- d) an adverse effect on the health of any person;
- e) impairment of the safety of any person;
- f) rendering any property or plant or animal life unfit for human use;
- g) loss of enjoyment of normal use of property; and
- h) interference with the normal conduct of business.

Affordable: means

- a) in the case of ownership housing, the least expensive of:
 - 1. housing for which the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual household income for low and moderate income households; or
 - 2. housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the regional market area;
- b) in the case of rental housing, the least expensive of:
 - 1. a unit for which the rent does not exceed 30 percent of gross annual household income for low and moderate income households; or
 - 2. a unit for which the rent is at or below the average market rent of a unit in the regional market area.

Aggregate, Aggregate Resources or Mineral Aggregate Resources: means gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite, rock or other material prescribed under the Aggregate Resources Act suitable for construction, industrial, manufacturing and maintenance purposes but does not include metallic ores, asbestos, graphite, kyanite, mica, nepheline syenite, peat, salt, talc, wollastonite, mine tailings or other material prescribed under the Mining Act.

Agricultural Use: means the growing of crops, including nursery and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including accommodation for full-time farm labour when the size and nature of the operation requires additional employment.

Agricultural Operation: means the carrying out of an agricultural use.

Agriculture-related uses: means those farm-related commercial and farm-related industrial uses that are small scale and directly related to the farm operation and are required in close proximity to the farm operation.

Alternative energy systems: means sources of energy or energy conversion processes that significantly reduce the amount of harmful emissions to the environment (air, earth and water) when compared to conventional energy systems.

Apartment Building: means a separate building containing three or more dwelling units sharing a common corridor or stair well.

Apartment, Accessory: means a dwelling unit located within some portion of an existing dwelling on a lot, with separate kitchen, living, sleeping and sanitation facilities and a separate entrance from the outdoors or from a common hallway, but does not include any area used as a dwelling unless specifically permitted by this Plan and the Township's Zoning By-law..

Archaeological Resources: includes artifacts, archaeological sites and marine archaeological sites. The identification and evaluation of such resources are based upon archaeological fieldwork undertaken in accordance with the Ontario Heritage Act.

Areas of archaeological potential: means areas with the likelihood to contain archaeological resources. Criteria for determining archaeological potential are established by the Province, but municipal approaches which achieve the same objectives may also be used. Archaeological potential is confirmed through archaeological fieldwork undertaken in accordance with the Ontario Heritage Act.

Areas of high aggregate potential: means areas favourable to the discovery of aggregate deposits due to geology, the presence of known aggregate deposits or other technical evidence.

Areas of Natural and Scientific Interest (ANSIs): means areas of land and water containing natural landscapes or features which have been identified as having values related to natural heritage protection, scientific study, or education. Depending upon the features of particular areas, they may be referred to as Life Science or Earth Science sites, depending on whether they are ecological or geological features. These areas vary in their level of significance and their vulnerability to environmental impacts. They are identified by the Ministry of Natural Resources and may be classified as being of "provincial", "regional" or "local" significance.

Attached: means a building otherwise complete in itself, which depends, for structural support or complete enclosure, upon a division wall or walls shared in common with an adjacent building or buildings.

Attached Accessory Dwelling: means a separate and complete residential unit that is contained within the structure of a single detached, semi-detached or townhouse residential dwelling.

Bed and Breakfast (Home): means sleeping accommodation for the traveling or vacationing public within a single dwelling which is owned by and is within the principal residence of the proprietor, to a maximum of three guest rooms, and may include the provision of breakfast and other meals and services, facilities or amenities for the exclusive use of the occupants.

Brownfield sites: means undeveloped or previously developed properties that may be contaminated. They are usually, but not exclusively, former industrial or commercial properties that may be underutilized, derelict or vacant.

Bruce Trail: means a continuous footpath from Queenston to Tobermory on which users can experience on foot the scenic, natural, wooded, pastoral and culturally significant areas of the Niagara Escarpment.

Bruce Trail Access Points: means property managed and/or acquired in whole or in part for the purpose of providing public access to the Bruce Trail (e.g. parking areas).

Bruce Trail Corridor: means property managed and/or acquired in whole or in part under Part 3 of the Niagara Escarpment Plan or by other means for the purpose of securing the Bruce Trail and facilitating the establishment of Overnight Rest Areas and Bruce Trail Access Points.

Building: means a structure consisting of walls, roof and floor or a structural system serving the same purpose as defined in the Building Code and including carports and cloth, plastic or vinyl materials supported by structural frames but does not include awnings.

Building Cluster; means a group of buildings, which includes the dwelling, on a single property.

Built heritage resources: means one or more significant buildings, structures, monuments, installations or remains associated with architectural, cultural, social, political, economic or military history and identified as being important to a community. These resources may be identified through designation or heritage conservation easement under the Ontario Heritage Act, or listed by local, provincial or federal jurisdictions.

Campground: means an area used for a range of overnight camping experiences, from tenting to serviced trailer sites, including accessory facilities which support the use, such as administration offices, laundry facilities, washrooms, support recreational facilities, but does not include the use of mobile homes or trailers on a permanent year-round basis.

Carrying Capacity: means capacity of a site to support a use without substantial negative impact on environmental features such as water quality, natural vegetation, soil, wildlife population and visual attractiveness.

Chief Building Official: The official employed or appointed by the Township under the Building By-law or pursuant to the provisions of The Building Code Act, S.O., 1992 c.23, as amended, and shall include any Inspector likewise employed and appointed.

Compatible: means where the building, structure, activity or use blends, conforms or is harmonious with the ecological, physical, visual or cultural environment.

Conservation: means the wise management of the environment in a way which will maintain, restore, enhance and protect its quality and quantity for sustained benefit to humans and the environment.

Conservation Purposes Only Lot: means an existing lot or a lot created for the purposes of conservation and passive recreational uses only. Such a lot is not a building lot. Residential uses and buildings, structures and improvements other than those related directly to its intended purpose(s) are not permitted.

Conservation Organization: means a non-government conservation body including a land trust, conservancy or similar not-for-profit agency governed by a charter or articles

of incorporation or letters patent, and with by-laws and objectives that support the protection of the natural environment.

Conserved: means the identification, protection, use and/or management of cultural heritage and archaeological resources in such a way that their heritage values, attributes and integrity are retained. This may be addressed through a conservation plan or heritage impact assessment.

Cottage Industry: means an occupation conducted as an accessory use within a single dwelling or in an addition to the dwelling or an accessory building located within the Niagara Escarpment Plan Area of the Township, performed by one or more residents of the household on the same property. A cottage industry may include occupations such as dressmaking, upholstering, weaving, baking, ceramicmaking, painting, sculpting and the repair of personal effects.

Cultural Heritage Features; means human-made features of the landscape (also see Heritage Property).

Cultural Landscape: means a cultural landscape that is the product of human activity over time in modifying the landscape for their own purpose, and is an aggregation of human-made features such as a village, farmland, waterways, transportation corridors, and other artifacts.

Cumulative Effect: means the effect on the environment as a result of the incremental impacts of development when considered in conjunction with other past, present and possible future similar actions, occurring in an area over a period of time.

Deeryard, Core: means those critical winter habitat areas where deer concentrate during those periods of more severe winter conditions, but does not include associated deer wintering areas outside of the core areas.

Deposits of mineral aggregate resources: means an area of identified mineral aggregate resources, as delineated in Aggregate Resource Inventory Papers or comprehensive studies prepared using evaluation procedures established by the Province for surficial and bedrock resources, as amended from time to time, that has a sufficient quantity and quality to warrant present or future extraction. Bedrock resources with less than 8.0 m. of unconsolidated surficial material cover are included.

Designated: means

a) when reference is made to the Ontario Heritage Act, means heritage property in respect of which a designation has been carried out under the Ontario Heritage Act; and

b) In all other respects, designated, or designation, refers to the particular land use category or categories of land as depicted on the Schedules to this Plan.

Designated and Available: for the purposes of Section 5.4a), means lands designated in this Plan for residential use. Where more detailed secondary plans are required before development applications can be considered for approval, only lands that have

commenced the more detailed planning process are considered to be designated for the purposes of this definition.

Designated Growth Areas: means lands within settlement areas designated in this Plan for growth over the 20 year planning horizon, but which have not yet been fully developed, including lands which are designated and available for residential growth in accordance with Section 5.4a), and lands required for employment and other uses.

Designated Vulnerable Area: means areas defined as vulnerable, in accordance with provincial standards, by virtue of their importance as a drinking water source that may be impacted by activities or events.

Dwelling/Dwelling Unit: means a building or part of a building containing a combination of rooms in which a kitchen, living quarters, sleeping areas and sanitary conveniences are provided for the exclusive use of one or more persons either continuously, permanently, temporarily or transiently, and with a private entrance from outside the building or from a common hallway or stairway inside, and occupied or capable of being occupied, in whole or in part as the home, residence or sleeping place. It may include a modular home constructed in accordance with the Building Code and C.S.A. A-277 Regulations, but does not include a mobile home, travel trailer, camper, or other similar vehicle.

Dwelling, Accessory: means a use, building, or structure, which is separate from an existing dwelling on the same lot, and which is usually incidental, subordinate, exclusively devoted to the principle use, building or structure but not including a building or structure which is used as a dwelling unless specifically permitted by this Plan and the Township's Zoning By-law.

Dwelling, Single-detached: A detached building containing one dwelling unit only.

Development: means the creation of a new lot, a change in land use, or the construction of buildings and structures, and related site alterations, requiring approval under the Planning Act, but does not include:

- a) activities that create or maintain infrastructure authorized under an environmental assessment process, or;
- b) works subject to the Drainage Act;

Domestic Purposes: means those purposes for the property owner's use and not for sale to the public.

Ecological function: means the natural processes, products or services that living and non-living environments provide or perform within or between species, ecosystems and landscapes. These may include biological, physical and socio-economic interactions.

Easement: means a negotiated interest in the land of another which allows the easement holder specified uses or rights without actual ownership of the land.

Ecological function: means the natural processes, products or services that living and non-living environments provide or perform within or between species, ecosystems and landscapes. These may include biological, physical and socio-economic interactions.

Employment lands: means those areas designated in this Plan for business and economic activities including, but not limited to, industrial, manufacturing, warehousing, offices, commercial and institutional, and associated retail and ancillary facilities.

Endangered Species: means any species listed on the Species at Risk in Ontario (SARO) List as endangered.

Environmental Monitoring: means the long term and repeated measurement of selected properties or characteristics of the environment and of the activities believed to be responsible for changes in the environment. The most significant properties or characteristics are often referred to as indicators. Monitoring may be carried out on a broad, regional scale or on a restricted, local scale.

Erosion hazard: means the loss of land, due to human or natural processes, that poses a threat to life and property. The erosion hazard limit is determined using considerations that include the 100 year erosion rate (the average annual rate of recession extended over a one hundred year time span), an allowance for slope stability, and an erosion/erosion access allowance.

Essential: means that which is deemed necessary to the public interest after all alternatives have been considered.

Existing Lot of Record: means:

- a) A lot held under distinct and separate ownership from all abutting lots as shown by a registered conveyance in the records of the Land Registry office, or
- b) Any new lot created in conformity with the provisions of this Plan.

Existing Use: means the use of any land, building or structure legally:

- a) Existing on the day of approval of this Plan, or any preceding Official Plan of the Township, or;
- b) Approved in accordance with the provisions of this Plan prior to the date of any amendment to the Plan that subsequently prohibited the use;

Farm: means the growing of crops, including nursery and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including accommodation for full-time farm labour when the size and nature of the operation requires additional employment.

Farm Cluster: means a group of farm buildings, which includes the farm dwelling, on a property actively involved in agricultural use.

Farm Vacation Home: means sleeping accommodation for the traveling or vacationing public within a single dwelling associated with a farm which is owned by and is the principal farm residence, to a maximum of three guest rooms and may include participation in farm activities and the provision of meals and other services, facilities or amenities for the exclusive use of the occupants.

Fish: includes fish, shellfish, crustaceans, and marine animals, at all stages of their life cycles.

Fish Habitat: means the spawning grounds and nursery, rearing, food supply, and migration areas on which fish depend, directly or indirectly, in order to carry out their life processes. The habitat of any species designated or identified by the Ministry of Natural Resources as an invasive species is not considered fish habitat for the purposes of this Plan.

Fisheries Management: means the management of fish habitat and fish populations for the purpose of sustaining and improving the quality and quantity of fish.

Fishery Resource: means any body of water sustaining or having potential to sustain healthy game, forage or fish populations including bait fish, as identified by the Ministry of Natural Resources.

Flood fringe: for river, stream and small inland lake systems, means the outer portion of the flood plain between the floodway and the flooding hazard limit. Depths and velocities of flooding are generally less severe in the flood fringe than those experienced in the floodway.

Flooded Lands: includes land within the floodplain and flood fringe, but also includes areas west of the Niagara Escarpment Plan where water is temporarily stored for relatively short periods of time, generally in the spring following snowmelt and following extremely heavy rainfall events, in natural depressions associated with poorly developed karstic landscape of that area.

Flooding hazard: means the inundation, under the conditions specified below, of areas adjacent to a shoreline or a river or stream system and not ordinarily covered by water:

- a) Along river, stream and small inland lake systems, the flooding hazard limit is the greater of:
 1. the flood resulting from the rainfall actually experienced during the Timmins storm (1961), transposed over a specific watershed and combined with the local conditions, where evidence suggests that the storm event could have potentially occurred over watersheds in the general area;
 2. the one hundred year flood; and
 3. a flood which is greater than 1. or 2. which was actually experienced in a particular watershed or portion thereof as a result of ice jams and which has been approved as the standard for that specific area by the Minister of Natural Resources;

except where the use of the one hundred year flood or the actually experienced event has been approved by the Minister of Natural Resources as the standard for a specific watershed (where the past history of flooding supports the lowering of the standard).

Flood Plain: means the area, usually lowlands, adjoining a watercourse which has been, or may be covered by flood water.

Floodproofing standard: means the combination of measures incorporated into the basic design and/or construction of buildings, structures, or properties to reduce or eliminate flooding hazards along river, stream and small inland lake systems.

Forest Management: means the sustainable management of forests for the production of wood and wood products, and to provide outdoor recreation, to maintain, restore or enhance environmental conditions for wildlife, and for the protection and production of water supplies.

Garden Centre: means a greenhouse or other building associated with a commercial enterprise for the growing and/or re-sale of flowers, plants, shrubs, trees and other similar vegetation that is generally sold at retail to the general public, along with landscaping materials, gardening tools and implements, garden supplies and other non-agricultural goods intended primarily for the landscaping and exterior beautification of property.

Garden Suite: means a one-unit detached residential structure containing bathroom and kitchen facilities that is ancillary to an existing residential structure and that is designed to be portable.

Golf Course: means a public or private area laid out, operated or used for the purpose of playing or practicing the game of golf, and may include a club house and related recreational facilities, accessory driving ranges, putting greens and miniature golf courses, and other incidental and similar uses located on the same lot.

Greenhouse: means a building associated with an agricultural operation for the growing of vegetables and fruits, flowers, plants, shrubs, trees and other similar crops or landscaping plants that is either transplanted outdoors on the same lot or on other lands that are part of the agricultural operation for eventual harvest or re-sale, or sold directly from the building at wholesale or retail, but does not include a garden centre.

Ground Water Feature: refers to water-related features in the earth's subsurface, including recharge/discharge areas, water tables, aquifers and unsaturated zones that can be defined by surface and subsurface hydrogeologic investigations.

Groundwater Infiltration or Recharge Area: means an area where the porous nature of the surficial materials allows significant percolation of water into the groundwater system.

Group Home: A single housekeeping unit in a residential dwelling in which 3 to 9 residents excluding staff or receiving family, live as a family under responsible supervision consistent with the requirements of its residents, on a shared accommodation, room and board or other similar basis, without the need for on-site

specialized medical or other professional care. A group home does not include a home licensed or approved under any Provincial statute.

Group Home Care Facility: means a facility that is licensed and/or funded by a Public Agency for the accommodation of persons living in a single housekeeping unit or residence and who, by reason of their emotional, mental, social or physical condition or legal status, require a group living arrangement and/or on-site care for their well being. A group home care facility may include a Special Care Residential Home, Supportive Housing Program, Adult Community Mental Health Program, Children's Residence, Accommodation Services for the Developmentally Handicapped, Satellite Residences for Seniors and Homes for Physically Disabled Seniors, permitted and in compliance with municipal by-laws.

Guest Cabin: A detached structure accessory to a single detached dwelling, for the non-commercial, occasional and temporary accommodation of guests of the owner of the lot on which the cabin is situated, which may contain washroom facilities, but which does not contain a kitchen.

Habitat of Endangered Species, Threatened Species, Special Concern and Extirpated Species: means

- a) where a regulation has been made prescribing the habitat of an extirpated, endangered or threatened species on the SARO List under the Endangered Species Act, 2007, the area prescribed by that regulation is the habitat for the species, or
- b) For any other species on the SARO List, the area on which the species depends, directly or indirectly to carry on its life processes, including life processes such as reproduction, rearing, hibernation, migration or feeding and includes places that are used as dens, nests, hibernacula or other residences.

Hazardous lands: means property or lands that could be unsafe for development due to naturally occurring processes. Along river, stream and small inland lake systems, this means the land, including that covered by water, to the furthest landward limit of the flooding hazard or erosion hazard limits.

Hazardous sites: means property or lands that could be unsafe for development and site alteration due to naturally occurring hazards. These may include unstable soils (sensitive marine clays (leda), organic soils) or unstable bedrock (karst topography).

Hazardous substances: means substances which, individually, or in combination with other substances, are normally considered to pose a danger to public health, safety and the environment. These substances generally include a wide array of materials that are toxic, ignitable, corrosive, reactive, radioactive or pathological.

Headwaters: means the source area of a stream.

Heritage Property: means features in or on the land or underwater and considered to be a consultable record of past human activities, endeavours or events (e.g. buildings, street furniture, engineering works, planting and archaeological sites) - also see Cultural Heritage Features.

High Water Mark: means the mark made by the action of water under natural conditions on the shore or bank of a body of water which action has been so common and usual that it has created a difference between the character of the vegetation or soil on one side of the mark and the character of the vegetation and soil on the other side of the mark.

Home Industry: means a small scale use, providing a service primarily to the local community or area and which is accessory to a residential use or agricultural operation, performed by one or more residents of the household on the same property. A home industry is conducted primarily in an accessory building and may include a carpentry shop, a metal working shop, a welding shop, an electrical shop or blacksmith's shop, etc.

Home Occupation: means an occupation, which provides a service as an accessory use primarily carried out within a dwelling or in an addition to the dwelling, performed by one or more residents of the household on the same property. Such occupations may include services performed by an accountant, architect, auditor, dentist, medical practitioner, engineer, insurance agent, land surveyor, lawyer, realtor, planner, hairdresser, desk top publisher or word processor, computer processing provider, teacher or day care provider.

Household: means one or more persons living as a single housekeeping unit in one dwelling.

Hydrologic function: means the functions of the hydrological cycle that include the occurrence, circulation, distribution, and the chemical and physical properties of water on the surface of the land, in the soil and underlying rocks, and in the atmosphere, and water's interaction with the environment including its relation to living things.

Individual on-site sewage services: means individual, autonomous sewage disposal systems within the meaning of s.8.1.2, O.Reg. 403/97, under the Building Code Act, that are owned, operated and managed by the owner of the property upon which the system is located.

Individual on-site water services: means individual, autonomous water supply systems that are owned, operated and managed by the owner of the property upon which the system is located.

Infrastructure: means physical structures (facilities and corridors) that form the foundation for development. Infrastructure includes: sewage and water systems, septage treatment systems, waste management systems, electric power generation and transmission, communications/ telecommunications, transit and transportation corridors and facilities, oil and gas pipelines and associated facilities.

Institutional Use: means use of land, building or structure for some public or social purpose, but not for commercial purposes, and may include governmental, religious, educational, charitable, philanthropic, hospital, health care, public recreational or other similar or non-commercial use to serve the immediate community.

Intensification: means the development of a property, site or area at a higher density than currently exists through:

- a) redevelopment, including the reuse of brownfield sites;
- b) the development of vacant and/or underutilized lots within previously developed areas;
- c) infill development; and
- d) the expansion or conversion of existing buildings.

Kennel: means an establishment for the keeping, breeding and raising of domesticated animals for profit or gain, but shall not apply to the keeping of animals in a veterinary establishment for the purpose of observation and or recovery necessary to veterinary treatment.

Legal or technical reasons: means severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot.

Loading Space: means an off-street space on the same lot as the building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, lane or other appropriate means of access.

Local Heritage Value or Interest: means status accorded to heritage properties by the Township where Council, on the advice of a Local Architectural Conservation Advisory Committee (LACAC) or the Ontario Heritage Trust, is prepared to designate or has designated, and will enter or has entered into an easement agreement under the Ontario Heritage Act.

Lot: means a parcel or tract of land described in a deed or other legal document which is legally capable of conveying title and:

- a) Which is a whole lot within a Registered Plan of Subdivision, or lot within a Registered Plan of Condominium other than a Registered Plan of Subdivision which has been deemed not to be a Registered Plan of Subdivision under a By-law passed pursuant to Section 50(4) of The Planning Act R.S.O. 1990 as amended; or
- b) Which is a legally separated parcel of land in existence on the date of passing of this By-law without the owner holding the fee or the equity or redemption in, or power or right to grant, assign or exercise a power of appointment with respect to any abutting land; or
- c) The description of which is the same as in a deed which has received final consent to a conveyance pursuant to Section 53 of The Planning Act, R.S.O. 1990, as amended.
- d) Which is the whole remnant remaining to an owner or owners after a conveyance is made with final consent pursuant to Section 53 of The Planning Act, R.S.O. 1990, as amended, but for the purpose of this paragraph no parcel or tract of land ceases to be a lot by reason only of the fact that a part or parts of it has or have

been conveyed to or acquired by the Township of Mulmur, Her Majesty in the Right of Ontario or Her Majesty in the Right of Canada.

Low and Moderate Income Households: means

- a) in the case of ownership housing, households with incomes in the lowest 60 percent of the income distribution for the regional market area; or
- b) in the case of rental housing, households with incomes in the lowest 60 percent of the income distribution for renter households for the regional market area.

Mineral Aggregate Operation: means

- a) lands under license or permit, other than for wayside pits and quarries, issued in accordance with the Aggregate Resources Act, or successors thereto;
- b) for lands not designated under the Aggregate Resources Act, established pits and quarries that are not in contravention of the Township's zoning by-laws and including adjacent land under agreement with or owned by the operator, to permit continuation of the operation; and
- c) associated facilities used in extraction, transport, beneficiation, processing or recycling of mineral aggregate resources and derived products such as asphalt and concrete, or the production of secondary related products.

Mineral Deposits: means areas of identified minerals that have sufficient quantity and quality based on specific geological evidence to warrant present or future extraction.

Mineral Mining Operation: means mining operations and associated facilities, or, past producing mines with remaining mineral development potential that have not been permanently rehabilitated to another use.

Minerals: means metallic minerals and non-metallic minerals as herein defined, but does not include mineral aggregate resources or petroleum resources.

Metallic minerals means those minerals from which metals (e.g. copper, nickel, gold) are derived.

Non-metallic minerals means those minerals that are of value for intrinsic properties of the minerals themselves and not as a source of metal. They are generally synonymous with industrial minerals (e.g. asbestos, graphite, kyanite, mica, nepheline syenite, salt, talc, and wollastonite).

Minimum Distance Separation Formulae: means formulae developed by the Province to separate uses so as to reduce incompatibility concerns about odour from livestock facilities.

Mobile Home: means any dwelling that is designed to be mobile, and constructed or manufactured to provide a permanent residence for one or more persons in accordance

with CSA Z240 or Z241 but does not include a park model home, travel trailer or tent trailer or trailer otherwise designed.

Motor Vehicle, Commercial: means any commercial motor vehicle within the meaning of The Highway Traffic Act, as amended.

Municipal Comprehensive Review: means a review of the official plan, or an official plan amendment, carried out by the Township at least every five years, to ensure the Plan conforms with provincial plans and is consistent with provincial policy, which:

1. is based on a review of population and growth projections and which reflects projections and allocations by upper-tier municipalities and provincial plans, where applicable; considers alternative directions for growth; and determines how best to accommodate this growth while protecting provincial interests;
2. utilizes opportunities to accommodate projected growth through intensification and redevelopment
3. confirms that the lands to be developed do not comprise specialty crop areas;
4. is integrated with planning for infrastructure and public service facilities; and
5. considers cross-jurisdictional issues.

Municipal Park or Open Space: means any park or open space area owned and/or managed by the Township or the County of Dufferin;

Municipal Sewage Services: means a sewage works within the meaning of Section 1 of the Ontario Water Resources Act that is owned or operated by a municipality.

Municipal Water Services: means a municipal drinking-water system within the meaning of Section 2 of the Safe Drinking Water Act, 2002.

Natural Environment: means the air, land and water or any combination or part thereof, of the Township.

Natural Features and Areas: means features and areas, including significant wetlands, fish habitat, significant woodlands, significant valleylands, significant habitat of endangered species and threatened species, significant wildlife habitat, and significant areas of natural and scientific interest, which are important for their environmental and social values as a legacy of the natural landscapes of the Township.

Natural Heritage System: means a system made up of natural heritage features and areas, linked by natural corridors which are necessary to maintain biological and geological diversity, natural functions, viable populations of indigenous species and ecosystems. These systems can include lands that have been restored and areas with the potential to be restored to a natural state.

Nature Preserve: means property held by a conservation organization for the purpose of enhancing, protecting, maintaining or providing access to the natural environment in the Township. Nature preserves will be areas or sites that presently, or in the future,

could contribute to the conservation of the Township's biodiversity and natural heritage. Such lands are not recognized as building lots under this Plan.

Negative Impacts: means

- a) in regard to water resources, degradation to the quality and quantity of water, sensitive surface water features and sensitive ground water features, and their related hydrologic functions, due to single, multiple or successive development or site alteration activities;
- b) in regard to fish habitat, the harmful alteration, disruption or destruction of fish habitat, except where, in conjunction with the appropriate authorities, it has been authorized under the Fisheries Act, using the guiding principle of no net loss of productive capacity;
- c) in regard to other natural heritage features and areas, degradation that threatens the health and integrity of the natural features or ecological functions for which an area is identified due to single, multiple or successive development or site alteration activities;
- d) in regard to rural character, changes to the existing rural, natural, agricultural, forested/open and human-altered landscape of the site and surrounding area, that substantially and/or permanently alter that character due to the introduction of developments or built forms that dominate on the landscape, cause visual impacts that cannot be mitigated, and/or introduce prominent visual intrusions or other disturbances that fundamentally alter the rural character.

Non-complying: means a lot, building or structure that does not meet the requirements of the designation of this Plan in which the lot, building or structure is located.

Non-conforming: means an existing use or activity of any land, building or structure which does not conform with the permitted uses or activities, of this Official Plan for the Designation in which such existing land, building or structure is located.

Normal farm practices: means a practice, as defined in the Farming and Food Production Protection Act, that is conducted in a manner consistent with proper and acceptable customs and standards as established and followed by similar agricultural operations under similar circumstances; or makes use of innovative technology in a manner consistent with proper advanced farm management practices. Normal farm practices shall be consistent with the Nutrient Management Act, and regulations made under that Act.

Nursing Home: means any premises maintained and operated for persons requiring nursing care, and which is licensed under The Nursing Homes Act, as amended.

One Hundred Year Flood: for river, stream and small inland lake systems, means that flood, based on an analysis of precipitation, snow melt, or a combination thereof, having a return period of 100 years on average, or having a 1% chance of occurring or being exceeded in any given year.

Open Landscape Character: means the system of rural features, both natural and human made which makes up the rural environment, including forests, slopes, streams and stream valleys, hedgerows, agricultural fields, generally dispersed farmsteads and rural residential uses, etc.

Open, Maintained Road: A road or highway under the jurisdiction of the Province of Ontario, County of Dufferin or the Township which is maintained so as to allow normal vehicular access to adjacent properties at all times and in all seasons of the year and which, in the case of a municipal road, is a road which has been constructed and is maintained to Township standards.

Original Township Half Lot: means half of an original township lot where the township was originally surveyed into 80 hectare (200 acre) lots. In the Township of Mulmur, the vast majority of the original township half lots are referred to as “square hundreds”, being the east or west half of an original Township lot, while a small number were originally surveyed as “string hundreds”, being one half of either the east or west half of two adjoining original Township half lots or one half of one entire original Township lot, in either case being 40 ha., more or less, in size.

Original Township Lot: means the township lot as shown on an original plan where an original plan is a plan certified by the Surveyor General as being the original plan of an original survey. In the Township of Mulmur, original township lots are 80 hectares (200 acres).

Other Water-related Hazards: means water-associated phenomena other than flooding hazards and wave up-rush which act on shorelines. This includes, but is not limited to ice piling and ice jamming.

Overnight Rest Areas: means property managed and/or acquired by the Bruce Trail Conservancy or through agreements with landowners or public agencies for the purpose of allowing small basic unserviced camping sites for Bruce Trail users.

Outdoor Storage: means any accessory storage outside of a principle or main building or structure on the lot.

Park, Private Recreational: means an open space or recreational area, other than a public park, operated on a commercial and/or private member basis, and which includes one or more of the following facilities or activities:

- a) Areas for walking, riding, and cross-country skiing, but does not include the racing of animals, motor vehicles, motor cycles or snowmobiles;
- b) Accessory recreational or playground areas such as picnic areas, tennis courts, lawn bowling greens, outdoor skating rinks, athletic fields;
- c) An accessory club house or storage building of a maximum of 75 sq. m., and;
- d) Parking lots accessory to the foregoing.

Park, Public: means any open space or recreational area, owned or controlled by the Township or by any Board, Commission or other Authority established under any statute

of the Province of Ontario and may include therein neighbourhood, community, regional and special parks or areas and may include one or more athletic fields, field houses, community centres, bleachers, swimming pools, greenhouses, botanical gardens, zoological gardens, bandstands, skating rinks, tennis courts, bowling greens, bathing stations, curling rinks, refreshment rooms, fair grounds, arenas, or similar uses.

Parking Area: means an area or areas of land or a building or part thereof which is provided and maintained upon the same lot or lots upon which the principle use is located for the purpose of temporarily storing motor vehicles of the owner/operator, employees and/or patrons of a permitted use on the lot.

Parking Lot: means a parking area forming the principle use of a lot.

Parking Space: An area having a surface area and dimensions adequate for the parking of a passenger motor vehicle, exclusive of any aisles, ingress or egress lanes.

Partial Services: means

- a) municipal sewage services or private communal sewage services and individual on-site water services; or
- b) municipal water services or private communal water services and individual on-site sewage services.

Person: means any human being, association, firm, partnership, incorporated company, corporation, agent or trustee, and the heirs, executor or other legal representatives of a person to whom the context can apply according to law.

Pit: means land or land under water from which unconsolidated aggregate is being or has been excavated, and that has not been rehabilitated, but does not mean land or land under water excavated for a building or other work on the excavation site or in relation to which an order has been made under sub-section 1(3) of the Aggregate Resources Act.

Planned Corridors: means corridors identified through provincial plans or preferred alignment(s) determined through the Environmental Assessment Act process which are required to meet projected needs.

Portable Asphalt Plant: means a facility

- a) with equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material, and includes stockpiling and storage of bulk materials used in the process; and
- b) which is not of permanent construction, but which is to be dismantled at the completion of the construction project.

Portable Concrete Plant: means a building or structure

- a) with equipment designed to mix cementing materials, aggregate, water and admixtures to produce concrete, and includes stockpiling and storage of bulk materials used in the process; and
- b) which is not of permanent construction, but which is designed to be dismantled at the completion of the construction project.

Preservation: means the maintenance of natural or cultural heritage features in their current or original form, and the maintenance of the natural environment to allow natural processes to continue undisturbed by human intervention.

Prime Agricultural Area: means areas designated Agricultural in this Plan where prime agricultural lands predominate. Prime agricultural areas include areas of prime agricultural lands and associated pockets of Canada Land Inventory Class 4-7 soils which are:

- surrounded by prime agricultural land, or;
- on farm parcels where prime agricultural lands predominate,

and additional areas where there is a local concentration of farms which exhibit characteristics of ongoing agriculture.

Prime agricultural areas may be identified by the Ontario Ministry of Agriculture and Food using evaluation procedures established by the Province as amended from time to time, or may also be identified through an alternative agricultural land evaluation system approved by the Province.

Prime Agricultural Land: means land that includes specialty crop areas (provincially significant and/or Canada Land Inventory Classes 1, 2, and 3 soils, in this order of priority for protection.

Principle or Main Building: means any building in which is carried on the principle purpose for which the lot is used and shall include a barn or silo used in conjunction with a farm.

Private Communal Sewage Services: means a sewage works within the meaning of Section 1 of the Ontario Water Resources Act that serves six or more lots or private residences and is not owned by a municipality.

Private Communal Water Services: means a non-municipal drinking-water system within the meaning of Section 2 of the Safe Drinking Water Act, 2002 that serves six or more lots or private residences.

Private Road: means a private right-of-way over private or public property which affords access to abutting lots and is not maintained by a public body.

Progressive Rehabilitation: means rehabilitation done sequentially, within a reasonable time, in accordance with the Aggregate Resources Act, its regulations, the site plans and the conditions of the license or permit during the period that aggregate is being excavated and in accordance with the provisions of this Plan, and the Niagara Escarpment Plan where applicable.

Property: means real property, including all buildings and structures thereon.

Protected Heritage Property: means real property designated under Parts IV, V or VI of the Ontario Heritage Act; heritage conservation easement property under Parts II or IV of the Ontario Heritage Act; and property that is the subject of a covenant or agreement between the owner of a property and a conservation body or level of government, registered on title and executed with the primary purpose of preserving, conserving and maintaining a cultural heritage feature or resource, or preventing its destruction, demolition or loss.

Protection: means ensuring that human activities are not allowed to occur which will result in the unacceptable degradation of the quality of an environment.

Protection Works Standards: means the combination of non-structural or structural works and allowances for slope stability and flooding/ erosion to reduce the damage caused by flooding hazards, erosion hazards and other water-related hazards, and to allow access for their maintenance and repair.

Provincial and Federal Requirements: means

- a) in regard to alternative energy systems, legislation and policies administered by the federal or provincial governments for the purpose of protecting the environment and people from potential impacts associated with energy facilities and ensuring that the necessary approvals are obtained; and
- b) in regard to fish habitat, legislation and policies administered by the federal or provincial governments for the purpose of the protection of fish and fish habitat, and related, scientifically established standards.

Provincial Heritage Value or Interest: means status accorded properties for which provincial heritage plaques have been erected, or otherwise which have been declared to be provincially significant by the Ontario Heritage Trust, an agency of the Ministry of Culture.

Provincial Plan: means a plan defined as such under the *Planning Act*.

Public Authority: means any Federal, Provincial, County, District or Municipal agencies, and includes any commission, board, authority or department established by such agency and shall include Ontario Hydro, and Bell Canada or their successors.

Public Service Facilities: means land, buildings and structures for the provision of programs and services provided or subsidized by a government or other body, such as social assistance, recreation, police and fire protection, health and educational programs, and cultural services. Public service facilities do not include infrastructure.

Public Uses: means those land uses and related developments and activities associated with any Federal, Provincial or municipal government or government agency, and includes any commission, board, authority or department.

Quality and Quantity of Water: is measured by indicators such as minimum base flow, depth to water table, aquifer pressure, oxygen levels, suspended solids, temperature, bacteria, nutrients and hazardous contaminants, and hydrologic regime.

Quarry: means land or land under water from which consolidated aggregate is being or has been excavated and that has not been rehabilitated, but does not mean land or land under water excavated for a building or other work on the excavation site or in relation to which an order has been made under sub-section 1(3) of the Aggregate Resources Act.

Recreation: means leisure time activity undertaken in built or natural settings for purposes of physical activity, health benefits, sport participation and skill development, personal enjoyment, positive social interaction and the achievement of human potential.

Recreational Development: means buildings, structures and facilities, supporting infrastructure and related site alterations incidental to the carrying out of some form of recreation.

Redevelopment: means the creation of new units, uses or lots on previously developed land in existing communities, including brownfield sites.

Regional Market Area: refers generally to the County of Dufferin but may include adjacent areas that exhibit a high degree of social and economic interaction.

Rehabilitation: means the treatment of land, after extraction, so that the use or condition of the land is restored to its former use or condition, or is changed to another use or condition which is compatible with adjacent uses and the objectives and policies of this Plan, and the Niagara Escarpment Plan where applicable.

Remnant Lot (Parcel): means the lot remaining after a severance has been taken.

Renewable Energy Systems: means facilities and systems for the production of electrical power from an energy source that is renewed by natural processes including, but not limited to, wind, water, a biomass resource or product, or solar and geothermal energy.

Reserve Water System Capacity: means design or planned capacity in a centralized water treatment facility which is not yet committed to existing or approved development.

Reserve Sewage System Capacity: means design or planned capacity in a centralized sewage treatment facility which is not yet committed to existing or approved development.

Residence Surplus to a Farming Operation: means an existing, habitable farm residence that is rendered surplus as a result of farm consolidation (the acquisition of additional farm parcels to be operated as one farm operation).

Residential Intensification: means intensification of a property, site or area which results in a net increase in residential units or accommodation and includes:

- a) redevelopment, including the redevelopment of brownfield sites;

- b) the development of vacant or underutilized lots within previously developed areas;
- c) infill development;
- d) the conversion or expansion of existing industrial, commercial and institutional buildings for residential use; and
- e) the conversion or expansion of existing residential buildings to create new residential units or accommodation, including accessory apartments, secondary suites and rooming houses.

Residential unit: means a residential dwelling unit that consists of a self-contained set of rooms located in a building or structure, is used or intended for use as residential premises, and contains kitchen and bathroom facilities that are intended for the use of the unit only.

Resource Management: means the preservation, protection and improvement of the natural environment through comprehensive management and maintenance, under professional direction for both the individual and society's use, both in the present and the future. Resource Management Uses also means the management, development and cultivation of timber resources to ensure the continuous production of wood or wood products, the provision of proper environmental conditions for wildlife, the protection against floods and erosion, the protection and production of water supplies and the preservation of the recreational resource.

Rural Areas: means lands in the rural area which are located outside settlement areas and which are outside prime agricultural areas.

Salvage or Wrecking Yard: means a place where motor vehicles are wrecked or disassembled and resold; a place where second-hand goods, including waste paper, bottles, automobile tires, clothing, other scrap materials and salvage are collected to be sorted and a place where used lumber and used building materials are collected, stored for sale or resale.

SARO List: means the Species at Risk in Ontario List regulation made under the Endangered Species Act, 2007.

School: means a public school, a separate school, a university, a community college or a private school authorized by the Province of Ontario.

Scoped: means:

- a) in relation to an Environmental Impact study, the identification, in advance, of only those environmental considerations that are required to be studied to address specific concerns or anticipated impacts of development;
- b) in relation to a Recreation Area Master Plan, the identification, in advance, of a particular area to be studied, and/or of only those planning and related

considerations that are required to address specific concerns or anticipated impacts of development, and;

- c) In relation to an Employment Lands Secondary Plan, the identification of additional studies concerning matters not already addressed in preliminary background studies done in support of the Secondary Plan.

Secondary Plan: means a plan for a specific geographic area of the Township which has been approved as an amendment to this Plan by the Ministry of Municipal Affairs and Housing in accordance with the Planning Act. Such a plan is prepared when there is a need for more specific policies to guide future community development than those contained in this Plan.

Secondary Uses: means uses secondary to the principal use of the property, including but not limited to such uses as home occupations, home industries, and uses that produce value-added agricultural products from a farm operation on the property.

Sensitive: in regard to surface water features and ground water features, means areas that are particularly susceptible to impacts from activities or events including, but not limited to, water taking and the addition of pollutants.

Sensitive Land Uses: means buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse effects from contaminant discharges generated by a nearby major facility. Sensitive land uses may be a part of the natural or built environment. Examples may include, but are not limited to: residences, day care centres, and educational and health facilities.

Settlement Areas: means rural settlement areas within the Township (such as hamlets and communities) that are:

- a) built up areas where development is concentrated and which may have a mix of land uses; and
- b) lands which have been designated in this Plan for development over the 20 year planning horizon.

Sewage and Water Services: includes municipal sewage services and municipal water services, private communal sewage services and private communal water services, individual on-site sewage services and individual on-site water services, and partial services.

Sign: includes any sign, notice, advertising device, or any part thereof whether it contains words or not and shall include any device that is used solely to attract attention, including any temporary or mobile structure used for similar purposes.

Significant: means

- a) in regard to wetlands and areas of natural and scientific interest, an area identified as provincially significant by the Ontario Ministry of Natural

Resources using evaluation procedures established by the Province, as amended from time to time;

b) in regard to the habitat of endangered species and threatened species, means the habitat, as approved by the Ontario Ministry of Natural Resources, that is necessary for the maintenance, survival, and/or the recovery of naturally occurring or reintroduced populations of endangered species or threatened species, and where those areas of occurrence are occupied or habitually occupied by the species during all or any part(s) of its life cycle;

c) in regard to woodlands, an area which is ecologically important in terms of features such as species composition, age of trees and stand history; functionally important due to its contribution to the broader landscape because of its location, size or due to the amount of forest cover in the planning area; or economically important due to site quality, species composition, or past management history;

d) in regard to other natural heritage features and areas, ecologically important in terms of features, functions, representation or amount, and contributing to the quality and diversity of an identifiable geographic area or natural heritage system; and

e) in regard to cultural heritage and archaeology, resources that are valued for the important contribution they make to our understanding of the history of a place, an event, or a people.

Criteria for determining significance for the resources identified in sections c) to e) are recommended by the Province, but municipal approaches that achieve or exceed the same objective may also be used.

While some significant resources may already be identified and inventoried by official sources, the significance of others can only be determined after evaluation.

Single Dwelling: means a separate building containing not more than one dwelling unit and may include a chalet, cottage, mobile home or group home.

Site Alteration: means activities, such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of a site that are associated with developments requiring approval under the Planning Act.

Source Area: means areas of obvious groundwater discharge (e.g. springs and prominent seeps), recharge areas and wetlands which serve as the origin or source of surface or ground water systems.

Special Concern Species: means any species listed on the SARO List as special concern.

Special Needs: means any housing, including dedicated facilities, in whole or in part, that is used by people who have specific needs beyond economic needs, including but not limited to, needs such as mobility requirements or support functions required for daily living. Examples of special needs housing may include, but are not limited to,

housing for persons with disabilities such as physical, sensory or mental health disabilities, and housing for the elderly.

Specialty Crop Area (Provincially Significant): means areas designated using evaluation procedures established by the province, as amended from time to time, where specialty crops such as tender fruits (peaches, cherries, plums), grapes, other fruit crops, vegetable crops, greenhouse crops, and crops from agriculturally developed organic soil lands are predominantly grown, usually resulting from:

- a) soils that have suitability to produce specialty crops, or lands that are subject to special climatic conditions, or a combination of both; and/or
- b) a combination of farmers skilled in the production of specialty crops, and of capital investment in related facilities and services to produce, store, or process specialty crops.

Specialty Crop Area (Locally Significant): means areas designated using evaluation procedures established by or for the Township and where specialty crops are predominantly grown that is not considered, or have not yet been recognized as being provincially significant.

Stream: means a feature having defined bed and banks, through which water flows throughout the year.

Structure: means anything man-made that is fastened to or into the earth or another structure or rests on the earth by its own mass.

Surface Water Feature: refers to water-related features on the earth's surface, including headwaters, rivers, stream channels, inland lakes, seepage areas, recharge/discharge areas, springs, wetlands, and associated riparian lands that can be defined by their soil moisture, soil type, vegetation or topographic characteristics.

Threatened Species: means any species listed on the SARO List as threatened.

Threatened Species: means a species that is listed or categorized as a "Threatened Species" on the Ontario Ministry of Natural Resources official species at risk list, as updated and amended from time to time.

Top of Bank (Streambank): means the upper edge of the slope of the stream valley where the land levels off; or where there is a flood plain, to the top of slope above the flood plain.

Township: The Corporation of the Township of Mulmur.

Trail Activities: means recreation oriented to trails, such as horseback riding, cross-country skiing, hiking and snowmobiling, but does not include trail use by other types of motorized vehicles.

Transfer Station: means a site used for the purpose of transferring waste from one vehicle or container to another for transportation to another waste disposal site.

Unstable Slopes: means slopes which are or may be subject to erosion such as mass movement, slumping, landslides, mudflows or rock falls.

Use: means any purpose for which a building or other structure or a parcel of land may be designed, arranged, intended, maintained, or occupied, or any activity, occupation, business or operation carried on, or intended to be carried on, in a building or other structure or on a parcel of land.

Utility: means a water supply, storm or sanitary sewage, gas or oil pipeline, the generation, transmission and distribution of electric power, steam or hot water, towers, telegraph and telephone lines and other cabled services, a public transportation system, licensed broadcasting receiving and transmitting facilities, or any other similar works or systems necessary to the public interest, but does not include:

- the establishment of a new waste disposal site;
- any expansion or alteration to an existing waste disposal site from what has been approved under the applicable legislation (including any expansion in area or height of a landfill or any change in the type of waste material being disposed);
- incineration facilities (including energy from waste facilities); or
- large scale packer and/or recycling plants or similar uses.

Valleylands: means a natural area that occurs within a river valley with confining slopes which are in close proximity and on both sides.

Veterinary Clinic: means the office of a veterinary and premises for the treatment of animals.

Vulnerable: means surface and groundwater that can be easily changed or impacted by activities or events, either by virtue of their vicinity to such activities or events or by permissive pathways between such activities and the surface and/or groundwater.

Waste: includes ashes, garbage, refuse, domestic waste, industrial waste, municipal wastes, hazardous waste and such other wastes as are designated in the regulations under the Environmental Protection Act, as amended, but does not include:

- agricultural waste;
- inert fill;
- inert rock fill;
- condemned animals or parts thereof at a plant licensed under the Meat Inspection Act (Ontario) or an establishment operating under the Meat Inspection Act (CanFada);
- dead animals to which the Dead Animals Disposal Act applies; or
- hauled sewage sludge for disposal on farmland.

Waste Disposal Site: means any land upon, into or through which, or building or structure in which waste is deposited, stored and/or processed and includes such sites defined and classified in regulations under the Environmental Protection Act, as amended, including transfer or container stations or incineration sites, but does not include:

1. a structure which is wholly utilized for the temporary collection of waste (e.g. commercial and industrial dumpsters associated with an existing or permitted use);
2. domestic storage and composting of waste sites;
3. existing hospital incinerators;
4. agricultural waste sites (e.g. agricultural manure and disposal);
5. on-site incinerators at the site of a crematorium within the meaning of the Cemeteries Act;
6. on-site incinerators at the site of a veterinary hospital/clinic;
7. small scale recycling depots for paper, glass and cans etc., serving the local community; and
8. disposal of domestic sewage sludge on farmland.

Waste Management System: means sites and facilities to accommodate solid waste from one or more municipalities and includes landfill sites, recycling facilities, transfer stations, processing sites and hazardous waste depots.

Watercourse: means a feature having defined bed and banks, through which water flows for some significant part of each or most years, but not generally throughout the year.

Watershed: means an area that is drained by a river and its tributaries.

Watershed Management: means the analysis, protection, development, operation and maintenance of the land, vegetation and water resources of a drainage basin.

Wayside Pit or Quarry: means a temporary pit or quarry opened and used by or for a public road authority solely for the purpose of a particular project or contract of road construction and not located on the road right-of-way, but does not include a licensed pit or quarry.

Wetlands: means lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface and where the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic or water tolerant plants. The four major types of Wetlands are swamps, marshes, bogs, and fens.

For the purposes of Section 5.22, wetlands includes all evaluated wetlands, and other, non-evaluated wetlands over 2.0ha in size.

For the purposes of Section 5.22.1, wetlands include those areas identified as provincially significant by the Ontario Ministry of Natural Resources using evaluation procedures established by the Province, as amended from time to time.

Lands being used for agricultural purposes, that are periodically "soaked" or "wet", are not considered to be wetlands in this definition. Such lands, whether or not they were wetlands at one time are considered to have been converted to alternate uses.

Wildlife Habitat: means areas of the natural environment where plants, animals, and other organisms, excluding fish, live, and find adequate amounts of food, water, shelter and space needed to sustain their populations, including areas where species concentrate at a vulnerable point in their annual or life cycle; and areas which are important to migratory or non-migratory species.

Woodlands: means treed areas that provide environmental and economic benefits to both the private landowner and the general public, such as erosion prevention, hydrological and nutrient cycling, provision of clean air and the long-term storage of carbon, provision of wildlife habitat, outdoor recreational opportunities, and the sustainable harvest of a wide range of woodland products. Woodlands include treed areas, woodlots or forested areas and vary in their level of significance at the local, regional and provincial levels.

APPENDIX A – COMPLETE APPLICATION

PRE-CONSULTATION FORM

1. TYPE OF APPLICATION

2. APPLICANT/AGENT INFORMATION

Name: _____

Address: _____

City: _____ Postal Code: _____

Phone: _____ Fax: _____ Email: _____

Name of Owner(s) (if different from Applicant): _____

Address: _____

City: _____ Postal Code: _____

Phone: _____ Fax: _____ Email: _____

Communications should be sent to: Applicant _ Owner _

3. DESCRIPTION OF THE SUBJECT PROPERTY

Local Municipality: _____

Civic Address: _____

Legal Description (Lot, Block, Concession, Plan #): _____

Size of Property (Hectares, Acres): _____

Access: Provincial Highway _ County Road _ Local Road _ Other _ _____

4. CURRENT LAND USES

Describe the current uses on the property: _____

Current land use designation in County Official Plan: _____

Current land use designation in Local Official Plan: _____

Current zoning: _____

5. PROPOSED LAND USES

Proposed land use(s): _____

Number of units/blocks proposed: _____

Proposed land use designation (if different from current): _____
Has there ever been an industrial or commercial use, including gas station on the subject land or adjacent lands? Yes ☐ No ☐ Specify: _____
Is there reason to believe the subject lands have been contaminated by former uses on the site or adjacent lands? Yes ☐ No ☐ Specify: _____
Has there ever been waste disposal on the subject land or adjacent lands?
Yes ☐ No ☐ If yes, provide MOE Certificate of Approval #: _____
Identify any supporting reports prepared to date: _____

6. STATUS

If the application is also subject to a local official plan amendment, zoning by-law amendment, plan of subdivision or condominium, site plan control, consent or minor variance application, please specify: _____

7. SERVICING

Water supply will be provided by:
☐ Municipal piped and operated supply ☐ Private individual well
☐ Private communal well ☐ Other – specify: _____
Sanitary/sewage disposal will be provided by:
☐ Municipal owned and operated sewers/treatment facility
☐ Privately owned and operated individual septic system
☐ Privately owned and operated communal collection system
☐ Other – specify: _____
If the requested proposal would permit development on a privately owned and operated individual or communal septic system and more than 4500 litres of effluent will be produced, has a servicing options report and a hydrogeological report been prepared? Yes ☐ No ☐
If no, please provide reasons why? _____
Storm drainage will be provided by:
☐ Municipal storm sewers ☐ Swales, ditches
☐ Other – specify: _____

8. ADDITIONAL INFORMATION TO ACCOMPANY APPLICATION

Include a copy of a concept plan on letter, legal or 11x17" size paper.

9. FEE (\$ _____)

In accordance with the County of Dufferin's User Fees By-law No. _____ there is a _____ fee for pre-consultation.

Official Plan Policy: 8.7.1 Pre-Application Consultation

Prior to submitting a planning application you may be required to consult with the local municipality and the approval authority, in addition to the applicable Conservation Authority and the Niagara Escarpment Commission, prior to submitting a formal application in order to determine the information required to support the application, as set out in this Section and in accordance with Section 22(3.1) and 51(16.1) of the *Planning Act*.

During the pre-application consultation process, the applicant may be requested to submit information and supporting studies at the time of the submission of an application, in accordance with the Official Plan policies and the local municipal official plan and/or accepted professional standards and/or guidelines. The need and timing of such supporting studies, information and materials will be determined by the approval authority on a site-specific basis in consideration of the site's land use context and regard to the policies.

Supporting studies may vary in scope, depending upon the size, nature and intent of the *development* approval application and the site's land use planning context.

The Policy Applicability Table provides a list of applicable studies, and where defined, the trigger for which the studies are required. Please note that the completion of the Policy Applicability Table by the approval authority is based on information provided by the Owner/Applicant/Agent. Additional studies may be required.

OFFICIAL PLAN POLICY APPLICABILITY TABLE

TRIGGER	POLICY DIRECTION	APPLICATION REQUIREMENTS
All Planning Act Applications	Tariff of Fee By-law	<input type="checkbox"/> Pre-consultation Application <input type="checkbox"/> Application (ZBLA, OPA, Subdivision, etc) <input type="checkbox"/> Fee: \$_____ (\$250 fee plus \$1000 deposit to review materials)
Plan of Subdivision	s. 5.2 – intensification target s. 5.4 – affordable housing 5.6 – archeological resources s. 5.8 – MDS applies to new land uses including lot creation and expanding or new livestock facilities 5.17 – servicing hierarchy	<input type="checkbox"/> Summary of proposed lots, density, intensification <input type="checkbox"/> 25% affordable housing (low to moderate) calculation <input type="checkbox"/> Archeological assessment <input type="checkbox"/> MDS Calculation <input type="checkbox"/> Servicing Options Report <input type="checkbox"/> Engineering Report (servicing feasibility)
Consent	5.2 – rural lot creation should not exceed settlement development s. 5.8 – MDS applies to new land uses including lot creation and expanding or new livestock facilities s. 5.36	<input type="checkbox"/> MDS calculation <input type="checkbox"/> Entrance permit/approval letter <input type="checkbox"/> NVCA consultation <input type="checkbox"/> Impact of adjacent lands (Schedule B4)
Settlement Expansion	5.3 – growth management 5.9 - removal of lands from agricultural designation	<input type="checkbox"/> Servicing Feasibility <input type="checkbox"/> Planning Report <input type="checkbox"/> Agricultural Impact Assessment <input type="checkbox"/> Growth Plan analysis /calculation <input type="checkbox"/> Municipal comprehensive review <input type="checkbox"/>
Archeological Assessment, Built Heritage, Cultural Heritage	s. 5.6 – development may be permitted adjacent to heritage property	<input type="checkbox"/> Heritage Assessment
Conversion of Employment Lands	s. 5.7 – municipal comprehensive review required to convert lands within employment areas	<input type="checkbox"/> Municipal comprehensive review

Rezoning	s. 5.8 – MDS applies to new land uses including lot creation and expanding or new livestock facilities	<input type="checkbox"/> MDs calculation
Employment Uses	5.16 – noise, dust, particulates 5.17 – servicing hierarchy	<input type="checkbox"/> Assessment of impacts <input type="checkbox"/> Provincial Consultation
Development on Private Communal Services	S. 5.17 – sewage and water services	<input type="checkbox"/> OPA <input type="checkbox"/> Responsibility agreement
Development in or on lands adjacent to significant woodlands, significant valleylands, significant wildlife habitat, significant ANSIs, fish habitat	s. 5.18 – Natural Features, Areas and Functions See Schedule B1 and B2	<input type="checkbox"/> Evaluation of ecological function <input type="checkbox"/> Impact assessment (see section 13 of OP) <input type="checkbox"/> Cumulative impacts of site development <input type="checkbox"/> EIS (see section 5.18)/ scoped EIS
WHPA	s. 5.19 – protecting water supplies and vulnerable surface and ground water, etc s. 5.19.2	<input type="checkbox"/> WHPA – risk management plan (Source Protection Plan requirement)
Development near restricted or sensitive surface water feature or sensitive groundwater feature	s. 5.19 – protecting water supplies and vulnerable surface and ground water, etc	<input type="checkbox"/> Hydrology or hydrogeological study <input type="checkbox"/> Water Resource Management (WRM) report
Pine River subwatershed	5.19.2 – Pine River sub-watershed has been identified as being under stress	Hydrogeological or hydrology report
Development near sensitive features	s. 5.19 - protecting water supplies and vulnerable surface and ground water, etc	<input type="checkbox"/> Erosion and sediment control measures
Water taking greater than 50,000L per day	s 5.19 - protecting water supplies and vulnerable surface and ground water, etc s. 5.19.1	<input type="checkbox"/> Study <input type="checkbox"/> NVCA permit <input type="checkbox"/> MOE approval <input type="checkbox"/> Hydrology or hydrogeological report
Development within or adjacent woodlands	s. 5.20 – maintain tree cover on slopes >30% (Schedule B3) s.5.20.1 – significant woodlot = 1-ha	<input type="checkbox"/> Review Tree Cutting By-law requirements <input type="checkbox"/> EIS for significant woodlands or abutting (120m) lands
Development within or adjacent wildlife habitat	s. 5.21.2 – development and site alteration not permitted within or on adjacent lands unless demonstrated no impacts	<input type="checkbox"/> EIS
Development within or adjacent fish habitat	s. 5.21.3 – development or site alteration not permitted on adjacent lands (120m) unless EIS demonstrates no impacts	<input type="checkbox"/> EIS <input type="checkbox"/> Best practises
Species at Risk	S 5.21.4 – significant development or site alteration	<input type="checkbox"/> Consult with MNR and NVCA
Development within or adjacent Significant habitat of endangered or threatened species	s. 5.21.5 – development and site alteration not permitted within or on adjacent lands (120m) unless demonstrated no impacts	<input type="checkbox"/> EIS
Development within or adjacent wetlands	s. 5.22 – development and site alteration not permitted within or on adjacent lands (30m) unless demonstrated no impacts	<input type="checkbox"/> EIS
Development within or adjacent significant wetlands	s. 5.22.1 – development and site alteration not permitted within or on adjacent lands (120m) unless demonstrated no impacts	<input type="checkbox"/> EIS
Development within or adjacent ANSI	s. 5.3 – development and site alteration not permitted within or on adjacent lands (120m) unless demonstrated no impacts	<input type="checkbox"/> EIS

Development in Valleylands (Schedule B1, B2)	s. 5.24 - Boyne River, Rine River, Black Bank Creek	<input type="checkbox"/> Appropriate setbacks <input type="checkbox"/> Slope stability assessment <input type="checkbox"/> Studies <input type="checkbox"/> Impact assessment <input type="checkbox"/> EIS for Significant Valleylands and within 120m (see section 13)
Major new development within Scenic Resources (Schedule B4)	s. 5.25 – scenic resources and features are to be protected	<input type="checkbox"/> Visual impact
Row development, clustered development in Rural/Agricultural Area	s. 5.26 – protection of rural character	<input type="checkbox"/> Impact Assessment
Hazards (Schedule A3)	s. 5.27 – natural hazards (floodplain, organic soils, erosion, steep slopes)	<input type="checkbox"/> NVCA consultation <input type="checkbox"/> Studies <input type="checkbox"/> Soil and slope stability report <input type="checkbox"/> Floodplain assessment <input type="checkbox"/> Meander report
Human made hazards, NVCA regulated lands	S 5.28 – direct development away from hazards	<input type="checkbox"/> Rehabilitation plan <input type="checkbox"/> NVCA permit
NEC planning area	s. 5.30	<input type="checkbox"/> NEC permit
Commercial, industrial, institutional, recreational, multiple lot or multiple unit residential	s. 5.31 – stormwater management	<input type="checkbox"/> Site plan <input type="checkbox"/> Stormwater management report <input type="checkbox"/> drainage
Mineral Aggregate Potential lands (Schedule B4)	5.32 – lands protected for aggregate extraction	<input type="checkbox"/> Planning Report
Development adjacent mineral aggregates	5.33 – development may adversely affected by aggregate extraction not permitted	<input type="checkbox"/> Impact assessment
Lands adjacent to NAVCAN navigation facility	5.34 – 8km radius of NAVCAN facility (Schedule C)	<input type="checkbox"/> Consult with NAVCAN for ZBLA and OPA
Active and Intensive recreational uses	5.39	<input type="checkbox"/> Appropriate technical studies (see s. 5.39) <input type="checkbox"/> OPA/ZBLA
Designated Zone	Section 6 -	<input type="checkbox"/>
Well Head Protection	15.19.2 All lands within well head protection area (WHPA)	<input type="checkbox"/> Master environmental servicing plan <input type="checkbox"/> Septic system design
Boyne River Sub watershed	15.19.3 – water quantity stress	<input type="checkbox"/> Report
Vulnerable Aquifers and Recharge Areas	15.9. vulnerable aquifers and significant groundwater recharge areas are to be protected	<input type="checkbox"/> Hydrogeology or hydrology report, or WRM report

THE CORPORATION OF THE TOWNSHIP OF MULMUR

BY-LAW NO. 07 - 10.

Being a By-law of the Corporation of the Township of Mulmur to adopt a new Official Plan

The Council of the Corporation of the Township of Mulmur, in accordance with the Planning Act, R.S.O. 1990, hereby enacts as follows:

1. **THAT** the new Official Plan for the Township of Mulmur, dated March 2, 2010, is hereby adopted.
2. **THAT** the Clerk is hereby authorized and directed to make application to the Ministry of Municipal Affairs and Housing for approval of the aforementioned new Official Plan for the Township of Mulmur.
3. **THAT**, upon the approval of the new Official Plan by the Ministry of Municipal Affairs and Housing and/or the Ontario Municipal Board, the previous Official Plan and all Amendments thereto, and any adopting by-laws be, and are hereby rescinded.

This by-law shall come into force and take effect on the day of the final passing hereof.

By-law read a first and second time this 2nd day of March, 2010.

By-law read a third time and finally passed this 2nd day of March, 2010.

THE CORPORATION OF THE TOWNSHIP OF MULMUR

- ORIGINAL SIGNED -

MAYOR - GORDON MONTGOMERY

- ORIGINAL SIGNED -

CLERK - TERRY HORNER

CERTIFICATION

Certified that the above is a true copy of By-law No. 07 – 2010 as enacted and passed by the Council of the Township of Mulmur on the 2nd day of March, 2010, and that the following is a true copy of the Official Plan of the Township of Mulmur in effect on this date.

DATE

CLERK – TERRY HORNER