

THE CORPORATION OF THE TOWNSHIP OF MULMUR

BY LAW NO. ____ - 2022.

**BEING A BY-LAW OF THE CORPORATION OF THE
TOWNSHIP OF MULMUR**

TO ADOPT AN AMENDMENT TO THE OFFICIAL PLAN.

**(OPA NO. 4 – Community Engagement and Implementation
Amendments)**

The Council of the Corporation of the Township of Mulmur, in accordance with the Planning Act, R.S.O. 1990, hereby enacts as follows:

THAT Amendment No. 4 to the Official Plan for the Township of Mulmur is hereby adopted;

AND THAT the Clerk is hereby authorized and directed to make application to the County of Dufferin for approval of the aforementioned Amendment No.3 to the Official Plan for the Township of Mulmur;

AND THAT this by-law shall come into force and take effect on the day of the final passing thereof.

Read a first, second and third time this __th day of ____, 2022.

JANET HORNER, MAYOR

TRACEY ATKINSON, CLERK

CERTIFICATION

Certified that the above is a true copy of By-law No. __ – 2022 as enacted and passed by the Council of the Township of Mulmur on the ____day of _____. 2022.

TRACEY ATKINSON, CLERK

OFFICIAL PLAN AMENDMENT NO. 4

TO THE

OFFICIAL PLAN

OF THE TOWNSHIP OF MULMUR

(Community Engagement & Implementation Amendment)

October _____2022

INDEX

THE CONSTITUTIONAL STATEMENT	1
PART A - THE PREAMBLE	2
(The preamble does not constitute part of this amendment)	
1.0 Purpose	2
2.0 Location	2
3.0 Basis	2
PART B - THE AMENDMENT	3
(The amendment, consisting of the following text and map constitutes Amendment No. 4 to the Official Plan of the Township of Mulmur)	
1.0 Introduction	3
2.0 Details of the Amendment	3
3.0 Implementation	
4.0 Interpretation	
5.0 Schedule Constituting Part of Amendment No.	
PART C - THE APPENDICES	
(The appendices to not constitute part of this Amendment)	

CONSTITUTIONAL STATEMENT
OFFICIAL PLAN
FOR THE
TOWNSHIP OF MULMUR
OFFICIAL PLAN AMENDMENT NO. 4

Amendment No. 4 to the Official Plan for the Township of Mulmur was prepared and recommended to the Council of the Township of Mulmur under the provisions of the Planning Act, R.S.O. 1990, on the ____ day of _____, 2022.

This Amendment was adopted by the Corporation of the Township of Mulmur by By-law No. ____-2022 , in accordance with the provisions of the Planning Act R.S.O. 1990, on the _____ day of _____, 2022.

Mayor – Janet Horner

Clerk – Tracey Atkinson

PART A - THE PREAMBLE

1.0 Purpose

The proposed Amendment would:

- Reorganization of sections 4 (Vision and Guiding Principles) and 5 (General Development Policies) to group similar subject matter.
- Update the definition of Rural Character to reflect community comments and Planning Advisory Committee input.
- Remove the Niagara Escarpment Plan policies and mapping and replace with a general over-arching policy.
- Update scenic resources and Features to a new “viewshed” policy that focuses on the lands outside of the escarpment and also protect dark-sky to reflect community comments.
- Update the on-farm diversified policies to reflect the Ontario Implementation Guidelines and Planning Advisory Committee input
- Update the requirements for a complete application to create a more usable format and more exhaustive list of possible study requirements
- Allow delegation of authority to staff on minor zoning application
- Update Part C, Implementation and D, Interpretation to reflect current tools and legislation.
- Remove duplication and simplify the policies.

2.0 Location

This amendment applies to all lands within the Township of Mulmur. Specific mapping amendments include removing the Niagara Escarpment Plan area designations and the scenic resources mapping.

3.0 Basis

The Township’s Strategic Plan included Actions that were implementable through the Official Plan. An Ad-Hoc Planning Committee was created to explore a number of strategic actions. An Open House was organized to receive comments on the implementation of the Actions, as well as to engage with the community with respect to the larger Official Plan project. A Planning Report was prepared on the proposed amendments. Applicable Ministries and Agencies were consulted as part of the communication and engagement process.

PART B - THE AMENDMENT

1.0 Introduction

This part of the document entitled Part B - The Amendment, which consists of the following text and Schedule "A", constitute Amendment No. 4 to the Official Plan for the Township of Mulmur.

2.0 Details of the Amendment

The Official Plan of the Township of Mulmur, as amended, is hereby further amended as follows:

- 2.2 Section 4.0 is amended by replacing the title with VISION STATEMENT and moving section 4.1 OVERALL VISION STATEMENT under 4.0, and replacing with the following:**

4.0 VISION STATEMENT

Mulmur will be a Garden Township, committed to protecting the environment and agriculture, and providing for balanced and sustainable development while nurturing its rural character.

- 2.3 Section 4.2, GUIDING PRINCIPLES OF THIS PLAN is deleted.**
- 2.4 Sections 4.21 STRONG COMMUNITIES AND 4.2.2 GROWTH MANAGEMENT are hereby moved to the beginning of section 5.2 GROWTH MANAGEMENT**
- 2.5 Section 4.2.3 SERVICES is moved to section is moved to section 5.11 INFRASTRUCTURE AND PUBLIC SERVICE FACILITIES**
- 2.6 The first sentence in Section 4.2.4 CHARACTER is deleted. The remainder of the section is moved to section 7.0.4 GENERAL POLICIES**
- 2.7 Section 4.2.5 MUNICIPAL FINANCE is moved to the end of section 11.2 of PLANNING APPLICATIONS**
- 2.8 Section 4.2.6 LOCAL ECONOMY is moved to a new section under Section 5.0.**
- 2.9 Section 4.2.7 NON-RENEWABLE RESOURCES is moved to section 5.32 MINREAL AGGREGATE RESOURCE AREAS**
- 2.10 Section 4.2.8 AGRICULTURE is moved to section 5.9 AGRICULTURAL AREAS**
- 2.11 Section 4.2.9 RENEWABLE RESOURCES is moved to a new section under**

Section 5.0.

2.12 Section 4.2.10 NIAGARA ESCARPMENT is deleted.

2.13 Section 4.2.11 WATER RESOURCES is moved to section 5.19 WATER RESOURCES

2.14 Section 4.2.12 ENERGY CONSERVATION is moved to section 5.15 ENERGY & AIR QUALITY

2.15 Section 4.2.13 NATURAL HERITAGE is moved to section 5.18 NATURAL FEATURES, AREAS AND FUNCTIONS

2.16 The first paragraph of Section 4.2.14 CULTURAL HERITAGE AND ARCHAEOLOGY is deleted. The remainder of the section is moved to section 5.6 ARCHAEOLOGICAL, BUILT HERITAGE AND CULTURAL HERITAGE LANDSCAPES

2.17 Section 4.2.15 HEALTH AND SAFETY is moved to section 5.28 PROTECTING PUBLIC HEALTH AND SAFETY.

2.18 Section 5.1 CONSULTATION WITH MUNICIPALITIES AND COUNTY is moved to section 11.21 CONSULTATION WITH APPROVAL AUTHORITY AND OTHER AGENCIES, and the title replaced as “CONSULTATION WITH AUTHORITIES, AGENCIES AND JURISDICTIONS.

2.19 Section 5.4 HOUSING is amended by deleting the second paragraph and replacing it with the following:

- c) accommodating an appropriate *affordable* and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons)
- d) encouraging 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, housing geared to older persons and through residential intensification and redevelopment.

2.20 Section 5.25 SCENIC RESOURCES AND FEATURES and 5.26 RURAL CHARACTER are deleted and replaced with the following:

RURAL CHARACTER

Mulmur will preserve the scenic resources and rural character of the Township. A visual impact assessment shall be required for any development proposals under the Planning Act where there is a potential for visual impacts ~~(including but not limited to scale, design, architecture, movement, height, etc.)~~ to ensure that the built form does not predominate over the natural environment. The Township will limit light pollution and conserve energy by protecting a dark sky. A lighting study shall be required for development proposals under the Planning Act where there is a potential for dark-sky infringement.

2.21 Section 6.2.5, NEW LOTS of the Rural Designation is amended by amending bullet point #2 to read as follows:

- 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 set-backs are encouraged. Clusters or rows of residences at a density that allow the built environment to dominate will be prohibited. Site plan control and or zoning provisions may be utilized to preserve rural character where new lots are proposed.

2.22 Section 11.6 OPA Requirements is amended by adding the following:

The Township shall weigh the impacts of a proposed development, including *rural character* against other impacts, including but not limited to social, economic and community benefits, 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 *rural character*, that, in the opinion of the Township, outweigh the benefits of the proposal, shall not generally be supported or approved.

2.23 Section 11.15 SITE PLAN CONTROL is amended by adding the following at the end of the section:

All reasonable measures shall be implemented to mitigate and minimize impacts on *rural character*.

2.24 Section 6.4, NIAGARA ESCARPMENT PLAN AREA is hereby deleted.

2.25 Section 5.30 NIAGARA ESCARPMENT DEVELOPMENT PERMITS is deleted in its entirety.

2.26 Section 12.9 NIAGARA ESCARPMENT PLAN is deleted in its entirety.

2.27 Section 6.1.3 PERMITTED USES in the Agricultural designation is amended by

adding the following additional permitted use:

m) on-farm diversified use

2.28 Section 6.1 AGRICULTURE, is further amended by replacing section 6.1.6 IDENTIFICATION AND USE OF SPECIALTY CROP AREAS with the following:

6.1.6 ON-FARM DIVERSIFIED USES

All on-farm diversified uses shall be designed to not hinder surrounding agricultural operations and be appropriate to available rural servicing and infrastructure. They shall be located on a farm that has a farm dwelling, and either within the building cluster, on fallow lands or on the lowest quality of lands. The on-farm diversified use may occupy no more than 2% of the property on which the uses are located, to a maximum of 1 ha, and the building shall be limited to 20% of the 2% of the lot area. The floor area of farm building that existed prior to 2012 may be used in the on-farm diversified use and calculated at 50% floor area towards the maximum 20% of the 2% lot area.

Site Plan approval shall be utilized to maintain *rural character*, buffering with a preference of utilizing topography and vegetation, hours of operation, signage, servicing, access, parking areas and ensure for the appropriate development of the lands.

On-farm diversified uses are subject to the study requirements and all other applicable policies of this plan.

2.29 Section 11.14 DEVELOPMENT PERMIT SYSTEM AND BY-LAW is hereby deleted.

2.30 The following new section is added as section 11.14, MINOR ZONING AMENDMENT DELEGATION OF AUTHORITY

11.14 MINOR ZONING AMENDMENT DELGATION OF AUTHORITY

The Township may pass a by-law to delegate the approval authority for minor zoning amendments to a Committee of Council, or an individual who is an officer or employee of the Township. Such delegation may include:

- A temporary use by-law
- A by-law to remove a holding "H" symbols
- A housekeeping by-law for the purpose of making clerical or other changes to assist in the interpretation of the Zoning By-law
- A minor zoning amendment which meets the tests of section 45(1) of the Planning Act, R.S.O., 1990 for a minor variance, being that the building, structure or the use is (1) minor numerically or based impact (2) desirable for the appropriate development or use (3) meets the general intent and purpose of the by-law, and (4) meets the general intent and purpose of the Official Plan.

- A by-law that implements a related Official Plan amendment.
- A by-law that implements or satisfies a condition of Provisional Consent.

2.33 Section 11.1 CONSULTATION IN ADVANCE AND COST RECOVERY is amended by deleting “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”

2.31 Section 11.4 NIAGARA ESCARPMENT PLAN AND DEVELOPMENT CONTROL is deleted and replace with the following:

The lands within the Niagara Escarpment Plan Area are protected through the Niagara Escarpment Plan and the Greenbelt Plan. The Township will ensure that future development in the vicinity of the Niagara Escarpment Plan Area will be compatible with the natural Escarpment environment and protect this important World Biosphere.

Lands are within the Niagara Escarpment Plan Area are identified on Schedule A1 to the Official Plan. The NEC should be contacted to determine if a property is within the Niagara Escarpment Area of Development Control.

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. Where this Plan contains policies that are considered to be more rigorous or restrictive than those of the Niagara Escarpment Plan, and are not considered to be in conflict with the Niagara Escarpment Plan, the more restrictive or rigorous policies of this Plan would then apply.

2.32 Section 11.5 PUBLIC MEETING, OPEN HOUSE AND NOTICE PROVISIONS is amended by deleting the first two paragraphs and bullet points and moving the remainder of the section, starting at “No amendment to...” to the beginning of section 12.7 and renaming section 12.7 to FLEXABILITY AND OFFICIAL PLAN AMENDMENTS

2.33 Section 11.17 BUILDING REGULATIONS is hereby deleted.

2.34 Section 11.18 PROPERTY MAINTENANCE STANDARDS AND OCCUPANCY is hereby deleted.

2.35 Part E, DEFINITIONS is amended by adding the following definitions:

Garden Township means an area dominated by its natural landscape, with various focal points, settlement areas and cultivated lands. A garden township provides for a range of amenities to remain a desirable, safe, prosperous and natural place for its residents to live, work, learn, and play.

Rural Character means the landscape established through preferred patterns of land use that prioritize agriculture, natural environments, and low-density development to facilitate a serene lifestyle. Rural Character within settlement areas means establishing the perception of a natural landscape through the strategic preservation and placement of natural elements within the built environment.

On-farm diversified uses means uses that are secondary to the principal agricultural use of the property, and are limited in area. On-farm diversified uses include, but are not limited to, home occupations, home industries, agritourism uses, and uses that produce value added agricultural products. Ground-mounted solar facilities are permitted in prime agricultural areas, including specialty crop areas, only as on-farm diversified uses. (PPS, 2020)

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 (PPS 2020)

2.36 Part E, DEFINITIONS, is further amended by replacing the following definitions defined by the Provincial Policy Statement 2020 and A Place to Grow Growth Plan 2017 with the Provincial definition

2.37 Appendix A – COMPLETE APPLICATION is deleted and replaced with Appendix A attached to this Official Plan Amendment

2.38 Schedule A1 to the Official Plan – Land Use Designations is amended by removing all designations within the Niagara Escarpment Plan area as shown on Schedule “X” to this Official Plan Amendment.

2.39 2.34 Schedule D to the Official Plan is amended by removing the scenic resources as shown on Schedule “X” to this Official Plan Amendment.

2.40 The Official Plan is further amended by italicizing any defined term where it appears through the entirety of the Official Plan.

2.41 The Official Plan is renumbered and formatted accordingly.

3.0 Implementation

The provisions of the Official Plan regarding the implementation of that Plan shall also apply to this Amendment

4.0 Interpretation

The provisions of the Official Plan for the Township of Mulmur, as amended from time to time, shall apply to this Amendment.

DRAFT

SCHEDULE A TO OFFICIAL PLAN AMENDMENT #4

Schedule A1 – Land Use Designations (removing NEC designations)

Schedule D – Scenic Resources and XXX (removing Scenic Resources)

Appendix A – COMPLETE APPLICATION REQUIREMENTS

DRAFT

PART C - THE APPENDICES

Appendix 1 - Track Change Version of Policies

Appendix 2 - Reports

- Strategic Plan 2020-2024 (Council approved)
- Recreation Master Plan, Sierra Planning and Management, February 2021 (Council approved Feb 2021)
- Energy Efficient Tools in Development Approvals, Council Report, April 7, 2021
- Mansfield North Recreation Area, Staff Memo, October 2021
- Official Plan Workplan, Council Report, February 2, 2022
- Official Plan Policy Direction Report, Council Report, March 2022
- Implementing Aging in Place, APAC Report, March 21, 2022
- Pursuing Responsible Growth: On-Farm Diversified Uses, APAC Report, March 21, 2022
- AdHoc On-Farm Diversified Use Tracking Table
- Pursuing Responsible Growth: Home Industry, APAC Report, March 21, 2022
- Land Needs Analysis and Settlement Expansion, Council Report, April 6, 2022

Appendix 2 - Notice of Public Meeting

- Tax Insert, mailed no later than July 15, 2022

Appendix 3 – Minutes of Public Meeting, September 7, 2022

Appendix 4 - Copies of Correspondence

- November 4, 2021 – Letter from Jim MacDougall
- May 10, 2022 – Email to commenting agencies

DRAFT