

OFFICIAL PLAN  
OF THE  
TOWNSHIP OF ESSA

JULY 6, 2001

I, Brenda Sigouin, the Clerk-Administrator of the Township of Essa, do hereby certify that the attached document is a true copy of the Township of Essa Official Plan, adopted by Township Council on April 19, 2000, under By-law No. 2000-29, and approved by the County of Simcoe on November 28, 2000. This Plan was put into effect by the Ontario Municipal Board on July 6, 2001 with the exception of three non-decisions restricting the expansion of Angus, Thornton, and Baxter.

Brenda Sigouin  
Township of Essa  
Clerk-Administrator

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## SECTION 1: INTRODUCTION

### 1.1 BACKGROUND

The Township of Essa initiated its planning program in 1971 with the first Official Plan receiving Provincial Approval in 1973. This Official Plan was updated in 1985 and received approval in 1987. Since 1987, several factors or events have created a need to update and review the Official Plan. These include:

- a. The County of Simcoe Act 1991 which added a portion of the Town of Innisfil and the Township of Clearview to the Township and removed lands in the Cookstown and Alliston areas.
- b. The development of the County of Simcoe Official Plan.
- c. The implementation of the Provincial Policy Statements.
- d. The Nottawasaga Valley Watershed Management Plan.

This Plan utilizes the previous Plan as a base, incorporates and deletes those areas affected by the County of Simcoe Act, consolidates existing approved amendments, and takes into consideration the policies of the Simcoe County Official Plan and all Provincial Policy Statements.

### 1.2 OBJECTIVE OF THE PLAN

This Official Plan establishes a policy framework to guide the Township's growth and development over the next twenty years. The objectives and policies of this Plan have been drafted by Council to assist in making decisions for the physical development of the Municipality while having regard for relevant social, economic and environmental matters.

### 1.3 STRUCTURE OF THE PLAN

The Official Plan identifies those areas into which new development may be guided and those areas where existing resources will be protected. The Plan is divided into a number of sections each of which identifies complementary land uses having related functions. The general pattern of these land uses is set out on the attached schedules. The text of the Plan contains the policies which will regulate the various land uses.

Within each designation the Plan permits a variety of uses, some of which are compatible under all normal circumstances, and others which may or may not be compatible depending upon the scope or intensity of use.

The intent of the Plan is to encourage the development of the Township in accordance with Municipal objectives and to minimize the conflicts and problems that arise when mixed and uncontrolled land uses are permitted. The final sections of this document describe the means by which the Plan is to be implemented and monitored.

#### 1.4 COMPONENTS OF THE PLAN

The Official Plan for the Township of Essa consists of the written text and attached schedules. The Background Studies completed in conjunction with this Plan may be referred to for further information but do not constitute part of the Plan.

#### 1.5 TITLE

This document shall be known as:

“THE OFFICIAL PLAN OF THE TOWNSHIP OF ESSA”.

## SECTION 2: PURPOSE OF THE PLAN

The purpose of the Official Plan is:

1. to create and foster a vision of the future of the Township through the text and map of this Plan;
2. to protect and enhance the Township's agricultural resources which are important to the Township's economic base;
3. to maintain the rural agricultural character and quality of life;
4. to provide a framework which will provide direction to Council, Committees, etc. in assessing the merits of proposals and in decision making;
5. intended to reduce uncertainty in both the public and private sector with respect to future development;
6. to ensure that any changes in the physical structure of the Township will be in harmony with the social, economic, and financial needs of the Township while taking into consideration the proper management of natural resources and environmental concerns;
7. to generally direct growth to established, serviced settlement areas;
8. to protect, conserve, and manage the Township's archeological and cultural heritage;
9. to inform the residents of the Township as to the policies guiding development and to encourage their participation in the formulation and participation in land use planning issues;
10. to ensure that land use planning within the Township contributes to the protection, maintenance, and enhancement of water and related resources and aquatic ecosystems, on an integrated watershed management basis;
11. to ensure that growth and development within the Township occurs in a manner that will minimize public health and safety issues, including the protection of human life and property from water related hazards such as flooding and erosion;
12. to provide for the conservation of the natural environment, including wetlands, woodlands, Areas of Natural & Scientific Interest (ANSI), Environmental Sensitive Areas (ESA), fish and wildlife habitat, and lakes, rivers and streams, on an ecosystem management basis; and,
13. to ensure that all land use decisions promote water conservation and support the efficient use of water resources on a watershed basis.

### SECTION 3: CONCEPT

- 3.1 This Plan has been developed on the principle that agriculture will continue to be an important segment of the economy of the Township and a dominant factor of the rural landscape. As it is most important that farming should prosper, other land uses shall be compatible with the fullest agricultural use of the fertile lands. ***Nonagricultural activities, which may restrict the full utilization of farmland for food production, shall not be permitted where they would restrict existing or potential farming operations.***
- 3.2 It is the intention of this Plan to preserve all fertile lands for their maximum development in agricultural uses. While the type of farming, the particular uses to which the lands are put and the degree of soil management should be the choice of the individual farmer, this Plan will establish those agricultural policies which come under municipal jurisdiction.
- 3.3 Urban development within the Township is to be directed primarily to the Angus area where it can be serviced by full water supply and sewage disposal facilities. Some additional, lower density urban residential development may also be located in Thornton, and Baxter, where a municipal water system has been developed ***and where partial servicing is available***, can be expanded to some degree. Urban development may also be permitted in several hamlets located in the Township at a scale and of a nature compatible with the existing form of development.
- 3.4 The natural environment, which is comprised of watercourses, valley lands, wetlands, woodlands, wildlife habitat, Areas of Natural & Scientific Interest, ***Environmental Sensitive Areas, and other features and functions***, will be conserved and protected. These natural heritage features and their functions add to the Township's rural character, provide a visual open space landscape, and contribute to the overall health of our environment and its human population.
- 3.5 It is expected that the Borden Military Base will continue to provide the greatest percentage of employment opportunities for residents in this area. This Plan establishes Angus as the centre for commercial uses to serve the Base and surrounding population. Provision has also been made for industrial areas and for additional population in the Angus area.
- 3.6 ***Cultural heritage*** resources provide our only link to the past and, thus, are to be preserved for future generations.



## SECTION 4: GOALS AND OBJECTIVES

### AGRICULTURE

GOAL: To protect and preserve good agricultural land within the Township.

#### OBJECTIVES:

1. To establish land use patterns and policy which will protect Class 1 to 3 soils based on the Soil Capability for Agricultural Classification.
2. To protect areas of Class 4 soils which have not been adversely impacted by fragmentation (lot development) and areas characterized by viable farming operations.
3. To minimize land use and compatibility conflicts between agricultural and non-agricultural uses.
4. To direct non-agricultural uses to non-agricultural and settlement areas.
5. To promote economically viable and ecologically sound agricultural practices by utilizing best management practices.

### NATURAL ENVIRONMENT

GOAL: To preserve and protect the significant natural heritage features *and functions* of the Township.

#### OBJECTIVES:

1. To protect, preserve, and enhance through land use designations and establishment of policies, the significant natural heritage features and their ecological functions which include:
  - rivers and streams
  - valley lands
  - wetlands
  - hazardous lands and sites including flood plains, steep slopes and unstable soils
  - headwaters
  - wildlife habitat and linkages
  - fish habitat
  - ANSI, *surface water*
  - *recharge, discharge, aquifers and headwaters*
  - *habitat of threatened and endangered species*
  - *environmentally sensitive areas*
  - woodlands

### SOCIAL AND CULTURAL HERITAGE

GOAL: To preserve and protect areas of social, cultural and historic significance.

OBJECTIVES:

1. To identify and preserve significant historical and cultural buildings and structures which reflect the rich history of the Township and its residents.
2. To establish appropriate policy to provide protection for adjacent or non-compatible land uses to ensure the continuation of the Township heritage.

RESOURCE MANAGEMENT

GOAL: To protect primary and secondary aggregate resource areas for existing and future extraction.

OBJECTIVES:

1. To provide policy which will ensure that aggregate resource areas are not impacted by incompatible uses.
2. To ensure that all extractive operations are properly rehabilitated to maintain the visual attractiveness of the Township.
3. To establish policy to protect groundwater from contamination.

MUNICIPAL SERVICES

GOAL: To ensure that all development is properly serviced.

OBJECTIVES:

1. To direct major growth to the established settlement areas *having the appropriate municipal services*.
2. To upgrade and improve municipal services to meet the needs of the Township.
3. To ensure that development does not impact adversely on the Township's groundwater supplies and the natural environment.

DEVELOPMENT

GOAL: To allow for continued compatible growth within the Township which protects the natural environment, protects the agricultural base, and ensures the rural character and quality of life of the Township.

OBJECTIVES:

1. To direct major development to settlement areas.

2. To identify the boundaries of the settlement area and hamlets.
3. To ensure that development does not place an undue financial burden on the Township.
4. To ensure that a reasonable supply of land for residential and other land uses is available to meet the needs of the Township.
5. To provide an adequate supply and diversity of housing types to meet the needs of the Township.
6. To encourage innovative forms of development which will provide the integration of various density forms, and natural open space areas, with the topographic features of the area.
7. To assess the impacts of new development *and their servicing facilities* on the form, function, and aesthetic quality of the natural and cultural environment.
8. ***To ensure the continued recognition of the township as an agricultural community.***

## SECTION 5: GROWTH MANAGEMENT STRATEGY

The population according to Census Canada, 1996, for the Township, which included Base Borden, was 16,363 persons. The Development Charges Study prepared in 1999 by C.N. Watson and Associates Ltd. have set the base population for the Township excluding Base Borden in 1999 at 13,022 persons. This is projected to increase to 18,840 persons by the Year 2016, an increase of 5,826 persons, and 2,110 dwelling units.

Presently, Provincially approved developments within the Township could raise the 1999 population of 13,022 persons to 18,590 persons. This figure could increase to 19,200 assuming development proposals approved by Council, proceed. Furthermore, the approval of severance and vacant lot development could further increase the Township population to approximately 22,000 persons. As a result, this Plan then designates sufficient land to accommodate an ultimate population of 22,000 persons.

The majority of this growth will be directed to these settlement areas, being:

1. The community of Angus.
2. The community of Thornton.
3. The community of Baxter.

Additional limited development may occur through in filling, estate residential development, vacant lot development, and severance activity.

Historically, the growth rate of the Township has been constrained by the lack of municipal services in Angus and Thornton. Thus, a clear picture of the Township's potential for growth does not exist. Growth rates will be monitored and the Township will keep this Plan under review to determine whether additional land needs are required. Where additional development is proposed by amendment to this Plan, Council shall:

1. Determine the necessity of the proposal to accommodate additional growth.
2. Review a justification report prepared by the proponent setting out the need for the proposed development as it relates to the existing undeveloped land base already designated by the Plan to accommodate growth to 2016.
3. Give consideration to the density unit type, innovative design of the proposal, and its compatibility with the land use patterns of the area.
4. Consider the impact on the agricultural community.
5. Consider the impact on the natural heritage of the area and may require an Environmental Impact Assessment be prepared.
6. Consider the type of sewage disposal and water services proposed and the availability of municipal services and the implication with respect to other comparative developments,

and the Township's financial capabilities.

7. Consider the implications of the development on the Township's community services such as schools, parks, police, and fire protection, and whether the development will require additional community services.
8. Consider the implication of the proposed development on the Township's existing and future road network.
9. Consider the appropriateness of the site.
10. Circulate the proposed development to the County of Simcoe, and the Nottawasaga Valley Conservation Authority for their comments.

## SECTION 6: AGRICULTURAL

### 6.1 INTRODUCTION

The basic objective of areas designated Agricultural on the attached schedules is for the promotion and protection of the agricultural resource base of the Township. This designation coincides with those lands which exhibit good agricultural capability which includes Class 1 to 4 lands as established by the Canada Land Inventory's Soil Capability for Agriculture. The intent of this Plan is to preserve the agricultural community and to exclude non-agricultural or incompatible uses from areas designated Agricultural.

### 6.2 PERMITTED USES

The permitted uses within the agricultural designation include ***agriculture and farm related uses. Agriculture and farm related uses shall include the raising of animals and birds, and the growing of agricultural crops, mushrooms and nursery stock, and farm related commercial and farm related industrial uses that are small in scale, directly related to the farm operation and required in close proximity to the farm operation.*** Building and structures normally incidental to an agricultural operation such as farm residences, barns, sheds, etc. are also permitted. ***In certain circumstances, a single detached dwelling may be permitted on a farm as an accessory residential use to a farm operation.*** The retail sale of produce grown on the farm supplemented by locally grown produce, bed and breakfast establishments, garden suite, home occupations, home industries, and utility corridors and associated facilities are permitted uses. In filling in accordance with the policies of Section 26.3.1.k is also permitted.

### 6.3 POLICIES

6.3.1 In accordance with the Goals and Objectives for Agriculture in Section 4, it shall be a policy of this Plan to protect and preserve existing and potential productive agricultural land to the greatest extent possible. As a general rule, agricultural uses shall take precedence over all other uses.

6.3.2 The policies of this Plan differentiate between "agricultural" and "rural" lands. The lands designated "Agricultural" include the following:

- a) Lands which have a high capability for the production of specialty crops due to special soils or climate.
- b) Lands where soil classes 1, 2, 3 and generally class 4 predominate as defined in the Canada Land Inventory of Soil Capability for Agriculture.
- c) Additional areas where farms exhibit characteristics of ongoing viable agriculture.

In certain areas designated “Agricultural”, where the lands are not suitable for farming, Council, in reviewing development applications, may determine that the lands do not meet the criteria outlined above and should, therefore, be included in the “Rural” designation. Such situations may occur only on properties adjacent to the boundaries between the Agricultural and the Rural designations and are based on the general principles regarding flexibility of boundaries contained within this Plan.

In such situations, Council shall take the following into consideration:

- a) a report from a professional agrologist describing the agricultural potential of the land;
- b) the Canada Land Inventory and Soil Capability for Agriculture classification of the land. Lands designated as Class 1, 2, 3 or 4 shall generally be considered as good agricultural land,
- c) the history of agricultural activities on the subject land,
- d) the need for the proposed use in the Township,
- e) the location and its impact on agriculture and the natural environment,
- f) the availability of alternative locations on poorer quality agricultural soils,
- g) *compliance with Minimum Distance Separation Formulae,*
- h) *a report justifying why a location in a settlement or business park is not more appropriate.*

Proponents of any redesignation shall be required to provide all necessary information required to substantiate the requested amendment.

- 6.3.3 ***Livestock facilities and other forms of development will be established in accordance with the Minimum Distance Separation Formulae.*** The preparation of Nutrient Management Plans are encouraged for all agricultural operations, and specifically for specialized or intensive livestock operations. Nutrient Management Plans may be required for all new or expanding livestock operations. Nutrient Management Plans shall utilize the current best management practices in developing a practical, affordable approach to addressing odour, water quality, and soil health associated with livestock manure management. Generally such uses should be located on poorer quality lands and shall be subject to a Zoning By-law amendment if they are to be located on lots of less than 10 hectares.
- 6.3.4 Generally the minimum lot size for an agricultural use shall be approximately 40 hectares. In certain cases such as intensive or specialized agricultural uses, farm size may be reduced and the implementing zoning by-law will define the appropriate farm size.
- 6.3.5 Uses existing on the date of passing of this Official Plan may be permitted and minor expansions of these uses may be considered. An implementing Zoning By-law may recognize existing uses even though they are not in conformity with the policies of this

designation. Such a By-law may permit a change of use on such lands provided that the new use is more in conformity with the provisions of the Official Plan and is in compliance with the Minimum Separation Distance *Formulae*.

- 6.3.6 ***The Township shall regulate the removal of topsoil through its by-law to preserve topsoil.***
- 6.3.7 A farm related residential dwelling existing as of the date of adoption of this Plan may be converted to a two family dwelling for the purpose of providing accommodation for farm workers. This conversion shall not result in the creation of more than two dwelling units within the structure and shall not occur in more than one structure per farm. The units shall comply with the provisions of the implementing Zoning By-law.
- 6.3.8 Home occupations and small-scale home industries will also be permitted in the Agricultural areas. These are small businesses carried out as secondary uses to the main permitted uses, and take place on the same property as the primary use. These uses may be allowed provided they do not conflict with surrounding uses, and do not remove large amounts of farmland from production. A home occupation is a commercial use carried on within a dwelling unit, and which does not change the character of the dwelling unit from that of a residence. A home industry is a small-scale industrial use which provides a service to the surrounding agricultural area, and is carried on by the property owner as an accessory use to the main permitted use in an accessory building. In addition to the resident business owner or tenant only one additional staff member may be employed in a home occupation or home industry. For the purpose of this Section, a staff member includes a member of the resident business owner's family. The Township Zoning By-law shall regulate the size and scale of these businesses.
- 6.3.9 The Zoning By-law may provide for the establishment of a bed-and-breakfast operation within single detached dwellings provided that the following criteria are satisfactorily met:
- i. The dwelling is structurally sound and of sufficient size to allow the creation of room temporary accommodations.
  - ii. The lot is of sufficient size to allow the required off-street parking without detracting from the visual character of the area.
  - iii. Adequate amenity area is retained on the lot for the use of the residents of the dwelling.
  - iv. The services are adequate to accommodate the increase in dwelling units.
  - v. The exterior appearance of the building is not substantially altered, and remains compatible with surrounding residences.
  - vi. The Zoning By-law may provide regulations which limit the number of rooms allowed for rental purposes and which specify minimum lot area, frontage and floor area for the facility and each rental room in the facility.
- 6.3.10 The planning and location of utility corridors, lines, towers and associated uses shall, wherever possible, respect the intent of this Plan which is to protect and preserve existing and potentially productive agricultural land to the greatest extent possible. Such uses



should be encouraged to locate in areas having poorer soils and should be located and designed so as to minimize disturbance to existing farm operations. Such uses shall not require an amendment to the Zoning By-law.

6.3.11 Lands designated Agricultural shall be zoned Agricultural in an implementing Zoning By-law.

6.3.12 Agricultural equipment sales, repair and service outlets shall be subject to Site Plan Control.

6.3.13 Camphill Village Ontario Inc. - Special Policy

In addition to the Agricultural and Rural Land Use Policies already designated on Parts of Lots 22, 23 and 24, Concession IV, the lands may be used for the establishment of a non-profit, specialized family-centered community for the provision of accommodation services for developmentally handicapped people subject to the following policies:

- a) Responsible supervision, consistent with the requirements of developmentally handicapped adults is provided under a license issued by the Province of Ontario pursuant to the Developmental Services Act or the Homes of Retarded Persons Act.
- b) A maximum of seven family homes are provided, each of which is designed and used to accommodate five developmentally handicapped adults plus a supervising family which may include the children of that family. The total population of the parcel is not expected to exceed 75 persons at any time.
- c) The parcel of land to which this special policy applies is designated as an area of Site Plan Control in accordance with the provisions of the Planning Act, and further that the site plan prepared under this subsection, shall provide for a building envelope shown in the implementing Zoning By-law within which the seven specialized family-centered homes, a community hall and the accessory buildings pertaining to the permitted uses are located.

6.3.14 Garden Suite Dwelling Unit

Garden Suites are separate temporary secondary residences located on an existing occupied lot. Garden Suites provide an alternate form of housing for seniors or farm help, which is intended to be portable in nature. Presently the Planning Act allows for a municipality to enact temporary use by-laws for garden suites for a period of ten years and allows a municipality to enter into an agreement. The Municipal Act allows a municipality to enter into agreements respecting:

- the installation, maintenance and removal
- the period of occupancy by the person named in the agreement
- the monetary or other form of security related to the garden suite.

Notwithstanding any other provisions of this Plan, the establishment of a Garden Suite may be permitted in an Agricultural or Rural designation, subject to a Temporary Use By-law. The Garden Suite shall be considered secondary and incidental to the existing

dwelling unit.

In considering Garden Suite dwelling units, Council, prior to passing a Temporary Use By-law, shall be satisfied that:

- a. The Garden Suite is being permitted in conjunction with a single detached dwelling unit.
- b. The Garden Suite is secondary to and smaller than the single detached dwelling unit and no more than two dwelling units in total, including the Garden Suite, shall be permitted per lot.
- c. Adequate parking for the Garden Suite is available and access is to be shared with the main dwelling.
- d. Where necessary, buffering of adjacent uses is provided.
- e. The Garden Suite shall not cause an encroachment into any required yard imposed by the Zoning By-law. In the case where an existing single detached dwelling is legally non-complying, the Garden Suite shall not cause further encroachment.
- f. The internal construction of the Garden Suite, i.e. washrooms, kitchen, etc., comply with all applicable codes and regulations and shall be portable.
- g. The Garden Suite shall not be serviced separately and must rely on the services of the principal residence unless it can be proven to the satisfaction of Council that a separate service is appropriate.
- h. An adequate water supply is available to service the garden suite.
- i. An agreement is entered into with the Township regarding maintenance, alterations, improvements, and eventual removal of the Garden Suite unit. This Agreement may include a bond or security held by the Township which would ensure the removal of the unit.

## SECTION 7: RURAL

### 7.1 INTRODUCTION

The Rural designation as shown on the attached schedules applies to those lands which exhibit a lower agricultural capability for agriculture which generally includes lands in Class 5, 6 and 7 according to the Canada Land Inventory of Soil Capability for Agriculture. While these lands are considered marginal in terms of agriculture, viable farms do exist within the designation. The intent of the Plan is to protect the viability of these existing agricultural operations and through the policies established, retain the natural landscape and rural character of the Township by preventing uncontrolled and scattered development.

### 7.2 PERMITTED USES

The permitted uses within the Rural designation shall include those uses permitted in the Agricultural designation. In addition, uses such as forestry, resource management, small-scale industrial, commercial uses which are agriculturally- related, home occupation and home industry, farm produce stands, bed and breakfast establishments, and single detached dwellings on existing vacant lots. Non-agricultural uses such as highway and service commercial, tourist commercial, public use, institutional, kennels, private club and open space may also be permitted. In filling in accordance with the policies of Section 26.3.1.k is also permitted. A garden suite is also a permitted use and is subject to the policies of Section 6.3.14.

### 7.3 POLICIES

7.3.1 Agricultural uses which exist within the Rural designation shall be preserved and protected from incompatible land uses and shall take precedence over all other land uses.

7.3.2 Non-agricultural uses which would interfere with or hinder existing or future agricultural operations are not permitted. ***Development will be established in accordance with the Minimum Distance Separation Formulae.***

7.3.3 The Township shall regulate the removal of topsoil through its By-law to preserve topsoil.

7.3.4 Agriculturally-related commercial and industrial uses such as farm implement dealers, agricultural equipment repair and service outlets, agricultural supply outlets, feedmills and agricultural product warehousing may be permitted subject to an amendment to the Zoning By-law.

7.3.5 Minor non-agricultural rural uses such as highway and service commercial uses, tourist and recreational commercial uses, public uses, institutional uses, private clubs and open space uses, may be permitted subject to an amendment to the Zoning By-law.

For the purposes of this Section, the term “minor” shall be generally defined as a use having low traffic generation, no nuisance effects on surrounding uses, a scale consistent with existing uses, and no ***negative*** environmental impact ***there shall be recognition of the cumulative impacts of these non-agricultural uses to the surroundings.***

- 7.3.6 Where non-agricultural uses are proposed, the Township of Essa shall require the preparation of a report which shall establish, to the satisfaction of the Township that the subject lands are not good agricultural lands ***and why a location in a settlement or a business park is not more appropriate.***
- 7.3.7 Permitted non-agricultural and agriculturally related uses shall be subject to the following criteria:
- located on poorer quality agricultural lands;
  - have minimum impact on agricultural uses
  - provide adequate buffering for adjacent uses;
  - consolidated into groups rather than scattered throughout the Township;
  - no other reasonable, alternative location.
- 7.3.8 Uses existing on the date of passing of this Official Plan may be permitted and minor expansions of these uses may be considered. The implementing Zoning By-law may recognize existing uses even though they are not in conformity with the policies of this designation. Such a By-law may permit a change to a similar use on a property containing a land use which does not otherwise conform with the policies of this section.
- 7.3.9 The implementing Zoning By-law shall establish a Rural Zone to apply to the Rural designation and all uses other than agriculture shall require an amendment to the Zoning By-law before their establishment.
- 7.3.10 Kennels are permitted subject to a site specific zoning by-law amendment on properties with a minimum lot area of at least 1.5 hectares. Suitable kennel locations shall be considered on secluded sites not adjacent or in close proximity to existing hamlets, estate residential subdivisions, recreational residential subdivisions, and nodes or clusters of existing rural homes. All kennels shall comply with the Township's Kennel By-law, a by-law for the keeping, breeding and boarding of dogs. Additional buffering and landscape screening shall be encouraged to reduce noise and the physical presence of the kennel operation.
- 7.3.11 Home occupations and small-scale home industries will also be permitted in the Rural areas. These are small businesses carried out as secondary uses to the main permitted uses, and take place on the same property as the primary use. These uses may be allowed provided they do not conflict with surrounding uses, and do not remove large amounts of farmland from production. A home occupation is a commercial use carried on within a dwelling unit, and which does not change the character of the dwelling unit from that of a residence.
- 7.3.12 ***Nutrient Management Plans are encouraged to be completed for all agricultural operations.***

7.4 Rural – Exception (OPA No.42)

Part of East half of Lot 31 and part of East Part and West Half of Lot 32 Concession 6 (8949 Smith Road)

Notwithstanding Section 26.5.1 of this plan, within lands designated Rural – Exception on Schedule ‘A’ to this amendment, up to three (3) severances may be permitted for rural residential purposes.

## SECTION 8: RESIDENTIAL

### 8.1 INTRODUCTION

Within the Township of Essa, it is expected that single detached dwellings will dominate the Township's housing market. Particularly, single detached dwellings will comprise the majority of housing units in the Communities of Thornton and Baxter, Utopia, Ivy, Colwell and Egbert due to the lack of full municipal servicing. Higher density housing types such as townhouses and low-rise apartments will develop in Angus based on full urban services.

Council has established that Angus, Thornton and Baxter are to be the main growth centres for the Township's future growth. Thus, within Utopia, Ivy, Egbert and Colwell, limited residential growth will occur through in filling.

### 8.2 PERMITTED USES

The predominant use of those lands designated as Residential shall be for single detached, semi-detached and duplex dwellings. Development within this designation is intended to maintain the low density residential character of the settlement areas with the provision for medium density development such as townhouses and low-rise apartment buildings being located in accordance with the policies of this Plan and being serviced with full municipal services. Home occupation, neighbourhood commercial uses, and open space uses may also be permitted.

### 8.3 POLICIES

#### 8.3.1 Low Density Residential

Low density residential is defined as single detached, semi-detached and duplex dwellings. Lot size and density of development will be established in the Zoning By-law based on the appropriate method of servicing. The Zoning By-law shall also provide for separate zones for single detached, semi-detached and duplex dwellings. Development shall be designed to be in keeping with the character of the specific area and design characteristics shall be employed to avoid loss of view, privacy, sunlight, etc. to ensure development is compatible to the area.

#### 8.3.2 Multiple Density Residential

All existing multiple density residential uses shall be zoned accordingly in the Township's Zoning By-law. All new multiple residential development shall be subject to an amendment to this Plan, Site Plan Control and shall be subject to the following development criteria.

- a. Density of development should to some extent be related to the size of the site and to avoid excessive densities on inadequate sites, the following standards may be used as guides in considering the appropriateness of any residential development;

Site of Area

Maximum      Suggested

Under 1 gross hectare	<u>Density</u>	20	dwelling
	units/gross hectare		
Between 1 & 2 gross hectares	25	dwelling	units/gross
	hectare		
Between 2 & 3 gross hectares	37	dwelling	units/gross
	hectare		

- b. The design of the proposed development with respect to building height, setbacks, landscaping and vehicular circulation will ensure that it will be compatible with existing or proposed development on adjacent lands.
- c. The site of the proposed development has a suitable area and shape to provide:
  1. Adequate on-site landscaping to screen outdoor amenity areas both on the site and on adjoining property, to buffer adjacent residential areas and to improve the overall appearance of the development.
  2. On-site amenity areas for the occupants of the residential units.
  3. Adequate on-site parking and appropriate access and circulation for vehicular traffic, including emergency vehicles.
  4. Adequate grading to ensure that drainage from the property is directed to public storm-drainage facilities and not to adjoining properties.
- d. The development is located on an arterial or collector road or is directly accessible to any such road through a local street and is not likely to generate sufficient traffic to disturb the peaceful and quiet enjoyment of neighbouring residential properties located on such local streets.
- e. Adequate municipal services such as water, sewer, stormwater, roads and hydro shall be available or will be made available to service the development.
- f. A separate zone or zones are established for multiple-unit residential development.
- g. The Municipality shall encourage multiple-unit residential development at medium densities to be located in newly developing areas so that the potential impact of the development is known prior to the establishment of the residential area. The Municipality will normally discourage multiple-unit residential development from locating in the midst of established low-density residential areas.

### 8.3.3 Home Occupations

Nothing shall prevent a person from carrying on any domestic or household art or home occupation in his own residence provided it does not affect the amenity of the neighbourhood. The office of a professional practitioner or of an agent may be located in a dwelling used as his private residence as outlined in the restricted area by-law provided that such offices are to be used by the practitioner or agent and only one additional staff member. No facilities may be provided to the public other than consultation or emergency treatment. In no case shall there be permitted the boarding of animals.

#### 8.3.4 Neighbourhood Commercial

Neighbourhood commercial uses are defined as one or more retail or service commercial establishments providing day to day services to customers in the surrounding area. Uses generally permitted include variety stores, personal service shops, and other convenience commercial uses.

Neighbourhood commercial uses shall be zoned accordingly in the implementing Zoning By-law and shall be subject to Site Plan Control to ensure the use is appropriately buffered for adjacent residential uses. Generally, neighbourhood commercial uses shall be located adjacent to arterial or collector roads.

#### 8.3.5 Special Residential

The Special Residential designation applies to those existing residentially developed lands which fall within the flood and fill area within the Community of Angus. Single detached dwellings and accessory structures are permitted, however, all new development, accessory structures, or enlargement of existing buildings and structures shall be subject to flood proofing policies as established by the Nottawasaga Valley Conservation Authority.



## SECTION 9: RESIDENTIAL - FUTURE

### 9.1 INTRODUCTION

The Residential-Future designation applies to those lands within the Community of Angus which have received municipal commitment or draft approval for a Plan of Subdivision. These lands, however, are restricted from development due to a lack of servicing capacity. Once municipal services are available to these lands, development can proceed in accordance with the approved conditions of Draft Plan Approval for the subdivision.

### 9.2 Permitted Uses

The permitted uses of lands designated Residential-Future shall be for those uses which existed on the lands at the time of draft approval.

### 9.3 Policies

It shall be a policy of this Plan that once municipal services are available, these lands may be developed in accordance with an approved Plan of Subdivision. The permitted uses may include, open space and parkland, institutional uses, and low density and medium density residential uses. Development within these areas may require noise vibration and safety studies with respect to the railway lands and studies with respect to the protection of water quality, cold water fisheries and environmental concerns. The development will be regulated through the conditions of Draft Plan Approval and the implementing Zoning By-law.

## SECTION 10: MOBILE HOME RESIDENTIAL

### 10.1 INTRODUCTION

The Mobile Home Residential designation recognizes the existing mobile home parks.

### 10.2 PERMITTED USE

Existing mobile home parks.

### 10.3 POLICIES

#### 10.3.1 Designated Lands

Existing mobile home parks in the Township are permitted to continue in operation on the area of land designated for that purpose by this Plan. Where an application is made to add additional mobile homes within a designated area, such additional development shall be subject to the ability of the sewage system and water supply to service the additional development.

#### 10.3.2 Extensions

Extensions to existing mobile home parks outside of the areas designated under the Official Plan as described above will be subject to a further amendment of the Plan to designate the additional area.

#### 10.3.3 Amendments

The designation of an existing mobile home park in the Mobile Home Residential designation does not imply that Council will automatically approve extensions to the existing park or the establishment of any new parks.

Any applications to amend the Official Plan for an extension to an existing mobile home park or a new park will be considered on their own merits according to the policies of this Plan.

#### 10.3.4 Services

New mobile home parks or extensions to existing parks shall generally be serviced with full municipal services.

#### 10.3.5 Lot Sizes and Project Design

It is a policy of this Plan that consideration of any new mobile home residential areas will take into account the general conformity of the proposed project plan with site design principles and lot size standards set out in planning guidelines endorsed by the Ministry of Municipal Affairs and Housing. Existing parks will be encouraged to conform to these principles in creating any extensions.

#### 10.3.6 Amenities

Amenities such as playgrounds, swimming pools, recreation halls, convenience stores, etc. will be permitted in mobile home residential areas for the convenience and enjoyment of the residents; however, these amenities, particularly those of a commercial or service nature, should in no way intrude on the residential character of the development.

## SECTION 11: ESTATE RESIDENTIAL

### 11.1 INTRODUCTION

It is the intent of this Plan to recognize Estate Residential developments which have been registered, draft approved, or committed to by the Township prior to the approval of the Plan, and to establish guidelines for the development and control of estate residential development through an environmentally responsible policy framework.

### 11.2 PERMITTED USES

The predominant use of those lands designated as Estate Residential should be for single detached dwellings on large lots which will maintain the rural character of the area and provide minimal disturbance to the natural environment.

### 11.3 POLICIES

11.3.1 New Estate Residential development shall be subject of an amendment to this Plan and shall be developed by Plan of Subdivision or Condominium.

11.3.2 Prior to the redesignation of lands for Estate Residential purposes, Council shall be satisfied that the lands proposed for an Estate Residential use:

- a. are not classified as good agricultural land. Good agricultural lands are those classified as in the agricultural capability for agriculture in Class 1, 2, 3 and 4 and shown on the attached schedules as Agricultural;
- b. do not conflict with the Minimum Distance Separation *Formulae* for livestock operations;
- c. are located in areas that are characterized with scenic rolling topography;
- d. contain sufficient tree cover to screen dwellings *from* abutting lands and roads;
- e. contain suitable building sites which can be developed without significant alteration to contours and vegetation.
- f. have access to a municipal road of a standard of construction and maintenance capable of accommodating the expected traffic. Where Council considers it appropriate, the applicant may be required to upgrade adjacent boundary roads from the development to a road of appropriate standard;
- g. are supported by soils and drainage studies prepared by the applicant which show that the land is suitable for the installation of a private sewage disposal system without the excessive importation of fill material and the installation of such systems shall not affect existing surface and groundwater systems;
- h. are supported by a Hydrogeologist's Report prepared by the applicant confirming that

a sufficient supply of potable water exists to serve the development without affecting negatively the wells on abutting lands. The Hydrogeologist's Report must also address the level of nitrate loading resulting from the development;

- i. *are not designated as Environmental;*
- j. will not cause a negative impact on the natural heritage features and on their ecological functions;
- k. are not located adjacent to a settlement area, commercial or industrial lands, sanitary landfill site, pit or quarry or which would have an adverse affect on traffic or servicing due to the number of lots already created in an area.
- l. are not located within hazardous lands and sites including flood prone and steep slope areas.

11.3.3 The proponent shall undertake a **Cultural** Heritage Impact Assessment and an environmental evaluation of the impacts of the proposed development. Where a proposed estate residential development is located adjacent to environmentally sensitive lands as designated on the attached schedules, an Environmental Impact Study will be required.

11.3.4 Prior to the redesignation of lands for Estate Residential purposes, the Township and the appropriate approval authorities will satisfy itself that the design is such that:

- a. Access to all lots is from an internal public subdivision road only, which will be designed and constructed to municipal standards. The road layout shall be designed to provide convenient and safe access to each lot.
- b. The lots are well proportioned and of regular shape.
- c. The lots have sufficient table land to permit the installation of a private sewage system and a private well. Communal water systems will not be approved.
- d. Erosion will not occur and the disruption to existing vegetation is minimized. Existing trees and contours are to be maintained to the extent possible.
- e. A minimum setback of 30 metres from the top or toe of a slope of 20 percent or more is provided for all buildings, sewage disposal facilities and construction including site alteration.
- f. *A minimum setback of 30 metres from the top of bank of a watercourse or municipal drain is provided for all buildings, sewage disposal facilities and construction including site alteration.*
- g. *A minimum setback of 30 metres from the limits of a floodway, wetland, or the habitat of threatened or endangered species shall be provided for all buildings, sewage disposal facilities and construction and site alteration* on the basis that an accepted Environmental Impact Study has demonstrated that there will be no negative impact to be caused by development on the natural features or ecological functions withing 120 metres of lands designated Environmental. A flood plain means the area inundated by water in the event of a regulatory flood, which is the greater of the 1:100

year flood, the flood resulting from a major storm such as Hurricane Hazel (1954) or the Timmins Storm (1961), or a flood which was actually experienced, and 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.

- h. ***Lot sizes for estate residential lots shall be approximately 1.0 hectare. In some cases, lots in excess of 1 hectare may be suitable because of environmental constraints or design considerations.***

Where the proponent proposes to cluster the development, the minimum lot size may be reduced providing that the overall density does not exceed one unit per hectare. The maximum number of estate residential lots comprising one Plan of Subdivision shall not exceed **40** lots.

It is the intention of Council to maintain the rural nature of the Township, therefore, only a limited amount of estate residential development will be permitted.

## SECTION 12: RESIDENTIAL RECREATIONAL

### 12.1 INTRODUCTION

The lands designated Residential Recreational on the attached schedules correspond only to those existing residential or recreational resort type developments, formerly designated Resort, which fall outside of the boundaries of the “Environmental-Significant Areas” designation. The majority of the existing development within the Residential Recreational designation is accessed from unassumed roads.

### 12.2 PERMITTED USES

The predominant use permitted in those lands designated as Residential Recreational shall be for single detached dwellings. This designation will also allow for private recreational facilities and open space areas servicing the residents of a development.

### 12.3 POLICIES

#### 12.3.1 The development of existing vacant lots or the expansion of existing dwellings within the Residential Recreational designation is permitted provided that:

- a. the applicant receives approval from all appropriate approval agencies and the lot can accommodate a private sewage treatment system, or, in the case of an expansion of an existing dwelling, the existing sewage treatment system can accommodate the expanded dwelling or can be upgraded to current standards to service the dwelling.
- b. The applicant recognizes that they do not front onto a public road and thus must enter into a Private Roads Agreement with the Municipality.

#### 12.3.2 In accordance with the consent policies contained in Section 26, new lots shall not be created on unassumed roads.

## SECTION 13: CULTURAL RESOURCES

### 13.1 INTRODUCTION

Cultural heritage resources form an important linkage to our past and, as such, the Township of Essa recognizes their importance and will encourage the identification, conservation protection, restoration, maintenance and enhancement of cultural heritage resources. All development shall have regard to the cultural heritage resources of the Township and where possible provide appropriate protection to these resources.

### 13.2 POLICIES

13.2.1 In this regard the Township shall develop, administer and maintain a comprehensive Cultural Heritage Resource Inventory of the historical, cultural, architectural and archaeological significant properties in the municipality including any properties designated by the Ontario Heritage Act, or identified in Federal or County inventories.

13.2.2 Cultural Heritage Resources include but are not necessarily restricted to:

- a. A property or an area of historic value or interest, possessing one or more of the following attributes:
  - (i) an example of the Township's past social, cultural, political, technological or physical development;
  - (ii) a representative example of the work of an outstanding local, national or international personality;
  - (iii) a property associated with a person who has made a significant contribution to the social, cultural, political, economic, technological or physical development of the Township, County, Province or Country;
- b. A property or area of architectural value or interest, possessing one of the following attributes:
  - (i) a representative example of a method of construction which was used during a certain time period or is rarely used today;
  - (ii) a representative example of an architectural style, design or period of building;
  - (iii) an important Township landmark;
  - (iv) a work of substantial engineering merit;
  - (v) a property which makes an important contribution to the area composition or streetscape of which it forms a part.
- c. A property or area recognized by the Province as being archaeologically significant.



- d. An area in which the presence of properties collectively represent a certain aspect of the development of the Township, or which collectively are considered significant to the community as a result of their location or setting.
- e. An area exhibiting landscape features such as woodlots, hedgerows, trees, fields, roadways, bridges and fences of historical or cultural significance to the Township.

#### 13.2.3 Designation of Heritage Properties

It is a policy of this Plan to control as fully as possible the demolition, removal, or inappropriate alteration of buildings of historic or architectural value or interest included in the Township's Cultural Heritage Resource Inventory and, for these purposes, Council may:

- a. Pass by-laws pursuant to the Ontario Heritage Act to designate properties, buildings or structures to be of historic or architectural value or interest. Such by-laws include a designation of the property and a statement of the reasons for designation.
- b. Pass by-laws providing for the acquisition by purchase, lease or otherwise any property designated, or for the expropriation of any such property.
- c. Acquire heritage easements, apply restrictive covenants and enter into development agreements, as appropriate, for the preservation of heritage resources.
- d. Encourage the documentation of heritage resources which are to be demolished or significantly altered for archival purposes.

#### 13.2.4 Cultural Heritage Impact Assessment

A Cultural Heritage Impact Assessment shall be required when a development proposal includes or is contiguous to a heritage resource identified in the Township's Cultural Heritage Resource Inventory. A Cultural Heritage Impact Assessment will include the following elements:

- a. Identification and evaluation of the heritage resources.
- b. Graphic and written inventory of the heritage resources.
- c. Assessment of the proposals impact on the heritage resources.
- d. Means to mitigate negative impacts.
- e. Identification of, and justification for, the Assessments recommendations.

Additional information may be required by the Township depending on the nature and location of the proposal. The Township shall make available any relevant information that it maintains respecting the cultural heritage resource. A completed Cultural Heritage Impact Assessment shall be submitted to the Township, and Council shall review and approve the Report. Council may scope or waive the requirement of a Cultural Heritage Impact Assessment where the scale and nature of the proposed development would not warrant the completion of the study.

13.2.5 Council may pass by-laws:

- a. To ensure the protection of heritage features.
- b. To regulate development so that it is sympathetic in height, bulk, location and character to Cultural Heritage Resources.
- c. To control demolition of heritage buildings or structures in a defined area.

or enter into an easement agreement or covenant with the owner of any real property and register such easement or covenant against the real property in the Land Registry Office for the purpose of:

- a. Conserving, protecting and preserving the heritage features of the property.
- b. Preventing any demolition, construction, alteration, remodeling or any other action which would adversely affect the heritage features of the property.
- c. Establishing criteria for the approval of any development affecting the heritage property.

13.2.6 Archaeological Resources

It is a policy of this Plan to identify, protect and conserve significant archaeological sites and resources within the Township. It is also a policy of this Plan to encourage that all heritage resources recovered locally be retained locally.

Where a development application is submitted and the site contains archaeological resources, or there is a moderate to high potential for resource, or on the direction of the County or other relevant agency, the Township shall require the owner to undertake an Archaeological Assessment in accordance with the requirements of the Archaeological Assessment Technical Guidelines (1993) or its successors. The Archaeological Assessment will be subject to approval by the Township, County and/or the Province and shall be prepared by a qualified professional.

## SECTION 14: COMMERCIAL

### 14.1 INTRODUCTION

The lands designated Commercial on the attached schedules apply separately to both General and Highway Commercial uses, and reflect the existing commercial lands at the date of the enactment of this Plan.

### 14.2 PERMITTED USES

#### a) Commercial General

It is intended that the Commercial - General classification shall mean that the predominant use of land in areas so designated shall be for the buying and selling of goods and services or business offices. Compatible institutional or industrial uses may also be permitted as an integral part or accessory to a permitted commercial use.

#### b) Commercial Highway

It is intended that the Commercial-Highway classification of land shall mean that the predominant use of land in areas so designated shall be for those commercial uses which are primarily concerned with the servicing of automobiles and which are dependent upon automobile traffic, such as service stations, garages, motels, drive-through restaurants and bus depots. Accessory retail uses such as a gift shop, convenience stores, and small scale restaurants may be permitted with a Commercial Highway use. In addition, institutional uses may be permitted.

### 14.3 POLICIES

#### 14.3.1 Where new commercial uses are proposed, these uses are permitted by amendment to this Plan in accordance with the following policies:

- a) new commercial uses shall be grouped with other commercial uses whenever possible;
- b) new commercial uses shall not be located in prime agricultural or natural heritage areas;
- c) new commercial uses shall be compatible with adjacent existing uses and where adjacent to a residential use, shall provide a landscaped buffer zone;
- d) adequate entrances, off-street parking and loading space shall be required for each use;
- e) traffic impacts and circulation patterns with respect to vehicular, pedestrian, and adjacent uses must be addressed to the satisfaction of Council, and if ***the Township, County, or Province*** deems necessary, a traffic ***impact*** study will be required; and,
- f) new commercial uses must demonstrate that a need exists for this use;
- g) new commercial uses are subject to Site Plan Control.

14.3.2 Part Lot 32, Concession 11

Notwithstanding anything else contained within this Plan, the lands designated Commercial located in part of Lot 32, Concession 11 adjacent to the ***Allandale Lake Algonquin Bluffs Wetland*** should only be developed after a Site Plan Agreement has been registered against the title of the lands. The site plan shall include site engineering measures designed by a qualified Engineer that will ensure that the development does not have an adverse impact on the wetland. These measures shall include the following:

- a) all surface drainage shall be managed such that there is no adverse impact on the ***Allandale Lake Algonquin Bluffs Wetland***;
- b) a limit of work fence shall be erected not less than 10 metres from the limit of the wetland as determined by the Ministry of Natural Resources and/or the Conservation Authority;
- c) the proposed septic system shall be located no closer than 30 metres from the limit of the wetland;
- d) a 10 metre natural vegetation buffer shall be maintained between the developed portion of the site and the wetland;
- e) any measures to mitigate the impact of development on the ***Allandale Lake Algonquin Bluffs Wetland*** and Bear Creek as identified in the Stormwater Management Plan;

No development shall be permitted on lands subject to more than 0.4 metres of flooding during a Regional Storm flood event. These lands shall be identified in the Stormwater Management Plan.

These lands shall be zoned using a Holding Provision under the Planning Act. Council may pass a By-law to remove the Holding Provision when the following conditions have been satisfied:

- i) a Stormwater Management Plan has been completed to the satisfaction of the Nottawasaga Valley Conservation Authority. This Plan shall describe best management practices and design guidelines to be incorporated into the site plan to ensure that the development has no adverse impact on Bear Creek or ***Allandale Lake Algonquin Bluffs Wetland***; and
- ii) a Site Plan Agreement has been registered against the title of the land.

## SECTION 15: COMMERCIAL RECREATION

### 15.1 INTRODUCTION

The Commercial Recreation designation includes those existing campgrounds which are intended to provide overnight recreational accommodation.

### 15.2 PERMITTED USES

The predominant use of those lands designated as Commercial Recreation shall be for the temporary parking of recreational vehicles such as campers, vans, trailers, and also tents. This designation also permits accessory recreational and commercial facilities such as horseshoe pits, swimming pools, tennis courts, baseball diamonds, soccer pitch and a small convenience store and Laundromat to serve the needs of the park residents. Park model homes may also be permitted in accordance with the policies of Section 15.3.2.

***Golf courses and municipal and public campgrounds are also permitted uses in the Commercial Recreation designation.***

Additionally, an office and a residence for the Park Manager is a permitted use.

### 15.3 POLICIES

- a. ***When a proposal is made for a new or expanded campground*** the following shall apply. All campgrounds shall cluster their camp sites in such a manner as to separate groups of camp sites from one another. A camp site is defined as a site for the parking of a recreational vehicle or the erection of a tent and which would serve as a temporary homesite. In addition, individual camp sites shall be sufficiently spaced so as to allow screening from other sites.
- b. Each campground shall include sufficient recreational facilities for the residents of the park so that those persons using the park on a temporary basis will not overtax the existing recreational facilities of the Municipality.
- c. All campgrounds shall have adequate ingress and egress to ensure the ease of entrance and exit of all recreational vehicles and to overcome any traffic hazards that may result from the added load on the traffic system and facilities.
- d. All sanitary sewage services and solid waste disposal methods shall be adequate to accommodate the capacity of the park and shall be subject to approval of the appropriate approval authority.
- e. A report on the ***quantity and*** quality of the campground's water system shall be submitted to the Township ***and the appropriate approval authorities.***
- f. ***Prior to consideration of the proposal, and Environmental Impact Study, as designated in Section 21.1.1(c), of the proposed campground and trails shall be required to be prepared and submitted to the Township and the appropriate approval authorities.***

- g. All campgrounds shall enter into an agreement under the Planning Act, which shall include a site plan.

#### 15.3.2 Park Model Homes

Park Model Homes which are described as small permanent type dwellings, approximately 56 square metres in size, which are constructed for year- round usage and connected to services, may be permitted within a Commercial Recreational designation provided that:

- they are located in a defined area;
- they comprise no more than 25% of the total campsites;
- they are appropriately serviced; and
- they are not occupied on a year-round basis, rather, they are restricted to a maximum number of days of use.

Park Model Homes are subject to an amendment to the Zoning By-law.

#### 15.3.3 Utopia Mill

Located in part of Lot 29, Concession 6, the former Utopia Mill has been designated as a heritage site with the ultimate goal to restore the mill. Notwithstanding anything else contained within the Plan, the former mill may be used as a banquet hall and restaurant. Associated with this facility, outdoor recreational uses, tourist and gift shop merchandise and camp sites may also be permitted. The development of this site shall be subject to an amendment to the Zoning By-law and Site Plan Control.

## SECTION 16: INSTITUTIONAL

### 16.1 INTRODUCTION

It is the intent of this Plan to recognize those institutional uses which exist throughout the Township.

### 16.2 PERMITTED USES

The predominant use of those lands designated as Institutional shall be for buildings and properties which are public, semi-public or private and non-profit in nature. These lands shall be restricted to non-commercial public or private uses including schools, churches, cemeteries, service clubs, municipal buildings and other similar uses.

### 16.3 POLICIES

#### 16.3.1 New institutional uses shall be subject to an amendment to this Plan and shall be supported by a planning report which addresses:

- a. the impact of the proposed use on adjacent uses respecting noise, traffic and visual appearance;
- b. the viability of the site to service the proposed use, the type of servicing and where individual services are proposed, any necessary reports to substantiate the servicing method.
- c. generally new institutional uses shall not be located on prime agricultural lands.

#### 16.3.2 All buildings and structures shall be designed to reflect the natural or architectural characteristics of the area and all parking areas, lighting, etc. shall be located, buffered, and/or designed to reduce the impact on adjacent uses. Institutional uses shall be subject to Site Plan Control.

#### 16.3.3 The implementing Zoning By-law shall establish appropriate setbacks, parking, landscaping and buffering requirements for institutional uses.

## SECTION 17: INDUSTRIAL

### 17.1 INTRODUCTION

Industrial development will be directed to three areas within the Township, each of which take advantage of transportation linkages and, within two of the three areas, servicing systems. The three specific areas include:

a. Angus Industrial

These lands are located in the southern portion of Angus and have direct access to County Road 10. Located in the east half of Lot 28, Concession 3, these lands have been designated for industrial growth and will be required to be serviced with municipal water and sewer.

b. Baxter Industrial

These lands are located to the south and west of Baxter in Lots 13 and 14, Concession 4. These lands also have direct access to County Road 10 and may eventually be serviced with municipal water. Rail access on the eastern side of the development also exists.

c. County Road 56 Industrial

These lands are located adjacent to County Road 56 and Highway 90 in Lots 31 and 32, Concession 6 and 7. These lands represent the existing industrial area within the Township and have rail access along the westerly and southerly boundaries.

### 17.2 PERMITTED USES

The predominant use of those lands designated Industrial shall be for non-obnoxious forms of industry such as manufacturing, assembly, processing, fabrication, storage, repair, warehousing and research establishments. Other uses such as accessory retail uses which primarily serve the industrial area and/or involve retail products made on-site are permitted.

### 17.3 POLICIES

17.3.1 It is intended that this Plan shall, wherever possible, encourage and facilitate industrial growth and expansion. The creation of new industrial sites must take into consideration all relevant economic, social and environmental factors. Consideration must be given to such factors as the compatibility of the proposal with adjacent land uses, the suitability of the physical site for the proposed use, the demands on existing or potentially available services, the effects on the local environment, including the potential for air, water or soil pollution, the loss of good agricultural land and the detrimental effect on the predominant agricultural nature of the *area*.

17.3.2 New industrial uses will generally be directed to those areas designated on the attached schedules and shall be subject to an amendment to the Zoning By-law and Site Plan Control. Industrial development outside of the designated areas shall occur only by amendment to this Plan. Prior to the consideration of an amendment to this Plan, a



Planning Report must be submitted and accepted by the Township. This Report among other things shall address:

- a. the reasons that justify the use of the subject lands for industrial and the rational as to why the specific industry cannot be located in an existing designated area;
- b. the site characteristics and the proposed alternatives to the site;
- c. the implication of the development on the agricultural community and the natural heritage features of the municipality;
- d. the servicing implications and the effect on the road system.

Council is not committed to redesignating lands to Industrial if the lands to be redesignated are within an Agricultural or Environmental designation or where the disruption to adjacent land uses would be detrimental to the agricultural community, the natural heritage features of the Township or to existing adjacent uses.

- 17.3.3 Development of the area designated for industrial use shall generally be by Plan of Subdivision or Condominium. In cases where it can be shown that a Plan of Subdivision is not required and where the proposed development will not adversely impact on the development of the adjacent industrial lands, an individual severance may be considered.
- 17.3.4 Industrial uses that are considered to be noxious by reason of the emission of noise, smoke, odour and pollution are not permitted.
- 17.3.5 Council in considering the servicing requirements for industrial development shall take into consideration the proposed location in relationship to the servicing available for each site. While it is preferable that industrial development be serviced with municipal water and sewer services, it may not be possible owing to the lack of services or lack of capacity. As such, industrial development may be permitted on individual well and private servicing providing that the appropriate hydrogeological studies have been undertaken and accepted by all approval authorities. Where an available water supply and/or sewage capacity exists, or can be extended, new industrial development shall be connected to these services. All industrial development shall be “dry” in nature except where water and sewage capacities are sufficient to service the proposed use. For the purposes of this plan, a “dry” industry shall be defined as an industry where water consumption is for the use of the employees only and not used in any industrial processes.
- 17.3.6 Within an Industrial area, commercial uses which are accessory to a permitted industrial use or are intended to serve the industrial area are permitted. These commercial uses shall be subject to Site Plan Control and shall be zoned accordingly in the Township Zoning By-law.
- 17.3.7 Industrial uses generally shall have access only from an internal road.
- 17.3.8 Where an industrial use abuts a major road such as County Road 10, 56 and 90, a landscaping plan shall be prepared and submitted to the appropriate approval authorities for acceptance to ensure that the visual exposure to the road is not detrimental.
- 17.3.9 All industrial development including the buildings and structures shall be designed so as

to provide an aesthetic pleasing environment through the massing and scale of buildings, parameters of land form, site layout and orientation, landscaping, etc. Landscaping, berming, site design and planting of trees will be employed to screen structures, buildings, storage areas or parking lots from adjacent uses such as residential dwellings and highway visibility, which shall assist in providing a satisfactory transition between differing land uses.

17.4. Industrial – Exception (OPA No. 42)

Relating to the 8949 lands described as **Part of East half of Lot 31 and part of East Part and West Half of Lot 32 Concession 6 (8949 Smith Road - Industrial Subdivision)**

Notwithstanding Section 17, within the lands designated ‘Industrial’ on Schedule ‘A’ to this Amendment, a stormwater management facility is an additional permitted use where determined necessary by plan of subdivision, site plan control or other equivalent Planning Act or municipal approval process.

Notwithstanding Section 17, within the lands designated ‘Industrial –Exception’, on Schedule ‘A’ to this Amendment, associated or ancillary employment area commercial uses shall be the only uses permitted, as listed explicitly by an implementing zoning by-law.

## SECTION 18: EXTRACTIVE INDUSTRIAL AND AGGREGATE POTENTIAL

### 18.1 INTRODUCTION

Mineral aggregate resources are necessary to the economic life of the Township, the County and the Province. Sand and gravel are non-renewable resources which occur only in selected locations. As much as possible, locations with significant quantities of sand and gravel must be protected for future use.

The operation of existing sand and gravel pits, or establishment of new operations can cause serious disturbances to nearby development unless reasonable precautions are taken to ensure proper operating standards and sufficient safe-guards are in place to ensure compatibility of uses.

The Township's objective is to ensure that mineral aggregate resources remain available to meet the needs of consumers and can be mined in a manner which minimizes the disturbances to the community and the natural environment.

### 18.2 PERMITTED USES

The Extractive Industrial designation applies to those lands which have been licensed for the extraction of sand or gravel. Uses or operations which are accessory and essential to the extraction operation such as the stripping and storage of topsoil, the construction of berms, landscaping and planting, crushing, screening, washing, stockpiling, storage, loading, weighing stations, office facilities, storage repair and maintenance sheds and fuel depots, provided they are included in the site plan and licensing are permitted. Ancillary uses such as asphalt or concrete plants may be permitted.

In areas designated as Aggregate Potential *and adjacent lands*, only those uses which would not prohibit, restrict or interfere with the use of the land for aggregate extraction are permitted and would include uses such as forestry, agriculture, and outdoor recreation.

### 18.3 POLICIES

18.3.1 It is the intention of the plan to recognize the licensed pits and quarries that exist in the Township by placing these in an Extractive Industrial designation which represents the licensed area of the pit or quarry. Lands considered to have a high aggregate potential are to be protected and are designated as Aggregate Potential on the attached Schedule "A".

18.3.2 Where an applicant proposes to redesignate an area from Extractive Industrial or Aggregate Potential, the applicant will be required to provide justification as to why these lands should be redesignated and clearly demonstrate the need for the alternative land use. In considering an amendment to redesignate these lands, Council shall take into account:

- a. evidence provided by the applicant indicating that aggregate extraction is not feasible due to quality, quantity or other development constraints;
- b. the necessity of the land use change in comparison to the necessity of the mineral aggregate resource;

- c. the reason for the choice of location and consideration given to alternate locations on non-aggregate lands; and
- d. the consideration given to the option of sequential land use in which the mineral aggregate is removed prior to development of land for the proposed use.
- e. *surrounding land use designations.*

In cases where the lands are considered to have a high agricultural potential, the alternative land use designation shall be Agricultural unless it can be shown that the lands are not suitable for agriculture.

- 18.3.3 In areas designated as Aggregate Potential, the expansion of an existing pit or the development of a new pit shall be subject to ***an Environmental Impact Study before consideration of a Zoning By-law amendment.*** Where a new extractive industrial use is proposed in an area not designated as Extractive Industrial or Aggregate Potential, an amendment to the Plan is required supported by an Environmental Impact Study and any other requirements.
- 18.3.4 Prior to considering an application to amend the Official Plan for an extractive industrial use, Council shall ensure that such application is not contrary to the goals and objectives of the plan ***including and preserving and encouraging*** agricultural activity and maintain the ***natural heritage*** and rural climate of the Municipality. Council shall assess each application so as to maintain a balance between competing land uses. Protection shall be afforded to existing residential development from the undue impact of new extractive industrial uses.
- 18.3.5 As it is the intention of this plan to protect extractive industrial uses and areas of aggregate potential from development which would prohibit, restrict or interfere with an aggregate operation, development restrictions shall be imposed on areas adjacent to extractive operations or areas of aggregate potential.
- 18.3.6 Existing uses within an area of Aggregate Potential may be recognized in the Zoning By-law and may be permitted to expand only where they will not prohibit, restrict or interfere with the future extraction of the aggregate area.
- 18.3.7 Where an application for an amendment to the Official Plan for an extractive use is made, the applicant shall submit a site development plan and the following information, and the impact on;
  - a. the true shape, topography, contours, dimension, size and location of the property to be developed as well as the extent of adjacent property held for future pit or quarry operations;
  - b. the existing use of all land and the location and use of all buildings and structures lying within a distance of 150 metres from the land that is to be the subject of the extractive operation and the impact thereon;
  - c. an ***Environmental Impact Statement*** to assess the impact on the natural environment, cultural heritage and archeological resources;

- d. the degree to which the operation will be exposed to the public;
- e. the effect of the operation on nearby communities;
- f. the location, height, dimensions and use of all buildings or structures existing or proposed to be erected on the property;
- g. existing and anticipated final grades of excavation, shown by contours where necessary, as well as excavation setbacks;
- h. **a hydrology and hydrogeological study to assess** any possible effects on ground and surface water patterns and quality and adjacent wells;
- i. **a transportation study to identify** the haulage routes proposed to and from the site and the traffic density thereon and the implication;
- j. as far as possible, ultimate pit development, progressive and ultimate road plans, any water diversion or storage, location or stock piles for stripping and products, progressive and ultimate rehabilitation, and where possible, intended use of the land after the extractive operations have ceased;
- k. cross-sections through the deposit;
- l. the agricultural capability of the lands;
- m. the disposal of any liquid and/or solid waste such as tree stumps and the control of emissions into the environment such as noise, dust and vibration, will be carried out in accordance with the appropriate Provincial legislation.
- n. any related planning and land use considerations or other matters which **the Township and other approval authorities deem** advisable.
- o. **to submit to the satisfaction of the Province the rehabilitation plan for the subject property.**
- p. to submit to the Township and Ministry of Natural Resources for approval, a rehabilitation plan for the subject property.

18.3.8 It shall be the policy of this plan that an applicant who wishes to undertake an extractive operation shall ensure that:

- a. arrangements have been made for the specific rehabilitation of the subject lands after use, or in stages during use;
- b. a guarantee that the operation of the subject extractive industry will continue to be conducted in accordance with the latest and highest standard of the sand and gravel industry;
- c. the selection of the appropriate gravel haul routes and all financial arrangements with respect to the upgrade and maintenance of the routes to be used for gravel trucks have been agreed to by the Township and **the appropriate approval authorities;**

- d. timing of blasting operations is set out on an acceptable schedule;
- e. arrangements for a tree buffer and/or berming to provide an effective visual buffer between any proposed excavations and any road, including unopened road allowances and adjacent residential uses have been made;
- f. provision that no new excavation or other processing shall take place until such buffering has been effectively established;
- g. provision that no polluted water from washing or screening operations shall be discharged into any creek or watercourse;
- h. buildings and structures associated with an extractive operation shall be set back from property lines and adjacent uses. Such setbacks will be set out in the implementing Zoning By-law;
- i. ***the mitigation measures of the approved Environmental Impact Study, as approved by the appropriate approval authorities, are to be implemented.***

18.3.9 The Township shall notify all landowners within 240 metres of the boundary of the pit or quarry and make the Site Plan and Development Agreement available for public review prior to amending the Official Plan or Zoning By-law to permit the extractive operation. Any subsequent proposed changes to the site plan after a license has been issued shall be circulated by the Ministry of Natural Resources to the Township for comment. The Ministry shall discuss these comments with the Township prior to approval being granted;

18.3.10 In order to reduce the wastage of material, where two pits or quarries abut each other, Council may allow relief of compliance which would waive the required setback from lot lines to permit the removal of all economically viable materials between the pits and quarries. Also, where two mineral aggregate extractive operations are separated by a municipal road, Council may allow relief of compliance which would waive the required setbacks from the road, permit the road to be re-routed, permit the material under the road to be removed and provide for the replacement of the Municipal road at a lower elevation. Council shall be bound by the provisions of the Aggregate Resources Act and the regulations relating to said Act in regard to these matters.

18.3.11 Due to the agricultural nature of the Township and the general importance of the farming industry, careful consideration shall be given with regard to the establishment and expansion of pits and quarries. Council shall consider the impact of such a land use on surrounding farm operations and attempt to determine the degree of interference which may result. If, in the opinion of Council, it is likely that the establishment or expansion of a pit or quarry will have a severe and limiting effect on adjacent agricultural uses, Council may decide not to proceed with approving the pit or quarry.

18.3.12 Abandoned Pits and Quarries

- a. It shall be the policy of Council to consult with the Ministry of Natural Resources and other appropriate municipal or provincial agencies to investigate means to identify and rehabilitate abandoned pits located within the Township, including sources of funding. To this extent, an inventory of such sites should be developed as part of the Municipality's improvement program.

- b. When a pit or quarry has been worked out and rehabilitated, the policies of this Plan with regard to the Rural land use designation shall apply to such lands, unless bounded on any side by an Agricultural designation. In this case, the Agricultural designation shall apply.
- c. Where a development proposal is submitted where an abandoned pit or quarry *form* part of the subject properties, the applicant shall submit plans *to the appropriate approval authorities* setting out the proposed rehabilitation program for the abandoned pit or quarry.

#### 18.3.13 Wayside Pits

- a. Other than licensed pits, the only source of aggregate for works undertaken by public road authorities is a wayside pit. For the purpose of this section, a Wayside Pit or Quarry shall mean a temporary pit or quarry and portable asphalt plant used by a public road authority solely for the road construction and not located on the road right-of-way. The Township of Essa, the County of Simcoe and the Province of Ontario all depend to some extent on being able to obtain aggregate and borrow materials from wayside pits for specific road projects, at reasonable cost, in relatively close proximity to the job site and often on relatively short notice.
- b. Wayside pits and portable asphalt plants are generally permitted in all designations and do not require an amendment to this plan or to the Zoning By-law. Council, however, may require an amendment to the Zoning By-law for wayside pits or quarries in areas of existing development in accordance with the Provincial Policy Statement. *Wayside pits are discouraged in any Environmental designation.*
- c. The Township of Essa shall endeavour to provide prior notification of all residents within a distance of 120 metres of the limits of the property on which a wayside pit permit will be issued, prior to the initiation of the extraction operations.
- d. In commenting on an application for a permit, the Township shall give consideration to the following:
  - i. separation distances between the aggregate operation and nearby residential development;
  - ii. protection of the natural environment and *cultural heritage*;
  - iii. haul routes;
  - iv. hours of operation;
  - v. rehabilitation;
  - vi. any equipment to be used to process the aggregate on the site.
- e. All wayside pits or quarries shall be rehabilitated to blend in with the surrounding lands.

#### 18.3.14 Haulage Routes

It is the intention of this plan that the haul routes servicing the extractive industrial operations shall follow the most direct route to a County or Provincial Highway providing the road can withstand the traffic loading. The applicant may be required to enter into an agreement with the Township and/or the County with respect to the appropriate uses and

maintenance of the road system. In considering the most appropriate haul routes, the municipal traffic patterns, the existing and proposed land uses serviced by the roads and the cost of maintaining and upgrading any roads shall be considered.

#### 18.3.15 Rehabilitation

- a. Extractive Industrial operations shall be progressively rehabilitated in accordance with the approved site plans to a condition which permits the use of the lands for agriculture, the regeneration of natural conditions, or a rural use.
- b. Where an extractive industrial use occurs in a prime agricultural area on prime agricultural lands, it is considered as an interim use which requires that the site be rehabilitated returning substantially the same area and the same average soil quality to agriculture. Complete rehabilitation, however, is not required if:
  - a substantial quantity of aggregate exists below the water table; *or*
  - the depth of the planned extraction makes restoration of pre-extraction agricultural capability unfeasible; *and*
  - other alternatives have been considered by the applicant and found unsuitable *by the appropriate approval authorities*

Agricultural rehabilitation of the remaining areas not affected by the above will be maximized.

#### 18.3.16 Extraction Below Water Table

- a. Extraction below the water table for a licensed extractive use may be considered provided that:
  - i. there is a substantial quantity of aggregate below the water table warranting extraction below the water table;
  - ii. in areas of prime (predominantly Class 1 to 3) agricultural land, other alternatives have been considered by the applicant and found unsuitable and attempts shall be made to minimize or mitigate the impact of extraction on agriculture, wherever possible;
  - iii. impacts on the environment, including the quality and quantity of surface and groundwater resources will be minimal;
  - iv. the intended after-use will be compatible with the long term use of the adjacent areas.
- b. To ensure that aggregate extraction below the water table takes place only after the above land-use considerations are reviewed by the Council, the Zoning By-law may establish separate zones to allow or prohibit extraction below the water table.

#### 18.3.17 Zoning

All legally existing licensed pits and quarries, shall be placed within an appropriate zoning category by the implementing Zoning By-law. Such legally existing uses shall be protected from incompatible uses. New wayside pits or quarries will be permitted in all appropriate zones.



## SECTION 19: WASTE DISPOSAL

### 19.1 INTRODUCTION

The purpose of this designation is to provide for the disposal of solid wastes and to identify those lands previously used for waste disposal so as to protect future uses proposed for adjacent lands and land previously used for waste disposal.

### 19.2 PERMITTED USES

The predominant use of lands in areas designated as **waste disposal** shall be for waste disposal.

### 19.3 POLICIES

19.3.1 It shall be the policy of Council to provide protection for the health, safety, convenience and welfare of the residents of the Township of Essa from the adverse effect of waste disposal sites by restricting the use of land on and in the vicinity of such sites.

19.3.2 The County of Simcoe has been legislated the responsibility for the development, operation, maintenance, monitoring and rehabilitation of all municipal solid waste disposal facilities **subject to the approval of the Province**. Specifically within the Township, the County landfill site is located in the west part of Lot 13, Concession 5 and the County Stump Dump is located adjacent to the Township Works Yard in Lot 16, Concession 6. Two abandoned sites described as the Angus site, west half of Lot 28, Concession 3 and the Ivy Site, west half of Lot 26, Concession 9, have been identified on Schedule “A”,

19.3.3 ***New waste disposal facilities are permitted by amendment to this Plan and are subject to Provincial legislation which take into account potential land use conflicts, traffic impacts, hydrological and hydrogeological impacts, rehabilitation plans, and other matters. New development proposed within 500 metres of a site subject to the policies of section 19.3.4.***

19.3.4 The abandoned, inactive waste disposal sites are identified by a symbol on the attached Schedules. While these sites have been inactive for some time, Council recognizes that nuisance, health and safety issues can impact on development proposals on the specific site and in proximity to the site. New development proposed within 500 metres of the site may be required to undertake engineering studies which will address:

- a. the type and nature of the wastes contained within the site;
- b. the hydrogeology of the site;
- c. gas and leachate migration; and
- d. soil stability and contamination.

The detail, extent of the study, and the type of studies necessary is dependent on the actual landfill or dump site and is subject to the following:

- a. where it has been determined that the actual influence area is less than 500 metres,

then the site distance can be reduced to coincide with the actual influence area;

- b. in certain exceptional hydrogeological areas where the leachate or gas can extend beyond the 500 metres, engineering studies would be required to address the extended area.

Prior to any development occurring, the recommendations of the ongoing studies must be implemented.

The Implementing Zoning By-law shall zone the specific influence areas in an open space zone until such time as the appropriate studies are undertaken. The extent of the open space zone shall be determined in consultation with the County of Simcoe.

***No use shall be permitted on a closed, inactive waste disposal site unless approved by the Province; this applies to changes affecting ground surface or height lands. Residential uses shall not be permitted on any closed, inactive waste disposal site.***

- 19.3.5 Notwithstanding the land-use designations shown on the schedules to this Plan, residential development will not be allowed to proceed on sites identified in the engineering studies as containing organic or chemical wastes until the appropriate mitigative methods have been employed.

- 19.3.6 Where existing operating sites are located, impacts such as landfill generated gas, ground and surface water contamination, odour, litter, dust, noise, vermin, vectors and visual impacts may adversely affect adjacent uses. While it is recognized that the County of

Simcoe has undertaken every effort to reduce any negative impacts, it is a policy of Council that no new development occur within 30 metres of the boundary of the operating site.

- 19.3.7 Land uses which are compatible and are permitted in conjunction with an abandoned landfill site may include land uses which would not be threatened by any hazards to public health and safety and not be impaired by nuisance effects such as utilities, forestry, pits and quarries and industrial uses.

## SECTION 20: OPEN SPACE

### 20.1 PERMITTED USES.

***The Open Space designation is used to identify lands which are intended to be used for recreation and community purposes such as municipal parks, conservation lands, and forestry management.*** It is intended for these lands to provide a range of opportunities for the residents of the Township, and these lands are to be kept open and free except for buildings and structures which are incidental and accessory to the open air recreational use.

### 20.2 POLICIES

- 20.2.1 Where any lands designated for open space use are under private ownership, this Plan does not indicate that such lands will necessarily remain as open space indefinitely or shall it be construed as implying that open space areas are free and open to the general public or will be purchased by the Municipality. If, at any particular time, proposals are made to develop such lands that are in private ownership and the municipality does not wish to purchase these lands in order to maintain the open space, then an application for the redesignation of such lands for other purposes will be given due consideration by the Municipality.
- 20.2.2 The Zoning By-law will establish specific regulations pertaining to accessory uses and structures.

## SECTION 21: ENVIRONMENTAL

### 21.1. INTRODUCTION

The Township of Essa is characterized with many unique and fragile environmental areas which are of local, regional and provincial significance. These areas are intended to be preserved through the development of policies to ensure the wise management and stewardship of these environmental areas for the benefit of current and future generations.

These environmental areas, which include rivers, streams, valley lands, wetlands, Environmental Sensitive Areas (ESA), ANSI, ***hazard lands, threatened and endangered species***, and woodlands, provide various ecological functions including the provision of fish and wildlife habitat of threatened and endangered species, flood attenuation, erosion control, and the maintenance of water quality and quantity.

On the attached schedules, these lands have been divided into three categories or land use designations, these being:

- (1) Environmental-***Flood Prone Areas*** which are comprised of the major rivers, streams and defined flood plain lands.
- (2) Environmental Wetlands which address the major wetland areas within the Township.
- (3) Environmental-Significant Areas which include the Nottawasaga River , ANSI and ***Allandale Lake Algonquin Bluffs*** ANSI.

It is the intent of Council to protect these environmental features of the Township from the affects of development and incompatible land uses.

### 21.2 PERMITTED USES

The predominant use of those lands designated Environmental and adjacent lands shall be “preservation” or “conservation”. Other uses permitted are restricted to sustainable forest management, and also flood and erosion control works as approved by the Nottawasaga Valley Conservation Authority, passive non-intensive recreation such as hiking and bird watching, existing agriculture, and existing uses. Where necessary, public utilities may be permitted.

### 21.3 POLICIES

It is the primary policy of this Plan to preserve and conserve the natural heritage features and their ecological functions within the Township.

#### 21.3.1 GENERAL POLICIES

##### a. PRIVATE OWNERSHIP

Where land designated in one of the Environmental categories is under private ownership, this Plan does not indicate that this land will necessarily remain as such indefinitely, nor shall it be construed as implying that such areas are free and open to

the general public or will be purchased by the Municipality or other public agency.

An application for the redesignation of areas designated as Environmental for other purposes may be given due consideration by the Municipality subject to the acceptance by the appropriate approval authority of an Environmental Impact Study.

There is no public obligation, however, either to redesignate or to purchase any land if there is an existing or potential hazard that would be difficult or costly to overcome or where impacts on the environment would be caused which would, in the opinion of Council and/or other public agencies having jurisdiction, not be appropriate or desirable.

b. BOUNDARY ADJUSTMENT

Where minor changes to the boundaries of an Environmental designation are deemed insignificant through an Environmental Impact Study, an amendment to the Plan is not necessary. In this circumstance, an amendment to the Zoning By-law will be required to redefine the Environmental boundary. An Environmental Impact Study may not be required for minor changes to the boundary of the Environmental designation if written approval is received from the appropriate approval authority.

c. ENVIRONMENTAL IMPACT STUDIES

*Environmental Impact Studies are required where development and/or site alterations are proposed within or adjacent to all Environmental designations. The purpose of the Environmental Impact Study is to determine if the proposed development and/or site alteration would have negative impacts on the natural heritage features and functions for which the property has been identified.* An environmental impact study shall include:

1. A description *and specific location* of the proposed development.
2. A description of the natural heritage features and their ecological functions of the site and adjacent areas.
3. An assessment of the potential impact of the proposed development on the feature, *functions*, and linkages of the natural heritage system.
4. *A review of alternative development options and alternative methods of migrating the impacts of development;*
5. *An assessment of ways of improving or enhancing the environment;*
6. A *qualitative and* quantative assessment of the impacts before and after mitigative measures, design, etc. have been employed.

The Environmental Impact Study approach will vary with the scale and density of a development proposal and thus pre-consultation with the Township of Essa, the Nottawasaga Conservation Authority and the County of Simcoe should occur prior to proceeding with the Study. Council will not proceed with any amendment to the Official Plan, Zoning By-law, subdivision or consent until an Environmental Impact

Study is accepted by the Municipality and appropriate approval authority.

d. RIPARIAN CORRIDORS

***Where development or site alteration occurs, a riparian corridor shall be provided along the banks of a watercourse and the perimeter of a wetland in order to maintain and enhance the biological integrity of all watercourses and wetlands.*** In general the width of a ***riparian corridor*** from a watercourse or wetland area should be a minimum of 30 metres.

e. PARKLAND DEDICATION

Where new development is proposed on a site, part of which has physical or environmental hazards, then such hazard lands shall not necessarily be acceptable as part of the 5 percent dedication for parkland under the Planning Act. All lands dedicated to the Municipality shall be conveyed in a physical condition satisfactory to the Municipality. Where an open watercourse is involved, adequate space shall be provided for maintenance and operations.

f. ZONING

In the implementing Zoning By-law, existing uses, together with an amount of land sufficient for the siting of such uses at their present extent, may be recognized as conforming uses, despite the subsequent designation as ***Environmental***. The Municipality shall discourage the expansion of any existing use beyond the limits recognized in the Zoning By-law.

g. CONSERVATION AUTHORITY JURISDICTION

Within the Township of Essa, the following works require approval from the Nottawasaga Valley Conservation Authority:

1. the straightening, changing, diverting, or interfering in any way with a river or stream system;
2. the construction of any building or structure in a wetland or in any area susceptible to flooding under regional storm conditions; and
3. the placing or dumping of fill of any kind in a defined area regulated by the authority.

h. STEEP SLOPES

Development will be prohibited on slopes and ravines which are subject to active erosion or historic slope failure.

Development shall be sufficiently set back from steep slopes and ravines so as to eliminate risks to persons and property from unstable slopes. Where development is proposed adjacent to slopes with a 3:1 slope ratio, an Environmental Impact Study shall be undertaken which shall establish the appropriate setback and at a minimum address the following physical and hydrogeological factors.

1. slope configuration including height and inclination;
2. soil stratigraphy (types, layering *and water budgets*) and groundwater patterns;
3. vegetation type and cover;
4. site surface and drainage;
5. the nature of the development proposed; and
6. slope stability.

#### ***PUBLIC UTILITIES OR FACILITIES***

- i. Where new public utilities or facilities are proposed which have not been authorized by other legislation, which requires the utility or facility proposed to be processed through a systematic process of examining impacts to the environment such as the Environmental Assessment Act, Ontario Energy Board Act, Ontario Water Resources Act, etc., an Environmental Impact Study is required.

#### ***PRECONSULTATION***

- j. Where an Environmental Impact Study is required, the proponent should consult with the County of Simcoe *and other appropriate approval authorities* regarding the format of such study in order that unnecessary delays *do* not occur in the process.

### 21.3.2 ENVIRONMENTAL ***-FLOOD PRONE AREAS***

The Environmental designation applies to the major watercourses and flood prone areas within the Township. The policies which apply specifically to this designation are as follows:

- a. With the exception of the lands designated Environmental within Angus which have been the subject of a Fill and Flood Plain Mapping Study, the boundaries of the Environmental designation are general in nature. In the absence of detailed flood line mapping, these boundaries will be used for the preparation of the implementing Zoning By-law. When more detailed mapping becomes available, the Municipality will amend the Zoning By-law to reflect the detailed mapping.
- b. No buildings and structures nor the removal or placement of fill of any kind, whether originating on the site or elsewhere, shall be permitted in the Environmental designation except as required for flood control and the other activities of the local Conservation Authority. Minor non-habitable structures such as agricultural buildings may be permitted in the “flood fringe” part of the flood plain provided written approval is received from the Nottawasaga Valley Conservation Authority.
- c. Not all watercourses within the Township of Essa *are located within Environmental designations* on Schedule “A”, however, this does not preclude their compliance with the policies of the Official Plan. Whether designated or not, all future development in areas where watercourses exist shall be subject to policies of the Plan to retain and

enhance the natural state of these watercourses *and to prepare and Environmental Impact Study*. Specifically, this will involve:

1. Limiting alterations, diversions or development within the existing flood plain to those actions which enhance, restore or rehabilitate the natural environment and water quality;
2. Maintaining or recreating the basic natural structure of the stream bed;
3. Protecting, maintaining and nurturing the natural vegetation within the existing flood plain and adjacent slopes;
4. Protection of existing resident aquatic species and ecosystems, and the integrity of headwater, *recharge, and discharge areas*;
5. Adoption of an ecosystems approach to management so as to ensure no net loss of habitat;
6. Identification of incentives for good private stewardship (as much habitat is privately owned) and public involvement in government deliberations about habitat;

#### 21.3.3 ENVIRONMENTAL-WETLANDS

- a. In those areas designated as Environmental-Wetland on the attached Schedule “A”, the following specific policies shall apply:
  1. It is the intent of this Plan that those areas designated as Environmental-Wetland shall remain in their natural state and shall be protected, maintained and enhanced. Wetlands are significant in that they maintain and improve water quality, act as flood control, provide fish and wildlife habitat, *and act as discharge, recharge, aquifers, and headwater areas*. They have been identified by the Ministry of Natural Resources through the wetland inventory. Wetlands may be seasonally or permanently covered with water causing the formation of hydrid soils (soils in which there is an abundance of moisture) which has resulted in the dominance of hydrophytic or water tolerant plants. Four major categories of wetlands exist which are classified as swamps, marshes, bogs and fens. Lands being used for agricultural purposes that are periodically soaked or wet are not considered to be wetlands.
  2. The Provincial Wetland Classification System evaluated various wetlands and classified them in classes ranging from Class 1 to 7. Class 1, 2 and 3 Wetlands are considered to have Provincial significance. While Provincially Significant Wetlands Class 1, 2 and 3 are protected, the protection of Locally Significant Wetlands is also encouraged. The decision to protect these Locally Significant Wetlands rests with Council. In this regard, this policy, in addition to protecting those identified Provincially Significant Wetlands, also provides protection to other Locally Significant Wetlands identified by the Ministry of Natural Resources.

This is not to suggest that the only wetlands that exist are designated on the



attached schedules. Other wetland areas that may not have been evaluated and classified through the Provincial wetland review exist throughout the Township and may be designated as Environmental-Wetlands. It is the intention of Council that these areas will also be protected and be subject to the Environmental policies.

3. While it is the intent that these lands remain in their natural state, some uses of these lands may be considered appropriate. Those uses which do not result in loss of wetland functions such as conservation, passive wetland uses for education, recreation and interpretative purposes, sport related uses such as fishing, hunting and trapping and the harvesting of cranberry and wild rice may be permitted. Where such uses require the construction of any structure, consultation with the ***appropriate approval authorities*** is required to ensure such structures shall have a minimal impact on the wetland function.
4. Where the boundaries of the lands designated in the Environmental-Wetlands designation are in question, a redesignation of these lands may occur by amendment to the Official Plan, providing an Environmental Impact Study is prepared by the proponent and accepted by the appropriate approval ***authorities*** which substantiates the claim that the wetland designation is incorrect.
5. The Township's Zoning By-law will zone those areas designated Environmental-Wetlands into an appropriate zoning category.
6. Where an amendment is proposed to redesignate a wetland area based on an environmental assessment of the lands, it should not be construed that such designation would automatically permit development or redevelopment. Generally, unless an Environmental Impact Study is also prepared which indicates that the proposed use will ***have no negative impact on the functions of*** the wetlands, and proposed designation and does not conflict with the rural, agricultural, extractive or environmental policies of this Plan, any such redesignation would be to the "Wetland Impact Area".

b. WETLAND IMPACT AREA

1. The "Wetland Impact Area" is defined as an area, generally measured within 120 metres of a Environmental-Wetlands boundary, in which no development may occur which would:
  - a. result in a ***negative impact*** on wetland function;
  - b. encourage subsequent demand for future development which would negatively impact on an existing wetland function;
  - c. conflict with existing wetland management protection;
  - d. result in a loss of contiguous wetland.
2. Development within the context of this section includes:

- a. the removal of protective vegetation buffers;
  - b. the construction, erection or placing of a building or structure unless such building or structure is necessary for conservation practices;
  - c. activities such as grading, excavation, removal of topsoil or peat, and the placing or dumping of fill;
  - d. drainage works except for existing municipal and agricultural drains.
3. Within the “Wetland Impact Area”, an amendment to the Official Plan may be permitted to redesignate those lands provided an Environmental Impact Study is prepared by the proponent which receives the approval of the appropriate approval authorities and addresses the items set out in Section 21.3.1(c). Such a redesignation should not be construed to permit the development of any lands if such development conflicts with the other policies and objectives of the Official Plan.
  4. The Township’s Zoning By-law will zone those lands *within a* “Wetland Impact Area” in an appropriate zoning category.
  5. Where an established agricultural activity exists within a “Wetland Impact Area” which would include ploughing, seeding, harvesting, grazing, animal husbandry including lands lying fallow and existing buildings and structures associated with the above, such use may continue without the requirement for an Environmental Impact Study. New agricultural uses will require the preparation of an Environmental Impact Study.

#### 21.3.4 ENVIRONMENTAL SIGNIFICANT AREAS

The Environmental- Significant Areas designation applies to those lands containing ANSI which are defined as lands and watercourses entering natural landscapes, or features that are important for natural heritage protection appreciation, scientific study or education. It is the intent of this Plan that these areas remain in their natural state. Where any development is proposed within or adjacent to an Environmental-Significant Area, an Environmental Impact Study will be required. For the purposes of this Plan, the Nottawasaga River and Boyne River valleys are deemed significant valley lands. As such, development and site alteration will not be permitted within these valley lands unless it has been demonstrated that there will be no negative impact on its natural features and their ecological functions. This must be demonstrated through an Environmental Impact Study prepared to the satisfaction of the *appropriate approval authorities*. The extent of the valley land will be determined on-site in consultation with the appropriate approval authorities.

#### 21.3.5 **WOODLANDS** RESOURCES POLICY

Council recognizes the importance of significant *woodlands* areas on the environmental quality, erosion control, groundwater, storage and wildlife habitat of the Township and the need to protect this resource. *Where development is proposed within significant woodlands, and Environmental Impact Study shall be prepared by the development interest to assess the significance of the woodlands area and the impact of such development.* The significance of the *woodlands* will be evaluated based on the following

criteria.

- a) Attributes: Particular value should be attached to forest ecosystems which contain attributes or values which are singly, or in combination, of importance including: wetlands; life science, ANSI's **hydrological function**; habitat of vulnerable, threatened, and endangered species; old growth forests; unusual or rare forest types; other important wildlife habitat (e.g. deer yards, heronries);
- b) Size, shape and linkages: Normally larger areas (e.g. greater than 20 hectares) with shapes which offer greater amounts of forest are of greater value ecologically. Particularly important in most parts of the region will be the ability to link existing forest cover to provide larger units of "continuous" cover.
- c) Function-Protection: Where existing or new forests are able to offer protection to other elements on the landscapes, this shall be given consideration. Examples of where this is relevant include: areas of groundwater protection (springs, recharge areas, seeps); riparian areas: erosion control; and the variety of natural heritage protection categories identified under "Attributes".
- d) Condition: Woodlands in a healthy condition with mature trees and species composition and diversity and/or woodlands growing on sites capable of producing these conditions should be given a higher priority than degraded.
- e) Development pressure: Where it can be determined that development is going to intrude into a woodland area, it should be shown that there are no particular significant impacts on the attributes, functions and linkages to the woodlands. A priority would be placed on development that is directed to lower quality woodlands.
- f) Social, cultural and aesthetic attributes: Importance shall also be given to woodlands which possess attributes of significant cultural heritage, important recreational opportunities, or outstanding aesthetics.

These studies shall be undertaken by a qualified forester or environmental consultant and will be reviewed by ***the Township and appropriate approval authorities*** prior to the approval of the development.

It is the policy of this Plan to increase forest cover within the Township. Restoration and tree planting efforts should be directed to areas that would create or reestablish natural corridors, such as river and stream riparian areas.

#### 21.3.6 GROUNDWATER POLICIES

Council recognizes that its groundwater is a ***valuable*** resource and ***shall*** be protected to ensure that the Township's water supplies do not present adverse health risks and are preserved for present and future generations. It is Council's goal that natural groundwater should be of such quality and quantity that the impact of human or any land-based activities do not cause this resource to fail to meet accepted standards for drinking water ***quality and quantity***.

***Where development is proposed, the proponent shall assess its impact on the hydrological and hydrological and hydrogeological characteristics of the area. This***

*assessment shall identify any groundwater recharge or discharge areas, aquifers or headwater areas and will be subject to the approval of the Township and other appropriate approval authorities. The maintenance of the quantity and quality of the groundwater resources and the quantity and drainage pattern shall be maintained.*

#### 21.3.7 NATURAL HERITAGE PLAN

It is the intention of Council within the next 5 years to undertake a detailed environmental evaluation or Natural Heritage Plan for the Township based on an eco-system approach which shall address the County of Simcoe's *Natural Heritage* and the Nottawasaga Valley Watershed Management Plan.

#### 21.3.8 GREENLANDS

Schedule "I" sets out the County Greenlands designation which should be read in conjunction with Schedule "A". The County Greenland designation includes wetlands, ANSI, significant woodlands, significant wildlife habitat, significant valley lands, fish habitat, Environmentally Sensitive Areas, *habitat of threatened and endangered species* and major lakes, rivers and creek systems, and linkages.

Where development *or site alteration* is proposed which would fall within the boundaries of the Greenland System, the uses and policies of the specific designation shown on Schedule "A" shall apply except that:

- no development *or site alteration* shall occur within a provincially significant wetland or the habitat of threatened or endangered species.
- development or site alteration shall generally be directed away from
  - significant woodlands
  - significant wildlife habitat
  - significant valley lands *and significant slopes*
  - fish habitat
  - ANSI
  - Environmentally Sensitive Area
  - major lakes, rivers and creek systems

When development or site alteration is proposed, except for home occupations within an existing residence, an Environmental Impact Study in accordance with Section 21.3.1(c) and the County Guidelines is required to show that the proposed development or site alteration will not negatively impact on the natural functions or associated ecological functions.

The boundaries of the Greenland System as shown on Schedule "I" are approximate in nature and thus more detailed mapping, field surveys, or Environmental Impact Study, which have been prepared to the satisfaction of the appropriate approval authorities, may be utilized to determine more precise boundaries.

*Development and site alterations may be permitted within 120m of Class 1,2 or 3 wetlands, the habitat of threatened or endangered species or hazardous lands, and within 50 m of the other environmental features outlined above where such development is otherwise permitted and where an Environmental Impact Study can*

*demonstrate that there will be no negative impact on the natural features or on the ecological functions including water resources, for which the area is identified.*

## SECTION 22: CENTRE FOR ATMOSPHERIC RESEARCH EXPERIMENTS

### 22.1 INTRODUCTION

The Centre for Atmospheric Research Experiments (CARE) is located at the east half of Lot 11, Concession 7 and is a Federal Government Climatic Research Centre. As the CARE facility's experiments are negatively impacted by man-made emissions, such as smoke, special policies have been established to regulate development within the vicinity of this facility.

### 22.2 POLICIES

22.2.1 Notwithstanding any of the policies of this Plan, in order to assist the Centre of Atmospheric Research Experiments (CARE) to continue to carry out its research.

- a) The Zoning By-law will prohibit the construction of any new residential dwellings within 500 metres of the monitoring facilities on the CARE site. This provision will not apply to prevent the replacement or the rebuilding to a habitable state, of any buildings existing on the date of such amendment to the By-law, but destroyed by fire or an Act of God following same.
- b) No estate residential development will be permitted within 1 kilometre of the boundaries of the Environment Canada research facility.
- c) Environment Canada shall be provided with notice of applications for changes to land use within the Environment Canada Assessment Area as shown on Schedule "A" including proposed Amendments to the Official Plan, Zoning By-law, Plans of Subdivision, Plans of Condominium, Consents of Minor Variances, which potentially affect its property located in the East Half of Lot 11, Concession 7, Township of Essa, known as the Centre for Atmospheric Research Experiments (CARE). All notices and notifications will be forwarded to the staff at the Centre for Atmospheric Research Experiments: RR #1, Egbert, Ontario L0L 1N0, Attention: Manager, unless ***otherwise notified*** in writing by Environment Canada.

### 22.2.2 EXCEPTION

The above provisions will not apply to prevent the construction of one dwelling on each of the existing lots of record as of June 3, 1994, located in the west half of Lot 11, Concession 7.

## SECTION 23: TRANSPORTATION AND UTILITY

### 23.1 INTRODUCTION

The Transportation and Utility designation shown on the attached schedules reflects those areas which are presently occupied by railway lines, hydro facilities, and existing truck depots.

### 23.2 PERMITTED USES

The predominant use of those lands designated in the Transportation and Utility designation shall be for railways, hydro transformers and related necessary facilities. In addition, this designation shall also recognize the existing truck transportation depots.

### 23.3 POLICIES

23.3.1 Where any development is proposed adjacent to a railway corridor or transmission line, the ***Township***, prior to approving the said development and proceeding with an amendment to the Official Plan and/or Zoning By-law, shall obtain comments from the appropriate Rail Authority or Utility. The Developer or individual should be aware that as a result of the review and circulation of the application, studies to address the issue of noise vibration and health and safety may be required. These studies would address specific concerns and provide recommendations and mitigation measures to alleviate the impacts, if possible, on the proposed development. Where the site condition characteristics do not provide the opportunity to mitigate the impacts, there is no requirement for the Municipality to approve the application.

23.3.2 Where a development application has been approved, the developer shall enter into an agreement to ensure that mitigative measures are implemented and shall advise prospective purchasers or leases through the Agreement of Purchase or Sale or Lease, of the potential impacts and mitigative measures required. Additionally, appropriate setbacks to address any concerns shall be required for any new development. The appropriate safety setback will be determined in consultation with the Railway or Utility company and will take into account provision for safety berms, topography and intervening structures between the rights-of-way and the new residential dwelling or building, addition to an existing structure or place of public assemblage.

23.3.3 New truck transportation depots shall be subject to an amendment to the Plan and shall provide all necessary landscaping, buffering, etc. to adequately protect adjacent uses. The truck depot will also be subject to Site Plan Control.

## SECTION 24: TRANSPORTATION POLICIES

### 24.1 INTRODUCTION

It shall be a policy of this Plan to encourage and provide for the safe and efficient movement of people and goods in the Township and where possible to improve the existing road network to meet the long term needs of Township residents.

### 24.2 OBJECTIVES

24.2.1 To encourage and provide for the safe and efficient transportation of people and goods in the Township.

24.2.2 To facilitate where possible the improvement of the existing road network to meet the long term needs of Township residents and to satisfy regional transportation network requirements.

### 24.3 POLICIES

24.3.1 All public roads, both existing and proposed, are classified according to their ultimate function. Where additional land is required for widening and extensions, such land shall be obtained wherever possible, in the course of land division and/or development and under the provisions of The Planning Act. Generally, right-of-way widths shall be as outlined below, but may be required to be more substantial in certain circumstances to accommodate design and construction limitations imposed by terrain, slope and soil conditions. Lands acquired for road widening purposes shall not necessarily be taken in equal amounts from each side of the road allowance, but shall be taken in the proportions necessary to accomplish the best possible roadway alignment and may be taken entirely from one side of the existing road allowance, or the other, in the extreme case.

#### 24.3.2 Provincial Highways

This classification applies to roadways under the jurisdiction of the Ministry of Transportation of Ontario and currently consists of Highway No. 89.

Provincial highways, classified as Arterial Roads, are designed to carry inter-area traffic and, as such, no new access points to these highways are permitted without the approval of the Ministry of Transportation. Any proposed access to the Highway must qualify and meet the safety and geometric requirements of the Ministry of Transportation prior to the issuance of an Entrance Permit.

#### 24.3.3 County Roads

- a. All roads under the jurisdiction of the County of Simcoe are also classified as Arterial Roads which are intended to facilitate the movement of inter-area and through traffic. Where lands abutting County Roads are being developed by Plan of Subdivision, Consent or under Site Plan Control, the County shall require the proponent to dedicate appropriate road widening in order to achieve the ultimate right-of-way widths.



Entrance Permits to County Roads may be obtained:

- for approved uses or existing lots
- for new municipal roads
- for farm retirement lots.

Where new entrances are proposed, the applicant shall ensure that no safety hazard is created by the new entrance and that drainage is adequately addressed. No new direct entrances to County Roads are permitted for new residential lots created after June 30, 1996, except for farm retirement lots in areas designated Rural **and** Agricultural and Greenland **Designations** within the County Official Plan.”

- b. Arterial roads shall be designed to permit the movement of large volumes of traffic through the Township, to and from the major traffic generating areas. Activities which attract heavy traffic flows should be encouraged to locate on arterial roads. Access to such uses must be carefully controlled to prevent traffic hazards. Any new development along arterial roads shall, where feasible, include limitation of access by the use of reverse frontage and, where appropriate, the use of single access points to serve a number of uses.

#### 24.3.4 Collector Roads

These are existing and proposed roads designed to collect and carry local traffic to the arterial roads or to distribute traffic to the local roads as well as to provide access to abutting properties although such access shall be avoided wherever possible. Collector roads shall have a minimum right-of-way width of 26 metres and shall have two traffic lanes.

The collector roads as shown on Schedule “A” and “B” are located within Angus. The development of these roads to collector road status shall occur as follows:

- a) Where the right-of-way width is less than 26 metres the Township of Essa in the consideration of Plan of Subdivision, Consents and Site Plan Control shall require road widening dedications to achieve the ultimate right-of-way widths.
- b) It is considered that the connection between the Fifth Line and County Road 10 along Brown’s Line is significant to the overall road network and to the future development of the lands in this area. As such it shall be the responsibility of the development proponent to fund and/or construct this collector road. The appropriate alignment of this road has not been established and thus detailed plan and profiles will be required which will also take into consideration the industrially designated lands in Lot 28, Concession 3 and the most appropriate connection to the Fifth Line to the satisfaction of the Township and the appropriate approval authorities.

#### 24.3.5 Local Roads

The remainder of the roads in the Township are classified as local roads. Existing and future local roads are intended to provide access to abutting properties and to discourage through traffic. The minimum right-of-way width for local roads shall be 20 metres with two traffic lanes. Right-of-way widths in excess of 20 metres may be required where topographic constraints require wider right-of-way widths, for future road improvements, drainage or day lighting triangles.

#### 24.3.6 Private Roads

It is not intended that any roads which are not municipal roads will be assumed by the Township. No responsibility of access, snow clearance, maintenance or use by school buses is accepted. Development on private roads will only be permitted on existing lots of record in accordance with the provisions of this Plan and the Zoning By-law.

#### 24.3.7 Road Standards

Township of Essa, and/or Provincial road standards will be a minimum requirement for all new roads created or assumed by the Township.

## SECTION 25: SERVICING POLICIES

### 25.1 SANITARY SEWER SERVICES

- a. In considering development, Council shall assess each proposal based on a hierarchy of servicing. This hierarchy establishes central municipally-owned sewage facilities as the highest form of servicing, followed by municipally- owned communal sewage treatment facilities, with individual services being the least preferred.
- b. The community of Angus is serviced with a central sewage treatment system and, thus, all development within Angus is intended to be serviced by this system. Development within Angus is dependent on the expansion of the existing facility. Expansion to the system is dependent on the Municipality's financial ability to fund such expansion, or, with the acceptance of Council, the development industry underwriting such expansion.
- c. Communal sewage treatment facilities are intended for those areas where the extension of services to a centralized sewage treatment facility is not anticipated. In areas where communal systems are proposed, detailed Hydrological ,Hydrogeological and Engineering Design Studies are required.

All costs related to the approval and construction of a communal system are the responsibility of the development proponent. The Township shall assume ownership of the communal system once the system has operated satisfactorily for one year and agreements with the developer with respect to the operation, maintenance and financial assurances have been entered into.

Communal sewage services for the purpose of this section, do not include sewage facilities which serve a commercial, industrial or condominium development under one ownership.

- d. Where a communal sewage system is not appropriate, private individual services may be considered and shall require approval from the appropriate approval authorities.

### 25.2 WATER SERVICES

- a. Water servicing for development is provided by central water supply facilities, communal water supply systems or private wells. Angus, Thornton and Baxter are serviced by a municipal centralized water system and, thus, all new development shall be connected to this water supply system.
- b. When development is proposed that cannot be serviced by a centralized municipal water system, consideration will be given to communal water supply system which shall be designed in accordance with Township and provincial standards. All costs related to the approval and construction of a communal water system are the responsibility of the developer. The Township shall assume ownership of the communal system once the system has operated satisfactorily for one year and agreements with respect to the operation, maintenance and final assumption have been entered into.

- c. Where a communal system is not appropriate, private wells may be considered.

## SECTION 26: CONSENTS

### 26.1 INTRODUCTION

The granting of severances in Essa Township has historically been a difficult issue. The predominance of farming has led to many requests for farm-related severances. At the same time the proximity of Barrie and Toronto has resulted in pressure for rural lots for urban dwellers. The consequence has been that many areas of the Township, primarily those with little agricultural potential, are split into many lots of 4 hectares or less in size. The majority of these lots are vacant.

The primary objective of this Plan is to preserve the agricultural community in Essa Township. This not only means preventing incompatible uses and preserving good farmland but *it* also means fostering the agricultural nature of the area. The preservation of the farming community means ensuring that farm machinery can still safely move on Township roads. It requires the maintenance of rural hamlets where agricultural goods and services are available. Above all it means minimizing the urbanization of the agricultural area. The policies of this Plan governing the granting of severances are designed to maintain the agricultural and rural community.

### 26.2 GENERAL POLICIES

26.2.1 It is intended that the creation of new lots shall generally occur by Plan of Subdivision, however, in certain circumstances where a Plan of Subdivision is not necessary for the purpose of orderly development, the creation of a single lot by ***consent*** is permitted. The creation of more than the retained and severed lot shall generally occur only by Plan of Subdivision.

26.2.2 When considering applications for consent, the ***Township*** shall be satisfied that the approval of the consent will not contravene:

- the need to protect and preserve prime agricultural land,
- the need to preserve the natural heritage features of the Township,
- the need to restrict development in areas where potential hazards exist,
- the need to minimize the potential pollution of water, land and air,
- the need to assume that the development is not detrimental to the rural nature of the Township,
- the need to minimize the extension of municipal services,
- the Minimum Distance Separation Formulae,
- the ***prevention of strip development on grid roads.***

26.3 POLICIES APPLICABLE TO ALL DESIGNATIONS

26.3.1 A severance for the purpose of creating a new building lot may be permitted provided that it is in conformity with the following criteria and the other policies of this Section:

- a) The proposed severance must comply with the intent and policies of the Plan;
- b) A registered Plan of Subdivision is not necessary in the public interest;
- c) The lot size and dimensions conform to the requirements of the Zoning By-law;
- d) The proposed lot fronts on a public road maintained year-round by the Municipality;
- e) The lot is in a location where no traffic hazard would be created because of limited sight lines or curves or grades;
- f) It must be established that soil and drainage conditions are suitable to permit the proper siting of buildings and to permit an adequate means of sewage disposal.
- g) The lot to be severed is of sufficient size to support any necessary private water and sewage services.
- h) An area large enough for the proper siting of buildings and sewage disposal system is available outside of a flood plain as identified by the Nottawasaga Valley Conservation Authority.
- i) The proposed severance is in compliance with the Minimum Distance Separation **Formulae** requirements and does not create any conflicts or potential conflicts with the surrounding agricultural uses.
- j) New residential lots created by consent shall have access only from local or collector roads. Direct access to **County** roads is not permitted for any new residential lot created after **June** 30, 1996 except for a farm retirement lot or within a settlement area.
- k) The creation of lots considered to be in filling is permitted where the distance between two existing residences located on the same side of the road is 100 metres or less. The creation of strip or linear development shall be prevented wherever possible.
- l) Consents may be granted for technical reasons such as boundary adjustments, easements, right-of-ways, or other similar purposes that do not result in the creation of a new lot provided the objectives of the Plan are upheld.
- m) *The portion of the lot to be created or retained, which is within an Environmental designation of the County Greenlands, will be zoned to permit only those uses permitted in the Enviro designations. These policies encourage the retention of the function or feature of the Environmentally Protected lands to remain on one ownership.*

26.4 AGRICULTURAL AREAS

26.4.1 *In areas designated as Agricultural, one farm related lot may be permitted for a dwelling*

*for a retiring farmer.* This may occur provided that the farmer:

- has farmed in the Township of Essa for a period of at least 18 years and was farming on or before January 1, 1994.
- the land has been an active and productive agricultural farm unit.
- the owner must be retiring from active farming life, ***derives his or her principle income from farming, whose participation in farming is largely by direct involvement rather than by hired labour or thru rental of land, and intends to sell the farm and retire to the proposed lot.***
- the proposed lot shall not be greater than 0.8 hectares in size and shall be suitable for the sustained operation of a private sewage disposal system and water supply.
- the lot is located on the least productive agricultural lands.

In addition to a severance for a retiring farmer, consent may be permitted for ***creating*** an extra ***lot*** resulting from the consolidation of farms where the base farm, which is defined as the farm in which the owner resides, or in the case of a corporate farming operation, the farm from which the overall operation is managed, is within the Township, and the subject surplus dwelling is within five kilometres, measured by traveled road, from the base farm.

Only one lot in total may be severed from any original parcel existing on October 22, 1985 for any of the above purposes.

- 26.4.2 Generally in order to be considered as an active farm operation the farm or farms should consist of approximately 40 hectares or more. Intensive agricultural uses may have smaller land holdings. Consents will not be granted if the resulting dwelling would contravene the Minimum Distance Separation requirements. Lots severed in areas designated as Agricultural shall be of a size, shape and location so as to minimize the impact on surrounding agricultural operations. Severances may be permitted if the severed and retained parcels are both for agricultural use and are of an appropriate size for the agricultural activity in the area (generally 40 hectares) and are of an appropriate size to ensure flexibility of farm operations.

## 26.5 RURAL

- 26.5.1 Consents to sever may be permitted in areas designated as Rural subject to the policies of Section 26.2 and 26.3. Lots severed in areas designated as Rural should be of size, shape and location so as to maximize the potential for future surrounding agricultural use.

In the areas designated Rural, rural-residential severances may be permitted provided they do not create any conflicts, or potential conflicts with the surrounding agricultural uses.

One severance maybe permitted on a lot which existed on October 22, 1985 and which is at least 20 hectares in size.

## 26.6 SETTLEMENT AREAS

- 26.6.1 When considering applications for consent to sever parcels in the settlement areas, in addition to the general consent policies, consideration shall be given to the following:
- a. In consideration of severance for residential, commercial, industrial, or institutional purposes, that approval of the application will conform to all applicable policies of this Plan including the general development policies and the applicable land-use policies.
  - b. That all other municipal services and improvements deemed necessary are, or will be, made available.
  - c. That the lot size, width and area are adequate for the use proposed and that the lot size and proposed use will not contravene the provisions of the Zoning By-law.
  - d. That the topography, hydrogeology, and drainage of the site are satisfactory for the lot size and use proposed.
  - e. That consideration has been given to the availability and adequacy of existing community facilities such as schools, parks and shops to ensure that the proposed new development does not place an undue burden on existing facilities.
  - f. That consideration has been given to the compatibility of the proposed use or type of structure with the surrounding uses, including Cultural Heritage Resources.
  - g. That the application represents the logical in filling of an existing settlement area and in no way could be considered an expansion of the settlement area.
  - h. Notwithstanding anything else contained within the Plan, within a settlement area more than one severance may be permitted provided the proponent enters into a Development Agreement with the Township.

## SECTION 27: GENERAL DEVELOPMENT POLICIES

### 27.1 ***PROPERTY STANDARDS***

Council recognized that the existence of physical deterioration and neglect within communities serves to erode confidence in these communities. To ensure the proper repair and maintenance of lands, buildings and structures, Council may adopt a Property Standards By-law pursuant to the Planning Act. Such a By-law may apply to any defined area or areas within the Municipality. The purpose of the By-law is to:

- a) maintain properties free from refuse and abandoned or used vehicles, trailers, boats, machinery and equipment.
- b) maintain buildings, yards, lands, parking and storage areas.
- c) address structural condition of buildings.
- d) address occupancy standards.



- e) address maintenance of fences, swimming pools and signs.
- f) address garbage disposal.

The Property Standards By-law shall be administered by a Property Standards Officer appointed by Council. The Property Standards Committee, which is established by the By-law, will hear appeals on the orders issued by the Property Standards Officer.

The improvement and maintenance of property conditions will be supported by Council and the Township may participate in senior level government programs designed to facilitate the renewal, rehabilitation and/or improvement of various areas or properties within the Township.

## **27.2 GENERAL DEVELOPMENT POLICIES**

All future development plans shall contain measures to manage development related storm water run-off in such a way as to support a healthy aquatic ecosystem. Specifically, this shall involve:

1. Removing organic and inorganic contaminants and suspended solids from all discharge from a development;
2. Retaining run-off to maintain a base flow within streams through summer dry periods and to minimize increases in peak flows;
3. Reducing temperatures and increasing dissolved oxygen content of surface water as it enters the natural streams.

### **27.2.1 Contaminated Sites**

*Where development is proposed on or abutting a suspected contaminated site or potentially contaminated site (sites where oils, greases, chemicals etc. have been introduced to the soils) planning approval in accordance with the Guidelines of Use of Contaminated Sites in Ontario 1997 or its successor to the satisfaction of the appropriate approval authority.*

### **27.2.2 Land Use Compatibility**

*Where any proposed development may impact adjacent uses or may be impacted by adjacent uses by way of odour, noise, vibration, particulates or other emissions a feasibility study which assess the impacts in accordance with provincial government guidelines may be required. This may include facilities such as highways, railway corridor, industries, sewage treatment facilities etc. Such study shall be prepared to the satisfaction of Council and other appropriate agencies and shall include recommendation on how such impacts can be mitigated such as through appropriate setbacks and berms, buffering, fencing etc.*

### **27.2.3 Stormwater Management Policies**

*In order to control flooding, ponding, erosion and sedimentation, and to enhance water quality and aquatic habitat, it is necessary to develop effective stormwater management techniques. It is therefore the policy of Council to require that development will be subject to a stormwater management plan acceptable to the Township Engineer and the*

*appropriate approval authorities. For the purposes of this section development shall include plans of subdivision, condominium or creation of 5 lots or more and industrial, commercial and institutional use where large impervious areas and or chemical storage and use is proposed. This does not however preclude the request for lot grading plans or*

*stormwater management assessments for the creation of individual lots not exceeding 4, for residential, industrial, commercial or institutional uses prior to the issuance of a building permit if the natural characteristics of the lot are such that in the opinion of the Public Works Department storm drainage problems could occur. The stormwater management plan shall take into consideration the following:*

- a. A plan for the provision of stormwater-drainage facilities to accommodate the proposed development;*
- b. A grading plan for the proposed development;*
- c. An assessment of the pre-development and post-development discharge of water during flood conditions on any stream or watercourse;*
- d. An assessment of the impacts of the proposed development on the water quality of any stream or watercourse, particularly in terms of water temperature, base flow, and fisheries potential and aquatic habitat and the means of mitigating any potential reductions in water quality;*
- e. An assessment of the stormwater capacity on any proposed receiving watercourse;*
- f. The means of controlling erosion and sedimentation using the best available construction and management practices during and after the construction of the development;*
- g. An assessment of how development will maintain or enhance the minimum base flow of a watercourse, and maintain storage levels during periods of minimum base flow for flow augmentation;*
- h. The potential impact of the development and any proposed stormwater management techniques on groundwater resources.*
- i. Natural drainage systems should be used in the design of new subdivisions, and major watercourses left as much as possible in their natural state including existing vegetative buffers, or the establishment of vegetative buffers. Channelization will be discouraged. Detention and retention facilities may be permitted in open-space areas to ensure controlled runoff into receiving streams.*
- j. Any modifications to an existing natural watercourse will be done in accordance with the requirements of the appropriate approval authorities and will preserve flood plain function for all major watercourses.*
- k. In addition to the information contained within the Stormwater Management Report, where development is proposed adjacent to a fishery resource, the following may also be required:*
  - i) an assessment of the effect the proposal will have on the fishery resource;*
  - ii) an identification of the methods by which any negative impacts on the fishery resource can be eliminated, or minimized; and,*
  - iii) an identification of opportunities to provide or maintain public access.*

### 27.3 FLOOD PLAIN MANAGEMENT - ANGUS

*The Provincial Policy Statement, under the Planning Act, provides for three approaches to flood plain management and land use planning. These approaches include the: one-zone concept; two-zone concept; and special policy area concept. In general, the one-zone concept is typically applied throughout a planning area or watershed jurisdiction. Incompatible development and site alteration is prohibited in the regulatory flood plain with the application of the one-zone concept.*

*The Province, however, recognizes that some Ontario communities have historically located in the flood plain primarily due to their proximity to major river and stream systems. In these urban settlement areas, development and site alteration may be permitted in the less hazardous part of the flood plain. Essentially, the flood plain is divided into two zones: the “floodway” where development and site alteration is prohibited; and the “flood fringe” where development and site alteration may be conditionally permitted. The application of this two-zone approach to flood plain management is generally restricted to existing rural or urban settlement areas. The special policy area approach is only applied in those situations where the one-zone or two-zone concepts are not appropriate.*

*Angus, in the Township of Essa, is a designated urban settlement area which is experiencing considerable growth pressure. Angus is located at the confluence of three major river systems including the Nottawasaga, Pine, and Mad Rivers. Historically, development in Angus has occurred in the flood plain of these River systems. Uses currently in the flood plain primarily include residential, commercial, and institutional. On this basis, the two-zone approach to flood plain management will be applied in Angus. For the purpose of this approach, the settlement area boundary defines the limits of the two-zone concept.*

#### *Policies:*

- 1.1 It is the policy of the Township of Essa and the Nottawasaga Valley Conservation Authority to prevent loss of life and to minimize property damage and social disruption in the event of a regulatory flood. Where possible, development and site alteration will be directed away from the regulatory flood plain of the Nottawasaga, Pine, and Mad River systems.*
- 1.2 The flood plain associated with these River systems will consist of two zones: the floodway and the flood fringe. The floodway is generally defined as those lands located below the 1:100 year flood level and the flood fringe is defined as those lands located above the 1:100 year flood level to the regulatory flood level. The regulatory flood level is based on the flows produced from the greater of the Hurricane Hazel (1954) and Timmins (1961) storm events. The floodway and flood fringe, which are determined through existing flood plain mapping, have been shown on the Schedules to this Plan.*
- 1.3 Development and site alteration is prohibited and restricted in the floodway. Uses permitted in the floodway include works associated with the prevention of flooding and erosion, conservation, and passive open space uses such as nature walking.*
- 1.4 Development and site alteration may be permitted in the flood fringe. Uses permitted in the flood fringe include residential, commercial, industrial, open space, institutional, agricultural, and existing uses. Industrial uses that involve the storage of hazardous chemicals and emergency institutional uses such as hospitals and fire services will not be permitted in the flood fringe. In addition, residential uses by way of new plans of subdivision or condominium will not be permitted.*

*1.5 Uses permitted in the flood fringe will be subject to the following policies:*

- i) *All structures shall be flood proofed to the regulatory flood level;*
- ii) *All new development and site alteration shall ensure no upstream/downstream impacts;*
- iii) *All new development and site alteration shall obtain written approach from the Nottawasaga Valley Conservation Authority;*
- iv) *All new development and site alteration may be subject to site plan control.*

**1.6** *Large scale development proposals in the flood fringe shall be accompanied by a cumulative impact analysis. The impact analysis, among other matters, shall identify the potential impacts on the hydraulics of the Nottawasaga, Pine, and Mad River flood plains. This analysis must be approved by the Nottawasaga Valley Conservation Authority in association with the Township.*

**1.7** *The floodway within Angus has been designated Environmental - Flood Plain Area on Schedule "B" to this Plan. The flood fringe has been designated for its existing or intended land use with the suffix "FF" (Flood Fringe).*

## **27.4 DEFINITIONS**

### **AREAS OF NATURAL AND SCIENTIFIC INTEREST (ANSI)**

*means areas of land and water containing natural landscapes or features that have been identified by the Province or an appropriate authority as having life science or earth science values related to protection, scientific study, or education.*

### **DEVELOPMENT**

*means the creation of a new lot, a change in land use, or the construction of buildings and structures, requiring approval under the Planning Act.*

### **FLOOD FRINGE**

*is that portion of a flood plain that is covered by flood waters, where flood depths and velocities do not pose a threat to life or property, and where some forms of development can be safely accommodated through construction methods.*

### **FLOOD PLAIN**

*is the area, usually lowlands, adjoining a watercourse which has been, or may be, covered by flood water. In general, the flood plain is part of the river's natural space in times of flooding in the event of a 1 in 100 year storm or regional storm event, whichever has the highest water level.*

### **FLOODWAY**

*is the channel or watercourse and that inner portion of the flood plain where flood depths and velocities are generally higher than those experienced in the flood fringe. The floodway represents that area required for the safe passage of flood flow and/or that area where flood depths and/or velocities are considered to be such that they pose a potential threat to life and property.*

### **HOME OCCUPATION**

*is a commercial use carried on within a dwelling unit, and which does not change the character of the dwelling unit from that of a residence. A home industry is a small-scale industrial use which provides a service to the surrounding agricultural area, and is carried on by the property owner as an accessory use to the main permitted use in an accessory building. In addition to the resident business owner or tenant, only one*

*additional staff member may be employed in a home occupation or home industry. A staff member includes a member of the resident business owner's family. The Township Zoning By-law shall regulate the size and scale of these businesses.*

***SITE ALTERATION***

*means activities, such as fill, grading and excavation, that would change the landform and natural vegetative characteristics on a site.*

***WASTE DISPOSAL SITE***

*means (a) any land upon, into or through which, or building or structure in which, waste is deposited, disposed of, handled, stored, transferred, treated or processed, and (b) any operated carried out or machinery or equipment used in connection with the depositing, disposal, handling, storage, transfer, treatment, or processing referred to in clause (a).*

***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 that have been identified as significant by the MNR.*

*Note: Definitions came from County of Simcoe Official Plan and Provincial Policy Statement.*

27.5 C. F. B. BORDEN

27.5.1 With respect to any new lots created within 500 metres of the boundaries of Canadian Forces Base Borden, it shall be a policy of this Plan that a condition be imposed that offers to purchase an agreements of purchase and sale or lease for such newly created lots contain a warning clause that the use of same may be disturbed by military operations on the Base.

## SECTION 28: ADMINISTRATION AND IMPLEMENTATION

### 28.1 INTERPRETATION

The boundaries between the classes of land use designated in this Plan are general only and, except in the case of roads, railways, rivers and other such definite physical barriers, are not intended to define the exact limits of each designation. Where the general intent of the Plan is maintained, minor adjustments to boundaries will not require an amendment to the Plan. Except for such minor changes, it is intended that no areas or land uses shall be created that do not conform to this Plan in respect to land use. Minor deviation will not require an amendment to the Plan provided the intent and spirit of the Plan is maintained.

### 28.2 IMPLEMENTATION

The Plan shall be implemented in the following ways:

- a) through the activities of the public sector, and more particularly the local Municipal Capital Works Program and the acquisition, development and sale of land by the Municipality;
- b) through the enactment of Zoning By-laws pursuant to the Planning Act;
- c) subdivision control regulations;
- d) Site Plan and Development Agreements which may be registered against title;
- e) through the activities of the private sector.

### 28.3 SITE PLAN CONTROL

- a) The Municipality wishes to use Site Plan Control in order to realize certain of the Plan's objectives regarding site design, access and landscaping.

Therefore, all lands within the Township are designated as a proposed Site Plan Control area under the provisions of the Planning Act. Council, may, require various plans and drawings as provided for in the Planning Act. As well, Council may require land dedication for widening municipal roads.

- b) In the Site Plan Control areas, as a condition of development or redevelopment, Council may require various plans and drawings as provided for in the Planning Act. All properties that are subject to a Zoning By-law Amendment where an exception to the normal provisions of the By-law are proposed, are subject to Site Plan Control.
- c) Notwithstanding the Site-Plan Control policy in paragraphs a and b, but not to limit the generality of that policy, it is the intent of this Plan that the following lands and uses are excluded from designation as a Site Plan Control area:
  - I. Single detached dwellings.
  - ii. Semi-detached dwellings.
  - iii. Agricultural buildings and structures associated with “ *normal farming practices*”.

#### 28.4 ZONING BY-LAW

The Township's Zoning By-law will be amended to conform to the policies of the Official Plan. It is not, however, intended that all lands will be zoned for the use indicated by the Plan. Application for rezoning will be considered on an individual basis and on conformity with the Plan. Council, where the ultimate use of the land is known, may, in accordance with the Planning Act, use a Holding (H) symbol in conjunction with another zone for the purpose of limiting the use of the land until specific requirements have been met. Any by-law subject to the Holding (H) symbol shall set out the uses permitted on such lands while the Holding By-law is in effect and, further, shall indicate the conditions required to remove the Holding (H) symbol.

Prior to the removal of any Holding (H) symbol, Council shall be satisfied that all conditions of approval have been met and that the policies of this Plan have been fulfilled in regard to such aspects as phasing, servicing and design criteria.

#### 28.5 TEMPORARY USE BY-LAW

Notwithstanding the other policies of this Plan, the Municipality may pass Temporary Use By-laws permitting, among other uses, temporary accommodation facilities, parking lots, events, display areas and industrial uses related to the resource base of the area provided:

- a) the proposed use is of a temporary nature;
- b) access is available to the proposed use;
- c) the proposed use is not incompatible with the adjacent land uses;
- d) the design and layout of the proposed use is acceptable to Council.

#### 28.6 INTERIM CONTROL BY-LAWS

Council may pass Interim Control By-laws in accordance with the provisions of the Planning Act, to control the use of lands and buildings within designated areas of the Township, until such time as studies required by Council to assess planning or engineering issues are prepared and approved. The Council may pass a by-law under this section for a period of time specified in the by-law, which period shall not exceed one year. An Interim Control by-law may be amended to extend the period of time during which it may be in effect, provided the total period of time it is in effect does not exceed two years from the date of passing of the initial Interim Control By-law.

#### 28.7 BONUSING

28.7.1 Under the provisions of the Planning Act, a Municipality may include in its Zoning By-law, regulations that permit increases to the height and density limits applicable to a proposed development in return for the provisions of such facilities, services, or matters, as are set out in the By-law. This practice, commonly referred to as Bonus Zoning, is considered to be an appropriate means of assisting in the implementation of the Official Plan.

- a. The facilities, services or matters that would be provided in consideration of a height or density bonus should be reasonable, in terms of their cost/benefit implications, for



both the Township and the Developer and must result in a benefit to the general public and/or an enhancement of the design amenities of a development to the extent that a greater density or height is warranted. Also, the height and density bonuses received should not result in a scale of development that is incompatible with adjacent uses or exceeds the capacity of available municipal services.

- b. Bonus Zoning will be used to support the Township's Objectives and other policies of the Plan, and may also include the following:

to encourage aesthetically attractive residential developments through the enhanced provision of landscaped open space;

to support the provision of curb and roadway improvements along the landowners frontage.

- c. The Zoning By-law will contain bonus zoning provisions. These provisions will describe the facilities, services, or matters that qualify for the density bonus provisions and the extent to the height and density increases that will be permitted.
- d. As a condition to the application of Bonus Zoning, the owner of the subject land may be required to enter into a Development Agreement with the Township, to be registered against the title of the land. The Agreement will deal with the facilities, services, or matters that are to be provided, the timing of their provision, and the height or density bonus to be given.

## 28.8 STATUS ZONING

***Lots containing less than the minimum required standards*** which existed legally on the date of adoption of this Official Plan may be deemed to conform, unless otherwise restricted by the policies of this Plan, with the intent of this Official Plan for the purpose of any Zoning By-law passed under Section 34 of the Planning Act. Such uses may be zoned as a special category or within the general zoning category conforming with the Plan, and in accordance with their present use and performance standards, provided:

- a) the zoning will not permit any significant change of use or zone provisions that will aggravate any situation detrimental to adjacent complying uses;
- b) the uses to be recognized shall be zoned in such a way that any significant enlargement or expansion of the use must be by amendment to the Zoning By-law;
- c) they do not constitute a danger to surrounding uses and persons by virtue of their hazardous nature or traffic which they generate;
- d) they do not pollute air and/or water to the extent of interfering with the ordinary enjoyment of property;
- e) they do not interfere with the desirable development or enjoyment of the adjacent area.

## 28.9 NON-CONFORMING USES

Nothing in this Plan shall prohibit the continuation of land uses which legally existed on the date of the approval of this Plan, and have continued to exist without interruption, which do not conform with the provisions of this Plan. While it is intended that these uses shall

cease to exist in the long term, in certain cases, it may be desirable to permit the extension or enlargement of the legal non-conforming use. In considering an extension or enlargement to a non-conforming use, the Township shall:

- a. Assess the feasibility of purchasing the proposed lands.
- b. Assess the ability to re-establish the use to a location in conformity with the Plan.

In granting an extension or enlargement to a legal non-conforming use, the Township shall be satisfied that:

- a. Such extension or enlargement will not have an adverse affect on adjacent properties and existing infrastructure.
- b. The size of the extension is appropriate and the lot or property accommodates the enlarged use.
- c. Appropriate landscaping, buffering, setbacks are incorporated into the design of such use.
- d. Adequate provisions for off-street parking and servicing have been made.

#### 28.10 FINANCIAL RESTRICTIONS

The ability of the Township to finance public services is dependent upon property taxes and related to the type of development that occurs. Future development will be regulated under this Plan to ensure that the level of expenditure and debt, as compared to revenue and assessment, is maintained at equitable levels. More particularly, the Township may:

- a. Restrict residential development if the amount of this causes an imbalance in the assessment ratio; or
- b. Delay any proposed development where it becomes necessary to carry out large scale public works in order to adequately serve said development and which cannot be adequately financed.
- c. Conduct the required study and pass a By-law under the Development Charges Act to set and establish the required development charges relating to the forecasted growth related capital projects for the Township.

#### 28.11 MINOR VARIANCES

The Committee of Adjustment, when dealing with an application for a minor variance, shall be satisfied that the general intent of the Official Plan and Zoning By-law are met and the variance is minor and desirable for the appropriate development of the land.

The Committee shall also have regard for the following:

That compliance with the By-law would be unreasonable, undesirable or would impose an undue non-economic hardship on the applicant.

That the variance would not result in substantial detriment, hazard or annoyance that would detract from the enjoyment, character or use of nearby properties.

28.12 AMENDMENT TO THE PLAN

28.12.1 Amendment to this Plan should only be permitted where the policies do not appropriately address new direction due to changes in the social and economic structure of the Municipality, where new Provincial or County legislation creates a need for change, where this Plan contemplates development by amendment or in conjunction with a review.

28.12.2 Where an amendment to this Plan is proposed, Council shall have regard to the following:

The need for the proposed use.

The availability of other more suitable areas for the proposed use.

The physical suitability of the land for the proposed use.

The suitability of access to the site.

The availability of servicing.

Compatibility with adjacent uses.

The impact on the natural and cultural heritage system.

Issues raised by the public.

28.12.3 Amendments to this Plan will not be required to correct typographical errors, renumbering, or consolidation of approved amendments.

28.12.4 Where an amendment to this Plan occurs, it is not necessary to utilize the entire set of attached schedules. A portion of a schedule may be used providing the area selected is sufficient to show the area affected by such amendment.

28.13 BUFFERING

28.13.1 A buffer is a space or feature interposed between two conflicting land uses for the purpose of reducing or eliminating the adverse effects of one land use upon the other. Buffering shall be required between residential uses and other land uses. The form of the buffering will depend upon the nature of the land use conflict. The Ministry of the Environment has set out guidelines suggesting specific forms of buffering between residential and other land uses.

In instances where agricultural operations are proposed adjacent to residential or commercial areas or conversely, where residential and commercial uses are proposed adjacent to existing agricultural uses, the Minimum Distance Separation formulae shall be applied by the proponent to determine the minimum separation distance.

28.14 MONITORING

28.14.1 In accordance with the Planning Act, Council shall review the assumptions, objectives and policies of this Plan every five years.

28.14.2 A five year review shall consist of an assessment of:

a) the continuing relevance of the assumptions used to develop this Plan generally found in Sections 2 and 3.

b) the degree to which the objectives of this Plan have been met;

c) the effectiveness of the policies in this Plan.

- 28.14.3 The public shall be advised of a five year review meeting by notification in a local newspaper at least two weeks prior to the meeting. The notice shall include a information regarding the purpose of the meeting. An opportunity shall be provided for written or verbal representations to be made to Council regarding the five year review.
- 28.14.4 The Township in consultation with the Nottawasaga Valley Conservation Authority and other agencies and organizations will encourage the establishment of environmental monitoring programs in order to measure the effectiveness of the environmental policies within this Plan.