



OFFICIAL PLAN FOR THE TOWN OF NEW TECUMSETH

Approved by Simcoe County- March 10, 2010

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- A** Land Use (Town Wide)
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- D2** Oak Ridges Moraine Key Natural Heritage Features and Hydrologically Sensitive Features
- D3** Oak Ridges Moraine Landform Conservation Areas
- D4** Oak Ridges Moraine Areas of High Aquifer Vulnerability
- D5** Oak Ridges Moraine Wellhead Protection Areas
- E1** Road Classifications
- E2** Road Widening

1.0 TITLE AND COMPONENTS

- 1.1 This Plan shall be known as the Official Plan of the Town of New Tecumseth
- 1.2 This Plan applies to the Town of New Tecumseth as shown on the attached Schedules which form a part of this Plan.
- 1.3 The following text and attached Schedules A, B1 to B3, C1 to C3, D1 to D5 and E1 to E2 constitute the Official Plan.

2.0 INTRODUCTION

2.1 Purpose

The purpose of the Official Plan is to establish the goals and objectives for development in the Town, and to set out policies for achieving them. The Official Plan establishes the framework within which sustainable growth and community improvement can take place.

The Official Plan acts as a guide for assisting Council in:

- preparing Zoning By-Laws;
- assessing and making decisions upon development applications;
- undertaking public works;
- undertaking community improvements;
- participating in provincial programs; and,
- promoting economic growth.

The Plan assists the public in:

- assessing and determining its private investments;
- formulating positions on development options within the Town; and,
- participating in the planning process.

The Plan is based upon a detailed analysis of the social, economic and environmental attributes of New Tecumseth and will need modification over time to reflect the changing needs and characteristics of the Town.

2.2 Organization of the Plan

The "Introduction" provides information on the purpose it serves, and how the Plan should be used. Section 3, "Basis of the Plan", provides a summary of the information, principles and vision upon which the Plan is based. Section 4, contains the natural environment policies Section 5 contains the land use policies applying to urban areas and Section 6 contains the policies applying to non-urban areas. Sections 7 and 8 contain policies on implementation and administration.

For greater certainty, schedules B1, B2 and B3 show the most accurate Environmental Protection designations within the Urban areas. These schedules should be referred to for all Urban land uses.

The Plan includes the following Schedules:

- a) Schedule A – Land Use (Town-wide)
- b) Schedule B1 – Land Use (Alliston)
- c) Schedule B2 – Land Use (Beeton)
- d) Schedule B3 – Land Use (Tottenham)

- e) Schedule C1 – Natural Heritage Features
- f) Schedule C2 - Environmental Protection 1
- g) Schedule C3 - Environmental Protection 2
- h) Schedule D1 – Oak Ridges Moraine Land Use
- i) Schedule D2 – Oak Ridges Moraine Key Natural Heritage Features and Hydrologically Sensitive Features
- j) Schedule D3 –Oak Ridges Moraine Landform Conservation Areas
- k) Schedule D4 – Oak Ridges Moraine Areas of High Aquifer Vulnerability
- l) Schedule D5- Oak Ridges Moraine Wellhead Protection Areas
- m) E1 – Road Classifications
- n) E2 – Road Widening

3.0 BASIS OF THE PLAN

3.1 BACKGROUND

An Official Plan is a policy document, which is intended to serve as the basis for making land use decisions and managing change in any municipality in Ontario. According to the Planning Act, an Official Plan “*shall contain goals, objectives and policies established primarily to manage and direct physical change and the effects on the social, economic and natural environment of the municipality*”. In preparing the Official Plan for the Town of New Tecumseth, Council has had regard to matters of Provincial interest as set out in Section 2 of the Planning Act.

Matters of Provincial interest are further articulated in the Provincial Policy Statement, the Lake Simcoe Protection Plan and the Growth Plan for the Greater Golden Horseshoe. This Official Plan implements applicable Provincial plans through more detailed policies that appropriately reflect the Town’s unique character.

This Official Plan has also been prepared in accordance with the Greenbelt Plan, which came into effect on February 28, 2005. However, all of the lands subject to the Greenbelt Plan are subject to the Oak Ridges Moraine Conservation Plan, for which policies approved by the Province have already been prepared and which are included in this Plan.

The Simcoe County Official Plan sets out how growth and development, natural resources and the natural environment are to be managed throughout Simcoe County. The intent of the Town of New Tecumseth Official Plan is to refine and expand upon the policy direction contained within the County Official Plan in a manner that reflects the Town’s character, role and location within the County of Simcoe and the Greater Toronto Area. Upon approval by the County, the Town of New Tecumseth Official Plan shall be deemed to conform to the Simcoe County Official Plan. In the event of a conflict between the provisions of the Town of New Tecumseth Official Plan and the Simcoe County Official Plan, the more restrictive provision shall apply.

The goals, objectives and policies contained in this Plan are intended to guide the decisions of public authorities and private interests until 2031, which is the planning period established by this Plan. All new public works and the passage of any zoning by-law must conform to this Official Plan. This Plan applies to all lands within the Town of New Tecumseth.

Population projections for New Tecumseth, as included within this Plan by Official Plan Amendment Number 31 are below on Table 1.

Population and employment allocations, and intensification and density targets for the Town and its settlement areas, will be amended to conform with the County of Simcoe’s official plan and applicable provincial plans at the next statutory five-year review.

**TABLE 1
TOWN OF NEW TECUMSETH
TOTAL POPULATION, BY COMMUNITY
2001-2031**

COMMUNITY	2001	2006	2011	2016	2021	2031
NEW TECUMSETH	25,800	29,600	33,900	38,500	42,900	51,300
ALLISTON	9,700	11,400	13,300	15,400	17,400	21,100
TOTTENHAM	5,000	5,900	7,000	8,100	9,200	11,300
BEETON	3,400	3,900	4,400	5,000	5,600	6,800
BRIAR HILL	1,900	2,300	2,800	3,300	3,700	4,600
RURAL	5,800	6,100	6,400	6,700	7,000	7,500

Source: Town's Growth Management Study report, March, 2002, modified for 2031.

3.2 STRATEGIC PLAN

In November 2005 the Town of New Tecumseth adopted a new Strategic Plan entitled "**Building on the Foundation**". The Strategic Plan document includes a considerable amount of information on the Town's population, economy, infrastructure and services and its government structure. This Plan has been prepared in accordance with the Vision, Mission and Objectives of the Strategic Plan.

3.3 GOALS AND OBJECTIVES

3.3.1 Growth and Settlement

3.3.1.1 Goal

It is the goal of this Plan to direct most forms of development to urban areas where full wastewater and water services are available and to support the efficient use of land in these areas.

3.3.1.2 Objectives

- a) To direct new urban residential and employment growth to the existing urban area settlements of Alliston, Beeton and Tottenham where full services exist.
- b) To reinforce the role of Alliston as the primary commercial and industrial centre for the Town.
- c) To reinforce the role of the settlements of Beeton and Tottenham as residential communities, and as secondary commercial and industrial centres in the Town.
- d) To reinforce the function of the three downtown areas as cultural, administrative, entertainment, retail and social focal points of the community.
- e) To encourage the further intensification and use of the lands within the Downtown Areas, as appropriate.

- f) To encourage the establishment of an optimum balance between residential and non-residential assessment in the Town.
- g) To ensure that all urban development is appropriately phased and in conjunction with required infrastructure improvements where appropriate.

3.3.2 Design and Livability of Urban Areas

3.3.2.1 Goal

It is the goal of this Plan to:

- a) Protect and enhance the character of existing urban areas and to maintain them as diverse, livable, safe, thriving and attractive communities.
- b) Promote quality urban design that enhances sense of place and respects the history and special character of the Town and its urban areas.
- c) Provide for more live-work opportunities by promoting residential uses in close proximity to compatible forms of development, employment uses, institutional uses, recreational facilities, parks and future transit linkages.

3.3.2.2 Objectives

- a) To ensure that the character and stability of existing and well established residential neighbourhoods is maintained and enhanced by ensuring that development and redevelopment is compatible, in terms of built form, with the character of adjacent buildings and neighbourhoods and the scale and density of existing development.
- b) To encourage a high quality of site and building design, including accessibility for all forms of development within the Town.
- c) To encourage and promote development that combines commercial, residential and other land uses to facilitate the more efficient use of urban land and the establishment of a human scale pedestrian environment.
- d) To encourage the retention of built heritage resources wherever possible to provide continuity between the past and the present.
- e) To ensure that neighbourhoods are compact, pedestrian-friendly with the mix of housing types, community facilities, commercial areas and open spaces.
- f) To foster a sense of civic identity and pride through a high standard of urban design in all future developments that considers:
 - i) the appropriate integration of the design of public and private spaces;
 - ii) a high degree of visual diversity, interest and aesthetic quality;
 - iii) a well-defined public realm, including an interconnected open space network;
 - iv) the sensitive integration of new development with existing development; and,

- v) a transit supportive and pedestrian oriented development pattern.
- g) To ensure that new development areas are appropriately integrated into the fabric of the existing communities.
- h) To exercise appropriate municipal development control to achieve a consistently high standard of site, building and landscape design.
- i) To continually make improvements to the public realm to enhance the character and attractiveness of the Town.

3.3.3 Role and Function of Non-Urban Areas

3.3.3.1 Goal

It is the goal of this Plan to preserve areas demonstrating high capability for agricultural production for that purpose and protect, maintain and enhance the rural character of lands outside of the Settlement Areas.

3.3.3.2 Objectives

- a) To ensure that agriculture remains an integral part of the economy of the Town.
- b) To support the protection of lands that have the potential of being used for agricultural purposes from incompatible development where possible, to ensure that farming operations can operate with the maximum degree of flexibility and efficiency.
- c) To encourage the establishment of farm-related uses and other secondary uses on farm properties to improve the livelihood of area farmers.
- d) To encourage the maintenance of the character of prime agricultural areas by maintaining farm buildings and other elements of the built and natural landscapes that contribute to that character.
- e) To prohibit the further fragmentation of prime agricultural lands and encourage consolidation of farming parcels to improve efficiencies and productivity where possible.
- f) To restrict development that requires the expansion of urban services into the rural area.
- g) To discourage the intrusion of land uses that are incompatible with the rural character and/or resource activities of the area.
- h) To direct urban related land uses to the settlement areas.
- i) To encourage the participation of the agricultural industry and community in dealing with concerns of an agricultural nature.
- j) To promote environmentally sensitive and sustainable farm practices.

3.3.4 Economic Development

3.3.4.1 Goal

It is the goal of this Plan to provide opportunities for economic development in a manner that fosters competitiveness and a positive business environment.

3.3.4.2 Objectives

- a) To facilitate opportunities to provide a range of goods and services to the public within New Tecumseth through the use of a flexible policy regime.
- b) To establish, maintain and enhance employment areas that provide a range of job opportunities and a broad range of commercial and service facilities geared specifically to meet the needs of residents of the Town and the wider area.
- c) To encourage wherever possible through the land use planning process the retention and expansion of existing businesses in the Town.
- d) To ensure that a sufficient supply of serviced employment generating lands is available for development at all times.
- e) To encourage the development of home-based businesses provided the proposed use is compatible with adjacent uses.
- f) To encourage the protection of the Town's natural attributes, such as its rural character and its Greenlands system, to ensure that the recreational and tourism uses that rely upon these attributes continue to thrive.
- g) To encourage the continued revitalization of the Downtown Core Commercial districts, which reflects their heritage significance and promotes a mix of uses and attractions for community activities both in the commercial cores and in immediately adjacent areas.
- h) To improve the aesthetic quality of the retail corridors in the Town to ensure that they function as attractive destinations for shoppers from the Town and the surrounding area.

3.3.5 Housing

3.3.5.1 Goal

It is the goal of this Plan to ensure that an adequate supply of land and housing choices are available for present and future residents.

3.3.5.2 Objectives

- a) To ensure that there is a ten (10) year supply of land designated and available for residential development and a three (3) year supply of residential lots in registered and draft plan approved subdivisions at all times, provided that there is sufficient water and wastewater capacity available to service development.
- b) To encourage and support opportunities for mixed-use development in appropriate locations that assist in the achievement of intensification and affordable housing.

- c) To encourage the use of surplus public lands for affordable housing only if the site is appropriate for such a use and located where the use would be compatible with adjacent uses.
- d) To encourage the development of a range of housing types and densities that are appropriate for diverse consumers including different age groups, household sizes, affordability levels and tenures.
- e) To monitor the conversion of rental housing to ownership housing to ensure that a viable amount of rental housing continues to be available.
- f) To protect neighbourhoods from incompatible land use impacts such as traffic and noise.
- g) To create opportunities for an adequate supply of housing with a mix of densities, unit types, affordability and tenures.
- h) To incorporate in the design of subdivisions measures intended to achieve healthy communities that encourage walking, energy conservation, accessibility and protection of significant natural features.
- i) To encourage the establishment and pre-zoning of medium and high density areas.

3.3.6 Recreation, Parks, Open Spaces and Cultural Facilities

3.3.6.1 Goal

It is the goal of this Plan to provide opportunities for the provision of a broad range of community and institutional uses and facilities to serve the needs of the Town.

3.3.6.2 Objectives

- a) To encourage the establishment of a healthy community that is made up of an interconnected system of open spaces, walking trails, bicycle routes and natural heritage features.
- b) To promote the development of a strong arts and cultural community that builds upon local knowledge, history and experience.
- c) To encourage the consolidation of community and recreational uses, such as schools, cultural facilities, libraries, day nurseries and recreational facilities when possible.
- d) To ensure provision of essential community services including schools, parks, recreation facilities and other institutional uses in residential neighbourhoods.
- e) To encourage the establishment of public facilities and open spaces that are designed to be safe and which provide for appropriate emergency support services and/or equipment, lighting, visibility and for public surveillance/open sight lines.
- f) To encourage the incorporation of natural heritage features into the design of new

parkland.

- g) To encourage the integration of the parks and open space system with the Greenlands system wherever possible.
- h) To encourage through proper planning that the features and related functions of natural environment areas are not negatively impacted by public use.

3.3.7 Infrastructure

3.3.7.1 Goal

It is the goal of this Plan to ensure that all infrastructure, including sanitary sewers, water distribution and stormwater management facilities and roads meet the needs of present and future residents and businesses in an efficient, environmentally-sensitive, cost effective and timely manner.

3.3.7.2 Objectives

- a) To ensure that consideration is given to the economics of providing services to the people of the Town as part of the review of any development proposal to ensure that the development pattern is efficient and does not lead to inefficiencies or a decline in the level of municipal service.
- b) To ensure that hard and soft service needs are identified early in the planning process and then appropriately prioritized and delivered either before or at the same time as new development.
- c) To encourage the development of public facilities in appropriate locations at the right time to meet the needs of present and future residents.
- d) To ensure the efficient use of sanitary sewage capacity and services by monitoring flows generated by development.
- e) To establish monitoring programs to ensure that municipal infrastructure and services are functioning in an environmentally sensitive manner.
- f) To ensure that appropriate financial plans and infrastructure strategies are in place before development occurs.
- g) To provide a system of stormwater management for both surface and groundwater quality and quantity, designed to protect lands and receiving waters from the detrimental effects from erosion, contamination, flooding and sedimentation from increased levels of runoff.
- h) To establish an integrated transportation system that safely and efficiently accommodates various modes of transportation including trains, automobiles, trucks, public transit, cycling and walking.
- i) To carefully plan a street pattern within new development areas that is based on a permeable grid pattern of arterial, collector and local roads.

- j) To encourage and facilitate pedestrian and bicycle traffic and the use of trails/paths/lanes.
- k) To minimize the disruption and negative impact associated with the movement of commercial goods (rail, truck etc.).

3.3.8 Natural Heritage

3.3.8.1 Goal

It is the goal of this Plan to protect and enhance significant natural heritage features and their associated ecological and hydrological functions from incompatible development.

3.3.8.2 Objectives

- a) To protect, preserve, and enhance through land use designations and establishment of policies, the significant natural heritage features that support ecosystem integrity and their associated ecological functions, processes attributes and values including:
 - Nottawasaga, Boyne and Holland Rivers, Bailey, Beeton, Innisfil and Spring Creeks and their tributaries;
 - valley lands;
 - wetlands;
 - hazardous lands and sites including flood plain, steep slopes, and unstable soils;
 - headwaters;
 - wildlife habitat and linkages;
 - fish habitat;
 - areas of natural and scientific interest;
 - woodlands;
 - environmentally significant areas;
 - hydrologic features including seepage areas and springs; and,
 - significant habitat of endangered and threatened species.
- b) To preserve existing open space lands.
- c) To ensure that the protection of significant natural heritage features and their associated ecological and hydrological functions takes precedence over the development of such lands.
- d) To maintain, restore and where possible, enhance or improve the diversity and connectivity of natural heritage features and ecological functions recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.
- e) To protect, improve or restore vulnerable surface water and ground water, sensitive surface water features and sensitive groundwater features and their hydrologic functions.

- f) To ensure that all development is appropriately set back from natural features and changes in land use adjacent to natural features do not negatively impact the features including their biological, hydrological and ecological functions and attributes.
- g) To ensure that growth and development within the Town 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;
- h) To develop partnerships between the Town, the County of Simcoe, the conservation authorities, provincial ministries and other agencies and organizations to coordinate environmental programs, policies and information in planning for the conservation, protection and where possible enhancement of the environmental functions of environmental resources.
- i) To ensure that the Greenlands system is maintained as a series of inter-connected natural features and open spaces for the benefit of a healthy community and to serve as a legacy of the community's desire to protect their role and function for present and future generations.
- j) To develop a comprehensive strategy with stakeholders and the Conservation Authorities to preserve and acquire sensitive lands, particularly in the settlement areas.
- k) To provide for the integration of passive uses and trails on both private and public lands in a manner that respects private property rights, protects agricultural uses and natural heritage features and functions.
- l) To protect and enhance the environmental functions of the Oak Ridges Moraine, and its key natural heritage features and hydrologically sensitive features and landforms.
- m) To maintain natural stream form and flow characteristics and manage the water quality of streams and watercourses using best management practices to ensure that no further degradation occurs.
- n) To protect ground water quality and quantity, now and for the future, and to employ best management practices for sensitive ground water zones.
- o) To maintain and where possible enhance the baseflow component in the watercourses throughout New Tecumseth particularly in coldwater and headwater streams or those identified as coldwater fisheries.
- p) To ensure that new development is integrated with and sensitive to significant landscape features, vistas and panoramic views.
- q) To identify and protect linkages which provide opportunities for the movement of flora and fauna between environmental features such as, woodlands, wetlands, valley and stream corridors, and areas of natural and scientific interest (ANSI).
- r) To protect natural heritage features and hydrologic features and their minimum vegetation protection zones for lands within the Lake Simcoe watershed.

3.3.9 Cultural Heritage

3.3.9.1 Goal

It is the goal of this Plan that the Town's cultural heritage resources be identified, conserved and enhanced whenever practical and that all new development occur in a manner which respects the Town's cultural heritage.

3.3.9.2 Objectives

- a) To enhance the character of the Town by identifying, protecting and maintaining the Town's cultural heritage resources.
- b) To encourage the retention of cultural heritage resources wherever possible to provide continuity between the past and the present.
- c) To use cultural heritage resources to attract additional economic development, increase tourism opportunities and enhance the character and vitality of neighbourhoods and districts.
- d) To ensure that the nature and location of cultural heritage and archaeological resources are known and considered before land use decisions are made.
- e) To prevent the demolition, destruction, inappropriate alteration or use of cultural heritage resources.
- f) To encourage development that is adjacent to significant cultural heritage resources to be of an appropriate scale and character.
- g) To continue to develop a comprehensive inventory of the Town's built heritage and cultural heritage landscape resources.
- h) To encourage the protection of, or where appropriate, the excavation of archaeological resources.

4.0 NATURAL ENVIRONMENT POLICIES

4.1 INTRODUCTION

The Town of New Tecumseth is committed to maintaining and promoting a healthy natural environment and protecting New Tecumseth's unique and special natural heritage features for the present generation and all successive generations. Therefore, an ecosystem-based planning and management approach is required to guide the land use decision-making process. This approach must emphasize that development not only protect and manage ecosystems but also include the objective of enhancing and restoring ecosystems appropriately. The product of this approach is the Greenlands system, established by this plan.

The Town with the assistance of the Nottawasaga Valley and Lake Simcoe Region Conservation Authorities has prepared a Natural Resource Management Plan to provide a comprehensive overview of the natural system, and an understanding of the dynamic relationships between the elements of the ecosystem. A Subwatershed Plan has also been prepared for the Innisfil Creek to assist in conserving the natural resources in a cooperative and integrated manner and restore the health of the natural environment in the watershed. These documents along with Provincial policy provide a basis for the environmental policies of this plan.

The policies of Section 4.0 shall apply to the entire Town of New Tecumseth unless otherwise noted herein.

The watershed policies, guidelines, and programs of the Lake Simcoe Region Conservation Authority and the Nottawasaga Valley Conservation Authority will assist the Town in the implementation of the environmental policies of this Plan. In particular, the Generic Regulations shall apply to development and site alteration proposals in areas regulated by the conservation authority. These regulations are in force and in effect in the Town, pursuant to the Conservation Authorities Act.

The Town in consultation with the County of Simcoe, conservation authorities, provincial ministries, and other interested groups and organizations will encourage the establishment of environmental monitoring programs in order to measure the effectiveness of the environmental polices within this Plan. A monitoring report should be prepared at such times as the Town in consultation with other agencies may determine as being appropriate in support of the environmental monitoring program.

4.2 BACKGROUND STUDIES

The Town with the assistance of the Nottawasaga Valley Conservation Authority and Lake Simcoe Region Conservation Authority has prepared the Natural Resource Management Plan Background Review and Natural Heritage Model, 2004, which describes and evaluates New Tecumseth's environment, natural resource features and functions. This background report was prepared pursuant to the Town's commitment in the Official Plan to prepare a Natural Resource Management Plan and the stated goals in the Official Plan including to provide a safe, clean and environmentally sustainable community in which to live, work and conduct business. The Innisfil Creek Subwatershed Plan, 2005 has been prepared by the Nottawasaga Valley Conservation Authority which provides natural heritage, aquatic and water management strategies for

the watershed.

In addition, the document titled Natural Heritage System for the Lake Simcoe Watershed (July 2007) has been prepared by the Lake Simcoe Region Conservation Authority, which provides natural heritage strategies for the Lake Simcoe watershed.

4.3 THE GREENLANDS SYSTEM

4.3.1 Purpose and Definition

The Town's Greenlands System represents a network of natural areas that support the ecological functions critical to the survival of these areas. This Plan acknowledges that a healthy Greenlands system is an important part in the community's well being and makes a positive contribution to the quality of life enjoyed by Town residents and the business community.

To ensure that the tools are available to maintain, improve, enhance and restore the ecological features and functions of the natural heritage system, this Plan establishes a Greenlands system in accordance with the County of Simcoe Official Plan. The intent of the Greenlands system is to maintain, as a permanent feature, an interconnected system of natural and open space areas that will preserve areas of significant ecological value and function.

The Greenlands system in the Town of New Tecumseth includes the following designations:

- Environmental Protection One;
- Environmental Protection Two; and,
- Oak Ridges Moraine Natural Linkage Area.

The Town shall view environmental protection and, where possible, enhancement and restoration of disturbed environmental areas as major considerations in determining the precise intensity and type of development to be permitted within and adjacent to the Greenlands System.

4.3.2 Designations

4.3.2.1 Environmental Protection One

The Environmental Protection One (EP1) designation includes the following significant features:

- a) Significant Woodland Policy 1 Areas;
- b) Provincially Significant Areas of Natural and Scientific Interest (Life Science);
- c) Provincially Significant habitat of endangered and threatened species;
- d) Provincially Significant wetlands and all wetlands greater than 0.5 ha; and,
- e) Lands below top of bank of watercourses and valleylands, including associated natural

hazards (flooding and erosion).

- f) Key natural heritage features and key hydrologic features and their minimum vegetation protection zones within the Lake Simcoe watershed.

These features are shown on Schedule C1 and C2.

Environmental Protection One designation also includes significant Natural Heritage and Hydrologic Features as defined in the Lake Simcoe Protection Plan within the Lake Simcoe Region Conservation Area.

4.3.2.1.1 Permitted Uses

In the EP1 designation, the following uses may be permitted except within lands below the top of bank of watercourses and considered to be significant valleylands. See section 4.4.12.2 for uses permitted within these features.

- a) forest, fish and wildlife management;
- b) conservation and flood and erosion control projects, only if they have been demonstrated to be necessary and in the public interest after all alternatives have been considered;
- c) transportation, infrastructure, and utilities, only if the need for the project has been demonstrated and there is no reasonable alternative;
- d) low intensity recreational uses which shall include trails and nature appreciation and education activities;
- e) legally existing agricultural uses;
- f) legally existing residential uses on lots that existed when OPA 42 was approved;
- g) a single detached dwelling on an existing vacant lot of record on lands subject to Section 4.3.2.1 a) only where the zoning permitted the construction of a single detached dwelling when OPA 42 was approved;
- h) home occupations;
- i) conservation uses; and,
- j) uses accessory to permitted uses and additions to legally existing residential and agricultural buildings.

4.3.2.1.2 No Development or Site Alteration

The EP1 designation shall be subject to a no development or site alteration policy. To achieve this objective, new development or site alteration within the Environmental Protection One designation is prohibited with the exception of the uses as specified in Section 4.3.2.1.1 of this Plan and subject to the Town's site alteration by-law, as

amended from time to time.

4.3.2.2 Environmental Protection Two

The Environmental Protection Two (EP2) designation applies to components of the Greenlands system that are not included within the EP1 designation or within the Oak Ridges Moraine Plan Area. In the EP2 designation the ecological features and functions are generally considered to be less significant than those included in the EPA1 or because insufficient information was available at the time the Plan was prepared to support the designation of these features in the EP1.

The Greenlands system within the EP2 designation represents a complex network of natural areas and the lands that support the ecological functions critical to the survival of these areas.

The EP2 designation is intended to include the following features:

- a) Significant Woodlands Policy Area 2;
- b) Significant Wildlife Habitat;
- c) Fish Habitat;
- d) Regionally Significant Areas of Natural and Scientific Interest (Life Science); and,
- e) Environmentally Significant Areas, as may be identified by public authorities and refined from time to time.

These features are shown on Schedule C1 and C3.

4.3.2.2.1 Permitted Uses

In the EP2 designation the following uses may be permitted:

- a) forest, fish and wildlife management;
- b) conservation and flood and erosion control projects, but only if they have been demonstrated to be necessary and in the public interest after all alternatives have been considered;
- c) transportation, infrastructure, and utilities, but only if the need for the project has been demonstrated through a Class Environmental Assessment, Watershed Plan or similar study and there is no reasonable alternative;
- d) low intensity recreational uses which shall include trails and nature appreciation and education activities;
- e) agricultural uses;
- f) legally existing residential uses;

- g) a single detached dwelling on an existing vacant lot of record, where the zoning permitted the construction of a single detached dwelling when OPA 42 was approved;
- h) home occupations and home industries;
- i) conservation uses; and,
- j) uses accessory to permitted uses and additions to legally existing residential and agricultural buildings.

4.3.3 Redesignation of Environmental Protection Lands

Proposals to redesignate lands in the Environmental Protection One and Two designations, outside of settlement areas, are required to demonstrate if the lands are within a prime agricultural area. Redesignation of lands determined to be within a prime agricultural areas shall only be permitted to the Agricultural designation, or another designation if the proposal demonstrates that criteria for removing land from a prime agricultural area in policy 6.2.4.11 have been met.

4.4 GENERAL POLICIES

4.4.1 Boundaries

- a) In the absence of more detailed mapping, the boundaries of natural heritage features shall be used as guides for the implementation of the policies contained within this Plan. Limits of the natural heritage features may be established through studies and on-site investigations to the satisfaction of the Town, the applicable conservation authority and other applicable agencies.
- b) No amendments will be required to this Plan where the boundary of the natural heritage feature is different than that shown in this Plan and the boundary of the natural feature is based on studies carried out in accordance with this Plan or updated information is provided and the change is deemed to be minor, all to the satisfaction of the Town in consultation with the applicable conservation authority or other applicable authority.
- c) It is recognized that additional natural heritage features may be identified by the County, Town and the applicable Conservation Authority. As new information regarding natural heritage features becomes available through additional studies, additional natural heritage features may be incorporated into the EP1 or EP2 designations and the overall Greenlands system as part of the review and update of the Official Plan.

4.4.2 Adjacent Lands

Adjacent lands are the lands adjacent to a natural heritage feature within which potential impacts of an application for development and/or site alteration must be considered. For the purposes of this Official Plan, adjacent lands are defined as all lands partially or wholly within:

Feature	Adjacent Lands
Provincially significant wetlands	All land within 120 metres of any part of the feature

All other wetlands	All land within 120 metres of any part of the feature
Provincially or regionally significant Area of Natural and Scientific Interest (Life Science)	All land within 50 metres of any part of the feature
Habitat of an endangered or threatened species	All land within 50 metres of any part of the feature
Area of significant wildlife habitat	All land within 50 metres of any part of the feature
Significant Woodland Policy 1 areas	All land within 50 metres of any part of the feature
Significant Woodlands Policy 2 areas	All land within 50 metres of any part of the feature
Valley and stream corridors	All land within 50 metres of any part of the feature
Fish habitat	All land within 50 metres of any part of the feature

Within the Lake Simcoe watershed, a Natural Heritage Evaluation (NHE) is required to support any application for development or site alteration within 120 metres of a key natural heritage feature or key hydrologic feature in accordance with the Lake Simcoe Protection Plan. The minimum vegetation protection zone for all key natural heritage and hydrologic features shall be a minimum of 30 metres, or larger as determined through the NHE.

4.4.3 Environmental Impact Studies

All applications for development and/or site alteration on lands within the EP1 and EP2 designations and adjacent lands, shall be accompanied by an Environmental Impact Study (EIS) in accordance with the requirements of this section. The results of an EIS shall provide the opportunity to refine boundaries of the EP1 designation and to determine the presence or absence of EP1 features.

4.4.3.1 Purpose of an EIS

The purpose of an EIS is to:

- a) collect and evaluate all appropriate information in order to have an understanding of the boundaries, attributes and functions of all natural heritage and related ecological and hydrological feature(s); and,
- b) assists in the making of an informed decision as to whether or not a proposed use will have a negative impact on the natural heritage features and related ecological functions of the Town.

Any EIS required by this Plan must describe the natural heritage features and ecological functions and related hydrological features, identify their significance and sensitivities and describe how they could be affected by a proposed use. The EIS should give consideration to the relevant aspects and inter-relationships of various components of the Greenlands system on and off the site. In addition, the EIS must address how the proposed development will protect, maintain or restore the significant natural features and ecological functions of the Greenlands system.

Any EIS must be considered by the Town, in consultation with other appropriate agencies, before a planning application that facilitates the development that is subject to the EIS is adopted or passed by Council.

4.4.3.2 Contents of an EIS

The determination of the scope and content of an EIS shall be in general accordance with the guidelines of the County of Simcoe and are to be agreed to in advance with the appropriate agencies and shall be scoped as required.

4.4.4 Use of Greenlands in Private Ownership

Where any land within the Greenlands system is held in private ownership, this plan shall not be interpreted as implying that such lands are open and accessible to the general public.

4.4.5 Transfer of Greenlands into Public Ownership

- a) The designation of lands in the Greenlands system does not imply that they will be purchased by the Town or other public authority. Natural heritage features in the Greenland designation may remain in private ownership.
- b) Council shall work with all levels of government and the appropriate conservation authorities and other public agencies, such as the Province, to develop and implement a land securement strategy that would result in the transfer of significant natural heritage features into public ownership.
- c) Council shall consider every opportunity to obtain the dedication of lands within the Greenlands system through the development approval process in particular in urban areas or in expansions to urban areas. Such dedications will not be considered as part of the required parkland dedication as set out in the Planning Act, as amended.

4.4.6 Conservation Easements

Council shall support efforts to register conservation easements that have the effect of promoting wise environmental management practices on private lands. These easements may be held by conservancy groups or may be registered by the Town pursuant to the Conservation Land Act, as amended. These groups shall be encouraged by Council to acquire such easements and obtain lands that would be managed wisely for future generations.

4.4.7 Forestry Operations

Forestry operations shall be carried out in accordance with accepted forestry management practices and in accordance with the County of Simcoe Tree Cutting By-law.

4.4.8 Watershed Planning

4.4.8.1 Objectives

It is the objective of this Plan to:

- a) support the preparation and implementation of watershed and/or sub-watershed plans within the Town and area;
- b) ensure that there is an appropriate balance between the objectives of water supply management, habitat protection, flood management and land use to protect and enhance water quality for future generations;
- c) protect and/or restore streams, groundwater discharge and recharge areas and wetlands for the benefit of fish, wildlife and human uses;
- d) ensure that any sub-watershed planning process is open and transparent;
- e) ensure that necessary resources are provided for the implementation of watershed and sub-watershed plans; and,
- f) ensure that sub-watershed plans contain goals and objectives that are appropriate for the watershed and implementable by the Town and landowners; and,
- g) ensure that watershed and sub-watershed plans are designed to be continuously improved as new information and science becomes available.

4.4.8.2 Watersheds In New Tecumseth

A watershed is an area of land that drains into a river, lake or other water body. Unlike municipal boundaries, watershed boundaries are defined by nature and, as a result, watersheds often overlap a number of jurisdictions. Within each of these watersheds are a number of sub-watersheds. It is the long-term intent of the Town that a sub-watershed plan be prepared for each sub-watershed. In this regard, a sub-watershed plan will be required in conjunction with the preparation of a Secondary Plan for new urban areas that are identified in accordance with Section 7.11 of this Plan.

4.4.9 Water Resource And Stormwater Management Reports

4.4.9.1 Definition of Major Development

For the purposes of this Section, major development is defined as any development with buildings, structures, parking areas, and/or driveways that have a combined area of more than 500 square metres and/or development involving the creation of multiple lots and/or the development of extensive land uses such as golf courses and mineral aggregate operations.

4.4.9.2 Water Resource Management Reports

The purpose of the Water Resource Management Report is to investigate the impacts of the proposed development on water quality and quantity and provide recommendations on:

- a) how to maintain or enhance the natural hydrological characteristics of the water resource;
- b) how to maintain or enhance sensitive groundwater recharge/discharge areas, aquifers and headwater areas;
- c) whether it is required to monitor water budgets for groundwater aquifers;
- d) how to protect or enhance fish and wildlife habitat;
- e) maintain, where possible existing drainage patterns;
- f) how to ensure that the quality of the watercourses affected by the development are maintained; and,
- g) how to ensure that there will be no negative impacts on the water quality of the Nottawasaga River or Lake Simcoe resulting from the development.

4.4.9.3 Stormwater Management Reports

The SWM report shall be prepared in accordance with The Stormwater Management Practices Planning and Design Manual (2003) or its successor as prepared by the Ministry of Environment, Fish Habitat Protection Guidelines for Developing Areas (1994), the MTO Drainage Management Manual (1997), the designated storm water policies of the Lake Simcoe Protection Plan within the Lake Simcoe watershed, if applicable, and the relevant guidelines for these facilities prepared by the County, Town and Conservation Authorities and shall:

- a) provide recommendations on a stormwater quantity system which ensures that post-development run-off rates will not be greater than the pre-development run-off rates for storms up to and including the 1:100 year event.
- b) review the need for centralized facilities.
- c) document the possible impacts of development on watershed flow regimes including their interconnection with groundwater resources.
- d) provide recommendations on how to ensure that the new development will have no negative impacts on the water quality of the watercourses within the watershed.
- e) document the means by which stormwater volume control will be provided.
- f) incorporate design features that ensure that pre-development flows to County road allowances are not increased, and that existing drainage courses are not altered, unless specific approvals from the appropriate agencies are obtained.

All storm water management facilities in a Plan of Subdivision shall be placed in the Environmental Protection Area Zone in the implementing Zoning By-law to reflect the potential for these lands to be flooded and to ensure that their intended use is recognized. The siting of stormwater management facilities adjacent to County of Simcoe road allowances is subject to the applicable set back requirements of the County

of Simcoe.

4.4.10 Tree Preservation/Planting

The following policies apply to wooded areas outside of the EP1 and EP2 designations and outside of the Greenlands system:

- a) There are wooded areas within the Town that are not within the EP1 and EP2 designations, primarily because of their small size or their location within urban areas. However, these areas also contribute to the character of the community. It is a policy of this Plan that such areas be retained in their natural state, whenever possible and appropriate, as a condition of development approval.
- b) The Town, in making public work decisions, shall have regard to the existence of trees and make every reasonable effort to protect them. If trees will be lost due to a public work, it is a policy of this Plan that replanting programs be initiated to compensate for the loss of trees.
- c) The Town shall require the planting of trees of appropriate quality, size and species as a condition of development approvals wherever possible. Particular attention will be paid to ensure that adequate tree plantings are provided in boulevards of new streets in plans of subdivisions and in and adjacent to surface parking lots and new developments to soften their visual impact on adjacent lands and streets.
- d) The Town may undertake a tree planting program along Town roads wherever possible to create, over time, a canopy of trees that will enhance the character of the community and contribute to the aesthetics of the area.

4.4.11 Ground Water Management

4.4.11.1 Objectives

Given the reliance of the Town on groundwater for primarily human use, and the role water plays in sustaining the Town's Greenlands system and agricultural uses, it is the objective of this Plan to:

- a) manage water resources in a manner that ensures their continued availability while maximizing both environmental and economic benefits;
- b) support the preparation of watershed and sub-watershed plans, as required, to assist in the proper management of water as a key resource;
- c) protect existing surface and ground water quality from degradation and to improve and restore water quality where degraded;
- d) incorporate source protection objectives into the land use planning process to ensure that the sources of water are not compromised in the future as a result of land use decisions; and,
- e) encourage the establishment of water conservation measures as a way to meet water supply needs in the same manner that alternatives to create new supplies are

investigated.

4.4.11.2 Development Policies

The following policies apply to major development applications, as defined in Section 4.4.9.1:

- a) All permanent and intermittent streams, wetlands, recharge areas and discharge areas such as seepage areas and springs are considered to be hydrologically sensitive features and their function shall be protected.

On this basis, all major applications for development within 120 metres of a hydrologically sensitive feature shall be supported by a hydrological evaluation that:

- i. demonstrates that the use or development will have no negative impact on the hydrologically sensitive feature or the function of the feature itself;
 - ii. identifies planning, design and construction practices that will maintain and improve or restore, the health, diversity and size of the hydrologically sensitive feature and its connections with nearby components of the natural heritage system; and,
 - iii. identifies an area that should be retained or planned to be in a vegetated state adjacent to the feature to protect its function.
- b) It is a goal of this Plan to ensure that groundwater can be used in a sustainable manner without compromising ecological and hydrological integrity. On this basis, it is a long term goal of this Plan that watershed and appropriate sub-watershed plans be prepared in accordance with Section 4.4.9.1 of this Plan.

Until such plans are prepared, all major development applications shall be supported by studies that demonstrate that the ecological and hydrological integrity of identified natural heritage on hydrologically sensitive features will not be compromised if the development is approved. In addition, the studies shall include a modeling component to characterize groundwater and surface water flow systems on the site and on nearby lands and identify what water conservation measures will be utilized. The studies shall indicate that:

- i. the quality of groundwater and surface water in the area will be maintained and, where possible, improved or restored; and,
- ii. the quantity of water available for other uses in the area and which contribute to threshold flow in rivers and streams will not be affected.

4.4.12 Watercourses

4.4.12.1 Role of Watercourses

All of the watercourses in the Town as shown on the Schedules to this Plan are considered to be environmentally significant since they:

- a) store storm and melt waters;
- b) contain fish and wildlife habitat areas;
- c) function as corridors for migrating wildlife habitat movement and vegetation dispersal;
- d) serve to maintain the quality and quantity of surface and ground water resources; and,
- e) assist in the improvement of air quality.

It is the intent of this Plan to protect all watercourses from incompatible development to minimize the impacts of such development on their function.

4.4.12.2 Implementation

- a) In order to implement the objectives of this Plan, the implementing Zoning By-law shall place all lands below the top of bank of any watercourse in a specific Environmental Protection Zone. Uses in this Environmental Protection Zone shall be limited to conservation uses, existing agricultural uses and public or private recreational uses. No buildings or structures, with the exception of structural works required for flood and/or erosion or sediment control, will be permitted in this Zone.
- b) The implementing Zoning By-law shall also specify that all buildings and structures be set back a minimum of 30 metres from the boundaries of the Environmental Protection Zone. The intent of requiring this setback is to encourage the maintenance and establishment of a vegetated buffer in this area.
- c) A reduction in the thirty (30) metre setback shall not require an Amendment to this Plan but will require either an Amendment to the implementing Zoning By-law or a minor variance subject to the comments of the appropriate agencies. The setback shall also be reduced in Settlement Areas as appropriate to recognize the pattern of existing development and its location. Matters to be considered in reviewing an application to reduce the setback include:
 - i) The nature of the soils;
 - ii) The nature of the vegetation and cover;
 - iii) The slope of the land;
 - iv) The nature of existing and proposed drainage patterns;
 - v) The nature of the fish and wildlife that may be present;
 - vi) The scale of the proposed development;
 - vii) The location and nature of existing development on the lands and adjacent lands;
and,
 - viii) The stability of the slope.

- d) Development in a regulated area or the straightening, changing, diverting or interfering in any way with the existing channel or a river, creek, stream, watercourse or changing or interfering with a wetland shall require permission from the applicable Conservation Authority.
- e) Development will generally be directed to areas outside of hazard lands adjacent to river and stream systems that are impacted by erosion hazards. The determination of the erosion hazard limit will be based on a combined influence of the:
 - toe erosion allowance;
 - stable slope allowance;
 - flooding hazard limit or meander belt allowance;
 - erosion access allowance.
- f) The erosion hazard limit will be defined on a site-by-site basis in consultation with the appropriate Conservation Authority. Provincial guidelines related to natural hazards will be used as a basis in determining the erosion hazard limit.
- g) Land use planning and flood plain management within the community of Alliston shall be consistent with the provisions of the Spring Creek Two Zone Policy dated February 1995, or its successor.

4.4.12.3 Development in a Floodplain

- a) All floodplains in the Town are subject to the 'one zone concept' established by the Conservation Authorities, which means that the entire floodplain is considered to be a floodway as defined by this Plan.
- b) Buildings and structures are not permitted within the flood plain, except where written permission is obtained from the appropriate Conservation Authority.
- c) The uses permitted within identified floodplains are as set out in the underlying land use designation.

4.4.12.4 Ontario Regulations

Certain lands within the Town are subject to the Development, Interference with Wetlands and Alterations to Shorelines and Watercourse Regulation issued by the Province as shown on Appendix 1 to this Plan. The Regulation Limit represents a compilation of various information including engineered floodplain mapping, estimated *floodplain* mapping and erosion hazards. The extent of these regulated areas and features are subject to adjustment as confirmed by site visits and studies. The respective Conservation Authorities should be consulted for details.

4.5 Oak Ridges Moraine Area

General Policies

The policies in Section 4.5 shall apply to all lands located within the area shown on Schedule A and B3 located on the Oak Ridges Moraine, unless otherwise noted in this

Plan.

All development on the Oak Ridges Moraine shall be in conformity with the policies contained in Section 4.5 of this Plan and policies of the applicable land use designation. Where there is conflict in the policies the more restrictive provisions shall apply.

4.5.1 Key Natural Heritage Features and Hydrologically Sensitive Features

Key Natural Heritage Features in the Oak Ridges Moraine Conservation Plan Area include wetlands, significant portions of habitat of endangered, rare and threatened species, fish habitat, areas of natural and scientific interest (life science), significant valleylands, significant woodlands, significant wildlife habitat, sandbarrens, savannahs and tallgrass prairies. Hydrologically Sensitive Features in the Oak Ridges Moraine Conservation Plan Area include permanent and intermittent streams, wetlands and kettle lakes and seepage areas and springs.

- a) Wetlands, significant woodlands and permanent and intermittent streams are designated on Schedule D2.
- b) No amendments will be required to Schedule C, where changes to the boundary of the key natural heritage feature or hydrologically sensitive feature are based on studies carried out in accordance with this Plan or the Oak Ridges Moraine Conservation Plan, or updated information from the Province of Ontario, Department of Fisheries and Oceans or their delegate is provided to the satisfaction of the Town of New Tecumseth in consultation with the relevant Conservation Authority.
- c) Any change to Schedule D2 which affects the boundary of a wetland or an area of natural and scientific interest (life science) or confirmation of the boundaries of a feature not included on the Schedules including habitat of endangered, rare and threatened species or fish habitat, will only be made after consultation with the District office of the Ministry of Natural Resources and in the case of fish habitat, with the Department of Fisheries and Oceans or their delegate.
- d) The presence or absence of significant portions of *habitat of endangered, rare and threatened species, fish habitat, significant valleylands, significant wildlife habitat*, and seepage areas and springs on the lands subject to a *development* or *site alteration* application and within 120 m of the application, shall be confirmed through environmental studies using criteria established by the Province of Ontario, to the satisfaction of the Town of New Tecumseth in consultation with the relevant Conservation Authority, the County of Simcoe and Provincial Ministries. *Key natural heritage features* and *hydrologically sensitive features* identified on the Oak Ridges Moraine but not shown on Schedules to this Plan, shall be subject to the provisions in Section 5.6.1 of this Plan respecting *key natural heritage features* and *hydrologically sensitive features* and are to be included in the Official Plan as part of its review and update.
- e) No *development* or *site alteration* is permitted within *key natural heritage features* or *hydrologically sensitive features* or the related minimum vegetation protection zones as specified on Table 1 in subsection 4.5 except for the following:
 - i. forest, fish and wildlife management;

- ii. conservation and flood or erosion control projects, but only if they have been demonstrated to be necessary and in the public interest after all alternatives have been considered;
 - iii. transportation, infrastructure, and utilities, but only if the need for the project has been demonstrated and there is no reasonable alternative; and
 - iv. *low-intensity recreational uses.*
- f) The Oak Ridges Moraine Conservation Plan establishes minimum areas of influence and minimum vegetation protection zones that relate to *key natural heritage features* and *hydrological sensitive features* as shown in Table 1 in Subsection 4.5. The minimum areas of influence and minimum vegetation protection zones from *key natural heritage features* and *hydrologically sensitive features* as shown on Table 1, shall apply to lands designated “Natural Linkage Area”, “Countryside Area” and “Oak Ridges Moraine Tottenham Rural Settlement” on Schedule D1.

TABLE 1

Feature	Minimum Area of Influence	Minimum Vegetation Protection Zone
Wetlands	All land within 120 metres of any part of the feature	All land within 30 metres of any part of feature, subject to subsection 4.5.2a)(iv) if a natural heritage evaluation is required
Significant portions of habitat of endangered, rare and threatened species	All land within 120 metres of any part of the feature	As determined by a natural heritage evaluation under subsection 4.5.2
Fish Habitat	All land within 120 metres of any part of the feature	All land within 30 metres of any part of feature, subject to subsection 4.5.2a)(iv) if a natural heritage evaluation is required
Areas of Natural and Scientific Interest (life science)	All land within 120 metres of any part of the feature	As determined by a natural heritage evaluation under subsection 4.5.2.
Areas of Natural and Scientific Interest (earth science)	All land within 50 metres of any part of feature	As determined by an earth science heritage evaluation carried out under subsection 30(12) of the Oak Ridges Moraine Conservation Plan
Significant valleylands	All land within 120 metres of stable top of bank	All land within 30 metres of stable top of bank, subject to subsection 4.5.2a)(iv) if a natural heritage evaluation is required
Significant woodlands	All land within 120 metres of any part of the feature	All lands within 30 metres of the base of the outermost tree trunks within the woodland, subject to subsection 4.5.2a)(iv) if a natural heritage evaluation is required
Significant wildlife habitat	All land within 120 metres of any part of the feature	As determined by a natural heritage evaluation under subsection 4.5.2
Sand barrens, savannahs and tall grass prairies	All land within 120 metres of any part of the feature	All land within 30 metres of any part of feature, subject to subsection 4.5.2 a)(iv) if a natural heritage evaluation is required
Kettle lakes	All land within 120 metres of the surface catchment area	All land within the surface catchment area or within 30 metres of any part of feature, whichever is greater, subject to subsection 4.5.3 a) (iii) if a hydrological evaluation is required
Permanent and Intermittent streams	All land within 120 metres of meander belt	All land within 30 metres of meander belt, subject to subsection 4.5.3 a)(iii) and subsection 4.5.3)(iv) if a hydrological evaluation is required
Seepage areas and Springs	All land within 120 metres of any part of the feature	All land within 30 metres of any part of feature, subject to subsection 4.5.3a)(iii) and subsection 4.5.3 a)(iv) if a hydrological evaluation is required

Note: *Areas of Natural and Scientific Interest (Earth Science) are not a Key Natural Heritage Feature or Hydrologically Sensitive Feature*

4.5.2 Key Natural Heritage Features Natural Heritage Evaluation

- a) Applications for *development* or *site alteration* with respect to land within the minimum area of influence that relates to a *key natural heritage feature*, shall be accompanied by a natural heritage evaluation that shall:
- i. demonstrate that the *development* or *site alteration* applied for will have no *adverse effects* on the *key natural heritage feature* or on the related *ecological functions*;
 - ii. Identify planning, design and construction practices that will maintain and where possible, improve or restore the health, diversity and size of the *key natural heritage feature* and its *connectivity* with other *key natural heritage features*;
 - iii. In the case of an application relating to land in a Natural Core Area, Natural Linkage Area or Countryside Area, demonstrate how *connectivity* within and between *key natural heritage features* will be maintained and, where possible, improved or restored before, during and after construction;
 - iv. If Table 1 in subsection 4.5 specifies the dimensions of a minimum vegetation protection zone, determine whether the specified dimension is sufficient, and if it is not sufficient, specify the dimensions of the required minimum vegetation protection zone and provide for the maintenance and, where possible, improvement or restoration of *natural self-sustaining vegetation* within it;
 - v. If Table 1 in subsection 4.5 does not specify the dimensions of a minimum vegetation protection zone, determine whether one is required, and if one is required, specify the dimensions of the required minimum vegetation protection zone and provide for the maintenance and, where possible, improvement or restoration of *natural self-sustaining vegetation* within it; and
 - vi. In the case of a *key natural heritage feature* that is *fish habitat*, ensure compliance with the requirements of the Department of Fisheries and Oceans (Canada).
 - vii. In the case of an *Area of Natural and Scientific Interest (Life Science)* the basis on which the determination and specification mentioned in 4.5.2a (iv) shall be in accordance with Section 23(2) of the ORMCP.

4.5.3 Hydrologically Sensitive Feature Hydrological Evaluation

- a) An application for *development* or *site alteration* with respect to land with the minimum area of influence that relates to a *hydrologically sensitive feature*, shall be accompanied by a hydrological evaluation that shall:
- i. Demonstrate that the *development* or *site alteration* will have no *adverse effects* on the *hydrologically sensitive feature* or on the related hydrological functions;
 - ii. Identify planning, design and construction practices that will maintain, and where possible improve or restore, the health, diversity and size of the *hydrologically sensitive feature*; and

- iii. Determine whether the minimum vegetation protection zone whose dimensions are specified in Table 1 in Subsection 4.5 is sufficient, and if it is not sufficient, specify the dimensions of the required minimum vegetation protection zone and provide for the maintenance and, where possible, improvement or restoration of *natural self-sustaining vegetation* within it.
- iv. In the case of permanent and intermittent streams and seepage areas and springs, the basis on which the determination and specification mentioned in subsection 4.5.3 a) (iii), is done shall include, without limitation, an analysis of land use, soil type and slope class, using criteria established by the Government of Ontario, as amended from time to time.

4.5.4 Connectivity

All applications for development and site alteration in the “Natural Linkage Area” and “Countryside Area” shall identify planning and design construction practices that ensure that no buildings or other site alterations impede the movement of plants and animals among key natural heritage features, hydrologically sensitive features and adjacent land within Natural Core Areas and Natural Linkage Areas.

4.5.5 Major Development

Major development in Section 4.5 of this Plan means development consisting of:

- a) the creation of four or more lots;
- b) the construction of a building or buildings with a ground floor area of 500 m² or more, or
- c) the establishment of a major recreational use as described in subsection 6.9.6
 - i. For every application in the “Natural Linkage Area”, “Countryside Area” and “Rural Settlement Area”, commenced on or after April 23, 2007 major development as defined in Subsection 10.8 i. is prohibited unless:
 - a) The watershed plan for the relevant watershed, prepared by the County of Simcoe in accordance with subsection 24(3) of the Oak Ridges Moraine Conservation Plan, has been completed;
 - b) The *major development* conforms with the watershed plan; and
 - c) A water budget and conservation plan, prepared by the County of Simcoe in accordance with Section 25 of the Oak Ridges Moraine Conservation Plan and demonstrating that the water supply required for the major development is sustainable, has been completed.
 - ii. An application for *major development* commenced prior to April 23, 2007, shall not be approved unless:

- a) The County of Simcoe has completed a water budget and conservation plan, prepared in accordance with Section 25 of the Oak Ridges Moraine Conservation Plan, demonstrating that the water supply required for the *major development* is sustainable;

OR

- b) The applicant,
1. Identifies any *hydrologically sensitive features* and related *hydrological functions* on the *site* and how they will be protected,
 2. Demonstrates that an adequate water supply is available for the *development* without compromising the *ecological integrity* of the *Oak Ridges Moraine Conservation Plan Area*, and
 3. Provides, with respect to the site and such other land as the approval authority considers necessary, a water budget and water conservation plan that:
 - i. Characterizes groundwater and surface water flow systems by means of modeling;
 - ii. Identifies the availability, quantity and quality of water sources, and
 - iii. Identifies water conservation measures.

4.5.6 Subwatersheds

- a) With respect to land in the “Natural Linkage Area” and “Countryside Area” designations, all *development* and *site alteration* with respect to land in a *subwatershed* are prohibited if they would cause the total percentage of the area of the *subwatershed* that has *impervious surfaces* to exceed:
- i. 10 percent; or
 - ii. any lower percentage specified in the applicable watershed plan.
- b) With respect to land in the “Natural Linkage Area” and “Countryside Area” designations, in considering applications for development or site alteration with respect to land in a subwatershed the approval authority shall take into account the desirability of ensuring that at least 30 percent of the area of the subwatershed has *self-sustaining vegetation*.

4.5.7 Landform Conservation Areas

Schedule D3 Landform Conservation Areas, is based on mapping provided by the Province of Ontario.

An application for development or *site alteration* on lands in the “Natural Linkage Area”, “Countryside Area shall:

- a) With the exception of applications for *mineral aggregate operations*, applications with

respect to land in a *landform conservation area* Category 1 on Schedule D3, identify planning, design and construction practices that will keep disturbance to landform character to a minimum, including:

- i. Maintaining *significant landform features* such as steep slopes, *kames*, kettles, ravines and ridges in their natural undisturbed form;
 - ii. Limiting the portion of the *net developable area* of the *site* that is disturbed to not more than 25 percent of the total area of the *site*; and
 - iii. Limiting the *portion of the net developable area of the site* that has *impervious surfaces* to not more than 15 percent of the total area of the *site*.
- b) With the exception of applications for *mineral aggregate operations*, applications with respect to land in a *landform conservation area* Category 2 on Schedule D3, identify planning, design and construction practices that will keep disturbance to landform character to a minimum, including:
- iv. Maintaining *significant landform features* such as steep slopes, *kames*, kettles, ravines and ridges in their natural undisturbed form;
 - v. Limiting the portion of the *net developable area* of the *site* that is disturbed to not more than 50 percent of the total area of the *site*; and
 - vi. Limiting the portion of the net developable area of the site that has *impervious surfaces* to not more than 20 percent of the total area of the *site*.
- c) With the exception of applications for *mineral aggregate operations*, and *major development* applications with respect to land in a *landform conservation areas* of either category shall be accompanied by a site plan that:
- vii. Identifies the areas within which all building, grading, and related construction will occur;
 - viii. Demonstrates that building and structures will be located within the areas referred to in clause (i) so as to minimize the amount of site alteration required; and
- d) Where the application is for *major development*, as defined in Subsection 4.5.5, on land in a *landform conservation area* of either Category 1 or Category 2, on Schedule D3, the application shall be accompanied by a landform conservation plan that:
- a) Shows, on one or more maps:
 - i. elevation contours in sufficient detail to show the basic topographic character of the *site*, with an interval of not more than two metres;
 - ii. analysis of the site by slope type (for example, moderate or steep);
 - iii. *significant landform features* such as *kames*, kettles, ravines and ridges; and
 - iv. all water bodies including intermittent streams and ponds.

- b) Includes a development strategy that identifies appropriate planning, design and construction practices to minimize disruption to landform character, including:
 - i. retention of *significant landform features* in an open, undisturbed form;
 - ii. road alignment and building placement to minimize grading requirements;
 - iii. concentration of *development* on portions of the site that are not *significant*;
 - iv. use of innovative building design to minimize grading requirements; and
 - v. use of selective grading techniques.
- e) With respect to land in an *area of natural and scientific interest (earth science)* or the related minimum area of influence on Table 1 in Section 4.5 of this Plan, the application is subject to the requirements of Section 30(12) of the ORMCP.

4.5.8 Areas of High Aquifer Vulnerability

Schedule D4 Aquifer Vulnerability, is based on mapping provided by the Province of Ontario.

Despite anything else in this Plan except section 8.10.6, the following uses are prohibited with respect to land in areas of high *aquifer vulnerability*, as shown on Schedule D4, Aquifer Vulnerability:

- a) Generation and storage of hazardous waste or liquid industrial waste;
- b) Waste disposal sites and facilities, organic soil conditioning sites, and snow storage and disposal facilities;
- c) Underground and above-ground storage tanks that are not equipped with an approved secondary containment device;
- d) Storage of a contaminant listed in Schedule 3 (Severely Toxic Contaminants) to Regulation 347 of the Revised Regulations of Ontario, 1990.

4.5.9 Wellhead Protection Areas

- a) Wellhead Protection Areas which include lands that contribute water to each municipal well (capture zone) shall be established by the County of Simcoe in the Oak Ridges Moraine Plan Area. Land use restrictions shall be applied within the Wellhead Protection Areas based on “time-of-travel” for groundwater to reach the municipal well and the relative threat posed by certain land use/activities in proximity to such wellheads.
- b) Wellhead Protection Areas and Time-of-Travel Zones are delineated on Schedule D5 to this Plan.

- c) Within *Wellhead Protection Areas* on the Oak Ridges Moraine the following uses are prohibited:
- i. Storage, except by an individual for personal or family use, of:
 - petroleum fuels;
 - petroleum solvents and chlorinated solvents;
 - pesticides, herbicides and fungicides;
 - construction equipment;
 - inorganic fertilizers;
 - road salt; and,
 - contaminants listed in Schedule 3 (Severely Toxic Contaminants) to Regulation 347 of the Revised Regulations of Ontario, 1990.
 - ii. Generation and storage of hazardous waste or liquid industrial waste.
 - iii. Waste disposal sites and facilities, organic soil conditioning sites and snow storage from off-site sources and disposal facilities.
- d) Further, notwithstanding any other provisions of this Plan, new uses, which involve the following, are prohibited on lands in the zero to two year Time-of-Travel Zone, within the Oak Ridges Moraine Plan Area, except by an individual for personal or family use:
- ii. Storage of animal manure;
 - iii. Animal agriculture; and,
 - iv. Storage of agricultural equipment.
 - v. Every person who carries on a use listed above, as an owner or operator, shall be required to prepare and maintain a site management and contingency plan that is aimed at reducing or eliminating the creation of the materials referred to above, and their release into the environment, which plan shall be reviewed and approved by the Town of New Tecumseth in consultation with the applicable Conservation Authorities, Provincial Ministries and County of Simcoe.
 - vi. The Town of New Tecumseth shall consider and encourage restrictions on haulage routes for the transportation of chemicals and volatile materials through designated *Wellhead Protection Areas*.

4.5.10 Oak Ridges Moraine Natural Linkage Area

4.5.10.1 Purpose and Definitions

- a) Natural Linkage Areas form part of a central corridor system that support or have the potential to support the movement of plants and animals among the Natural Core Areas, Natural Linkage Areas, river valleys and stream corridors on the Oak Ridges Moraine.
- b) The purpose of the Natural Linkage Area is to maintain and where possible improve or restore, the *ecological integrity* of the *Oak Ridges Moraine Conservation Plan Area*, and

to maintain, and where possible improve or restore, regional-scale open space linkages between Natural Core Areas and along river valleys and stream corridors.

- c) Permitted uses accessory to agricultural uses include, but are not limited to the following:
- i) Roadside sale of produce of the farm operation;
 - ii) The manufacture of value-added products from produce of the farm operation; and
 - iii) A second dwelling that is a temporary, mobile or portable unit, if the applicant demonstrates that the dwelling:
 - 1. Is required to house help that is needed on the farm operation on a seasonal or full time basis;
 - 2. Does not require a consent under section 50 or 53 of the Planning Act, and
 - 3. Will not adversely affect the ecological integrity of the Oak Ridges Moraine Conservation Plan Area.
- d) Low-intensity recreational uses are recreational uses that have minimal impact on the natural environment, and require very little terrain or vegetation modification and few, if any, buildings or structures, including but not limited to the following:
- i) Non-motorized trail uses;
 - ii) Natural heritage appreciation;
 - iii) Unserviced camping on public land but not including lands in part of Lot 6, Concession 1, former Township of Tecumseth, managed by the County of Simcoe as a County Forest;
 - iv) *Accessory uses.*
- e) Small-scale structures accessory to low-intensity recreational uses, such as trails, boardwalks, footbridges, fences, docks and picnic facilities, are permitted only if the applicant demonstrates that the *adverse effects* on the *ecological integrity* of the *Oak Ridges Moraine Conservation Plan Area* will be kept to a minimum by:
- i) Keeping disturbed areas to a minimum; and
 - ii) Avoiding the most sensitive portions of the site, such as steep slopes, organic soils and *significant* portions of the *habitat of endangered, rare or threatened species.*

4.5.10.2 General Policies

4.5.10.3 Transition and Further Approval Applications

Within the Oak Ridges Moraine there are applications under the *Planning Act* and *Condominium Act*, which, due to their date of commencement, are subject to the transition provisions of Sections 15 and 17 of the *Oak Ridges Moraine Conservation Act, 2001*.

- i) All applications, as defined under the *Oak Ridges Moraine Conservation Act, 2001*, which commenced on or after November 17, 2001 are required to conform to the Oak Ridges Moraine Conservation Plan.
- ii) All applications, as defined under the *Oak Ridges Moraine Conservation Act, 2001*, in Natural Core Areas, Natural Linkage Areas and Countryside Areas/Rural Settlement Areas, which commenced prior to November 17, 2001, and on November 17, 2001, no decision had been made, shall conform to the prescribed provision under Section 48 of the Oak Ridges Moraine Conservation Plan.
- iii) Applications, as defined under the *Oak ridges Moraine Conservation Act, 2001*, which were commenced and decided upon before November 17, 2001 are not subject to the provisions of the Oak Ridges Moraine Conservation Plan provided that the uses, buildings or structures for which the application was intended, is legally existing as of the date of the adoption of this Plan. If subsequent applications are still required in order to establish the intended uses, building or structures, these will be required to conform with the applicable provisions of the Oak Ridges Moraine Conservation Plan based on the individual application commencement date, with the exception of those applications under Section 4.5.10.3 of this Plan.
- iv) In accordance with Section 17(1) of the *Oak Ridges Moraine Conservation Act, 2001* (as amended by Bill 27, *The Greenbelt Protection Act, 2004*), where an application for either a rezoning, site plan, minor variance or the lifting of a holding provision is required as a condition of approval for a plan of subdivision or condominium, or provisional consent, these applications shall be made in accordance with the same policy and legislative requirements as the plan of subdivision or condominium, or consent application.

4.5.10.4 Land Severances

- a) New *lots* may be created in the “Natural Linkage Area” designated on Schedule D1, for only those circumstances listed in Section 4.5.10.4 and subject to Sections 4.5, 4.5.10.6 h) (i) and (ii) and 4.5.10.7 f) of this Plan:
 - i) New *lots* may be created for only the following circumstances:
 1. severance, from a *rural lot*, of a *farm retirement lot* or a *lot* for a *residence surplus to a farming operation*. The maximum permitted is a cumulative total of one such severance for each *rural lot*. All

consents granted on or after January 1, 1994 are included in the calculation of the cumulative total;

2. severance from each other of two or more *rural lots* that have merged in title. The severance shall follow the *original half lots*;
 3. allowing land acquisition for transportation, infrastructure, and utilities, but only if the need of the project has been demonstrated and there is no reasonable alternative;
 4. the addition of adjacent land to an existing *lot*, but only if the adjustment does not result in the creation of a *lot* that is undersized for the purposes of which it is being or may be used;
 5. facilitating conveyances to public bodies or non-profit entities for natural heritage conservation;
 6. severances from each other parts of a *lot* that are devoted to different uses, but only if the uses are legally established at the time of the application for severance.
- b) Subsection 4.5.10.4 a) applies whether the transaction takes the form of a conveyance, a lease for twenty-one years or more, or a mortgage.
- c) A *lot* may be created only if there is enough *net developable area* on both the severed *lot* and the remainder *lot* to accommodate proposed uses, buildings and structures and accessory uses without encroachment on *key natural heritage features* or *hydrologically sensitive features*;
- d) As a condition of approval, the Town shall enter into a site plan agreement or other agreement with the applicant establishing conditions requiring that *natural self-sustaining vegetation* be maintained or restored in order to ensure the long-term protection of any *key natural heritage features* and *hydrologically sensitive features* on the *lot*.
- e) A *lot* shall not be created if it would extend or promote strip development.

4.5.10.5 Permitted Uses

It is the policy of this Plan to permit the following uses in all areas designated Oak Ridges Moraine Natural Linkage Area on Schedule D1, subject to Sections 4.5 and 4.5.10.6 h) (i) and (ii) and 4.5.10.7 f):

- a) fish, wildlife and *forest management*;
- b) conservation projects and flood and erosion control projects;
- c) *agricultural uses*;
- d) transportation, infrastructure, and utilities, subject to Section 8.6, but only if the need for the project has been demonstrated and there is no reasonable alternative;
- e) a single detached dwelling in accordance with section 7 of the Oak Ridges Moraine Conservation Plan and the provisions of this Plan;
- f) special needs housing in a single dwelling in accordance with Section 5.2 of this Plan

- g) *home businesses* and *home industries* in accordance with the Oak Ridges Moraine Conservation Plan and Section 5.2.4.4 of this Plan;
- h) garden suites in accordance with Section 5.2.3.6 of this Plan;
- i) *bed and breakfast establishments* in accordance with the Oak Ridges Moraine Conservation Plan and Section 6.2 of this Plan;
- j) *farm vacation homes* in accordance with the Oak Ridges Moraine Conservation Plan and Section 6.2 of this Plan;
- k) low-intensity recreational uses subject to Sections 4.5.10.1 d) and e);
- l) *unserviced parks*;
- m) *wayside pits* subject to Section 6.7;
- n) *mineral aggregate operations* subject to Section 6.7;
- o) uses accessory to agricultural uses as set out in Section 4.5.10.1 c);
- p) *uses accessory* to the permitted uses set out in paragraphs a) to n)

h) Non- Decision OPA 28 December 6, 2004
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4.5.10.6 Water Supply and Sewage Treatment

In addition to the provisions in Section 8.10.6 a) to g) the following provisions shall apply to the lands designated “ Oak Ridges Moraine Natural Linkage Area”, “Oak Ridges Moraine Countryside Area” and “Oak Ridges Moraine Tottenham Rural Settlement” on Schedule D1. Where there is a conflict in the provisions in Section 8.10.6 a) to g) and those in Section 4.5.10.6 h), the more restrictive provisions shall apply.

- a) An application for *major development* shall be accompanied by a sewage and water system plan that demonstrates:
 - i) That the quantity and quality of groundwater and surface water will be maintained;
 - ii) That the applicable provisions of Section 43 of the Oak Ridges Moraine Conservation Plan have been satisfied.
- b) The construction or expansion of *partial services* are prohibited except where:
 - i) the construction or expansion of *partial services* is necessary to address a serious health concern or environmental concern;
 - ii) the construction or expansion was approved under the Environmental Assessment Act before November 17, 2001 and the period of time during which the construction or expansion may begin has not expired.
- c) For purposes of clarity, Subsection 4.5.10.6 h) (ii) does not apply to prevent the connection to communal services in the existing Tecumseth Pines development in Part of Lot, 7 Concession 1.

4.5.10.7 Storm Water Management

In addition to the provisions in Section 4.5.10.7 a) to e) the following provisions shall apply to the lands designated “ Oak Ridges Moraine Natural Linkage Area”, “Oak Ridges Moraine Countryside Area” and “Oak Ridges Moraine Tottenham Rural Settlement” on Schedule D1. The objectives of a storm water management plan are to maintain, groundwater quantity, flow and stream baseflow, the protection of water quality, aquatic

species and their habitat, and to prevent, increases in stream channel erosion and any increase in flood risk. Where there is a conflict in the provisions in Section 4.5.10.7 a) to e) and those in Section 4.5.10.7 f), the more restrictive provisions shall apply.

- a) An application for *major development* as defined in Section 4.5.5 of this Plan, shall be accompanied by a stormwater management plan as set out in Section 46 of the Oak Ridges Moraine Conservation Plan.
- b) Every application for development or site alteration shall demonstrate that planning, design and construction practices that protect water resources as set out in Section 45 of the Oak Ridges Moraine Conservation Plan.
- c) In considering an application for development or site alteration, the municipality shall seek to reduce areas with impervious surfaces and increase areas retained in a natural undisturbed state, in order to minimize stormwater volumes and contaminant loads and ensure that section 4.5.6 (a) and (b) of this Plan are satisfied.
- d) Municipal development standards shall incorporate planning, design and construction practices that will:
 - i) reduce the portions of lots and sites that have impervious surfaces; and
 - ii) provide the flexibility to use alternative stormwater management techniques such as directing roof discharge to rear yard ponding areas and using grassed swales.
- e) Sections 4.5.10.6 f) (ii), (iii) and (iv) do not apply to applications for mineral aggregate operations.
- f) For the purposes of stormwater management, the minimum standard for water quality is that 80 percent of suspended solids shall be removed from stormwater runoff as a long-term average.
- g) Despite anything else in this Plan, disposal of stormwater into a kettle lake is prohibited.
- h) Despite anything else in this Plan, new stormwater management ponds are prohibited with respect to land in key natural heritage features and hydrologically sensitive features.
- i) Despite anything else in this Plan and the “Oak Ridges Moraine Conservation Plan,” new rapid infiltration basins and new rapid infiltration columns are prohibited in the Natural Linkage, Countryside and Rural Settlement Areas in the Oak Ridges Moraine Conservation Plan Area.”

5.0 URBAN LAND USE POLICIES

5.1 INTRODUCTION

This Section of the Official Plan contains the land use policies that apply to the New Tecumseth urban settlement areas, the boundaries of which correspond to the lands subject to Schedules B1, B2 and B3 to this Plan. Each settlement area has been divided into the following broad land use categories:

- a) Urban Residential
- b) Urban Commercial
- c) Urban Employment
- d) Institutional
- e) Open Space
- f) Oak Ridges Moraine Tottenham Rural Settlement Area
- g) Environmental Protection One
- h) Environmental Protection Two

All of the lands within the above land use categories have been further divided into a number of land use designations, each of which are the subject of the policies of this Section of the Official Plan and the remainder of the Official Plan, as applicable.

5.2 URBAN RESIDENTIAL

5.2.1 OBJECTIVES

It is the objective of this Plan to:

- a) maintain and enhance the character and identity of existing residential areas;
- b) encourage the provision of a range of housing types to accommodate persons with diverse social and economic backgrounds, needs and desires while promoting the maintenance and improvement of existing housing;
- c) promote the efficient use of existing and planned infrastructure by creating the opportunity for various forms of residential intensification, where appropriate;
- d) encourage increases in density in new development areas to maximize the use of infrastructure and minimize the amount of land required for new development;
- e) ensure that residential areas permit a variety of complementary and compatible land uses including special needs housing, community facilities, schools, small-scale commercial uses and recreational open space areas; and,
- f) establish a comprehensive set of design guidelines and policies that foster the establishment of an urban environment that is safe, functional and attractive.

5.2.2 LOCATION

The **Urban Residential** designation as shown on Schedules B1, B2 and B3 to this Plan applies to urban residential areas in the Town.

5.2.3 HOUSING SUPPLY

5.2.3.1 Goals

It is the goal of this Plan to meet the Town of New Tecumseth's current and future housing needs by:

- a) ensuring that there is an adequate supply of land for residential development subject to the availability of water and wastewater capacity;
- b) assisting in the achievement of residential intensification and affordable housing by encouraging opportunities for mixed-use development in appropriate locations;
- c) encouraging the use of surplus public lands for affordable housing only if the site is appropriate for such a use and located where the use would be compatible with adjacent uses;
- d) encouraging the development of seniors and lifestyle housing in the Town;
- e) supporting the County in its responsibilities as the provider and manager of assisted housing;
- f) supporting universal physical access and encourage the building industry to incorporate such features in new residential structures; and,
- g) encouraging the development and redevelopment of lands within settlement areas and in appropriate locations at higher densities to maximize the use of infrastructure.

5.2.3.2 Land Supply

It is a policy of this Plan to maintain a ten year supply of land through residential intensification, redevelopment, and if necessary lands designated and available for residential development, and a three year supply of land zoned for residential intensification and residential lots/units in registered and draft plan approved subdivisions within the context of the population target contained in this Plan and provided that there is sufficient water and wastewater capacity available to service development.

5.2.3.3 Reductions in Density

Planning Act applications that propose the down-zoning of sites for medium and high density housing to provide for the development of lower density forms of development shall be discouraged, since these sites will ultimately assist in achieving an appropriate balance of housing in the Town. All such applications shall be accompanied by a planning justification report in accordance with Terms of Reference approved by the Town that assesses the implications of the proposal on:

- a) the Town's ability to meet the housing mix and growth targets outlined in this Plan; and,

- b) the impact such a down-zoning will have on other sites that are zoned for medium and/or high density purposes in the surrounding area.

5.2.3.4 Infill Development In Established Residential Neighbourhoods

Infill development shall be encouraged provided Council is satisfied that:

- a) the proposed development, including building form and density, is compatible with the character of the existing neighbourhood;
- b) new buildings and additions are designed in a manner that is sensitive to the location, massing and height of adjacent buildings;
- c) a suitable transition in lot sizes, building forms and heights is provided from adjacent development;
- d) existing trees and vegetation will be retained and enhanced where possible and additional landscaping will be provided to integrate the proposed development with the existing neighbourhood;
- e) the proposed development will not create a traffic hazard or an unacceptable increase in traffic on local roads; and,
- f) significant views and vistas which help define a residential neighbourhood are preserved.

5.2.3.5 Accessory Apartments

One accessory apartment may be permitted in single detached dwellings, provided that:

- a) the apartment will comply with the Ontario Building and Fire Codes as well as applicable provisions of the Town's Zoning By-law and all other applicable law as required;
- b) adequate parking is available on the lot for both dwelling units;
- c) the second dwelling unit is designed and located in such a manner to not have an impact on the character of the surrounding neighbourhood; and,
- d) municipal water and wastewater facilities are adequate and available.

Accessory apartments shall not be subject to the density provisions of this Plan.

5.2.3.6 Garden Suites

Garden suites may be permitted in conjunction with a single detached dwelling, provided that:

- a) the suite is designed to be temporary;

- b) appropriate buffering and siting of the suite relative to adjacent properties is provided;
- c) adequate parking is available on the lot for both the single detached dwelling and the garden suite;
- d) a site-specific temporary use by-law is passed pursuant to the Planning Act;
- e) the applicant enters into an agreement with the Town which addresses site location, buffering and installation/removal and maintenance during the period of occupancy; and,
- f) municipal water and wastewater facilities are adequate and available.

5.2.3.7 Long-Term Care Facilities and Retirement Homes

Long term care facilities and retirement homes may be permitted subject to an amendment to the Implementing Zoning By-law and provided Council is satisfied that:

- a) the site has access and frontage onto an Arterial or Collector road as shown on Schedule E1 to this Plan;
- b) the site has adequate land area to accommodate the building, an outdoor amenity area, on-site parking and appropriate buffering such as setbacks, landscaping and fencing to ensure compatibility of the use with adjacent land uses;
- c) the use will not cause traffic hazards or an unacceptable level of congestion on surrounding roads; and,
- d) municipal water and wastewater facilities are adequate and available.

5.2.4 General Policies for all Residential Areas

5.2.4.1 Urban Design and Design For New Neighbourhoods in Urban Expansion Areas

All new development requiring a Planning Act approval shall conform to Section 7.7 (Urban Design) and Section 7.8 (Design For New Neighbourhoods in Urban Expansion Areas) of this Plan as appropriate.

5.2.4.2 Medium and High Density Residential Uses

New medium and high density residential development may be permitted in accordance with this Plan, provided it:

- a) is compatible with the character of adjacent residential neighbourhoods, in terms of height, massing and setbacks;
- b) will not cause traffic hazards or an unacceptable level of congestion on surrounding roads;

- c) can easily be accessed by public transit;
- d) is located in close proximity to community facilities, such as parks, schools and open spaces;
- e) is located on a site that has adequate land area to incorporate the building, on-site parking, an outdoor amenity area, and appropriate buffering such as setbacks, landscaping and fencing to ensure the compatibility of the use with adjacent land uses;
- f) takes advantage, where appropriate, of the topography and natural vegetation of the site and area in minimizing the impacts of tall buildings on adjacent land uses;
- g) is demonstrated that the potential shadow impacts associated with tall buildings will be at an acceptable level on adjacent properties; and,
- h) municipal water and wastewater services are adequate and available.

5.2.4.3 Pre-Zoning for Medium and High Density Residential Uses

Lands may be pre-zoned to permit medium and high density residential uses, as appropriate and may be a subject to a site plan control agreement before such lands are pre-zoned. In cases where lands are pre-zoned, the lands shall be subject to a Holding provision, with such a provision not being lifted until Council is satisfied that the conditions set out in Section 5.2.4.2 of this Plan have been met.

5.2.4.4 Home Occupations

Home Occupations are permitted in accordance with the following criteria:

- a) the use shall not have a negative impact on the enjoyment and privacy of neighbouring properties;
- b) the use is clearly secondary to the primary residential use in terms of floorspace utilization and is compatible with surrounding uses;
- c) the use is completely located within the principal residence of the person conducting the home occupation;
- d) the character of the dwelling as a private residence is preserved;
- e) adequate on-site parking facilities are provided for the use, in addition to the parking required for the principal use on the property, and such parking is provided in locations compatible with surrounding land uses;
- f) the use will not cause a traffic hazard; and,
- g) the signage advertising the use is to be designed and located in accordance with the Town's sign by-law.

The Implementing Zoning By-law shall further detail appropriate performance standards for home occupations.

5.2.4.5 Bed and Breakfast Establishments

Bed and breakfast establishments are permitted subject to Site Plan Control and the following criteria:

- a) the use shall not have a negative impact on the enjoyment and privacy of neighbouring properties;
- b) the use is secondary to the primary use of the dwelling as a residence and is compatible with surrounding uses;
- c) the bed and breakfast establishment must be the principal residence of the owner and operator;
- d) the character of the dwelling as a private residence is preserved;
- e) adequate parking facilities are available on the lot for the proposed use;
- f) the use will not cause a traffic hazard;
- g) the signage advertising the use is to be designed and located in accordance with the Town's sign by-law; and,
- h) municipal water and wastewater services are adequate and available.

The Implementing Zoning By-law shall further detail appropriate performance standards for Bed and Breakfast Establishments.

5.2.4.6 Day Nurseries and Local Institutional Uses

Day nurseries and local institutional uses which generally serve the needs of surrounding residential areas such as elementary schools, nursery schools, and places of worship, may be permitted subject to an amendment to the Implementing Zoning By-law and provided Council is satisfied that:

- a) the site has access and frontage onto an Arterial or Collector Road as shown on Schedule E1 to this Plan;
- b) the use is intended to serve and support surrounding residential areas and is not more appropriately located in the **Institutional** designation;
- c) the use is designed to complement the low density nature of the neighbourhood;
- d) the use will not cause any traffic hazards or an unacceptable level of congestion on surrounding roads;
- e) the site is large enough to accommodate the building, on-site parking, play areas, where required, and appropriate buffering such as setbacks, landscaping and fencing to ensure the compatibility of the use with adjacent land uses;

- f) the noise generated by the use will not adversely affect the enjoyment of neighbouring properties;
- g) the use will be a positive addition to the neighbourhood and will provide a service that is required by residents; and,
- h) municipal water and wastewater services are adequate and available.

5.2.5 Permitted Uses

Permitted uses in the **Urban Residential** designation are limited to:

- a) low density residential uses such as detached, semi-detached, duplex, townhouse and multiple dwellings;
- b) medium density residential uses such as townhouse, multiple and apartment dwellings;
- c) long term care facilities and retirement homes in accordance with Section 5.2.3.7;
- d) rooming, lodging and boarding houses;
- e) bed and breakfast establishments in accordance with Section 5.2.4.5;
- f) accessory apartments in accordance with Section 5.2.3.5;
- g) garden suites in accordance with Section 5.2.3.6;
- h) day nurseries and local institutional uses in accordance with Section 5.2.4.6;
- i) local commercial uses such as convenience stores which primarily serve the needs of area residents; and,
- j) home occupations in accordance with Section 5.2.4.4.

5.2.6 Special Residential Policies

- a) The area designated as Special Residential Policy*1 (SRP*1), west of County Road No. 10, south of Albert Street and north of Spring Creek, may also be used for recreational, or training centre purposes, associated with the automobile plant on lands to the south. Such uses shall be subject to Site Plan Control.
- b) The area designated as “Special Residential Policy*3 (SRP*3)”, located on Part Lot 1, 51R-15655 and Parts 1, 2 and 3 on 51R-20339, municipally known as 23 Albert Street South, formerly Tottenham (Municipal Roll No. 43-24-050-001-031-00-0000), is permitted to have a maximum density of 89 units per gross hectare.

5.3 URBAN COMMERCIAL

5.3.1 Objectives

It is the objective of this Plan to:

- a) encourage commercial development that will provide a full range of goods and services, at appropriate locations, to meet the needs of the Town's residents, employees, businesses and visitors;
- b) improve the look, feel and vibrancy associated with the built form and public realm;
- c) encourage and promote development that combines commercial, residential and other land uses to facilitate the more efficient use of urban land and the establishment of a human-scale pedestrian environment;
- d) promote the efficient use of existing and planned infrastructure by creating the opportunity for various forms of commercial and residential intensification, where appropriate;
- e) establish a comprehensive set of design policies that foster the establishment of an urban environment that is safe, accessible, functional and attractive; and,
- f) ensure that all new development is compatible with adjacent development.

5.3.2 Location

The Urban Commercial Areas are divided into the following land use designations as shown on Schedules B1, B2 and B3:

- a) Downtown Core Commercial;
- b) Downtown Core Transitional;
- c) Corridor Commercial; and,
- d) Major Commercial.

5.3.3 Need for Market Impact Studies

If an amendment to this Plan or the implementing Zoning By-law is required to permit the development of new commercial uses, Council may require the preparation of a market impact study. The purpose of the market impact study shall be to determine whether a proposal can proceed on the basis of market demand without having a negative impact on the planned function of the commercial designations contained in this Plan. It would not be the intent of the study to assess the impacts of any proposal on the market share of an individual business or interfere with normal market competition.

In order to implement this policy, the implementing Zoning By-law shall restrict the size of commercial uses in each of the appropriate commercial zones, as required.

5.3.4 Urban Design

It is the intent of this Plan to improve the vibrancy and aesthetics of all commercial areas in the Town. On this basis, the approval of any development proposal pursuant to the Planning Act will be dependent on Council being satisfied that:

- a) improvements to the aesthetics of the public realm (roads, parks, and sidewalks) will occur as a condition of development, or will be made possible as a result of the development, as appropriate;
- b) the siting, scale and massing of buildings contributes to a safe and attractive pedestrian environment and streetscape;
- c) parking facilities are designed to not dominate the streetscape; and,
- d) landscaping is used to buffer adjacent uses and improve the overall aesthetics of the development.

All new development requiring a Planning Act approval shall conform to Section 7.7 (Urban Design) of this Plan as appropriate.

In addition to the above, the Implementing Zoning By-law shall contain provisions relating to building siting, location and massing to implement these same urban design policies.

5.3.5 Designations

5.3.5.1 Downtown Core Commercial

5.3.5.1.1 Objectives

It is the intent of this Plan to:

- a) maintain and promote the Downtowns as the focal point for commerce and hospitality;
- b) encourage development in the Downtowns which capitalizes on expected growth in the area;
- c) encourage the development of a mix of uses to enhance the character of the Downtowns;
- d) encourage streetscape and façade improvements that revitalize the cultural and historic character of the Downtowns; and,
- e) establish a definitive boundary for the Downtowns, within which a mixed use, pedestrian-oriented environment can be fostered.

5.3.5.1.2 Location

The **Downtown Core Commercial** designation as shown on Schedules B1, B2 and B3 and applies to the downtown commercial districts in Alliston, Tottenham and Beeton.

5.3.5.1.3 Permitted Uses

Permitted uses in the **Downtown Core Commercial** designation include:

- a) Business offices;
- b) Clinics and health care facilities;
- c) Day nurseries;
- d) Entertainment uses;
- e) Financial institutions;
- f) Funeral homes;
- g) Hotels, inns and bed and breakfast establishments;
- h) Medium and high density residential uses;
- i) Personal service uses;
- j) Places of worship and other institutional uses;
- k) Private and commercial schools;
- l) Restaurants and take-out restaurants, but not including any Restaurant with a drive-through service facility;
- m) Retail uses; and,
- n) Service uses.

5.3.5.1.4 **The Vision for the Downtown Core Commercial**

It is a policy of this Plan that the scale and location of new development in the Downtowns maintain and/or enhance the existing character of the Downtown areas. This will be accomplished by encouraging:

- a) the development of diverse, compatible land uses in close proximity to each other;
- b) the maximum use of existing buildings in the Downtowns to accommodate a wide range of uses, with an emphasis on using upper level space for offices, residential and accommodation uses;
- c) the establishment and maintenance of a streetscape that is pedestrian oriented;
- d) the preservation and enhancement of the cultural and historic features that exist in the Downtowns;
- e) partnerships and collaboration between the Town and service delivery groups such as Downtown Improvement Areas, Business Associations, the Chamber of Commerce

and/or Local Heritage Committees; and,

- f) the physical and aesthetic improvement of the Downtown areas through their designation as community improvement plan areas.

5.3.5.1.5 Development Policies

5.3.5.1.5.1 New Lots Created by Consent

- a) The creation of new lots by consent to sever may be permitted, provided the consent is in keeping with the objectives of this Plan and does not unduly fragment the land base of the Downtowns to make it more difficult to accommodate usable building space.
- b) Consents which will result in the demolition of buildings which are historically significant will not be permitted.
- c) In addition, the effect of any consent on public or private access and emergency service access to the affected lot(s) and other lots in the area will need to be considered to ensure that this access, if appropriate, will be maintained or provided by other means.
- d) Land assembly that has the effect of increasing the frontage of any existing lot by 25% is discouraged by this Plan unless it can be demonstrated that the existing relationship between the built form and the street frontage along the street is generally maintained. This means that the width of any new or enlarged façade should not generally exceed the width of the existing façades on as a consequence of a land assembly application.
- e) In a circumstance where no *Planning Act* approvals are required for a land assembly, the implementing zoning by-law will preclude the establishment of a built form that is not consistent with the existing built form and façade relationship with the street line.

5.3.5.1.5.2 New Development and Redevelopment Policies

The following policies are intended to guide proposals for new development or redevelopment in the **Downtown Core Commercial** designation:

- a) In order to maintain a consistent façade, the maximum height of new buildings immediately adjacent to the main street shall be 3 to 4 storeys. Greater heights may be permitted provided that they are setback from the street or tiered in height to minimize their visual and shadowing impact on streets and public areas.
- b) Where a building exhibits a historical character or identity, any development proposal requiring a *Planning Act* approval may require the proponent to restore or enhance the building façade in order to maintain the architectural character and identity of the Downtown in accordance with the following guidelines:
 - i. Original architectural details and features should be restored;
 - ii. Where an existing building lacks significant architectural detail or a new building is to be built on a vacant lot, the façade should be representative of or consistent with adjacent architectural styles;

- iii. Building materials which are not in keeping with the architectural character of the Downtown will be discouraged;
 - iv. Appropriate signage and lighting in accordance with the developed community is preferred over fluorescent sign boxes; and,
 - v. The façade should incorporate broad window treatments at street level to maintain an open, pedestrian friendly environment.
- c) In order to provide guidance to proponents in the **Downtown Core Commercial** designation, Council will prepare an urban design manual to articulate the Town's expectations for development in the Downtowns.
 - d) New development and redevelopment will be subject to Site Plan Control.
 - e) No outside storage shall be permitted. The location of waste disposal areas shall be controlled through the implementing zoning by-law to minimize their visual impact.
 - f) The outdoor display and sales of goods and materials associated with retail uses is encouraged to improve the vibrancy of the downtowns.

5.3.5.1.5.3 Residential Uses

In the downtowns of Alliston, Beeton and Tottenham, new medium and high density free-standing residential buildings, housing for seniors in the form of retirement homes and long term care facilities, apartments as well as small-scale inns are permitted at street level within the **Downtown Core Commercial** designation. Such uses are permitted, subject to a rezoning, provided Council is satisfied that:

- a) the proposed use will enhance the Downtown;
- b) parking areas for the use are not located at the front of the building;
- c) if the building fronts on Victoria Street in Alliston, Main Street in Beeton or Queen Street in Tottenham, a portion of the first storey adjacent to the streetline is used for non-residential uses; and,
- d) the building is designed to blend with and complement adjacent buildings.

5.3.5.1.5.4 Parking

Parking in the Downtowns shall be comprised of a combination of private and public parking facilities. The provision of adequate and convenient off-street parking is recognized as a necessity in the promotion and enhancement of the Downtowns. To this end Council shall encourage the coordination of existing parking facilities including the linkage of driveways and lanes for parking purposes. To the extent possible, new parking facilities shall be coordinated and linked with existing parking facilities.

Where a new use cannot accommodate the Town's parking requirement, the Town may accept cash-in-lieu in accordance with the Town's cash-in-lieu by-law.

5.3.5.1.5.5 Public Realm

- a) Victoria Street in Alliston, Main Street in Beeton and Queen Street in Tottenham are planned to continue to function as arterial roads providing access to and from and through the Downtowns. However, in addition to accommodating motor vehicles, equal emphasis shall be placed on accommodating future public transit, bicycles and pedestrians wherever possible.
- b) In order to provide the basis over the continuing upgrading of the public realm, the Town shall prepare a public realm sustainable design element plan that will, when completed, assist in the review of development applications. Sustainable design elements include trees, shrubs, hedges, planting and other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers and bicycle parking facilities.
- c) Any development that has the effect of increasing the amount of floor space on a lot by more than 25% beyond which existed on the date OPA 42 came into effect may be required to provide certain sustainable design elements as a condition of Site Plan Approval.
- d) Every effort will be made to establish a distinctive public realm in this area that has the effect of attracting new development and reducing the impact of the motor vehicle on the character of the area. In order to implement this intent, special pavement treatments, unique street furniture and signage shall be established in the Downtowns.
- e) The encroachment of patios for restaurants in the Downtowns is encouraged and permitted within the municipal right-of-way. Encroachments for the purposes of providing areas for the outdoor display and sale of goods related to a business is also encouraged, provided the scale and extent of the encroachment does not affect pedestrian/vehicular movement in the area.

5.3.5.1.6 Enhancements to Existing Buildings

All development proposals requiring a Planning Act approval may be required to restore or enhance their building façade in order to maintain the architectural character and identity of the **Downtown Core Commercial** designation in accordance with the following guidelines:

- a) Original architectural details and features should be restored.
- b) Where an existing building lacks significant architectural detail or a new building is to be built on a vacant lot, the façade should be representative of or consistent with surrounding architectural styles.
- c) Building materials that are not in keeping with the architectural character of the Downtown will be discouraged.
- d) Traditional signage and lighting is preferred over fluorescent sign boxes and corporate signage.
- e) Façades should incorporate broad window treatments at street level to maintain an open, pedestrian friendly environment.

5.3.5.2 Downtown Core Transitional

5.3.5.2.1 Objectives

It is the intent of this Plan to:

- a) Reinforce the importance of the **Downtown Core Commercial** designation by identifying a complementary area for transitional commercial growth and development related to the Downtowns;
- b) Protect the residential character of the areas adjacent to the Downtowns;
- c) Establish a definitive boundary for the **Downtown Core Transitional** designation, within which small scale commercial uses will be permitted; and,
- d) Ensure that all new development in the **Downtown Core Transitional** designation contributes to the character and identity of the Downtowns.

5.3.5.2.2 Location

The **Downtown Core Transitional** designation as shown on Schedules B1, B2 and B3 applies to lands adjacent to the **Downtown Core Commercial** designation.

5.3.5.2.3 Vision for the Downtown Core Transitional Area

It is the intent of this Plan that the **Downtown Core Transitional** designation function as primarily a residential area adjacent to the **Downtown Core Commercial** where small scale non-residential development which supports the function of the **Downtown Core Commercial** designation is permitted. A further intent is that this area be the site of businesses and commercial uses that can utilize existing buildings and be supportive of the mixed-use, pedestrian oriented focus of the Downtown.

5.3.5.2.4 Permitted Uses

Permitted uses in the **Downtown Core Transitional** designation include:

- a) Business offices;
- b) Clinics and health care facilities;
- c) Hotels, inns and bed and breakfast establishments;
- d) Long term care and retirement homes;
- e) Low, medium and high density residential uses;
- f) Places of worship and other institutional uses such as schools and community centres;
- g) Private and commercial schools;
- h) Retail uses;

- i) Restaurants, and take out restaurants but not including any restaurant with a drive-through service facility; and,
- j) Service uses.

5.3.5.2.5 Development Policies

5.3.5.2.5.1 New Lots Created by Consent

- a) The creation of new lots by consent to sever may be permitted, provided the consent will not result in the demolition of buildings which are historically significant.
- b) Land assembly that has the effect of increasing the frontage of any existing lot by 25% is discouraged by this Plan unless it can be demonstrated that the existing relationship between the built form and the street frontage along the street is generally maintained. This means that the width of any new or enlarged façade should not generally exceed the width of the existing façades on as a consequence of a land assembly application.
- c) In a circumstance where no Planning Act approvals are required for a land assembly, the implementing zoning by-law will preclude the establishment of a built form that is not consistent with the existing built form and façade relationship with the street line.

5.3.5.2.5.2 Use of Existing Buildings

To maintain the primarily residential character of the area, the use of existing buildings for residential, office and commercial uses shall take precedence over the replacement of existing buildings. In order to implement this policy, the implementing Zoning By-law shall limit permitted uses on developed lots to only buildings that existed on the date the by-law comes into effect. In addition, the implementing zoning by-law shall limit the floor area that can be utilized for non-residential uses.

5.3.5.2.3 Development Policies

The development of new buildings or additions for commercial, office and multi-unit residential uses on a lot shall be subject to an amendment to the implementing zoning by-law and will be subject to Site Plan Control. Prior to considering an application for Official Plan Amendment, re-zoning and/or Site Plan approval, Council shall be satisfied that:

- a) Adequate parking and loading facilities are provided on the site and located away from the front yard or suitably screened from public streets;
- b) The scale of the proposed use does not detract from the residential character of the area;
- c) The new or redeveloping uses incorporate landscaping to enhance the site and surrounding area;
- d) Traffic impacts caused by ingress and egress can be minimized;
- e) The proposed use can be graded to control storm water; and,

Where a proposed use abuts or is in close proximity to an existing residential use, fencing, landscaping, berming or a combination of these design elements will be utilized to ensure that there is adequate screening between the uses.

5.3.5.3 Corridor Commercial

5.3.5.3.1 Objectives

It is the intent of this Plan to:

- a) provide commercial lands in appropriate locations;
- b) ensure that access to new or expanding commercial corridor development in the Town is coordinated and safe;
- c) ensure that new commercial corridor development occurs in an orderly manner and is provided with appropriate sanitary sewer and water services; and,
- d) ensure that new commercial corridor uses are attractively designed.

5.3.5.3.2 Location

The **Corridor Commercial** designation as shown on Schedules B1, B2 and B3 to this Plan and applies primarily to lands located at the gateways to the Alliston, Beeton and Tottenham urban areas.

5.3.5.3.3 Permitted Uses

Permitted uses on lands designated **Corridor Commercial** include:

- a) Business offices;
- b) Commercial fitness centres;
- c) Day nurseries;
- d) Entertainment uses;
- e) Financial institutions;
- f) Funeral homes;
- g) Hotels, motels and inns;
- h) Private and commercial schools;
- i) Restaurants and take out restaurants;
- j) Retail uses; and,
- k) Service uses.

5.3.5.3.4 Conditional Permitted Uses

- a) The following uses may be permitted subject to a zoning by-law amendment and subject to Section 5.3.5.3.6:
- i. auto body shops if associated with a motor vehicle sales establishment;
 - ii. auto sales dealerships;
 - iii. banquet halls, trade and convention centres;
 - iv. drive through service facilities in association with any use, provided the facility is set back an appropriate distance from residential areas;
 - v. medium and high density residential uses;
 - vi. motor vehicle service stations and car washes;
 - vii. retail uses requiring outdoor storage or display of merchandise; and,
 - viii. storage facilities.

5.3.5.3.5 Form of Development

It is the intent of this Plan that development within the **Corridor Commercial** designation be comprehensively planned to ensure that servicing and access can be adequately addressed. In this regard the establishment of new **Corridor Commercial** uses shall be planned in conjunction with other uses to consolidate required access onto arterial roadways.

5.3.5.3.6 Development Policies

New uses requiring an Amendment to the implementing By-law and all new development will be subject to Site Plan Control. Prior to considering such an application, Council shall be satisfied that:

- a) Adequate parking and loading facilities are provided on the site;
- b) Where uses are proposed at the entrance points to a settlement area, such uses are designed to provide or maintain a desirable gateway to the community;
- c) New or redeveloping uses incorporate landscaping to enhance the site and surrounding area;
- d) Outdoor storage areas are substantially screened from view from passing traffic;
- e) Parking areas are oriented to the rear or side of the lot so the primary building can be brought closer to the road;
- f) The number of individual access points are minimize through the use of shared access whenever possible; and,

- g) Where a proposed use abuts or is in close proximity to an existing residential use, fencing, landscaping, berming or a combination of these design elements will be utilized to ensure that there is adequate screening between the uses.

5.3.5.3.6.1 Relationship between the **Corridor Commercial** and the **Downtown Core Commercial** and **Major Commercial** designations

As noted in Section 5.3.5.1 of this Plan, the **Downtown Core Commercial** area is intended to function as the primary retail, commerce and service focal point in each of the urban areas of Beeton, Alliston and Tottenham. As well, the **Major Commercial** designation is intended to be the focus for large retail uses with a regional focus. On this basis, applications to develop large retail uses in the **Corridor Commercial** designation shall not be permitted unless appropriate studies to assess the impact of the proposed use on other similar uses in the **Downtown Core Commercial** and the planned function of the **Major Commercial** designation are completed.

5.3.5.4 Major Commercial

5.3.5.4.1 Objectives

It is the intent of this Plan to:

- a) provide commercial lands in appropriate locations in the Town to primarily serve regional needs for retail goods;
- b) ensure that access to new or expanding large-scale commercial development in the Town is coordinated and safe; and,
- c) ensure that large scale retail uses are consolidated and attractively designed.

5.3.5.4.2 Location

The Major Commercial designation as shown on Schedule B1 to this Plan and applies to lands located at the western gateway to Alliston north of Highway 89 (Young Street) and to lands located at the eastern gateway to Alliston at the southeast corner of Highway 89 and County Road 10.

5.3.5.4.3 Permitted Uses

Permitted uses on lands designated Major Commercial include:

- a) Banquet halls;
- b) Business offices;
- c) Commercial fitness centres;
- d) Day nurseries;
- e) Entertainment uses;

- f) Financial institutions;
- g) Funeral homes;
- h) Hotels, motels and inns;
- i) Private and commercial schools;
- j) Restaurants and take out restaurants;
- k) Retail uses;
- l) Service uses; and,
- m) Trade and convention centres.

5.3.5.4.4 Conditional Permitted Uses

The following uses may be permitted subject to a zoning by-law amendment which ensures matters outlined in Sections 5.2.4.2 and 5.3.5.4.7 are addressed to Council's satisfaction:

- a) medium and high density residential uses; and
- b) motor vehicle service stations and car washes.

5.3.5.4.5 Form of Development

The **Major Commercial** Area designation identifies an existing area of retail uses designed to serve regional needs. Given the existing commercial development within the designation it is anticipated that commercial expansion within this area will generally be limited to additions or infilling buildings. Additions and new buildings for commercial and medium and high density residential uses may be permitted without amendment to this Plan. However, a proposal to expand the **Major Commercial** beyond that designated on Schedule B1 shall require an amendment to the Official Plan.

5.3.5.4.6 Size of Retail Use

In order to support the planned function of the **Downtown Core Commercial** designation, retail uses in the **Major Commercial** designation shall generally not have floor areas of less than 300 square metres.

5.3.5.4.7 Development Policies

All development is subject to Site Plan Control. Prior to considering such an application, Council shall be satisfied that:

- a) Adequate parking and loading facilities are provided on the site;
- b) Where commercial uses are proposed at the entrance points to a settlement area, such uses are designed to provide or maintain a desirable gateway to the community.

- c) New or redeveloping uses incorporate landscaping to enhance the site and surrounding area;
- d) Outdoor storage areas are substantially screened from view from passing traffic;
- e) The visual impact of expansive parking areas from adjacent streets is reduced through the placement of buildings and landscaping features;
- f) The proposed use can be serviced with an appropriate water supply and means of sewage disposal; and,
- g) Where a proposed use abuts or is in close proximity to an existing residential use, fencing, landscaping, berming or a combination of these design elements will be utilized to ensure that there is adequate screening between the uses.

5.4 URBAN EMPLOYMENT

5.4.1 Objectives

It is the objective of this Plan to:

- a) ensure that there are sufficient lands available for the creation of diverse employment opportunities at strategic locations;
- b) ensure that the Town is positioned to accommodate new and expanded business activities that provide jobs to local residents;
- c) streamline the approval process for the development and expansion of employment uses;
- d) improve the look, feel and vibrancy associated with the built form and public realm;
- e) encourage and promote development that combines a mix of employment uses and supporting uses to facilitate the more efficient use of urban land and the establishment of a human-scale pedestrian environment;
- f) promote the efficient use of existing and planned infrastructure by creating the opportunity for various forms of intensification, where appropriate;
- g) establish a comprehensive set of design policies that foster the establishment of an urban environment that is safe, functional and attractive; and,
- h) ensure that all new development is compatible with adjacent development.

5.4.2 Location

The **Urban Employment** area is divided into the following designations as shown on Schedules B1, B2 and B3:

- a) **Employment Area One**
- b) **Employment Area Two**

5.4.3 Urban Design

It is the intent of this Plan to improve the vibrancy and aesthetics of all Employment areas in the Town. On this basis, the approval of any development proposal pursuant to the Planning Act will be dependent on Council being satisfied that:

- a) improvements to the aesthetics of the public realm (roads, parks, and sidewalks) will occur as a condition of development, or will be made possible as a result of the development, as appropriate;
- b) the siting, scale and massing of buildings contributes to a safe and attractive pedestrian environment and streetscape;
- c) parking facilities are designed to not dominate the streetscape; and,
- d) landscaping is used to buffer adjacent uses and improve the overall aesthetics of the development.

All new development requiring a Planning Act approval shall conform to Section 7.7 (Urban Design) of this Plan as appropriate.

In addition to the above, the Implementing Zoning By-law shall contain provisions relating to building siting, location and massing to implement these same urban design policies.

5.4.4 Employment Land Conversion

Amendments to this Plan that have the effect of reducing the extent of any **Employment Area** designation can only be considered at the time of a Comprehensive Review as defined by this Plan. The intent of this policy is to ensure that an adequate supply of employment land for a wide variety of employment uses is available at all times in the Town. In considering a request to remove lands from an **Employment Area** designation, it shall be demonstrated that:

- a) There is a need for the conversion;
- b) The Town will meet the employment forecasts allocated to the Town;
- c) The conversion will not adversely affect the overall viability of the Employment Area, and achievement of the intensification target and density targets established by this Plan;
- d) There is existing or planned infrastructure to accommodate the proposed conversion;
- e) The lands are not required over the long term for the employment purposes for which they are designated;
- f) The subject lands are better suited, from a land use compatibility perspective, for alternative uses;

- g) The conversion will not provide the basis for further employment area conversions in the future; and,
- h) The proposed use serves a greater long term public interest than employment uses.

Notwithstanding the above, the redesignation of employment lands to the EP1 or EP2 designation is not considered to be an employment land conversion and is not required to be supported by a Comprehensive Review as defined by the Provincial Policy Statement. Employment Areas One and Two are employment areas for the purpose of policies 2.2.6.2(c) and 2.2.6.5 of the Growth Plan.

5.4.5 Designations

5.4.5.1 Employment Area One

5.4.5.1.1 Objectives

It is the objective of this designation to:

- a) encourage the establishment of higher density employment uses in the Town;
- b) enhance the role of the Town as a net provider of jobs in the Region; and,
- c) establish preferred locations for major office and related and supporting uses can be developed.

5.4.5.1.2 Location

The **Employment Area One** designation is shown on Schedule B1. Future Employment Area One locations will be established either through a future Secondary Plan process when additional lands are added to the urban area or by an Official Plan Amendment.

5.4.5.1.3 The Vision for the Employment Area One designation

It is the intent of this Plan that the lands within the **Employment Area One** designation be a regional centre for high profile major employment uses that require exposure along major roads series highways. In addition, lands within this designation are intended to the focus of higher density employment uses that assist in ensuring that a wide range of job opportunities are available in the Town.

5.4.5.1.4 Permitted Uses

Permitted uses within the **Employment Area One** designation are limited to:

- a) business and professional offices in free-standing buildings;
- b) computer, electronics and data processing facilities;
- c) research and development facilities;

- d) printing and associated service establishments;
- e) trade and convention centres;
- f) hotels;
- g) limited commercial uses which are ancillary to the main permitted industrial uses, such as take-out or full-service restaurants, financial institutions, convenience stores, and commercial fitness centres, provided they are integrated with or included within office buildings, hotels or trade and convention centres;
- h) post secondary educational institutions; and,
- i) multi-use buildings, containing one or more of the uses permitted in this designation.

5.4.5.1.5 Specific Development and Redevelopment Policies

The following policies are intended to guide proposals for new development in the **Employment Area One** designation.

- a) The planned built form characteristics for this designation encourage the development of a wide variety of building forms, generally mid rise in height, but with higher buildings depending on location. All buildings are intended to have a strong street presence. On this basis, below are the design and built form criteria that shall be applied:
 - i. Buildings should be located on or close to the street line and massed at intersections to establish a strong street edge.
 - ii. Where parking areas are provided, they shall be designed and located in a manner to minimize the visual impact on major roads.
- b) A Secondary Plan shall be prepared to the satisfaction of the Town for each defined **Employment Area One** area. The Secondary Plan shall include:
 - i. a detailed overall land use plan, identifying the location of all of the proposed uses;
 - ii. a detailed phasing plan that describes the sequencing of development and the timing of any infrastructure improvements;
 - iii. a plan showing the location of any future public lands that may be dedicated to the Town as part of the approval process;
 - iv. the proposed built-form of the development including type, height, and architectural treatments;
 - v. the location of appropriate access points onto the abutting road network;
 - vi. the location of pedestrian, vehicular and service circulation and access and parking areas in the context of the overall parking management strategy; and,

- vii. Urban Design Guidelines, proposed streetscape components and the location of proposed landscaping.

5.4.5.2 **Employment Area Two**

5.4.5.2.1 Objectives

It is the objective of this designation to:

- a) ensure that existing businesses are retained;
- b) encourage and facilitate the expansion and redevelopment of existing employment uses;
- c) provide for the development and expansion of large scale warehouse and transportation terminal type uses;
- d) provide for the development and expansion of industrial uses that include an outdoor storage component; and,
- e) enhance the role of the Town as a net provider of jobs in the Area.

5.4.5.2.2 Location

The **Employment Area Two** designation as shown on Schedules B1, B2 and B3 generally applies to lands away from major roadways where large scale uses sometimes involving an outdoor component are permitted or where such uses have long been established in the Town.

5.4.5.2.3 The Vision for the **Employment Area Two** designation

It is the intent of this Plan that the lands within the **Employment Area Two** designation be the site of a range of employment uses in the form of industrial uses, warehouse uses and transportation terminals that may involve outdoor storage.

5.4.5.2.4 Permitted Uses

Permitted uses within the **Employment Area Two** designation are limited to:

- a) computer, electronics and data processing facilities;
- b) research and development facilities;
- c) printing and associated service establishments;
- d) industrial uses;
- e) warehouses and transportation terminals;
- f) business and professional offices that are a component of or are accessory to the uses listed in sub-sections a), b), c), d) and e); and,

- g) multi-use buildings, containing one or more of the uses permitted in this designation and/or business and professional offices.

5.5 INSTITUTIONAL

5.5.1 Objectives

It is the objective of this designation to:

- a) recognize and permit major institutional uses which serve the needs of the community; and,
- b) ensure that major institutional uses are properly planned and located to complement adjacent land uses.

5.5.2 Location

The **Institutional** designation, as shown on Schedules B1, B2 and B3 to this Plan, apply to larger institutional uses that were in existence or approved on the date this Plan was adopted by Council.

5.5.3 Permitted Uses

Permitted uses in the **Institutional** designation include:

- a) secondary schools;
- b) long term care facilities;
- c) hospitals;
- d) places of worship;
- e) government buildings and similar uses; and,
- f) day nurseries.

5.5.4 Development Policies

The development of any new **Institutional** use shall require an Amendment to the Official Plan and Zoning By-law and shall be subject to Site Plan Control. Expansions to existing uses on lands that are already within the **Institutional** designation may require an amendment to the implementing Zoning By-law and shall be subject to Site Plan Control.

Before considering an Amendment to the Official Plan (if required) and Zoning By-law, Council shall be satisfied that:

- a) the development is located on and accessed by an Arterial or Collector Road as shown on Schedule E1 to this Plan;
- b) the development will not cause any traffic hazards or an unacceptable level of congestion on surrounding roads;
- c) the site is large enough to accommodate the building, landscaping, on-site parking and appropriate buffering; and,
- d) the development is compatible with surrounding land uses.

5.6 URBAN OPEN SPACE

5.6.1 Objectives

It is the objective of this designation to:

- a) ensure that the use and development of major parks and open space lands is consistent with the objectives of this Official Plan;
- b) ensure that all major parks and open space lands are used in a manner that reflects their capacity for public use;
- c) ensure that the impacts of the use of major parks and open space lands on adjacent land uses and the character of the surrounding neighbourhood are minimized; and,
- d) ensure that the residents of the Town have access to a properly planned and accessible public open space network.

5.6.2 Location

The **Urban Open Space** designation as shown on Schedules B1, B2 and B3 to this Plan and applies to Community Parks and major public recreational facilities, which function as major active and/or passive recreational areas in the Town.

5.6.3 Permitted Uses

Permitted uses in the **Urban Open Space** designation are limited to:

- a) Community centres;
- b) Passive and active recreational uses; and,
- c) Cemeteries.

5.6.4 Land Use Policies

5.6.4.1 Comprehensive Planning

Each parcel of land designated **Urban Open Space** shall be planned to both accommodate public use and minimize the impacts of that public use on the

environment and adjacent residential areas. The development of additional parking areas, community facilities and other infrastructure should be carried out in a manner that protects and enhances any adjacent natural heritage features and functions in accordance with the recommendations contained in an Environmental Impact Study.

The development of new major parks shall be conditional upon the preparation of a Council approved Master Plan that assesses:

- a) the potential arrangement of uses, activities and facilities on the site;
- b) the preservation/incorporation of existing features;
- c) the adequacy and location of parking on the site;
- d) the need for public washroom and change room facilities in the area;
- e) the adequacy of the road network and site servicing in the area; and,
- f) the means by which pedestrian movement in the area can be accommodated in a safe manner through neighbourhood linkages, clear sightlines, visibility and lighting.

5.6.4.2 Cemeteries

Cemeteries and accessory uses such as crematoriums, columbariums and mausoleums are permitted in the **Urban Open Space** designation subject to the policies of this Section:

- a) Cemeteries and related facilities shall be sited to minimize conflicts with adjacent existing and planned land uses and transportation systems.
- b) Proposals for new public cemeteries, or the enlargement of existing public cemeteries, may be considered, provided that:
 - i. the cemetery can be accessed by roads that are designed to accommodate high volumes of traffic in short periods of time;
 - ii. adequate off-street parking and an appropriate internal traffic circulation system are provided;
 - iii. the tree planting and landscaping on the site is designed to complement the plot plan, the existing contours and the use of abutting lands; and,
 - iv. appropriate hydrogeological studies have been completed which indicate that the public cemetery will not have a negative impact on the quality and quantity of groundwater and surface water in the surrounding area.

5.7 Oak Ridges Moraine Tottenham Rural Settlement Area

5.7.1 Purpose and Definitions

- a) The Oak Ridges Moraine **Tottenham Rural Settlement Area** is part of the Oak Ridges Moraine Countryside Area.

5.7.2 General Policies

- a) It is the Policy of the Town to permit development in accordance with the land use designations shown on Schedule B3 of the Official Plan and Schedule 1 of the Tottenham Secondary Plan and the applicable provisions of the Official Plan.

5.7.3 Permitted Uses

- a) Notwithstanding the permitted uses in the Oak Ridges Moraine Countryside Area designation, it is the policy of this Plan to permit all of the land uses permitted by the designations on Schedule B3 and on Schedule 1 to the Tottenham Secondary Plan including new lots through infilling, subject to the applicable policies of the Plan that apply to the land use and Sections 4.5, 4.5.10.6 (h)(i) and (ii) and 4.5.10.7 (f) of this Plan.
- b) Notwithstanding Section 5.7.3 a), nothing in this Plan or in the Oak Ridges Moraine Conservation Plan, applies to prevent a use or the erection or location of a building or structure on lands shown on Schedule D1 of the Official Plan as “Oak Ridges Moraine Tottenham Rural Settlement Area” if,
 - i. The use, erection and location was permitted in the zoning by-law on November 15, 2001;
 - ii. The use, erection and location was permitted by the official plan and zoning by-laws as amended in accordance with Sections 9 and 10 of the Oak Ridges Moraine Conservation Act, although they do not comply with subsections 19(2) and 31(3) of the Oak Ridges Moraine Conservation Plan;
 - iii. The application conforms to Sections 28 and 29 and subsections 45(7) and (8) and section 47 of the Oak Ridges Moraine Conservation Plan; and
 - iv. The applicant demonstrates, to the extent possible, that the use, erection or location will not *adversely affect* the *ecological integrity* of the Plan Area.
- c) Notwithstanding 5.7.3 (a) and (b), nothing in this plan or the Oak Ridges Moraine Conservation Plan shall prevent the development of the lands comprising Part of Lot 6, Concession 3 in accordance with the June 3, 1998 Ontario Municipal Board approval of draft Approved Plan of Subdivision 43T-95017. The OMB's approval of the application included development on the basis of full municipal services at urban densities.

5.7.4 Transportation, Infrastructure and Utilities

Transportation, infrastructure and utilities are permitted in all Oak Ridges Moraine land use designations subject to Section 41 of the Oak Ridges Moraine Conservation Plan and shall not be approved in key natural heritage features and hydrologically sensitive features, unless the provisions of Section 41 of the Oak Ridges Moraine Conservation Plan have been met, including demonstration of the need for the project. Need for a project will typically be assessed and included as part of an *Environmental Assessment*

Act process. If such a process does not apply, the requirements of Section 41 will be met through the *Planning Act*, *Condominium Act*, *Local Improvement Act* processes, or other applicable approval processes.

5.8 SPECIAL STUDY AREA

5.8.1 Objectives

It is the objective of this designation to:

- a) identify lands for which additional study is required to determine its ultimate land use; and,
- b) establish the process by which these lands will be designated for development in the Official Plan.

5.8.2 Location

The **Special Study Area** designation as shown on Schedules B1, B2 and B3 to this Plan applies to lands within the Settlement Area that are to be developed for urban land uses, subject to further study.

5.8.3 Permitted Uses

Permitted Uses in the **Special Study Area** designation are limited to non-intensive agricultural uses and uses which existed on the date that OPA 42 came into effect.

5.8.4 Land Use Policies

The determination of an appropriate *land use* designation for lands within the **Special Study Area** designation shall be made based on the results of further study. This further study may take the form of a Secondary Plan, or can be considered in the context of a development application or a Town-initiated Comprehensive Review as defined by the Provincial Policy Statement. The redesignation of the lands to another urban land use category is not required for development to occur. Instead, the lands can be zoned for residential, commercial, employment or other urban land uses in accordance with the approval of appropriate land use studies. The actual designation of the lands will be amended by the Town through an Official Plan review or other update.

6.0 NON-URBAN LAND USE POLICIES

6.1 INTRODUCTION

This Section of the Official Plan contains the land use policies that apply to lands outside of the settlement areas and which has been divided into the following broad land use categories as shown on Schedule A to this Plan:

- a) Agricultural
- b) Rural
- c) Country Residential
- d) Rural Open Space
- e) Hamlet
- f) Mineral Aggregate Resources
- g) Major Recreation
- h) Oak Ridges Moraine Countryside Area

6.2 AGRICULTURAL

6.2.1 Objectives

It is the objective of this designation to:

- a) recognize agriculture as the primary activity and land use;
- b) maintain and preserve the agricultural resource base of the Town;
- c) protect land suitable for agricultural production from fragmentation, development and land uses unrelated to agriculture;
- d) promote the agricultural industry and associated activities and enhance their capacity to contribute to the economy of the Town; and,
- e) preserve and promote the agricultural character of the Town and the maintenance of the countryside as an open space area.

6.2.2 Location

The **Agricultural** designation as shown on Schedule A to this Plan applies to lands where prime agricultural lands predominate. These are lands that are considered to be a prime agricultural area as defined by this Plan. The **Agricultural** designation primarily consists of lands that are Class 1, 2 or 3 soils according to the Canada Land Inventory.

6.2.3 Permitted Uses

Permitted uses in the **Agricultural** designation are limited to:

- a) agricultural uses;

- b) single detached dwellings;
- c) accessory residential uses on farm properties subject to Section 6.2.4.4 of this Plan;
- d) bed and breakfast establishments subject to Section 6.2.4.5 of this Plan;
- e) home occupations subject to Section 6.2.4.6 of this Plan;
- f) home industries and other secondary uses subject to Section 6.2.4.7 of this Plan;
- g) forest, wildlife and fisheries management;
- h) watershed management and flood and erosion control projects carried out or supervised by a public agency;
- i) agriculture related uses, farm produce outlets and other uses on a commercial farm subject to Section 6.2.4.8 of this Plan;
- j) uses involving the processing of agricultural products;
- k) passive non-motorized recreational uses, such as nature viewing and pedestrian trail activities;
- l) farm-related tourism establishments on a commercial farm subject to Section 6.2.4.9 of this Plan;
- m) conservation uses; and,
- n) wayside pits and quarries and portable asphalt plants for public road works subject to the requirements of the *Aggregate Resources Act* and subject to Section 7.9 of this Plan.

All uses in the **Agricultural** designation shall be designed, located and managed to not detract from the primary role of the **Agricultural** designations set out in Section 6.2.1 of this Plan.

6.2.4 Land Use Policies

6.2.4.1 The Creation of New Lots from Agricultural Lands

In accordance with the intent of this Plan to maintain and protect the agricultural resource of the Town and direct the majority of new residential growth to settlement areas or existing vacant building lots, new lots may be permitted if:

- a) the lot is to be severed to create a farm and both the retained and severed parcels each have a lot area of no less than 40 hectares; or,
- b) the lot is to be created due to farm consolidation to accommodate a surplus dwelling that is not required for the long term needs of the farm operation provided that the establishment of a new residential use is prohibited on any vacant remnant parcel of farmland created by the consent to sever; or,

- c) the lot is required for an agriculture-related use, provided the lot is limited to a minimum size needed to accommodate the use and appropriate sewage and water services, and is zoned specifically for agricultural-related use. Residential uses shall not be permitted on such lots. The lot should be in a location that is separate from the primary agricultural operations by physical features or where it causes minimal disruption to the agricultural operation and, if possible, be located on lower quality soils.

6.2.4.2 Other Types of Consents

Consents may also be granted for legal or technical reasons, such as for easements, correction of deeds, quit claims and minor boundary adjustments which do not result in the creation of a new lot. The granting of such a consent shall not be permitted if it results in the creation of an undersized remnant lot that has an area of forty (40) hectares or less.

6.2.4.3 Farm Consolidations

In order to foster the growth of the agricultural industry in the Town, the consolidation of farms into larger and more efficient operations is encouraged. In this regard, the consolidation of two adjacent farm parcels or a boundary adjustment that increases the viability of a farm parcel is permitted provided no new lot is created.

A dwelling on an adjacent farm property that is being consolidated is permitted to be severed, notwithstanding any other policy in this Plan provided a lot has not been previously severed from a forty (40) hectare farm parcel. The maximum size of the severed lot with the dwelling shall generally be no larger than one (1.0) hectare.

6.2.4.4 Accessory Residential Uses on Farm Properties

The establishment of additional dwelling unit(s) on a commercial farm for bona fide farm help is permitted, provided the lands are appropriately zoned. Prior to considering an application for re-zoning, Council shall be satisfied that the second dwelling unit:

- a) is required for farm help as set out in a detailed submission addressing matters such as labour requirements related to the size and nature of the farm operation, and an assessment of the available residential accommodation on the farm;
- b) will be located within the existing farm-building cluster;
- c) can be serviced by appropriate sewage and water services; and,
- d) will be designed and/or located to be compatible or otherwise blend in with the farm operation.

The future severance of the lands which are the site of the accessory residential use is not permitted.

6.2.4.5 Bed and Breakfast Establishments

Bed and breakfast establishments are permitted in a single detached dwelling subject to Site Plan Control. Prior to approving a Site Plan Application, Council shall be satisfied that:

- a) the use shall not have a negative impact on the enjoyment and privacy of neighbouring properties;
- b) the use is clearly secondary to the primary residential use in terms of floorspace utilization and is compatible with surrounding uses;
- c) the bed and breakfast establishment is the principal residence of the owner and operator;
- d) the character of the dwelling as a private residence is preserved;
- e) adequate parking facilities are available on the lot for the proposed use;
- f) the use will not cause a traffic hazard;
- g) the use can be serviced with an appropriate water supply and an appropriate means of sewage disposal; and,
- h) the signage advertising the use is to be designed and located in accordance with the Town's sign by-law.

6.2.4.6 Home Occupations

Home Occupations are permitted in a single detached dwelling, subject to the following criteria:

- a) the use shall not have a negative impact on the enjoyment and privacy of neighbouring properties;
- b) the use is clearly secondary to the primary residential use in terms of floorspace utilization and is compatible with surrounding uses;
- c) the use is completely located in the principal residence of the person conducting the home occupation or cottage industry;
- d) the character of the dwelling as a private residence is preserved;
- e) adequate on-site parking facilities are provided for the use, in addition to the parking required for the principal use on the property, and such parking is provided in locations compatible with surrounding land uses;
- f) the use will not cause a traffic hazard;
- g) the use can be serviced with an appropriate water supply and an appropriate means of sewage disposal; and,
- h) the signage advertising the use is to be designed and located in accordance with the Town's sign by-law.

6.2.4.7 Home Industries

6.2.4.7.1 Definition

Home industries are small-scale industrial uses that are accessory to agricultural operations or single detached dwellings on large lots. These uses should not detract from the primary use of the property for agricultural or residential purposes.

6.2.4.7.2 Uses Permitted

Home industries may include welding, carpentry or machine shops, or agriculturally related uses that involve the processing of regionally produced agricultural crops or other products. The accessory retail sales of products produced in the home industry is also permitted. The repair, storage or sale of non-farm motor vehicles is not considered to be a home industry.

6.2.4.7.3 Conditions

Home industries may be permitted, subject to re-zoning, provided Council is satisfied that:

- a) the building housing the home industry is located within the existing farm-building cluster, if located on a farm property;
- b) the home industry has a floor area that is consistent with the scale of uses on the property;
- c) the home industry and any activity area associated with the home industry is set back from all lot lines by at least thirty (30) metres;
- d) the noise, dust and odour that could potentially emanate from the use will not have an adverse impact on adjacent properties;
- e) the type and level of traffic generated by the use is compatible with the character of the area and the function of adjacent roads;
- f) the operator of the home industry permanently resides on the property;
- g) all machinery and equipment, with the exception of motor vehicles, required for the home industry is located within enclosed buildings;
- h) any permitted open storage associated with the home industry is screened from view and located within a fenced compound; and,
- i) any retail component of the home industry is clearly accessory to the home industry and does not detract from the primary use of the property or adjacent properties.

6.2.4.8 Commercial Uses on Farm Properties

Agriculture-related commercial and industrial uses on farm properties are permitted subject to Site Plan Control. Prior to approving such an application, Council shall be satisfied that:

- a) the use is clearly associated with and located on a commercial farm; and,
- b) the majority of the products offered for sale, are produced or manufactured on the farm property.

6.2.4.9 Farm Related Tourism Establishments

Given the proximity of the Town to growing urban areas, the Town supports the development of uses that highlight the importance and value of the agricultural economy. On this basis, uses such as farm tours, petting zoos, hay rides and sleigh rides, processing demonstrations, pick your own produce, small-scale farm theme playgrounds for children and small-scale educational establishments that focus on farming instruction are permitted in the **Agricultural** designation as an accessory use on a commercial farm subject to Site Plan Control. Prior to approving such an application, Council shall be satisfied that:

- a) the proposed use shall not have a negative impact on the enjoyment and privacy of neighbouring properties.
- b) adequate on-site parking facilities are provided for the use, in addition to the parking required for the principal use on the property, and such parking is provided in locations compatible with surrounding land uses;
- c) the proposed access to the site will not cause a traffic hazard;
- d) the proposed use can be serviced with an appropriate water supply and an appropriate means of sewage disposal;
- e) the proposed use enhances the rural and open space character of the Town through the preservation of older barns and/or the establishment of a built form that is compatible with the rural surroundings;
- f) the building housing the proposed use is located within the existing farm-building cluster where possible and shall utilize a common driveway with the principal use of the property, and,
- g) the signage advertising the use is to be designed and located in accordance with the Town's sign by-law.

6.2.4.10 Agricultural Research and Training Establishments

The development of agricultural research and training establishments is encouraged in the Town. Such uses may be permitted subject to re-zoning, provided Council is satisfied that:

- a) the use is related to and will benefit the agricultural industry; and,

- b) the use will assist in the furthering of knowledge in the agricultural sector of the economy; and,
- c) the use will assist local farmers through training and the identification of improved farming methods and procedures.

6.3 RURAL

6.3.1 Objectives

It is the objective of this designation to:

- a) provide for a diverse range of economic and social activities associated with rural communities, agricultural, tourism and recreation and resource uses;
- b) preserve the open space character of the rural landscape; and,
- c) recognize the benefits of protecting renewable and non-renewable natural resources.

6.3.2 Location

The **Rural** designation as shown on Schedule A to this Plan are considered to be a rural area as defined by this Plan, and are not considered to be a prime agricultural area, also as defined by this Plan.

6.3.3 Permitted Uses

Permitted uses in the **Rural** designation are limited to:

- a) all uses permitted in the **Agricultural** designation in accordance with Section 6.2.3 of this Plan;
- b) veterinary clinics;
- c) commercial animal kennels; and,
- d) cemeteries.

6.3.4 Land Use Policies

6.3.4.1 The Creation of New Rural Lots

- a) New lots may be permitted in accordance with section 6.2.4.1 of this Plan or if the new lot is an infilling lot. The creation of new lots on the grid road system should maintain the rural character and road function and not contribute to strip development.
- b) The creation of an infilling lot may be permitted provided:
 - i. the infill lot is not more than 100 metres between two existing non-farm residences on the same side of the road;

- ii. no more than one (1) infilling lot is created from a lot that existed on the date of approval of this policy;
 - iii. the proposed lot will conform to the Minimum Distance Separation One Formula and will not affect the ability of neighbouring farmers to expand their operations in the future;
 - iv. the proposed lot has a lot area that is no greater than 1.0 hectare, although larger lots may be permitted for environmental or topographical reasons; and,
 - v. the proposed lot will conform with the general consent policies of this Plan.
- c) For the purposes of this Section, a non-farm lot is a lot that has an area of 20 hectares or less.

6.3.4.2 Other Types of Consents

Consents may also be granted for legal or technical reasons, such as for easements, correction of deeds, quit claims and minor boundary adjustments which do not result in the creation of a new lot. The granting of such a consent shall not be permitted if it results in the creation of an undersized remnant lot.

6.3.4.3 Farm Consolidations

In order to foster the growth of the agricultural industry in the Town, the consolidation of farms into larger and more efficient operations is encouraged. In this regard, the consolidation of two adjacent farm parcels or a boundary adjustment that increases the viability of a farm parcel is permitted provided no new lot is created.

6.3.4.4 Commercial Animal Kennels

Commercial animal kennels may be permitted in the **Rural** designation subject to an amendment to the implementing Zoning By-law. Before considering such an amendment, Council shall be satisfied that:

- a) the size of the proposed animal kennel is appropriate for the area;
- b) the building housing the animal kennel and the associated animal runs is set back an appropriate distance from lot lines; and,
- c) an appropriate animal waste management plan is put in place.

6.3.4.5 Cemeteries

Cemeteries may be permitted in the **Rural** designation subject to an amendment to the implementing Zoning By-law. A cemetery may include, as an accessory use, a mausoleum and/or a crematorium. Before considering such an amendment, Council shall be satisfied that:

- a) the size of the cemetery and the accessory uses are appropriate for the area;

- b) no lands are available for a cemetery in the urban areas;
- c) the cemetery will not create the need to develop other uses, such as a place of worship, on the site in the future;
- d) appropriate hydrogeological studies have been completed which indicate that the use will not have a negative impact on the quantity and quality of groundwater and surface water; and,
- e) the proposed use can be accessed by roads that are designed to accommodate high volumes of traffic in short periods of time.

6.3.4.6 Location of lands within **Rural** designation in relation to Settlement Areas

The placing of certain lands within the **Rural** designation near an Urban Area is not in any way meant to imply that these lands will be given any precedence for urban uses in the future. In this regard, any consideration of urban expansion will be subject to the policies of Section 7.11 of this Plan.

6.3.5 Communities of Green Briar/Briar Hill and Tecumseth Pines

- a) It is the intention of Council to recognize these settlement areas which have occurred within the rural area of the Municipality. These areas are defined as being settlements which are not physically associated with urban communities, but include amenities and infrastructure normally associated with an urban environment, and which occur on communal services. These developments do not include estate residential nor hamlets.
- b) Expansions to the communities noted above shall be permitted, in accordance with the policies of this Plan, but no new communities, as defined above, will be permitted.
- c) The Green Briar/Briar Hill and Tecumseth Pines communities will be recognized in the Zoning By-Law.

6.4 COUNTRY RESIDENTIAL

6.4.1 Objective

It is the objective of this designation to only recognize existing estate and country residential developments in the Town.

6.4.2 Location

The **Country Residential** designation as shown on Schedule A to this Plan applies to developed, Draft Approved or approved through a site-specific Official Plan Amendment prior to the adoption of this Plan for large lot development serviced by private, individual on-site water services and private, individual on-site sewage services. The development of new country or estate residential subdivisions on lands that are not designated **Country Residential** on Schedule A is prohibited by this Plan.

6.4.3 Permitted Uses

Permitted uses on lands designated **Country Residential** are limited to:

- a) single detached dwellings;
- b) bed and breakfast establishments subject to Section 6.2.4.5 of this Plan; and,
- c) home occupations in accordance with Section 6.2.4.7 of this Plan.

6.5 RURAL OPEN SPACE

6.5.1 Purpose and Definitions

- a) It is the policy of the Town to identify areas for parks and open space in the Rural Area, and to protect and enhance existing open space facilities.
- b) Parks and open space shall be used predominantly for recreation, leisure and conservation uses, and cemeteries.
- c) Buildings or structures shall be permitted for purposes incidental, accessory and/or necessary for the permitted use.

6.5.2 General Policies

- a) It is the intention of the Town to develop a rural park system through open space links with other land uses and, in particular, to develop and to encourage the development of public walking/biking paths linking the three urban communities. Parts of this system may be acquired in accordance with Section 41 of the Planning Act.
- b) The powers of the Planning Act will be used where appropriate to acquire land and/or money for open space purposes.

6.6 HAMLET

6.6.1 Purpose and Definitions

- a) It is the policy of this Plan to provide a framework for residential development in the designated hamlets, while maintaining their small community character and to direct development away from environmentally sensitive areas and agricultural lands.
- b) The three designated hamlets in the Town of New Tecumseth are Thompsonville, Penville and Rich Hill.
- c) The primary land use in designated hamlets shall be for single detached dwellings including home occupations. Other uses shall be permitted if they provide a service to the hamlet and surrounding agricultural area, and may include small scale community commercial establishments, elementary schools, recreation facilities, churches and bed and breakfast facilities.

6.6.2 General Policies

- a) Existing hamlets are identified on Schedule A hereto.
- b) Infilling lots may be permitted subject to the general consent policies of this Plan

6.7 MINERAL AGGREGATE RESOURCES

6.7.1 Purpose and Definition

- a) It is the policy of the Town to permit the extraction of mineral aggregate resources while maintaining a balance between surrounding land uses and the natural environment.
- b) Permitted uses on lands designated **Mineral Aggregate Resources** on Schedule A are mineral aggregate operations, agricultural uses and other resource management uses such as forestry. Other permitted uses may include those activities normally associated with aggregate processing, including, but not limited to, stripping, berm construction, screen planting and landscaping, drilling, blasting, haulage, crushing, screening, washing, stockpiling, storage, loading, weighing equipment, parking, repairs and maintenance, office facilities, importing and blending aggregate materials, environmental and safety control facilities and rehabilitation.
- c) Concrete batching and concrete manufacturing is not a permitted use in the Extractive Industrial designation. The Stockpiling of blended materials such as salt and/or sand/salt mixtures and recycled road materials may be permitted in the Extractive Industrial land designation, subject to an amendment to the Zoning By-law and the criteria in Subsection 6.7.2 c) viii). of this Plan.
- d) On the Oak Ridges Moraine, *Mineral aggregate operations*, include:
 - i) an operation, other than a *wayside pit*, conducted under a licence or permit under the Aggregate Resources Act, and
 - ii) associated facilities used in the extraction, transportation, beneficiation, processing or recycling of mineral aggregate or the production of related by-products.

6.7.2 General Policies

- a) Existing operations are defined as those currently licensed under the Aggregate Resources Act, as amended, at the date of adoption of this Plan which are identified on Schedule A hereto. All new or expansions to existing extractive industrial operations will only be permitted by Amendment to this Plan in accordance with the policies herein.
- b) It is recognized that new operations may effect the natural environment and surrounding land uses and that the potential for such effects must be evaluated for all mineral aggregate extraction proposals.
- c) The following factors shall be considered by the Town, in consultation with the respective provincial agencies, and the County, in evaluating amendment applications:

- i) the potential effects on land uses in the surrounding area in terms of the generation of dust and particulate emissions and noise and vibration levels;
- ii) the potential effects on the existing transportation system including an assessment of the ability of the existing system to accommodate increased truck traffic;
- iii) the potential effects on the physical environment within, and adjacent to, the proposed new operation or the area to be added to an existing operation including the possible effect on the water table or surface drainage and the possible effect on any existing or potential water supply source areas. Where applications are located within lands identified as "Oak Ridges Moraine", Council shall:
 - 1. Ensure that the applications for *mineral aggregate operations* and *wayside pits*, comply with Section 35 of the Oak Ridges Moraine Conservation Plan to the extent that the provisions can be addressed under the Planning Act and Municipal Act, along with all other applicable provisions of this Plan.
 - 2. Encourage the Ministry of Natural Resources in their review of applications for licences or permits for *mineral aggregate operations* and *wayside pits* under the Aggregate Resources Act, that the requirements of the Oak Ridges Moraine Conservation Plan, including Section 35, be complied with prior to the Ministry of Natural Resources issuing the licence or permit.
- iv) the manner in which the proposed operation will be carried out;
- v) the manner of rehabilitation works that are proposed;
- vi) policies regarding other matters of Provincial Interest, including the Oak Ridges Moraine Conservation Plan, agriculture, mineral resources, natural heritage and other matters as set out in the Provincial Policy Statement as amended."
- vii) Applications to amend the zoning by-law to permit aggregate transfer stations and the stockpiling of blended materials and recycled road materials shall satisfying the following criteria:
 - 1. The use must be limited to a size and scale necessary to service the broader New Tecumseth community and not of a scale intended to service larger urban centres;
 - 2. The use may only be permitted as an accessory use to aggregate extraction on a site holding a current Aggregate Resources Act license issued by the Ministry of Natural Resources. Upon completion of extraction and the surrender of the license, the accessory use shall cease;
 - 3. The proposed use must be supported by reports, satisfactory to the Town with respect to impacts due to:
 - i) Noise and dust;
 - ii) Traffic and impact on local roads;

- iii) Visual assessment examining the impact of the proposed use on the rural countryside character of the surrounding area and need for landscaping and berming;
 - iv) Integration of the proposed use with the progressive rehabilitation on the site;
 - v) Environmental impact assessment with respect to drainage and any environmental features on the site;
- d) Application(s) for amendment to the Official Plan shall be accompanied by a Site Plan and Site Plan Report completed in accordance with Sections 8 and 9 of the Aggregate Resources Act, 1989.
- e) An Application to amend the Plan to establish a new operation, or to extend an existing operation, shall be considered by Council together with the Applications for a license, under the Aggregate Resources Act, 1989, and all other pertinent Provincial requirements.
- f) The Town shall consult with such Provincial ministries, agencies, municipalities or local boards as required or as the Municipality deems appropriate prior to deciding whether the Plan should be amended to permit the extraction and processing of mineral aggregate resources.
- g) Municipal Council may submit recommendations to the Ministry of Natural Resources concerning the following matters:
 - i) extraction setbacks, buffering and other methods of mitigating impacts of the operation on adjacent uses; and
 - ii) features or provisions which should be incorporated into Site Plans under the Aggregate Resources Act, 1989.
- h) Extractive Development uses shall conform with the applicable standards of the guidelines on "Separation Distances Between Industrial Facilities and Sensitive Land Uses", as specified by Provincial policy.
- i) The Mineral aggregate industry is encouraged to work with the Town to develop and implement comprehensive rehabilitation plans for parts of the Oak Ridges Moraine Plan Area affected by mineral aggregate operations.
- j) Extractive industrial operations should be progressively rehabilitated or restored to a condition permitting agriculture, promoting regeneration or natural conditions, or facilitating other uses permitted by this Plan. The owners and operators of extractive industrial uses shall be encouraged to develop rehabilitation plans in co-operation with the Town. As extractive industrial operations cease, and sites are rehabilitated and licenses under the Aggregate Resources Act are surrendered, the Town will amend its Official Plan and Zoning By-law to provide for the appropriate rehabilitated use.

6.7.3 Wayside Pits and Quarries

- a) The Town recognizes the need for temporary wayside pits and quarries to provide sand, gravel and other aggregate products for public projects. No amendment to the Official

Plan or Zoning By-Law will be required to establish a wayside pit or quarry except in areas of existing residential development and environmentally significant areas, including but not limited to, the Schomberg Creek Swamp, Innisfil Creek Swamp and Alliston Pinery, where an amendment to the zoning by-law would be required.

- b) The Town shall provide comments on Applications to the Ministry of Natural Resources, to permit a wayside pit or quarry, which may include recommended conditions. In formulating its comments, Council will take into account:
 - i) The proximity of the proposed site to the project(s) it will supply.
 - ii) The potential impacts on affected land uses and residents.
 - iii) The intent of the proponent with respect to rehabilitation of the site.

6.7.4 Portable Asphalt Plants

- a) Portable asphalt plants are facilities with equipment designed to heat and dry aggregate and mix aggregate with bituminous asphalt to produce asphalt paving materials, and which may include the stockpiling and storage of bulk materials used in the process. The plants are not to be of permanent construction but are designed to be dismantled and moved to another location as required.
- b) The Town recognizes the need for Portable Asphalt Plants used by public authorities. Portable Asphalt Plants shall be permitted in all designations with the exception of residential and environmentally sensitive areas, provided that the plant is operated by a public authority or their agent, without the need for an Official Plan or Zoning By-law amendment.
- c) Portable Asphalt Plants must comply with the minimum separation distances, must have a certificate of approval, and obtain concurrence of the site specific plan from the Ministry of Environment and Energy;
- d) Where a Portable Asphalt Plant is located in agricultural areas, the lands shall be rehabilitated to similar conditions to those which existed prior to the location of the plant.

6.7.5 Development Proposed Adjacent to Extractive Industrial Uses

When new *development* requiring a Planning Act approval is proposed within 300 metres of a pit or 500 metres of a quarry within the *Extractive Industrial* designation, *Council* shall be satisfied that the proposed use is *compatible* with the current and future operation of the pit or quarry. In some cases, setbacks between the uses may be required to minimize conflicts. In order to determine if a new use is *compatible*, the *development* proponent will be required to demonstrate that the proposed use shall provide for the necessary mitigation of impacts arising from the existing pit or quarry, including future phases that are under license but are yet to be extracted, to meet applicable Provincial standards, regulations and guidelines. The Town may require the submission of noise, traffic and other studies to demonstrate that this policy is met.

6.7.6 High Potential Mineral Aggregate Resource Areas

It is the policy of this Plan that the high potential mineral aggregate resource areas identified on Provincial mapping be protected from uses and/or activities that may preclude or hinder the effective and/or economical extraction of aggregate in the future. To this end, it is the policy of this Plan to require that Official Plan Amendment, Zoning By-law Amendment and consent applications on lands that are wholly or partially within 300 metres of a sand and gravel deposit or 500 metres of a selected bedrock and shale resource, and that has the potential to preclude or hinder continued extraction or expansion to existing operations or the establishment of new operations or access to mineral resources, be accompanied by appropriate studies that demonstrate to the satisfaction of *Council* that:

- a) resource use would not be feasible;
- b) the proposed land uses or *development* serves a greater long term public interest; and
- c) issues of public health, public safety and environmental impact have been addressed.

6.7.7 Exceptions

- a) Notwithstanding the policies contained in this Official Plan, concrete manufacturing is a permitted use on the lands designated as Special Mineral Aggregate Resource * 1 (SMA*1) on Schedule A located on part of Lot 13, Concession 2 (former Township of Tecumseth).

6.8 MAJOR RECREATION

6.8.1 Objectives

It is an objective of this designation to:

- a) provide for the development of recreational uses which are compatible with the rural and agricultural character of the Town.
- b) provide a broad range of recreation and leisure opportunities for the residents of the Town.
- c) preserve and maintain existing natural heritage features such as valley lands, steep slopes, wooded areas and watercourses, and where feasible, utilize these areas for open space linkages.
- d) ensure that new uses are properly planned and located and serviced with an appropriate supply of water and sewage services; and
- e) minimize the impact of new recreational uses on the environmental, hydrogeological and agricultural resources of the Town.

6.8.2 Permitted Uses

Permitted uses on lands designated **Major Recreation** on Schedule A to this Plan include:

- a) conservation uses;
- b) cross country ski facilities;
- c) golf courses;
- d) mountain bike facilities; and,
- e) other appropriate passive and active recreational uses related to the management or use of resources, resource-based recreational activities and rural land uses that cannot be located in settlement areas.

Accessory accommodation facilities such as a hotel may also be permitted with complementary meeting facilities and corporate retreats related to the management or use of resources, resource-based recreational activities and rural land uses that cannot be located in settlement areas.

6.8.3 Development Policies

New Major Recreational uses proposed on lands that are not within the **Major Recreation** designation shall require an Amendment to the Official Plan and implementing Zoning By-law and shall be subject to Site Plan Control.

Before approving an amendment to the Official Plan and Zoning By-law, Council shall be satisfied through the submission of appropriate studies that:

- a) the agricultural capability of the subject lands has been evaluated;
- b) it is demonstrated that the proposed use will not have a negative impact on adjacent agricultural land and uses and is compatible with normal farm practices;
- c) the proposed use is located on roads that can accommodate expected increases in traffic;
- d) the proposed use can be designed and sited to blend in with surrounding land uses such that the rural character of the area is maintained;
- e) there will be no negative impacts on any natural heritage features and related ecological functions;
- f) where appropriate the proposed use can be appropriately buffered from adjacent uses;
- g) there will be no negative impact on the quality and quantity of groundwater and surface water;
- h) an appropriate vegetation enhancement plan that incorporates planning, design, landscaping and construction measures has been prepared that:

- i) maintains or where possible enhances the amount of natural self-sustaining vegetation on the site and the connectivity between adjacent natural heritage features or hydrologic features;
- ii) wherever possible, keeps intermittent stream channels and drainage swales in a free to grow, low maintenance condition;
- iii) minimizes the application and use of pesticides and fertilizers; and,
- iv) locate new natural self-sustaining vegetation in areas that maximizes the ecological value of the area.

Any application to expand or establish a golf course or private recreational use shall be accompanied by a Conservation Plan demonstrating how water use and nutrient biocide will be kept to a minimum, including the establishing and monitoring of targets.

6.9 Oak Ridges Moraine Countryside Area

6.9.1 Purpose and Definitions

- a) Countryside Areas are areas of rural land use such as agriculture, recreation, existing residential development, *mineral aggregate operations*, parks and open space.
- b) The purpose of Countryside Area is to encourage agricultural and other rural uses that support the Oak Ridges Moraine Conservation Plan.

6.9.2 General Policies

- a) Where this Plan includes the words “Oak Ridges Moraine Countryside Area”, it includes the lands designated “Oak Ridges Moraine Rural Settlement” on Schedule A, unless otherwise noted in this Plan.

6.9.3 Transition and Further Approval Applications

- a) The provisions of Section 6.9.3 of this Plan, respecting transition and further approval applications in the Oak Ridges Moraine Natural Linkage Area, shall also apply to Planning Act and Condominium Act applications in the Oak Ridges Moraine Countryside Area.

6.9.4 Land Severances

The provisions in Section 6.9.4 of this Plan, respecting lot creation in the Oak Ridges Moraine Natural Linkage Area, shall also apply to the creation of lots in the Oak Ridges Moraine Countryside Area and shall also permit lot creation for the purpose of minor rounding out of the Oak Ridges Moraine Tottenham Rural Settlement.

6.9.5 Permitted Uses

It is the policy of this Plan to permit the following uses in all areas designated Oak Ridges Moraine Countryside Area on Schedule A, subject to Sections 4.5 and 4.5.10.6 h) (i) and (ii) and 4.5.10.7 f):

- a) all of the uses listed in 6.9.5 Oak Ridges Moraine Natural Linkage Area;
- b) an additional dwelling unit in the main house or a second dwelling that is temporary, mobile or portable unit, subject to Section 34 c) of the Oak Ridges Moraine Conservation Plan;
- c) *agriculture-related uses*;
- d) existing campgrounds and/or seasonal trailer parks;
- e) existing golf courses;
- f) veterinary clinics;
- g) kennels in association with a residential dwelling;
- h) *uses accessory* to the permitted uses set out in paragraphs a. to g.

b) Non-Decision OPA 28 MMAH December 6, 2004
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Notwithstanding the permitted uses in the Oak Ridges Moraine Countryside Area in Section 6.9.5, nothing in this Plan or in the Oak Ridges Moraine Conservation Plan, applies to prevent a use or the erection or location of a building or structure on lands shown on Schedule A1 of the Official Plan as “Oak Ridges Moraine Countryside Area” if:

- i) The use, erection and location was permitted in the zoning by-law on November 15, 2001;
- ii) The use erection and location was permitted by the Official Plan and Zoning By-laws as amended in accordance with Sections 9 and 10 of the Oak Ridges Moraine Conservation Act, although they do not comply with subsections 19(2) and 31(3) of the Oak Ridges Moraine Conservation Plan.
- iii) The application conforms to Sections 28 and 29 and subsections 45(7) and (8) and Section 47 of the Oak Ridges Moraine Conservation Plan; and
- iv) The applicant demonstrates, to the extent possible, that the use, erection or location will not *adversely affect the ecological integrity* of the Plan Area.”

6.9.5.1 New major recreation uses as described in Section 6.9.6 and new small-scale commercial, industrial and institutional *development* as described in Section 6.9.7, shall only be permitted within the “Oak Ridges Moraine Countryside Area” shown on Schedule A subject to the following:

- a) An amendment to the Official Plan;
- b) On lands designated Rural Use Area on Schedule G and for further clarification shall not be permitted in areas designated Agricultural Use on Schedule G;
- c) Sections 4.5, 6.9.6, 6.9.7, 4.5.10.6 h) (i) and (ii) and 4.5.10.7 f) of this Plan.

6.9.6 Major Recreational Uses in the Countryside Area

- a) Major Recreational uses are recreational use that require large-scale modification of terrain, vegetation or both and usually also require large-scale buildings or structures, including:
 - i) Golf courses;

- ii) Serviced playing fields;
 - iii) Serviced campgrounds;
 - iv) Ski hills.
 - v) buildings and structures accessory to the uses listed in 6.9.6 (i),(ii),(iii)and (iv).
- b) An application to establish a new or expansion to an existing major recreational use in the “Countryside Area” designation shall be accompanied by a recreation plan and a vegetation management plan as set out in Section 38 of the Oak Ridges Moraine Conservation Plan and all of the applicable requirements of the Oak Ridges Moraine Conservation Plan shall be satisfied.

6.9.7 Small-scale Commercial, Industrial Uses in the Countryside Area

- a) Small-scale commercial, industrial and institutional uses:
- i) Are supportive of, complementary to or essential to uses that are permitted in Countryside Area under Section 6.9.5 and do not require large-scale modification of terrain, vegetation or both or large-scale buildings and structures;
 - ii) include farm implement stores, feed stores, country markets and rural commercial and general commercial uses which do not typically or cannot locate in urban areas;
 - iii) include rural industrial uses subject to Section 6.2.4.7 of this Plan but not including a portable mineral aggregate crushing plant, portable asphalt plant, concrete batching plant, composting plant, facilities used in the extraction, transportation, beneficiation, processing or recycling of mineral aggregate or the production of related by-products, unless it is part of an operation conducted under a licence or permit under the Aggregate Resources Act;
 - iv) include but is not limited to institutional uses such as schools, places of worship, community halls, retirement homes and cemeteries intended to mainly serve nearby Rural Settlements within the Oak Ridges Moraine Plan Area.
- b) An application for a small–scale commercial, industrial or institutional use with respect to land in the “Countryside Area” designation shall not be approved unless the applicant demonstrates that:
- i) It is not feasible to locate the use in an Urban Area; and
 - ii) The buildings and structures will be planned, designed and constructed so as not to *adversely affect*:
 - 2. The rural character of the Countryside Area;
 - 3. The *ecological integrity* of the *Oak Ridges Moraine Conservation Plan Area*;
 - iii. Compliance with the provisions in Sections 6.2.4.7.3 and 6.2.4.8 of this Plan, as they apply to rural commercial and rural industrial uses.

7.0 GENERAL DEVELOPMENT POLICIES

7.1 Transportation

7.1.1 Road Network

The Provincial, County and Town roads are shown on Schedule A of this Plan.

a) Provincial Roads and County Roads

- i) There are two Provincial highways in New Tecumseth: Highway No. 89, and Highway No. 9. The former is considered to be a "connecting link" where it crosses through Alliston and is, thus, under the jurisdiction of the Town.
- ii) There are five County roads; No. 1, No. 10, No. 15, No. 27 and No. 14 in the Town of New Tecumseth. Portions of County roads, No. 1, and No. 10 have connecting link status. Where they pass through Alliston, Beeton and Tottenham they are under the jurisdiction of the Town.
- iii) The Provincial and County policies regarding right of way widths, the design standards, operation, maintenance and control of access to and from land adjacent to Provincial Highways or County roads shall prevail over the policies of this Plan.
- iv) Provincial Highways provide strategic links to the road network. The primary function is to carry traffic into, through and out of the Town and region.
- v) County roads are strategic links in the road network whose primary function as arterial roads is to carry relatively high volume of long distance traffic within and through New Tecumseth and to provide access to Provincial Highways.
- vi) Any development within the Ministry of Transportation's permit control will require ministry review, approval and permits.

b) Town Roads

All municipal roads in the Town of New Tecumseth are classified as either arterial, collector or local roads.

- i) The function of arterial roads is to serve the major flow of traffic between settlement areas in the Town by providing for the movement of traffic as opposed to providing access to abutting land uses.
- ii) The function of collector roads is to combine service to through traffic and access to the abutting land uses in urban areas by collecting traffic from the local streets and carrying it to the arterial streets.
- iii) The function of local roads is to provide direct access to land uses along urban streets and in the rural area.

- iv) All new roads shall be constructed to Town of New Tecumseth Standards. Unless otherwise permitted by this Plan, the minimum right-of-way width for all Town roads is twenty (20) metres.
 - v) Where traffic demand warrants, Council may require a wider right-of-way in accordance with the need.
 - vi) Existing rights-of-way which are presently below the standards set by this Plan will be improved to meet those standards when and where possible.
 - vii) In order to ensure the co-ordination of road patterns in areas of new development, particularly on the periphery of existing built-up areas, the Town shall require the preparation of a Neighbourhood Plan or Secondary Plan, as set out in Section 7.11.4 or 8.3 of this Plan. Plans of Subdivision and Condominium shall conform to these Plans.
 - viii) Municipal services such as snowplowing, garbage collection and road maintenance will be provided only on roads which have been assumed by the Municipality. Council will consider the assumption of new roads by by-law only if:
 - the road connects to an existing public road;
 - the road allowance meets the Town's minimum width requirements, and is dedicated to the Town; and,
 - the road is built to M.T.O. standards by or at the expense of the present owners.
- c)
- i) Where a property is located in a Site Plan Control area the Council will require, as a condition of Site Plan approval, the dedication of property abutting roads for future rights-of-way widths specified in accordance with this Section of the Official Plan,
 - ii) Council will require, as a condition of Site Plan approval, the dedication of additional property for daylighting triangles at road intersections; and
 - iii) Schedules E1 and E2 attached to this Plan identifies the right-of-way widths for all roads under the jurisdiction of the Town of New Tecumseth. Where deemed necessary, Council may require road widenings in addition to the rights-of-way widths specified on Schedules E1 and E2 to provide for auxiliary turning lands, or to provide appropriate access or where cut and fill requirements cannot be achieved within the specified rights-of-way to accommodate the necessary side slopes and/or retaining walls.

7.1.2 Rail Service

- a) It shall be the policy of Council to support rail service to industrial areas in the Town. Rail sidings shall be encouraged in the industrial areas to serve more than one industry.
- b) It shall be the policy of Council to encourage the use of abandoned rail lines for tourism

purposes and as service corridors where such use shall not have a negative impact on the farming community.

- c) Railway crossings shall be improved where traffic volumes, sight lines or other factors indicate the need for such improvement.
- d) Development, particularly residential development, adjacent to rail lines shall be set back from the rail line and suitable screening shall be provided. The implementing zoning by-law shall include appropriate provisions.
- e) Prior to residential development and other similar sensitive uses occurring in areas substantially impacted by the operation of rail line traffic, a study as specified in Section 5.14 shall be carried out in accordance with the standards recommended by the Ministry of the Environment and Energy.

7.1.3 Pedestrian and Bicycle Paths

The Town recognizes the importance of pedestrian linkages for the safe movement and enjoyment of the residents of the Town. Bicycling is also recognized as an alternative mode of transportation, which can play a positive role in improving mobility and quality of life for the Town's residents.

- a) The Town shall encourage the development, where appropriate, of pedestrian and bicycle paths in conjunction with other various public agencies.
- b) The pedestrian and bicycle paths will be designed to minimize potential danger from, and conflict with, other transportation modes and to provide personal safety.
- c) The development of pedestrian and bicycle paths is subject to the availability of financial resources

7.1.4 Public Transport

Currently, there is no public transit in the Town. Council shall encourage private initiatives to provide public transit between the settlement areas.

7.1.5 Parking

Council shall endeavour to ensure an adequate supply of parking in the existing commercial cores.

7.2 Special Provisions for Transportation, Infrastructure and Utilities on the Oak Ridges Moraine

- a) Transportation, infrastructure and utilities in the “Oak Ridges Moraine Natural Linkage Area” and “Oak Ridges Moraine Countryside Area”, designation include the following:
 - i) Public highways;
 - ii) Transit lines, railways and related facilities;

- iii) Gas and oil pipelines;
 - iv) Sewage and water service systems and lines and stormwater management facilities;
 - v) Power transmission lines;
 - vi) Telecommunications lines and facilities, including broadcasting towers;
 - vii) Bridges, interchanges, stations and other structures, above and below ground, that are required for the construction, operation or use of the facilities listed in (i) to (vi) in Section 7.2 a) and
 - viii) Rights of way required for the facilities listed in clauses (i) to (vii) in Section 7.2a)
- b) In the “Oak Ridges Moraine Natural Linkage Area”, an application for a transportation, infrastructure or utilities use shall not be approved unless:
- i) The need for the project has been demonstrated and there is no reasonable alternative; and
 - ii) The applicant demonstrates that the requirements of Section 41 of the Oak Ridges Moraine Conservation Plan will be satisfied, to the extent that is possible while also meeting all applicable safety standards;
- c) On lands designated “Oak Ridges Moraine Natural Linkage Area” and “Oak Ridges Moraine Countryside Area” and “Oak Ridges Moraine Tottenham Rural Settlement” on Schedule A1, all new transportation, infrastructure and utilities uses and all upgrading or extension of existing transportation, infrastructure and utilities uses, including the opening of a road within an unopened road allowance, but not including a *storm water management pond*, may be permitted to cross a *key natural heritage feature* or a *hydrologically sensitive feature* only if the applicant demonstrates that:
- i) The need for the project has been demonstrated and there is no reasonable alternative;
 - ii) The applicable provisions of Section 41 of the Oak Ridges Moraine Conservation Plan have been satisfied.
- d) On lands designated “Oak Ridges Moraine Natural Linkage Area” and “Oak Ridges Moraine Countryside Area”, service and utility trenches for transportation, infrastructure and utilities where permitted in accordance with Section 7.2, shall be planned, designed and constructed so as to keep disruption of the natural groundwater to a minimum.

7.3 DIVISION OF LAND

This section is intended to contain policies that are to be considered with every application to subdivide land in the Town. Regard shall also be had to the specific

policies dealing with lot creation in each land use designation in addition to other policies in the Plan.

7.3.1 PREFERRED MEANS OF LAND DIVISION

Land division by Plan of Subdivision, rather than by consent, shall generally be required if:

- a) the extension of an existing public road or the development of a new public road is required to access the proposed lots; or,
- b) the area that is proposed to be developed is not considered to be infilling; or,
- c) a Plan of Subdivision is required to ensure that the entire land holding or area is developed in an orderly and efficient manner;
- d) more than four lots including the retained lands are being created and/or the owner is retaining sufficient lands for the development of additional lots; or,
- e) where agreements or conditions are required by the Town or agencies with regard to the lands proposed to be retained.

Provided that insofar as a), b), c), d) and e) above, the Town may not require a plan of subdivision subject to the satisfaction of the applicable authorities that appropriate arrangements and/or agreements can be made with the applicant.

7.3.2 NEW LOTS BY CONSENT

7.3.2.1 General Criteria

Prior to issuing provisional consent for a new lot for any purpose, the approval authority shall be satisfied that the lot to be retained and the lot to be severed:

- a) fronts on and will be directly accessed by a public road that is maintained on a year-round basis;
- b) does not have direct access to a Provincial Highway or County Road, unless the Province or the County supports the request.
- c) will not cause a traffic hazard;
- d) has adequate size and frontage for the proposed use in accordance with the Comprehensive Zoning By-law;
- e) notwithstanding d) above, where a zoning by-law amendment or minor variance is required, approval of such amendment or variance shall be included as a condition of the approval of the consent;
- f) can be serviced with an appropriate water supply and means of sewage disposal;

- g) will not have a negative impact on the drainage patterns in the area;
- h) will not restrict the development of the retained lands or other parcels of land, particularly as it relates to the provision of access, if they are designated for development by this Plan;
- i) will not have a negative impact on the significant features and functions of any natural heritage feature located within the EP1 and EP2 designations in the area;
- j) will not have a negative impact on the quality and quantity of groundwater available for other uses in the area;
- k) will conform to Section 51 (24) of the *Planning Act*, as amended; and,
- l) will have sufficient developable area outside the flooding and erosion hazard limits of watercourses.

Provisional consent may be granted subject to appropriate conditions of approval for the severed and/or retained lot.

7.3.3 BOUNDARY ADJUSTMENTS

A consent may be permitted for the purpose of modifying lot boundaries, provided no new building lot is created. In reviewing an application for such a boundary adjustment, the approval authority shall be satisfied that the boundary adjustment will not affect the viability of the use of the properties affected as intended by this Plan. In addition, the approval authority shall be satisfied that the boundary adjustment will not affect the viability of the agricultural parcels affected.

7.3.4 TECHNICAL SEVERANCES

Consents may be granted for the purpose of creating an easement or right-of-way, where such severance does not result in the creation of a new lot.

The creation of new lots to correct a situation where two or more lots have merged on title may be permitted anywhere in the Town except on lands designated **Agricultural**, provided the approval authority is satisfied that the new lot:

- a) the merging of the lots was unintentional and was not merged as a requirement of a previous planning approval;
- b) is generally of the same shape and size as the lot which once existed as a separate conveyable lot;
- c) can be adequately serviced by on-site sewage and water systems;
- d) fronts on and will be directly accessed by a public road that is maintained year-round by a public authority;

- e) there is no public interest served by maintaining the property as a single conveyable parcel; and,
- f) will conform to the access policies of the relevant road authority.

7.3.5 LOTS FOR INFRASTRUCTURE

The creation of new lots for infrastructure may be permitted in all land use designations subject to compliance with all Provincial Plans. Infrastructure is only permitted in environmental designations in accordance with any required environmental assessment.

- a) the area of the proposed lot is minimized and reflects what is required for the use; and,
- b) the implementing zoning by-law, as a condition of Provisional Consent, only permits uses that are related to the utility on the lot.

7.3.6 SUBDIVISION DEVELOPMENT POLICIES

This section is intended to contain general Plan of Subdivision policies that are to be considered with every application for Plan of Subdivision. Regard should also be had to the specific policies dealing with lot creation in each land use designation.

Prior to the consideration of an application for Plan of Subdivision, Council shall be satisfied that:

- a) the approval of the development is not premature and is in the public interest;
- b) the lands will be appropriately serviced with infrastructure, schools, parkland and open space, community facilities and other amenities;
- c) the density of the development is appropriate for the area;
- d) the subdivision, when developed, will be easily integrated with other development in the area;
- e) the proposal conforms to Section 51 (24) of the *Planning Act*, as amended.

Prior to the registration of any Plan of Subdivision, a Subdivision Agreement between the landowner and the Town will be required.

7.4 WASTE DISPOSAL SITES

Known existing and former waste disposal sites are shown on Schedules A, B1, B2 and B3. The development of new uses or new or enlarged buildings or structures within an assessment area of 500 metres from the fill area, if known, of a closed site or approximately 470 metres from the property boundary, if the fill area is not known, may be permitted, provided an assessment is completed to determine:

- a) the impact of any methane gas migration within 150 metres of the property boundary of the waste disposal site;

- b) whether the proposed use will be adversely affected by noise, odour, dust or other nuisance factors from the waste disposal site;
- c) potential traffic impacts;
- d) whether the proposed use will be adversely affected by ground and surface water contamination by leachate migrating from the waste disposal site; and
- e) the impact of the proposed use on leachate migration from the landfill site.

The assessment is intended to address these matters and other items outlined in the Province's guideline D-4, April 1994, or its successor as required to ensure that the proposed land uses are compatible in nature and do not adversely impact upon each other.

The studies required to support a development application within the assessment area shall be based on the type and/or scale of the development proposed or the studies may be waived as appropriate by the approval authority. The nature of the required studies may vary from site to site and their scope shall be determined by the approval authority at the time the development is proposed. Where studies are required they shall identify the remedial measures, if any, needed to ensure the elimination or safe containment of identified hazards to the satisfaction of the approval authority.

A Holding provision may be applied in the implementing zoning by-law where Council has determined the land use for an area or parcel of land, but development of the lands for the intended use is premature until verification is provided to the approval authority that the site is suitable for the intended use. The lifting of a Holding provision permitting the development of the new use or development within the assessment area shall not occur until Council is satisfied that all of the studies required by the approval authority have been completed and implemented.

7.5 CULTURAL HERITAGE RESOURCES

It is the intent of this Plan that the Town's cultural heritage resources be identified, conserved and enhanced whenever practical and that all new development occur in a manner that respects the Town's rich cultural heritage. The heritage resources of the Town generally include:

- a) built heritage, such as buildings, structures, monuments or remains of historical, cultural and/or architectural value;
- b) cultural heritage landscapes, such as rural, hamlet and urban areas that are of historic and scenic interest; and,
- c) archaeological resources.

7.5.1 GENERAL POLICIES

7.5.1.1 Cultural Heritage Impact Statements

Council shall require the submission of a Cultural Heritage Impact Statement (CHIS) to support an application for development if the affected lands are the site of an identified cultural heritage resource, or are adjacent to and/or in close proximity to an identified cultural heritage resource. For the purpose of this Plan, a cultural heritage resource can be a built heritage resources and/or a protected heritage property as defined by this Plan. The purpose of the CHIS is to determine what impacts the development will have on the resource and whether the application for development will conform to the goals, objectives and policies of this Plan.

Development or site alteration may be permitted on adjacent lands to a protected heritage property where a CHIS has demonstrated that the heritage attributes of the protected heritage property will be conserved, including the use of mitigation measures and/or alternative development approaches.

The CHIS shall contain a description of:

- a) the proposed development;
- b) the cultural heritage resource(s) to be affected by the development;
- c) the effects upon the cultural heritage resource(s) by the proposed development;
- d) the measures necessary to mitigate the adverse effects of the development upon the cultural heritage resource(s) and/or alternative development approaches;
- e) how the proposed development will relate, in terms of height, bulk, massing and presence with identified heritage buildings on the property and in the area;
- f) the methods by which the cultural resource will be protected and/or restored, if the application applies to the lands that are the site of the cultural heritage resource.

7.5.1.2 Public Works

Public authorities have the ability to make decisions affecting the public realm that can have a positive impact on cultural heritage resources. On this basis, the carrying out of any public work by any Public Authority shall have regard to the retention and protection of significant cultural heritage resources in accordance with the goals and objectives of this Plan. Pursuant to the Ontario Heritage Act, all public works within Heritage Conservation Districts shall conform to the applicable Heritage Conservation District Plan.

7.5.1.3 Mitigation of Impacts on Cultural Heritage Resources

Council may impose as a condition of any development approval the retention and conservation of cultural heritage resources identified in a CHIS, or the implementation of

appropriate mitigation measures, to minimize the impact of the development on the cultural heritage resource.

7.5.1.4 Restoration and/or Rehabilitation of Significant Cultural Heritage Resources

It is the intent of this Plan to promote the restoration and/or rehabilitation of significant cultural heritage resources and protected heritage properties by assisting with funding applications, establishing grant programs and creating special taxation districts. Council may also encourage the restoration and retention of heritage properties through the use of bonusing and density transfers and other means as permitted by the Planning Act. Council may lead by example by restoring, rehabilitating, enhancing and maintaining municipally owned cultural heritage resources, through appropriate heritage stewardship practices.

7.5.1.5 Pioneer Heritage Cemeteries

Council shall discourage the closure and relocation of pioneer cemeteries since they contribute to the character of the Town and are an excellent representation of the Town's history and identity.

7.5.2 BUILT HERITAGE AND CULTURAL LANDSCAPE RESOURCES

7.5.2.1 Built Heritage Inventory

A publicly available registry of properties of cultural heritage value or interest has been compiled by the Town. Cultural heritage resources are those properties and/or buildings that are of historical and/or architectural value and/or interest. Other properties and/or buildings may be identified through further study and/or as a consequence of considering a Planning Act application.

The intent of this registry is to identify the location and nature of these resources so that they are known and considered, as appropriate, in any decision requiring a Planning Act approval.

Inventoried heritage resources may be considered for designation under the Ontario Heritage Act and/or conservation through the review of any proposed development, subject to all relevant legislation.

7.5.2.2 Designation under the Ontario Heritage Act

Council may by by-law designate cultural heritage resources, such as individual properties and conservation districts pursuant to the Ontario Heritage Act and the policies of this Section. Once a property has been so designated, it is then considered to be a Protected Heritage Property as defined by this Plan. Prior to the passage of such a by-law, Council shall be satisfied that:

- a) the building or property is strongly associated with the life of a person who played an integral role in the development of the Town and/or is well-known locally, nationally or internationally; and/or,

- b) the building or property is the location of, or is associated in a significant way, with a significant local, national or international event; and/or,
- c) the building has an architectural style that is distinctive and representative of a period of history and/or is the work of a recognized architect; and/or,
- d) the building or property is considered to be an easily recognizable landmark in the Town and contributes to the character of the community; and/or,
- e) the neighbourhood contains a collection of buildings and properties described in Sections a), b), c) and d) above and which collectively contribute to the character of the Town.

7.5.2.3 Heritage Conservation Districts

Where there is a concentration of significant cultural heritage resources in accordance with Section 7.5.2.2 of this Plan, Council may consider the establishment of a Heritage Conservation District to conserve an area's heritage character.

Prior to designating a Heritage Conservation District pursuant to the Ontario Heritage Act, Council shall:

- a) pass a by-law to define an area to be studied for possible future designation;
- b) consider passing a by-law to impose interim control of alteration, demolition or removal of heritage resources in the area defined as under study for possible future designation pursuant to the Ontario Heritage Act;
- c) prepare and adopt a Heritage Conservation District Plan; and,
- d) establish a District Committee to advise Council on matters pertaining to the designated district.

Within designated Heritage Conservation Districts, property owners, in consultation with the appropriate District Committee, will be encouraged to maintain and repair heritage buildings and seek government grants and loans for eligible conservation work.

7.5.2.4 Contents of Heritage Conservation District Plan

The general principles and process for the administration of a Heritage Conservation District will be outlined in a Heritage Conservation District Plan. The Heritage Conservation District Plan will:

- a) delineate boundaries of the designated area and reasons for the designation;
- b) inventory cultural heritage resources;
- c) prescribe policies, conservation and design guidelines, and other pertinent material relating to the sound and prudent management of the district's unique character;

- d) be adopted by Council after consultation with affected property owners and other interested agencies as considered appropriate; and,
- e) be administered by municipal review of heritage permit applications for changes and alterations to individual buildings and structures within the designated district.

In reviewing proposals for the construction, demolition or removal of buildings or structures, or the alteration of buildings within a Heritage Conservation District, Council shall be guided by the applicable Heritage Conservation District Plan.

7.5.2.5 Area-Specific Official Plan Policy and Zoning By-law Provisions

Council may, by amendment to this Plan or through a Secondary Plan, include policies that are intended to provide guidance on how buildings and properties can be developed/redeveloped in an area where a concentration of significant cultural heritage resources in an area exists. The intent of the policies would be to conserve and enhance the cultural heritage of an area, in accordance with the goals and objectives of this Plan. These policies shall:

- a) describe the historical development context of the area;
- b) review the existence and significance of cultural heritage resources in the area;
- c) identify the conservation priorities for significant cultural heritage resources;
- d) establish how cultural heritage resources should be considered through a redevelopment process; and,
- e) identify and describe the architectural design and streetscape guidelines that will guide development in a defined area.

The policies may be implemented through subdivision approvals, site plan control or through the zoning by-law as appropriate.

7.5.2.6 Retention/Relocation of Built Heritage Structures

Council shall encourage the retention of buildings of architectural and/or historical significance in their original locations whenever possible. All options for on-site retention shall be evaluated before approval is given for relocation to another site. These options include: integration within new development areas, adaptive re-use of the building in its original location, and relocation of the building on the development site.

7.5.2.7 Prevention of Demolition of Built Heritage Structures

Pursuant to the Ontario Heritage Act, and as part of an overall strategy to conserve built heritage resources, Council may refuse to permit the demolition of heritage buildings or structures that have been designated under the Ontario Heritage Act.

7.5.3 ARCHAEOLOGICAL RESOURCES

Council recognizes that there are archaeological remnants of prehistoric and early historic habitation as well as areas of archaeological potential within the Town. Archaeological sites and resources contained within these areas can be adversely affected by any future development.

Council shall therefore require archaeological impact assessments and the preservation or excavation of significant archaeological resources in areas containing known archaeological resources and in areas of archaeological potential. Archaeological assessment reports by licensed archaeologists are to be in compliance with standards and guidelines set out by the Ministry of Culture, as well as licensing provisions under the Ontario Heritage Act. Council shall ensure adequate archaeological assessment and consult appropriate government agencies when an identified marked or unmarked cemetery is affected by land use development. The provisions under the *Heritage Act* and the *Cemeteries Act* shall apply.

Council may conserve the integrity of archaeological resources by adopting zoning by-laws under Section 34 of the Planning Act, to prohibit land uses on sites where an identified significant archaeological heritage resource exists.

7.6 PUBLIC PARKLAND

7.6.1 OBJECTIVES

It is the objective of this Plan to:

- a) implement the Town's Master Parks and Recreation Plan as it relates to land use;
- b) establish and maintain a system of public open space, parkland and recreational facilities that meets the needs of present and future residents;
- c) enhance existing parkland areas wherever possible to respond to changing public needs and preferences;
- d) ensure that appropriate amounts and types of parkland are acquired by the Town through the development process;
- e) encourage the dedication and donation of environmentally sensitive lands into public ownership to ensure their continued protection;
- f) protect and enhance the public open space and parkland areas in a manner that is consistent with the objectives of this Plan, while accommodating appropriate levels of public use;
- g) promote the establishment of a continuous linear open space system connecting natural, cultural and recreational land uses within the Town and to surrounding municipalities;
- h) coordinate with other public and private agencies in the provision of open space, recreational and cultural facilities; and,

- i) encourage the development of walking and cycling trail system within the open space system that is accessible to the public utilizing trails, paths, streets and other public open spaces.

7.6.2 GENERAL POLICIES APPLYING TO ALL PUBLIC PARKLAND

7.6.2.1 Parkland Hierarchy

A parkland hierarchy has been established by the Town that is characteristic of the distribution and demand needs of the Town, which includes Neighbourhood, Community and Special Open Space Parks as set out below:

- a) Neighbourhood Parks, which may include parkettes and totlots, serve passive recreational and social needs of residents, and are sized at a minimum of 0.2 hectares to 0.8 hectares and generally located within 0.5 km walking distance from the furthest residences served by the park.
- b) Community Parks include athletic fields and district parks serving active recreational needs of residents with year round activities and provide limited neighbourhood functions. These are a minimum of 4 hectares in size and are centrally located and front or are adjacent to Arterial or Collector Roads.
- c) Special Open Space Parks include linear parks and trails, conservation areas, and interpretive and cultural parks. These are located within areas of community significance, contain special features and may accommodate unique heritage features and provide limited park functions. Their size varies depending on use and availability and they tend to act as an attraction destination for the wider area.

7.6.2.2 Other Sources of Parkland and Facilities

Where appropriate, Council may:

- a) encourage other agencies to provide open space and amenity areas for public use;
- b) enter into joint use/management agreements respecting the development of specific recreational facilities that are available to the general public;
- c) provide linkages between municipal open space areas and the facilities provided by other agencies or private organizations; and,
- d) to encourage the development of trails on private open space lands where appropriate.

7.6.2.3 Dedication of Parkland through the Development Process

The Town will require parkland dedication from development/redevelopment and on plans of subdivision in accordance with the following:

- a) Five (5%) percent of the land within a residential plan of subdivision, or 1.0 hectare of land per 300 dwelling units as parkland.
- b) Two (2%) percent of the land within industrial/commercial development shall be dedicated as parkland.

- c) In lieu of the above requirements, Council may require cash-in-lieu of parkland instead, as deemed appropriate.
- d) Lands designated EP1 or EP2 and hazard lands such as floodplains or lands required for stormwater management facilities shall not be considered as any part of the required parkland calculation. To the extent possible, stormwater facilities will be incorporated into developments adjacent to parkland and designed in a manner to enhance the aesthetic appeal of the overall development.
- e) Where applicable, lands to be reserved for future public open space and trail linkages will be identified as part of a development proposal.
- f) All lands dedicated to the Town shall be conveyed in a physical condition satisfactory to the Town.

7.6.2.4 Determination of Land Value

The determination of the value of land in calculating the amount of a cash-in-lieu dedication shall be determined in accordance with the Town's cash-in-lieu of Parkland By-law and Section 51.1 and 42(6) of the Planning Act as may be amended.

7.6.2.5 Use of Monies Received Through the Cash-in-Lieu Process

All monies received under the provisions of Section 7.6.2.3 shall be used for the sole purpose of developing and acquiring public parkland and/or developing recreational facilities in accordance with the Planning Act. These monies may be used by Council for the:

- a) acquisition of additional land to expand existing parks where appropriate;
- b) acquisition of vacant infill sites to create new small parks;
- c) acquisition of redundant properties owned by public agencies;
- d) improvement of park design and development within existing parks; and/or,
- e) establishing priorities for acquisition through Council approval of Master Plans.

7.6.2.6 Basis for Accepting Cash-In-Lieu of Parkland

Cash-in-lieu of parkland may be required where:

- a) the application of the rate of parkland dedication would render the remaining portion of the site unsuitable or impractical for development;
- b) existing municipal parkland is available in sufficient quantity and quality to accommodate further development in a particular area; and/or,

- c) more suitable parcels of land are available for municipal park purposes in other locations.

7.6.2.7 Parkland Dedication By-law

Council shall enact a Parkland Dedication By-law that establishes:

- a) the lands to which the by-law is applicable;
- b) the rate of parkland dedication in accordance with Section 7.6.2.2 of this Plan;
- c) the development applications which are subject to parkland dedication requirements; and,
- d) land uses that are exempt from parkland dedication requirements.

7.6.3 PARKLAND DEVELOPMENT POLICIES

7.6.3.1 Parkland Siting and Design

All public parkland shall:

- a) have as much street frontage as possible and be open to view on as many sides as possible to maximize visibility from adjacent streets and promote safety;
- b) maximize public safety through park block size, visibility, configuration and location of park fixtures and facilities;
- c) have direct and safe pedestrian access from adjacent residential areas or adjacent greenlands where appropriate;
- d) be designed to minimize any potential negative impacts on adjacent residential areas through the use of such measures as planting, fencing and the provision of appropriate access, parking and buffers to active recreational facilities;
- e) incorporate and improve natural heritage features wherever possible when designing parkland;
- f) be integrated into the fabric of the adjacent neighbourhood by promoting open space or walkway linkages to adjacent facilities, neighbourhoods and natural features;
- g) be connected, wherever possible, to trail systems, cycling routes, walkways, natural heritage corridors, utility corridors and drainage systems.
- h) linking and consolidation of parks to provide a continuous system of open space areas, where possible; and,

7.6.3.2 Parkland Development Standards

It is the policy of this Plan that a Parkland Development Manual be prepared and approved by Council. The Parkland Manual shall deal with criteria such as planting size

and species requirements, seeding and/or sodding requirements, drainage, park servicing requirements, facility material and quality requirements, parking requirements including quantities per facility and surfacing requirements and standard sizes for the layout of sports fields and park amenities.

7.7 URBAN DESIGN

The following policies shall apply, as appropriate, to all developments requiring a Planning Act approval within the settlement areas. Additional policies for certain areas of the Town are contained within the appropriate sections of the Plan containing the land use designations. The policies of this section are separated into sections dealing with the public realm and the private realm. Regard should also be had to the Town Urban Design Guidelines.

7.7.1 Public Realm

The character and treatment of public areas such as roads, parks, and public open spaces are a key component of the character of the community. Therefore, high quality design in the public realm shall be encouraged in the development of all public parks and open spaces, roads, buildings and engineering projects. The following additional policies shall apply to the design of these public areas and to the public works carried out in these areas.

7.7.1.1 Streetscape

- a) An integrated design and treatment of streetscape features shall be promoted throughout the Town. Specialized streetscape designs and treatments may be adopted for particular areas of the Town in accordance with area, or site-specific, Council-adopted Urban Design Guidelines.
- b) Streetscape features and sustainable design elements located within public rights-of-way, such as lighting fixtures, directional and street signs, parking meters, transit shelters, above ground infrastructure and street furniture shall be complementary in their design and located in an integrated manner, so as to avoid visual clutter.
- c) Gateway features shall be established at strategic locations within the Town, as identified in Council-adopted Secondary Plan policies and/or Urban Design Guidelines and may include specialized boulevards, landscape medians, decorative street lightings, and/or decorative signage treatments.
- d) Planned road reconstruction shall be encouraged to include improvements to the existing streetscape consistent with the policies of this Plan or any Council-adopted Urban Design Guidelines and the Downtown Enhancement Master Plan and other similarly adopted Council guidelines.

7.7.1.2 Roads

Road designs shall include well-designed streetscape features, incorporating, among other things: street tree planting, street lighting and furnishings, bicycle parking spaces

and areas, sidewalk and boulevard treatments, a variety of paving materials, and, where appropriate, bicycle lanes, community mailboxes and future transit shelters.

Road designs may incorporate traffic calming techniques such as narrower rights-of-way, traffic circles, and speed control devices, where appropriate, to promote a safer pedestrian environment and/or to maintain vehicles within designated speed limits. The Town will consider alternative standards for public road rights-of-way in order to achieve urban design objectives in certain areas of the Town.

The design of roads shall incorporate a high quality of urban design standards. On this basis:

- a) road rights-of-way shall be designed to secure a separation of vehicles and pedestrians and should provide an appropriate sidewalk for pedestrian use;
- b) on collector and arterial roads within settlement areas shown on Schedules E1 and E2 a suitable boulevard shall be provided to separate the road curb from the sidewalk and such boulevard shall include hard and/or soft landscape materials, street trees and pedestrian-level street lights, where appropriate;
- c) where medians are provided within the road rights-of-way, such medians shall be encouraged to include hard and/or soft landscape materials, where appropriate;
- d) a regularized pattern of street tree planting shall be encouraged along roads within the settlement areas, and the Town shall establish minimum planting standards and species types in the Site Plan Manual and/or Council-adopted Urban Design Guidelines;
- e) the number and location of access points onto the public road system shall be minimized by encouraging common access points to be shared by adjacent development;
- f) street lighting shall, where appropriate, incorporate pedestrian-level lighting to maintain pedestrian safety; and;
- g) street lighting that reduces energy consumption and directs light away from the night sky and adjacent uses shall be encouraged.
- h) Appropriate noise barriers where required, are designed to complement existing and proposed development.

7.7.1.3 Services and Utilities

- a) Services and utilities shall be encouraged to locate underground in a common trench, where feasible, in order to maintain a pleasant visual environment along public roads.
- b) Above-ground utility service providers shall be encouraged to co-operate with the Town in identifying locations which minimize the visual impacts of such equipment and facilities where located within the public road right-of-way.
- c) All proposed development adjacent to utility corridors shall ensure that appropriate safety and environmental protection measures such as setbacks and fencing are

provided to the satisfaction of the Region and/or the Ministry of Environment.

7.7.2 Semi Public and Private Realms

A high quality of design in the semi-public and private realm shall be required in all new development and redevelopment. For the purposes of this section the semi-public realm is located on private land but is located adjacent to public land and is generally accessible to the public. The private realm are those lands and buildings that are in private ownership and are considered to be 'internal' to the development.

7.7.2.1 Site Design

- a) Site design incorporates the built form of structures, landscaping, services and the layout of all amenities. Site design shall consider the relationships between the public realm, adjacent land uses, on-site operations and visual aesthetics, in order to promote an environment that is pleasant and attractive to the community.
- b) Site design shall consider how to maximize the compatibility between adjacent land uses through appropriate site layout, building locations and landscape treatments.
- c) The design of sites adjacent to parks, woodlots and watercourses shall be sensitive to these features. In these instances, appropriate setbacks shall be maintained between buildings and sensitive natural areas, while on-site landscaping shall be well integrated with natural areas.
- d) Continuous, highly visible, well-articulated and landscaped connections between building(s) and the street should be provided to establish appropriate pedestrian linkages between the sidewalk and building entrances, and generally improve access for public transit users.
- e) Site design along major roads should also consider the integration of future public transit access.
- f) Along collector and arterial roads within the *Settlement Areas*, reverse frontage residential lots shall be minimized through techniques such as window streets and where reverse frontage lots are provided, shall incorporate a substantial landscape buffer to improve the visual amenity of such areas.
- g) On large sites, efforts shall be made to encourage pedestrian linkages between uses and adjacent sites.

7.7.2.2 Building Design and Siting

- a) The design of new buildings should achieve a complementary design relationship to existing buildings, while accommodating a diversity of architectural styles, building materials and colours, energy conservation techniques and innovative built forms.
- b) The colour of the building materials used shall be compatible with the colours used on adjacent buildings and in the surrounding area particularly in those areas of the Town that are the site of long established neighbourhoods.

- c) The design of all buildings shall have regard to pedestrian safety and direct street access. Buildings should be massed to recognize pedestrian scale and provide an appropriate street wall height at the street line and be architecturally articulated to provide visual variety and interest, yet be sensitive to high wind speeds, and long periods of shadowing. Generally, building articulation features such as canopies, cornice lines and varying façade materials should be used to reinforce a pedestrian scale.
- d) Buildings shall be encouraged to present their principal building facades with an appropriate building design and fenestration to the public street. The design of corner buildings shall take into account exposure to multiple street frontages and high public exposure; as well as incorporate elements such as increased height, fenestration and roof features, and well-articulated entrances.
- e) Buildings located at major vista terminations in their urban setting, or on view corridors within the development site, shall be given special treatment through the use of massing and building articulation strategies, such as added height, special roof treatments, and use of special cladding materials.
- f) The protrusion of garages on residential buildings into the front yard, beyond the main front building wall, shall be discouraged. In addition, the width of private driveways accessing private garages shall be controlled to ensure that there is an appropriate relationship between pavement and landscaping in the yards where the driveway is located. Such a relationship shall also take into account the desire to maximize the infiltration of rainwater into the ground and minimize the amount rainwater that is to be directed to stormwater management facilities.
- g) New development and redevelopment within residential neighbourhoods shall generally be compatible with adjacent land uses. Factors to consider in this regard include:
 - i) the relationship between the massing and height of existing and proposed buildings;
 - ii) the location of established building lines;
 - iii) the placement of existing and proposed buildings on a lot in relation to the street and lot lines;
 - iv) the lot coverage and floor area ratio of existing and proposed development;
 - v) the nature of the existing and proposed exterior building materials and architectural elements; and,
 - vi) the location of driveways, private garages and trees.
- h) Building functions that do not directly serve the public, such as loading areas, shall not face a public street and should be located away from noise sensitive land uses, such as residential areas, and buffered as necessary.
- i) Buildings should employ devices such as awnings, canopies, building cantilevers/overhangs to minimize potentially uncomfortable high winds which may be associated

with the height or placement of buildings, and generally improve the level of pedestrian comfort. Sheltered building entrances should be provided at primary building entrances to high-density residential, public, recreational, industrial, office and commercial buildings, where necessary.

- j) When a development is located adjacent to existing, or planned residential areas, sufficient building setbacks should be provided to minimize potential height and massing impacts such as overlook, shadowing and high wind speeds. Massing strategies such as stepping down towards buildings of lower height should be employed to minimize impacts. Site Plan applications may be required to submit wind and/or shadow studies to address such potential conditions.
- k) Roofscapes shall be an integral part of the design of a building and harmonize with the design of the rest of the building. On this basis, roof top mechanical units shall be organized and screened with complementary materials, colours and finishes as necessary to provide a skyline with desirable visual attributes.
- l) Freestanding buildings for retail, restaurants and services, as well as office and residential buildings, shall be located at the street edge where possible, to encourage their use by pedestrians.
- m) Buildings on corner lots shall be located in close proximity to the street rights of way. Corner lots should emphasize their important urban presence by employing appropriate strategies for major landscape treatments as well as building massing and articulation that emphasize the corner condition.
- n) Building entrances shall be located to be visible from the adjoining street(s) and, where possible, directly linked to the sidewalks through appropriately articulated walkways.
- o) The majority of the first storey wall of buildings located along major roadways where a strong pedestrian environment is encouraged shall be the site of openings.
- p) Minimum heights, densities and floor area ratios will be required along major roadways and within the settlement areas as appropriate, and as set out in the applicable policies of this Plan.

7.7.2.3 Drive-Throughs

Drive-throughs are subject to urban design objectives and policies of this Plan. In general, drive-through development applications will be discouraged when they are determined not to be compatible and sensitive to surrounding land uses, and areas of particular urban form, cultural significance and special identity, and streetscape patterns. Drive-through applications shall be contextually appropriate, support a positive pedestrian environment, and integrate well with other on-site facilities, features and amenities. The following additional matters shall be considered when reviewing drive through proposals:

- a) Drive throughs shall be incorporated into a larger building form, where possible.

- b) Drive-through shall be designed and located to minimize visual impact on the streetscape. In this regard, drive through stacking and pick up lane should not be located between the front face of the building and the public sidewalk.
- c) Drive-through service facilities should be designed to minimize visual, traffic and noise impacts on adjacent residential development and shall include hard and/or soft landscape buffering consistent with the Town's landscaping and Urban Design Guidelines to protect adjacent and nearby residential neighbourhoods from adverse impacts to the Town's satisfaction.

7.7.2.4 Landscaping

- a) Landscaping is a major contributor to a vibrant streetscape. A high quality of landscape design shall be required to enhance the visual aesthetics of development and to enhance the site and land use compatibility.
- b) Landscaping within private lands shall be complementary to streetscape design and materials within the public realm.
- c) Where appropriate, planted landscaping strips and fencing shall be used to buffer development from adjacent uses and mitigate on-site operational activities such as loading and waste storage facilities.
- d) Landscape materials shall be selected for their aesthetic, ecological, disease-tolerance and maintenance characteristics.
- e) Hard and soft landscaping shall be used for the spaces between the street line and buildings to enhance the streetscape, as well as provide a buffering function when on-site parking is placed close to the street or in side yards. To help create a strong landscape presence that also screens surface parking, a generously sized area and/or low decorative fencing should be provided along the street line to allow for an aesthetically pleasing view from the street into the site.
- f) Vehicular entrances often present opportunities for landscaping that highlight entry points into the site. Therefore, appropriate landscaping shall be provided on either side of driveway entrances, particularly at the main entrances.
- g) The use of berms along public street frontages shall generally be avoided due to their tendency to isolate buildings from the street.
- h) Landscaping can play an important role in delineating a site's side yards and often provides a visual break in large asphalted areas. In this regard, landscape strips planted with trees and/or shrubs and flowers shall be used to separate each development and the associated parking areas. The presence of significant trees on a development site shall be determined through a tree survey and, where appropriate, preserved, maintained and integrated into the new landscape design.

7.7.2.5 Parking

- a) The location of parking is a major determinant for the layout of a development that is pedestrian friendly and transit supportive. Where appropriate, the Town shall encourage the provision of surface parking areas in locations not visible from the public street, such as in rear yards and/or well-landscaped side yards.
- b) Where surface parking areas are situated adjacent to a public street in the front yard, their layout should be subdivided into smaller areas to avoid large monotonous asphalt surfaces. In these cases, a certain percentage of the frontage should be reserved for landscaping between the buildings and the street line. The parking areas may be partially buffered and/or screened from the street through the use of landscaping, tree planting, pedestrian facilities, lighting, fencing and/or other landscape elements in order to enhance the visual aesthetics of, and pedestrian activity within, such parking areas.
- c) Clearly defined pedestrian accesses between parking and adjacent buildings and entrances should be provided with well-delineated walkways using decorative paving surfaces.
- d) Surface parking lots shall be linked to the streets and other public areas with well-delineated walkways, utilizing decorative paving treatments.

7.7.2.6 Signage, Display Areas and Lighting

- a) All signs shall be in accordance with the Town's Sign By-law and designed as an integral element of the site layout and/or building design that does not dominate the overall development character. Signs on designated heritage properties or within Heritage Conservation Districts pursuant to the Ontario Heritage Act are encouraged to be compatible with the architecture and character of the property or district.
- b) Some land uses require outside display areas such as sales outlets for vehicles and garden supply stores. Display areas should be designed to make a positive contribution to the streetscape and the overall site development. Generally, there shall be a limited percentage of site frontage devoted to outside display areas. Architectural and/or landscaping components shall be used as appropriate, to provide well-defined display areas that work in harmony with adjacent buildings and display areas. Some of these treatments include extensions of building facades, colonnades and canopies, planting, pergolas and decorative walls.
- c) All lighting shall be internally oriented so as not to cause glare on adjacent properties or public roads. Outdoor lighting fixtures that reduce energy consumption and direct light onto the property it serves is encouraged.

7.7.2.7 Services, Utilities, Outside Processing, and Storage

- a) Site and building services and utilities such as waste storage facilities, loading, air handling equipment, communications/telecommunications infrastructure, hydro transformers and metering equipment, shall generally not face public streets or should be screened from public streets and adjacent residential areas or other sensitive land uses, in order to buffer their visual and operational effects. Waste storage areas should

be integrated into the main building on the lot. Waste storage areas external to the main building shall be enclosed and shall not face a public street.

- b) Site access, service areas and loading areas shall be located away from streets so as to minimize disruption or conflicts with adjacent land uses, sidewalks and both on-site, and off-site, pedestrian routes and shall be visually screened as necessary from public views. Screening should be designed to use landscaping and/or solid fencing. Loading and service areas should be buffered for noise impacts, particularly when located against residential areas. Buffering strategies include berms, tree and shrub planting and opaque noise walls and fences.
- c) It is recognized that in some developments, there will be a need to accommodate outside processing and storage areas, particularly for uses such as building supply centres and some industrial operations. These storage areas should be organized and placed to reduce their potential negative impacts on the streetscape. Open processing and storage areas should be located in the rear or side yards and screened from public view, or from views from adjacent properties, using fencing and/or landscaping.
- d) Storage areas should be paved with hard surfaces such as asphalt, concrete or interlocking pavers where possible to reduce dust.

7.7.2.8 Access and Circulation

- a) The number of vehicular access points into a site and their width could potentially have detrimental effects on street frontages by reducing available areas for landscaping and by creating large expanses of asphalt. On this basis, joint access driveways shall be considered on adjacent sites.
- b) To ensure safety and promote their priority over vehicular traffic, major pedestrian routes on the site should be identified and delineated with paving materials that differentiate them from the driving surfaces. Pedestrian walkways should be made continuous across driving aisles as well as across driveway entrances at the street. The use of soft landscaping is also encouraged along major pedestrian routes.
- c) Generously sized walkways shall be provided along buildings, particularly in areas with large pedestrian traffic. These walkways should be connected to other pedestrian routes on the site and linked to major pedestrian entry points at the street, and where appropriate to adjacent developments.

7.7.2.9 Whole Building Design

The whole building design approach shall be considered when applications to develop or redevelop are submitted. In this regard, the following design objectives must be considered in concert with each other:

- a) Accessible – pertains to building elements, heights and clearances implemented to address the specific needs of disabled people;
- b) Aesthetics – pertains to the physical appearance and image of building elements and spaces as well as the integrated design process;

- c) Cost Effective – pertains to selecting building elements on the basis of life cycle costs (weighing options during concepts, design development and value engineering) as well as basic cost estimating and budget control;
- d) Functional/Operational – pertains to functional programming – spatial needs and requirements, system performance as well as durability and efficient maintenance of building elements;
- e) Historic Preservation – pertains to specific actions within a historic district or effecting a historic building whereby building elements and strategies are classifiable into one of four approaches: preservation, rehabilitation, restoration or reconstruction;
- f) Productive – pertains to occupants well-being – physical and physiological comfort – including building elements such as air distribution, lighting, work spaces, systems and technology;
- g) Secure/Safe – pertains to the physical protection of occupants and assets from man made and natural hazards; and,
- h) Sustainable – pertains to environmental performance of building elements and strategies.

7.7.3 Cultural Heritage

Development shall be designed to incorporate, conserve and enhance identified heritage resources as distinct elements and/or focal points, and incorporate these features into the overall site and building design in accordance with Section 7.5.2.

7.7.4 Safety

Personal safety for individuals for new development shall be promoted including the provision of:

- a) Appropriate lighting, visibility and opportunities for public surveillance for parking lots, walkways, parking garages and open space area;
- b) Unobstructed views into parks and open spaces from adjoining streets;
- c) Design and siting of new buildings shall provide opportunities for visual overlook and ease of public access to adjacent streets, parks and open space.
- d) Views into and out of publicly accessible buildings shall be encouraged;
- e) Landscaping that maintains views for safety and surveillance;

7.7.5 Barrier-Free Access

- a) Barrier-free access for persons using walking or mobility aids shall be provided in all public and publicly accessible buildings and facilities and along major pedestrian routes. Such barrier-free access features may include level surfaces, ramps and curb cuts, railings, automatic door openers and rest areas.

- b) Barrier free features shall be integrated with the functional and design components of the site and/or buildings.

7.7.6 Views and Vistas

- a) The preservation, enhancement and/or creation of significant views and vistas shall be encouraged as part of comprehensive planning studies, such as Secondary Plans and during the review of development applications.
- b) To assist in defining community character and sense of place, public and institutional buildings shall be encouraged to locate at the termination of a street or view corridor and at street intersections.

7.7.7 Implementation

The Town shall employ all relevant municipal development controls in order to achieve a consistently high standard of site, building and landscape design. The urban design policies of this Plan shall be implemented by:

- a) ensuring that the implementing Zoning By-law is regularly reviewed and amended to include standards that reflect the objectives and policies of this Plan;
- b) preparing specific Urban Design Guidelines for key focal points in the Town;
- c) ensuring that the Town's engineering standards are regularly refined to reflect the objectives and policies of this Plan and any Council-adopted Urban Design Guidelines;
- d) ensuring that the Town's Site Plan Manual sets out the minimum requirements of the Town in a clear and concise manner;
- e) ensuring that all Public Works decisions generally conform with this Plan and Town approved Urban Design Guidelines;
- f) utilizing Architectural Control in areas, where appropriate, to detail proposed building designs and materials, and in order to avoid repetitive building forms along residential subdivision streets; and,
- g) requiring the preparation of Urban Design Reports that are intended to be complementary to the general policies of this Plan.

7.7.7.1 Urban Design Guidelines

The Town may require the preparation of detailed Urban Design Reports for selected areas within the Town, where appropriate, and shall require Urban Design Reports and/or Architectural Control Reports for those areas identified. In addition, Urban Design Guidelines shall be prepared where new, or reviews of existing, local Secondary Plans are undertaken.

Urban Design Guidelines shall be adopted by Council and then shall be employed in the design and construction of all public projects and the evaluation of all development applications.

In areas where Urban Design Guidelines have been adopted by Council, all development applications shall be evaluated to determine the extent to which the application achieves the Urban Design policies of this Plan and the relevant Council-adopted Urban Design Guidelines.

The preparation of area-specific Urban Design Reports may be required as part of the consideration of major development proposals or to support the preparation of area-specific studies.

7.7.7.2 Development Approvals

- a) The urban design policies of this Plan, and any Council-adopted Urban Design Guidelines, shall be employed in the evaluation of all development applications within the Town.
- b) The Town shall exercise its powers of zoning and site plan approval to encourage a high quality of building and landscape design and shall review and amend its Site Plan Manual and Zoning By-law in order to implement the Urban Design policies of this Plan and any Council-adopted Urban Design Guidelines.
- c) For development requiring site plan approval, the Town may require that the applicant prepare an Urban Design Report in conjunction with the submission of site plan application, where the context of the development area is sensitive in nature.
- d) The Town shall exercise control over signs and fences in accordance with applicable legislation and shall ensure that its municipal by-laws are regularly reviewed and amended to reflect the Urban Design policies of this Plan and any Council-adopted Urban Design Guidelines.

7.7.7.3 Other Programs

The Town may undertake studies or participate in programs, including community improvement plans, for the aesthetic improvement of existing areas.

7.7.7.4 Municipal Standards By-Law

The Town shall monitor and, where necessary, apply the regulations of the Municipal property standards by-law, in order to maintain a high quality of site development throughout the Town.

7.8 DESIGN FOR NEW NEIGHBOURHOODS IN URBAN EXPANSION AREAS

The following community design principles apply to development in new development areas that are added to the Town's Settlement Area in accordance with Section 7.11 of this Plan:

- a) Residential development shall include a combination of housing types, with a range of densities that implement the housing objectives and policies of this Plan;
- b) High density housing shall be located on arterial and collector roads to ultimately facilitate the establishment of public transit, multi-modal facilities and a pedestrian-oriented environment;
- c) New development areas shall be integrated with existing built-up areas;
- d) New subdivision streets should generally align in a grid pattern to create appropriately sized development blocks and to promote traffic permeability and connectivity;
- e) The development of reverse-frontage residential lots shall be minimized and where reverse frontage lots are provided, shall incorporate a substantial landscape buffer to improve the visual amenity of such areas;
- f) Open space and parkland areas shall integrate with adjacent development areas and provide a range of active and passive recreational opportunities;
- g) New buildings shall be designed and oriented to the street and to street corners to encourage a pedestrian-oriented streetscape;
- h) Where appropriate, employment lands shall be buffered from residential development by a variety of measures such as roads, landscaping, natural heritage areas, and parkland and community facilities;
- i) Above ground utilities shall be located to minimize visual and environmental impacts; and,
- j) Collector roads shall be provided approximately mid-block between arterial roads to promote traffic connectivity, and ultimately the establishment of public transit, when feasible.

7.9 DESIGN OF NON-URBAN AREAS

It is the intent of Council to only permit development outside of settlement areas that is compatible with the character, role and function of the non-urban (rural) landscape since the existing character of the rural area greatly contributes to the quality of life enjoyed by the Town's residents. The rolling hills and undulating topography, the rivers and streams and the open and natural setting of the rural landscape are all components that define this character. It is the intent of this Plan to ensure that this character is protected and enhanced for future generations.

It is the intent of this Plan to protect the natural and rural character of the rural landscape wherever possible. On this basis, Council shall ensure, as a condition of any Planning Act approval for development located outside of *Settlement Areas* that:

- a) uses be designed to blend in with the existing topography and vegetation;
- b) existing trees are maintained wherever possible;

- c) new buildings on farm properties be sited in existing building clusters only;
- d) existing hedgerows are maintained;
- e) non-residential uses should generally be set back from the road to minimize their visual impact on the rural area;
- f) all signage, if required, reflects the rural and natural character of the area;
- g) all lighting, if required, is subdued and appropriate for the use; and,
- h) existing buildings, structures, barns and other agricultural buildings are upgraded and/or restored wherever possible.

7.10 PUBLIC USES AND INFRASTRUCTURE

Public uses and *infrastructure* are permitted in all land use designations subject to any regulatory requirements such as the provisions of the Environmental Assessment Act. Certain *public uses* and *infrastructure* may be prohibited in certain zones in the implementing zoning by-law for social, environmental and/or public safety reasons. In addition, the implementing zoning by-law shall contain regulations that control the siting of all public buildings and structures, *accessory uses* and *outdoor storage* associated with any public use, where such use is permitted.

Where companies subject to federal or provincial control propose new utility installations, it is the policy of this Plan to encourage where feasible and appropriate:

- a) the screening of antennas and towers from view from roads or scenic vistas through landscaping, fencing or other architectural screening;
- b) the use of innovative design measures such as the integration of such uses with existing buildings and/or streetscape features such as gateways, lamp posts and signs;
- c) the co-location clustering of different utilities to minimize impacts;
- d) the use of existing *infrastructure* where possible such as water towers or utility poles; and,
- e) the siting of utilities away from *sensitive land uses*.

In addition to the above, the need to site utilities within the municipal right of way shall be considered when planning for road widenings or new roads.

Transportation, *infrastructure* and utilities on the Oak Ridges Moraine shall be subject to the provisions in Section 41 of the Oak Ridges Moraine Conservation Plan.

7.11 SETTLEMENT AREA EXPANSIONS

7.11.1 Timing of Consideration

The expansion of any settlement area may be considered by Council as a component of a comprehensive review of this Plan as defined by this Plan. The boundaries of Alliston, Beeton and Tottenham Settlement Areas are shown on Schedule A to this Plan.

Such a comprehensive review can only be initiated by the Town if the County of Simcoe has allocated population and/or employment growth to the Town, and it has been demonstrated that sufficient opportunities to accommodate forecasted growth through intensification and in designated Greenfield areas based on identified intensification and density targets are not available within the Town of New Tecumseth. Such an expansion, if considered, would make available sufficient lands for a time horizon not exceeding 20 years.

7.11.2 General Criteria

The overall intent of the Town is to work towards the creation of a complete community as defined by the Provincial Growth Plan for the Greater Golden Horseshoe.

The Town's long term prosperity, environmental health and social well being depends on wisely managing change and promoting efficient land use and development patterns. On this basis, urban expansions may be considered, subject to Section 7.11.1 of this Plan, provided the urban expansion is consistent with the Town's objective of creating a complete community. Factors to consider in this regard include:

- a) The extent to which a full range of services are and will become available to residents of the community so that the need to travel to other urban areas for these services or amenities are minimized;
- b) The extent to which the urban expansion will provide opportunities for a wide range of job opportunities and multiple options with respect to housing types; and,
- c) The extent to which the long term financial impact on the Town resulting from the urban expansion is minimized, when taking into account the cost of the required infrastructure upgrades and the enhanced service delivery that results.

In addition to the above, the timing of the expansion and the phasing of development within the expansion area shall occur in a manner that does not adversely affect the achievement of the intensification and density targets in this Plan.

7.11.3 Locational Criteria

Subject to satisfying Section 7.11.2, the expansion of any urban boundary may be considered provided the following criteria are met:

- a) The expansion area has to serve as a logical extension to the existing built-up area and the expansion area should not be separated from existing development by

undevelopable lands, unless such lands are within a significant natural heritage feature. Factors to consider in this regard include, but are not limited to the following:

- i) the distance the expansion area is located from the current limits of existing and approved development;
 - ii) the extent to which significant natural heritage features or natural hazard areas affect the potential integration of the expansion area with existing development; and,
 - iii) the extent to which the expansion area rationalizes the shape of the urban area to maximize infrastructure efficiencies.
- b) The expansion area has to be easily integrated with the fabric of the existing built-up area from a neighbourhood, transportation and open space perspective. Factors to consider in this regard include, but are not limited to the following:
- i) the nature, location and number of minor and major road and pedestrian connections between the expansion area and the existing built-up area; and,
 - ii) the ability of the existing open space network in the built-up area to be integrated with such lands in the expansion area in a manner that provides for the seamless integration of the open space network.
- c) The expansion area should only include lands within the **Agricultural** designation if no reasonable alternative exists and provided the impact of new development on agricultural uses outside of the expansion area is minimized. Factors to consider in this regard include, but are not limited to the following:
- i) the actual amount of prime agricultural land that will be lost if the expansion is approved;
 - ii) the extent to which the expansion area includes non-prime agricultural lands;
 - iii) the impact of new development in the expansion area on the viability of existing agricultural operations adjacent to the expansion area;
 - iv) the impact of new development on the ability of existing operations in the area to expand and/or otherwise meet the needs of the market in the future;
 - v) the impacts of the new development on the agricultural infrastructure in the area such as municipal drains and sources of water supply;
 - vi) the impact of the additional traffic resulting from development on the use of rural roads in the area for farm equipment;
 - vii) the extent to which the location of the expansion area will support a future logical expansion and a further potential impact on agriculture in the future;
 - viii) the extent to which the approval of the expansion area can contribute to the viability of surrounding agricultural operations from an infrastructure perspective;

- ix) the extent to which existing agricultural operations within the expansion area can continue to operate until the lands are required;
 - x) how development in the expansion area can be phased to minimize impacts on adjacent agricultural uses; and,
 - xi) the extent to which the expansion area may separate agricultural areas from agricultural support services.
- d) Development in the expansion area shall not have a negative impact on significant natural heritage features and related ecological functions. Factors to consider in this regard include, but are not limited to the following:
- i) the nature and extent of the significant natural heritage feature;
 - ii) the significance of the natural heritage feature in relation to other significant natural heritage features in the area;
 - iii) the impact of development on the diversity and connectivity of natural features in the area;
 - iv) the means by which the long term ecological function and biodiversity of the natural heritage system will be maintained, restored or where possible improved;
 - v) the extent to which linkages and related functions among surface water features, ground water features, hydrologic functions and natural heritage features and areas is maintained and where possible improved;
 - vi) the extent to which potential negative impacts can be mitigated;
 - vii) the opportunities that may exist to integrate the natural heritage feature into the Town's open space network; and,
 - viii) the potential for acquisition of the affected natural heritage feature by a public authority or other public agency or non-profit group dedicated to conserving and protected environmentally sensitive lands.
 - ix) where applicable, the proposed expansion will meet the requirements of the Oak Ridges Moraine Conservation Plan.
- e) The expansion area can be appropriately serviced from a technical and economic viability perspective. Factors to consider in this regard include, but are not limited to the following:
- i) the ability of the sewage treatment plant to accommodate the effluent from the new development;
 - ii) the extent to which water and wastewater services can be extended to under-serviced areas as a result of the expansion;

- iii) the extent to which the expansion of the servicing infrastructure will have social and environmental impacts;
 - iv) the cost of the required upgrades to the Town in relation to the net benefit to the Town accruing from the additional assessment; and,
 - v) the cost of providing sewage and water services to the expansion area on a per capita basis after it has been developed.
- f) The expansion area has to be easily accessed by existing arterial roads and will not contribute to traffic congestion within the existing community. Factors to consider in this regard include, but are not limited to the following:
 - i) the nature of the improvements required to the arterial road system;
 - ii) the benefits to existing residents resulting from improvements to the existing arterial road system;
 - iii) the impact the improvements may have on the rural character of adjacent lands and other cultural heritage features;
 - iv) the extent to which the improvements will provide more options for existing residents to travel through and to their community;
 - v) the impact of the amount of traffic to be generated on existing arterial roads within and outside of the established community and outside; and,
 - vi) the measures that will be undertaken to mitigate traffic impacts on the existing community and adjacent lands.
- g) The expansion has to be located so that it can benefit from existing community facilities or alternatively, be serviced by new community facilities that are developed in a timely manner. Factors to consider in this regard include, but are not limited to the following:
 - i) the location of existing community facilities and their capacity for use;
 - ii) the means by which residents in the expansion area can potentially access existing community facilities that have the capacity to accommodate additional users;
 - iii) the extent to which the expansion area will necessitate the establishment of new community facilities;
 - iv) the timing of the development of required new facilities in relation to the timing of development; and,
 - v) the means by which the cost of developing new community facilities will be funded and the impact of any municipal component on the finances of the Town.
- h) The expansion has to be located in close proximity to employment areas or alternatively, includes an adequate supply of appropriately sized and located employment lands to

foster live-work relationships within the existing community. Factors to consider in this regard include, but are not limited to the following:

- i) the proximity of the expansion area to existing employment areas;
 - ii) the potential for integrating the residential areas within the expansion area with new or existing employment areas;
 - iii) the extent to which the expansion area will promote additional live/work opportunities in the Town;
 - iv) the extent to which live/work opportunities are proposed within the expansion area itself; and,
 - v) the location of the expansion area in relation to arterial roads that would transport residents to jobs in the community and beyond.
- i) The expansion area has to support the introduction of public transit in the future. Factors to consider in this regard include, but are not limited to the following:
- i) the extent to which the density of development in the expansion area will support public transit;
 - ii) the location of the expansion area in relation to the major arterial roads that are most likely to be the site of public transit;
 - iii) the extent to which the design of development within the expansion area supports the use of efficient public transit; and,
 - iv) the potential for including lands for public transit facilities and other infrastructure to support public transit within the expansion area.
- j) The expansion area, by virtue of its location, will not detract from the planned function of the **Downtown Core Commercial** designation. Factors to consider in this regard include, but are not limited to the following:
- i) the distance between the expansion area and the **Downtown Core Commercial** designation;
 - ii) the nature of the commercial uses proposed in conjunction with the expansion area and the potential impact of the new commercial uses on the planned function of the **Downtown Core Commercial** designation;
 - iii) the extent to which the location of the expansion area has an impact on traffic patterns in the potential impact that change will have on the number of residents who use and/or rely on businesses and services in the **Downtown Core Commercial** designation:
- k) The expansion area should avoid areas of mineral aggregate resources.

7.11.4 Infrastructure and Financial Considerations

New development in urban expansion areas is required to coincide with and support required infrastructure development, including the building of roads, schools, parks and the introduction of transit services and facilities, an increase in public servicing levels such as fire and police services and the timely development of water and waste water servicing infrastructure. On this basis a key component of any decision on where urban expansion should occur is the ability for development in the expansion area to be appropriately phased to encourage the development of public facilities in appropriate locations at key points in the development process to meet the needs of present and future residents. In this regard, development in new urban expansion areas shall only proceed when:

- a) appropriate infrastructure staging plans have been prepared;
- b) a secondary plan that contains policies that articulate what infrastructure upgrades and service delivery enhancements may be required at various stages in the development process is in effect;
- c) a financial plan for the urban expansion area has been approved with relevant aspects of the financial plan incorporated within the secondary plan;
- d) the Town has in full force and effect a Development Charges By-law enacted under the Development Charges Act, 1997 or any successor legislation identifying and imposing charges applicable to the lands in the urban expansion area;
- e) landowners within the urban expansion area have entered into an agreement or agreements amongst themselves to address the distribution of all costs of development including those which may not be recoverable by the Town under the Development Charges Act, 1997 or any successor legislation particularly the provision of community and infrastructure facilities such as parks, roads, road improvements, external services, stormwater management facilities, public/private utilities and schools; and,
- f) landowners within the urban expansion area have entered into an agreement or agreements or have made other satisfactory arrangements with the Town for the provision of funds or the provision of services or both.

7.12 PHASING OF DEVELOPMENT

It is the intent of this Plan to encourage the timely provision of infrastructure as urban development occurs. On this basis, the identification of infrastructure upgrades and service delivery requirements should be carried out as early as possible in the planning process for new urban expansion areas. This long range planning should take the full build out of the urban expansion area into account and attempt to rationalize how long it will take for the area to be developed. External factors should also be considered, most notably the capacity of arterial roads located within, adjacent to and in the vicinity of the urban expansion area. In addition, population and employment forecasts should also be considered.

It is not the intent of this policy to require the establishment of a rigid set of criteria to be included within the Secondary Plan. Rather, the intent of the policy is to provide a general understanding of how and when infrastructure is to be upgraded and when service delivery is to be enhanced. Given that it is at times difficult to anticipate the timing of private development, flexibility is required to respond to changing circumstances in a manner that does not affect the basic intent of the overall phasing plan for the urban expansion area and the financial plans and studies that support the phasing plan.

7.13 BLOCK PLANS

To provide greater certainty on infrastructure delivery and service delivery enhancements, a Secondary Plan may require the preparation of implementing Neighbourhood Block Plans. The intent of a Neighbourhood Block Plan would be to coordinate the delivery of services and infrastructure, the progression of development, the overall layout of arterial, collector and strategic local roads and the location, configuration character, size and urban form of parks, institutional, commercial and industrial sites for predefined sub-areas within applicable secondary plans, and the layout/function of open space corridors, valleylands, woodlots and other natural features, including stormwater facilities.

7.14 LAND USE COMPATIBILITY – NOISE, DUST, VIBRATION, ODOURS

- a) It is recognized that some uses may be sensitive to the odour, noise, vibration or other emissions associated with facilities, such as highways, railway corridors, various type of industries, and sewage treatment facilities. It is the policy of this Plan that incompatible land uses shall be separated or otherwise buffered from each other in accordance with Ministry of Environment or appropriate provincial government guidelines as applicable and relevant.
- b) Where a proposed development is likely be to adversely affected by existing uses in the area, a feasibility study that assesses these adverse impacts may be required in accordance with the Ministry of Environment’s guidelines. A noise, vibration, odour and/or particulate impact assessment may be required as part of the feasibility study. Such a study shall be prepared to the satisfaction of Council and the appropriate agencies and shall include recommendations on how the impacts can be mitigated.
- c) The approval of development proposals shall be based upon the achievement of adequate separation distances and the recommendations of the required studies.
- d) Development adjacent to a railway corridor shall ensure that appropriate safety measures, such as setbacks, berms and security fencing are provided to the satisfaction of Council in consultation with the appropriate railway company.

7.15 CONTAMINATED OR POTENTIALLY CONTAMINATED SITES

If the site of a proposed use or development is in the opinion of the Town or other approval authority known or suspected to be contaminated, Council shall require that

prior to permitting development on the site, that the following be completed to the satisfaction of the town or other approval authority:

- a) the proponent shall prepare environmental assessment studies in accordance with Ministry of Environment guidelines, to determine the nature and extent of the contamination and the identification of a remedial plan and post clean-up conditions as deemed necessary for the proposed use.
- b) where the need for remediation is identified, the site shall be restored in accordance with the remedial plan before development occurs to ensure that there will be adverse effects on the proposed use or adjacent land uses.

7.16 ENERGY

The Town supports the establishment and use of alternative energy sources in accordance with the Green Energy Act.

7.17 COMMUNITY IMPROVEMENT AREAS

7.17.1 Background and Purpose

All or a portion of any community may be designated by by-law as a "Community Improvement Project Area" as provided for under Section 28(2) of the *Ontario Planning Act* for which the following goals and objectives constitute the purpose of the designation:

- a) To protect and enhance the aspects of a neighbourhood or area that the residents value highly.
- b) To improve the quality of the housing stock and to stimulate community pride, ownership and occupancy.
- c) To eliminate the deficiencies in municipal services and community facilities wherever it is physically and economically feasible.
- d) Improve the physical and aesthetic amenities of the public streetscapes thereby stimulating private investment in revitalization.
- e) Improve parking, transportation and pedestrian patterns to make them more compatible with surrounding uses.

7.17.2 Community Improvement Policies

7.17.2.1 Selection Criteria

The criteria for the evaluating and selecting project areas eligible for community improvement will take into account, among other items deemed appropriate by the Town, the following:

a) Residential Areas

- i) The portion of the housing stock that is in need of rehabilitation, whether interior or exterior.
- ii) Where there is a deficiency or deterioration in one or more of the following municipal services or community facilities:
 - a) sewer and watermains;
 - b) roads and streets;
 - c) curbs and sidewalks;
 - d) street lighting and utilities;
 - e) public indoor/outdoor leisure and recreational facilities;
 - f) public open space and parkland;
 - g) public social facilities such as community centres, libraries, clinics, day care facilities, youth centres and centres for the aged.
- i) The area is potentially stable in terms of land use and densities and there are no indications of major redevelopment plans other than those in the form of improvements that would change the basic character of the area such as industrial development in a residential area.
- ii) The area is for the most part residential and appropriately zoned.
- iii) The Municipality intends to adopt and enforce a Property Standards By-law.
- iv) The area exhibits problems of vehicular and pedestrian traffic circulation and/or parking deficiencies.
- v) There is insufficient quantity of housing to meet assisted housing needs of the Town.

b) Commercial Areas

- i) There is a deficiency or deterioration in one or more of the municipal services.
- ii) The area exhibits problems with traffic circulation and/or parking deficiencies.
- iii) The area contains land use conflicts between non-compatible uses or under utilization of land which may detract from the viability of the area.
- iv) The area is an older, predominantly commercial or industrial area, which is stable in terms of land use and economic viability.
- v) The area exhibits symptoms of physical, functional and/or economic decline in the form of, for example, buildings in need of rehabilitation, decrease in retail sales, high vacancy rate or declining tax base.

- vi) There is a demonstrated interest in community improvement by the private sector and reflected commitment and endorsement of people who live and/or do business in the area.
- vii) There are vacant land parcels or properties having future (re)development potential in the area.
- viii) The area is deficient in amenities conducive to a pleasant shopping environment (i.e. streetscapes).
- ix) The area is defined in whole or in part as a Business Improvement Area (BIA) under Section 217 of The Municipal Act.

7.17.3 Phasing of Improvements

Community improvement activities may be phased in order to prevent unnecessary hardship for the residents, the business community and the Town. Phasing will establish a natural and logical sequence of improvements based on appropriate engineering and planning studies.

8.0 IMPLEMENTATION

8.1 INTRODUCTION

The implementation section contains policies pertaining to the administration and implementation of the Official Plan. The Planning Act contains a number of tools that are intended to be used by municipalities to administer and implement an Official Plan. This section of the Plan contains the policies that set out how these tools are to be utilized by Council to meet the goals and objectives of this Plan.

8.2 OFFICIAL PLAN ADMINISTRATION

This section of the Plan describes how the Official Plan will be administered, updated and amended, as required.

8.2.1 Amendments to the Plan

It is the intent of this Plan to serve as the basis for managing change in the Town until 2031.

Any Amendment shall conform to the overall intent of the Official Plan, County of Simcoe Official Plan and Provincial Plans as set out in the community vision, goals, and strategic objectives of this Plan.

8.2.2 PUBLIC PARTICIPATION

It is a policy of this Plan that public participation be an integral component of any land use planning process. On this basis, before making any planning decision, Council shall be satisfied that:

- a) adequate public notice in accordance with the Planning Act has been given;
- b) enough information to enable a person to reasonably understand the nature of the proposal and its impacts is available prior to any public meeting;
- c) all public and agency comments have been assessed and analyzed by staff; and,
- d) their decision will appropriately balance the overall public interest against the private interest expressed in the application.

Proponents shall be encouraged to pre-consult with neighbouring landowners to obtain their views before a formal application is submitted.

8.2.3 TECHNICAL AMENDMENTS

Council may eliminate notice to the public and a public meeting for a minor Official Plan Amendment that:

- a) changes the numbers of sections or the order of sections in the Plan, but does not add or delete sections;
- b) consolidates previously approved Official Plan Amendments in a new document without altering any approved policies or maps;
- c) corrects grammatical or typographical errors in the Plan that do not affect the intent of the policies or maps; and,
- d) rewords policies or re-illustrates mapping to clarify the intent and purpose of the Plan or make it easier to understand without affecting the intent or purpose of the policies or maps.

In all other instances, notification to the residents of the Town of public meetings held by Council shall be given in accordance with the procedures of the Planning Act.

8.3 NEIGHBOURHOOD PLANS

- 8.3.1** Neighbourhood Plans are policy plans outlining a development framework for a new development area where no Secondary Plan exists and is not required. Neighbourhood Plans may be required when the proposed development is deemed to be an infill situation and not an extension to an existing developed area (except in the case of hamlets).
- 8.3.2** The primary purpose of Neighbourhood Plans is to anticipate the impacts of the proposed land use pattern and proposed road and servicing systems on existing and future development areas as a result of new development proposals, as well as to co-ordinate development where multiple land ownership exists. Neighbourhood Plans will be prepared at the request of Council to guide development along a preferred course, and to enable adequate consideration of a specific development proposal.
- 8.3.3** Council shall hold a public meeting(s) to discuss the Neighbourhood Plan with all constituents of the Town where it is deemed by Council that the scale and complexity of a Neighbourhood Plan make it necessary.
- 8.3.4** After considering the opinions expressed by the public, Council shall amend the Neighbourhood Plan if appropriate and adopt it by resolution.
- 8.3.5** All new development is encouraged to be consistent with the Neighbourhood Plan.

8.4 ZONING BY-LAWS

No zoning by-law or zoning by-law amendment shall be passed by Council that does not conform with the Official Plan. It is intended that amendments to the Zoning By-law shall be approved by Council in order to zone land in accordance with the policies contained in the Official Plan and to establish regulations for the purpose of controlling the use of land, location and use of buildings and structures.

It is not the intent of this Plan to zone all lands in accordance with the land use designations until such time as the policies of this Plan can be met. Lands may remain zoned for their existing uses pending future rezoning for the respective uses as designated in the Official Plan. However, lands may be pre-zoned in accordance with the land use designations provided that Council is satisfied that it will further the goals and strategic objectives of this Plan.

8.4.1 TEMPORARY USE

8.4.1.1 Purpose of a Temporary Use By-law

Council may pass by-laws permitting the temporary use of lands, buildings or structures, which may not conform to this Plan, subject to the criteria contained in Section 8.4.1.2. These temporary uses may be authorized for a specific time period up to three (3) years and should be applied where it is considered inappropriate by the Town to permit the proposed use on a permanent or continuing basis and where alternatives such as relocation are not practical.

A garden suite may be permitted on a property for up to ten (10) years. Subsequent by-laws granting extensions of up to three (3) years may be passed. However, once the by-law has lapsed, the use must cease or otherwise will be viewed as contravening the implementing Zoning By-law.

8.4.1.2 Criteria

Prior to the approval of a temporary use Zoning By-law, Council shall be satisfied that:

- b) the proposed use is of a temporary nature and shall not entail any major construction or investment on the part of the owner so that the owner will not experience undue hardship in reverting to the original use upon the termination of the temporary use;
- c) the proposed use will not prejudice the long term intent of or the orderly development contemplated by the provisions and land use designations contained in this Plan;
- d) the proposed use is compatible with adjacent land uses and the character of the surrounding neighbourhood;
- e) the proposed use will not require the extension or expansion of existing municipal services;
- f) the proposed use will not cause traffic hazards or an unacceptable level of congestion on surrounding roads;
- g) parking facilities required by the proposed use will be provided entirely on-site or alternatively, cash-in-lieu of parking is provided in accordance with the Town's cash-in-lieu by-law; and,
- h) the proposed use shall generally be beneficial to the neighbourhood or the community as a whole.

8.4.2 HOLDING PROVISIONS

8.4.2.1 Objectives

Council may pass a Zoning By-law that identifies a use of land, but prohibits the actual development of the land until a later date when identified conditions have been met. These conditions are set out in the policies applying to the land use designations in this Plan. The objective of utilizing a Holding Provision is to ensure that:

- a) the appropriate phasing of development or redevelopment occurs;
- b) development does not proceed until community services and facilities such as water and wastewater services, stormwater management and utilities are available to service the development;
- c) development does not proceed until the environmental suitability of the lands for the intended use has been confirmed and if necessary the remediation of the lands to the applicable land use criteria;
- d) development does not proceed until adequate transportation facilities and/or access arrangements are available;
- e) agreements respecting the design of the proposed development and/or the services that are to be provided by Council and/or the County of Simcoe are entered into; and,
- f) where a holding symbol is applied after November 16, 2001 to lands located on the Oak Ridges Moraine, it shall not be removed until conformity with the Oak Ridges Moraine Conservation Plan has been demonstrated to the satisfaction of the Town.

8.4.2.2 Applicability to Existing Uses

Council, at any time, may designate any Zone or part of a Zone as a Holding Zone by placing an "H" in conjunction with the Zone symbol in order to meet one of the above-mentioned objectives. During the interim period, when the Holding Zone is in place, uses permitted on the affected lands are limited to existing uses only.

8.4.2.3 Council Review

An application for removing the holding symbol will be reviewed by Council in consideration that the identified conditions specified in the Zoning By-law have been met and that the applicable objectives of this section have been satisfied.

8.4.2.4 Where a holding symbol is applied after November 16, 2001 to lands located on the Oak Ridges Moraine, it shall not be removed until conformity with the Oak Ridges Moraine Conservation Plan has been demonstrated to the satisfaction of the Town.

8.4.3 HEIGHT AND DENSITY BONUSING

8.4.3.1 Bonusing Triggers

Council may pass a by-law pursuant to the Planning Act that increases the maximum density and/or height permitted by the implementing zoning by-law for medium and high-density residential development if the increase will result in the provision of a significant public benefit that would have not otherwise been realized. A significant public benefit could include the:

- a) provision of long-term care facilities or retirement homes;
- b) provision of needed community facilities;
- c) provision of parkland over and above what would be required by this Plan;
- d) dedication of lands that are the site of a natural heritage feature and related buffers;
- e) provision of public transit facilities;
- f) conservation/enhancement/restoration of a significant built heritage feature; or
- g) any other public benefit that has been identified in a Council-initiated study.

8.4.3.2 Criteria

It is the intent of this Plan that there has to be a clear and measurable public interest served by the granting of a height and/or density bonus. Prior to granting a bonus, Council shall be satisfied that:

- a) the proposed development will conform with the development policies of the applicable designation of this Plan;
- b) the built form will contribute to the urban design policies of this Plan, as set out in Section 7.7;
- c) the use will contribute to the vibrancy of the urban area; and,
- d) the development of the use will potentially facilitate the development or establishment of other uses in the area, thereby furthering the objectives of this Plan.

It is the intent of this Plan that each request for a bonus shall be carefully considered on a case-by-case basis. The approval of one request by Council shall not be considered a precedent for other requests.

8.4.3.3 Implementation

A site-specific zoning by-law passed by Council shall establish detailed development standards that would apply when a bonus is awarded and the relationship between these standards and the conditions that must be met.

In the granting of a height and density bonus, the Town may require the owner to enter into one or more agreements with the Town dealing with facilities, services or other matters to be provided.

8.4.4 INTERIM CONTROL BY-LAWS

Council may pass interim control by-laws to restrict the use of land in a defined area for a period of up to one year in order to provide Council with the time to study a particular land use planning issue. Prior to the enactment of an interim control by-law Council shall adopt a resolution that identifies the land use planning issue and authorizes a review of the land use planning issue.

The interim control by-law shall identify the permitted land uses during the period of the period in which the By-law is in force.

In the event that the review or study related to the Interim Control By-law has not been finalized within one year, Council may amend the Interim Control By-law in order to extend the period of time for which it is in effect, provided that the total period of time it is in effect does not exceed two years from the date of passing of the Interim Control By-law.

No notice or hearing is required prior to the passing of an interim control by-law, however, notice of the passing of the interim control by-law shall be in the manner prescribed in the Planning Act and provincial regulations.

8.5 LEGAL NON-CONFORMING USES

8.5.1 INTENT OF OFFICIAL PLAN

Any land building or structure lawfully used for a purpose prohibited by a by-law on the day of the passing of the by-law is considered a legal non-conforming use. In general, existing uses that do not conform with the designations and policies of this Plan should be phased and eventually cease so that the affected land use may change to a use that is in conformity with the Official Plan and to the provision of the implementing Zoning By-law. Uses that were legally existing at the date of the adoption of this Plan, which do not conform to the designations and policies of this Plan, may be recognized in the Implementing Zoning By-law. In instances, where refusal to permit the expansion or enlargement of a non-conforming use would create undue hardship Council may permit the replacement, extension or enlargement of non-conforming uses, consistent with the policies of this Plan for that type of use and having regard for the following principles:

- a) the feasibility of acquiring the property for holding, sale, lease or development by the Town for a more appropriate permitted use; and,
- b) the possibility of relocating the non-conforming use to another site.

8.5.2 BY-LAWS MAY BE PASSED

If the property cannot be acquired or the use relocated, Council may, without an amendment to this Plan, consider passing a Zoning By-law Amendment pursuant to the Planning Act to allow for an extension to a non-conforming use. Prior to such approval, Council shall be satisfied that:

- a) the size of the extension or enlargement of the non-conforming use will not adversely affect the welfare of the neighbourhood in which it is located and is in proportion to the size of the use as it existed at the date of the enactment of the implementing Zoning By-law;
- b) the proposed extension is compatible with the character of the surrounding area in relation to noise, vibration, fumes, dust, smoke, odours, lighting and traffic generation;
- c) the proposed extension will not prejudice the long term intent of or the orderly development contemplated by the provisions and designations contained in this Plan;
- d) site planning and design will minimize the impact of the proposed extension on neighbouring conforming uses and includes, where appropriate, measures such as fencing, landscaping, and setbacks through the use of Site Plan Control;
- e) adequate water and wastewater servicing is available; and,
- f) that such land, building or structure continues to be used in the same manner and for the same purpose as it was used on the day such by-law was passed.

8.5.3 OAK RIDGES MORAINÉ

On the Oak Ridges Moraine the Town may amend a by-law passed under Section 34 of the Planning Act to permit the extension or enlargement of any land, building or structure used for any purpose prohibited by the by-law and/or which does not conform to the provisions of this Plan, provided that the policies of subsection 8.11.1 c) of this Plan are satisfied.

8.6 NON COMPLYING BUILDINGS, STRUCTURES OR LOTS

A non-complying building, structure or lot is such that it does not comply with the regulations of the implementing Zoning By-law. A non-complying building or structure may be enlarged, repaired or renovated provided that the enlargement, repair or renovation:

- a) does not further increase a situation of non-compliance;
- b) complies with all other applicable provisions of this Plan and the implementing Zoning By-law;
- c) does not increase the amount of floor area in a required yard or setback area;
- d) will not pose a threat to public health or safety; and,
- e) complies with the applicable policies and provisions of the relevant Conservation Authority, if located within an area regulated by the Conservation Authority.

A non-complying lot in existence prior to the effective date of the implementing Zoning By-law that does not meet the lot area and/or lot frontage requirements contained within the implementing Zoning By-law, may be used and buildings thereon may be erected,

enlarged, repaired or renovated provided the use conforms with the applicable policies of this Plan and the implementing Zoning By-law, and the buildings or structures comply with all of the other provisions of the implementing Zoning By-law.

8.7 PROPERTY MAINTENANCE AND OCCUPANCY STANDARDS

8.7.1 In order to encourage the rehabilitation of existing buildings and property, it is a policy of Council to develop appropriate standards to ensure that the detracting influence of substandard structures is minimized. Without limiting the generality of the foregoing, the Municipality may pass by-laws which prescribe standards for the maintenance and occupancy of property.

8.7.2 A Maintenance and Occupancy Standards By-Law passed under the Planning Act will have regard to appropriate standards for the following matters:

- a) maintenance of yards, fences, vacant land, parks, waterfront areas, accessory buildings, sewage and drainage systems, safe passage, access and egress, garbage disposal, and external storage;
- b) maintenance of all buildings and structures including: walls, floors, ceilings, doors, windows, roofs, foundations, insulation, access and egress, heating, lighting, plumbing and electrical systems, general sanitation, and pest prevention; and,
- c) establishment of occupancy standards including: kitchen and bathroom facilities, heat, light and ventilation systems, size dimension of floor space of habitable rooms, and fire protection standards.

8.7.3 The following criteria shall guide the preparation of an implementing property standards by-law:

- a) Property standards should apply equitably to all buildings, structures, and properties within the Municipality.
- b) Application of the standards should ensure the rehabilitation of the major structural and functional components of buildings.
- c) Provision should be made for the use of emergency powers to require remedial repairs immediately where there is an imminent danger to the health or safety of any person.
- d) Regard should be had for the suitability of standards for municipal participation in provincially sponsored community improvement programs.
- e) Provision should be made for effective by-law administration and enforcement.

8.7.4 Any Maintenance and Occupancy Standards By-Law, apart from prescribing the standards for the maintenance and occupancy of property, may also require substandard properties to be repaired and maintained to comply with the standards, prohibit the use of substandard property, and require the demolition and clearing of such property where the owner does not repair and maintain it.

- 8.7.5 The Town will appoint a Property Standards Officer who will be responsible for administering and enforcing the Maintenance and Occupancy Standards By-Law. It will also appoint a Property Standards Committee, in accordance with the Planning Act, for the purpose of hearing appeals against an order of the Property Standards Officer.
- 8.7.6 Complementary to the enforcement of minimum standards on private properties, the Town will undertake to keep in a well maintained condition all Town owned properties and structures and to provide or maintain in good repair such municipal services as roads, sidewalks, water and sewage facilities, etc.
- 8.7.7 Council will further support property maintenance and safe occupancy by applying for available government programs, where appropriate, and making the residents aware of these programs through education and awareness efforts.

8.8 Site Plan Control

- 8.8.1 Section 41 of the Planning Act permits a municipality to require, as a condition of development or redevelopment, a site plan and agreement setting out the various aspects and conditions of development. The Planning Act requires that proposed site plan control areas be shown or described in the Official Plan.
- 8.8.2 The entire Town of New Tecumseth, with the exception of land used for agricultural or horticultural purposes and single or semi-detached dwellings is designated as a Site Plan Control Area.
- 8.8.3 The general objectives of site plan control are:
- a) to protect existing adjacent uses from new development where it is likely that the new use would have a detrimental impact either visually or physically on the existing use or uses;
 - b) to ensure adherence to proper development standards and to encourage aesthetic design and proper landscaping;
 - c) to ensure the safe and efficient movement of both vehicular and pedestrian traffic as it relates to development;
 - d) to ensure the conveyance of any required easements to the municipality for maintenance or improvement of drainage works, watercourses, public utilities, roadways and similar undertakings;
 - e) to ensure proper grading, storm drainage and maintenance in regard to surface water and public utilities;
 - f) to control the placement of buildings and related site facilities; and,
 - g) where possible, ensuring energy efficiency is an aspect of site plan control.
- 8.8.4 In areas designated as site plan control areas under a by-law passed in accordance with Section 41 of the Planning Act, Council or a Committee of Council or an official delegated by Council, may require, as a condition of development or re-development,

the entering into of an agreement between the Municipality and an owner of land in this area. Such an agreement may stipulate, through the text of the agreement and/or through the use of plans and drawings, the location of all buildings and structures to be erected and show or describe the location of all works and facilities to be provided, or any other items provided for under Section 41 of the Planning Act, as amended.

- 8.8.5 Where Site Plans about Provincial highways or County roads approval of those agencies will be required.
- 8.8.6 Matters relating to exterior design, including without limitation the character, scale, appearance and design features of buildings, and their sustainable design, but only to the extent that it is a matter of exterior design may be considered as part of a Site Plan Approval process, provided Urban Design Reports have been prepared and approved by the Town.
- 8.8.7 Sustainable design elements, which include trees, shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers and bicycle parking facilities may be required on a public right-of-way, depending on a proposed development's location and the identified need for such sustainable design elements in Urban Design Guidelines that have been approved by the Town.
- 8.8.8 In addition to the other requirements of this section, facilities that are intended to provide access to buildings and other components of a land use for persons with disabilities may be considered and required as a part of a Site Plan Approval process.
- 8.8.9 The development of less than twenty-five (25) dwelling units may also be subject to Site Plan Control. Plans of Condominium shall also be subject to Site Plan Control.
- 8.8.10 Any development requiring the approval of a Planning Act application and/or the issuance a building permit pursuant to the Ontario Building Code Act, and located within ninety (90) metres of the boundary of a key natural heritage feature or hydrologically sensitive feature and their minimum vegetation protection zones on lands subject to Section 4.5 (Oak Ridges Moraine) is subject to Site Plan Control.

8.9 COMPLETE APPLICATIONS

8.9.1 Overview

- a) This Official Plan is not a static document. Amendments to this Plan are sometimes required, provided that the Amendment conforms to the general intent, goals and objectives of this Plan. In some cases, this Plan requires that an Amendment be obtained to provide for the development of a specific use. Amendments to the implementing Zoning By-law are more common and are often intended to implement the policies of the Official Plan on a specific property or in a specific area. To create new conveyable parcels of land in the Town, an application for Plan of Subdivision or Consent has to be submitted and then approved.
- b) To ensure that Council can make an informed decision on any of the above applications and in order to ensure that the public understands the implications of the application, technical studies are required.

- c) The Planning Act, permits municipalities to set out what their requirements are in the form of technical studies and plans to support an application to amend the Official Plan or the Zoning By-law, and approve a Plan of Subdivision or Consent. Once this required information has been submitted, the application is then deemed to be “complete” in accordance with the Planning Act, with this date being the date on which the processing time frame in the Planning Act begins. In addition, applicants cannot appeal a non-decision on their application once the application is complete until the processing time frames set out in the Planning Act have elapsed.
- d) This section of the Official Plan is specifically intended to implement Sections 22(5), 34(10.2), 51(18) and 53(3) of the Planning Act. These Planning Act sections provide the basis for the inclusion of policies on complete applications in Official Plans. This section also implements Sections 22(3.1), 34(10.0.1), 51(16.1) of the Planning Act. These latter sections set out the procedures to be followed when applicants consult with the Town before submitting an application specified in this section of the Official Plan.

8.9.2 Minimum Submissions Requirements

- a) The following are the minimum submissions requirements for Official Plan Amendment, Zoning By-law Amendment, Plan of Subdivision and Consent applications:
 - i) The minimum submission requirements for an Official Plan Amendment in accordance with Section 22(4) of the Planning Act are articulated in Schedule 1 of Ontario Regulation 543/06.
 - ii) The minimum submission requirements for a Zoning By-law Amendment application as set out in Schedule 34(10.1) of the Planning Act is articulated in Schedule 1 of Ontario Regulation 545/06.
 - iii) The minimum submission requirements for a Plan of Subdivision application as set out in Section 51(17) of the Planning Act are articulated in Schedule 1 of Ontario Regulation 544/06.
 - iv) The minimum submission requirements for a Consent application as set out in Section 53(2) of the Planning Act are articulated in Schedule 1 to Ontario Regulation 547/06.

8.9.3 Supplemental Submission Requirements

- a) This section lists the studies, plans or items required to support an application for Official Plan Amendment, Zoning By-law Amendment, Plan of Subdivision or Consent, in addition to the items identified in Section 8.9.2 of this Plan. The determination of which studies, plans or items are required shall be made at the pre-consultation phase, as set out in Section 8.9.4. The intent of each of the studies, plans or items is set out in Section 8.9.5. Submission requirements for specific uses are identified in Section 8.9.6. Regard should also be had to Section 8.9.5, which provides some flexibility to the approval authority in the consideration of the types of studies, plans or items required to support an application.
- b) The following may be required to support an application for Official Plan Amendment:

- i) Land Use Planning Report;
 - ii) Market Impact Study;
 - iii) Urban Design Plan;
 - iv) Agricultural Impact Assessment;
 - vi) Environmental Impact Study;
 - vii) Environmental Site Assessment;
 - viii) Master Servicing Plan;
 - vi) Stormwater Management Report;
 - vii) Servicing Study;
 - viii) Traffic Impact Assessment;
 - ix) Archaeological Assessment;
 - x) Cultural Heritage Impact Statement;
 - xi) Land Use Compatibility Assessment;
 - xii) Sub Watershed Study;
 - xiii) Financial Impact Assessment
 - xiii) Water Resource Management Report;
 - xiv) Any other studies, plans or items required by the policies of an approved Secondary Plan; and,
 - xv) Any other studies required by the County of Simcoe Official Plan which are not reflected in the above list.
- c) The following may be required to support an application for Zoning By-law Amendment:
- i) Land Use Planning Report;
 - ii) Market Impact Study;
 - iii) Urban Design Plan;
 - iv) Agricultural Impact Assessment;
 - v) Environmental Impact Study;
 - vi) Stormwater Management Report;

- vii) Servicing Study;
 - viii) Traffic Impact Assessment;
 - ix) Archaeological Assessment;
 - x) Cultural Heritage Impact Statement;
 - xi) Environmental Site Assessment;
 - xii) Land Use Compatibility Assessment;
 - xiii) Tree Preservation Study;
 - xiv) Water Resource Management Report; and,
 - xiv) Any other studies, plans or items required by the policies of an approved Secondary Plan.
- d) The following may be required to support an application for Plan of Subdivision:
- i) Land Use Planning Report;
 - ii) Urban Design Plan;
 - iii) Agricultural Impact Assessment;
 - iv) Environmental Impact Study;
 - v) Stormwater Management Report;
 - vi) Servicing Study;
 - vii) Traffic Impact Assessment;
 - viii) Archaeological Assessment;
 - ix) Cultural Heritage Impact Statement;
 - x) Environmental Site Assessment;
 - xi) Land Use Compatibility Assessment;
 - xii) Tree Preservation Study;
 - xiii) Water Resource Management Report;
 - xiv) Any other studies, plans or items required by the policies of an approved Secondary Plan; and,

- xv) Any other studies required by the County of Simcoe Official Plan which are not reflected in the above list.
- e) The following may be required to support an application for Consent:
- i) Land Use Planning Report;
 - ii) Urban Design Plan;
 - iii) Agricultural Impact Assessment;
 - iv) Environmental Impact Study;
 - v) Stormwater Management Report;
 - vi) Servicing Study;
 - vii) Traffic Impact Assessment;
 - viii) Archaeological Assessment;
 - ix) Cultural Heritage Impact Statement;
 - x) Environmental Site Assessment;
 - xi) Tree Preservation Study;
 - xii) Land Use Compatibility Assessment;
 - xiii) Water Resource Management Report;
 - xiv) Any other studies, plans or items as set out in Section 7.3 (Land Division) of this Plan; and,
 - xv) Any other studies required by the County of Simcoe Official Plan which are not reflected on the above list.

8.9.4 Pre-Consultation

- a) Prior to the submission of an application for Official Plan Amendment, Zoning By-law Amendment or Plan of Subdivision/Condominium, applicants are required to meet with appropriate Town Staff, the County and relevant agencies to determine what studies, plans and items are required to support an application in accordance with this Section of the Official Plan.
- b) The details of the pre-consultation process are spelled out in a by-law passed pursuant to Sections 22(3.1), 34(10.0.1) and 51(16.1) of the *Planning Act*. The intent of the pre-consultation process is to determine the scale and scope of any required study, plan or item with this scale and scope being dependent on the size of the proposal, its relationship to adjacent land uses and the type(s) of planning approval(s) required.

8.9.5 Flexibility

- a) While it is the intent of the Town to require the studies, plans and items listed above in support of development applications, this section should not be interpreted as being all inclusive.
- b) On this basis, the specific requirements for a particular application may be modified depending on the scale of the proposal, its location, its location in relation to other land uses and whether the proposal implements other planning approvals that may have been obtained prior to the consideration of the specific application.
- c) In addition, there may be certain public interest objectives in certain cases which necessitate the waiving of the submission of required studies, provided there are appropriate mechanisms in place to ensure that the information required to assess the impacts of a specific development proposal in these cases can be assessed. The most appropriate way for this to occur is through the use of a Holding provision in accordance with Section 8 of this Plan.

8.9.6 Quality of Supporting Studies, Plan or Items

All studies required by the Town shall be carried out by qualified professionals retained by and at the expense of the proponent. The Town may require peer reviews of the studies by an appropriate public agency or by a professional consultant retained by the Town at the proponent's expense. Alternatively, studies may be carried out by a qualified professional retained by the Town at the expense of the proponent.

8.10 INTERPRETATION

8.10.1 GENERAL

This Plan is a statement of policy. It is intended as a guide to Council, however, some flexibility in interpretation may be permitted provided that the general intent is maintained.

8.10.2 INTERPRETATION OF LAND USE DESIGNATION BOUNDARIES

The external boundaries of the Settlement Areas as shown on Schedules B1, B2 and B3 to this Plan are fixed and inflexible. Expansions to Urban Areas shall only occur in accordance with the policies of this Plan.

The boundaries between land uses designated on the Schedules to this Plan are approximate except where they meet with roads, railway lines, rivers, pipeline routes, transmission lines, lot lines or other clearly defined physical features and in these cases, are not open to interpretation. Where the general intent of the document is maintained, minor adjustments to boundaries will not require an amendment to this Plan.

It is recognized that the boundaries of the Greenlands system may be imprecise and subject to change. The Town shall determine the extent of the environmental areas on a site-by-site basis when considering development proposals, in consultation with the

appropriate agencies. Any minor refinement to the boundary of the EP1 or EP2 designations shall not require an Amendment to this Plan.

Where a lot is within more than one designation on the Schedules to this Plan, each portion of the lot shall be used in accordance with the applicable policies of that designation.

8.10.3 ROAD LOCATIONS

The location of the roads as indicated on Schedules E1 and E2 shall be considered as approximate. Amendments to this Plan will not be required in order to make minor adjustments or deviations to the locations of roads provided that the general intent of the Plan is maintained.

8.10.4 LEGISLATION

Where this Plan makes reference to a Provincial Act, Provincial Plans or Ontario Regulation, to the minimum distance separation formulae or the Provincial Policy Statement, such reference shall include any subsequent amendments or replacements.

8.10.5 ACCESSORY USES

Whenever a use is permitted in a land use designation, it is intended that uses, buildings or structures normally incidental, and accessory to that use are also permitted.

8.10.6 Oak Ridges Moraine

- a) Where words that are italicized in Sections 4.5, 4.5.10, 6.9, 5.7, 7.2, 4.5.10.6, 4.5.10.7, 8.10.6.1 and 9.2.10.1 of this Plan, reference should be made to the definitions included in the Oak Ridges Moraine Conservation Plan, Ontario Regulation 140/02.
- b) Where there is a conflict in the policies in Sections 4.5, 4.5.10, 6.9, and 5.7 of this Plan and the balance of this Plan, the more restrictive policies shall apply. In accordance with Section 33 of the Oak Ridges Moraine Conservation Plan, the Official Plan shall not be more restrictive than the Oak Ridges Moraine Conservation Plan with respect to *agricultural uses, mineral aggregate operations and wayside pits*.
- c) For lands located on the Oak Ridges Moraine where there is a conflict between this Plan and the Oak Ridges Moraine Conservation Plan, Ontario Regulation 140/02 the Oak Ridges Moraine Conservation Plan, Ontario Regulation 140/02, prevails to the extent of the conflict. For purposes of clarification, this Plan does not conflict with the Oak Ridges Moraine Conservation Plan where this Plan is more restrictive than the Oak Ridges Moraine Conservation Plan.
- d) With respect to lands located on the Oak Ridges Moraine, the Province of Ontario has prepared technical papers to provide guidance on the interpretation and application of the provisions in the Oak Ridges Moraine Conservation Plan. The technical papers prepared by the Province are to be consulted and used where applicable in the interpretation of the policies contained in Sections 4.5, 4.5.10, 6.9, 5.7, and 7.2 of this

Plan. These papers may be amended from time to time to by the Province of Ontario to incorporate new information and improved approaches as they are developed.

- e) The boundary of the Oak Ridges Moraine as defined in Ontario Regulation 01/02 and shown on the Schedules to this Plan and the “Oak Ridges Moraine Natural Linkage Area” land use designations on Schedule D1 to this Plan shall not be further defined. The “Oak Ridges Moraine Countryside Area” and “ Oak Ridges Moraine Tottenham Rural Settlement” designations on Schedule D1 may be further defined in a manner that is consistent with the policies of the land use designations based on the results of the Province of Ontario’s ten year review of the Oak Ridges Moraine Conservation Plan and the review of the County of Simcoe and Town of New Tecumseth Official Plans.

8.10.6.1 Nothing in Sections 4.5, 4.5.10, 6.9, 5.7, 4.5.10.6, 4.5.10.7 and 9.2.10.1 of this Plan applies to prevent:

- a) the use of any land building or structure for a purpose, prohibited by Sections 4.5, 4.5.10, 6.9, 5.7, 4.5.10.6, 4.5.10.7 and 9.2.10.1 of this Plan, if the land, building or structure was lawfully used for that purpose on November 15, 2001 and continues to be used for that purpose; or
- b) the erection or use for a purpose prohibited by Sections 4.5, 4.5.10, 6.9, 5.7, 4.5.10.6, 4.5.10.7 and 9.2.10.1 of this Plan of a building or structure for which a permit has been issued under subsection 8(2) of the Building Code Act, 1992 on or before November 15, 2001 if:
 - i) the permit has not been revoked under subsection 8(10) of the building Code Act, 1992, and
 - ii) the building or structure when erected is used and continues to be used for the purpose for which it was erected.
- c) the expansion of an existing building or structure on the same *lot*, or the expansion of an existing institutional use, if the applicant demonstrates that:
 - i) There will be no change in use; and
 - ii) The expansion will not *adversely affect* the *ecological integrity* of the Plan Area.
- d) the reconstruction, within the same locations and dimensions, of an existing building or structure that is damaged or destroyed by causes beyond the owner’s control, and the reconstructed building or structure shall be deemed to be an existing building or structure if there is no change in use and no intensification of the use.
- e) the conversion of an existing use to a similar use, if the applicant demonstrates that the conversion:
 - i) Will bring the use into closer conformity with this Plan and the Oak Ridges Moraine Conservation Plan;
 - ii) Will not adversely affect the ecological integrity of the Oak Ridges Moraine Conservation Plan Area.

- f) If an existing use has adverse effects on the *ecological integrity* of the *Oak Ridges Moraine Conservation Plan Area*, any application to expand the building, structure or use or to convert the existing use to a similar use shall be considered with the objective of bringing the use into closer conformity with this Plan and the Oak Ridges Moraine Conservation Plan.
- g) In Sections 8.10.6.1 to 8.10.6.1 f) inclusive of this Plan:
- i) “existing” means lawfully in existence on November 15, 2001, and for greater certainty does not include a use, building or structure that is in existence on that date without being lawful;
 - ii) “institutional use” includes, without limitation, a long-term care facility, hospital, school, university or college.
- h) In accordance with Section 7 of the Oak Ridges Moraine Conservation Plan nothing in Sections 4.5, 4.5.10, 6.8, 5.7, 4.5.10.6, 4.5.10.7 and 9.2.10.1 of this Plan applies to prevent the use, erection or location of a *single dwelling* if:
- i) the use, erection and location would have been permitted by the applicable zoning by-law on November 15, 2001; and
 - ii) the applicant demonstrates, to the extent possible, that the use, erection and location will not *adversely affect the ecological integrity* of the *Oak Ridges Moraine Conservation Plan Area*.
- i) In accordance with Section 8 of the Oak Ridges Moraine Conservation Plan, nothing in Sections 4.5, 4.5.10, 6.9, 5.7 4.5.10.6, 4.5.10.7 and 9.2.10.1 of this Plan applies to prevent the use, erection or location of a building or structure if,
- i) the use, erection and location were authorized by the approval of an application that was commenced before November 17, 2001 and approved after that date; or
 - ii) the use, erection and location were authorized by the approval of an application that was commenced after November 17, 2001 and decided in accordance with subsection 17(1) of the Oak Ridges Moraine Conservation Act.
- j) An application for site plan approval under the Planning Act is not required to comply with Sections 4.5, 4.5.10, 6.9, 5.7, 4.5.10.6 and 4.5.10.7 of this Plan where the application:
- i) relates to land in respect of which any of the following was commenced before November 17, 2001 and approved after that date:
 - a. An application for an amendment to a zoning by-law;
 - b. An application for approval of a plan of subdivision under section 51 of the Planning Act.
 - c. An application for approval or exemption from approval for a plan of condominium under Section 9 of the Condominium Act, 1998.

- k) A recreational trail system shall be established to provide continuous access and travel along the *Oak Ridges Moraine Conservation Plan Area*, accessible to all including persons with disabilities. Where this trail or trails connecting to it are located in this Plan, they may be permitted in the “Oak Ridges Moraine Natural Linkage Area”, “Oak Ridges Moraine Countryside Area” or “Oak Ridges Moraine Rural Settlement Area” designations on Schedule A1, subject to the provisions of Section 39 of the Oak Ridges Moraine Conservation Plan.

9.0 SECONDARY PLANS

10.0 DEFINITIONS

The following terms are defined to assist in understanding the intent of this Plan.

Accessory Apartment

Means a self-contained apartment within a single or semi-detached dwelling unit.

Accessory Building or Structure

Means a detached building or structure, the use of which is naturally and normally incidental to, subordinate to, or exclusively devoted to the principal use or building, and located on the same lot and that is not used for human habitation.

Accessory Use

Means a use, customarily and normally subordinate to, incidental to and exclusively devoted to the principal use and located on the same lot.

Adjacent Lands

Means those lands, contiguous to a specific Natural Heritage Feature as identified by Section 4.4.2 of this Plan where it is likely that development or site alteration would have a negative impact on the feature or area.

Adverse effects:

Means, pursuant to the Environmental Protection Act one or more of:

- a) impairment of the quality of the natural environment for any use that can be made of it;
- b) injury or damage to property or plant or animal life;
- c) harm or material discomfort to any person;
- d) an adverse effect on the health of any person;
- e) impairment of the safety of any person;
- f) rendering any property or plant or animal life unfit for human use;
- g) loss of enjoyment or normal use of property; and
- h) interference with normal conduct of business.

Agricultural-Related Uses

Means those farm-related commercial and farm-related *industrial uses* that are small scale and directly related to the farm operation and are required in close proximity to the farm operation.

Agricultural Uses

Means the growing of crops, including nursery and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including accommodation for full-time farm labour when the size and nature of the operation requires additional employment.

Alternative Energy Systems

Means sources of energy or energy conversion processes that significantly reduce the amount of harmful emissions to the environment (air, earth and water) when compared to conventional energy systems.

Animal Kennel

Means a building or structure or part thereof used for the raising or boarding of dogs, cats, or other household pets.

Archaeological Resource

Includes artifacts, archaeological sites and marine archaeological sites. The identification and evaluation of such resources are based upon archaeological fieldwork in accordance with the Ontario Heritage Act.

Areas of Archaeological Potential

Means areas with the likelihood to contain archaeological resources. Criteria for determining archaeological potential are established by the Province, but municipal approaches which achieve the same objectives may also be used. Archaeological potential is confirmed through archaeological fieldwork in accordance with the Ontario Heritage Act.

Area of Natural and Scientific Interest

Means an area of land and water containing natural landscapes or features that have been identified as having life science or earth science values related to protection, scientific study or education.

Bed and Breakfast Establishments

Means a single detached dwelling in which rooms are provided with or without meals for hire or pay for the traveling public.

Brownfield sites

Means undeveloped or previously developed properties that may be contaminated. These are usually, but not exclusively, former industrial or commercial properties that may be underutilized, derelict or vacant.

Built Heritage Resources

Means one or more *significant* buildings, structures, monuments, installations or remains associated with architectural, cultural, social, political, economic or military history and identified as being important to a community. These resources may be identified through designation or heritage conservation easement under the Ontario Heritage Act, or listed by local, provincial or federal jurisdictions.

Character

Means the aggregate of the distinct features that work together to identify a particular area or neighbourhood. The distinct features may include the built and natural elements of an area.

Compatible

Means the development or redevelopment of uses which may not necessarily be the same as or similar to the existing development, but can coexist in harmony with the surrounding area.

Comprehensive Review

Means:

- a) For the purposes of this Plan, an Official Plan Review which is initiated by a planning authority, or an Official Plan Amendment which is initiated or adopted by a planning authority, which:
 1. is based on a review of population and growth projections and which reflect projections and allocations by the County of Simcoe and provincial plans, where applicable; considers alternative directions for growth; and determines how best to accommodate this growth while protecting provincial interests;
 2. utilizes opportunities to accommodate projected growth through *intensification* and *redevelopment*;
 3. confirms that the lands to be developed do not comprise specialty crop areas; -
 4. is integrated with planning for *infrastructure* and public service facilities; and
 5. considers cross-jurisdictional issues.

Connectivity

Means the degree to which natural heritage features are connected to one another by links such as plant and animal movement corridors, hydrological and nutrient cycling, genetic transfer, and energy flows through food webs.

Conservation Use

Means an area of land that is generally left in its natural state and which is used to preserve, protect and/or improve components of the natural heritage system of other lands for the benefit of man and the natural environment and which may include, as an accessory use, hiking trails and/or cross country ski trails, buildings and structures such as nature interpretation centres and public information centres.

Contaminated Sites

Means property or lands that have not been rehabilitated and for reasons of public safety or environmental quality, are unsafe for use as a result of human activities, particularly those activities that have left a chemical or radioactive residue.

Council

Means the Municipal Council of the Corporation of the Town of New Tecumseth.

Cultural Heritage Landscape

Means a defined geographical area of heritage significance which has been modified by human activities and is valued by a community. It involves a grouping(s) of individual heritage features such as structures, spaces, archaeological sites and natural elements, which together form a significant type of heritage form, distinctive from that of its constituent elements or parts. Examples may include, but are not limited to, *Heritage Conservation Districts* designated under the Ontario Heritage Act; and villages, parks, gardens, battlefields, mainstreets and neighbourhoods, cemeteries, trailways and industrial complexes of cultural heritage value.

Cultural Heritage Resources

Means those things left by a people of a given geographic area, and includes:

- a) built heritage, such as buildings, structures, monuments or remains of historical, cultural or architectural value, and including Protected Heritage Property;
- b) cultural heritage landscapes, such as rural, hamlet or urban uses of historical or scenic interest; and,
- c) archaeological resources.

Day Nursery

Means a building or structure or part thereof where more than 5 children are provided with temporary care and/or guidance for a continuous period, not exceeding twenty-four hours and are licensed in accordance with the Day Nurseries Act.

Designated and available

Means lands designated in this Plan for urban residential use.

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, but does not include:

- a) activities that create or maintain infrastructure authorized under an environmental assessment process;
- b) works subject to the Drainage Act.

Drive-Through Service Facility

Means a building or structure or part thereof where goods or services are offered to the public within a parked or stationary vehicle by way of a service window.

Ecological Functions

Means the natural processes, products or services that living and non-living environments provide or perform within or between species, ecosystems and landscapes. These may include biological, physical, and socio-economic interactions.

Ecosystem

Means systems of plants, animals, and micro-organisms, together with the non-living components of their environment and related ecological processes, critical for the functioning of the biosphere in all its diversity.

Endangered Species

Means a species that is listed or categorized an *Endangered Species* on the Ministry of Natural Resources' official species at risk list, as updated and amended from time to time.

Enhance

Means, as applied to the natural heritage/environmental policies of this Plan, strengthening the components of a natural area through management measures to increase stability, biodiversity and long-term viability.

Means, in other respects, to complement and strengthen the character of the Town, community, neighbourhood, site or structure.

Employment Area

Means those areas designated in the Official Plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities. For the purposes of this Plan, lands within the

Employment Area One and **Employment Area Two** designations are considered to be the Town's employment area.

Farm Related Tourism Establishment

Means a commercial farm that provides, as an accessory use, educational and active opportunities to experience the agricultural way of life in the Town. Such activities may include farm-tours, petting zoos, hay rides, sleigh rides, processing demonstrations, pick your own produce, farm theme playground for children and small scale educational establishments that focus on farming instruction. Overnight camping, amusement parks and recreational uses are not permitted.

Fisheries Management

Means the management of fish habitat and fish population for the purpose of sustaining and improving the quality and quantity of fish.

Fish Habitat

As defined in the Fisheries Act, c. F-14, means spawning grounds and nursery, rearing, food supply, and migration areas on which fish depend directly or indirectly in order to carry out their life processes.

Floodplain

For river stream, and small inland lake systems, means the area, usually low lands adjoining a *watercourse*, which has been or may be subject to flooding hazards.

Flooding Hazard

Means the inundation, under the conditions specified below, of areas adjacent to a shoreline or a river or stream system and not ordinarily covered by water:

- a) Along the shorelines of the Great Lakes - St. Lawrence River System and large inland lakes, the flooding hazard limit is based on the one hundred year flood level plus an allowance for wave uprush and other water-related hazards;
- b) Along river, stream and small inland lake systems, the flooding hazard limit is the greater of:
 1. the flood resulting from the rainfall actually experienced during a major storm such as the Hurricane Hazel storm (1954) or the Timmins storm (1961), transposed over a specific *watershed* and combined with the local conditions, where evidence suggests that the storm event could have potentially occurred over *watersheds* in the general area;
 2. the one hundred year flood; and
 3. a flood which is greater than 1. or 2. of this definition which was actually experienced in a particular *watershed* or portion thereof as a result of ice jams

and which has been approved as the standard for that specific area by the Minister of Natural Resources;

4. except where the use of the one hundred year flood or the actually experienced event has been approved by the Minister of Natural Resources as the standard for a specific *watershed* (where the past history of flooding supports the lowering of the standard).

Floodproofing Standard

Means the combination of measures incorporated into the basic design and/or construction of buildings, structures, or properties to reduce or eliminate flooding hazards, wave uprush and other water-related hazards along the shorelines of the Great Lakes - St. Lawrence River System and large inland lakes, and flooding hazards along river, stream and small inland lake systems.

Floodway

For river, stream and small inland lake systems, means the portion of the flood plain where *development* and *site alteration* would cause a danger to public health and safety or property damage.

Where the one zone concept is applied, the *floodway* is the entire contiguous *flood plain*.

Where the two zone concept is applied, the *floodway* is the contiguous inner portion of the *flood plain*, representing 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/or property damage. Where the two zone concept applies, the outer portion of the *flood plain* is called the *flood fringe*.

Forest Management or Forestry

Means the management of woodlands, including accessory uses such as the construction and maintenance of forest access roads and maple syrup production facilities,

- a) for the production of wood and wood products, including maple syrup;
- b) to provide outdoor recreation opportunities;
- c) to maintain, and where possible improve or restore, conditions for wildlife; and,
- d) to protect water supplies.

Garden Suite

Means a self-contained detached residential structure that is accessory to a single detached dwelling unit and that is designed to be portable.

Groundwater Discharge

Means water that travels from under the ground to the surface and which forms part of the base flow of rivers and streams.

Groundwater Recharge

Means the replenishment of subsurface water:

- a) resulting from natural processes, such as the infiltration of rainfall and snowmelt and the seepage of surface water from lakes, streams and wetlands; and,
- b) resulting from human intervention, such as the use of stormwater management systems.

Hazardous Lands

Means property or lands that could be unsafe for *development* due to naturally occurring processes. Along the shorelines of the Great Lakes - St. Lawrence River System, this means the land, including that covered by water, between the international boundary, where applicable, and the furthest landward limit of the flooding hazard, erosion hazard or dynamic beach hazard limits. Along the shorelines of large inland lakes, this means the land, including that covered by water, between a defined offshore distance or depth and the furthest landward limit of the flooding hazard, erosion hazard or dynamic beach hazard limits. Along river, stream and small inland lake systems, this means the land, including that covered by water, to the furthest landward limit of the flooding hazard or erosion hazard limits.

Heritage Attributes

Means the principal features, characteristics, context and appearance that contribute to the cultural heritage significance of a protected heritage property.

Heritage Conservation District

Means an area defined by the Town to be of unique character to be conserved through a designation By-law pursuant to Part V of the *Ontario Heritage Act*.

Home Industry

Means a small-scale industrial use, such as a carpentry shop, a metal working shop, a welding shop or an electrical shop that provides services or wares to the rural farming community and which is an accessory use to an agricultural use or a single detached dwelling. For the purpose of this By-law, the repairing of motor vehicles or paint shop, mobile homes and/or trailers is not a home industry.

Home Occupation

Means an occupation that provides a service as an accessory use within a dwelling unit performed by one or more of its residents. Such activities may include services performed by an accountant, architect, auditor, dentist, medical practitioner, engineer, insurance agent, land surveyor, lawyer, realtor, planner, hairdresser or a provider of private home daycare.

Hydrological Functions

Means the functions of the hydrological cycle that include the occurrence, circulation, distribution, and chemical and physical properties of water on the surface of the land, in the soil and underlying rocks, and in the atmosphere, and water's interaction with the environment including its relation to living things.

Hydrologically Sensitive Feature

Means a hydrological feature that is potentially sensitive to changes in surface and groundwater flow that may result from development.

Industrial Use

Means a building or structure or part thereof used primarily for the purpose of manufacturing, processing, fabrication, assembly, treatment, packaging, and incidental storage of goods and materials and may include accessory sales and distribution of such products.

Infrastructure

Means physical structures that form the foundation for development. Infrastructure includes sewage and water works, waste management systems, electric power generation and transmission, communications/ telecommunications, transit and transportation corridors and facilities, oil and gas pipelines and associated facilities.

Intensification

Means the *development* of a property, site or area at a higher density than currently exists through:

- a) *redevelopment*, including the reuse of *brownfield sites*;
- b) the *development* of vacant and/or underutilized lots within previously developed areas;
- c) *infill development*, and
- d) the expansion or conversion of existing buildings.

Institutional Use

Means a use that caters to the social, educational and/or religious needs of humans.

Long Term Care Facility

Means a building or structure or part thereof used to provide health care under medical supervision for twenty-four or more consecutive hours, to two or more persons.

Medical Office

Means a building or structure or part thereof used for the medical, dental, surgical and/or therapeutic treatment of human beings including clinics operated by a number and/or variety of medical professionals, but does not include a public or private hospital or office located in the medical professional's residence.

Mineral Aggregate Resources

Means gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite, rock or other material prescribed under the Aggregate Resources Act suitable for construction, industrial, manufacturing and maintenance purposes but does not include metallic ores, asbestos, graphite, kyanite, mica, nepheline syenite, salt, talc, wollastonite, mine tailings or other material prescribed under the *Mining Act*.

Mineral Aggregate Operation

Means:

- a) Lands under license or permit, other than for a wayside pit or quarry, issued in accordance with the Aggregate Resources Act, or successors thereto; and,
- b) Associated facilities used in extraction, transport, beneficiation, processing or recycling of mineral aggregate resources, or in the production of secondary related products.

Minimum Distance Separation (MDS) Formulae

Means formulae developed by the Province to separate uses so as to reduce incompatibility concerns about odour from livestock facilities.

Motor Vehicle Body Shop

Means a building or structure or part thereof used for the painting and/or repairing of the interior and/or exterior and/or the undercarriage of motor vehicle bodies. Car washes are not an accessory use.

Motor Vehicle Repair Establishment

Means a building or structure or part thereof used for the repairing of motor vehicles, but shall not include the sale of motor vehicle fuels. Car washes are not an accessory use.

Natural Heritage Features

Means features and areas, including significant wetlands, fish habitat, significant woodlands, significant valleylands, significant habitat of endangered and threatened species, significant wildlife habitat, and significant areas of natural and scientific interest that are important for their environmental and social values as a legacy of the natural landscapes of an area.

Natural Heritage System

Means a system made up of Natural Heritage Features and areas, linked by natural corridors which are necessary to maintain biological and geological diversity, natural

functions, viable populations of indigenous species and ecosystems. These systems can include lands that have been restored and areas with the potential to be restored to a natural state.

Natural Self-Sustaining Vegetation

Means vegetation dominated by native species that can grow and persist without direct human management, protection, or tending.

Negative Impact

- a) In regard to policy 2.2, of the Provincial Policy Statement (2005) degradation to the quality and quantity of water, sensitive surface water features and sensitive ground water features, and their related hydrologic functions, due to single, multiple or successive development or site alteration activities;
- b) In regard to *fish habitat*, the harmful alteration, disruption or destruction of *fish habitat*, except where, in conjunction with the appropriate authorities, it has been authorized under the Fisheries Act, using the guiding principle of no net loss of productive capacity; and
- c) in regard to other *natural heritage features and areas*, as set out in policies 2.1.3 and 2.1.4 of the Provincial Policy Statement (2005) degradation that threatens the health and integrity of the natural features or *ecological functions* for which an area is identified due to single, multiple or successive *development* or *site alteration* activities.
- d) In respect of the commercial hierarchy in this Plan, means a detrimental effect on planned function that leads to or contributes to urban blight.
- e) In all other respects, means a deleterious effect or result on an adjacent use, the enjoyment of a neighbouring property or on the public realm that cannot be reasonably mitigated through the use of planning controls such as setbacks, buffering, fencing, and landscaping.

Normal Farm Practices

Means a practice, as defined in the Farming and Food Production Protection Act, 1998, that is conducted in a manner consistent with proper and acceptable customs and standards as established and followed by similar agricultural operations under similar circumstances; or makes use of innovative technology in a manner consistent with proper advanced farm management practices. Normal farm practices shall be consistent with the Nutrient Management Act, 2002 and regulations made under that Act.

Outdoor Storage

Means an area of land used in conjunction with a business located within a building or structure on the same lot, for the storage of goods and materials.

Place of Worship

Means a building or structure or part thereof used by a charitable religious group(s) for

the practice of religious rites.

Portable Asphalt Plant

Means a facility

- a) with equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material, and includes stockpiling and storage of bulk materials used in the process; and,
- b) which is not of permanent construction, but which is to be dismantled at the completion of the construction project.

Portable Concrete Plant

Means a building or structure

- a) with equipment designed to mix cementing materials, aggregate, water and admixtures to produce concrete, and includes stockpiling and storage of bulk materials used in the process; and
- b) which is not of permanent construction, but which is designed to be dismantled at the completion of the construction project.

Prime Agricultural Area

Means an area where prime agricultural land predominates. This includes: areas of prime agricultural lands and associated Canada Land Inventory Class 4-7 soils; and additional areas where there is a local concentration of farms which exhibit characteristics of on-going agriculture.

Prime Agricultural Land

Means land that includes specialty crop areas and/or Canada Land Inventory Classes 1, 2 and 3 soils, in this order for priority protection.

Private Home Daycare

Means the use of a dwelling unit for the temporary care and custody of not more than five children who do not live in the dwelling unit and who are under ten years of age for reward or compensation for a continuous period not exceeding twenty-four hours.

Protected Heritage Property

Means real property designated under Parts IV, V or VI of the Ontario Heritage Act; heritage conservation easement property under Parts II or IV of the Ontario Heritage Act; and property that is the subject of a covenant or agreement between the owner of a property and a conservation body or level of government, registered on title and executed with the primary purpose of preserving, conserving and maintaining a cultural heritage feature or resource, or preventing its destruction, demolition or loss.

Public uses

Means:

- a) uses carried out by Federal or Provincial ministries or companies that are regulated by the Federal and/or Provincial governments and which include such services as gas, telephone, internet and cable services
- b) uses carried out by the County of Simcoe and the Town of New Tecumseth;
- c) public roads and railway lines;

Quality and Quantity of Water

Means as measured by indicators such as minimum base flow, depth to water table, aquifer pressure, oxygen levels, suspended solids, temperature, bacteria, nutrients, hazardous contaminants and hydrologic regimes.

Redevelopment

Means the creation of new units, uses or lots on previously developed land in existing communities, including *brownfield sites*.

Renewable Energy Systems

Means the production of electrical power from an energy source that is renewed by natural processes including, but not limited to, wind, water, a biomass resource or product, or solar and geothermal energy.

Residential Intensification

Means *intensification* of a property, site or area which results in a net increase in residential units or accommodation and includes:

- a) *redevelopment*, including the *redevelopment* of *brownfield sites*;
- b) the *development* of vacant or underutilized lots within previously developed areas;
- c) *infill development*;
- d) the conversion or expansion of existing industrial, commercial and institutional buildings for residential use; and
- e) the conversion or expansion of existing residential buildings to create new residential units or accommodation, including accessory apartments, secondary suites and rooming houses.

Retail Use

Means a use conducted in a building or structure or part thereof in which goods, wares,

merchandise, substances, articles or things are displayed, rented or sold directly to the general public.

Retirement Home

Means a building or structure or part thereof providing accommodation primarily for retired persons or couples where each private bedroom or living unit has a separate private bathroom and separate entrance from a common hall but where common facilities for the preparation and consumption of food are provided, and common lounges, recreation rooms and medical care facilities may also be provided.

Rural Areas

Means lands in the *rural area* which are located outside settlement areas and which are outside *prime agricultural areas*.

School, Commercial

Means a building or structure or part thereof used as a school conducted for gain, including a studio of a dancing teacher or a music teacher, an art school, a golf school, school of calisthenics, business or trade school and any other such specialized school.

School, Private

Means a building or structure or part thereof used as an academic school which secures the major part of its funding from sources other than government agencies.

Secondary uses

Means uses secondary to the principal use of the property, including home occupations, home industries and uses that produce value-added agricultural products from the farm operation on the property.

Sensitive

In regard to *surface water features* and ground water features, means areas that are particularly susceptible to impacts from activities or events including, but not limited to, water withdrawals, and additions of pollutants.

Sensitive Land Use

Means buildings or structures or parts thereof, amenity areas or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more *adverse effects* from contaminant discharges generated by a major nearby facility. *Sensitive land uses* may be part of the natural or built environment. Examples include residences, day nurseries and educational and health facilities.

Service Commercial Use

Means a building or structure or part thereof where clerical, business, professional and administrative services such as banking, accounting, insurance, investment and financial

planning, land use planning, engineering or architectural services or the services of other consultants are provided and may include personal service uses such as florists, dry cleaning, tailors, travel agents, hair salons, diet centres, day spas, tanning parlours, shoe repair and video stores, but shall not include any Adult Entertainment Use.

Significant

Means:

- a) in regards to wetlands and areas of natural and scientific interest, an area identified as provincially significant by the Ontario Ministry of Natural Resources using evaluation procedures established by the Province, as amended from time to time;
- b) in regards to the habitat of endangered species and threatened species, means the habitat, as approved by the Ontario Ministry of Natural Resources, that is necessary for the maintenance, survival, and/or the recovery of naturally occurring or reintroduced populations of endangered and/or threatened species, and where those areas of occurrence are occupied or habitually occupied by the species during all or any part(s) of its life cycle;
- c) in regards to woodland areas, means treed areas in accordance with the definition of Woodlands with the distinctions listed below. Although these are general characteristics of woodlands, they are not the only factors to be considered in determining the level of significance and protection.

Significant Woodland Policy Area 1: generally larger woodlands (10 ha. or greater) that are often associated with surface water features.

Significant Woodland Policy Area 2: generally medium-sized woodlands (4-10 ha.) that may be associated with surface water features.

- d) in regards to other features and areas identified in Section 4.0 of this Plan, ecologically important in terms of features, functions, representation or amount, and contributing to the quality and diversity of an identifiable geographic area or natural heritage system. Criteria for determining significance may be recommended by the Province, but municipal approaches that achieve the same objective may also be used;
- e) in regard to cultural heritage, resources that are valued for the important contribution they make to our understanding of the history of a place, an event, or a people; and,
- f) in the Lake Simcoe Region Conservation Authority area, the term "Significant" includes key natural heritage features and key hydrological features.

Site Alteration

Means activities, such as the placement of fill, grading and excavation that would change the landform and natural vegetative characteristics of a site.

Stable Top of Bank

Means the line which defines the transition between tableland and sloping ground at the crest of a slope associated with a watercourse, as determined by an approved Geotechnical Study and/or by the appropriate Conservation Authority.

Stream Corridor

Means an area of land on both sides of a stream that contribute to the ecological functions of the stream.

Strip Development

Means lot creation in the non-urban Designations:

- a) along roads that are part of the originally surveyed concessions and side roads grid or are other more recently surveyed arterial or collector roads which are not part of an internal local road system designed specifically to provide groups of residential, commercial, industrial, or similar lots with access; and,
- b) which is arranged in linear configurations of more than three non-farm lots within 200 metres of the proposed lot line as measured along the frontage of one side of the road.

Surface Water Feature

Means water-related features on the earth's surface, including headwaters, rivers, stream channels, inland lakes, seepage areas, recharge/discharge areas, springs, wetlands, and associated riparian lands that can be defined by their soil moisture, soil type, vegetation or topographic characteristics.

Threatened Species

Means a species that is listed or categorized as a Threatened Species on the Ontario Ministry of Natural Resources' official species at risk list, as updated and amended from time to time.

Universal Physical Access

Means housing designs that incorporate the following principles and features:

- a) universality – same means for all users;
- b) flexibility – providing choice in methods of use and adaptable to the needs of the user;
- c) low physical effort – usable with a minimum of effort and fatigue;
- d) accessibility – providing for adequate sight lines, reach, hand grip and use of helpful devices;
- e) safety – minimal consequences of errors with fail-safe features;
- f) simplicity – minimal complexity and accommodating a wide range of skills and abilities; and,
- g) perceptible information – communicating necessary information effectively and in various ways.

Valleylands

Means a natural area that occurs in a valley or other landform depression that has water flowing through or standing for some period of the year.

Within areas of conservation authority jurisdiction, all lands below/within the stable top of bank, predicted top of stable slope, flood plain limit, or predicted meander belt limit, as prescribed in Section 2b) of each conservation authority's Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses regulation under the Conservation Authorities Act.

Vegetation Protection Zone

Means a vegetated buffer area surrounding a Natural Heritage Feature or Hydrologic Feature within which only those land uses permitted within the feature itself are permitted. The width of the vegetation protection zone is to be determined when new development or site alteration occurs within 120 metres of a Natural Heritage Feature or Hydrologic Feature, and is of sufficient size to protect the feature and its functions from the impacts of the proposed change and associated activities that will occur before, during, and after, construction, and where possible, restore or enhance the feature and/or its function.

Vulnerable

Means surface and groundwater that can be easily changed or impacted by activities or events, either by virtue of their vicinity to such activities or events or by permissive pathways between such activities and the surface and/or groundwater.

Waste Disposal Site

Means any land upon, into or through which, a building or structure in which, waste is deposited, disposed of, handled, stored, transferred, treated or processed and includes an operation carried out or machinery or equipment used in connection with the depositing, disposal, handling, storage, transfer, treatment or processing of waste.

Watercourse

Means a natural depression in which is situated a continuous or intermittent flow of water sufficient to form and maintain a defined channel, with bed and banks; but generally not including wetland flow or modified/constructed drainage features such as swales, agricultural drains or roadside ditches.

Watershed

Means an area that is drained by a river and its tributaries.

Watershed Plan

A *watershed plan* provides a framework for integrated decision-making for the management of human activities, land, water, aquatic life and aquatic resources within a *watershed*. It includes matters such as a water budget and conservation plan; land and

water use management strategies; an environmental monitoring plan; requirements for the use of environmental management practices and programs; criteria for evaluating the protection of water quality and quantity, and hydrologic features and functions; and targets for the protection and restoration of riparian areas.

Wayside Pit or Quarry

Means a temporary pit or quarry opened and used by or for a public authority solely for purpose of a particular project or contract of road construction and which is not located within the right-of-way.

Wetland

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. In either case the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic plants or water-tolerant plants. The four major types of wetlands are swamps, marshes, bogs and fens.

Periodically soaked or wetlands being used for agricultural purposes which no longer exhibit wetland characteristics are not considered to be wetlands for purposes of this definition.

Wildlife Habitat

Means areas where plants, animals and other organisms live and find adequate amounts of food, water, shelter and space to sustain their populations. Specific wildlife habitats of concern, may include areas where a species concentrate at a vulnerable point in their annual or life cycle and an area that is important to a migratory or non-migratory species.

Woodlands

Means treed areas that provide environmental and economic benefits to both the private landowner and the general public, such as erosion prevention, hydrological and nutrient cycling, provision of clean air and the long-term storage of carbon, provision of *wildlife habitat*, outdoor recreational opportunities, and the sustainable harvest of a wide range of woodland products. *Woodlands* include treed areas, woodlots or forested areas and vary in their level of significance at the local, regional and provincial levels.