



**MUNICIPALITY OF WEST GREY
OFFICIAL PLAN**

**FOR THE SETTLEMENT AREAS OF
DURHAM AND NEUSTADT**

Prepared by:



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**THE CORPORATION OF THE MUNICIPALITY OF WEST GREY
BY-LAW NUMBER 8 - 2012**

BEING A BY-LAW TO ADOPT THE MUNICIPALITY OF WEST GREY OFFICIAL PLAN

Whereas Section 17(1) of the Planning Act, (R.S.O. 1990) authorizes the Council of a municipality to provide for the preparation of a plan suitable for adoption as the Official Plan for the Municipality;

And whereas the Council of the Corporation of the Municipality of West Grey deems it desirable to adopt a new Official Plan for the settlement areas of Durham and Neustadt;

Now therefore the Council of the Corporation of the Municipality of West Grey enacts as follows:

1. The Municipality of West Grey Official Plan, consisting of the attached text and maps, is hereby adopted;
2. The Clerk is hereby authorized to make application to the County of Grey for approval of the new Municipality of West Grey Official Plan;
3. Upon approval of this Official Plan by the County of Grey or the Ontario Municipal Board, the current Official Plans for Durham and Neustadt, enacted by By-law No. 754A (Durham) and By-law No. 552 (Neustadt), are hereby repealed.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 21st
DAY OF FEBRUARY, 2012.

Mayor

CAO

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PART A INTRODUCTION

A1 TITLE

This document shall be known as:

“The Municipality of West Grey Official Plan for the Settlement Areas of Durham and Neustadt; or

“The Official Plan”; or,

“The Plan”.

A2 CONTENTS

The following text, the attached Schedules ‘A’ and ‘B’ and the attached Appendices ‘A’, ‘B’ and ‘C’ shall form the Official Plan of the Municipality of West Grey for the Settlement Areas of Durham and Neustadt.

A3 SCOPE

This Official Plan applies to the settlement areas of Durham and Neustadt as shown on Schedules ‘A’ and ‘B’ to this Official Plan.

The boundaries of the settlement area of Durham, as delineated on Schedule ‘A’ to this Official Plan, closely reflect the boundaries of the former Town of Durham as it existed prior to municipal restructuring in 1999. The settlement area boundaries, however, have been expanded in a north-easterly direction and now include 31.3 hectares of land that were previously situated within the former Township of Glenelg.

The boundaries of the settlement area of Neustadt, as delineated on Schedule ‘B’ to this Official Plan, reflect the exact boundaries of the former Village of Neustadt as it existed prior to municipal restructuring.

Lands located outside of these two settlement areas (i.e. within the Municipality of West Grey but not shown on Schedules ‘A’ or ‘B’) are not subject to this local Official Plan, and therefore are covered directly by the County of Grey Official Plan.

A4 BACKGROUND

The Municipality of West Grey Official Plan replaces the Town of Durham Official Plan and the Village of Neustadt Official Plan, both of which came into effect in the 1980's. Recognizing that both Plans were clearly outdated, the Council of the Municipality of West Grey requested in 2011 that a new Official Plan be prepared for these two settlement areas.

A5 PURPOSE

The purpose of this Official Plan is to provide a long-term strategy for managing growth and development within Durham and Neustadt to the year 2026.

The goals, objective and policies contained in this Official Plan are intended to guide the decisions of the public authorities and private interests in order to maintain livable and attractive communities.

No public work shall be undertaken and no By-law shall be passed for any purpose that does not conform to this Official Plan.

As required in Section 26 of the Planning Act (R.S.O. 1990), this Official Plan shall be reviewed every five years for the purposes of determining whether or not updates are required, as explained in Section F14 of this Plan.

A6 RELATIONSHIP TO THE COUNTY OF GREY OFFICIAL PLAN

The County of Grey Official Plan applies to all lands within the County and establishes an upper-tier policy framework that provides guidance to local Municipalities on a variety of matters.

The Municipality of West Grey Official Plan has been designed to conform to the County of Grey Official Plan. In the event of a conflict between these two documents, the County Official Plan shall prevail, as mandated in The Planning Act (R.S.O. 1990). That notwithstanding, the Municipality of West Grey Official Plan may be more restrictive than the County of Grey Official Plan, in which case the more restrictive policies shall prevail.

This local Official Plan is also intended to be consistent with the Provincial Policy Statement.

PART B INTERPRETATION

B1 SETTLEMENT AREA BOUNDARY

- B1.1 The boundaries of the settlement areas of Durham and Neustadt are shown on Schedules 'A' and 'B' to this Official Plan.
- B1.2 The boundaries shown on Schedules 'A' and 'B' are considered absolute and shall not be expanded except as a result of a "Comprehensive Review" initiated and/or adopted by the Municipality of West Grey and adopted by the County of Grey as the approval authority. Such urban expansion shall require amendments to the County Official Plan and this Official Plan. The Comprehensive Review shall be carried out in accordance with Comprehensive Review requirements of the Provincial Policy Statement.

B2 LAND USE DESIGNATION BOUNDARIES

- B2.1 The boundaries between the land use designations shown on Schedules 'A' and 'B' are to be considered approximate, except where they coincide with roads or clearly defined geographical boundaries.
- B2.2 It is the policy of the Municipality that an Official Plan Amendment shall not be necessary to make minor adjustments to the land use boundaries, provided that the general intent of the Plan is maintained.

B3 NUMERICAL FIGURES

- B3.1 The numerical figures contained in this Official Plan shall be considered approximate only. An amendment to the Plan shall not be necessary for any reasonable variance from the figures presented provided the intent of the Official Plan is maintained.

B4 POLICY INTERPRETATION

- B4.1 Specific policies of this Plan should not be considered in isolation but rather should be interpreted along with the intent of the goals, objectives and other policies contained within the Plan.

B4.2 When attempting to determine whether a development proposal conforms to this Official Plan, the goals, objectives and specific land use policies must all be reviewed.

PART C

GOALS AND OBJECTIVES

C1 GENERAL GOALS AND OBJECTIVES

The goals and objectives contained in Section C1 apply to the various land use designations shown on Schedules 'A' and 'B' and the constraints shown on Appendices 'A', 'B' and 'C'.

C1.1 Goals

C1.1.1 This Official Plan shall ensure that development within the settlement areas of Durham and Neustadt occurs in an appropriate and orderly manner.

C1.2 Objectives

C1.2.1 To promote only development that represents an appropriate and efficient utilization of land and municipal services.

C1.2.2 To ensure that development occurs in a manner that provides for compatibility amongst different land uses.

C1.2.3 To guide the use of land with the policies of this Official Plan, with such policies being implemented in the Municipality of West Grey Comprehensive Zoning By-law.

C2 GROWTH IN SETTLEMENT AREAS

C2.1 Goal

This Official Plan shall promote Durham and Neustadt as the focal points for appropriate forms of urban development within the Municipality of West Grey.

C2.2 Objectives

C2.2.1 To maintain and enhance Durham and Neustadt as desirable, attractive, safe and diverse communities.

C2.2.2 To encourage only development that protects and enhances the character of the settlement areas.

- C2.2.3 To direct the majority of urban type development to Durham and Neustadt where full municipal services and other community facilities are available.
- C2.2.4 To promote the downtowns as the focal points of these two communities and to improve, wherever possible, the economic health of the downtowns by promoting redevelopment and a mixture of compatible land uses.
- C2.2.5 To ensure that an appropriate supply of land is available within these settlement areas to meet the residential, commercial and industrial needs of the community to the year 2026.
- C2.2.6 To promote development through infilling and intensification of existing developed or partially-developed areas of Durham and Neustadt.
- C2.2.7 To promote development in undeveloped areas of Durham and Neustadt where such development represents a natural extension of the existing built environment and where the provision of municipal servicing can be feasibly provided.

C3 ECONOMIC GROWTH

C3.1 Goal

This Official Plan shall provide opportunities for economic growth.

C3.2 Objectives

- C3.2.1 To ensure that Durham and Neustadt are desirable communities to locate new businesses and maintain existing businesses.
- C3.2.2 To promote the historical nature and charm of the downtowns as places to conduct business and to shop.
- C3.2.3 To support and enhance the arts and cultural interests of Durham and Neustadt and promote these interests as tourism opportunities.
- C3.2.4 To ensure that an ample supply of municipally-serviced, vacant land is readily available for industrial and commercial development.

- C3.2.5 To promote the establishment of home industries and home occupations where such uses are compatible with adjacent land uses.
- C3.2.6 To increase the tourism component of the local economies by providing a wider range of recreational facilities and tourist accommodations including bed and breakfast establishments, hotels and motels. Specific emphasis shall be given to attracting four-season tourism facilities.

C4 CULTURAL HERITAGE

C4.1 Goals

This Official Plan shall encourage the conservation and preservation of buildings, areas and landscapes of historical or architectural significance.

C4.2 Objectives

- C4.2.1 To enhance the character of Durham and Neustadt by restoring, protecting, conserving and maintaining their archaeological and heritage resources.
- C4.2.2 To encourage new development which complements the existing heritage resources.
- C4.2.3. To permit development and site alteration on lands containing archaeological resources or areas of archaeological potential only where the archaeological resources have been conserved by removal or documentation, or by preservation on site, and supported by the Ministry of Tourism and Culture. To assist in this regard, developers are encouraged to consult with representatives of First Nations and Métis.
- C4.2.4 To take advantage of all relevant legislation and programs wherever possible to encourage the preservation and enhancement of heritage resources and to develop a greater awareness of the value of heritage conservation in the communities.
- C4.2.5 To encourage the establishment of a Facade Improvement Program to provide incentives and direction for enhancing the visual appearance of the downtowns.

- C4.2.6 To encourage the establishment of Community Improvement Areas for the purposes of, among other things, preserving buildings, areas and landscapes of historical or architectural significance. Detailed policies pertaining to Community Improvement Areas are contained in Section E6 of this Official Plan.

PART D

DETAILED LAND USE POLICIES

D1 INTRODUCTION

- D1.1 This section provides policies related to the various land use categories shown on Schedules 'A' and 'B'. These policies are not to be considered in isolation, but rather must be interpreted along with all other relevant goals, objectives and policies contained within this Official Plan.
- D1.2 Schedules 'A' and 'B' place all lands within Durham and Neustadt into one of the following designations:
- a) Residential
 - b) Downtown Commercial
 - c) Downtown Commercial Transition
 - d) Highway Commercial
 - e) Industrial
 - f) Institutional
 - g) Open Space
 - h) Environmental Protection
 - i) Future Development
- D1.3 Schedules 'A' and 'B' are not intended to designate lands based on their current land use, but rather are designed to identify the most appropriate use of the lands over the long term based on sound planning principles.

D2 RESIDENTIAL

D2.1 Goal

- D2.1.1 This Official plan shall strive to provide an ample supply of affordable and desirable residential dwelling types and densities for the present and future residents of Durham and Neustadt.

D2.2 Objectives

- D2.2.1 To ensure that an appropriate range of housing types and densities are provided within Durham and Neustadt as well as an appropriate supply of rental housing, in order to meet the projected requirements of current and future residents.

- D2.2.2 To encourage the provision of housing which is affordable to low and moderate income households by permitting and encouraging all forms of housing required to meet the social, health and well-being requirements of current and future residents.
- D2.2.3 To ensure that there is, at all times, a 20 year supply of land designated for residential development.
- D2.2.4 To encourage residential development which efficiently utilizes the land, resources, infrastructure and public service facilities.

D2.3 Permitted Uses

- D2.3.1 The predominant use of land within the Residential designation shall be residential dwelling units. The types of dwelling unit permitted shall include low density housing such as detached dwellings, semi-detached dwellings and duplexes, medium density housing such as triplexes, quadraplexes and townhouses and high density housing such as apartments.

Uses of land which are complementary to and compatible with the above-noted residential uses shall also be permitted. Such uses include:

- Group Homes, Auxiliary Group Homes and Crisis Care Group Homes in accordance with Section D2.4.18
- Day Nurseries in accordance with Section D2.4.19
- Home Occupations in accordance with Section D2.4.20
- Bed and Breakfast Establishments in accordance with Section D2.4.21
- Institutional uses in accordance with Section D2.4.22
- Open Space uses in accordance with Section D2.4.23
- Neighbourhood Commercial uses in accordance with Section D2.4.24

D2.4 General Policies

- D2.4.1 A wide range of housing types and densities shall be permitted within the Residential designation, subject to the policies in this Plan.
- D2.4.2 New residential development shall be serviced with Municipal water and sanitary sewer.

- D2.4.3 New residential development shall occur by intensification, infilling and expansion.
- D2.4.4 Residential development through intensification shall be encouraged to represent 10% of the new residential dwellings being established within Durham and Neustadt.
- D2.4.5 The residential portion of all subdivisions, condominiums or multi-unit/multi-lot developments shall provide a density of no less than 20 dwelling units per net hectare. Consideration shall be given for developments that do not meet this density when justified, in writing, by the developer and deemed appropriate by the Municipality.
- D2.4.6 The Municipality shall encourage a mixture of ownership and rental units for new residential development.
- D2.4.7 The Municipality shall strive to improve access to housing for people with special needs, including assisted housing for low income households, seniors housing and housing for persons with disabilities, etc. The Municipality may support appropriate applications and proposals for special needs housing.
- D2.4.8 The Municipality shall encourage new residential housing, both rental and ownership, to be affordable.
- D2.4.9 The Municipality may consider a request for a grant in lieu of residential development charges, planning fees and building permit fees for a new affordable housing development in return for a commitment by the developer to meet specified affordability targets.
- D2.4.10 The Municipality shall promote, and where possible, assist in the administration of County, Provincial and Federal housing programs.
- D2.4.11 In an attempt to assist in meeting the density target and to promote special needs housing, rental and affordability, the Municipality may support a variety of zoning standards and subdivision design standards, where appropriate. Reduced urban development standards such as narrower road allowances, smaller lot areas and frontages, reduced yard requirements and increase lot coverage may be considered in new areas of development on a case by case basis and where deemed appropriate, or in areas of existing development which require unique development

standards.

- D2.4.12 Applications to convert existing rental residential dwelling units to condominium tenure shall be discouraged. Should such an application be filed, the applicant shall submit, among other required information, a report which addresses the vacancy rate for accommodation within the urban centre, the effect on the provision of affordable rental housing within the urban centre, and the plans of the applicant to guarantee rental accommodation to the existing tenants.
- D2.4.13 The Municipality shall encourage the conservation and rehabilitation of existing residential buildings in order to maintain and, in certain circumstances, improve the housing standards within the community.
- D2.4.14 The demolition of rental units is discouraged, except where full replacement of the rental units is also being proposed.
- D2.4.15 The Municipality shall support efforts by the County to prepare, as the need arises, monitoring reports describing how County targets for housing form, rental vs. ownership, and the issue of affordability are being met.
- D2.4.16 Low Density Residential Policies
- a) The Municipality considers detached dwellings, semi-detached dwellings, duplex dwellings and converted dwellings with no more than two units, where such units are developed at a maximum density of 25 units per net hectare, to constitute low density residential development.
 - b) The Municipality may choose to establish more than one low density zone within the Comprehensive Zoning By-law for the purposes of maintaining a separate zone for detached dwellings only.
 - c) Notwithstanding (b) above, the establishment of a second dwelling unit within a detached dwelling, semi-detached dwelling or townhouse dwelling, or within an ancillary building (i.e. “garden suite”) may be permitted, subject to the following:
 - i. The areas of Durham and Neustadt in which second dwelling units are permitted within a detached dwelling, semi-detached dwelling or townhouse shall be identified in the Comprehensive

Zoning By-law. Amendments to the Zoning By-law on a site-by-site basis may also be considered.

- ii. Garden suites shall only be considered on a site-by-site basis, and shall only be approved by way of a Temporary Use By-law. Additional information pertaining to Temporary Use By-laws is contained in Section F5.
- iii. The Comprehensive Zoning By-law shall stipulate the minimum floor area and parking requirements for second dwelling units. In the case of garden suites, the Zoning By-law shall also contain regulations for lot line setbacks.
- iv. The second dwelling unit shall meet all Building Code and Fire Code requirements.
- v. Municipal water and sanitary sewer must service the additional unit.
- vi. Garden suites may be subject to a Site Plan Control Agreement.

D2.4.17 Medium and High Density Residential Policies

- a) The Municipality considers triplexes, fourplexes, townhouses, three-storey apartments, converted dwellings of three or more units, and similar multi-unit forms of housing, at a maximum density of 40 units per net hectare, as medium density residential development.
- b) The Municipality considers multi-unit development exceeding 40 units per net hectare as high density residential development.
- c) The various types of medium density and high density housing shall be regulated in terms of specific use, density, yard requirements, etc. by establishing one or more medium density zones and a high density zone in the Comprehensive Zoning By-laws.
- d) Medium density residential housing is strongly encouraged within the Residential designated areas of Durham and Neustadt, and will likely be required in most new multi-lot or multi-unit developments in order to achieve the minimum density requirement of this Official Plan.

High density residential housing shall also be encouraged, in appropriate locations.

- e) The following shall be taken into consideration when reviewing the appropriateness of a new medium and high density development:
 - i. The proposed use shall generally be compatible with existing uses in close proximity of the subject lands. The word “compatible” does not necessarily mean the same as or similar to existing nearby built form. Being compatible shall mean that the proposed use can co-exist with the existing nearby built form without causing undue adverse impacts with regard to dwarfing of buildings, shadowing, existing views, increased noise, traffic, etc.
 - ii. Adequate buffering, landscaping and building setbacks shall be provided to protect the privacy of the adjacent residential properties.
 - iii. The roads in the area shall have the ability to handle the expected traffic increase. Medium and high density housing will generally be encouraged to locate in areas near arterial or collector roads in order to minimize traffic congestion and facilitate access to commercial areas.
 - iv. Municipal water and sanitary sewer capacity shall be available to service the proposed development.
 - v. Adequate off-street parking shall be provided to serve the proposed development.
- f) The design of the medium and high density development shall take into consideration:
 - i. The height, bulk and siting of buildings shall achieve harmonious design and integrate with the surrounding area.
 - ii. Appropriate open space, landscaping and buffering shall be provided on site to maximize the privacy and enjoyment of the residents residing on the property and to minimize any potential impact on adjacent lower density uses.

- g) When an existing detached dwelling is changed to a converted dwelling (i.e. more than two units within the house), the exterior architectural design shall be maintained.
- h) All medium and high density development may be subject to a Site Plan Control Agreement.

D2.4.18 Group Homes, Auxiliary Group Homes and Crisis Care Group Homes

- a) For the purposes of this Official Plan:
 - i. “Group Home” means:
 - a. A dwelling unit for the accommodation of three to ten persons, exclusive of staff members, who by reason of their emotional, mental, social, or physical condition or legal status require a group living arrangement for their well being, and who are living under the supervision of a member or members of the staff of the operator who is or are normally present at the dwelling unit at all times, where such facility is funded wholly or in part by any government, other than funding provided for capital purposes only, or such facility is licensed or approved under Provincial Statute.
 - b. A dwelling unit with five or more foster children under the care of a foster care operator who is licensed or approved under Provincial Statute.

A group home shall not include a Correctional Group Home or Crisis Care Facility as defined by this Plan.

- ii. “Auxiliary Group Home” means the accommodation of three to six persons, exclusive of staff members, who by reason of their emotional, mental, social, or physical condition or legal status require a group living arrangement for their well being, and who are living under the supervision of a member or members of the staff of the operator who is or are present at the dwelling unit for between one and ten hours each day, where such facility is funded wholly or in part by any government, other than funding provided for capital purposes only, or such facility is licensed or

approved under Provincial Statute. An Auxiliary Group Home shall not include a Correctional Group Home or Crisis Care Facility as defined by this Plan.

- iii. “Crisis Care Facility” means a dwelling unit for the accommodation of three to ten persons, exclusive of staff members, who require temporary, emergency shelter and aid for a short period of time or who are undergoing treatment for or recovering from substance abuse, and who are living under the supervision of a member or members of the staff of the operator who is or are present at the facility at all times, where such facility is funded wholly or in part by any government, other than funding provided for capital purposes only, or such facility is licensed or approved under Provincial Statute. A Crisis Care Facility includes shelters for battered or abused adults or children, shelters for youth, shelters for elderly persons and Halfway Houses for Alcoholics under the Charitable Institutions Act (R.S.O. 1990).
- b) The Zoning By-law shall permit a group home or auxiliary group home within a detached dwelling located in a residential zone that permits a detached dwelling provided no group home or auxiliary group home is located within 200 metres of any other group home and provided such use conforms with the policies of Section D2.4.18 d).
- c) The Zoning By-law may identify a crisis care facility as a permitted use within a specified residential zone of the Zoning By-law, or the Municipality may permit a crisis care facility by way of an amendment to the Zoning By-law where such use is deemed appropriate and provided such use conforms with the policies of D2.4.18 d).
- d) A group home, auxiliary group home or crisis care facility shall be permitted in a location where the following criteria can be satisfied:
 - i. The exterior appearance of the dwelling shall be compatible with the character of existing buildings in the neighbourhood in terms of mass, scale, setbacks and similar criteria.
 - ii. Adequate on-site parking, buffering and screening shall be provided.

- e) A group home, auxiliary group home or crisis care facility shall be subject to Site Plan Control. The Site Plan Control approval process will take into consideration standard Site Plan Control matters, but will also provide an opportunity for the Municipality to ensure that adequate consultation and coordination between the Municipality and Provincial Ministries in order to ensure that each proposal is in compliance with Provincial legislation and/or guidelines relating to physical matters such as resident capacity of a dwelling in relation to floor space and number of bedrooms, outdoor amenity areas, parking, etc.

D2.4.19 Day Nurseries

- a) For the purposes of this Official Plan, a “day nursery” means a facility that receives more than five (5) children, primarily for the purpose of providing temporary care of guidance for children under the age of 10 years and/or developmentally handicapped children under the age of 18 years for a continuous period not exceeding 24 hours.
- b) Day nurseries shall be permitted within the Residential designation, subject to the provisions of the Zoning By-law which shall, among other things, identify the residential zones in which day nurseries are permitted and require sufficient parking.
- c) Day nurseries shall be licensed by the Ministry of Community and Social Services.
- d) Day nurseries may be subject to Site Plan Control.

D2.4.20 Home Occupations

Home occupations within a residential dwelling unit shall be permitted within the Residential designation, subject to the provisions of the Zoning By-law which shall:

- a) Identify the residential zones in which home occupations shall be permitted;
- b) Provide a specific list of types of permitted home occupation uses;
- c) Require home occupations to locate completely within the dwelling

unit, which would include the prohibition of outside storage or material and goods;

- d) Restrict the amount of floor space within the dwelling unit to be devoted to the home occupation;
- e) Restrict the number of people which may be employed in the home occupation;
- f) Require the external appearance of the dwelling unit to be maintained and exterior signs to be controlled;
- g) Require appropriate off-street parking; and,
- h) Provide other regulations deemed necessary by the Municipality.

D2.4.21 Bed and Breakfast Establishments

Bed and breakfast establishments within a residential dwelling unit will be permitted within the Residential designation, subject to the provisions of the Zoning By-law which shall:

- a) Identify the residential zones in which home occupations shall be permitted;
- b) Require bed and breakfast establishments to locate completely within the dwelling unit;
- c) Restrict the number of guest rooms;
- d) Require a minimum floor area for each guest room;
- e) Require the bed and breakfast establishment to meet all health, safety, servicing and building code standards;
- f) Require the external residential appearance of the dwelling unit to be maintained and control the size of exterior signs;
- g) Require appropriate off-street parking; and,
- h) Provide other regulations deemed necessary by the Municipality.

D2.4.22 Institutional Uses

Institutional uses including, but not limited to, schools, places of worship, cemeteries, senior citizen housing and special needs housing will be permitted within the Residential designation and within the Institutional and Downtown Commercial designations, subject to the Institutional policies contained in Section D7 of this Plan, and shall be placed in an institutional zone in the Zoning By-law.

D2.4.23 Open Space Uses

Open space uses including, but not limited to, parks, stormwater management facilities and conservation areas, will be permitted within the Residential designation and within the Open Space designation, subject to the Open Space policies contained in Section D8 of this Plan, and shall be placed in an open space zone in the Zoning By-law.

D2.4.24 Neighbourhood Commercial Uses

Neighbourhood commercial uses may be permitted within the Residential designation provided the following policies can be met:

- a) Permitted uses shall be limited to those small commercial uses which provide for the sale of convenience goods and personal services to meet the daily living needs of the residential neighbourhood. Such uses include hair salons, convenience stores, dry cleaning distribution outlets and video rental establishments.
- b) New neighbourhood commercial uses shall be placed in a commercial zone in the Comprehensive Zoning By-law that implements the neighbourhood commercial policies of this section.
- c) Due to their location within a residential neighbourhood, proposals for new neighbourhood commercial uses will be evaluated primarily on their ability to complement and integrate with adjacent residential development and to minimize potential land use conflicts.
- d) Adequate parking shall be provided in accordance with the parking requirements of the Zoning By-law.
- e) No open storage shall be permitted in conjunction with a permitted

neighbourhood commercial use.

- f) The buildings, lighting and signs shall be designed and arranged to blend in with the character of the residential neighbourhood.
- g) Neighbourhood commercial development shall be subject to Site Plan Control.

D3 DOWNTOWN COMMERCIAL

D3.1 Goal

D3.1.1 This Official Plan shall strive to establish and maintain the downtowns of Durham and Neustadt as the business, cultural, social and recreational focal point of these two communities.

D3.2 Objectives

D3.2.1 To promote the downtowns of Durham and Neustadt as the focal point for providing goods and services to the residents of the entire Municipality.

D3.2.2 To encourage a mix of uses, including night time activities, in order to enhance the viability of the downtowns.

D3.2.3 To improve and protect the historical and architectural charm of the downtowns.

D3.2.4 To revitalize older buildings and beautify the streetscape in order to improve the aesthetic nature of the downtowns.

D3.2.5 To provide cultural and recreational activities within the downtowns.

D3.2.6 To promote the pedestrian aspect of the downtowns and encourage open space areas.

D3.3 Permitted Uses

D3.3.1 A variety of commercial and non-commercial uses shall be permitted within the Downtown Commercial designation including, but not restricted to:

retail stores, restaurants, business and professional offices, financial institutions, government offices, medical offices and clinics, personal service shops (excluding body rub parlours), hotels, inns, bed and breakfast establishments, places of entertainment, fitness centres, private and commercial schools, places of worship and other institutional uses, funeral homes and accessory residential dwelling units.

D3.4 General Policies

- D3.4.1 All new commercial development shall be directed to the downtowns with the exception of neighbour commercial uses or commercial establishments which require a large amount of land and which are consistent with the Highway Commercial designation.
- D3.4.2 Development involving retail stores, professional and business offices, restaurants and service shops shall be strongly encouraged in the downtowns as a means of creating a strong base for successful and vibrant core areas.
- D3.4.3 Commercial uses that attract both local and tourist business and support more than a “9-to-5” environment, such as restaurants and entertainment facilities, shall be encouraged in the downtowns.
- D3.4.4 Residential intensification shall be encouraged by promoting accessory residential dwelling units. Such dwelling units shall be located to the rear and/or above the principal use and shall provide appropriate parking.
- D3.4.5 Major institutional, government and service uses shall be encouraged within the downtowns in order to, among other things, reinforce the role of the core area as the community’s primary business, cultural and administration centre.
- D3.4.6 Special events that attract large volumes of people to the downtowns shall be promoted.
- D3.4.7 The infilling of vacant properties and the re-development of existing building properties will be encouraged to achieve a continuous building effect along the main streets within the core areas. A 0 metre front yard shall be promoted and parking within the front yard shall be prohibited.

- D3.4.8 All development within the downtowns shall be in keeping with the scale, density, nature and heritage character of the area. The highest quality of urban design will be encouraged.
- D3.4.9 Downtown property owners and tenants will be encouraged to maintain and enhance the attractiveness of their businesses. Downtown improvement programs shall be encouraged by devising and implementing improvements to building facades, signage, lighting, sidewalks, trees and other landscaping, parking, pedestrian circulation and traffic. Council may provide assistance through Community Improvement Programs and other partnerships with the private sector to improve these areas.
- D3.4.10 Outside storage of supplies or waste materials will be discouraged unless appropriately screened.
- D3.4.11 Development within the downtowns may be subject to a Site Plan Control Agreement.
- D3.4.12 The Municipality shall endeavour to provide adequate parking facilities for all permitted uses within the downtown, except for land uses requiring overnight accommodation such as hotels or residential uses in which case the owners shall provide the required parking.

D4 DOWNTOWN COMMERCIAL TRANSITION

D4.1 Goal

- D4.1.1 This Official Plan shall strive to reinforce the importance of the downtown by establishing a transition area between the Downtown Commercial area and the Highway Commercial area that would permit commercial uses that are complementary to the downtown yet protect the existing residential character of the adjacent neighbourhood.

D4.2 Objectives

- D4.2.1 To establish a defined area immediately south of Durham's Downtown Commercial area where small scale commercial uses and residential uses are permitted.

D4.2.2 To ensure that all new development within the Downtown Commercial Transition area contributes to the purpose and character of Durham's Downtown Commercial area.

D4.3 Permitted Uses

D4.3.1 Permitted uses shall include low and medium density residential dwellings as well as business and professional offices, medical clinics, parking lots, small-scale retail, personal service shops and bed and breakfast establishments.

D4.4 General Policies

D4.4.1 Permitted commercial uses will generally occur within the existing residential dwellings. New development or redevelopment shall occur in such a manner that maintains the residential character of the dwelling and the surrounding neighbourhood.

D4.4.2 Parking shall be provided in accordance to the parking requirements of the Comprehensive Zoning By-law.

D4.4.3 Outside storage of supplies or waste materials will be prohibited.

D4.4.4 All development involving medium density residential dwellings or non-residential uses shall include appropriate visual screening and buffering in order to mitigate any potential land use conflicts with adjacent single family residential dwellings.

D4.4.5 Development may be subject to a Site Plan Control Agreement.

D5 HIGHWAY COMMERCIAL

D5.1 Goal

D5.1.1 This Official Plan shall strive to provide opportunities in Durham and Neustadt for commercial uses which are not suited to locate within the downtowns due to their size and/or nature, but are supportive of the general commercial needs of the residents of Durham and Neustadt, neighbouring communities and visitors to the area.

D5.2 Objectives

- D5.2.1 To encourage Highway Commercial development that does not compete on a functional basis with the downtowns.
- D5.2.2 To provide opportunities for a range of commercial uses in the Highway Commercial areas that cannot be reasonably accommodated in the downtowns due to their size and/or nature.

D5.3 Permitted Uses

- D5.3.1 The predominant use of land within the Highway Commercial designation shall be those uses which are not compatible with the compact nature of the downtown areas due to space and parking demands. Permitted uses shall include, but are not limited to, automotive uses, restaurants, motels, garden centres, building supplies, home improvement stores, retail stores and grocery stores.

D5.4 General Policies

- D5.4.1 Adequate off-street parking, loading spaces and appropriate landscaping shall be provided, as required in the Comprehensive Zoning by-law. The provision of parking at the rear or side of the building shall be encouraged such that the commercial building can be constructed closer to the road, thereby creating a more attractive streetscape.
- D5.4.2 Access points to the parking areas shall be limited in number and designed to minimize danger and inconvenience to vehicular and pedestrian traffic.
- D5.4.3 Adequate buffers between Highway Commercial development and adjacent non-commercial uses shall be provided in order to minimize potential land use conflicts.
- D5.4.4 Accessory residential dwelling units may be permitted at the rear and/or above the principal use.
- D5.4.5 Outdoor storage areas shall be substantially screened from public view.
- D5.4.6 Development in the Highway Commercial designation may be subject to a Site Plan Control Agreement.

D6 INDUSTRIAL

D6.1 Goal

- D6.1.1 This Official Plan shall strive to diversify the economy and employment basis by providing opportunities within Durham and Neustadt for clean industrial uses.

D6.2 Objectives

- D6.2.1 To provide an adequate supply of vacant, serviced, industrial land within Durham and Neustadt in order to attract new industrial development to the Municipality.
- D6.2.2 To encourage the expansion of existing industrial uses.
- D6.2.3 To encourage existing industrial uses situated outside of the Industrial designated areas to relocate to lands designated as Industrial.

D6.3 Permitted Uses

- D6.3.1 The predominant use of land within the Industrial designation shall be the manufacturing, fabricating, processing, assembling, repairing and storing of goods, materials, commodities. Complementary uses such as wholesale outlets, training facilities, showrooms accessory to industrial operations, research and development facilities, recreational facilities oriented to physical fitness, and commercial uses which directly serve the industries or employees shall also be permitted.

D6.4 General Policies

- D6.4.1 All industries shall meet the emission standards of the Ministry of the Environment, and where necessary, obtain the approval of the Ministry of the Environment with regard to water supply, sewage treatment, waste disposal and emissions including noise, vibration, fumes, gas, dust and odours.
- D6.4.2 Industrial uses shall be set back from residential land or other sensitive land uses in accordance with the Ministry of the Environment Guideline D-6 (Compatibility Between Industrial Facilities and Sensitive Land Use.)

- D6.4.3 New industrial development shall take into consideration adjacent land uses in order to promote a harmonious flow of development along the streetscapes within Durham and Neustadt. In this regard, some types of Industrial uses may not be considered appropriate on certain Industrial lands, and therefore the Municipality may restrict the range of permitted uses on particular properties through the implementing Comprehensive Zoning By-law.
- D6.4.4 Development in the Industrial designation may be subject to a Site Plan Control Agreement.
- D6.4.5 All industrial development shall provide adequate off-street parking, loading facilities, buffering and setbacks, in accordance with the provisions of the Comprehensive Zoning By-law. The provision of parking at the rear or side of the building shall be encouraged such that the industrial building can be constructed closer to the road, thereby creating a more attractive streetscape.
- D6.4.6 Open storage areas be located in rear yards and interior side yards and shall be substantially screened from public view.
- D6.4.7 Additional landscaping shall be provided where Industrial uses abut Residential uses.
- D6.4.8 Residential uses shall not be permitted on Industrial lands.
- D6.4.9 Any development proposal involving the redesignation of Industrial lands to another land use category shall be subject to the “Comprehensive Review” policies contained in the Provincial Policy Statement.

D7 INSTITUTIONAL

D7.1 Goal

- D7.1.1 This Official Plan shall ensure the provision of educational, institutional and cultural facilities in suitable locations to adequately serve all interest groups.

D7.2 Objectives

- D7.2.1 To recognize and permit major institutional uses which serve the needs of the community.
- D7.2.2 To promote the use of public facilities as multi-use purposes for the entire Municipality.
- D7.2.3 To promote education and training facilities within Durham and Neustadt.
- D7.2.4 To promote the co-operative use of community facilities with neighbouring municipalities.
- D7.2.5 To promote the development of cultural facilities.

D7.3 Permitted Uses

- D7.3.1 The predominant use of land within the Institutional designation will be public and private institutional uses such as schools, places of worship, libraries, hospitals, municipal buildings, nursing homes and museums. Ancillary uses such as parking lots, open space areas and accessory residential dwelling units shall also be permitted.

D7.4 General Policies

- D7.4.1 Institutional uses shall also be permitted within the Residential and Downtown Commercial designations without an amendment to the Official Plan.
- D7.4.2 Institutional uses shall be located and designed in such a manner that adjacent land uses would not be significantly impacted.
- D7.4.3 Adequate buffering shall be provided between Institutional uses and adjacent Residential areas.
- D7.4.4 Adequate on-site parking and landscaping shall be provided, as required in the Comprehensive Zoning By-law. Entrances and exits to parking areas shall be designed to minimize danger to vehicular and pedestrian traffic in the neighbourhood.
- D7.4.5 The grouping of institutional uses shall be encouraged.

- D7.4.6 The shared use of institutional facilities shall be encouraged.
- D7.4.7 New institutional uses should be strategically located in order to properly serve the intended users. Consideration should be given to the proximity of the proposed institutional to, where applicable, collector and arterial roads, other institutional uses and the area it is intended to serve.
- D7.4.8 The Municipality will assist the Bluewater District School Board and the Bruce-Grey Catholic District School Board by providing information required to determine future education requirements.
- D7.4.9 Institutional development may be subject to a Site Plan Control Agreement.
- D7.4.10 The Institutional designation applies to an active landfill site in Durham, which is labeled “Active Landfill” on Schedules “A”. No development or site alteration shall be permitted within 500 metres of this site unless an Environmental Impact Study is prepared indicating that the lands to be developed are secure from potential methane gas and/or leachate migration from the landfill site.
- D7.4.11 The Institutional designation applies to closed landfill sites in Durham and Neustadt, which are labeled “Closed Landfill” on Schedules “A” and “B”.
1. An environmental evaluation of the closed landfill in Durham was conducted on behalf of the Municipality to address the Ministry of the Environment Guideline D-4 (Land Use On Or Near Landfills And Dumps). The evaluation involved test pitting only on the subject property. The evaluation concluded that the closed landfill site would not result in a hazard or health and safety risk, a nuisance to people and/or site degradation of the natural environment for surrounding properties located within the 500 metre assessment area excepting however that:
 - a) Given that no test pitting occurred outside of the subject property and therefore it has not been confirmed that the presence of waste is confined to the subject property, a 30 metre buffer should be applied around the perimeter of the property, with no development being permitted within this buffer area until a further evaluation has been conducted for the property in question, at the expense of the owner.

- b) Given that a surface watercourse traverses the subject property, the potential or access to, or use of, surface water should be considered when evaluating proposals for new developments or changes in land use for the property situated downstream of the watercourse, which is located to the southwest of the former landfill site. Where there is no intended use of, or potential access to, surface water associated with the proposed change in land use, no further assessment will be necessary. If there is a potential of use of or access to, surface water, then an additional assessment is necessary. The requirement for such an assessment would depend on the nature of the proposed development or change in land use.

To implement this policy, a “holding” zone will be applied to the zoning of the lands of concern.

- 2. An environmental evaluation of the closed landfill in Neustadt was also conducted on behalf of the Municipality to address the Ministry of the Environment Guideline D-4. The evaluation involved test pitting only on the subject property. The evaluation concluded that the closed landfill site is not impacting on adjacent properties with regard to groundwater contamination, surface water contamination or the generation of landfill gases (particularly methane). The evaluation recommended that a 30 metre buffer be applied around easterly and southeasterly boundary of the landfill site, with no development being permitted within this buffer area until a further evaluation has been conducted for the property in question, at the expense of the owner. To implement this policy, a “holding” zone will be applied to the zoning of the lands of concern.

D7.4.11

The County of Grey Official Plan also identifies two additional potential former landfill sites within the Town of Durham, which have been conceptually shown on Schedule ‘A’ with a maroon coloured dot. While the exact locations of these former sites are not known, prior to development within a 500 metre proximity to the points shown on Schedule ‘A’, consultation should occur between the proponent and the County of Grey to determine if methane or leachate investigations are warranted through a Ministry of the Environment Guideline D-4 study.

D8 OPEN SPACE

D8.1 Goal

D8.1.1 This Official Plan shall strive to contribute to the quality of life in the Municipality by providing opportunities for active and recreation activities and outdoor venues for social, cultural and other activities and community events, and by protecting and preserving the natural environment and adding to the aesthetics of Durham and Neustadt.

D8.2 Objectives

D8.2.1 To promote healthy, active lifestyles for the residents of West Grey.

D8.2.2 To ensure the adequate provision of passive and active open space facilities to satisfy the recreational needs of local residents and to support tourism.

D8.2.3 To promote the protection of lands which add to the aesthetics of the communities and/or have important natural qualities.

D8.3 Permitted Uses

D8.3.1 The predominant use of land within the Open Space designation shall be various forms of public and private open space including parks, playgrounds, picnic areas, conservation areas, public campgrounds, swimming pools, sports fields, tennis courts, community trails, community centres, arenas and other recreational facilities. Buildings accessory to such recreational and open space uses shall also be permitted.

D8.4 General Policies

D8.4.1 Open Space uses shall also be permitted within the Residential and Downtown Commercial designations without an amendment to the Official Plan.

D8.4.2 The multiple use of publicly-owned Open Space areas shall be encouraged in order to serve a variety of users.

D8.4.3 Open Space areas shall be promoted through signage and other forms of advertising in order to attract the travelling public and tourists, where appropriate.

D8.4.4 As a condition of development or redevelopment, Council shall require the conveyance of land to the Municipality for park purposes as permitted under Section 51.1 of the Planning Act (R.S.O. 1990). Council shall choose the specific location of the new park and, in doing so, shall take into consideration the following:

- a) The park should be centrally located, visible and accessible to neighbourhood residents, including those living adjacent to the proposed development;
- b) The park shall be properly drained and physically suitable for functional use; and,
- c) Details regarding the responsibilities for developing the park and providing park facilities and equipment shall be established.

D8.4.5 Council may choose to accept cash-in-lieu of the whole or part of the parkland dedication under the following circumstances:

- a) Adequate parkland is already available to serve the needs of the neighbourhood, in the opinion of Council;
- b) The land would be unsuitable for park purposes in terms of size, shape or location, in the opinion of Council.
- c) The conveyance of land to the Municipality would render the balance of the development site unsuitable or impractical for development, in the opinion of Council.

Moneys received by the Municipality in lieu of parkland shall be used for public recreational uses.

D8.4.6 Trail systems for walking, cycling and cross-country skiing should be promoted throughout Durham and Neustadt, and such trails provide connectivity to commercial, residential, institutional and other open space uses within the urban centres.

D9 ENVIRONMENTAL PROTECTION

D9.1 Goal

D9.1.1 This Official Plan shall strive to protect and preserve lands having inherent physical and environmental constraints to development in order to avoid potential danger to life or property.

D9.2 Objectives

D9.2.1 To identify those areas of Durham and Neustadt which represent a risk to development and to direct development away from such areas.

D9.3 Permitted Uses

D9.3.1 The predominant use of land within the Environmental Protection designation shall be conservation, forestry and passive recreational uses. No buildings or structures shall be permitted except where such are intended for flood or erosion control or where a structure is required for water course protection works or bank stabilization projects, or where such are for public utilities, or accessory structures to a permitted passive outdoor recreational use.

D9.4 General Policies

D9.4.1 Environmental Protection lands have physical characteristics which could cause property damage or loss of life if developed upon. The physical characteristics may include flood susceptibility, erosion susceptibility, instability, and certain other conditions or combinations. The flood plain is defined as the extent of flood from the Hurricane Hazel Flood Event Standard (formerly referred to as the Regional Storm Flood).

D9.4.2 The “two zone policy” shall be used for managing flood plain lands along the Saugeen River in Durham, and Meux Creek and some of Neustadt Creek in Neustadt:

- a) The “floodway zone” is the central portion of the floodplain closest to the watercourse and is intended to carry and discharge water flows associated with the 1:100 year flood event. Lands within the floodway have the highest risk of flood-related damages. These lands are designated Environmental Protection on Schedules ‘A’ and ‘B’ to this Official Plan. No structural development shall be permitted

within such areas.

- b) The “flood fringe zone” is the portion of the flood plain adjacent to the floodway where the risk of flood-related damages is lesser than the risk associated with the floodway. In Durham and Neustadt, the flood fringe includes all lands situated between the outer limits of the Hurricane Hazel Flood Event Standard” and the outer limits of the 1:100 flood plain. Lands within the flood fringe are not necessarily designated Environmental Protection and, as such, development on these lands may be permitted provided that suitable flood damage reduction measures are undertaken to protect against Hurricane Hazel Flood Event Standard flooding. Lands within the flood fringe are shown on Schedules ‘A’ and ‘B’ as having a “Flood Fringe” overlay and the appropriate underlying land use designation.

Notwithstanding the above policy, certain land uses shall not be permitted in the flood fringe due to the greater risk to life or property damage or the nature of the land use being inappropriate for a flood plain location. These lands uses may include: institutional uses such as hospitals, schools, and nursing homes; essential emergency services, such as fire, police and ambulance stations; and, uses involving hazardous substances.

- c) All new development, including any change to a building or structure that would alter the use or potential use, increase the size, or increase the number of dwelling units, or site alteration within the floodway, flood fringe, or Regulated Area requires permission from the Saugeen Valley Conservation Authority under Ontario Regulation 169/06.

D9.4.3 In Durham and Neustadt the Saugeen Valley Conservation Authority administers its Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation (Ontario Regulation 169/06 and amendments thereto) under the Conservation Authorities Act, R.S.O. 1990, Chap. C.27. The extent of the Regulation Limits is generally indicated on Schedules ‘A’ and ‘B’ to this Official Plan by the “Regulated Area” overlay. The Regulated Area includes lands within the Environmental Protection designation, the flood fringe, valley slopes, areas abutting these features, and all watercourses. Where there is any discrepancy between the Regulated Areas shown on the Schedules to this Plan and the actual Regulation Limit, the SVCA shall make the final determination. New development and/or site alteration may not proceed without permission being obtained from the SVCA. The proponent of a

development shall produce all engineering reports or other information as may be required by the SVCA in order for the suitability of the proposal to be adequately assessed. D9.4.4 For all other watercourses, including the upstream portion of Neustadt Creek, flood plains shall be managed according to the “one zone policy”. Under the one zone policy no new buildings or structures are permitted anywhere in the flood plain except in accordance with the Environmental Protection designation.

D9.4.5 The Environmental Protection designation may also be applied to lands where natural heritage features exist and require protection from incompatible uses. The natural heritage features are discussed further in Section E1.2 of this Official Plan.

D9.4.6 The Municipality and/or the Saugeen Valley Conservation Authority may require the proponent to submit an Environmental Impact Study in accordance with Section E1.2.9 of this Official Plan for any development within the Environmental Protection designation, on lands within the Flood Fringe or Regulated Areas overlay areas, significant woodlands, areas adjacent to these features, or within any other area of the Municipality where natural heritage features are thought to exist.

D9.4.7 Where land designated Environmental Protection is under private ownership, this Official Plan does not intend that such land will necessarily remain as Environmental Protection indefinitely, nor shall it be construed as implying that such land is free and open to the general public or that the land will be purchased by the Municipality or other public authority. Any application to redesignate Environmental Protection lands to another land use designation may be given consideration by the Municipality in consultation with the Saugeen Valley Conservation Authority after taking into consideration:

- a) The potential impacts of these hazards; and,
- b) The proposed methods by which these impacts may be overcome in a manner consistent with accepted engineering techniques and resource management practices; and,
- c) The costs of any engineering work and/or resource management practices needed to overcome these impacts.

The responsibility for justifying the redesignation of Environmental Protection lands to another land use designation rests entirely with the

individual wishing to have the lands redesignated. There is no obligation to the Municipality to redesignate the land if there is an existing or potential hazard that would be difficult or costly to overcome.

D9.4.8 Notwithstanding Section D9.4.6, minor adjustments to the boundaries of the Environmental Protection designation or flood fringe overlay may occur without an amendment to this Official Plan, provided that any changes are recognized through the Comprehensive Zoning By-law and the intent of the policies of this Official Plan is maintained.

D9.4.9 Nothing in this Official Plan shall prohibit the continuation of any use within an Environmental Protection designated area which was legally established on the date of adoption of this Official Plan. Replacement of existing or damaged buildings or structures may be permitted if the hazard risk does not increase from the original condition, and the feasibility of re-locating the buildings or structures outside of the hazard area has been assessed. In no instance shall the ground floor area or height or volume of the previous structure be exceeded. In reconstructing the use, the owner is encouraged to incorporate flood proofing measures, where applicable. Permission from the SVCA is required in accordance with Regulation 169/06 prior to reconstruction.

D10 FUTURE DEVELOPMENT

D10.1 Goal

D10.1.1 This Official Plan shall delay placing a land use designation, other than Future Development, on certain lands within the boundaries of Durham and Neustadt until such time as full municipal services are readily available and the need for additional lands within the proposed designation has been demonstrated.

D10.2 Objectives

D10.2.1 To designate an adequate amount of land within Durham and Neustadt to satisfy the anticipated long-term demand for residential, commercial, industrial, institutional and open space land, and to place the balance of the lands within the 'Future Development' designation.

D10.2.2 To maintain the Future Development designation on certain lands until such time as the need for additional land within the proposed land use designation has been demonstrated and where municipal services can be made available to service the development.

D10.2.3 To prohibit development on Future Development lands in order to not jeopardize their future and orderly growth.

D10.3 Permitted Uses

D10.3.1 Lands within the Future Development designation shall be used only for agriculture, forestry and conservation, provided no new buildings or structures are erected. This policy notwithstanding, a detached dwelling on an existing lot of record may be erected provided municipal water and sanitary sewers service the dwelling.

D10.4 General Policies

D10.4.1 In addition to the permitted uses identified in Section D10.3.1, expansions to existing, non-livestock buildings may be considered, subject to the provisions of the Comprehensive Zoning By-law.

D10.4.2 Council may consider an Official Plan Amendment to place a Future Development property, or portion thereof, within a different land use designation where a demonstrated need has been provided. Among other things, it must be demonstrated that an adequate supply of land does not exist within that settlement area for the proposed land use and that full municipal services can be made available by the proponent.

D10.4.3 The creation of new lots within the Future Development designation shall generally be prohibited.

PART E GENERAL DEVELOPMENT POLICIES

E1 ENVIRONMENTAL POLICIES

E1.1 Schedules ‘A’ and ‘B’ Overlays

E1.1.1 In addition to applying land use designations, Schedules ‘A’ and ‘B’ to this Official Plan also identify “Flood Fringe” and “Regulated Area”.

E1.1.2 Lands within the ‘Flood Fringe’ overlay area are not designated Environmental Protection, but are situated adjacent to Environmental Protection lands and are directly associated with the goals and objectives of the Environmental Protection designation.

E1.1.3 The policies pertaining to the “Flood Fringe” and “Regulated Area” are provided in Section D9.4 of this Official Plan.

E1.2 Natural Heritage Features and Environmental Impact Studies

E1.2.1 Certain natural heritage features are required by the Provincial Policy Statement and the County of Grey Official Plan to be protected. Those natural features are:

- a) Significant Habitat of Threatened or Endangered Species
- b) Fish Habitat
- c) Significant Valleylands
- d) Significant Wildlife Habitat
- e) Significant Wetlands
- f) Areas of Natural and Scientific Interest
- g) Significant Woodlands

E1.2.2 Mapping is not available for Significant Habitat of Threatened or Endangered Species, Fish Habitat, Significant Valleylands and Significant Wildlife Habitat. As mapping becomes available for these natural features, Appendices A and B will be amended accordingly. In the mean time, the following policies shall apply:

- a) An application proposing a development within an area that has the potential to be included within or on adjacent lands to Significant Habitat of Threatened or Endangered Species, Fish Habitat, Significant Valleylands and Significant Wildlife Habitat, may be required to submit, at the discretion of the Municipality, County, Saugeen Valley Conservation Authority, Ministry of Natural

Resources or other public agency, an Environmental Impact Study that involves a thorough review of the site for one or more of these natural features, in accordance with Section E1.2.9 of this Official Plan.

- b) No development or site alteration shall occur within an area identified as having Significant Habitat of Threatened or Endangered Species.
- c) No development or site alteration may occur within an area identified as having Significant Valleylands or Significant Wildlife Habitat, or within their adjacent lands, or within the adjacent lands of Significant Habitat of Threatened or Endangered Species unless it has been demonstrated through an Environmental Impact Study, in accordance with Section E1.2.9, that there will be no negative impacts on the natural features or their ecological functions. The “adjacent lands” are defined as lands within 120 metres of a Significant Habitat of Threatened or Endangered Species, Significant Valleylands, or Significant Wildlife Habitat.
- d) No development or site alteration is permitted in fish habitat except in accordance with provincial and federal regulations. The “adjacent lands” are defined as 120 metres from the normal high water mark of the watercourse. No development and site alteration is permitted within the adjacent lands to fish habitat unless an Environmental Impact Study, in accordance with Section E1.2.9, has demonstrated that there will be no negative impacts on the natural features or their ecological functions.

E1.2.3 Redside Dace is a fish species that resides in Meux Creek in Neustadt and it is protected under the provincial Endangered Species Act, 2007 and the federal Species at Risk Act. Therefore the watercourse is considered habitat of threatened and endangered species, and no development or site alteration shall occur. Municipal infrastructure projects shall only occur when protection of that species and its habitat is satisfied, and applicable environmental approvals have been obtained. Development or site alteration on lands adjacent to the Creek, being within 120 metres of the top of bank, may be required to produce an Environmental Impact Study that, among other things, addresses protection of Redside Dace habitat. For lands that drain into Meux Creek, stormwater management plans and erosion and sediment control plans may be required to specifically show how there will be no unacceptable impacts to Redside Dace habitat.

- E1.2.4 Mapping is available for Significant Wetlands, Areas of Natural and Scientific Interest and Significant Woodlands, and such mapping has been incorporated into the County of Grey Official Plan.
- E1.2.5 According to the County of Grey Official Plan, there are no Significant Wetlands or Areas of Natural and Scientific Interest within or adjacent to Durham and Neustadt, and therefore no policies are provided in this Official Plan with regard to those two features.
- E1.2.6 Significant Woodlands are situated within both settlement areas and are identified on Appendices 'A' and 'B' to this Official Plan. The policies for Significant Woodlands are as follows:
- a) The criteria for the identification of Significant Woodlands were developed by the County of Grey with assistance from the Ministry of Natural Resources. The identification was primarily a desk-top based Geographic Information Systems (GIS) exercise and the County acknowledges that inaccuracies or omissions in the mapping may be present. As a result, site visits by qualified individuals may be required at the application stage to scope any potential studies.
 - b) In order to be considered significant within a settlement area, the woodland must be greater than or equal to four (4) hectares in size.
 - c) No development or site alteration shall occur within Significant Woodlands or their adjacent lands unless it has been demonstrated through an Environmental Impact Study, in accordance with Section E1.2.9, that there will be no negative impacts on the natural features or their ecological functions. The "adjacent lands" are defined as lands within 120 metres of the Significant Woodland.
 - d) Notwithstanding paragraph c) above, projects undertaken by the County, Municipality or the Saugeen Valley Conservation Authority may be exempt from the Environmental Impact Study requirements provided said project is a public work or conservation project.
 - e) Notwithstanding paragraph (c) above, tree cutting and forestry will be permitted in accordance with the County Forest Management By-law.
 - f) Notwithstanding paragraphs (c) and (e), fragmentation of significant woodlands is generally discouraged.

- g) Some lands in Durham and Neustadt may be considered adjacent lands to a Significant Woodland located outside of the settlement area boundary. For this reason, the Significant Woodland mapping that has been incorporated into the County of Grey Official Plan must be reviewed when considering development proposals on lands within Durham and Neustadt. In situations where the Significant Woodland is located outside of the settlement area and the adjacent lands are located inside of the settlement area, the policies of Section E1.2.5 c), d), e) and f) shall apply.

E1.2.7 Appendices 'A' and 'B' identify wetlands that are of local significance, which are labeled as "Other Wetlands". No development or site alterations are permitted within Other Wetlands or their adjacent lands unless it has been demonstrated through an Environmental Impact Study in accordance with Section E1.2.9 that there will be no negative impacts on the natural features or on their ecological functions. The "adjacent lands" are defined as lands within 30 metres of the Other Wetlands.

E1.2.8 Notwithstanding the wetland mapping referred to in Sections E1.2.4, E1.2.5 and E1.2.7, there may be wetlands within Durham and Neustadt that have not been evaluated and mapped, and therefore the wetland mapping and evaluations are considered to be incomplete. The unevaluated wetlands within these two settlement areas are likely to be included in the Environmental Protection designation or Flood Fringe overlay, and may be shown as Other Wetland on Appendix A or Appendix B. In the opinion of the SVCA, any unevaluated wetland in Durham or Neustadt would not likely achieve the status of Provincially Significant if an evaluation was to be undertaken.

E1.2.9 The following policies apply to the preparation of an Environmental Impact Study (EIS):

- a) An Environmental Impact Study is a study to identify and assess the potential impacts of a specific development proposal on known or potential sensitive areas.
- b) The Municipality, with the assistance of the County and/or the Saugeen Valley Conservation Authority, will assist the proponent in identifying the key technical issues to be addressed and the appropriate level of effort required in the preparation of an EIS. The exact EIS requirements will depend on the specific scenario being proposed. Where small developments (e.g. single lot creation) barely

encroach on sensitive lands, a scoped EIS would likely be the appropriate vehicle for addressing impacts. This usually involves a checklist approach. Larger, more complex proposals (e.g. Plan of Subdivision) are more likely to require a full EIS. The requirement for the preparation of an EIS may be waived by the Municipality upon recommendation from the Saugeen Valley Conservation Authority if the proposal is of such a minor nature or site conditions are such that the preparation of an EIS would serve no useful purpose for the protection of significant environmental features.

- c) Components of the EIS will generally include:
 - i. A description of the natural environment, including both physical form and ecological function.
 - ii. A summary of the development proposal.
 - iii. A prediction of potential direct, indirect and cumulative effects of development compared with overall environmental goals.
 - iv. An identification and evaluation of options to avoid impacts.
 - v. An identification and evaluation of options for mitigation or rehabilitation, including setbacks.
 - vi. An implementation plan.
 - viii. An evaluation of the need for a monitoring program.
- d) In situations where any of the natural features identified in Section E1.2.1 and/or an Other Wetland are located on lands designated Environmental Protection or are situated within an area having the Flood Fringe or Regulated Area overlay, the policies of the Environmental Protection designation or relevant overlay shall be addressed in the EIS.
- e) Wherever possible, the recommendations of the Environmental Impact Study will be implemented through a Zoning By-law Amendment, Site Plan Control Agreement or other similar means.
- f) The Municipality may allow for the waiving of the requirement for the preparation of an Environmental Impact Study when one or more of

the following applies:

- i. A development is subject to a duplicate or similar environmental assessment process.
- ii. A development is minor in nature.
- iii. The site conditions for a development are such that the preparation of an Environmental Impact Study would serve no useful purpose for the protection of significant environmental features.

The Municipality may seek outside independent advice as to whether: the proposed development is minor in nature; an Environmental Impact Study would serve any useful purpose; and/or the adequacy of a duplicate environmental assessment process.

E1.3 Closed Landfill Sites

- E1.3.1 Durham and Neustadt both contain a closed landfill site, as identified on Schedules 'A' and 'B' respectively.
- E1.3.2 Evaluations addressing the requirements of the Ministry of Environment Guideline D-4 (Land Use On Or Near Landfills And Dumps) have been conducted for both sites on behalf of the Municipality.
- E1.3.3 The recommendations of these two studies have been carried forward into this Official Plan, and are contained in Section D7.4.11 of this Official Plan. Development adjacent to these closed landfill sites shall only be permitted in accordance with the policies of Section D7.4.11.
- E1.3.4 The policies of Section D7.4.11 shall be implemented in the Comprehensive Zoning By-law.
- E1.3.5 The County of Grey Official Plan also identifies two additional potential former landfill sites within the Town of Durham, which have been conceptually shown on Schedule 'A' with a maroon coloured dot. While the exact locations of these former sites are not known, prior to development within a 500 metre proximity to the points shown on Schedule 'A', consultation should occur between the proponent and the County of Grey to determine if methane or leachate investigations are

warranted through a Ministry of the Environment Guideline D-4 study.

E1.4 Contaminated Sites and Records of Site Conditions

- E1.4.1 Contaminated soils may be present on certain lands within Durham and Neustadt.
- E1.4.2 If a site is known or suspected to be contaminated, the Municipality shall, when considering a development proposal, require the proponent to prepare a study in accordance with the Ministry of the Environment's "Record of Site Condition" process which determines the nature and extent of the contamination and the remedial measures required to clean up the site.
- E1.4.3 Prior to any development application being considered, all recommended remediation measures shall be undertaken and the Record of Site Condition shall be filed with the Environmental Site Registry Office in accordance with the Environmental Protection Act (R.S.O. 1990).

E1.5 Wellhead Protection

- E1.5.1 The Province of Ontario has established the Drinking Water Source Protection (DWSP) program that is guided by the Clean Water Act (S.O. 2006). The purpose of this Act is to protect existing and future sources of drinking water.
- E1.5.2 Under this program, it is the responsibility of the Source Protection Committee to develop Assessment Reports and a Source Protection Plan for its region.
- E1.5.3 The program is generally intended to protect Municipal Wellhead Protection Areas (WHPA) and Intake Protection Zone (IPZ), as well as Highly Vulnerable Aquifers (HVA) and Significant Groundwater Recharge Areas (SGRA).
- E1.5.4 The Assessment Reports will delineate these areas, determine their vulnerability, and identify and assess threats to these areas.
- E1.5.5 The Source Protection Plan will include policies to be followed by municipalities, landowners and others, to address significant threats to these areas.

- E1.5.6 The Province of Ontario requires the Source Protection Plan to be completed by August 2012. At that time, the Source Protection Plan shall be implemented by incorporating the relevant policies into this Official Plan and the Comprehensive Zoning By-law.
- E1.5.7 Notwithstanding the fact that the Source Protection Plan had not been finalized as of the date of adoption of this Official Plan, it shall be the intent of this Official Plan, effectively immediately, to protect the municipal wells using mapping that has been prepared. In this regard, all decisions by Council regarding development applications shall have regard for the Well Head Protection Areas shown on Appendix C to this Official Plan, and assistance in evaluating such applications should be requested of the Saugeen / Grey Sauble / Northern Bruce Peninsula Source Protection Region officials.

E2 MUNICIPAL SERVICING POLICIES

E2.1 Water Supply and Sewage Disposal

- E2.1.1 All new development within Durham and Neustadt shall be serviced with the municipal water supply and sanitary sewers.
- E2.1.2 In certain cases, connecting new development to municipal water and sanitary sewers will require extensions and/or improvements to the existing piped systems. In these cases, the extensions and/or improvements will generally be financed by the developer.
- E2.1.3 The Municipality shall not approve severance applications nor support a Plan of Subdivision proposal unless adequate uncommitted reserve water and sewage treatment capacity is available to accommodate the proposed development. The availability of uncommitted reserve capacity shall be based on the Ministry of the Environment policies and guidelines.
- E2.1.4 In situations where an extension of Draft Approval of a Plan of Subdivision is being considered, the Municipality shall only support an extension where uncommitted reserve water and sewage treatment capacity still exists. Where other developments are being denied due to capacity shortages, the Municipality may choose to not support an extension of Draft Approval where no reasonable attempts to obtain Final Approval and register the Plan of Subdivision have recently been made, thus, allowing other

development proposals to be considered.

E2.2 Stormwater Management

- E2.1.1 Stormwater management is required to ensure stormwater runoff from precipitation is controlled such that development does not increase peak flows to any greater extent than pre-development runoff onto adjacent properties or into watercourses that impact on downstream flooding in order to control erosion and sedimentation and to protect and enhance water quality and aquatic habitat.
- E2.1.2 Where required by the Municipality and/or Saugeen Valley Conservation Authority, a development proposal shall be supported by a stormwater management study prepared by a qualified professional to determine the effect of increase runoff due to development of the site, and to identify stormwater management measures as necessary to control any increases in flow. The developer shall install the stormwater management measures identified in the study as part of the development of the site to the satisfaction of the Municipality and the Conservation Authority.

E3 TRANSPORTATION POLICIES

E3.1 Road Classification

- E3.1.1 In addition to applying land use designations and, in some situations, constraint overlays, Schedules 'A' and 'B' to this Official Plan also identify the classification for all roads within the Municipality.

E3.1.2 Provincial Highway

- a) Provincial Highway 6 is a primary transportation route between Durham and, to the north Owen Sound, and, to the south, southern Ontario. It serves as the main thoroughfare in Durham, accommodating not only most vehicles travelling through Durham, but also the majority of local traffic.
- b) Within the settlement area boundaries of Durham, Highway 6 has been designated as a "connecting link", meaning that the road is under control of the local Municipality. That notwithstanding, certain changes and/or improvements to Highway 6 will require approval by the Ministry. As such, the Ministry of Transportation will be consulted on all development proposals that could impact on the Provincial

Highway.

- c) Direct access from the Provincial Highway should be prohibited where vehicular access can be obtained from another road along which the subject property also abuts.
- d) In addition to affecting the through traffic functions of Provincial Highway 6, development fronting along the Provincial Highway also plays a key role in the image of Durham to visitors, through travelers and local residents. As such, the visual impact of a development along Provincial Highway 6 shall be assessed in relation to the goals of this Official Plan to promote civic beautification.
- e) Where development abuts Provincial Highway 6, the Municipality should apply Site Plan Control whenever possible in order to ensure that the traffic function of the Provincial Highway is not negatively impacted and to ensure that the visual component of the development enhances the aesthetic nature of Durham's main thoroughfare. The Ministry of Transportation will be circulated all site plans involving new development on properties abutting Provincial Highway 6.

E3.1.3 County Roads

- a) Grey Road 4 in Durham and Grey Roads 9 and 10 in Neustadt serve a regional role by carrying traffic through the Municipality of West Grey and from the Municipality to neighbouring municipalities.
- b) All development proposed on lands abutting the County Roads is subject to the requirements of the County of Grey Transportation Services Department.
- c) The visual impact of a development along a County Road within Durham or Neustadt shall be assessed in order to promote civic beautification along the entrance ways to these settlement areas.
- d) Where development abuts a County Road, the Municipality should apply Site Plan Control whenever possible in order to ensure that the traffic function of that County Road is not negatively impacted and to ensure that the visual component of the development enhances the aesthetic nature of Durham's main thoroughfare. The County of Grey Transportation Services Department will be circulated all site

plans involving new development on properties abutting a County Road.

E3.1.4 Municipal Streets

- a) The Municipal Streets are those roads which generally carry lighter volumes of traffic, and quite often carry traffic from the Provincial Highway and/or County Road system.
- b) Access to the Municipal Streets is subject to the requirements of the Municipality.

E3.1.5 Unopened Municipal Streets

- a) Unopened Municipal Streets shown on Schedules 'A' and 'B' represent Municipal-owned road allowances that have not been constructed.
- b) The Municipality shall not be under any obligation to construct an unopened municipal road.
- c) The Municipality may consider a development proposal that involves the construction of a new municipal street within an existing Municipal road allowance. In such instances, the developer will generally be responsible for all costs associated with designing, approving and constructing the road. The road shall be designed in accordance with proper engineering standards and constructed to full municipal standards.
- d) Sidewalks shall be required on one side of all new local roads where deemed appropriate by the Municipality. The costs shall be borne by the developer.
- e) The construction of a new road on an existing unopened road allowance may be subject to an Environmental Assessment under the Environmental Assessment Act (R.S.O. 1990).
- f) The Municipality may dispose of an unopened road where, in the opinion of the Municipality, the construction of a municipal street within the road allowance would not benefit the community in the long term, and where the conveyance of the road allowance lands to another party is in the best interest of the Municipality.

E3.2 New Municipal Streets

- E3.2.1 As part of a development proposal for a Plan of Subdivision, new municipal streets may be established. In such instances, the road pattern within the new subdivision shall be in the best interest of the subdivision, the adjoining subdivisions and the settlement area in general. Wherever possible, new subdivisions should be designed using a grid road pattern while avoiding curvy linear streets and cul-de-sacs. Such street design will benefit the vehicular and pedestrian traffic flow within the subdivision and adjacent areas, and may benefit the Municipality in providing maintenance to these streets.
- E3.2.2 The streets shall be designed in accordance with proper engineering standards and constructed to full municipal standards.
- E3.2.3 Sidewalks shall be required on one side of all new local roads where deemed appropriate by the Municipality. The costs shall be borne by the developer.
- E3.2.4 The developer shall be responsible for all costs associated with the new street.
- E3.2.5 The new street shall be conveyed and, at a time deemed appropriate by the Municipality as set out in the Subdivision Agreement, assumed by the Municipality.

E4 LAND DIVISION POLICIES

E4.1 Plans of Subdivision and Severances

E4.1.1 General Land Division Policies

- a) All land division shall occur via Plan of Subdivision or, where deemed appropriate by the Municipality, through the severance process.
- b) The division of land may be permitted where:
 - i. The proposed land division complies with the policies pertaining to the subject property's land use designation and all other

relevant policies of this Official Plan. Consideration of an Official Plan Amendment may be given as required to facilitate the lot creation, where such an Amendment represents appropriate land use planning.

- ii. The proposed land division complies with the applicable provisions of the Comprehensive Zoning By-law. Consideration of a Zoning By-law Amendment or Minor Variance may be given as required to facilitate the lot creation, where such an Amendment or Minor Variance represents appropriate land use planning.
 - iii. The proposed land division results in lots having frontage on a public road that is, or will be, opened and maintained year-round and is of a standard of construction acceptable to the Municipality, County or Province, where applicable.
 - iv. Safe and suitable vehicular access is available which meets Municipal, County or Provincial transportation objectives, standards and policies for safety and access. Access may also be restricted and/or prohibited along the Provincial Highway or County Roads if required to ensure safe traffic movement.
 - v. It has been established that the site's size, configuration and soil/drainage conditions are suitable for all parcels involved to permit the proper location of a building, driveway and other associated features.
 - vi. The division of land represents orderly and efficient use of land, and its approval would not hinder future development of the retained lands.
- c) The Municipality, in conjunction with the County of Grey, shall determine through pre-submission discussions with the developer whether a land division proposal shall proceed via Plan of Subdivision or through the severance process.

E4.1.2 Plans of Subdivision

- a) With the exception of lot creation along an already constructed public road and generally involving fewer than five lots, all development shall occur via Plan of Subdivision.

- b) The County of Grey has been delegated approval authority for Plans of Subdivision within the Municipality of West Grey. The County shall approve only those Plans of Subdivision that comply with the policies of this Official Plan and the County of Grey Official Plan.
- c) The Municipality shall conduct the Public Meeting pertaining to the Plan of Subdivision on behalf of the County, and shall provide meaningful input into the County's decision.
- d) The Plan of Subdivision approvals process essentially involves two stages: (1) Draft Approval; and (2) Final Approval / Registration. Neither Draft Approval nor Final Approval shall be granted until the Municipality is satisfied that the proposed development can be supplied with adequate public services such as municipal water, sanitary sewers, storm drainage facilities, schools and fire protection.
- e) Plans of Subdivision should be designed, wherever possible, to provide a grid road pattern and avoid curvy linear streets and cul-de-sacs. Such street design will benefit the vehicular and pedestrian traffic flow within the subdivision and adjacent areas, and may benefit the Municipality in providing maintenance to these streets.
- f) In certain circumstances, it may be appropriate to grant Final Approval in phases. In other instances, it may be appropriate to grant Final Approval to the entire Plan of Subdivision but allow for the actual construction of the roads, servicing, etc. in phases. In either case, the phasing arrangements shall be stipulated in the Subdivision Agreement to the satisfaction of the Municipality.
- g) At the Draft Approval stage, the County will impose conditions of Final Approval, which shall include, among other conditions, the requirement for the developer to enter into a Subdivision Agreement with the Municipality. The Agreement is a legal and binding document which ensures that the design and servicing of the subdivision meet municipal standards. Subdivision Agreements typically address such issues as road construction, sewer and water construction, parkland dedication, lot grading and drainage, phasing, etc. The Agreement shall insure that the costs associated with the subdivision are borne by the developer and that the development does not adversely affect the finances of the Municipality.

- h) The Municipality will require the developer of a Plan of Subdivision to convey land for park purposes, or alternatively the Municipality may choose to accept a cash-in-lieu of parkland payment. Further details pertaining to parkland dedication requirements are provided in Section D8.4.4 of this Official Plan.

E4.1.3 Severances

- a) Where the Municipality, in conjunction with the County, has established that a Plan of Subdivision is not necessary for the proper and orderly development of a parcel of land, a severance (or “consent”) application may be considered by the Municipality. Consent applications may also be considered for lot line adjustments, the creation of easements or for other purposes described in Section 50(3) of the Planning Act (R.S.O. 1990).
- b) The Municipality of West Grey has been delegated approval authority for Consent applications within the Municipality.
- c) The Municipality will impose conditions of Consent approval, which may include the requirement for the developer to enter into a Subdivision Agreement with the Municipality. The Agreement may be required to address such specific issues as sewer and municipal water extensions, lot grading and drainage and/or road reconstruction. The Agreement shall insure that the costs associated with the severance are borne by the developer and that the development does not adversely affect the finances of the Municipality.
- d) The Municipality may require the proponent to convey land for park purposes, or alternatively the Municipality may choose to accept a cash-in-lieu of parkland payment. Further details pertaining to parkland dedication requirements are provided in Section D8.4.4 of this Official Plan.

E4.2 Part-Lot Control

- E4.2.1 As an alternative to creating lots via Plan of Subdivision or through the Consent application process, Section 50(5) of the Planning Act (R.S.O. 1990) gives the Municipality the authority to pass a by-law exempting land situated in a registered plan of subdivision from part-lot control to allow for the registration of a reference plan, which would have the effect of dividing the land into a larger number of parcels or to change existing lot lines. The

reason for granting exemption from part-lot control is generally to facilitate minor changes to lots or blocks or for the development of semi-detached dwellings or street townhomes or condominiums. This approach is typically used because of the difficulty a builder would have in ensuring that the common centre wall between two dwelling units is constructed exactly on the property line.

E4.2.2 Requests for part-lot control exemption shall be completed and submitted in accordance with the consent application requirements of the Municipality. A by-law exempting land from part-lot control does not take effect until it has been approved by the County of Grey.

E4.2.3 A proposal involving part-lot control exemption must conform to this Official Plan and the Comprehensive Zoning By-law. Consideration of an Official Plan Amendment, Zoning By-law Amendment or Minor Variance may be given as required to facilitate the lot creation, where such an Amendment or Minor Variance represents appropriate land use planning.

E4.3 Deeming By-laws

E4.3.1 In certain circumstances, it may be deemed desirable by the Municipality to merge two or more lots within a registered Plan of Subdivision. For the most part, such registered Plans of Subdivisions are older plans that apply to lands that are not capable of being connected to municipal services and/or do not front along an opened and maintained municipal street.

E4.3.2 In other situations, there may be requests to deem lots within a Registered Plan of Subdivision in order to create larger lots for the purposes of building larger homes. In these circumstances, the deeming by-law may conflict with other policies in the Official Plan with regard to intensification, efficient utilization of services, affording housing, etc. In such cases, the deeming by-law shall not be adopted. Council should consider a request for a deeming by-law in the same manner as they would treat a consent application by evaluating the proposal within the context of the Provincial Policy Statement, the County of Grey Official Plan, this Official Plan and other sound land use planning principles.

E5 BROWNFIELDS REDEVELOPMENT

- E5.1 Brownfield sites are undeveloped or previously developed properties that may be contaminated. They are usually, but not exclusively, former industrial or commercial properties that may be underutilized, derelict or vacant.
- E5.2 The Municipality encourages the redevelopment of brownfield sites in Durham and Neustadt in order to eliminate or reduce soil and/or groundwater contamination, contribute to community revitalization, support economic development, increase sense of community pride and quality of life, and increase property tax revenue.
- E5.3 Brownfield redevelopment proposals shall be subject to the “Record of Site Condition” process described in Section E1.4 of this Official Plan.
- E5.4 Brownfield properties should be placed in a Community Improvement Area, as described in Section E6 of this Official Plan, thereby allowing the Municipality to provide grants, loans or tax breaks to assist in the cost of any clean up.

E6 COMMUNITY IMPROVEMENT POLICIES

E6.1 Community Improvement Areas

- E6.1.1 Council may choose through a by-law to designate the whole or parts of Durham and Neustadt as Community Improvement Areas under Section IV of the Planning Act (R.S.O. 1990).
- E6.1.2 The goal of such Community Improvement Area shall be to foster and co-ordinate the physical improvements and maintenance of older or dilapidated areas of Durham and Neustadt for environmental, social or community economic reasons. Specifically, Community Improvement Areas are intended to:
- a) To encourage the efficient provision and maintenance of physical infrastructure, public services and utilities to serve present and future needs on a local and regional scale.
 - b) To address issues which may be particular to one neighbourhood.
 - c) To ensure the maintenance and renewal of older housing stock.

- d) To foster redevelopment, reuse and/or maintenance of existing brownfield sites and/or current industrial sites.
- e) To enhance retail and downtown commercial areas within the Municipality.
- f) To encourage the preservation and adaptive re-use of built heritage.
- g) To promote energy efficiency and sound environmental design.
- h) To foster economic growth within designated areas.
- i) To promote intensification in targeted areas.
- j) To enhance the visual characteristics of neighbourhoods.
- k) To encourage local participation in funding programs for local development which may also be eligible for Provincial or Federal funding.

E6.2 Community Improvement Plans

- E6.2.1 Council may undertake the preparation of a Community Improvement Plan for any part of the Community Improvement Area.
- E6.2.2 The Community Improvement Plan will identify a specific project that needs to be conducted in order to improve the quality of life and the built environment within a particular area.
- E6.2.3 The Community Improvement Plan should include:
 - a) Reasons for selecting the lands subject to the Community Improvement Plan.
 - b) Background information such as conditions of hard and soft services, building conditions, land uses, etc.
 - c) The proposed improvements to be undertaken.
 - d) Means of financing the improvements.

- e) Staging of improvements.
- f) Acquisition of land by the Municipality, if any.
- g) The Municipality shall endeavour to take advantage of, wherever possible, federal and/or provincial programs which provide funding for community improvements.

E7 MINIMUM DISTANCE SEPARATION

E7.1 The Ontario Government's Minimum Distance Separation (MDS) Guidelines which protect livestock facilities from land uses that are sensitive to farm odour, and vice versa, shall not be applicable because:

- E7.1.1 No new barns or expansion of existing barns are allowed anywhere within Durham and Neustadt.
- E7.1.2 Non-farm development is permitted within Durham and Neustadt without having regard for existing livestock facilities that are situated within Durham and Neustadt or outside of these urban boundaries.

E8 TECHNICAL STUDIES AND PEER REVIEWS

- E8.1 In some instances, certain technical studies may be required by Ontario Government legislation as part of a development application review. In other instances, the Municipality or other public agency may, at its discretion, require certain technical studies to be submitted. The Municipality may take into consideration the concerns of other persons or groups when making this determination.
- E8.2 Such technical studies may include, but are not limited to: planning justification report, archaeological assessment, noise assessment, traffic impact study, stormwater management report, environmental impact study, environmental site assessment and environmental assessment.
- E8.3 The technical studies shall be prepared by qualified professionals and the costs associated with undertaking the studies shall be borne by the developer.
- E8.4 Prior to submitting any development application, the applicant shall consult with

the appropriate Municipal staff, and perhaps other public agencies, to discuss the types of technical reports that need to be filed in conjunction with the application. The Municipality or other public agency may also, at its discretion, request technical reports after the application is in process.

- E8.5 The Municipality may authorize a qualified professional to peer review such studies and provide advice to the Municipality at the applicant's expense.

PART F IMPLEMENTATION AND ADMINISTRATION

F1 COMPREHENSIVE ZONING BY-LAW

- F1.1 The Comprehensive Zoning By-law (or Zoning By-law) for the Municipality of West Grey is one of the most effective means of implementing this Official Plan.
- F1.2 Following the adopting of this Official Plan, the Zoning By-law shall be reviewed. If necessary, a new Zoning By-law or an amendment to the existing Zoning By-law shall be prepared and adopted by Council to ensure that:
- F1.2.1 The zones identified on the schedule to the Zoning By-law permit the types of development intended by this Official Plan.
 - F1.2.2 The zoning provisions include development standards that are appropriate for the various types of development permitted by this Official Plan.
 - F1.2.3 The Zoning By-law contains other zoning regulations that assist in implementing this Official Plan.
- F1.3 The Zoning By-law is not intended to initially zone each area for the ultimate use as designated by this Official Plan. In some circumstances, lands will be zoned 'Future Development' in the Comprehensive Zoning By-law, a zoning category that generally will not permit any development. When conditions are deemed appropriate for development in accordance with the land use designation and relevant policies of the Official Plan, the lands will be rezoned to an appropriate zone.
- F1.4 When existing land uses are in conflict with this Official Plan, the lands may be zoned in accordance with the land use designation of this Official Plan and rendered legal non-conforming. Alternatively, existing legal non-conforming uses may be placed in zones that do not correspond with the land use designation established by this Official Plan, provided:
- F1.4.1 The zone does not permit significant negative changes in the use of the property or impacts on the adjacent land uses.
 - F1.4.2 The zone does not result in the legal non-conforming use interfering with the desirable development or enjoyment of the adjacent area.
 - F1.4.3 The recognition of the legal non-conforming use does not represent a danger to surrounding land uses and/or persons.

F1.5 Amendments to the Zoning By-law may be approved by Council where the proposal conforms with this Official Plan, is consistent with the Provincial Policy Statement and upholds sound land use planning principles.

F2 MINOR VARIANCES

F2.1 In certain instances, a proposal to erect a new building or structure, or to expand an existing building or structure, may not meet one or more of the provisions of the Comprehensive Zoning By-Law. In such cases, a Minor Variance application may be submitted to the Municipality.

F2.2 The Committee of Adjustment may consider granting the Minor Variance if the applicant can demonstrate to the satisfaction of the Committee that it is not reasonably possible to accommodate the proposed development on the subject property in compliance with the provisions of the Zoning By-law without creating undue hardship proposal. The applicant must also demonstrate to the satisfaction of the Committee that the Minor Variance is in keeping with all four of the following tests listed in Section 45(1) of the Planning Act (R.S.O. 1990):

F2.2.1 The Minor Variance maintains the intent and purpose of this Official Plan.

F2.2.2 The Minor Variance maintains the intent and purpose of the Comprehensive Zoning By-law.

F2.2.3 The Minor Variance is minor in nature.

F2.2.4 The Minor Variance is desirable and appropriate for the use of the subject lands.

F2.3 A Minor Variance shall not be used to introduce a new use to a property or permit a use that previously occurred on that lot. Such development proposals should only be considered through a Zoning By-law Amendment and, if necessary, through an Official Plan Amendment.

F3 LEGAL NON-CONFORMING USES

- F3.1 Legal non-conforming land uses are those uses which do not conform to the Zoning By-law, but which legally existed prior to the passage of the Comprehensive Zoning By-Law.
- F3.2 As a general rule, legal non-conforming uses should cease to exist in the long run, and alterations, expansions and changes in use which did not meet the requirements of the Zoning By-law should be discouraged.
- F3.3 In special circumstances, however, it may be desirable to permit the extension or enlargement of a legal conforming use in order to avoid unnecessary hardship. In other circumstances, it may be desirable to allow for a change of use of the land, building or structure if the intended use is more compatible with the uses permitted by the Zoning By-law than the legal non-conforming use, or if the intended use was previously permitted on the subject lands by the Zoning By-law. In such situations, the Committee of Adjustment may consider granting permission for an expansion or change of use, as per Section 45(2) of the Planning Act (R.S.O. 1990).
- F3.4 In considering an application of expansion or change of use pertaining to legal non-conforming uses, the Committee of Adjustment shall take into consideration the following:
- F3.4.1 The proposed expansion or change in use shall not make the non-conforming nature of the property worse.
 - F3.4.2 The proposed expansion or change of use shall be in an appropriate proportion to the size of the existing use.
 - F3.4.3 The proposed expansion or change of use shall have minimal impact on the surrounding built environment in terms of projected levels of noise, vibration, fumes, smoke, dust, odours, lighting and traffic generation.
 - F3.4.4 The proposed expansion of change of use shall include the protection of surrounding uses through the provision of landscaping, buffering or screening, appropriate setbacks for buildings and structures, or other measures which improve compatibility with the surrounding area.
 - F3.4.5 The traffic and parking conditions shall not be adversely affected by the proposed expansion or change of use.

F3.5 The Committee may place conditions on the approval for the expansion or change in use of legal non-conforming uses. These conditions may include the requirement for the applicant to enter into a Site Plan Control Agreement.

F4 LEGAL NON-COMPLYING USES

F4.1 Legal non-complying land uses are those which are permitted in the zone in which they are located, but the buildings on the property do not comply with one or more of the provisions of the zone.

F4.2 The Comprehensive Zoning By-law shall permit the expansion, alteration or addition to a non-complying uses provided such expansion, alteration or addition does not further reduce the compliance of the use, building or structure with any provisions of the Zoning By-law.

F4.3 Any expansion, alteration or addition to a non-complying use that further reduces the compliance of the use, building or structure or does not meet any other relevant provision of the Zoning By-law would be subject to the Minor Variance process.

F5 TEMPORARY USE BY-LAWS

F5.1 Council may pass a Temporary Use By-law in accordance with Section 39 of the Planning Act (R.S.O. 1990) to permit a temporary use of land for a purpose that is otherwise prohibited on that site by the Zoning By-Law.

F5.2 A Temporary Use By-law shall only be granted for a period of time not exceeding three (3) years. A one-time extension for another three-year period (maximum) may permitted by Council. This notwithstanding, a Temporary Use By-law allowing for a garden suite may be granted for a period of time not exceeding twenty years, and no extension shall be permitted.

F5.3 In consideration of Temporary Use By-laws, Council shall have regard for, among matters, the following:

F5.3.1 Conformity of the proposed use with the policies of this Official Plan.

- F3.3.2 Compatibility with neighbouring land uses.
- F3.3.3 The adequacy of municipal services.
- F3.3.4 Traffic impacts, access and parking requirements.

F6 HOLDING PROVISIONS

- F6.1 Council may place a Holding (H) symbol suffix on the zoning of certain lands in order to prohibit development until specific conditions of the Municipality have been satisfied, in accordance with Section 36 of the Planning Act (R.S.O. 1990).
- F6.2 When lands are placed under the Holding symbol, the use of the lands and buildings shall be limited to those that existed prior to the Holding symbol being placed on the property. In some circumstances, the Municipality may allow additions or alterations to existing uses.
- F6.3 Council shall pass a By-Law removing the Holding symbol from the zoning of the property once the conditions have been satisfied.
- F6.4 Conditions to be imposed by the Municipality may include such matters as, but not limited to, the installation of municipal services, road construction, the ratification of a Site Plan Control Agreement, the completion of technical studies and Final Approval of a Plan of Subdivision.

F7 INTERIM CONTROL BY-LAWS

- F7.1 In limited extraordinary circumstances, the Municipality may put a hold on development permitted under the Comprehensive Zoning By-law in order to undertake a thorough review of its policies and take the necessary action to address the problem. This can be achieved by passing an Interim Control By-law under Section 38 of the Planning Act (R.S.O. 1990). Such a by-law should only be adopted where the development of lands pose serious problems and require study.
- F7.2 An Interim Control By-law may put a hold on development for a maximum of one year, with a one year extension, if required.

F7.3 After placing lands under Interim Control, the Municipality shall undertake a study of the issues associated with the lands and bring forward the necessary corrective action.

F8 SITE PLAN CONTROL

F8.1 The Municipality may require development proposals to include a site plan which identifies such things as building size and location, parking, buffering and landscaping, parking and drainage, etc.

F8.2 The Municipality may also require a developer to enter into a Site Plan Control Agreement to ensure that work is carried out in accordance with the site plan, pursuant to Section 41 of the Planning Act (R.S.O. 1990).

F8.3 All lands within Durham and Neustadt shall be designated as a Site Plan Control Area, meaning that the Municipality may require a Site Plan Control Agreement for any development or redevelopment of any property within these settlement areas. That notwithstanding, the Municipality shall use its discretion to determine which development proposals shall be subject to a Site Plan Control Agreement.

F8.4 All planning, engineering and legal costs of the Municipality associated with the drafting, review and registration of the Agreement shall be borne by the applicant.

F8.5 Upon its execution, the Agreement shall be registered on title to the lands and shall be binding on all future land owners.

F9 PROPERTY MAINTENANCE AND OCCUPANCY STANDARDS BY-LAW

F9.1 The Municipality shall maintain a Property Maintenance and Occupancy By-law, affecting all lands within Durham and Neustadt.

F9.2 The Property Maintenance and Occupancy By-law will prescribe minimum standards for the maintenance of land and buildings, and the occupancy of buildings within the community. The By-law shall regulate such matters as structural maintenance of buildings, cleanliness of buildings, service of buildings

with regard to plumbing, heating, and electrical, property maintenance with regard to weeds, debris and garbage, pest control, unlicensed vehicles, trailers, etc.

- F9.3 The Municipality will appoint a Property Standards Officer who shall be responsible for administering and enforcing the Property Maintenance and Occupancy By-Law.
- F9.4 The Municipality will appoint a Property Standards Committee for the purpose of hearing appeals against an order by the Property Standards Officer.

F10 SIGN BY-LAW

- F10.1 Council is encouraged to pass a Sign By-law under Section 10 of the Municipal Act (R.S.O. 2001) for the purposes of regulating the placement of signs within Durham and Neustadt.
- F10.2 The Sign By-law shall address such matters as appropriate location and dimension of signs, and appropriate time limits for portable signs.
- F10.3 The placement of signs along Provincial Highway 6 and the County Roads within Durham and Neustadt shall also be subject to the sign regulations of the Ministry of Transportation and the County of Grey, where applicable.

F11 FENCE BY-LAW

- F11.1 Council is encouraged to pass a Fence By-law under Section 10 of the Municipal Act (R.S.O. 2001) for the purposes of regulating the construction of fences within Durham and Neustadt.
- F11.2 The Fence By-law shall address such matters as height, material and location of fences.

F12 OFFICIAL PLAN AMENDMENTS

- F12.1 This Official Plan is intended to serve as the basis for managing growth in Durham and Neustadt for the next 15 years. A considerable amount of time and effort has gone into the preparation of this Official Plan to ensure that a sufficient amount of land has been designated to accommodate residential, commercial and industrial development to the year 2026 and to ensure that the policies are appropriate to achieve the desired goals and objective of this Plan.
- F12.2 Circumstances may arise, however, where a development does not conform to this Official Plan. In order for such a development to be allowed, the land owner must submit an application to amend this Official Plan. The application shall be accompanied by a report which addresses the following questions:
- F12.2.1 If the Amendment is proposing a change in land use designation, is there a demonstrated need in that settlement area for additional lands to be brought into the new land use designation?
- F12.2.2 If the Amendment is proposing a change in land use designation, will a sufficient amount of land remain in the current land use designation within that settlement area as required to accommodate development to year 2026.
- F12.2.3 Is there a demonstrated need for the proposed development?
- F12.2.4 Is it desirable and appropriate to change the Official Plan to accommodate the proposed use?
- F12.2.5 What impacts will the proposed development have on the surrounding land uses, municipal servicing, traffic movements, built heritage and natural environment? How can these impacts be eliminated or minimized?
- F12.2.6 Does the proposed Amendment maintain the goals and objectives of this Official Plan?
- F12.2.7 Does the proposed Amendment conform with the County of Grey Official Plan?
- F12.2.8 Is the proposed Amendment consistent with the Provincial Policy Statement?

- F12.3 An application to amend this Official Plan may also require other technical studies to be conducted prior to the application being filed, as stated in Section E8 of this Official Plan.
- F12.4 An application to amend this Official Plan for the purposes of expanding the settlement area boundary of Durham or Neustadt shall be subject to the “Comprehensive Review” requirements of the Provincial Policy Statement. An amendment to the County of Grey Official Plan shall also be required.
- F12.5 An application to amend this Official Plan for the purposes of changing Industrial lands to another land use designation shall be subject to the “Comprehensive Review” requirements of the Provincial Policy Statement.

F13 PRE-SUBMISSION CONSULTATION

- F13.1 Prior to the submission of any Planning Act application being filed with the Municipality, a Pre-submission Consultation meeting involving Municipal staff, the applicant and any agencies deemed appropriate by the Municipality shall be required. It shall be the responsibility of the applicant to contact the Municipality to arrange such a meeting. Should an application be filed with the Municipality without a Pre-submission Consultation meeting, Municipal staff may return the application. The Pre-submission Consultation meeting may be waived at the discretion of the Municipal staff.

West Grey recognizes the desire of Metis and First Nations communities to be consulted on new development proposals within the Municipality, and also recognizes that there are many common areas of interest related to new development that include, but are necessary limited to, impacts upon fish and wildlife habitat, proper identification of archaeological resources identification and protection of burial grounds, and the impacts of new development on source water.

F14 OFFICIAL PLAN REVIEW

- F14.1 This Official Plan shall be reviewed at least once every five years in accordance with Section 36 of the Planning Act (R.S.O. 1990).

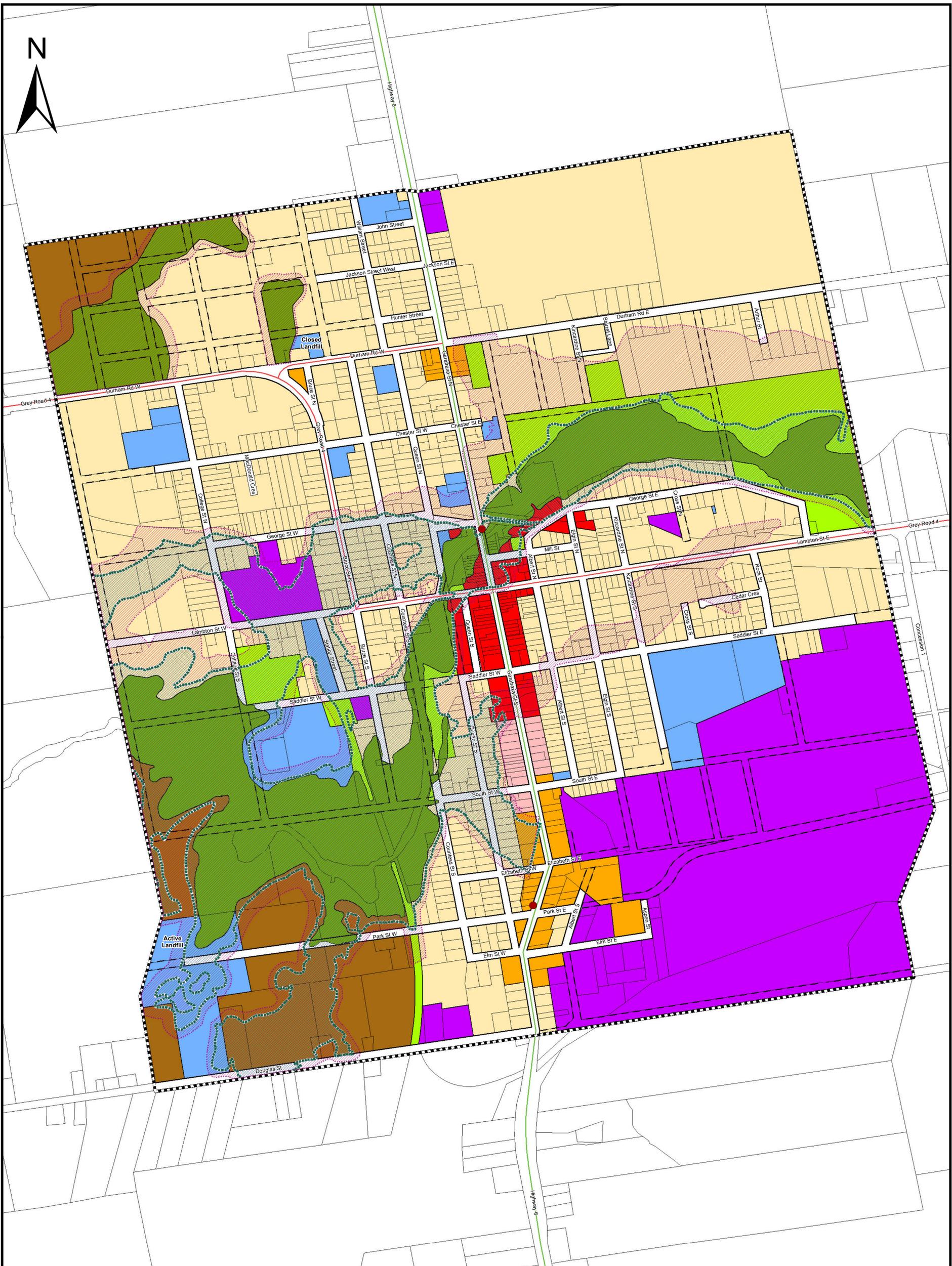
F14.2 Changes to this Official Plan shall be required if the review determines that:

F14.2.1 Schedules 'A' and 'B' and/or Appendices 'A', 'B' and 'C' and/or the text of this Official Plan are no longer effective in their intent to meet the goals and objectives of this Official Plan.

F14.2.2 This Official Plan no longer conforms with the County of Grey Official Plan, as amended.

F14.2.3 This Official Plan is no longer consistent with the Provincial Policy Statement or any matters of Provincial interest listed in Section 2 of the Planning Act (R.S.O. 1990).

F14.3 Notwithstanding the requirement for the Official Plan to be reviewed every five years, this Official Plan shall be amended within three years of the Drinking Water Source Protection Plan being completed, as required by the Clean Water Act (S.O. 2006). As stated in Section E1.5 of this Official Plan, the Source Protection Plan shall be implemented by incorporating appropriate policies in this Official Plan and corresponding regulations in the Comprehensive Zoning By-law.



Land Use Designations

- Residential
- Downtown Commercial
- Downtown Transition
- Highway Commercial
- Institutional
- Industrial
- Open Space
- Environmental Protection
- Future Development

Overlays

- Flood Fringe
- Regulated Area
- Hurricane Hazel Flood Event Standard
- Potential Former Landfill Site

Streets

- Provincial Highway
- County Road
- Municipal Street
- Unopened Municipal Street

Boundary

- Planning Area

SCHEDULE A
 (Land Use Plan: Durham)
 to the
MUNICIPALITY OF WEST GREY
OFFICIAL PLAN
 as modified by the County of Grey
 August 2012

SCALE 1: 4500



Land Use Designations

- Residential
- Downtown Commercial
- Downtown Transition
- Highway Commercial
- Institutional
- Industrial
- Open Space
- Environmental Protection
- Future Development

Overlays

- Flood Fringe
- Regulated Area
- Hurricane Hazel Flood Event Standard

Streets

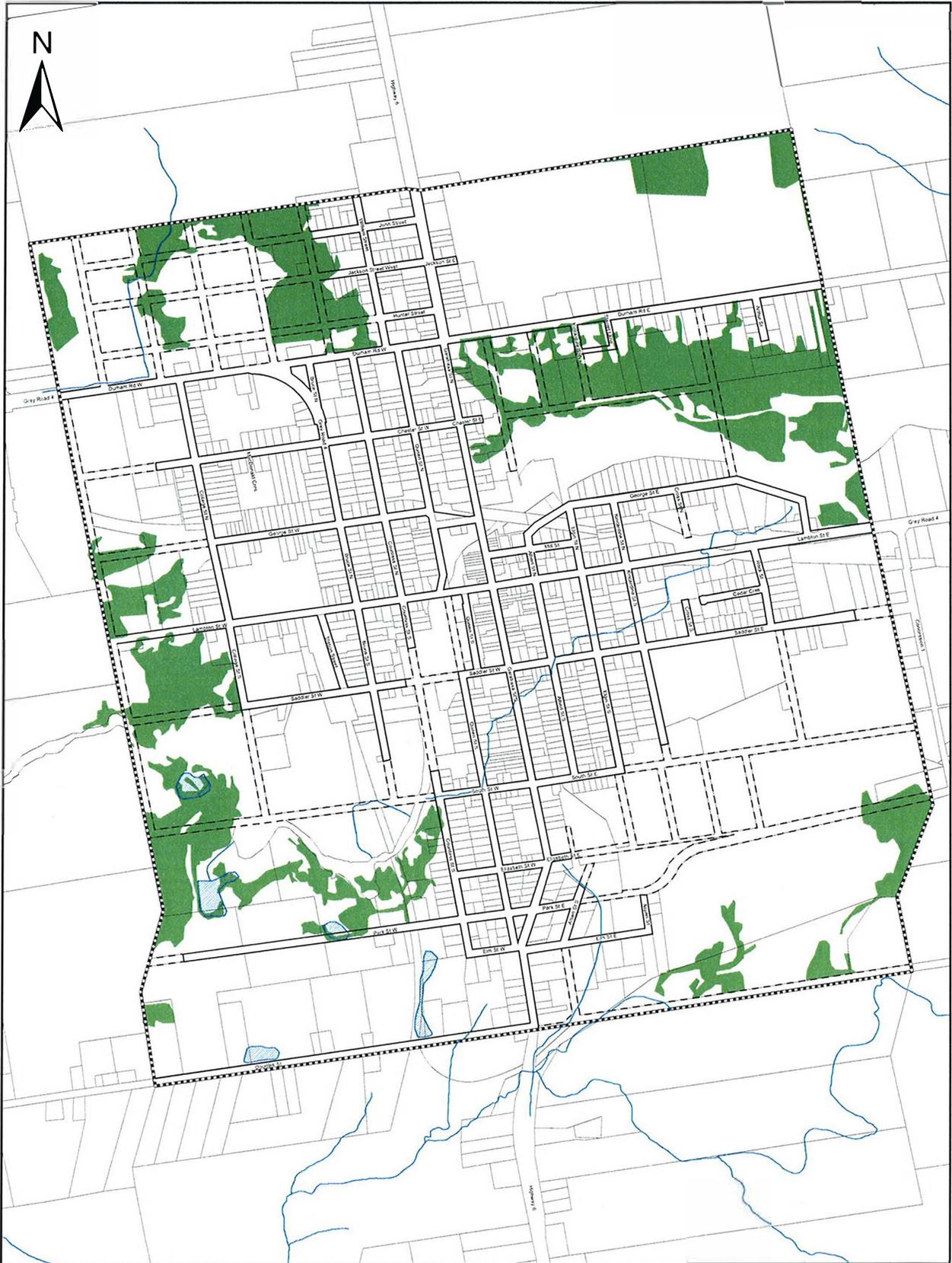
- Provincial Highway
- County Road
- Municipal Street
- Unopened Municipal Street

Boundary

- Planning Area

SCHEDULE B
(Land Use Plan: Neustadt)
to the
MUNICIPALITY OF WEST GREY
OFFICIAL PLAN

SCALE 1: 4500



Constraints

- Significant Woodlands
- Other Wetlands
- Water Courses

Boundary

- Planning Area

APPENDIX A
 (Constraint Mapping: Durham)
 to the
MUNICIPALITY OF WEST GREY
OFFICIAL PLAN

SCALE 1: 4500



Wellhead Protection Areas		Boundary	
	Zone A		Planning Area
	Zone B		
	Zone C		
	Zone D		

APPENDIX C
 (Wellhead Protection Areas: Durham)
 to the
MUNICIPALITY OF WEST GREY
OFFICIAL PLAN

SCALE 1: 7500