

**The Corporation of the
Municipality of West Grey**

**Official Plan
For the settlement areas of Durham and Neustadt**



December 2022





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PART A INTRODUCTION

A1 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 primary settlement areas of Durham and Neustadt.

A2 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 primary 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 primary 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 primary 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.

A3 Background

The Municipality of West Grey Official Plan replaced 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Recognizing that both Plans were clearly outdated, the Council of the Municipality of West Grey requested in 2011 that a new Official Plan be prepared for these two primary settlement areas. The current Official Plan was adopted by local Council on February 1, 2012 and approved by the County on August 16, 2012.

In 2020, Council ordered a review of the Official Plan, as per Section 26 of The Planning Act (R.S.O. 1990) to consider changes that were necessary to bring this land use document into compliance with current Provincial and County policies, the findings of the County's 2021 Growth Management Strategy and to reflect the current goals and objectives of West Grey Council. This document is a result of that update.

A4 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 2046.



The goals, objectives and policies contained in this Official Plan are intended to guide the decisions of the public authorities and private interests 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 updates are required, as explained in Section F14 of this Plan.

A5 County of Grey Official Plan

The County of Grey Official Plan applies to all lands within the County, including the lands subject to the West Grey Official Plan 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 conforms 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, as updated, is consistent with the current Provincial Policy Statement.

PART B INTERPRETATION

B1 Settlement area boundaries

B1.1 Schedules

The boundaries of the settlement areas of Durham and Neustadt are shown on schedules A and B of this plan.

B1.2 Comprehensive review

The boundaries shown on schedules A and B are considered absolute. These boundaries cannot be expanded except in accordance with a municipal comprehensive review. This review shall be initiated and / or adopted by the Municipality of West Grey and approved by the County of Grey. Any urban expansion shall require amendments to the County Official Plan and this Official Plan. The comprehensive review shall be carried out in accordance with the comprehensive review requirements of the Provincial Policy Statement in effect at the time.

B2 Land use designation boundaries

B2.1 Boundary interpretation

The boundaries between the land use designations shown on schedules A and B are considered approximate, except where they coincide with roads or clearly defined geographical boundaries.



B2.2 Adjustments

It is the policy of the Municipality of West Grey that an Official Plan amendment shall not be required for minor adjustments to the land use boundaries, provided that the general intent of the plan is maintained.

B3 Numerical figures

The numerical figures contained in the plan shall be considered approximate only. An amendment to the plan shall not be required for any reasonable variance from the figures presented provided the general intent of the plan is maintained.

B4 Interpretation

B4.1 How to read the plan

Specific policies of this plan shall not be considered in isolation and shall be interpreted along with the intent of the goals, objectives and other policies contained within the plan.

B4.2 Conformity

When determining if a development proposal conforms to the plan, the goals, objectives, and other policies within this plan shall be considered.

B5 Public engagement and notice

Public engagement helps inform and educate the public about planning activities and gives them a chance to share feedback. Public participation is required when creating or making a change to any one of the following:

- Official Plan
- Secondary Plan
- Zoning By-law
- Plan of Subdivision
- Condominiums, except for condominium exceptions
- Community improvement plans

The County of Grey is the approval authority for the West Grey Official Plan and all plans of subdivision and condominiums. The Municipality is the delegated approval authority for consents, minor variances, site plans, zoning by-law amendments and community improvement plans. Official Plans and amendments are adopted by West Grey but approved by the County of Grey.

B5.1 Public meetings

Public meetings for all planning related applications will be conducted at least the minimum standard required by the Planning Act, R.S.O. 1990, as amended. Depending on the complexity of an application, additional public consultation may be implemented at the direction of Council. Where applications are filed with the County and West Grey, joint public consultations will be coordinated to avoid duplication in process.



B5.2 Public notice

Notice of a public meeting will be provided by any number of the following options and in accordance with regulations under the Act:

- Mail
- Email
- Website
- Signage
- Newspaper

More than one (1) type of notice may be provided depending on the complexity of the application.

PART C GOALS AND OBJECTIVES

C1 General goals and objectives

The goals and objectives contained in section part C of this plan apply to various land use designations shown on schedules A and B and the constraints shown on appendices A, B, and C.

C1.1 Goals

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

- a) To promote only development that represents an appropriate and efficient utilization of land and municipal services.
- b) To ensure that development occurs in a compatible manner between land uses and land use designations.
- c) To implement the policies of this plan through the Municipality of West Grey Comprehensive Zoning By-law.

C2 Growth in defined settlement areas

C2.1 Goals

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

C2.2 Objectives

- a) To maintain and enhance the primary settlement areas of Durham and Neustadt as desirable, attractive, safe, and diverse communities.
- b) To encourage only development that protects and enhances the character of the settlement areas.
- c) To direct most of the urban type of development to the primary settlement areas of Durham and Neustadt where full municipal services and other community facilities are available.



- d) To promote the downtown areas of the primary settlement areas as their focal points and to improve, wherever possible, the economic health of the downtown areas of primary settlement areas by promoting redevelopment and a mixture of compatible land uses.
- e) To ensure that an appropriate supply of land is available within settlement areas, to meet the residential, commercial, and industrial needs of the community to the year 2046.
- f) To promote development through infilling and intensification of existing developed or partially development areas within Durham and Neustadt.
- g) To promote development in undeveloped areas of Durham and Neustadt where development represents a natural extension of the existing built environment and where the provision of municipal services can be feasibly provided.

C3 Economic Growth

C3.1 Goal

This Official Plan shall provide opportunities for economic growth.

C3.2 Objectives

- a) To ensure that the primary settlement areas of Durham and Neustadt are desirable communities to locate new businesses and maintain existing businesses.
- b) To promote the historical nature and charm of the downtown areas as places to conduct business and shop.
- c) To support and enhance the arts and cultural interest of the primary settlement areas of Durham and Neustadt and promote these interests as tourism opportunities.
- d) To ensure that an appropriate supply of municipally serviced, vacant land is readily available for industrial and commercial development.
- e) To promote the establishment of home industries and home occupations where such uses are compatible with adjacent land uses.
- f) 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

- a) To enhance the character of the primary settlement areas of Durham and Neustadt by restoring protecting, conserving, and maintaining their archaeological and heritage resources.
- b) To encourage new development which compliments the existing heritage resources.
- c) To permit development and site alteration on lands containing 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, Culture and Sport. Developers are encouraged to consult with representatives of First Nations and Métis, and the Municipality of West Grey shall engage with these Indigenous communities with each development application and consider their interests when identifying, protecting, and managing cultural heritage and archaeological resources.

- d) To take advantage of all relevant legislation and programs where possible, to encourage the preservation and enhancement of heritage resources and to develop a greater awareness of the value of heritage conservation in West Grey.
- e) To provide incentives through the Municipality's Community Improvement Plan (CIP) which also provides direction to enhance the visual appearance of the downtown areas. Detailed policies related to the CIP areas are contained section F5 of this plan.

C5 CLIMATE CHANGE

C5.1 Climate systems

Climate is changing due to changes in the global climate system caused by the release of greenhouse gases into the atmosphere. Climate change is a serious issue that affects people, communities, and ecosystems at the global, national, and local levels.

It is anticipated that changes to the local climate will result in higher annual average temperatures, and more extreme, unpredictable weather. Over time, climate change will adversely impact the makeup and function of natural systems, increase the risk of flooding, damage infrastructure and negatively impact public health.

As West Grey continues to grow, the challenge of reducing greenhouse gas emissions as well as managing the risks and vulnerabilities associated with climate change will be intensified. Mitigation and adaptation are core strategies for reducing and managing the risks related to climate change. Mitigation refers to actions that reduce or eliminate the sources and emissions of greenhouse gases. Adaptation refers to actions that reduce the vulnerability of communities to the impacts of climate change and improve the resilience of communities to respond and recover when impacts occur.

The municipality, in conjunction with the County, agencies and other levels orders of government have an important role in mitigating the impacts of climate change and reducing community vulnerability through adaptation while taking advantage of opportunities to strengthen economic prosperity, social well-being and environmental integrity. This can be achieved through land use and infrastructure planning.

The interconnectedness of actions requires direction across planning themes including growth management, transportation, natural heritage, water, and energy for the protection of human health, property, environment, and economy. Policies addressing climate change will be found in other areas of this Plan including section C1.



C5.2 Goal

This Official Plan shall encourage the use of mitigation and adaptation objectives to appropriately address climate change.

C5.3 Mitigation objectives

- a) Plan for compacted and connected growth in the primary settlement areas of Durham and Neustadt.
- b) Prioritize a shift to energy efficient transportation modes and the installation of vehicle charging stations, the provision and support for pedestrian connections and public realm investments.
- c) Encourage the use of local renewable energy sources such as photovoltaic panels on large roof structures, etc. To permit renewable energy generation within applicable land use designations and subject to applicable provincial approvals and zoning permissions.

C5.4 Adaptation objectives

- a) Building resilience to future flood risks.
- b) Protect trees, wetlands, and other natural areas and use nature-based solutions. To review and improve the municipality's design guidelines to provide four-season comfort, the installation of appropriate tree canopies and preserve existing mature trees where possible and support the County's Forestry Management By-law. To restrict development within the 1 in 100-year floodplain. Reference to the flood fringe and floodway overlay.
- c) Enable and encourage local food production.

C6 NATURAL SYSTEMS

West Grey recognizes the importance of a resilient natural environment which will better enable natural systems to recover from disturbances and to tolerate and adopt to a changing climate.

West Grey recognizes its responsibility to maintain, protect, restore, and enhance natural systems in West Grey.

Joint efforts with the county and conservation authority and other agencies that are required to protect natural systems, restore poorly functioning ecosystems, promote clean air, water and land, and mitigate and adapt to climate change.

A well functioning natural environment has social, health, and economic benefits for those living and / or working in West Grey, now and in the future.

C6.1 Goal

To ensure a healthy, resilient, and self-sustaining natural environment with West Grey.

C6.2 Objectives

- a) Establish a comprehensive policy framework to mitigate and adapt to climate change.
- b) Protect, maintain, restore, and enhance the quality and ecological integrity of ecosystems, including air, water, land, and biota jointly with the County, conservation authorities and provincial agencies.



- c) Adopt policies and establish programs for the restoration and enhancement of the natural environment in the Municipality jointly with the County, conservation authorities and provincial agencies.
- d) Participate in, and support, broader scale environmental studies to assess the carrying capacity of ecosystems and the potential cumulative effects of development in areas where development is likely to have a major impact on the ecological integrity of broader ecosystems within West Grey.
- e) Identify and regulate development on lands exposed to natural hazards jointly with the County, provincial agencies, and conservation authorities.
- f) Encourage, in consultation with the conservation authority, to promote and enforce soil conservation measures on developing sites.

PART D HEALTHY COMMUNITIES

D1 Goals

This Official Plan shall promote opportunities for healthy lifestyles for everyone within the community.

D1.2 Objectives

- a) To encourage development that provides a desirable, and where possible, improved standard of health and wellbeing for the communities.
- b) To share the Healthy Development Checklist created in partnership with the Grey Bruce Public Health Unit with developers to address healthy community design. This includes public health and safety needs embedded within residential intensification, redevelopment, and new residential development.

Areas of consideration within this checklist include:

- i) Supporting mixed land use by integrating a variety of residential development within 800 metres of retail, recreational centres, parks, and public spaces.
- ii) Including a variety of affordable housing options and prioritizing those available for low-income households.
- iii) Committing to the preservation of the natural heritage system by maintaining existing trees, soil integrity, and landscaping using native species.
- iv) Including cycling infrastructure, such as bike lanes, paved shoulders, bicycle parking, and signage.

Developers shall consider this checklist as part of the application process. County planning staff will review the information provided and recommended any revisions.

To consider additional tools to measure and track impacts of larger developments on vulnerable or marginalized populations in terms of reducing chronic disease and risk of injury. For example, the use of Health Impact Assessments can identify the potential unintended health impacts of a development proposal. The Municipality may require a Health Impact Assessment to be prepared by qualified professionals at the expense of the developer.



PART E DETAILED LAND USE POLICIES

E1 Introduction

This section provides policies related to the various land use categories shown on schedules A and B. These policies shall not be considered in isolation, and shall be interpreted with all other relevant goals, objectives, and policies contained within this plan.

E1.1 Land use designations

Schedules A and B place all lands within the primary settlement areas of Durham and Neustadt into the following land use designations:

- Residential
- Downtown commercial
- Downtown commercial transitions
- Highway commercial
- Industrial
- Institutional
- Open space
- Environmental protection
- Future development

Schedules A and B are not intended to designate lands based on their current land use but are designed to identify the most appropriate use of the lands over the long term based on good planning principles.

E2 Residential

E2.1 Goal

This Official Plan shall strive to provide an appropriate supply of affordable, attainable, and desirable residential unit types and densities for the present and future use of Durham and Neustadt.

E2.2 Objectives

- a) To ensure that an appropriate range of housing types and densities are available and provided in the primary settlement areas of Durham and Neustadt as well as an appropriate supply of rental housing, to meet the projected needs of current and future residents.
- b) To encourage the provision of housing which is affordable and attainable for low- and moderate-income households by permitting and encouraging all form of residential unit types to meet the social, health and well-being requirements of the current and future residents.
- c) To ensure that there is a 25-year supply of land designated for residential development.



- d) To encourage residential development which efficiently utilizes the land, resources, infrastructure, and public service facilities of the Municipality.

E2.3 Permitted uses

The predominant use of land within the residential designation shall be residential dwelling units. The types of residential units 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 complimentary 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 E2.10
- Child care centres and home child care in accordance with E2.11
- Home occupations in accordance with E2.12
- Bed and breakfast establishments in accordance with E2.13
- Institutional uses in accordance with E2.14
- Open space uses in accordance with E2.15
- Neighbourhood commercial uses in accordance with E2.16

E2.4 General Policies

- a) A wide range of housing types and densities shall be permitted within the residential designation, subject to the policies of this plan.
- b) New residential development shall be serviced with municipal water and sanitary sewer. This policy notwithstanding, consideration may be given to allowing for limited development on partial or private services in accordance with Section H1.2 of this plan, with such limited development requiring amendments to the plan and the comprehensive zoning by-law.
- c) New residential development shall occur by intensification, infilling and expansion.
- d) Residential development through intensification shall be encouraged to represent 10% of the new residential dwellings being established within the primary settlement areas of Durham and Neustadt and is intended to retain small town character and revitalize downtown areas through:
 - Supporting increased densities in newly developing areas with a broad mix of housing types and integrated mixed-use developments, accessible housing and integrated services, and housing forms.
 - Facilitating intensification in all areas within settlement areas including adaptive re-use or redevelopment of sites that previously had development and underutilized lands.



- Encouraging the addition of housing above commercial uses in and near the downtown, in residential transition areas, and in other main commercial areas.
 - Encouraging intensification along major roadways and arterial roads.
 - Conserving built heritage, cultural heritage landscape, and archaeological resources where feasible, as built-up areas are intensified and infilled, promoting construction distinguishable from, while sensitive and complementary to, existing built fabric and the overall streetscape attributes.
 - Encouraging intensification which results in new rental accommodation.
 - Encourage a wide range of housing types to support affordable and attainable housing and the additional residential unit policies in alignment with the County of Grey Official Plan.
 - Ensuring adequate infrastructure is, or will be, established to serve the anticipated development.
- e) A minimum development density of 25 dwelling units per net hectare shall be achieved for all new subdivisions, condominiums, or other multi-unit / multi-lot developments.
- f) The Municipality shall encourage a mixture of ownership and rental residential units for new residential development.
- g) 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.
- h) The Municipality shall encourage new residential unit types both rental and ownership to be affordable and attainable. Additional residential units, semi-detached, duplex, townhouse and apartment units will provide the bulk of affordable housing opportunities.
- i) The Municipality shall strive to achieve a minimum target of 30% of new housing within West Grey to be affordable, with the understanding that most of the affordable housing will be developed within the primary settlement areas of Durham and Neustadt. The Provincial Policy Statement defines “affordable housing” as:
1. In the case of ownership housing, the least expensive of:
 - i) housing for which the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual household income for low- and moderate-income households; or



- ii) housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the regional market area.
- 2. In the case of rental housing, the least expensive of:
 - iii) a unit for which the rent does not exceed 30% of gross annual household income for low- and moderate-income households; or
 - iv) a unit for which the rent is at or below the average market rent of a unit in the regional market area.
- j) For certain projects, subject to the limitations of enabling legislation, 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.
- k) The Municipality shall promote, and where possible, assist in the administration of County, Provincial and Federal housing programs.
- l) To assist in meeting the density target and to promote special needs housing, rental, affordable and attainable residential units, 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.
- m) 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.
- n) The Municipality shall encourage the conservation and rehabilitation of existing residential buildings to maintain and, in certain circumstances, improve the housing standards within the community.
- o) The demolition of rental units is discouraged, except where full replacement of the rental units is also being proposed.
- p) 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.



- q) The Municipality shall support the development of new social or special needs housing by the County, not-for-profit groups, or private sector companies. This form of accommodation is considered “non-market” housing and refers to housing that is provided or owned by the public or private non-profit organizations and is targeted towards a specific at-risk population including people who have specific needs beyond economic needs, the unemployed, physically and intellectually disabled people, those suffering from addictions, people with mental health illnesses, the terminally ill, and victims of domestic violence, and also includes public long-term care facilities.

E2.5 Low density residential policies

For clarification on the terms associated with this section please refer to section S.

- a) The establishment of an additional residential unit within a detached dwelling, semi-detached dwelling, rowhouse ancillary , or within an ancillary building (i.e., garden suite) may be permitted subject to the following:
 - i. The areas within the primary settlement areas of Durham and Neustadt where additional residential units are permitted within a detached dwelling, semi-detached dwelling, rowhouse, or ancillary structure shall be identified in the comprehensive zoning by-law.
 - ii. Two (2) residential units are permitted in a detached house, semi-detached house or rowhouse within the primary settlement areas of Durham and Neustadt provided all buildings and structures ancillary to the detached house, semi-detached rowhouse cumulatively contain no more than one (1) residential unit.
 - iii. Three (3) residential units in a detached house, semi-detached house or rowhouse is permitted within the primary settlement areas of Durham and Neustadt provided no building or structure ancillary to the primary dwelling unit contains a residential unit.
- b) 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 a Temporary Use By-law is contained within G5.
- c) The comprehensive zoning by-law shall stipulate the minimum floor area for additional residential units. In the case of garden suites, the provisions shall also contain regulations for lot line setbacks.
- d) The additional residential unit shall meet all Building Code and Fire Code requirements.
- e) Municipal water and sanitary sewer must service the additional unit.



- f) Sufficient off-street parking shall be provided in accordance with the Municipality's comprehensive zoning by-law unless an agreement for off-site parking has been executed.

E2.6 Medium and high-density residential policies

For clarification on the terms associated these uses please refer to section H.

- a) 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 ones and a high-density zone in the comprehensive zoning by-law.
- b) Medium density residential housing is strongly encouraged within the residential designated lands within the primary settlement areas of Durham and Neustadt and will likely be required in more new multi-lot or multi-unit developments to achieve the minimum density requirements of this plan. High density residential housing units shall also be encouraged in appropriate locations.
- c) The following shall be taken into consideration when reviewing the appropriateness of new medium and high-density development:
 - i) The proposed use shall generally be compatible with existing uses in 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 the proposed use can co-exist with the existing nearby built form without causing undue adverse impacts with regarding 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 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.



- d) 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 residents on the property and to minimize any potential impact on adjacent lower density uses.
- e) 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.
- f) All medium and high-density development over ten (10) units may be subject to site plan control.

E2.7 Additional Residential Units (ARUs)

ARUs shall be defined as a separate dwelling unit containing a bathroom and separate cooking facilities and contained within the structure of a single detached or semi-detached residential dwelling or in a building or structure ancillary to a single detached or semi-detached residential dwelling unit and may be established in accordance with the following:

- a) Not more than two ARUs are permitted in association with an existing legal dwelling unit on a lot and a lot may not contain more than two ARUs.
- b) All requirements of the zoning by-law, the Ontario Building Code, the Ontario Fire Code, the property standards by-law, and relevant municipal and provincial regulations can be satisfied.
- c) Adequate on-site parking to serve the ARU on one driveway.
- d) Municipal services and community facilities are adequate to meet the anticipated demand in the neighbourhood to the satisfaction of the municipality.
- e) The outward appearance of the principal dwelling is not changed, and the neighbourhood character is maintained.
- f) The addition of ARUs shall be implemented within the comprehensive zoning by-law.

E2.8 Residential intensification

The Municipality will support innovative residential development that meets the Municipality's housing objectives. Housing intensification, infill development, and/or conversion of non-residential buildings to a residential use is supported subject to the following policies:



- a) The proposed development meets locational and other criteria of this plan.
- b) The type, size and scale of the proposed development is compatible with adjacent development and planned land use.
- c) The existing infrastructure, including sewer and water services, can support additional development.
- d) The existing community and recreational facilities, such as schools and parks are adequate to meet the additional demand.
- e) Required parking can be accommodated.
- f) The local road network can accommodate any additional traffic.
- g) Intensification of a heritage building or a building in a Heritage Conservation District shall be subject to the protection and preservation of the heritage character of the building or area in accordance with Heritage Conservation policies.

Within the primary settlement areas of Durham and Neustadt a minimum residential density of 25 units per net hectare will be achieved for new residential development. In calculating the minimum residential development densities, the possibility for future additional residential units (ARUs) shall not be included in the density calculation.

E2.9 Dwelling unit conversion and housing renewal

The conversion of larger single detached dwellings into multiple units shall be permitted subject to the policies of Section E2.8 above and the applicable zoning by-law.

To ensure the better use of existing resources, and to enable or facilitate intensification, the municipality will support the maintenance, rehabilitation, and renewal of housing in existing developed areas through such means as:

- a) Regular maintenance and/or improvement of the existing water, sanitary and stormwater services.
- b) Regular maintenance and/or improvement of existing community and recreational facilities.
- c) Use of federal and provincial programs to fund improvements to existing communities.
- d) Enforcement of the Property Standards By-law.

E2.10 Group Homes, Auxiliary Group Homes, and Crisis Care Group Homes

For clarification on the terms associated with these uses please refer to section H.

- a) The comprehensive zoning by-law shall permit a group home or auxiliary group home within a detached dwelling unit located in a residential zone that permits a single detached dwelling unit. Separation distances may be considered to address parking, lot coverage, etc. Group homes must conform to the policies of E2.10(c).



- b) The comprehensive zoning by-law may identify a crisis care facility as a permitted use within a specified residential zone, or the Municipality may permit a crisis care facility by way of an amendment to the comprehensive zoning by-law where such use is deemed appropriate and provided such use conforms with the policies of E2.10(c).
- c) 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.
- d) A group home, auxiliary group home or crisis care facility shall be subject to Site Plan Control. Site Plan Control 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 unit in relation to floor space and number of bedrooms, outdoor amenity areas, parking, etc.

E2.11 Child Care Centres and Home Child Care

For clarification on the terms associated with these uses please refer to section S.

- a) Child care centres and home child care shall be permitted within the residential land use designation, subject to the provisions of the comprehensive zoning by-law which shall, among other things, identify the residential zones in which child care centres and home child care are permitted and require sufficient parking.
- b) Child care centres and home child care shall be licensed by the Ministry Education as per the Childcare and Early Years Act, 2014 or its successor.
- c) Child care centres may be subject to site plan control.

E2.12 Home Occupations

For clarification on the terms associated with this use, please refer to section S.

Home occupations shall be permitted within the residential designation, subject to the provisions of the comprehensive zoning by-law which shall:

- a) Identify the residential zone 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 or attached garage, 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.
- h) Provide other regulations deemed necessary by the Municipality.

E2.13 Bed and Breakfast Establishments

For clarification on the terms associated with this use, please refer to section S.

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

- a) Identify the residential zones in which bed and breakfast establishments shall be permitted.
- b) Require bed and breakfast establishments to be completely located within the single detached 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 appearance of the dwelling unit to be maintained and control the size of the exterior signs.
- g) Require appropriate off-street parking.
- h) Provide other regulations deemed necessary by the Municipality.

E2.14 Institutional Uses

For clarification on the terms associated with these uses, please refer to section S.

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 E7 of this plan and shall be placed in the institutional zone within the comprehensive zoning by-law.



E2.15 Parks and Open Space

For clarification on the terms associated with these uses, please refer to section S.

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 E8 of this plan, and shall be placed in an open space zone within the comprehensive zoning by-law.

E2.16 Neighbourhood Commercial Uses

For clarification on the terms associated with these uses, please refer to section S.

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 needs of the residential neighbourhood. Such uses include hair salons, convenience stores, and dry-cleaning 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 the 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 comprehensive 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 neighbourhood.
- g) Neighbourhood commercial development shall be subject to site plan control.

E2.17 Exceptions

F2.17.1 Exception: GLENELG Con 2 EGR Pt Lot 61; Plan 500 Pt Park Lots 9 TO;15 N South St E Pt Rock St; Pt South Street E RP 16R11435; Parts 2 3 6 to 8 10 and 11, (ROCKWOOD) Durham

The subject lands shall not be severed or otherwise conveyed independently from the adjacent industrial lands to which the lands were attached on the day



of the adoption of Official Plan Amendment No. 3 until such time as the Municipality has reviewed a detailed development proposal for all of the residential lands and is satisfied that one (1) no portion of the industrial lands is required for municipal roads; and two (2) all land use compatibility issues involving proposed residential development and the existing aggregate operation have been resolved in accordance demonstrate compliance with the Ministry of the Environment and Climate Change D-6 Guidelines (Compatibility between industrial facilities and sensitive land uses)

- a) A record of site condition (ROSC) addressing historical use of the site and possible soil contamination shall be submitted to the Municipality when a detailed development proposal is being considered for this site.

E2.17.2

Exception: 696 Queen Street (GUTZKE), Neustadt

Notwithstanding their residential designation, on those lands designated residential on schedule A to this plan and noted within the text see section E2.17.2, the following shall apply:

- a) No new lot creation or new permitted uses, as identified in section F2.4 shall be permitted or applied for until such time as a build-out of 24 dwelling units within the plan of subdivision 42T-91011 (or any successor thereto) has been completed. For the purposes of this policy, 'build-out' shall be defined as the registration of the plan of subdivision and the subsequent construction of dwellings (foundations) on the lots. In the interim, existing uses, or minor extensions of existing uses, shall be permitted on the subject lands, prior to the registration and the build-out of the plan of subdivision or plan of condominium, and new residential uses will be permitted, without the need for a further amendment to this plan.

The above shall not restrict red-line revisions to the plan of subdivision 42T-91011 (or any successor thereto) on part lots 1 and 2, concession 13 in the geographic village of Neustadt that would have the effect of changing the lot boundaries or intensifying the plan of subdivision.

F1 Downtown Commercial

F1.1 Goal

This Official Plan shall strive to establish and maintain the downtown areas of Durham and Neustadt as the business, cultural, social and recreation focal point of these primary settlement areas.



F1.2 Objectives

- a) To promote the downtown areas of the primary settlement areas of Durham and Neustadt as the focal point for the provision of goods and services to the residents of the entire Municipality.
- b) To encourage a mix of uses, including nighttime activities to enhance the viability of the downtown area.
- c) To improve and protect the historical and architectural charm of the downtowns.
- d) To revitalize older buildings and beautify the streetscape to improve the aesthetic nature of the downtown areas with the assistance of the Community Improvement Plan.
- e) To provide cultural and recreational activities within the downtown areas.
- f) To promote the pedestrian aspect of the downtown areas, encourage open space uses and promote active transportation.

F1.3 Permitted Uses

- a) A variety of commercial and non-commercial uses shall be permitted within the downtown commercial designation including, but not limited 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.

F1.4 General Policies

- a) All new commercial development shall be directed to the downtown areas apart from neighbourhood commercial uses or commercial establishments which require a large amount of land, and which are consistent with the highway commercial designation.
- b) Development involving retail stores, professional and business offices, restaurants, and service shops shall be strongly encouraged in the downtown areas as a means of creating a strong base for successful and vibrant core areas.
- c) Commercial uses that attract both local and tourist-based business and support more than a standard 9-5 environment, such as restaurants and entertainment facilities, shall be encouraged in the downtowns.
- d) Residential intensification shall be encouraged by promoting accessory residential dwelling units. Such residential dwelling units shall be located to the rear or above the principal use and shall provide appropriate parking.
- e) Major institutional, government and service uses shall be encouraged within the downtown areas to, among other things, reinforce the role of the core



area as the community's primary business, cultural and administration centre.

- f) Special events that attract large volumes of people to the downtown areas shall be promoted.
- g) 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 setback shall be promoted and parking within the front yard shall be prohibited.
- h) All development within the downtown areas shall be in keeping with the scale, density, nature and heritage character of the area. The highest quality of urban design will be encouraged.
- i) Downtown area 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. The Community Improvement Plan (CIP) will provide assistance in addition to other partnerships with the private sector to improve these areas.
- j) Outside storage of supplies or waste materials will be discouraged unless appropriately screened.
- k) Development within the downtown areas may be subject to Site Plan Control.
- l) The Municipality shall endeavor to provide adequate parking facilities for all permitted uses within the downtown area, except for land uses requiring overnight accommodation such as hotels or residential uses in which case the owners shall provide the required parking.

F2 Downtown Commercial Transition

F2.1 Goals

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.

F2.2 Objectives

- a) To establish a defined area immediately south of Durham's downtown commercial area where small-scale commercial uses and residential uses are permitted.



- b) To ensure that all new development within the downtown commercial transition area contributes to the purpose and character of Durham's downtown commercial area.

F2.3 Permitted Uses

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

F2.4 General Policies

- a) Permitted commercial uses will generally occur within the existing residential dwelling units. New development or redevelopment shall occur in such a manner that maintains the residential character of the dwelling and the surrounding neighbourhood.
- b) Parking shall be provided in accordance with the parking requirements of the comprehensive zoning by-law.
- c) Outside storage of supplies or waste materials will be prohibited.
- d) All development involving medium density residential dwelling units or non-residential uses shall include appropriate visual screening and buffering to mitigate any potential land use conflicts with adjacent low density residential uses.
- e) Development may be subject to site plan control.

F3 Highway Commercial

F3.1 Goal

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.

F3.2 Objectives

- a) To encourage highway commercial development that does not compete on a functional basis with the downtown areas.
- b) To provide opportunities for a range of commercial uses in the highway commercial areas that cannot be reasonably accommodated in the downtown due to their size and / or nature.

F3.3 Permitted Uses

The predominant use of the lands 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.



F3.4 General Policies

- a) 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 to create an attractive streetscape.
- b) Access points to the parking areas shall be limited in number and designed to ensure safe ingress and egress for vehicular and pedestrian traffic.
- c) Adequate buffers between highway commercial development and adjacent non-commercial uses shall be provided to minimize potential land use conflicts.
- d) Accessory residential dwelling unit may be permitted provided they are located to the rear and / or above the principal highway commercial use.
- e) Outdoor storage areas shall be substantially screened from public view.
- f) Development in the highway commercial designation may be subject to site plan control.

F4 Industrial

F4.1 Goal

- a) This official plan shall strive to diversify the economy and employment basis by providing opportunities within the primary settlement areas of Durham and Neustadt for clean industrial uses.

F4.2 Objectives

- a) To provide an adequate supply of vacant, serviced, industrial land within the primary settlement areas of Durham and Neustadt to attract new industrial development to the Municipality.
- b) To encourage the expansion of industrial uses.
- c) To encourage existing industrial uses situated outside of the Industrial designated area to relocate to lands designated as industrial.

F4.3 Permitted uses

- a) The predominant use of the land within the Industrial designation shall be the manufacturing, fabricating, processing, assembling, repairing, and storing of goods, materials, and 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 service the industries or employees shall also be permitted.

F4.4 General policies

- a) All industrial 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.



- b) Cannabis production and processing shall be considered a permitted use in the Industrial designation under Section F4, subject to the following:
 - i) Cannabis production and processing shall mean lands, buildings or structures used for propagating, cultivating, producing, processing, testing, destroying, packaging and/or shipping of Cannabis authorized by a License issued by the federal Minister of Health pursuant to the Cannabis Act and its regulations as amended from time to time, or any successors thereto. This definition does not include the personal accessory production of up to four Cannabis plants per residence.
 - ii) a site-specific amendment to the Comprehensive Zoning By-law is required to permit any cannabis production and processing.
 - iii) minimum setbacks from sensitive uses such as residential, institutional, and open space shall be taken into consideration when evaluating a site-specific amendment to mitigate possible odour concerns.
 - iv) all activities associate with cannabis production and processing, including loading spaces and storage, must be conducted within a fully enclosed building.
- c) Industrial uses shall be set back from residential land or other sensitive land uses in accordance with the Ministry of the Environment Guidelines D-6 (Compatibility between Industrial Facilities and Sensitive Land Use).
- d) New industrial development shall take into consideration adjacent land uses to promote a harmonious flow of development along the streetscapes within the primary settlement areas of 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.
- e) Development in the Industrial designation may be subject to site plan control.
- f) 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.
- g) Open storage areas shall be located in the rear and interior side yards and shall be substantially screened from public view.
- h) Additional landscaping shall be provided where Industrial uses abut Residential uses.
- i) Residential units shall not be permitted on Industrial lands.
- j) 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 and obtain a record of site condition (ROSC), prior to consideration of the change in land use.



F5 Institutional

F5.1 Goals

This official plan shall ensure the provision of education, institutional and cultural facilities in suitable locations to adequately serve all interest groups.

F5.2 Objectives

- a) To recognize and permit major institutional uses which serve the needs of the community.
- b) To promote the use of public facilities as multi-use purposes for the entire Municipality.
- c) To promote education and training facilities within the primary settlement areas of Durham and Neustadt.
- d) To promote the co-operative use of community facilities with neighbouring municipalities.
- e) To promote the development of cultural facilities.

F5.3 Permitted uses

- a) The predominant use of land within the Institutional designation shall 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.

F5.4 General policies

- a) Institutional uses shall also be permitted within the residential and downtown commercial designations without an amendment to the Official Plan.
- b) Institutional uses shall be located and designed in such a manner that adjacent land uses would not be significantly impacted.
- c) Adequate buffering shall be provided between Institutional uses and adjacent residential uses.
- d) 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.
- e) The grouping of institutional uses shall be encouraged.
- f) The shared use of institutional facilities shall be encouraged.
- g) New institutional uses should be strategically located to properly serve the intended users. Consideration should be given to the proximity of the proposed institutional use, where applicable, to collector and arterial roads, other institutional uses, and the area it is intended to serve.
- h) 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.



- i) Institutional development may be subject to site plan control.
- j) The institutional designation applies to an active landfill site in the primary settlement area of Durham which is labeled 'active landfill' on schedule A. No development or site alteration shall be permitted within 500 metres of this site unless a D-4 study (per MECP D-4 Guidelines or its successor) is provided. Such study must identify that the lands to be developed are secure from potential methane gas and / or leachate migration from the land fill site and / or identify remediation measures required prior development approval being granted.
- k) The institutional designation applies to closed landfill sites in the primary settlement areas of Durham and Neustadt, which are labeled 'closed landfill' (previously evaluated sites) on schedules A and B to this plan.
 - i) An environmental evaluation of the closed landfill (previously evaluated sites) in the primary settlement area of 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 testing 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:
 - 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.
 - Given that the 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 provision (-h) will be applied to the lands noted above, within the implementing Zoning By-law.



- l) An environmental evaluation of the closed landfill in the primary settlement area of 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 property with regard to groundwater contamination, surface water contamination or the general of landfill gases (particularly methane). The evaluation recommended that a 30-metre buffer be applied around the 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 provision (-h) will be applied to the lands noted above, within the implementing Zoning By-law.

F6 Open Space

F6.1 Goal

- a) 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 the primary settlement areas of Durham and Neustadt.

F6.2 Objectives

- a) To promote healthy, active lifestyles for the residents of West Grey.
- b) To ensure the adequate provision of passive and active open space facilities to satisfy the recreational needs of residents and to support tourism.
- c) To promote the protection of lands which add to the aesthetics of the communities and / or have important natural qualities.

F6.3 Permitted uses

- a) The predominant use of the land within the Open Space designation shall be various forms of public and private open spaces 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.

F6.4 General policies

- a) Open space uses shall also be permitted within the residential and downtown commercial designations without an amendment to the plan.
- b) The multiple use of publicly owned Open Space areas shall be encouraged to serve a variety of users.



- c) Open space areas shall be promoted through signage and other forms of advertising to attract the travelling public and tourists, where appropriate.
- d) 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, as amended. Council shall choose the specific location of the new park, and in doing so, shall take into consideration the following:
 - i. The park shall be centrally located, visible and accessible to neighbourhood residents, including those living adjacent to the proposed development.
 - ii. The park shall be properly drained and physically suitable for functional use; and
 - iii. Details regarding the responsibilities for developing the park and providing park facilities and equipment shall be established.
- e) Council may accept cash-in-lieu of the whole or part of the parkland dedication under the following circumstances:
 - i. Adequate parkland is already available to serve the needs of the neighbourhood, in the opinion of Council.
 - ii. The land would be unsuitable for park purposes in terms of size, shape, or location, in the opinion of Council.
 - iii. 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.

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

F6.5 Trails

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

F7 Environmental Protection

F7.1 Goal

- a) This Official Plan shall strive to protect and preserve lands having inherent physical and environmental constraints to development to avoid potential danger to life or property.

F7.2 Objectives

- a) To identify those areas of the primary settlement areas of Durham and Neustadt which represent a risk to development and to direct development away from such areas.



F7.3 Permitted uses

- a) 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 watercourse protection works or bank stabilization projects, or where such are for public utilities, or accessory structures to a permitted passive outdoor recreational use.

F7.4 General policies

- a) 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 of combinations. The flood plain is defined as the extend of flood from the Hurricane Hazel Flood Event Standard.
- b) The two (2) zone policy shall be used for managing floodplain lands along the Saugeen River in the primary settlement area of Durham, and Meux Creek and some of Neustadt Creek in Neustadt:
 - Floodway and flood fringe
- c) No structural development is permitted within the floodplain zone.
- d) 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.
- e) Notwithstanding policy E9.4(d), 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 in appropriate for a flood plain location. These land uses may include institutional uses such as hospitals, schools, and nursing homes and essential emergency services, such as fire, police, and ambulance stations, and uses involving hazardous substances.
- f) 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.



F7.5 Ontario Regulation 169/06
Development, Interference with Wetlands, and Alterations to Shorelines and
Watercourses Regulation

- a) In the primary settlement areas of Durham and Neustadt O.Reg 169/06 is administered by the Saugeen Valley Conservation Authority (SVCA). The extent of the regulation limits is generally indicated on schedules A and B to this plan with 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, 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.
- b) For all other watercourses, including the upstream portion of Neustadt Creek, floodplains 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.
- c) 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 F1 of this plan.
- d) The Municipality and / or the SVCA may require the proponent to submit an Environmental Impact Study in accordance with section F1.6 of this plan for any development within the environmental protection designation, on lands within the flood fringe or regulated overlay areas, significant woodlands, areas adjacent to these features, or within any other area of the Municipality where natural heritage features have been identified or potentially identified to exist.
- e) Where land designated Environmental Protection is under private ownership, this 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 SVCA. Consideration shall be given to the following:



- i) The potential impacts of these hazards; and
 - ii) The proposed methods by which these impacts may be overcome in a manner consistent with accepted engineering techniques and resource management practices; and
 - iii) The costs of any engineering work and / or resource management practices needed to overcome these impacts.
- f) The responsibility for justifying the redesignation of environmental protection lands to another land use designation rests entirely with the individual requesting the redesignation. There is no obligation to the Municipality to redesignate the lands where there is an existing or potential hazard that would be difficult or costly to overcome.
- g) Notwithstanding section E9.5(d) minor adjustments to the boundaries of the environmental protection designation or flood fringe overlay may occur without an amendment to this plan, provided that any new changes are recognized through the comprehensive zoning by-law and the intent of the policies of this plan are maintained.
- h) Nothing in this plan shall prohibit the continuation of any use within the environmental protection designation which was legally established on the date of adoption of this 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 or relocating the buildings or structures outside of the hazard areas has been assessed. In no instance shall the ground floor area or height or volume of the previously structure be exceeded. In reconstructing the use, the owner shall incorporate floodproofing measures, where applicable. Permission is required from the SVCA in accordance with regulation 169/06 prior to reconstruction.

F8 Future Development

F8.1 Goal

- a) This official plan shall delay placing a land use designation, other than future development, on certain lands within the primary settlement areas 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.

F8.2 Objectives

- a) To designate an adequate amount of land within the primary settlement areas of 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.



- b) 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.
- c) To prohibit development on future development lands in order to not jeopardize their future and orderly growth.

F8.3 Permitted uses

- a) Lands within the future development designation shall only be used 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 unit.

F8.4 General policies

- a) In addition to the permitted uses identified in Section E10.3, expansions to existing, non-livestock buildings may be considered, subject to the provisions of the Comprehensive Zoning By-law.
- b) 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 the settlement area for the proposed land use and that full municipal services can be made available by the proponent.
- c) The creation of new lots within the future development designation shall not be permitted.

F9 Exceptions

G9.1 Exception: Part Lot 1, Concession 13, geographic Village of Neustadt

Notwithstanding policies contained within section E2 and D10 to the contrary, on those lands described above and identified on schedule A, one detached dwelling and accessory structure may be erected and serviced with a private sewage disposal system and private well. In no instance shall the lands be subdivided unless all proposed parcels, including the lot containing the detached dwelling unit, are to be serviced with municipal water and sanitary sewer services.

F9.2 Exception: Part Lot 1, Concession 13, RP16R6835, PT 1, geographic Village of Neustadt

Notwithstanding policies contained within section E2 and D10 to the contrary, on those land described above and identified on schedule A, one detached dwelling unit and accessory dwelling unit may be erected and serviced with a private sewage disposal



system and municipal water. In no instance shall the lands be subdivided unless all proposed parcels, including the lot containing the single detached dwelling unit, are to be serviced by municipal water and sanitary sewer services.

PART G GENERAL DEVELOPMENT POLICIES

G1 Environment

- a) In addition to applying land use designations, schedules A and B to this plan also identify flood fringe and regulated area.
- b) 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.
- c) The policies pertaining to the flood fringe and regulated area are provided in section E9.4 and E9.5 of this plan.

G1.2 Natural Heritage Features and Environmental Impact Studies

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:

- i. Significant habitat of threatened or endangered species
- ii. Fish habitat
- iii. Significant valleylands
- iv. Significant wildlife habitat
- v. Significant wetlands
- vi. Areas of natural and scientific interest
- vii. Significant woodlands

G1.3 Significant habitat of threatened or endangered species

Mapping is not available for significant habitat of threatened or endangered species, fish habitat, significant valleylands and significant wildlife habitat. As mapping becomes available schedules A and B will be amended accordingly. The following policies apply:

- i. 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 F1.6 of this plan.
- ii. No development or site alteration shall occur within an area identified as having significant habitat of threatened or endangered species.



- iii. 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 F1.6 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.
 - iv. No development or site alteration may occur within an area identified as having 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 are permitted within the adjacent lands to fish habitat unless an environmental impact study, in accordance with F1.6, has demonstrated that there will be no negative impacts on the natural features or their ecological functions.
- a) Redside dace is a fish species that resides in Meux Creek in the primary settlement area of 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 redbside 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 redbside dace habitat.

G1.4 Significant wetlands, areas of natural and scientific interest and significant woodlands

- a) 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.
- b) According to the County of Grey Official Plan, there are no significant wetlands or areas of natural and scientific interest within or adjacent to the primary settlement areas of Durham and Neustadt, therefore no policies are provided in this plan regarding those two features.
- c) Significant woodlands are situated within both settlement areas and are identified on appendices A and B to this plan.



G1.5 Significant woodlands

- a) Significant woodlands are situated within both primary settlement areas of Durham and Neustadt and are identified on appendices A and B to this plan. The policies for significant woodlands are as follows:
- i. 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 desktop based geographic information systems (GIS) exercise. 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.
 - ii. To be considered significant within a settlement area, the woodland must be greater than, or equal to, four (4) hectares in size.
 - iii. No development or site alteration shall occur within significant woodlands or their adjacent lands unless it has been demonstrated through an environmental impact study (EIS), in accordance with section F1.6, 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.
 - iv. Notwithstanding subsection (iii) above, projects undertaken by the County, Municipality, or the Saugeen Valley Conservation Authority may be exempt from the EIS requirements provided said project is a public work or conservation project.
 - v. Notwithstanding section (iii) above, tree cutting, and forestry will be permitted in accordance with the County of Grey's Forest Management By-law No. 4341-06.
 - vi. Notwithstanding sections (iii) and (v), fragmentation of significant woodlands is generally discouraged.
 - vii. Some lands in Durham and Neustadt may be considered adjacent lands to a significant woodland located outside of the defined primary settlement areas. The County of Grey mapping shall be reviewed when considering development proposals on lands located outside of the settlement areas and the associated adjacent lands within the primary settlement areas. The policies of F.1.5(iii), (iv), (v), and (vi) shall apply.

G1.6 Other wetlands

- a) 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 associated adjacent lands unless it has been demonstrated through an EIS in accordance with section F1.6 that there will be no negative



impacts on the natural features or on their ecological functions. The adjacent lands are within 30 metres of other wetlands.

- b) Notwithstanding the wetland mapping referred to in sections F1.4(a), F1.4(b), and F1.5(a), there may be some wetlands within the primary settlement areas of Durham and Neustadt that have not been evaluated and mapped, and therefore the wetland mapping and evaluations are considered incomplete. The unevaluated wetlands within these two settlement areas are likely to be included in the environmental protection designation or the flood fringe overlay and may be shown as other wetlands on appendices A or B of this plan. 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 undertaken.

G1.7 Environmental impact Study (EIS) policies

The following policies apply to the preparation of an EIS:

- a) An environmental impact study is a study to identify and assess the potential impacts of a specific development proposal on known potential sensitive areas.
- b) The Municipality, along with the assistance of the County and / or the SVCA, 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 be dependent on the specific scenario being proposed. Where small development (i.e., lot creation) encroach slightly on sensitive lands, a scoped EIS may be warranted. Larger more complex proposals (i.e., Plan of Subdivision) are more likely to warrant a full EIS.
- c) In situations where any of the natural features identified in section F1.2 and / or any other wetlands 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.
- d) Wherever possible, the recommendations of the EIS will be implemented through a zoning by-law amendment, site plan control or other means.
- e) The Municipality may waive the requirement for an EIS when one or more of the following applies:
 - i. Development is subject to duplicate or similar environmental assessment process.
 - ii. Development is minor in nature.
 - iii. Site conditions for proposed development are of a minor nature where the preparation of an EIS would serve no useful purpose for the protection of significant environmental features.
- f) The Municipality may seek outside independent advice as to whether the proposed development is minor in nature; an EIS would serve any useful purpose; and / or the adequacy of a duplicate environmental assessment process.



G1.8 Environmental impact study components

Components of the EIS will generally include:

- a) A description of the natural environment, including both physical form and ecological function.
- b) A summary of the development proposal.
- c) A prediction of potential direct, indirect, and cumulative effects of development compared with overall environmental goals.
- d) An identification and evaluation of options to avoid impacts.
- e) An identification and evaluation of options for mitigation or rehabilitation, including setbacks.
- f) An implementation plan.
- g) An evaluation of the need for a monitoring program.

PART H CLOSED LANDFILL SITES / CONTAMINATED SITES

H1 Location

The primary settlement areas of Durham and Neustadt both contain a closed landfill site, as identified on schedules A and B respectively.

H2 Evaluation and Policies

To address the requirements of the Ministry of Environment Guideline D-4 (Land Use on or Near Landfills and Dumps) and evaluation of the two (2) landfills was conducted. The recommendations of these two studies are incorporated under sections E7.3(k) and E7.3(l) of this plan. These policies have also been incorporated into the comprehensive zoning by-law.

H3 Contaminated sites and record of site condition

- a) Contaminated soils may be present on certain lands within Durham and Neustadt.
- b) 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 ROSC process which determines the nature and extent of the contamination and any remedial measures required to clean up the site.
- c) Prior to any development application being considered, all recommended remediation measures shall be undertaken, and the ROSC shall be filed with the Environmental Site Registry Office in accordance with the Environmental Protection Act, R.S.O. 1990)

PART I PROTECTION OF DRINKING WATER SOURCES

I1 Goal

The Municipality shall require that all decisions, including those made under the Planning Act and Condominium Act, conform to the significant drinking water threat



policies found in the Grey Sauble Source Protection Plan approved by the Ministry of the Environment, Conservation and Parks (MECP) on October 16, 2015, as amended.

12 Policies

The following policies acknowledge and protect municipal drinking water sources:

- a.) Municipal Intake Protection Zones (IPZs) as identified through the Drinking Water Source Protection (DWSP) program are shown in the County of Grey Official Plan and shall be considered a special protection area within which the requirements of section G2(c) must be fulfilled prior to new development or redevelopment in these areas.
- b.) Municipal IPZ boundaries may be modified by amendment to the County of Grey Official Plan where the geographic extent of the municipal IPZ is modified through further study. It is acknowledged that these boundaries may be subject to change or refinement as part of the DWSP process. The municipality will endeavor to work with the County to keep the information current and will consult with DWSP staff on an application, or site-specific basis, where required. Establishment of a new municipal IPZ shall be subject to an amendment concurrently with the Class Environmental Assessment process.
- c.) Any Planning Act applications proposed within IPZs or WHPAs shall be subject to review by the Municipality and the Municipality's Risk Management Official to assess the risks of such uses to potentially contaminant groundwater or surface water and, based on this assessment, to determine whether a Hydrogeological Study or Environmental Impact Study is required to the satisfaction of the Municipality and the Municipality's Risk Management Official. A hydrogeological study must be completed by qualified individuals.
- d.) Where a hydrogeological study is required to identify any impacts or mitigation measures on the municipal IPZs; the study will be scoped based on the nature of the development being proposed.
- e.) The Municipality shall appointment a Risk Management Official to ensure source protection administration, which may be municipal staff or other qualified body, such as the conservation authority.

PART J GROUNDWATER AND WATERSHED MANAGEMENT

J1 Goal

A goal of this Plan is to maintain and enhance the health and quality of the municipality and its watershed ecosystems using environmental planning documents such as Groundwater Management Plans, and any Watershed and Watershed and Sub-watershed Plans to ensure that impacts from existing and future development are mitigated.



J2 Policies

- a.) This plan recognizes that watershed, sub-watershed, groundwater, and stormwater management planning is integral to the municipal planning process.
- b.) Watershed and groundwater performance criteria shall be determined through terms of reference and utilized in assessing new development proposals, expansion to recreation areas or settlement areas. Monitoring and assessment of performance criteria, measures and mitigation procedures will be established by the municipality, in consultation with the relevant agencies.
- c.) Such matters as hydrogeology, water quality and habitat conditions shall be included in monitoring and assessment.

PART K MUNICIPAL SERVICING POLICIES

K1 Water supply and sewage disposal

The following policies are consistent with the Provincial Policy Statement and the County of Grey Official Plan as they relate to the hierarchy of services.

K1.1 Water and sanitary sewer services

All new development within the primary settlement areas of Durham and Neustadt shall be serviced with municipal water and sanitary sewer services.

K1.2 Service extensions

New development, in some cases will require extension or improvements to the existing water and sanitary sewer service. In these cases, the extensions and / or improvements shall be financed by the developer.

K1.3 Capacity

The Municipality shall not approve consent to sever applications or support an application for a Plan of Subdivision proposal unless adequate uncommitted reserve water and sewage treatment capacity is available to support the development. The availability of uncommitted reserve capacity shall be based on Ministry of the Environment guidelines. The Municipality of West Grey shall not allocate servicing capacity, in the case of a plan of subdivision, until a subdivision agreement has been executed. This will be clearly stated within the draft plan conditions.

K1.4 Draft plan approval extension requests

Where a draft approval of a plan of subdivision is being considered, the Municipality shall only support the extension where uncommitted reserve water and sewage treatment capacity still exists.

In the event other developments cannot be considered due to capacity shortages, the Municipality may choose not to support an extension of draft plan approval where no reasonable attempts to obtain final approval and registration have recently been made. This will provide available units for other proposals to be considered.



K2 Stormwater Management

The following policies apply to new development and are based on policies of the Provincial Policy Statement the County of Grey Official Plan and best practices.

K2.1 Peak flows

Stormwater management is required to ensure stormwater runoff from precipitation is controlled in a manner that does not increase peak flows to any greater extent than pre-development runoff onto adjacent properties or into watercourses that impact on downstream flooding to control erosion and sedimentation and to protect and enhance water quality and aquatic habitat.

K2.2 Stormwater management studies

Where required by the Municipality and / or the SVCA, a development proposal shall be supported by a stormwater management study prepared by a qualified professional to determine the effect of increased 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 at their expense, to the satisfaction of the Municipality and the SVCA.

PART L INFRASTRUCTURE

L1 Road Classification

In addition to applying land use designations and, in some cases, constraint overlays, schedules A and B to this plan also identify the classification of all roads within the Municipality. The classification categories are as follows:

- Provincial Highway
- County Roads
- Municipal Streets
- Unopened Municipal Streets
- New Municipal Streets

L1.1 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 traffic through Durham and the majority of local traffic.
- b) Within the primary settlement area of Durham, Highway 6 is designated as a connecting link. The connecting link in Durham is under the control of the Municipality. That notwithstanding, certain changes and / or improvements to Highway 6 will require approval by the Ministry. The Ministry of Transportation will be consulted on all development proposals that could impact 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 abuts.



- d) The visual impact of development along Highway 6 in Durham will be assessed in relationship to the goals of this plan to ensure an appealing streetscape is maintained.
- e) The Municipality may apply site plan control to any development abutting Highway 6 to ensure the traffic function is not negatively impacted, and the streetscape is maintained. The Ministry of Transportation will be circulated on all site plan applications involving new development abutting Highway 6 in the primary settlement area of Durham.

L1.2 County Roads

- a) Grey Road 4 in the primary settlement area of Durham and Grey Roads 9 and 10 in the primary settlement area of 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 County Roads is subject to the requirements of the County of Grey Transportation Services Department.
- c) The visual impact of development along a County Road in Neustadt will be assessed in relationship to the goals of this plan to ensure an appealing streetscape is maintained.
- d) The Municipality may apply site plan control to any development abutting a County Road to ensure that traffic function is not negatively impacted, and the streetscape is maintained. The County of Grey Transportation Services Department will be circulated on all site plan applications involving new development abutting a County Road.

L1.3 Municipal streets

- a) Municipal streets are those streets which generally carry lighter volumes of traffic and provide linkages to the Provincial and County Road system.
- b) Access to municipal streets is subject to the requirements of the Municipality of West Grey.

L1.4 Unopened municipal streets

- a) Unopened municipal streets shown on schedules A and B of this plan represent municipally owned road allowances which have not been constructed.
- b) The Municipality may restrict development on lands without access to an open and maintained street.
- c) The Municipality shall not be under any obligation to construct or maintain an unopened municipal road.
- d) 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. The Municipality may choose to convey the road allowance to another party where it is considered in the best interest of the Municipality. Conveyance is required to be in conformance with the Municipal Disposal of Lands By-law.
- 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 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 the design, construction,



and approval of the road. The road shall be designed and constructed in accordance with the Municipality's Engineering standards.

- g) Sidewalks shall be required on one side of all new municipal roads where deemed appropriate by the Municipality. The costs shall be borne by the developer.

L1.5 New municipal streets

- a) New municipal streets may be established as part of a development proposal (i.e., plan of subdivision). The establishment of the streets shall be in accordance with Section 8.2(j) of the County of Grey Official Plan. The road pattern of the plan of subdivision shall be in the best interest of the subdivision, the adjoining subdivision, and the settlement area in general. Where possible, new subdivisions should be designed using a grid pattern while avoiding curved 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 for the provision of maintenance of the streets, once assumed.
- b) The streets shall be designed in accordance with Municipal engineering standards and constructed to the satisfaction of the Municipality.
- c) 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.
- d) The developer shall be responsible for all costs associated with the new street.
- e) 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.

L1.6 Transportation Technology Considerations

- a) The Municipality of West Grey will continue to monitor and explore policy considerations for future transportation options. This will include reviewing how to integrate these as part of the complete transportation system and to determine what policy and maintenance considerations will be required to support these transportation options:
 - i. Drones;
 - ii. Autonomous / driverless vehicles and other mobility devices (cars, trucks, wheelchairs, etc.);
 - iii. Car-pooling and car sharing;
 - iv. Shared-economy transportation options; and
 - v. Bikes.
- b) Charging stations for electric vehicles throughout the municipality is encouraged particularly at locations where people park for extended periods of time. New development is encouraged to incorporate charging stations.

L2 Active Transportation

L2.1 General policies

Active transportation includes walking, cycling, movement with mobility aids, skiing, snowshoeing, skating, skateboarding, longboarding, roller blading, or any way to travel that is self-propelled. The provision of active transportation is an important element for the primary settlement areas of Durham and Neustadt.



L2.2 Goals

The following goals support active transportation:

- a) The pursuit and connection of existing trails and future trails, the provision of sidewalks and paved shoulders in settlement areas.
- b) New developments shall be designed to be walkable and bike friendly by including, for example, trails, sidewalks and or paved shoulders, where appropriate.
- c) Tourism and recreational development that support active transportation are encouraged (i.e., outdoor skating venues, snowshoe trails, hiking and biking trails, etc.).
- d) Roads within settlement areas should be designed as complete streets to support all age groups and a variety of travel modes (walking, cycling, walkers, electric scooters, transit, and motorists). Complete streets should also be designed to include street furniture, pedestrian islands to ease street crossings, benches and streetscape features separating pedestrians from traffic such as curbs and street trees.
- e) The development of walkability guidelines, in consultation with the County to assess the walkability of new and existing neighbourhoods. This includes identifying and demarcating safe pedestrian and cycling routes to schools and other community destinations and promoting these routes including consideration of winter maintenance of these routes.

L3 Outdoor lighting

New development and redevelopment shall be designed with responsible lighting practices that create safe outdoor environments and minimize glare and impact to night sky, public view, and surrounding properties. The policies of section 7.14 of the County of Grey Official Plan shall apply.

Lighting plans may be required as part of a complete application.

The municipality may regulate public and private site lighting types through a regulatory by-law or design guidelines.

L4 Telecommunications

L4.1 Goals and Objectives

- a) The municipality supports the provision of high-quality telecommunications services throughout the municipality, including broadband / fibre and cellular services.
- b) For new developments, the installation of fibre or conduit for future fibre should be installed to connect or eventually connect to the overall fibre network currently being developed by the County and SWIFT.
- c) Lot creation for telecommunication towers will be discouraged and instead easements, rights-of-way, or long-term leases will be encouraged. In situations where lot creation is needed it will be necessary for the applicant to demonstrate that the proposed lot will have minimal impact on agricultural, environmental, or aggregate lands, within the primary settlement areas of Durham and Neustadt.
- d) The municipality shall work to ensure the communication and transmission corridors are constructed, maintained, and operated to minimize their impact on the community.



- e) The municipality shall promote and encourage the shared and multiple use of telecommunication towers and corridors for utility uses.
- f) The municipality shall cooperate with commissions and utilities responsible for the regulation, transmission, and delivery.
- g) In considering proposals to locate telecommunications facilities / towers, the municipality shall consider the following:
 - i. Preliminary consultation shall be required between the proponents and the municipality to outline the process to be followed including the requirements for public consultation as well as the documents, drawings and fees required.
 - ii. Proposed towers shall be encouraged to locate in hydro corridors, industrial areas, and building roof-tops within commercial areas and maximize their distance from residential areas.
 - iii. Towers / facilities should be located:
 - To avoid areas of topographical prominence.
 - To avoid natural features, vegetation, and hazard lands.
 - Provide a 250-metre setback from residential, public, and institutional facilities such as schools, hospitals, community centres, day care facilities and senior's retirement residences.
 - Address compatibility with adjacent uses.
 - Provide appropriate site access.
 - Avoid the flight paths to the South Bruce Grey Health Centre heliport.
 - iv. Require removal of deactivated, inactive, or abandoned towers.
 - v. Request proponents to provide notice and undertake public consultations where a facility is closer than 300 metres or six times tower height to a dwelling or residential designation unless the facility is building mounted and does not exceed 25% of the building's height.
 - vi. Require proponents to enter into agreements for the purposes of addressing matters of interest to the municipality.

L5 Community emergency planning

The municipality shall, in accordance with the Emergency Readiness Act, implement the Emergency Management Plan to govern the provision of necessary services during an emergency and work towards attaining a comprehensive level of readiness that includes:

- a) The implementation of guidelines for risk-based land use planning.
- b) The development of a comprehensive community evacuation plan.
- c) The designation and implementation of community dangerous goods routes.



PART M LAND DIVISION POLICIES

M1 General land division policies

- a) All land division shall occur via Plan of Subdivision or, where deemed appropriate by the Municipality, through the consent to sever 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 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, or where such an amendment or minor variance represents good 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 on a year-round basis 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 standards, objectives, and policies for safety and access. Access may also be restricted and / or prohibited along the Provincial Highway or County Roads to ensure safe traffic movement.
 - v. It shall be 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 the 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-consultation with the developer whether a land division proposal shall proceed by a Plan of Subdivision or through the severance process. The creation of five (5) or more lots shall generally be considered through the Plan of Subdivision process at the discretion of the Municipality.

M2 Plans of subdivision

- a) Apart from lot creation along an already constructed public road and generally involving fewer than five (5) 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 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 to the County's decision.
- d) The plan of subdivision approvals process involves two stages: (1) draft plan approval and (2) final approval / registration. Draft plan approval or final approval shall not 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 shall be designed, wherever possible, to provide a grid road pattern and avoid curvilinear 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) Final approval may be granted in phases or for the entire subdivision. If final approval is granted to the entire subdivision the construction of roads and services may be completed in phases. The phasing arrangements shall be stipulated in the subdivision agreement to the satisfaction of Municipality.
- g) **The County will impose conditions as part of draft plan approval which shall include, among other conditions, the requirements for the developer to enter into a subdivision agreement with the Municipality.** Draft plan approval will also identify allocation as per section K1.3 of the this Plan. The agreement is a legal and binding document which ensures that the design and servicing of the subdivision meets 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 ensure that the costs associated with the subdivision area borne by the developer and that the development does adversely impact 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 parkland payment. Policies related to cash-in-lieu of parkland are located within section **E8.4(d)** of this plan.

M3 Consent to sever

- 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 consent to sever application may be considered by the Municipality.
- b) 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, as amended.
- c) The Municipality of West Grey is the delegated approval authority for consent to sever applications.
- d) The Municipality of West Grey will impose conditions of provisional consent approval, which may include the requirements for the developer to enter into an implementing 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 implementing agreement shall ensure that the costs associated with the consent to sever are borne by the applicant and that the development does not adversely impact the finances of the Municipality.
- e) 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 under section E8.4(e) of this plan.

M4 Part Lot Control

- a) Section 50(5) of the Planning Act, R.S.O. 1990, as amended, gives the Municipality the authority to pass a by-law exempting land situated in a registered plan of subdivision from part lot control. This permits the registration of reference plan, which has the effect of dividing the land into larger parcels or to change the 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 contractor would have in ensuring the common party wall between two dwelling units is constructed exactly on the property line.
- b) Requests for part lot control exemption shall be completed and submitted in accordance with the consent to sever 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.
- c) A proposal involving part lot control exemption must conform to this 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 good land use planning.

M5 Deeming by-laws

- a) In certain circumstances, the Municipality may deem it necessary to merge two or more lots within a registered plan of subdivision. Generally, these registered plans of subdivision are older plans that may not be capable of being connected to municipal services and / or do not front on an opened and maintained municipal road.
- b) Requests to deem lots within a registered plan of subdivision may be made to create larger lots to accommodate a larger dwelling unit. In these circumstances, the deeming by-law may conflict with other policies in the Official Plan regarding intensification, efficient utilization of services, affordable housing, etc. In such cases, the deeming by-law shall not be adopted. Council shall consider a request for a deeming by-law in the same manner as a consent to sever application and evaluate the proposal within the context of the Provincial Policy Statement, the County of Grey Official Plan, this plan and any other applicable policy and good planning principles.



PART N BROWNFIELD REDEVELOPMENT

N1 Brownfield sites

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.

N2 Brownfield redevelopment

The Municipality encourages the redevelopment of brownfield sites in Durham and Neustadt 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.

N3 Record of site condition

Brownfield redevelopment shall be subject to the ROSC process as described in section G3 of this plan.

N4 Community improvement area

Brownfield properties should be placed in a community improvement area, as described in section K of this plan, thereby allowing the Municipality to provide grants, loans, or tax incentives to assist in the cost of any clean-up.

PART O COMMUNITY IMPROVEMENT POLICIES

O1 Community improvement areas

The Municipality of West Grey enacted a Community Improvement Plan (CIP) in 2020. The community improvement plan area applies to the entire Municipality of West Grey. Council may choose to modify the 'Community Improvement Project Area' by-law by passing another by-law to replace it.

O1.1 General policy

The goal of the CIP, in part, shall be to foster and coordinate the physical improvements and maintenance of older or dilapidated areas of the primary settlement areas of Durham and Neustadt for environmental, social or community economic reasons. Specifically, the CIP is 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 promote the creation of affordable / attainable housing units.
- c) To address issues which may be particular to one neighbourhood.
- d) To ensure the maintenance and renewal of older housing stock.
- e) To foster redevelopment, reuse and / or maintenance of existing brownfield sites and / or current industrial sites.
- f) To enhance retain and downtown commercial areas within the Municipality.



- g) To encourage the preservation and adaptive re-use of built heritage.
- h) To promote energy efficiency and sound environmental design.
- i) To foster economic growth within designated areas.
- j) To promote intensification in targeted areas.
- k) To enhance the visual characteristics of neighbourhoods.
- l) To encourage local participation in funding programs for local development which may also be eligible for Provincial or Federal funding.

The purpose of the CIP is to promote the revitalization of the municipality. Revitalization may occur in the form of façade improvements, adaptive reuse of historic buildings, improvements to upper stories, brownfield remediation, streetscaping, improved water / wastewater facilities and other improvements. In commercial areas, revitalization may also occur in the form of landscaping and redevelopment opportunities.

PART P MINIMUM DISTANCE SEPARATION

MDS formulae and guidelines are land use planning tools that determine setback distances between livestock barns, manure storages or anaerobic digesters and surrounding land uses, with the objective of minimizing land use conflicts and nuisance complaints related to odour. Demonstrating that an MDS setback can be met, may be required before a land use planning approval or building permit can be issued. MDS shall not be applicable in the primary settlement areas of Durham and Neustadt based on the following:

- a) No new barns or expansion of existing barns are permitted within the settlement areas of Durham or Neustadt.
- b) Non-farm development is permitted within the primary settlement areas of Durham or Neustadt without having regard for existing livestock facilities that are situated within Durham and Neustadt or outside of the defined settlement area boundaries.

PART Q TECHNICAL STUDIES AND PEER REVIEWS

Q1 Policy

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.

Q1.2 Pre-consultation and Complete Applications

Prior to the submission of any Planning Act application being filed with the Municipality, a meeting involving Municipal staff, the applicant, the County where applicable, 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 meeting first, Municipal staff may return the application. This



meeting may be waived at the discretion of Municipal staff. The meeting will define the documents required for a complete application which will consider the following:

- a) 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, County 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.
- b) Such technical studies may include, but are not limited to: Planning Justification Report, Archaeological Assessment, Agricultural Impact Study, Noise Assessment, Geotechnical Study, Floodplain Analysis, Traffic Impact Study, Road Assessment, Site Servicing Report, Visual Impact Study, Shadow Study, Landscaping Plan, Stormwater Management Report, Environmental Impact Study, Environmental Site Assessment, Ministry of the Environment, Conservation and Parks D-4 Study or D-6 Study, and Environmental Assessment.
- c) The technical studies shall be prepared by qualified professionals and the costs associated with undertaking the studies shall be borne by the developer.
- d) Prior to submitting a development application, the applicant shall consult with the appropriate Municipal staff and, where applicable, other public agencies to discuss the submission requirements including technical reports. The Township or other public agency may also, at its discretion, request reports after the application is in process.
- e) The Municipality may authorize a qualified professional to peer review such studies and all costs associated with this review shall be the responsibility of the proponent.

Q1.3 Studies and Qualifications

The technical studies may include but are not limited to a planning justification report, archaeological assessment, noise assessment, traffic impact study, stormwater management report, environmental impact study, environmental site assessment, and environmental assessment.

The technical studies shall be prepared by qualified professionals and the costs associated with undertaking the studies shall be borne by the developer.

Prior to submitting any development application, the applicant shall consult with the appropriate Municipal staff, and any other relevant agencies to discuss the type and scope of reports required to support the application. The Municipality or other relevant agency may request additional technical reports after the application is in progress.

Q1.4 Peer review

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



PART R IMPLEMENTATION AND ADMINISTRATION

R1 Comprehensive zoning by-law

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.

- a) Following the adoption of this 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:
 - i) The zones identified on the schedules to the zoning by-law permit the types of development intended by this official plan.
 - ii) The zoning provisions include development standards that are appropriate for the various types of development permitted by this official plan.
 - iii) The zoning by-law contains other zoning regulations that assist in implementing this plan.
- b) The zoning by-law is not intended to initially zone each area for the ultimate use as designated by this 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 plan, the lands will be rezoned to an appropriate zone.
- c) When existing land uses conflict with this plan, the lands may be zoned in accordance with the land use designation of this 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 the official plan provided:
 - i.) The zone does not permit significant negative changes in the use of the property or impacts on the adjacent land uses.
 - ii.) The zone does not result in the legal non-conforming use interfering with the desirable development or enjoyment of the adjacent area.
 - iii.) The recognition of the legal non-conforming use does not represent a danger to surrounding land uses and / or persons.
 - iv.) Amendments to the zoning by-law may be approved by Council where the proposal conforms with this plan, is consistent with the Provincial Policy Statement and upholds sound land use planning principles.

R2 Minor variances

In certain circumstances, 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.

R2.1 Planning Act, R.S.O. 1990, as amended

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. The applicant must also demonstrate to the satisfaction of the Committee that the minor variance is in keeping with a four of the following tests listed in section 45(1) of the Planning Act, R.S.O. 1990, as amended.

- a) The minor variance maintains the intent and purpose of the official plan.
- b) The minor variance maintains the intent and purpose of the comprehensive zoning by-law.
- c) The variance is minor in nature.
- d) The variance is desirable and appropriate for the use of the subject lands

R2.2 New land uses

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.

R3 Legal non-conforming uses

Legal non-conforming land uses are those uses which do not conform to the zoning by-law, but which legally existing prior to the passage of the comprehensive zoning by-law.

R3.1 New land uses

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 would be discouraged.

R3.2 Expansion of a legal non-conforming use

In certain circumstances, it may be desirable to permit the extension or enlargement of a legal non-conforming use to avoid unnecessary hardship. 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 through the zoning by-law. The Committee of Adjustment may consider granting permission for an expansion or changes of use, as per section 45(2) of the Planning Act R.S.O. 1990, as amended.

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:

- a) The proposed expansion or change in use shall not make the non-conforming nature worse.
- b) The proposed expansion or change of use shall be in an appropriate proportion to the size of the existing use.
- c) The proposed expansion or change of use shall be in an appropriate proportion to the size of the existing use.



- d) 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.
- e) The proposed expansion or 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.
- f) The traffic and parking conditions shall not be adversely affected by the proposed expansion or change of use.
- g) 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 site plan control.

R4 Legal non-complying uses

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.

- a) The comprehensive zoning by-law shall permit the expansion, alteration or addition to a non-complying use 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.
- b) 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.

R5 Temporary use by-laws

R5.1 Planning Act, R.S.O. 1990, as amended

Council may pass a Temporary Use By-law in accordance with section 39 of the Planning Act, R.S.O. 1990, as amended to permit a temporary use of land for a purpose that is otherwise prohibited on that site by the zoning by-law.

R5.2 Timing

A temporary use by-law shall only be granted for a period not exceeding three (3) years. A one-time extension for another three-year period (maximum) may be permitted by Council. This notwithstanding, a temporary use by-law allowing for a garden suite may be granted for a period not exceeding twenty (20) years and no extension shall be permitted.

R5.3 Council considerations

In consideration of temporary use by-laws, Council shall have regard for the following:

- a) Conformity of the proposed use with the policies of this plan.
- b) Compatibility with neighbouring land uses.
- c) The adequacy of municipal services.



d) Traffic impacts, access, and parking requirements.

R6 Holding provisions

Council may place a holding provision (-h) symbol suffix on the zoning of certain lands to prohibit development until specific conditions of the Municipality have been satisfied, in accordance with the Planning Act, R.S.O. 1990, as amended.

R6.1 Uses permitted

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 provision being placed on the property. In some circumstances, the Municipality may allow additions or alterations to existing uses.

R6.2 Removal of the holding provision

Council shall pass a by-law removing the holding provision from the zoning of the property once the conditions have been fulfilled to the satisfaction of the Municipality.

R6.3 Conditions

Conditions 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 agreement, the completion of technical studies and final approval of a plan of subdivision.

R7 Interim control by-laws

In limited extraordinary circumstances, the Municipality may put a hold on development permitted under the comprehensive zoning by-law to undertake a thorough review of its policies and take the necessary action to address the problem. This can be achieved by passing and interim control by-law under section 38 of the Planning Act, R.S.O. 1990, as amended. Such a by-law should only be adopted where the development of lands poses serious concerns and requires further review and study.

R7.1 Timing

An interim control by-law may put a hold on development for a maximum of one year, with a one-year extension, if required.

R7.2 Required action

After an interim control by-law is enacted, the Municipality shall undertake a study of the issues associated with the lands and bring forward the necessary corrective action.

R8 Site plan control

The Municipality may require development proposals to include site plans and drawings which identify such things as building size and location, parking, buffering, and landscaping, parking, and drainage, etc.



R8.1 Legislation

The Municipality may also require a developer to enter into a site plan agreement to ensure that work is carried out in accordance with the approved site plan, as per section 41 of the Planning Act, R.S.O. 1990, as amended.

R8.2 Site Plan Control Area

All lands within the primary settlement areas of Durham and Neustadt shall be designated as a site plan control area, meaning the Municipality may require a Site Plan Agreement for any development or redevelopment of any property within these settlement areas. For residential development site plan control shall apply to developments containing ten (10) or more residential units. That notwithstanding, the Municipality shall use its discretion to determine which development proposal shall be subject to a site plan agreement.

R8.3 Costs

All planning, engineering and legal costs of the Municipality associated with the drafting, review and registration of the agreement shall be borne at the sole cost of the applicant.

R8.4 Registration

Upon its execution, the Agreement shall be registered on title to the lands and shall be binding on all future landowners.

R9 Property maintenance and occupancy standards by-law

The Municipality shall maintain a property maintenance and occupancy by-law affecting all lands within the primary settlement areas of Durham and Neustadt.

R9.1 Contents

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 structure 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.

R9.2 Property standards officer and committee

The Municipality will appoint a property standards officer who shall be responsible for administering and enforcing the property maintenance and occupancy by-law.

The Municipality will appoint a property standards committee for the purpose of hearing appeals against an order by the property standards officer.

R10 Sign by-law

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.



R10.1 Content

The sign by-law shall address such matters as appropriate location and dimension of signs, and appropriate time limits for portable signs.

R10.2 Authorities having jurisdiction

The placement of signs along Provincial Highway 6 and the County Roads within the primary settlement areas of Durham and Neustadt shall also be subject to the sign regulations of the Ministry of Transportation and the County of Grey, where applicable.

R11 Fence by-law

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 the primary settlement areas of Durham and Neustadt.

R11.1 Content

The fence by-law shall address such matters as height, material, and location of fences.

R12 Official plan

This official plan is intended to serve as the basis for managing growth in Durham and Neustadt to the year 2046 based on the County of Grey Growth Management Strategy. This official plan is intended to ensure that a sufficient amount of land has been designated to accommodate residential, commercial, and industrial development to the year 2046 and to ensure that the policies are appropriate to achieve the desired goals and objectives of this plan.

R12.1 Official Plan Amendments

Circumstances may arise where development does not conform to this plan. In order for such development to be permitted, the landowner must submit an application to amend this plan. The application shall be accompanied by a report which addresses the following questions:

- a) 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?
- b) 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 the year 2046?
- c) Is there a demonstrated need for the proposed development?
- d) Is it desirable and appropriate to change the Official Plan to accommodate the proposed use?
- e) 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?
- f) Does the proposed amendment maintain the goals and objectives of the official plan?
- g) Does the amendment conform to the County of Grey Official Plan?



- h) Is the proposed amendment consistent with the Provincial Policy Statement?
- i) An application to amend this plan may also require other technical studies to be conducted prior to the application being filed, as stated in section E8 of this plan.
- j) An application to amend this 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.
- k) An application to amend this 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.

R13 Pre-submission consultation

Prior to the submission of any Planning Act application being filed with the Municipality, a pre-consultation meeting is required involving Municipal staff, the applicant and any agencies deemed appropriate by the Municipality. 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-consultation meeting, municipal staff may return the application. The pre-consultation meeting may be waived at the discretion of municipal staff.

West Grey recognizes the desire of Metis and First Nations communities to be consulted on new development proposals within the Municipality and recognizes that there are many common areas of interest related to new development that include, but are not necessarily 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.

R14 Official Plan review

This plan shall be reviewed at least once every five (5) years or ten (10) years after the passage of a new official plan, in accordance with section 26 of the Planning Act, R.S.O 1990, as amended.

Changes to the plan shall be required if the review determines that:

- a) Schedules A and B and / or appendices A, B, and C and / or the text of the plan are no longer effective in their intent to meet the goals and objectives of this plan.
- b) This plan no longer conforms to the County of Grey Official Plan, as amended.
- c) The plan is no longer consistent with the Provincial Policy Statement, or any other matters of Provincial interest listed in section 2 of the Planning Act, R.S.O. 1990, as amended.



PART 5 DEFINITIONS

For clarification of certain terms used throughout this plan, reference is to be made to the following:

100-YEAR FLOOD EVENT STANDARD is a flood event that has a 1 in 100 chance (1% probability) of being equaled or exceeded in any given year.

ACTIVE TRANSPORTATION includes everything from walking, cycling, movement with mobility aids, skiing, snowshoeing, skating, skateboarding, longboarding, roller blading or any other way to travel that is self-powered.

ADJACENT LANDS means those lands, contiguous to a specific natural heritage or protected heritage property, where it is likely that development or site alteration would have a negative impact on the feature or area. The adjacent land widths listed below are approximate values to be used in this plan unless different values are established by a technical study prepared by a qualified professional knowledgeable on natural resources:

- Habitat of threatened or endangered species – 120 metres
- Significant wetlands – 120 metres
- Other identified wetlands – 30 metres
- Fish habitat – 120 metres
- Significant woodlands – 120 metres
- Significant valleylands – 120 metres
- Significant wildlife habitat – 120 metres
- Areas of natural and scientific interest (earth science) – 50 metres
- Areas of natural and scientific interest (life science) – 120 metres
- Core areas – 120 metres
- Protected heritage property – 50 metres

ADDITIONAL RESIDENTIAL UNITS (ARUs) are defined as a separate dwelling unit containing a bathroom and separate cooking facilities and contained within the structure of a single detached or semi-detached residential dwelling unit or in a building or structure ancillary to a single detached or semi-detached residential dwelling unit.

ADVERSE EFFECTS as defined in the Environmental Protection Act, means one or more of the following:

- a) Impairment of the quality of the natural environment for any use that can be made of it;
- b) Injury or damage to property or plant or animal life;
- c) Harm or discomfort to any person.
- d) An adverse effect on the health of any person;
- e) Impairment of the safety of any person;
- f) Rendering any property or plant or animal life unfit for human use;
- g) Loss of enjoyment of normal use of property; and
- h) Interference with normal conduct of business.



AREAS OF NATURAL AND SCIENTIFIC INTEREST (ANSI) means areas of land and water containing natural landscapes or features that have been identified as having life science or earth science values related to protection, scientific study or education.

BED AND BREAKFAST ESTABLISHMENT means a single detached residential dwelling unit in which the proprietor resides and supplies furnished rooms and may serve breakfast on a temporary basis to overnight guests for monetary gain. It does not include a restaurant, hotel, motel, motor hotel, and boarding, lodging or rooming establishment or any other form of residential dwelling as defined in the comprehensive zoning by-law.

BROWNFIELD SITE means undeveloped or previously developed properties that may be contaminated. They are usually, but not exclusively, former industrial or commercial properties that may be underutilized, derelict or vacant.

BUILT HERITAGE RESOURCES means a building, structure, monument, installation of any manufactured remnant that contributes to a property's cultural heritage value or interest as identified by a community, including an aboriginal community. Built heritage resources are generally located on property that has been designated under parts IV or V of the Ontario Heritage Act, or included on local, Provincial and / or Federal registers.

COMPATIBLE means the development or redevelopment of uses which may not necessarily be the same as or similar to the existing development, but can coexist with the surrounding area with limited impacts.

COMPLETE TRANSPORTATION SYSTEM means a system of transportation facilities, corridors and rights-of-way and associated facilities to support the movement of people and goods. This includes roads, sidewalks, trails, paved shoulders / cycling lanes, railway corridors, airports, harbours, transit stops and stations, bus lanes, passing lanes, parking facilities, park-n-ride lots, service centres, rest stops, vehicle inspection stations, vehicle charging stations, ferries, canals, and associated facilities such as storage and maintenance.

COMPREHENSIVE REVIEW means, for the purposes of a settlement area boundary expansion means an official plan review initiated by the County or West Grey, or an official plan amendment which is initiated by the County or West Grey, adopted by West Grey and / or approved by the County, which:

- a) Is based on a review of population and growth projections and which reflect projections and allocations by upper-tier municipalities and Provincial plans, where applicable; considers alternative directions for growth; and determines how best to accommodate this growth while protecting Provincial interests;
- b) Utilizes opportunities to accommodate projected growth through intensification and redevelopment; and considers physical constraints to accommodating the proposed development within existing settlement area boundaries;
- c) Is integrated with planning for infrastructure and public service facilities; and considers financial viability over the life cycle of these assets, which may be demonstrated through asset management planning;



- d) Confirms sufficient water quality, quantity, and assimilative capacity of receiving water are available to accommodate the proposed development;
- e) Confirms that sewage and water services can be provided;
- f) Confirms that the lands to be developed do not comprise identified agricultural lands; and
- g) Considers cross-jurisdiction issues.

CONNECTING LINK is a section of Provincial or County highway that traverses through a built-up area or settlement area which serves a local purpose but also serves as a purpose to connect the Provincial and / or County road system.

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.

D-4 STUDY is a study required to determine the potential for negative impacts in compliance with Guideline D-4 from the Ministry of Environment.

DAY NURSERY means a facility that receives more than five children, primarily for the purposes 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.

DEVELOPMENT means the creation of a new lot, a change in land use, or the construction of buildings and structures, requiring approval under the Planning Act, but does not include:

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

DRINKING WATER SOURCE PROTECTION is a program guided by the Clean Water Act, S.O. 2006 which is designed to protect existing and future sources of drinking water.

DWELLING means any permanent building that is used, or intended to be used, continuously or seasonally, as a domicile by one or more personal and contains cooking, eating, living, sleeping and sanitary facilities in accordance with Ontario Building Code requirements. For the purposes of interpreting the plan, the term dwelling unit is synonymous with the term dwelling.

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



ENDANGERED SPECIES means a species that is listed or categorized as an 'endangered species' on the Ontario Ministry of Natural Resources and Forestry official species at risk list, as updated and amended from time to time.

FISH HABITAT as defined in the Fisheries Act, means spawning grounds and nursery, rearing, food supply, and migration areas on which fish depend directly or indirectly in order to carry out their life processes.

FLOOD FRINGE ZONE means the portion of the floodplain adjacent to the floodway where the risk of flood-related damages is lesser than the risk associated with the floodway. In the primary settlement areas of 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 1:100 floodplain. The flood fringe overlay is identified on schedules A and B to this plan.

FLOODPLAIN for a river stream and small inland lakes, means the area, usually low lands adjoining a watercourse, which has been or may be subject to flooding hazards.

FLOODWAY ZONE means 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 the plan.

GREENFIELDS are lands within designated settlement areas which are designated for growth over the planning horizon, but which have not been fully developed.

GROUP HOME, AUXILIARY 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.

GROUNDWATER FEATURE refers to water-related features in the earth's subsurface, including recharge / discharge areas, water tables, aquifers, and unsaturated zones that can be defined by surface and subsurface hydrogeologic investigations.

GROUP HOME means 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, OR 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.

GUIDELINE D-4 means the Ministry of the Environment, Conservation and Parks (MECP) Guideline D-4, as amended and any successor guideline or legislation.

GUIDELINE D-6 means the Ministry of the Environment, Conservation and Parks (MECP) Guideline D-6, as amended and any successor guideline or legislation.

HABITAT OF ENDANGERED SPECIES AND THREATENED SPECIES means

- a) With respect to a species listed on the Species at Risk in Ontario List as an endangered or threatened species for which a regulation made under clause 55(1) of the Endangered Species Act, 2007, as revised, is in force, the area prescribed by that regulation as the habitat of the species; or
- b) With respect to any other species listed on the Species at Risk in Ontario List as an endangered or threatened species, an area on which the species depends, directly or indirectly, to carry on its life processes, including life processes such as reproduction, rearing, hibernation, migration or feeding, as approved by the Ontario Ministry of Natural Resources; and
- c) Places in the areas described in clause (a) or (b), whichever is applicable, that are used by members of the species as dens, nests, hibernacula and other residences.

HAZARD LANDS means property or lands that could be unsafe for development due to naturally occurring processes. Along river, stream, and small inland lake systems, this means the land, including that covered by water, to the further landward limit of the flooding hazard or erosion hazard lands.

HOME OCCUPATION means an occupation or business, which is conducted for gain or profit as a secondary use within a permitted residential dwelling unit. A home occupation may include a profession or occupation such as an accountant, architect, auditor, engineer, realtor, insurance agent, planner, lawyer, doctor, dentist, a personal service such as a barber, hairdresser, beautician, seamstress, dressmaker, photographer, pet groomer, caterer's establishment, and similar occupations or businesses.

HURRICANE HAZEL FLOOD EVENT STANDARD means a storm that produces over a 48-hour period.

INDUSTRIAL USE means, within limiting the generality thereof, the manufacturing, assembling, making, producing, preparing, inspecting, grading, ornamenting, finishing, treating, clearing, washing, altering, repairing, restoring, processing, polishing, refinishing, packing, adapting for sale, warehousing, storing, breaking up or demolishing of goods, substances, articles or things or any part or parts thereof; or the production or storage of building or construction equipment or materials.

INSTITUTIONAL USE means the use of land, buildings or other structures operated by a group, organization, or society for the promotion of a public, social, scientific, educational, or similar purpose.

INTAKE PROTECTION ZONE (IPZ) is an area of land and water around a municipal intake pipe that contributes source water to a drinking water system.



LEGAL NON-COMPLYING 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.

LEGAL NON-CONFORMING USES are those uses which do not conform to the zoning by-law, but which legally existing prior to the passage of the comprehensive zoning by-law.

NEIGHBOURHOOD COMMERCIAL USES are 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 may include hair salons, convenience stores, and dry-cleaning distribution outlets.

OPEN SPACE USES are those uses including, but not limited to, parks, stormwater management facilities and conservation areas.

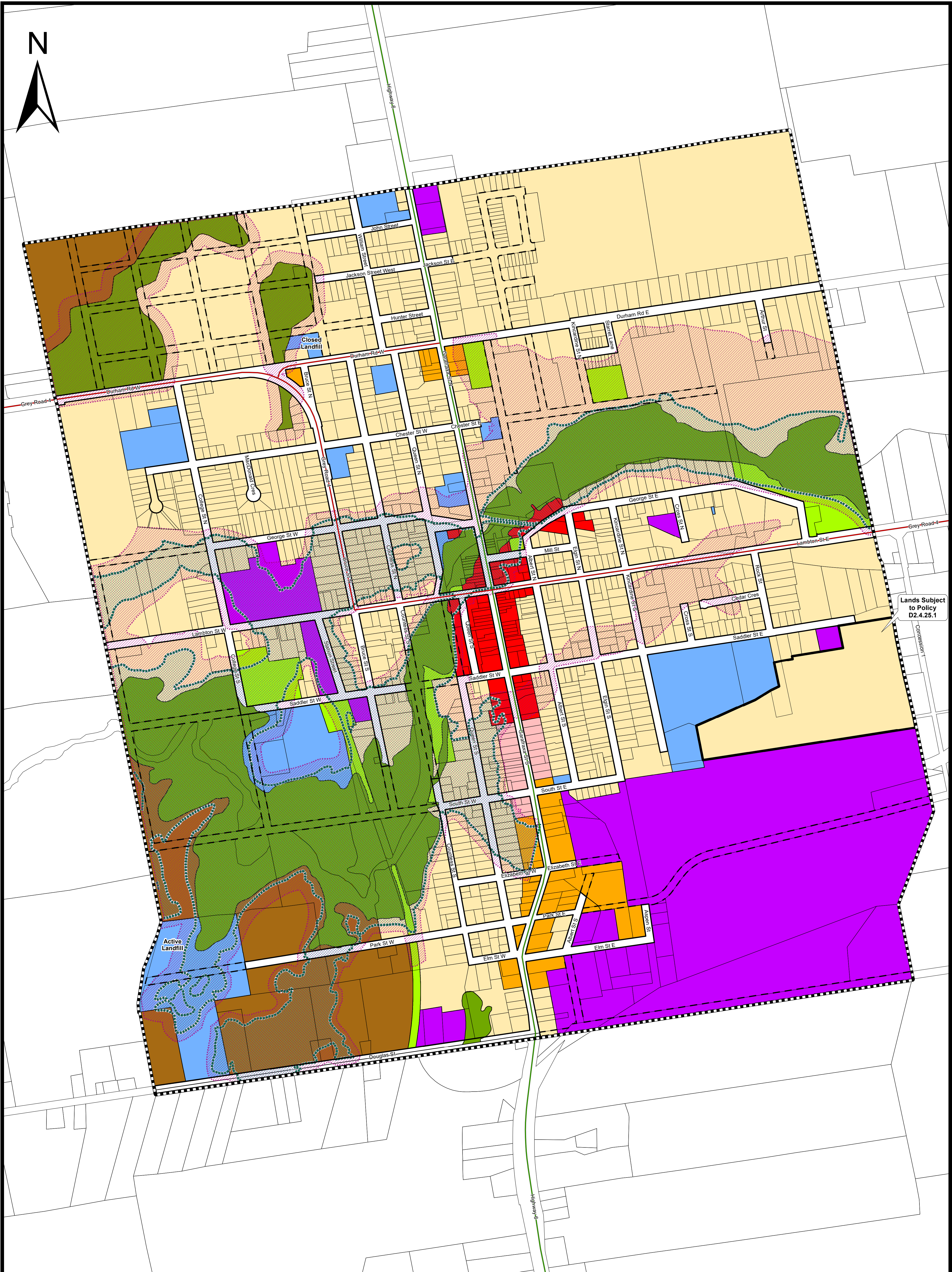
RESIDENTIAL, HIGH DENSITY means multi-unit development exceeding 40 units per net hectare as high-density residential development.

RESIDENTIAL, MEDIUM DENSITY means 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.

RESIDENTIAL, LOW DENSITY means 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 next hectare.

SOURCE WATER PROTECTION PLAN is a plan prepared under the Clean Water Act, S.O. 2006, which identifies threats to our municipal drinking water supplies and identifies ways to help prevent these threats from contaminating our water. All municipal decisions, including those made under the Planning Act and the Condominium Act shall conform to the significant drinking water threat policies found in this plan.

WELLHEAD PROTECTION AREA (WHPA) is an area around the wellhead identified in a source protection plan and shown as appendix where land use activities have the potential to affect the quality and quantity of water that flows into the well. These are areas of high vulnerability where the greatest care must be taken in the storage, use and handling of materials that could, if mishandled or spilled, pollute, or contaminate a municipal well.



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 A
(Land Use Plan: Durham)
to the
MUNICIPALITY OF WEST GREY
OFFICIAL PLAN

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

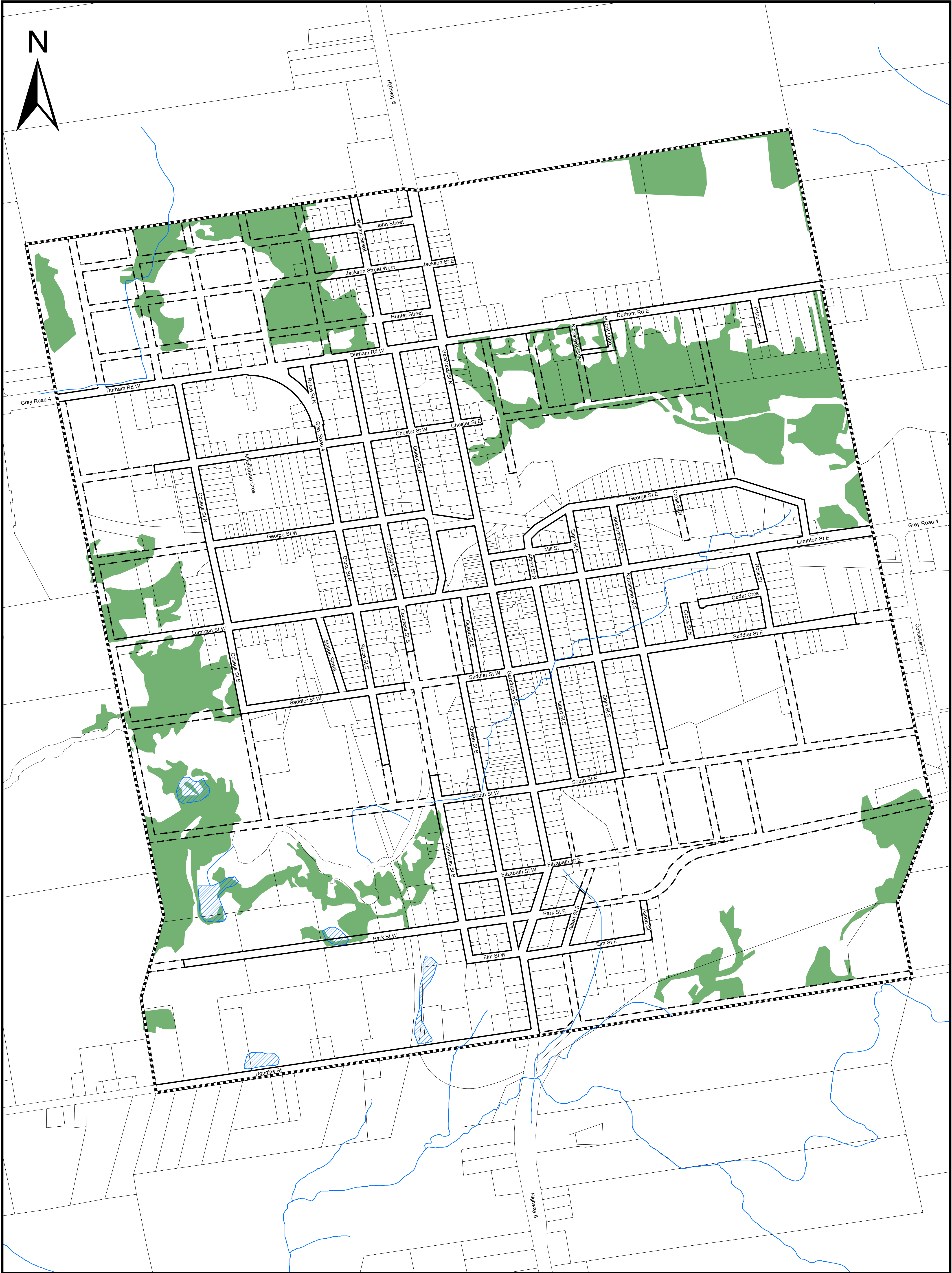
- Provincial Highway
- County Road
- Municipal Street
- Unopened Municipal Street

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

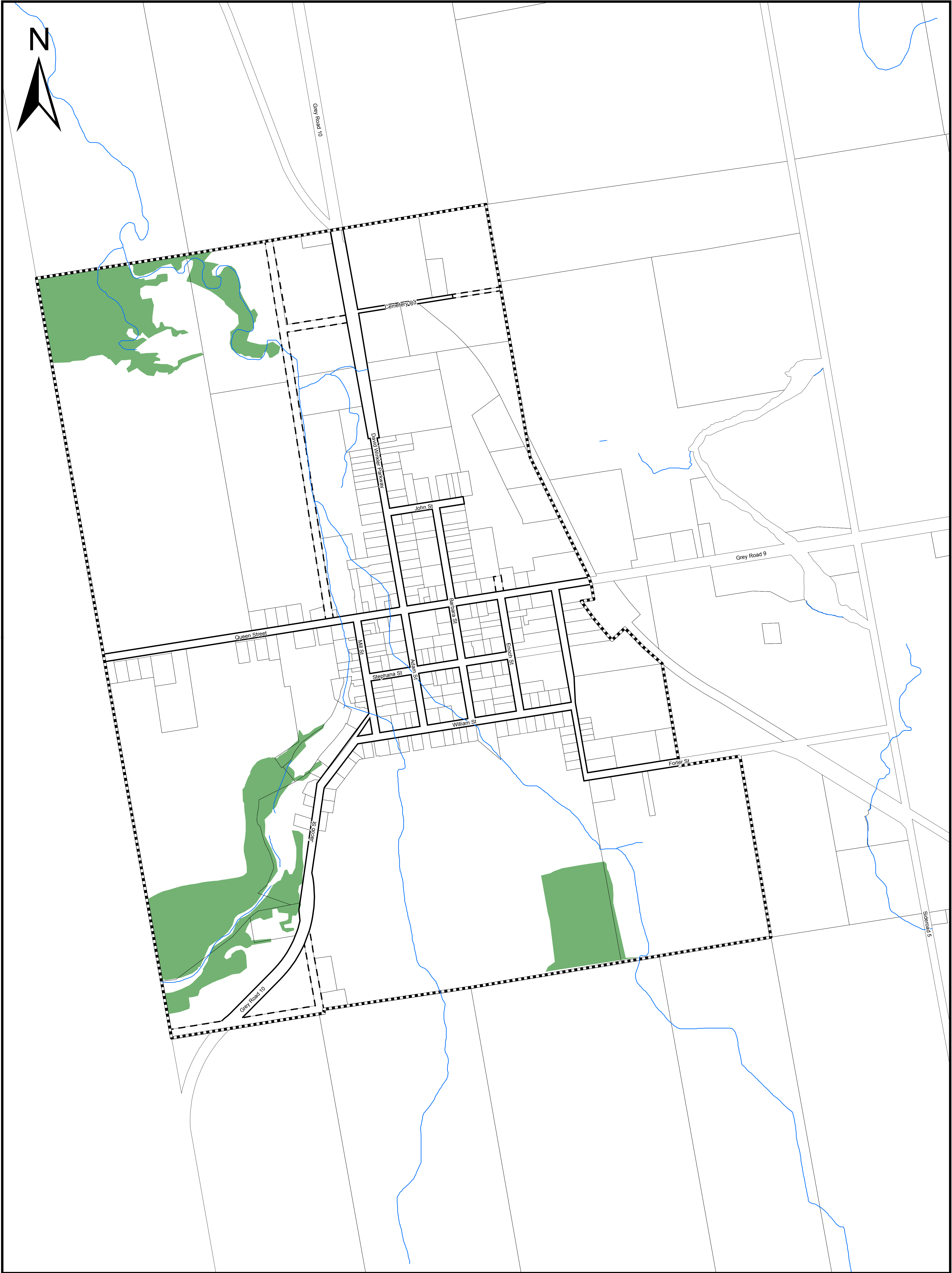
Boundary

- Planning Area


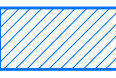

Water Courses

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

SCALE 1: 4500



Constraints

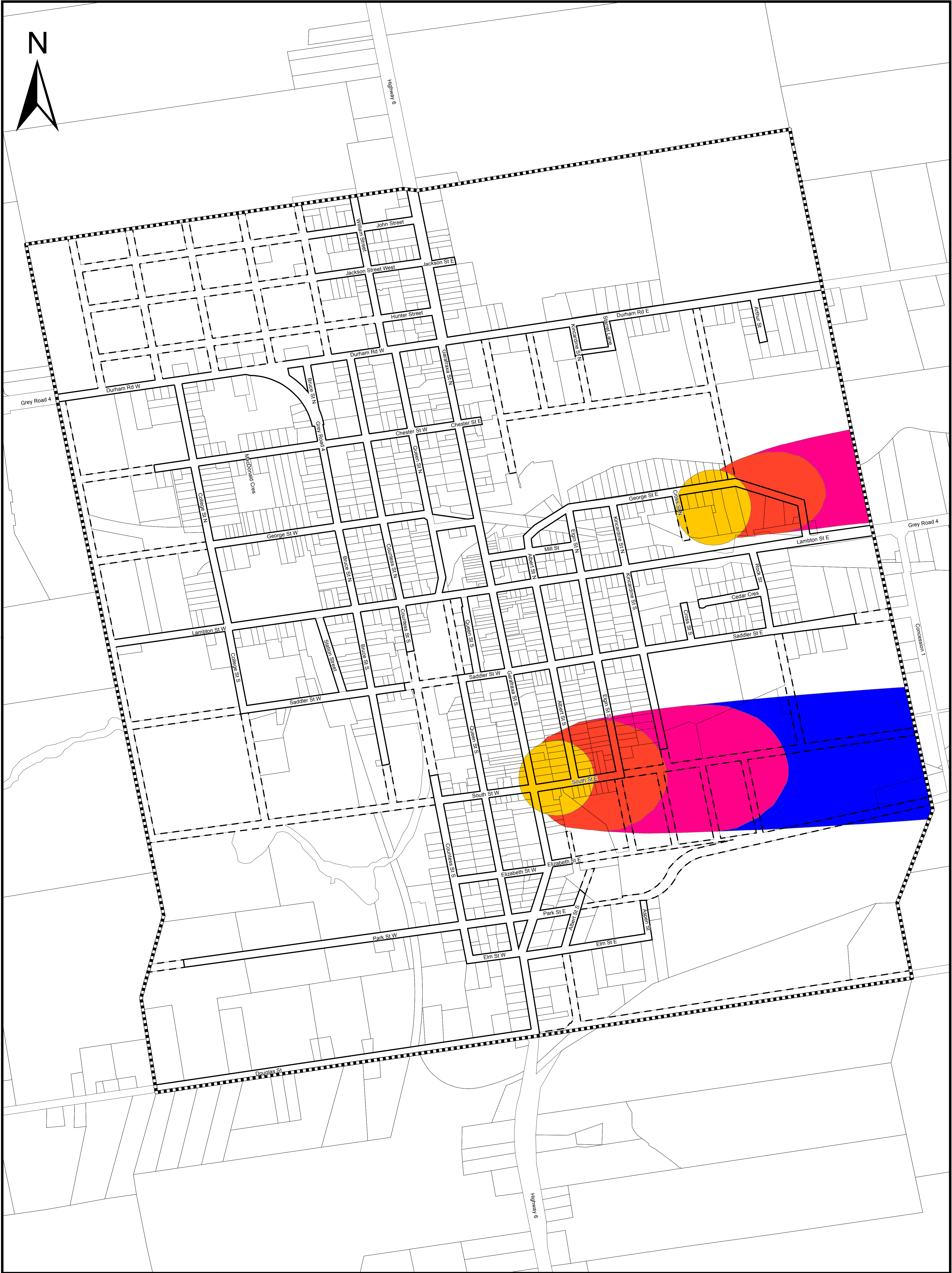
-  Significant Woodlands
-  Other Wetlands
-  Water Courses

Boundary

-  Planning Area

APPENDIX B
(Constraint Mapping: Neustadt)
to the
MUNICIPALITY OF WEST GREY
OFFICIAL PLAN

SCALE 1: 4500



Wellhead Protection Areas

- Zone A
- Zone B
- Zone C
- Zone D

Boundary

- Planning Area

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

SCALE 1: 7500