

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

**Official Plan
For the settlement areas of Durham and Neustadt
Municipality of West Grey**



Version: October 21, 2025

The Corporation of the Municipality of West Grey Bylaw No. 2025-~

A bylaw to adopt the 'Official Plan for the Settlement Areas of Durham and Neustadt'.

WHEREAS section 17(22) of the *Planning Act, R.S.O. 1990*, as amended, authorizes the council of a municipality to provide for the preparation of a plan suitable for adoption as the Official Plan for the municipality; and

WHEREAS the council of the Corporation of the Municipality of West Grey deems it desirable to adopt a new 'Official Plan for the Settlement Areas of Durham and Neustadt';

NOW THEREFORE be it resolved that the council of the Corporation of the Municipality of West Grey hereby enacts as follows:

1. That the Municipality of West Grey 'Official Plan for the Settlement Areas of Durham and Neustadt' attached hereto and forming part of this bylaw, is hereby adopted.
2. That the clerk is authorized and directed to make application to the County of Grey for approval of the Municipality of West Grey 'Official Plan for the Settlement Areas of Durham and Neustadt'.
3. That upon approval of this 'Official Plan for the Settlement Areas of Durham and Neustadt' by the County of Grey or the Ontario Land Tribunal, the current 'Official Plan for the Settlement Areas of Durham and Neustadt' dated February 2012 as amended is hereby repealed.

Read a first, second and third time and finally passed this _____ day of _____, 2025.

Mayor Kevin Eccles

Jamie M. Eckenswiller, Clerk

Table of Contents

The Corporation of the Municipality of West Grey Bylaw No. 2025-~	2
PART A INTRODUCTION	10
A1 Contents	10
A2 Scope	10
A3 Background	10
A4 Purpose	10
A5 Conformity with County of Grey Official Plan	11
A6 Consistent with Planning Act and Provincial Planning Statement	11
A7 Review of Official Plan for the Settlement Areas of Durham and Neustadt	11
PART B INTERPRETATION	11
B1 Settlement Area Boundaries	11
B1.1 Settlement Area Boundary Expansion	11
B2 How to read this Official Plan	12
B3 Conflict with the Grey Official Plan	13
B4 Conflict within the Official Plan for the Settlement Areas of Durham & Neustadt	13
B5 Public Engagement and Notice	13
B5.1 Public meetings	13
B5.2 Public notice	14
B6 Approval Authority	14
PART C GOALS AND OBJECTIVES	14
C1 General Goals and Objectives	14
C2 Growth in Defined Settlement Areas	14
C2.1 Projections	15
C2.2 Objectives	16
C3 Economic Growth - Objectives	16
C4 Cultural Heritage - Objectives	16
C5 Climate Change	17
C5.1 West Grey Climate Change Action Plan	17
C5.2 Land Use Policies – Actions	18
C6 Housing	18

PART D	DETAILED LAND USE POLICIES	19
D1	Introduction.....	19
D1.1	Land Use Designations.....	19
D1.2	Uses Permitted in all Land Use Designations	19
D1.2	All Works to conform to this Official Plan	20
D2	Residential.....	20
D2.1	Goal	20
D2.2	Objectives.....	20
D2.3	Primary Uses – Permitted	20
D2.4	Secondary Permitted Uses.....	21
D2.5	Additional Residential Units (ARUs).....	21
D2.6	Implementing Comprehensive Zoning By-law.....	22
D2.7	General Development Policies.....	22
D2.8	Conversion of Rental Housing.....	23
D3	Downtown Commercial.....	23
D3.1	Goal	23
D3.2	Objectives.....	23
D3.3	Permitted Uses.....	23
D3.4	Secondary Permitted Uses.....	24
D3.5	Residential Dwelling Units in an Existing Building or Structure.....	24
D3.6	General Policies.....	24
D4	Downtown Commercial Transition	25
D4.1	Goals	25
D4.2	Objectives.....	25
D4.3	Permitted Uses.....	25
D4.4	General Policies.....	26
D5	Highway Commercial	26
D5.1	Goal	26
D5.2	Objectives.....	26
D5.3	Permitted Uses.....	27
D5.4	General Policies.....	27

D6	Employment Lands.....	27
D6.1	Goal	27
D6.2	Objectives.....	27
D6.3	Permitted Uses.....	28
D6.4	Prohibited Uses.....	28
D6.5	General Policies.....	28
D7	Institutional	29
D7.1	Goals	29
D7.2	Objectives.....	29
D7.3	Permitted Uses.....	29
D7.4	General policies.....	29
D8	Open Space.....	30
D8.1	Goal	30
D8.2	Objectives.....	30
D8.3	Permitted Uses.....	30
D8.4	General policies.....	30
D9	Environmental Protection	30
D9.1	Goal	30
D9.2	Objectives.....	30
D9.3	Permitted Uses.....	31
D9.4	Secondary Permitted Uses.....	31
D9.5	Prohibited Uses.....	31
D9.6	General Policies.....	31
D9.7	Continuation of Use / Additions or Alterations / Creation of Lots	32
D9.8	Public Utilities and Open Space Uses.....	32
D10	Future Development.....	33
D10.1	Goal	33
D10.2	Objectives.....	33
D10.3	Permitted uses	33
D10.4	General policies.....	33
D11	Exceptions.....	33

D11.1	Part Lot 1, Concession 13, Neustadt.....	33
D11.2	Part Lot 1, Concession 13, RP16R6835, PT 1, Neustadt.....	34
D11.3	696 Queen Street, Neustadt	34
D11.4	232 Forler Street, Neustadt	34
D11.5	546 Mill Street, Neustadt.....	34
D11.6	166 Bruce Street, Durham	34
D11.7	ARN: 420526000511930, Part of ARN: 420526000511930, Durham.....	35
D11.8	204 Garafraxa Street S., Durham	35
PART E	GENERAL DEVELOPMENT POLICIES.....	35
E1	Natural Heritage.....	35
E1.1	Objectives.....	36
E1.2	Significant Habitat of Threatened or Endangered Species.....	36
E1.2.1	Redside Dace	36
E1.2.2	Other – Significant Habitat of Threatened or Endangered Species	36
E1.3	Significant Wetlands and Areas of Natural and Scientific Interest.....	37
E1.4	Significant Woodlands	37
E1.5	Other Wetlands.....	37
E1.6	Fish Habitat	38
E1.7	Significant Valleylands	38
E1.8	Significant Wildlife Habitat	38
E2	Hazardous Lands and Hazardous Sites.....	38
E2.1	Objectives.....	39
E2.2	Floodplains.....	39
E2.3	Two-Zone Floodplain Policies – Floodway and Flood Fringe Area	39
E2.3.1	Floodway	39
E2.3.2	Flood Fringe	39
E2.4	Implementation of Floodplain / Floodway / Flood Fringe Policies.....	40
E2.5	Regulated Area (Conservation Authorities Act).....	41
E2.6	Karst Topography.....	41
E3	Environmental Impact Study (EIS) policies.....	41
E4	Drains	42

E5	Land Use Compatibility and Sensitive Land Uses.....	42
E6	Tree Planting and Tree Removal	43
E7	Condominium Developments	43
PART F	WASTE DISPOSAL/WASTE TRANSFER/CONTAMINATED SITES.....	43
F1	Waste Disposal Sites	43
F1.1	590 Park St. W. Durham (Waste Management Facility/Waste Transfer Station) ..	44
F2	Closed Waste Disposal Sites.....	44
F2.1	Durham Road West [ARN: 420526000109302] Durham.....	44
F2.2	David Winkler Parkway [ARN: 420502000104600] Neustadt	45
F3	Waste Transfer Stations	46
F4	Contaminated Sites and Record of Site Condition.....	46
PART G	PROTECTION OF DRINKING WATER SOURCES	47
G1	Goal	47
PART H	MUNICIPAL SERVICING POLICIES/PUBLIC UTILITIES.....	48
H1	Municipal Water Service and Municipal Sanitary Sewer Service	48
H1.1	Partial Services or Full Private Services	48
H1.2	Decentralized Sewage System	49
H1.3	Municipal Water Service and/or Municipal Sanitary Sewer Service Extensions....	50
H1.4	Mandatory Connection	50
H1.5	Municipal Water and/or Municipal Sanitary Sewer Capacity Allocation	50
H1.6	Draft Plan of Subdivision Extension Requests Capacity Allocation	51
H2	Stormwater Management.....	51
H2.1	Stormwater Management – General.....	51
H2.2	Stormwater Management Study/Report.....	52
H2.3	Construction of Stormwater Management System.....	52
H2.4	Infill Development – Stormwater and Lot Grading.....	52
H2.5	Legal Outlet - Stormwater Management.....	52
H2.6	Environmental Compliance Approval - Stormwater Management System	53
H2.7	Low Impact Design - Stormwater management	53
H3	Road Classification	54
H3.1	Provincial Highway 6.....	54

H3.2	County of Grey Roads	54
H3.3	Municipal Street (Open and Maintained/Unopened/Unassumed).....	54
H3.4	Lane.....	55
H3.5	Road Widening.....	55
H3.6	Extension to Municipal Street/Opening Unopened Road Allowance	56
H4	Active Transportation.....	56
H4.1	General policies.....	56
H5	Outdoor Lighting/Dark Sky Friendly.....	57
H6	Telecommunications / Radiocommunication and Broadcasting Antenna Systems	57
H7	Parking.....	58
H8	Development Standards.....	58
H9	Parkland and Cash-in-Lieu of Parkland / Trails	58
PART I	LAND DIVISION POLICIES	59
I1	Provisional Consent / Consent to Sever	59
I1.1	Agreement, Costs and Securities.....	60
I2	Plans of Subdivision	61
I2.1	Agreement, Costs and Securities.....	61
I3	Part Lot Control.....	62
I3.1	Agreement, Costs and Securities.....	62
I4	Deeming by-laws.....	63
PART J	BROWNFIELD REDEVELOPMENT	63
J1	Brownfield Sites	63
PART K	COMMUNITY IMPROVEMENT POLICIES	63
K1	Community Improvement Areas.....	63
K1.1	General Policy	63
PART L	LIVESTOCK FACILITIES AND AGRICULTURE.....	64
PART M	TECHNICAL STUDIES AND PEER REVIEWS	64
M1	Policy	64
M1.2	Technical Studies/Reports/Assessments/Plans.....	64
M1.3	Terms of Reference – Technical Studies.....	65
M1.4	Qualifications and Preparation Costs	65

M1.5	Peer Review Costs	65
PART N	IMPLEMENTATION AND ADMINISTRATION	66
N1	Implementing Comprehensive Zoning Bylaw	66
N2	Minor Variance - Section 45(1) of the Planning Act.....	66
N3	Legal Non-Conforming Uses.....	67
N3.1	Alterations/Expansion/Change (Section 45(2)(a) Planning Act).....	67
N3.1.1	Enlargement or Extensions.....	67
N3.1.2	Similar Use – Change to.....	67
N3.1.3	More Compatible Use – Change to	68
N4	Section 45(2)(b) of the Planning Act	68
N5	Legal Non-Complying Uses.....	68
N6	Temporary Use Bylaw	69
N6.1	Duration of Temporary Use Bylaw.....	69
N6.2	Council Considerations	69
N6.3	Agreement, Costs and Securities	69
N7	H - Holding Provisions	69
N7.1	Uses Permitted.....	69
N7.2	Removal of the Holding Provision.....	70
N7.3	Conditions	70
N7.4	Delegation of Approval Authority – Removal of Holding Symbol	70
N8	Interim Control Bylaw	70
N8.1	Timing.....	70
N8.2	Required Action	70
N9	Site Plan Control	70
N9.1	Site Plan Control Area	70
N9.2	Site Plan Agreement, Costs and Securities	71
N10	Development Agreements / Other Agreements	71
N11	Official Plan Amendments	71
N12	Pre-Submission Consultation.....	72
N13	First Nations and Metis Consultation	72
PART O	DEFINITIONS	72

PART A INTRODUCTION

A1 Contents

This document shall be known as “Official Plan for the Settlement Areas of Durham and Neustadt” and/or the “Official Plan”.

The Official Plan for the Settlement Areas of Durham and Neustadt comprises the written text of Sections A to O inclusive and the accompanying map schedules and appendices:

Schedule A - Land Use and Transportation Plan: Durham

Schedule B - Land Use and Transportation Plan: Neustadt

Appendix A - Constraint Mapping: Durham

Appendix B - Constraint Mapping: Neustadt

Appendix C - Wellhead Protection Areas: Durham

A2 Scope

This Official Plan applies to the **settlement areas** of Durham and Neustadt.

Lands located outside of the **settlement areas** i.e., within the Municipality of West Grey but not shown on the Schedules or Appendices are not subject to this Official Plan.

A3 Background

The Town of Durham and the Village of Neustadt both adopted official plans in the 1980’s.

Recognizing that the Durham and Neustadt official plans were outdated, in 2011 the Council of the Municipality of West Grey requested that a new consolidated Official Plan be prepared for these two primary **settlement areas**. A new consolidated Official Plan was adopted by West Grey Council on February 1, 2012 and approved by the County of Grey on August 16, 2012.

In 2020, Council ordered a review of the 2012 Official Plan as per the requirements of the Ontario Planning Act, R.S.O. 1990 c.P.13 as amended (the Planning Act) 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.

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.

A5 Conformity with County of Grey Official Plan

The County of Grey Official Plan (Grey Official Plan) applies to all lands within the County, including those lands within the primary settlement areas of Durham and Neustadt, which are also subject to the detailed policies of this Official Plan.

The Grey Official Plan establishes an upper-tier policy framework that provides guidance to local Municipalities on a variety of matters.

The Official Plan for the Settlement Areas of Durham and Neustadt conforms to the Grey Official Plan.

A6 Consistent with Planning Act and Provincial Planning Statement

The Official Plan for the Settlement Areas of Durham and Neustadt is consistent and has regard to the Planning Act.

The Official Plan for the Settlement Areas of Durham and Neustadt is consistent with the Provincial Planning Statement.

A7 Review of Official Plan for the Settlement Areas of Durham and Neustadt

This Official Plan shall be reviewed within ten years after it comes into effect and then at least every five years following the initial review, in accordance with section 26 of the Planning Act.

Amendment(s) to this Official 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 this Official Plan are no longer effective in their intent to meet the goals and objectives of this Official Plan.
- b) This Official Plan no longer conforms to the Grey Official Plan, as amended.
- c) This Official Plan is no longer consistent with the Provincial Planning Statement, or any other matters of Provincial interest listed in section 2 of the Planning Act.

PART B INTERPRETATION

B1 Settlement Area Boundaries

The boundaries of the **settlement areas** of Durham and Neustadt are shown on Schedules A and B of this Official Plan.

B1.1 Settlement Area Boundary Expansion

The Settlement Area Boundaries shown on Schedules A and B are considered absolute. Any urban expansion shall require amendments to the Grey Official Plan and this Official Plan.

In requesting a **settlement area** boundary expansion, the proponent shall address the following:

- a) the need to designate and plan for additional land to accommodate an appropriate range and mix of land uses;

- b) if there is sufficient capacity in existing or planned **Public Utilities** and public facilities;
- c) the evaluation of alternative locations which avoid prime agricultural areas and, where avoidance is not possible, consider reasonable alternatives on lower priority agricultural lands in prime agricultural areas;
- d) whether the new or expanded settlement area complies with the minimum distance separation formulae;
- e) whether impacts on the agricultural system are avoided, or where avoidance is not possible, minimized and mitigated to the extent feasible as determined through an agricultural impact assessment or equivalent analysis, based on provincial guidance; and
- f) does the new or expanded settlement area provide for the phased progression of urban development in Durham or Neustadt.

B2 How to read this Official Plan

The Official Plan is more than a set of individual policies. It is to be read in its entirety and the relevant policies are to be applied to each situation. When more than one policy is relevant, West Grey should consider all of the relevant policies to understand how they work together.

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 or property lot lines.

The boundaries of constraint features shown on Appendices A or B are considered approximate.

The Wellhead Protection Area boundaries shown on Appendix C are considered absolute. Any urban expansion shall require amendments to the Grey Official Plan and this Official Plan.

An amendment to this Official Plan shall not be required for:

- i. adjustment to **flood hazard, flood fringe** and/or regulated area mapping provided by/approved by Saugeen Valley Conservation Authority;
- ii. adjustment to the location, length or width of a **drain**, the addition of a new **drain** to a Schedule or Appendix or the deletion of a drain from a Schedule or Appendix;
- iii. adjustments to the designation boundaries i.e., Residential, Environment Protection, Downtown Commercial etc., provided that the general intent of this Official Plan is maintained;
- iv. adjustments, including adding lands, to the constraint features shown on Appendices A or B provided an Environmental Impact Study, or similar study, has recommended the inclusion of such a feature;
- v. any reasonable deviation from any numerical figure or quantity provided the general intent of this Official Plan is maintained;
- vi. adjustments or deviations of the locations of roads provided the general intent of this Official Plan is maintained;

- vii. any changes and corrections to spelling, grammatical errors, references including references to other legislation or documents and/or internal referencing and the renumbering of sections and subsections or any other typographical or similar changes.

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

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

Additional 'Notes' and 'Boxes' may be included in the text and on the Schedules for reference, clarification and convenience purposes. Information of this nature is subject to addition, change and/or deletion without an amendment to this Official Plan.

B3 Conflict with the Grey Official Plan

In the event of a conflict between this Official Plan and the Grey Official Plan, the Grey Official Plan shall prevail, as mandated in the Planning Act.

That notwithstanding, this Official Plan may be more restrictive than the Grey Official Plan, in which case the restrictive policies shall prevail, but only to the extent such restriction(s) are allowed by the Planning Act, Provincial Planning Statement or other relevant legislation.

B4 Conflict within the Official Plan for the Settlement Areas of Durham & Neustadt

In the event of a conflict between and/or within the policies of this Official Plan, the conflict shall be resolved whereby the more strictive policy shall prevail.

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
- Comprehensive Zoning By-law
- Plan of Subdivision
- Condominiums, except for condominium exceptions
- Community Improvement Plan

B5.1 Public meetings

Public meetings for all planning applications shall be conducted to at least the minimum standard required by the Planning Act. Depending on the complexity of an application additional public consultation may be implemented at the direction of Council. Where concurrent/joint applications are filed with the County of Grey and West Grey, joint public consultations and/or public meetings may 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 Planning Act:

- Mail
- Email
- Website
- Signage
- Newspaper
- Social Media (Facebook, Twitter etc.)

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

B6 Approval Authority

The County of Grey is the approval authority for this Official Plan.

The County of Grey is the approval authority for all amendments to this Official Plan. Official plans amendments are adopted by West Grey but approved by the County of Grey.

The County of Grey is the approval authority for all plans of subdivision and condominiums.

The Municipality of West Grey is the delegated approval authority for consents, minor variances, site plans, zoning by-law amendments and community improvement plans.

PART C GOALS AND OBJECTIVES

C1 General Goals and Objectives

The goals and objectives contained in Part C of this Official Plan apply to various land use designations shown on Schedules A and B and the constraints shown on Appendices A, B, and C.

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

This Official Plan is intended:

- 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 Official Plan through the Municipality of West Grey Comprehensive Zoning By-law.

C2 Growth in Defined Settlement Areas

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.

This Official Plan shall provide for an appropriate range and mix of *housing options* and densities required to meet projected requirements of current and future residents of the Municipality of West Grey.

This Official Plan shall:

- a) maintain at all times the ability to accommodate residential growth for a minimum of 15 years through lands which are **designated and available** for residential development; and
- b) maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned, including units in draft approved or registered plans.

This Official Plan shall provide sufficient land to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of at least 20 years, but not more than 30 years. Planning for **Public Utilities**, public facilities, strategic growth areas and employment areas may extend beyond this time horizon.

C2.1 Projections

The Grey Official Plan includes population, household, and employment growth projections for West Grey to 2046 as shown in Table 1, Table 2 and Table 3 below.

Table 1: Permanent Population Growth Projections to 2046 (total population)							
Year	2021	2026	2031	2036	2041	2046	Growth
Municipality of West Grey	13,360	13,780	14,140	14,490	14,830	15,110	1,750

Table 2: Household Growth Projections to 2046 (total households)							
Year	2021	2026	2031	2036	2041	2046	Growth
Municipality of West Grey	5,410	5,640	5,830	6,020	6,160	6,250	840

Table 3: Employment Growth Projections to 2046 (total people employed)							
Year	2021	2026	2031	2036	2041	2046	Growth
Municipality of West Grey	3,550	3,690	3,820	3,940	4,080	4,230	680

Updates/modification to Section C2.1 and/or Table 1 and/or Table 2 and/or Table 3 may be undertaken without an amendment to this Official Plan based on changes to the Grey Official Plan.

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 **Employment Lands** needs of the community to the year 2046 accommodating growth as forecast in Tables 1, 2 and 3 of this Official Plan.
- 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 - 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 ensure that an appropriate supply of vacant land is readily available for employment and commercial development.
- c) To plan for a variety of employment opportunities in commercial, **Employment Lands**, service, institutional and other trades and occupations.
- d) To provide incentives through West Grey's Community Improvement Plan (CIP) to help promote and enable prioritized development across West Grey.

C4 Cultural Heritage - Objectives

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

- 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 early in their process with representatives of First Nations and Métis, and West Grey may 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 West Grey's Community Improvement Plan (CIP) which also provides direction to enhance the visual appearance of the downtown areas.

C5 Climate Change

C5.1 West Grey Climate Change Action Plan

West Grey's corporate Climate Change Action Plan (CCAP) was adopted by West Grey Council in October 2023.

In 2019 the Corporation of West Grey generated 2,381 tonnes of CO₂e from the operation of municipally owned buildings, the municipal vehicle and equipment fleet, water and wastewater facilities, outdoor lighting and solid waste. Recognizing the international and federal commitments to net-zero greenhouse gas (GHG) emissions by 2050, West Grey has set a goal of reducing these emissions to net-zero, along with an interim 2030 goal. West Grey's GHG targets are as follows:

40% reduction in corporate greenhouse gas emissions by 2030 relative to 2019 levels; and net-zero greenhouse gas emissions by 2050

A total of 15 strategic corporate actions were developed in the West Grey CCAP based on best practices in municipal GHG mitigation and their GHG reduction potential.

Strategy #1: Develop a Green Fleet Plan

Strategy #2: Install EV Chargers at municipal parking lots and buildings

Strategy #3: Fleet Optimization

Strategy #4: Reducing Emissions from Single Passenger Commuting & Private Vehicles

Strategy #5: Energy Efficient New Buildings

Strategy #6: Develop an Energy Efficiency Strategy for Existing Buildings

Strategy #7: Renewable Energy

Strategy #8: Solar Streetlights

Strategy #10: Corporate Waste Policy

Strategy #12: Waste Diversion

Strategy #14: Municipal Climate Lens

Strategy #15: Promote a Culture of Conservation

C5.2 Land Use Policies – Actions

- a) Support the achievement of compact, connected, and complete communities;
- b) Incorporate climate change considerations into planning for the development of **Public Utilities**;
- c) Incorporate climate friendly considerations into the design and/or operation of public facilities;
- d) Promote green infrastructure, low impact development, and active transportation;
- e) Encourage the use of local renewable energy sources such as photovoltaic panels on roof structures, etc. to permit renewable energy generation;
- f) Build resilience to future flood risks;
- g) Protect trees, wetlands, and other natural areas and promote the use of nature-based solutions.

C6 Housing

- a) West Grey shall encourage a mixture of ownership and rental residential units for new residential development.
- b) West Grey 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. West Grey may support appropriate applications and proposals for special needs housing.
- c) West Grey shall encourage new residential unit types both rental and ownership to be affordable and attainable.
- d) West Grey 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.
- e) For certain projects, subject to the limitations of enabling legislation, West Grey may consider a request for a grant in lieu of residential development charges, planning fees and building permit fees for a new **affordable** housing in return for a commitment by the developer to meet specified affordability targets.
- f) West Grey shall promote, and where possible, assist in the administration of County, Provincial and Federal housing programs.
- g) West Grey shall encourage the conservation and rehabilitation of existing residential buildings to maintain and, in certain circumstances, improve the housing standards within the community.
- h) The demolition, or conversion of, rental units is discouraged, except where full replacement of the rental units is also being proposed.
- i) West Grey 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.
- j) West Grey 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.

PART D DETAILED LAND USE POLICIES

D1 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 Official Plan.

D1.1 Land Use Designations

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

- Residential
- Downtown Commercial
- Downtown Commercial Transition
- Highway Commercial
- **Employment Lands**
- 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.

D1.2 Uses Permitted in all Land Use Designations

The following uses shall be permitted in all land use designations, except the Environmental Protection designation unless specifically permitted:

- conservation;
- **public utilities;**
- public and private parking lots;
- **small scale energy system;** and
- **special events** and **special occasions.**

Public Utilities may be specifically zoned in the implementing comprehensive zoning bylaw.

Public Utilities regulations i.e., building or structure setbacks, lot coverage, parking, landscaping etc. shall be considered in the implementing comprehensive zoning bylaw.

The implementing comprehensive zoning bylaw may establish regulations for **Special Events** and/or **Special Occasions**.

D1.2 All Works to conform to this Official Plan

No municipal or public work shall be undertaken and no bylaw passed for any purpose that does not conform to this Official Plan.

All public works undertaken by all other levels of government and other public agencies shall conform with this Official Plan, except where exempted under provincial or federal legislation.

D2 Residential

D2.1 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.

D2.2 Objectives

- a) To ensure that an appropriate range of housing types and densities are available and provided in the **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 encourage residential **development** which efficiently utilizes the land, resources, **Public Utilities**, and public facilities of West Grey.

D2.3 Primary Uses – Permitted

The predominant use of land within the residential designation shall be for a full variety of types, sizes and densities of **dwellings**.

Land uses that are **compatible** with **dwellings** shall be permitted. Such uses include but are not limited to:

- **Additional residential units**
- Accessory buildings and structures
- Garden suites
- Group homes, auxiliary group homes and crisis care group homes
- Child care centres and home child care
- Home occupations
- Home industry
- Bed and breakfast establishment

- Neighbourhood commercial uses

D2.4 Secondary Permitted Uses

Within the Residential designation secondary uses may be permitted. Such secondary uses are limited to:

- Institutional uses in accordance with Section D7; and
- Open Space uses in accordance with Section D8.

Secondary Permitted uses should be zoned accordingly.

D2.5 Additional Residential Units (ARUs)

Where one single-detached dwelling, semi-detached dwelling, townhouse unit or street townhouse unit is permitted on a lot, additional residential units may be permitted in accordance with the following:

- (i) A maximum of two additional residential units may be permitted in addition to the principal unit, for a total of three residential units.
- (ii) In all cases a maximum of one additional residential unit may be located within a building or structure accessory to the principal unit.
- (iii) Where a parcel of urban residential land has an existing garden suite, a maximum of one additional residential unit may be permitted, only within the principal building.

Additional Residential Units can be created through:

- the conversion of existing space within the main residential building
- an addition to the main residential building
- the conversion of an existing accessory structure on the lot
- the addition of a new accessory structure on the lot

The implementing comprehensive zoning bylaw shall establish regulations addressing the following:

- a) A minimum of one (1) additional parking space for each **ARU**, in addition to the parking space requirements of the **dwelling**, shall be provided.
- b) Each **ARU** on a lot or property shall be ancillary to/smaller in total floor area than the **dwelling**.
- c) Lot grading and/or stormwater, as per Section H shall be reviewed and approved at the time of issuance of a building permit.
- d) All requirements of the Ontario Building Code, the Ontario Fire Code, a property standards by-law, and other relevant municipal and provincial regulations are to be satisfied at the time of issuance of a building permit.

D2.6 Implementing Comprehensive Zoning By-law

The implementing comprehensive zoning by-law:

- a) Shall include all Primary Uses in one (1) zone differentiated only by regulations appropriate for the type of Primary Use or **compatible** use;
- b) Shall establish appropriate regulations i.e., minimum lot area, maximum lot coverage, building/structure setbacks, parking spaces, building height, minimum open space, minimum landscaping etc. for each type, size and density of **dwelling**s.
- c) For **medium and high-density development** the regulations shall take into consideration the height, bulk, siting of buildings, appropriate open space, landscaping and buffering to minimize **adverse impacts** on adjacent uses.
- d) Shall establish the types of land uses that are **compatible** with **dwelling**s.
- e) Shall establish appropriate regulations i.e., minimum lot area, maximum lot coverage, building/structure setbacks, building height, minimum open space, landscaping etc. for each type, size and density of land uses that are **compatible** with **dwelling**s.
- f) Should require a minimum of two (2) parking spaces for single detached, semi-detached, duplex, street townhouses and other similar types/sizes of dwelling
s;- g) Should limit the percentage of a required front yard that may be used for parking;
- h) Shall establish appropriate regulations i.e., for setbacks to **Employment Lands** uses or similar uses.

D2.7 General Development Policies

- a) A wide range of housing types, sizes and densities shall be permitted within the Residential designation, subject to the policies of this Official Plan.
- b) **Development** shall be serviced in accordance with Part H Municipal Servicing Policies/**Public Utilities**.
- c) **Development** shall occur by **intensification**, infilling and expansion.
- d) **Development** through **intensification** shall be encouraged to represent 10% of new **dwelling**s being established within the primary **settlement areas** and is intended to retain small town character and revitalize downtown areas through:
 - i. 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.
 - ii. Facilitating **intensification** in all areas within **settlement areas** including adaptive re-use or **redevelopment** of sites that previously had **development** and underutilized lands.
 - iii. Encouraging **intensification** along major roadways and arterial roads.
 - iv. 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.

- v. Encouraging **intensification** which results in new rental accommodation.
- vi. Encourage a wide range of housing types to support affordable and attainable housing.
- vii. Ensuring adequate **Public Utilities** are, or will be, established to serve the anticipated development.
- e) For **Greenfield** developments a density of 25 **dwelling** units per **net hectare** should be achieved. The possibility for future **additional residential units** shall not be included in the density calculation.
- f) Developers/owners/builders of multi-unit / multi-lot infill developments should strive for a minimum **development** density of 25 **dwelling** units per **net hectare**.
- g) To assist in meeting the density target and to promote special needs housing, rental, **affordable** and attainable residential units, West Grey may support a variety of zoning standards and/or Development Standards where appropriate.

D2.8 Conversion of Rental Housing

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 availability and vacancy rate for rental accommodation within the **settlement area**; the effect on the provision of affordable/attainable rental housing within the **settlement area**, and the plans of the applicant to provide temporary rental accommodation to the existing tenants.

D3 Downtown Commercial

D3.1 Goal

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

D3.2 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 West Grey.
- 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**.
- g) Encouraging the addition of housing above commercial uses in the downtown.

D3.3 Permitted Uses

Permitted use include, but are 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), motels, hotels, inns, places of entertainment, fitness centres, private and commercial schools, and funeral homes.

D3.4 Secondary Permitted Uses

Within the Downtown Commercial designation secondary uses may be permitted. Such secondary uses are limited to:

- Institutional uses in accordance with Section D7
- Open Space uses in accordance with Section D8

Secondary Permitted uses shall be zoned accordingly.

D3.5 Residential Dwelling Units in an Existing Building or Structure

Within the Downtown Commercial designation residential dwelling units may be permitted within a building or structure existing as of the date of adoption of this Official Plan in accordance with the following:

- a) The entirety of an existing building or structure may be converted to residential dwelling units.
- b) Where the entirety of an existing building or structure is to be converted to residential dwelling units, the **redevelopment** should occur in such a manner that maintains the character of the existing building or structure.
- c) A residential dwelling unit may occupy the entirety of any floor of the existing building or structure including the ground floor.
- d) A residential dwelling unit shall not be subject to maximum or minimum floor area sizes.
- e) The implementing comprehensive zoning by-law may require parking for each dwelling unit.

D3.6 General Policies

- a) All new commercial **development** shall be directed to the downtown areas apart from **neighbourhood commercial uses** or commercial establishments which are consistent with the Downtown Commercial or Highway Commercial designation.
- b) Special events that attract large volumes of people to the downtown areas shall be promoted.
- c) The infilling of vacant properties and the **redevelopment** of existing building properties will be encouraged to achieve a continuous building effect along the main streets within the core areas. A zero (0) metre front yard setback shall be promoted.
- d) All **development** within the downtown areas shall be in keeping with the scale, density, nature and heritage character or the area.
- e) Downtown area property owners and tenants will be encouraged to maintain and enhance the attractiveness of their businesses.
- f) Outside storage of supplies or waste disposal bins shall be to the rear of buildings/structures and appropriately screened where required.

- g) West Grey shall endeavor to provide adequate parking facilities for all permitted uses within the downtown area, except for land uses requiring overnight accommodation such as motels, hotels and inns in which case the owners shall provide the required parking.

D4 Downtown Commercial Transition

D4.1 Goals

This Official Plan shall strive to reinforce the importance of the downtown cores by establishing a transition area between the Downtown Commercial designation and the Highway Commercial designation that would permit a variety of types and sizes of residential **dwelling**s plus small scale commercial uses within existing residential **dwelling**s that would be **compatible** with adjacent residential uses.

D4.2 Objectives

- a) To establish a defined area immediately south of Durham's Downtown Commercial designation where small-scale commercial uses and residential uses are permitted.
- b) To strongly promote the retention of existing residential **dwelling**s when new permitted commercial uses are proposed.
- c) To strongly promote the preservation of existing residential **dwelling**s while permitting expansions, renovations etc. to existing residential **dwelling**s.
- d) To permit expansions, renovations etc. to existing non-residential **dwelling**s.
- e) To promote the inclusion of **accessory residential units**.
- f) To permit the conversion of an existing residential dwelling to a multi unit residential dwelling.

D4.3 Permitted Uses

The predominant use of land within the Downtown Commercial Transition designation shall be for:

- A variety of types and sizes of **dwelling**s and **additional residential units** and accessory buildings/structures;
- Commercial uses, buildings and structures existing as of December 2025;
- Business and professional offices within an existing residential **dwelling** structure;
- Retail within an existing or expanded residential **dwelling** structure;
- Personal service shops within an existing or expanded residential **dwelling** structure;
- and
- Hotel/inn within an existing or expanded residential **dwelling** structure.

Land uses that are **compatible** with the Permitted Use shall be permitted. Such uses include but are not limited to:

- Garden suites
- Group homes, auxiliary group homes and crisis care group homes
- Child care centres and home child care
- Home occupations

- Home industry
- Bed and breakfast establishment

The implementing comprehensive zoning by-law shall establish the types of land uses that are **compatible**.

D4.4 General Policies

- f) Permitted uses should generally occur within an existing residential **dwelling** structure.
- g) New **development** or **redevelopment** should occur in such a manner that maintains the residential character of an existing residential **dwelling** structure.
- h) The enlargement/expansion or the change of use on a property abutting a Provincial Highway may be subject to approval by the Ontario Ministry of Transportation.
- i) Parking shall be provided to the side and/or rear of principal buildings and in accordance with the parking requirements of the implementing comprehensive zoning bylaw.
- j) Outside storage of supplies or waste disposal bins shall be to the rear of principal buildings and appropriately screened where required.
- k) Existing landscaped front yards are to be maintained.
- l) The implementing comprehensive zoning bylaw shall require similar regulations as required for **dwelling**s in the Residential designation notwithstanding required setbacks to a Provincial Highway.
- m) Where an existing residential dwelling is to be changed to include a non-residential Permitted Use, Site Plan Control may apply. The implementing comprehensive zoning bylaw may place a H - Holding provision permitting the continued use/expansion of an existing residential **dwelling** but requiring an evaluation to determine if Site Plan Control is required for any change to a commercial use, or the addition of a commercial use.

D5 Highway Commercial

D5.1 Goal

This Official Plan provides opportunities in Durham and Neustadt for commercial uses which are not suited to locate within the Downtown Commercial designation due to their size and / or nature but are supportive of the general commercial needs of the residents of Durham and Neustadt, neighbouring communities, and visitors to the area.

D5.2 Objectives

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

D5.3 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, hotels, motels, garden centres, building supplies, home improvement stores, large format retail stores. Accessory uses to a **Highway Commercial use** shall also be permitted. Accessory **dwelling** units may also be permitted.

Small floor area uses that may be accommodated in the downtown areas such as small retail, strip malls, medical offices and clinics, personal service shops or professional or business office uses, should be discouraged.

D5.4 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 should be encouraged such that the commercial building can be constructed closer to the road to create an attractive streetscape.
- b) Access points to the property 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 **dwelling** units may be permitted provided they are located above the principal Highway Commercial use.
- e) Open storage areas should be in the rear and interior side yards and should be substantially screened from public view.
- f) Outdoor display areas i.e., new/used car lots may be permitted in the implementing comprehensive zoning bylaw.
- g) Landscaping should be provided where **Highway Commercial uses** abut a residential use or where a **Highway Commercial** use has high visibility to the general public.
- h) Fencing/tree buffer should be provided where **Highway Commercial uses** abut a residential or institutional use.

D6 Employment Lands

D6.1 Goal

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 **Employment Lands uses**.

D6.2 Objectives

- a) To provide an adequate supply of vacant, serviced land within the primary **settlement areas** of Durham and Neustadt to attract new **Employment Lands development** to West Grey.

- b) To encourage the expansion of **Employment Lands** uses.
- c) To encourage existing **Employment Lands** uses situated outside of the **Employment Lands** designated area to relocate to lands designated as **Employment Lands**.

D6.3 Permitted Uses

The use of the land within the **Employment Lands** shall be for clusters of business and economic activities limited to manufacturing uses including uses related to research and development in connection with manufacturing; warehousing uses including uses related to the movement of goods; retail uses and office uses that are associated with manufacturing and warehouse uses; facilities that are ancillary to manufacturing and warehouse uses.

D6.4 Prohibited Uses

Uses that are prohibited include:

- Commercial uses, including retail and offices not accessory or ancillary or associated with the Permitted Uses listed above.
- Institutional uses
- Residential uses
- Open Space uses

D6.5 General Policies

- a) Any **development** proposal involving the redesignation of **Employment Lands** to another land use category shall be subject to the employment area review policies contained in the Provincial Planning Statement.
- b) All uses shall meet the emission standards of the MECP, and where necessary, obtain the approval of the MECP with regard to water supply, sewage treatment, waste disposal and emissions including noise, vibration, fumes, gas, dust, and odours.
- c) Cannabis production and processing shall be considered a permitted use in the **Employment Lands** 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.

- d) **Employment Land** uses shall be set back from residential land or other **sensitive land uses** in accordance with the MECP Guideline D-6 (Compatibility between Industrial Facilities and **Sensitive Land Use**).
- e) All **Employment Land development** shall provide adequate off-street parking, loading facilities, buffering and setbacks, in accordance with the provisions of the comprehensive zoning bylaw. The provision of parking at the rear or side of the building shall be encouraged such that the **Employment Land** building can be constructed closer to the road, thereby creating a more attractive streetscape.
- f) Open storage areas should be in the rear and interior side yards and should be substantially screened from public view.
- g) Outdoor display areas may be permitted in the implementing comprehensive zoning bylaw.
- h) Landscaping should be provided where **Employment Land** uses abut residential or institutional uses or where an **Employment Lands** use has high visibility to the general public.
- i) Fencing/tree buffer should be provided where **Employment Land** uses abut residential or institutional uses.

D7 Institutional

D7.1 Goals

This Official Plan shall ensure the provision of education, worship and cultural facilities in suitable locations to adequately serve all interest groups.

D7.2 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.

D7.3 Permitted Uses

The predominant use of land within the Institutional designation shall be uses such as schools (private or public), places of worship, libraries, hospitals, municipal buildings, nursing homes (private or public) and museums. Accessory uses to an **Institutional use** shall also be permitted. Accessory **dwelling** units may also be permitted.

D7.4 General policies

- a) **Institutional uses** shall also be permitted within the Residential designation and Downtown Commercial designation without an amendment to the Official Plan.

- b) **Institutional uses** shall be designed in such a manner that adjacent land uses would not be significantly impacted.
- c) Adequate on-site parking and landscaping shall be provided.
- d) West Grey will assist the Bluewater District School Board and the Bruce-Grey Catholic District School Board by providing information required to determine future education requirements.

D8 Open Space

D8.1 Goal

This Official Plan shall strive to contribute to the quality of life in West Grey 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.

D8.2 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.

D8.3 Permitted Uses

The predominant use of the land within the **Open Space** designation shall be various forms of public and private open space uses as defined. Buildings accessory to an **Open Space use** shall also be permitted.

D8.4 General policies

- a) **Open Space uses** shall also be permitted within the Residential designation and Downtown Commercial designation without an amendment to the Official Plan.
- b) Multiple use of publicly owned Open Space areas shall be encouraged to serve a variety of users.
- c) **Open Space uses** shall be designed in such a manner that adjacent land uses would not be significantly impacted.
- d) Adequate on-site parking shall be provided.

D9 Environmental Protection

D9.1 Goal

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.

D9.2 Objectives

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.

D9.3 Permitted Uses

The predominant use of land within the Environmental Protection designation shall be for conservation and forestry.

D9.4 Secondary Permitted Uses

Within the Environmental Protection designation secondary uses may be permitted. Such secondary uses are limited to:

- **Public Utilities** in accordance with Section D9.8;
- **Open Space** uses in accordance with Section D9.8; and
- public and private parking lots.

Secondary Permitted uses may be zoned accordingly.

D9.5 Prohibited Uses

Development or redevelopment is prohibited that is associated with:

- a) The manufacturing, use or storage of hazardous or toxic substances which would pose an unacceptable threat to public safety if damaged as a result of erosion, unstable soils, flooding or failure of flood protection measures;
- b) Institutional uses, such as hospitals, nursing homes, day care establishments, group homes and schools, which would pose a significant threat to the safety of the inhabitants if involved in an emergency evacuation situation as a result of flooding or failure of flood protection measures; and
- c) Emergency services such as police, fire and ambulance stations and electrical and telephone substations, which would be impaired during a flood emergency as a result of flooding or failure of flood protection measures.

D9.6 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.
- b) Environmental Protection designation is applied to lands within the **floodway** of the Saugeen River, Durham Drain, Camp Drain, Bruce St. N Drain, Meux Creek, Neustadt Creek, Neustadt Drain and William/Mill Drain.
- c) Environmental Protection designation may also be applied to lands where **natural heritage features** exist and require protection from incompatible uses. The **natural heritage features** are discussed further in Section E1 of this Official Plan.
- d) In general, 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 unenclosed accessory structures to a permitted use.

- e) Where land designated Environmental Protection is under private ownership, this Official Plan does not intend that such land will necessarily remain as Environmental Protection indefinitely, nor shall it be construed as implying that such land is free and open to the general public or that the land will be purchased by West Grey or other public authority.
- f) Any application to redesignate Environmental Protection lands to another land use designation may be given consideration by West Grey in consultation with the Saugeen Valley Conservation Authority (SVCA). 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 West Grey to redesignate the lands where there is an existing or potential hazard that would be difficult or costly to overcome. 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.
- g) West Grey may require the proponent to submit technical stud(ies) or assessment(s) for any **development** within, or adjacent to, the Environmental Protection designation, as may related to site hazards or natural heritage features.

D9.7 Continuation of Use / Additions or Alterations / Creation of Lots

Nothing in this Official Plan shall prohibit the continuation of any use within the Environmental Protection designation which is **legal non-conforming**.

Minor additions or alterations or replacement of **legal non-conforming** buildings or structures shall be assessed under Section N3 Legal Non-Conforming.

Creation of lots for conservation or municipal purposes shall be permitted.

The extension of an existing lot into the Environmental Protection designation is generally discouraged but may be permitted provided the implementing comprehensive zoning bylaw prohibits the establishment of structures or outdoor storage.

D9.8 Public Utilities and Open Space Uses

Public Utilities in the Environmental Protection designation may be permitted subject to compliance with Section E3 Environmental Impact Study.

Open Space uses in the Environmental Protection designation shall be limited to non-structural uses and shall not require an Environmental Impact Study.

D10 Future Development

D10.1 Goal

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 the need for the lands within the proposed designation has been demonstrated and/or full municipal services are available.

D10.2 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, employment, 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.

D10.3 Permitted uses

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 **dwelling** on an existing lot of record may be erected in accordance with the servicing policies of Section 'H1 Municipal Water Service and Municipal Sanitary Sewer Service'.

D10.4 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 excepting applications proposing to amalgamate or consolidate lands

D11 Exceptions

D11.1 Part Lot 1, Concession 13, Neustadt

Notwithstanding their Future Development designation, on those lands designated **D11.1** on Schedule B to this Official Plan 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 serviced with municipal water and sanitary sewer services.

D11.2 Part Lot 1, Concession 13, RP16R6835, PT 1, Neustadt

Notwithstanding their Future Development designation, on those lands designated **D11.2** on Schedule B to this Official Plan 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 serviced with municipal water and sanitary sewer services.

D11.3 696 Queen Street, Neustadt

Notwithstanding their Residential designation, on those lands designated **D11.3** on Schedule B to this Official Plan the following shall apply:

- a) No new lot creation or new permitted uses, as identified in section E2.4 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 Official Plan.
- b) 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.

D11.4 232 Forler Street, Neustadt

Notwithstanding their Residential designation, on those lands designated **D11.4** on Schedule B to this Official Plan one detached **dwelling**, and a business or professional office and/or a builders' or contractors' yard in a detached accessory structure, shall be permitted.

D11.5 546 Mill Street, Neustadt

Notwithstanding their Downtown Commercial designation, on those lands designated **D11.5** on Schedule B to this Official Plan a 'H Holding' shall be applied in the implementing comprehensive zoning bylaw requiring approval of any development from the Saugeen Valley Conservation Authority.

D11.6 166 Bruce Street, Durham

Notwithstanding their Residential designation, on those lands designated **D11.6** on Schedule A to this Official Plan, a funeral home, a business or professional office and an accessory dwelling unit within the principal building, shall be permitted. Where at such time the lands are no

longer used as a funeral home or a business or professional office, the permitted uses of the Residential designation shall apply.

D11.7 ARN: 420526000511930, Part of ARN: 420526000511930, Durham Notwithstanding their Employment Lands designation, on those lands designated **D11.7** on Schedule A to this Official Plan, a pit licenced under the Ontario Aggregate Resources Act, a ready mix plant, a hot mix asphalt plant and accessory buildings and structures shall be the only permitted uses in the implementing comprehensive zoning by-law excepting however a ready mix plant, a hot mix asphalt plant and accessory buildings and structures shall not be permitted on those lands within the Durham WHPA as shown in Appendix C (Wellhead Protection Areas: Durham) in the implementing comprehensive zoning by-law.

At such time the lands are no longer subject to a licence under the Ontario Aggregate Resource Act, a zoning by-law amendment shall be required to permit the uses of the Employment Lands designation excepting however a 'H Holding' provision may be applied to those lands within the Durham WHPA as shown in Appendix C (Wellhead Protection Areas: Durham).

D11.8 204 Garafraxa Street S., Durham

Notwithstanding their Downtown Commercial designation, on those lands designated **D11.8** on Schedule A to this Official Plan, in addition to those uses permitted in the Downtown Commercial designation, a motel/motor motel shall also be permitted. The implementing comprehensive zoning bylaw shall prohibit arcades, bus depots, companion animal offices, and other potential nuisance uses. The implementing comprehensive zoning bylaw shall establish suitable building setbacks, require a parking area dedicated solely for the use of a mote/motor motel, and require a fence where a lot line, or portion of a lot line, abuts a residential or institutional use.

PART E GENERAL DEVELOPMENT POLICIES

E1 Natural Heritage

West Grey recognizes that well functioning natural heritage systems has social, health, and economic benefits for those living and / or working in West Grey, now and in the future.

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

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

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 and Appendices A and B will be amended accordingly.

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

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

E1.1 Objectives

- a) 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.
- b) Promote the restoration and enhancement of the natural environment in West Grey jointly with the County, conservation authorities and provincial agencies.
- c) 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.

E1.2 Significant Habitat of Threatened or Endangered Species

E1.2.1 Redside Dace

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.

Meux Creek is classified as habitat for reddsides and **development** or **site alteration** on **adjacent lands** may be required to submit an **Environmental Impact Study**. Stormwater management plans and erosion and sediment control plans may also be required to specifically show how there will be no unacceptable impacts to reddsides habitat.

New **Public Utilities** projects within Neustadt that propose drainage, directly or indirectly, into Meux Creek should only occur when protection of that species and its habitat is satisfied, and applicable environmental approvals have been obtained.

E1.2.2 Other – Significant Habitat of Threatened or Endangered Species

Mapping is not available for other Significant Habitat of Threatened or **Endangered Species**.

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** may be required to submit at the discretion of West Grey an **Environmental Impact Study**.

E1.3 Significant Wetlands and Areas of Natural and Scientific Interest

According to the 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 Official Plan regarding these natural heritage features.

E1.4 Significant Woodlands

Significant Woodlands are situated within both **settlement areas** and are identified on Appendices A and B to this Official Plan.

The criteria for the identification of Significant Woodlands were developed by the County of Grey with assistance from the Ministry of Natural Resources and Forestry. The identification was primarily a desktop based geographic information systems (GIS) exercise.

West Grey 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.

To be considered significant, the woodland must be greater than, or equal to, four (4) hectares in size.

The policies for Significant Woodlands are as follows:

- a) 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) 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.
- b) Notwithstanding subsection (a) above, projects undertaken by West Grey, the County, or the Saugeen Valley Conservation Authority may be exempt from the EIS requirements provided said project is a public work or conservation project.
- c) Notwithstanding section (a) above, tree cutting, and forestry will be permitted in accordance with the County of Grey's Forest Management By-law No. 4341-06, or its successor.
- d) Notwithstanding sections (a) and (b), fragmentation of Significant Woodlands is generally discouraged.
- e) Some lands in Durham and Neustadt may be considered **adjacent lands** to a Significant Woodland located outside of the **settlement areas**. County of Grey Official Plan mapping for Significant Woodlands outside of the **settlement areas** shall be reviewed. The policies of this section shall apply.

E1.5 Other Wetlands

Other Wetlands are situated within both **settlement areas** and are identified on Appendices A and B to this Official Plan.

Notwithstanding Appendices A and B there may be some wetlands within the primary **settlement areas** of Durham and Neustadt that have not been mapped, and therefore the

wetland mapping on Appendices A and B is considered incomplete. Any unevaluated wetlands within Durham or Neustadt are likely to be included in the Environmental Protection designation or the **flood fringe** overlay.

The policies for Other Wetlands are as follows:

- a) No **development** or **site alteration** shall occur within Other Wetlands or their **adjacent lands** unless it has been demonstrated through an **environmental impact study** (EIS) that there will be no **negative impacts** on the natural features or their **ecological functions**. The **adjacent lands** are defined as lands within 30 metres of Other Wetlands.
- b) Some lands in Durham and Neustadt may be considered **adjacent lands** to Other Wetlands located outside of the **settlement areas**. County of Grey Official Plan mapping for Other Wetlands outside of the **settlement areas** shall be reviewed. The policies of this section shall apply.

E1.6 Fish Habitat

The Saugeen River and Meux Creek are considered **fish habitat**.

Parts of Neustadt Creek in Neustadt may be considered **fish habitat**.

For lands that drain into **fish habitat** stormwater management plans and erosion and sediment control plans may be required to specifically show how there will be no unacceptable impacts to the **fish habitat**.

An application proposing a **development** that is on **adjacent lands** to **fish habitat** may be required to submit an **Environmental Impact Study**.

See also Section E1.2.1 Redside Dace.

E1.7 Significant Valleylands

Mapping is not available for significant valleylands.

An application proposing a **development** within an area that has the potential to be included within or on **adjacent lands** to Significant Valleylands may be required to submit, at the discretion of West Grey an **Environmental Impact Study**.

E1.8 Significant Wildlife Habitat

Mapping is not available for significant wildlife habitat.

An application proposing a **development** within an area that has the potential to be included within or on **adjacent lands** to Significant Wildlife habitat may be required to submit, at the discretion of West Grey an **Environmental Impact Study**.

E2 Hazardous Lands and Hazardous Sites

Hazardous 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 furthest landward limit of the flooding hazard or erosion hazard limits.

Hazardous site means property or lands that could be unsafe for development and site alteration due to naturally occurring hazards. These include unstable soils such as wetlands and unstable bedrock such as karst topography.

E2.1 Objectives

Identify and regulate **development** on lands exposed to natural hazards jointly with the County, provincial agencies, and Conservation Authority.

E2.2 Floodplains

Major floodplains, defined as the extent of flooding from the **Regulatory Flood Event Standard**, are shown conceptually in Schedules A and B of this Official Plan. **Floodplain** lands are found along the Saugeen River in Durham, and Meux Creek and some of Neustadt Creek in Neustadt.

The precise delineation of the floodplain is determined by the SVCA. Changes to the extent of the **floodplain** require an amendment to this Official Plan.

E2.3 Two-Zone Floodplain Policies – Floodway and Flood Fringe Area

The **floodplain** is divided into two zones: the **floodway** and the **flood fringe** as shown on Schedule A and B of this Official Plan.

E2.3.1 Floodway

The **floodway** zone of the **floodplain** is designated Environmental Protection.

Within the **floodway** new structures necessary for conservation or passive outdoor recreation, may be permitted, subject to the approval of the SVCA.

Within the **floodway** **Public Utilities** may be permitted subject to the policies of Section D9 Environmental Protection .

E2.3.2 Flood Fringe

Various designations in this Official Plan include an overlay indicating the **flood fringe** zone of the **floodplain**.

Development and site alteration may be permitted within the **flood fringe** provided that the following conditions are met:

- a) a permit is issued by the SVCA pursuant to the Conservation Authorities Act ;
- b) all development is suitably floodproofed as determined by and to the satisfaction of the SVCA;
- c) all habitable floor space is constructed at or above the elevation as determined by and to the satisfaction of the SVCA;
- d) the creation of any uninhabitable floor space below the elevation as determined by the SVCA where there is the possibility of conversion to habitable floor space is not permitted;
- e) notwithstanding (d) above, the creation of uninhabitable floor space below the elevation may be permitted if it is associated with an apartment building, commercial, employment or other non-residential development. Such areas in an apartment building

may include foyers, recreation rooms, communal storage areas, or other uninhabitable floor space that is normally associated with this type of development. All such floor space in any development must be floodproofed with the maintenance of safe access ensured;

- f) access for all new habitable buildings located in the **flood fringe** shall be such that emergency vehicular and pedestrian movement is not prevented during times of flooding in order that “safe access”/evacuation is ensured. The determination of “safe access” shall be made by the SVCA based on the depth and velocity factors such as they affect individual sites;
- g) conversions of non-residential buildings in the **flood fringe** to residential use may be permitted provided that the requirements of (a) through (f) above are satisfied; and
- h) Outdoor **Employment Lands** storage may be permitted within the **flood fringe** subject to the protection of such storage to any elevation as determined by the SVCA.

E2.4 Implementation of Floodplain / Floodway / Flood Fringe Policies

The policies of Section E2 shall be implemented in the following ways:

- a) The implementing comprehensive zoning bylaw by incorporating applicable provisions to its regulations, including permitted uses. The lands identified by this Official Plan as being within the **floodplain/floodway/flood fringe** shall be zoned as follows:
 - i. all vacant or otherwise undeveloped lands in the **floodway** portion of the **floodplain** as of the date of adoption of this Official are designated Environmental Protection in this Official Plan and shall be zoned to prohibit buildings or structures;
 - ii. all lands where **legal non-conforming** uses existed in the **floodway** portion of the **floodplain** as of the date of adoption of this Official are designated Environmental Protection in this Official Plan. The lands may be zoned to recognize the **legal non-conforming** use, and a prefix or prefixes may apply, which shall serve as notice that properties so zoned are constrained beyond regulations in the implementing comprehensive zoning bylaw; and
 - iii. all lands located within the **flood fringe** portion of the **floodplain** are designated in this Official Plan for the appropriate use and shall be zoned accordingly. A prefix or prefixes may be applied to serve as notice that the properties so zoned are constrained beyond regulations in the implementing comprehensive zoning bylaw.
- b) Zoning maps attached to and forming part of the implementing comprehensive zoning bylaw law which shall indicate that any construction, reconstruction, addition, extension or major rehabilitation or renovation of buildings or structures on lands lying within the Flood Fringe shall, where appropriate, require the approval of the SVCA; and
- c) Site plan control provision of the Planning Act, which will be applied to ensure compliance with the policies of this Official Plan for the purposes of setting minimum levels, grading and other landscaping features.

E2.5 Regulated Area (Conservation Authorities Act)

The Regulated Area includes the Environmental Protection designation lands, river or stream valleys, floodplains, watercourses, hazardous lands, and wetlands. The Conservation Authorities Act empowers Conservation Authorities to regulate development and activities in these areas.

The Saugeen Valley Conservation Authority Regulated Area is shown on Schedules A and B.

Within the Regulated Area a permit, pursuant to the Conservation Authorities Act, prior to the issuance of a building permit may be required.

E2.6 Karst Topography

Within the boundaries of the town of Durham there is an area of Karst identified. Applications for proposed developments on this land shall be subject to review from relevant agencies to assess and mitigate the possibility of groundwater contamination.

Development shall conform with the relevant karst policies of the Grey Official Plan at the time of application.

E3 Environmental Impact Study (EIS) policies

The following policies apply to the preparation of an **EIS**:

- a) An **EIS** is a study to identify and assess the potential impacts of a specific **development** proposal on natural heritage or natural hazard features.
- b) West Grey 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 heritage or natural hazard features identified in section E1 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, subdivision agreement, consent agreement, site plan control or other means.
- e) West Grey 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 or class 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) West Grey 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 or class environmental assessment process.

Components of an Environmental Impact Study would 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.
- h) Other components as identified through consultation.

E4 Drains

Appendix A Constraints (Durham) and Appendix B Constraints (Neustadt) show the following **drains**:

- a) Neustadt Drain
- b) William/Mill Drain
- c) Camp Drain
- d) Durham Drain
- e) Bruce St. N. Drain

The following policies apply to the **drains** as shown on Appendix A and/or Appendix B:

- i) The above ground section of a **drain** should be designated Environmental Protection;
- ii) The comprehensive zoning bylaw should zone the above ground sections of a **drain** as natural environment or similar;
- iii) The comprehensive zoning bylaw should establish setbacks from the top of bank of an above ground or underground **drain**;
- iv) A **drain** shall not be evaluated/classified as a stream, river or fish habitat;
- v) A **drain** may be form part/all of a formal stormwater management system;
- vi) A **drain** may be a municipal drain created by by-law pursuant to the Drainage Act.

E5 Land Use Compatibility and Sensitive Land Uses

- a) The Municipality shall consider the land use compatibility between sensitive land uses such as residential, and transportation, utility and **Employment Lands** uses.
- b) Land uses which are incompatible because of noise, dust, odour, vibration and other adverse environmental impacts should generally be kept separate from sensitive land

uses, as defined in the Provincial Policy Statement, such as (but not limited to) residential uses, educational facilities and health facilities, including long term care facilities.

- c) The Municipality shall strive to maintain compatibility between sensitive land uses and **Employment Lands** uses. Measures including land use separation, buffering, screening and site design measures shall be provided between incompatible land uses in accordance with the guidelines of the Ministry of the Environment and Climate Change. Distances shall vary depending on the nature of the **Employment Lands** use and the intervening land use.

E6 Tree Planting and Tree Removal

- a) The Municipality shall establish tree planting requirements for new **Employment Lands**, commercial and multi-unit or multi-lot **developments**.
- b) The Municipality may establish tree planting requirements for new infill residential **developments**.
- c) The Municipality may establish tree removal guidelines. These guidelines could identify heritage trees and nuisance trees, notification procedures for residents affected by the removal of the tree, and the replacement of nuisance trees in more appropriate locations.

E7 Condominium Developments

- a) Condominium developments shall be subject to similar residential policies/requirements of this Official Plan with regard to: size/width of Internal private roads, location of waste disposal/recycling, parking, landscaping, open space, stormwater management, outdoor lighting etc.
- b) Condominiums shall be subject to Site Plan Control.

PART F WASTE DISPOSAL/WASTE TRANSFER/CONTAMINATED SITES

F1 Waste Disposal Sites

An amendment to this Official Plan and/or the implementing comprehensive zoning bylaw shall be required to:

- a) permit the establishment of a new public or private **Waste Disposal Site**;
- b) permit the enlargement/expansion of a public or private **Waste Disposal Site**.

Prior to the approval of an Official Plan amendment, it shall be demonstrated, through the preparation of appropriate studies completed to the satisfaction of West Grey and/or other appropriate approval authority(s), that:

- a) the proposed haulage routes are adequate in relation to anticipated traffic volumes, and that no transportation difficulties will ensue from the proposed use;

- b) the use is adequately separated, buffered, and screened from adjacent land uses;
- c) the proposed closure and/or rehabilitation plan is adequate and contemplates improvements consistent with the character of the surrounding landscape;
- d) there will be no negative impact on ground and surface water, wetlands, sensitive fish or wildlife habitat, significant woodlands or any other major feature of the natural environment;
- e) that any potential hazards associated with use or materials handled are addressed and that contingencies for dealing with those potential hazards are identified;
- f) accessory buildings or structures are appropriately set back from property lines and adjacent uses, and
- g) any related planning and land use considerations, as may be set out in this Official Plan, are addressed, as well as any other matters deemed relevant by West Grey or the Province.

F1.1 590 Park St. W. Durham (Waste Management Facility/Waste Transfer Station)

Lands designated **F1.1** on Schedule A to this Official Plan apply to an active **Waste Management Facility and/or Waste Transfer Station** in the primary **settlement area** of Durham.

The following policies shall apply:

- a) The lands shall be developed/used in accordance with the **Employment Lands**;
- b) An environmental evaluation of the closed **Waste Management Facility** was initially conducted in 2013 by Gamsby and Mannerow on behalf of West Grey to address the Ministry of the Environment **Guideline D-4** (Land Use on or Near Landfills and Dumps). Subsequent annual monitoring reports have also been completed.
- c) The 2013 evaluation recommended a 100 metre minimum setback from the closed and active portions of the **Waste Management Facility** where potential impacts may be incurred (whether from groundwater and/or surface water contamination, and gas).
- d) A 100 metre buffer shall be applied around the perimeter of the **Waste Management Facility**, with no **development** being permitted within this buffer area until a further evaluation has been conducted for the lands in question, at the expense of the applicant.
- e) A Holding provision (-H) shall be applied to the 100 metre buffer lands in the implementing comprehensive zoning bylaw.

F2 Closed Waste Disposal Sites

There are two closed **waste management facilities** identified within the **settlement area** boundaries.

F2.1 Durham Road West [ARN: 420526000109302] Durham

Lands designated **F2.1** on Schedule A to this Official Plan apply to a closed **Waste Management Facility** in the primary **settlement area** of Durham.

The following policies shall apply:

- a) The closed **Waste Management Facility** is located on a 0.6-hectare property on the north side of Durham Road West, slightly east of Bruce Street North. The closed **Waste Management Facility** was reportedly used primarily for disposal of municipal/domestic waste and was closed in approximately 1955.
- b) An environmental evaluation of the closed **Waste Management Facility** was conducted on behalf of West Grey 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 lands.
- c) The evaluation concluded that the closed **Waste Management Facility** 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 has confirmed that the presence of waste was confined to the subject property, a 30-metre buffer shall be applied around the perimeter of the **Waste Management Facility**, with no **development** being permitted within this buffer area until a further evaluation has been conducted for the lands in question, at the expense of the owner. A Holding provision (-H) shall be applied to the 30 metre buffer lands in the implementing comprehensive zoning bylaw.
- d) A surface watercourse originates on the property. In 2025 a surface water study was conducted on behalf of West Grey to assess the potential risk posed the surface watercourse downstream of the subject property. The study concluded that the watercourse would does not pose a hazard and that no additional monitoring of the watercourse off-site is required.
- e) Given that no evaluation on-site of the surface watercourse was conducted, the surface watercourse should be evaluated when considering proposals for new **developments** or changes in land use on the property itself.
- f) No **development** is permitted on the Lands designated F2.1. The lands shall be zoned Future Development, or similar, in the implementing comprehensive zoning bylaw with no buildings or structures or similar uses permitted.
- g) An amendment to this Official Plan and the implementing comprehensive zoning bylaw shall be required.

F2.2 David Winkler Parkway [ARN: 420502000104600] Neustadt

Lands designated **F2.2** on Schedule B to this Official Plan apply to a closed **Waste Management Facility** in the primary **settlement area** of Neustadt.

The following policies shall apply:

- a) The closed **Waste Management Facility** occupies 0.45 hectares of the 2.9 hectare property on the east side of David Winkler Parkway. The closed **Waste Management Facility** was reportedly used primarily for disposal of municipal/domestic waste and was closed in 1992.

- b) An environmental evaluation of the closed **Waste Management Facility** was conducted on behalf of West Grey to address the Ministry of the Environment **Guideline D-4**. The evaluation concluded that the closed **Waste Management Facility** is not impacting on adjacent property with regard to groundwater contamination, surface water contamination or the generation of landfill gases (particularly methane).
- c) A 30-metre buffer shall be applied around the easterly and southeasterly boundary of the **Waste Management Facility**, with no **development** being permitted within this buffer area until a further evaluation has been conducted for the lands in question, at the expense of the owner. A Holding provision (-H) shall be applied to the 30 metre buffer lands in the implementing comprehensive zoning bylaw.
- d) No **development** is permitted on the Lands designated F2.2. The lands shall be zoned Future Development, or similar, in the implementing comprehensive zoning bylaw with no buildings or structures or similar uses permitted.
- e) An amendment to this Official Plan and the implementing comprehensive zoning bylaw shall be required.

F3 Waste Transfer Stations

An amendment to this Official Plan and the implementing comprehensive zoning bylaw shall be required to permit the establishment of a new public or private **Waste Transfer Station**.

Prior to the approval of an Official Plan amendment, it shall be demonstrated, through the preparation of appropriate studies completed to the satisfaction of West Grey and/or other appropriate approval authority(s), that:

- a) the proposed haulage routes are adequate in relation to anticipated traffic volumes, and that no transportation difficulties will ensue from the proposed use,
- b) the use is adequately separated, buffered, and screened from adjacent land uses,
- c) the proposed rehabilitation plan is adequate and contemplates improvements consistent with the character of the surrounding landscape,
- d) there will be no negative impact on ground and surface water, wetlands, sensitive fish or wildlife habitat, significant woodlands or any other major feature of the natural environment,
- e) that any potential hazards associated with use or materials handled are addressed and that contingencies for dealing with those potential hazards are identified,
- f) accessory buildings or structures are appropriately set back from property lines and adjacent uses, and
- g) any related planning and land use considerations, as may be set out in this Official Plan, are addressed, as well as any other matters deemed relevant by the Province, County of Grey or Municipality.

F4 Contaminated Sites and Record of Site Condition

Contaminated soils may be present on certain lands within Durham and Neustadt.

If a site is known or suspected to be contaminated, West Grey shall, when considering a **development** proposal, require the proponent to prepare a study in accordance with the MECP's Record of Site Condition process which determines the nature and extent of the contamination and any remedial measures required to clean up the site.

Prior to any **development** application being considered, all recommended remediation measures shall be undertaken, and the RSC shall be filed in accordance with the Environmental Protection Act, R.S.O. 1990)

PART G PROTECTION OF DRINKING WATER SOURCES

G1 Goal

West Grey 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 Northern Bruce Peninsula Source Protection Plan (the Source Protection Plan) approved by the Ministry of the Environment, Conservation and Parks (MECP) on October 16, 2015, as amended.

The following policies acknowledge and protect municipal drinking water sources:

- a) Municipal **Wellhead Protection Areas** (WHPAs) as identified through the **Drinking Water Source Protection** (DWSP) program are shown in Appendix C Wellhead Protection Areas: Durham and shall be considered a special protection area and all the requirements of Part G must be fulfilled prior to new **development or redevelopment** in these areas.
- b) Municipal WHPA boundaries shall only be modified by amendment to this Official Plan where the geographic extent of the WHPA is modified through amendment to the Source Protection Plan.
- c) Establishment of a new municipal WHPA shall be subject to any applicable Provincial and/or Source Protection Authority process.
- d) Land uses identified as being Restricted Land Uses within the Source Protection Plan within the WHPA's shown in Appendix C (Wellhead Protection Area: Durham) may be prohibited or may require approval of a risk management plan prior to being established. Consultation with the Risk Management Official and a notice from the Risk Management Official shall be required as part of a complete application for approval under the Planning Act / Building Code to establish any use, buildings, or structures on lands where such use, building, or structure may include activities restricted by the Source Protection Plan. Activities which, depending on the vulnerability of the particular wellhead protection area where they are located, may be subject to specific policies in the Source Protection Plan include the following significant drinking water threats as prescribed by Ontario Regulation 287/07 of the Clean Water Act, 2006:

- i. Waste disposal sites within the meaning of Part V of the Environmental Protection Act.
- ii. The establishment, operation or maintenance of a system that collects, stores, transmits, treats or disposes of sewage.
- iii. The application, storage and management of agricultural source material to land.
- iv. The application, handling and storage of non-agricultural source material to land.
- v. The application, handling and storage of commercial fertilizer to land.
- vi. The application, handling and storage of pesticide to land.
- vii. The application, handling and storage of road salt.
- viii. The storage of snow.
- ix. The handling and storage of fuel.
- x. The handling and storage of a dense non-aqueous phase liquid (DNAPL).
- xi. The handling and storage of an organic solvent.
- xii. The use of land as livestock grazing or pasturing land, an outdoor confinement area or farm-animal yard.

PART H MUNICIPAL SERVICING POLICIES/PUBLIC UTILITIES

H1 Municipal Water Service and Municipal Sanitary Sewer Service

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

This policy notwithstanding, consideration may be given to allowing for limited **development** on **partial services** or **private services** or **decentralized sewage system**.

H1.1 Partial Services or Full Private Services

Municipal water service and municipal sanitary sewer service is not provided to all lots within the **settlement areas**.

Consideration may be given to allowing for limited **development** on **partial services** or **private services** in accordance with the following:

a) Development on Vacant Lot Existing on date of Official Plan Adoption

Where an existing vacant lot is less than 30 metres (98.4 feet) from the end of municipal water service or municipal sanitary sewer service the municipal water service or municipal sanitary sewer service shall be provided to the vacant lot at the landowners expense.

Where an existing vacant lot is 30 metres (98.4 feet) or more from the end of municipal water service or municipal sanitary sewer service, **private services** may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts.

Development shall be limited to no more than two (2) **dwelling** units on an existing vacant lot that will be **partially serviced** or with **private services**.

Development on **partial services** or full private services may require an agreement between the landowner and subsequent landowners, and West Grey, stipulating a mandatory connection to municipal service(s) if provided in the future at the landowners sole and complete expense.

b) Development on NEW Lot created after date of Official Plan Adoption

Private services are not permitted.

Notwithstanding any other policies in this Official Plan to the contrary, a NEW lot shall not be created where partial services cannot be provided without an amendment to this Official Plan.

Partial services may be used when the new lot is to be created between two existing dwellings, such dwellings being separated by not more than 30 metres (98.4 feet), on the same side of the road where both dwellings are currently partially serviced OR when the new lot to be created will immediately abut an existing lot of record that is currently **partially serviced**.

Development shall be limited to no more than two (2) **dwelling** units on an existing vacant lot that will be **partially serviced**.

Development on **partial services** for a NEW lot shall require a Consent Agreement, or similar, between the landowner and subsequent landowners, and West Grey, stipulating a mandatory connection to municipal service(s) if provided in the future at the landowners sole and complete expense.

c) Expansions/enlargements/replacement existing buildings & structures as of the date of Official Plan Adoption

Existing development is strongly encouraged to connect to the municipal water service and/or municipal sanitary sewer service.

Expansions/enlargements/replacement of existing buildings & structures as of the date of Official Plan Adoption is permitted provided that site conditions are suitable for the long-term provision of such services with no negative impacts.

Development shall be limited to no more than two (2) **dwelling** units on an existing lot that will be **partially serviced** or with **private services**.

Development on **partial services** or **private services** shall be required to connect to full municipal services when full municipal services are provided.

H1.2 Decentralized Sewage System

Municipal water service is required for all large scale **development** within the **settlement areas**.

Municipal sanitary sewer service is the preferred form of servicing for all large scale **development** within the **settlement areas**.

Consideration may be given to allowing for large scale **development** on **decentralized sewage system** in accordance with the following:

- a. Where the cost of extension of the **municipal sanitary sewer service** is cost prohibitive. The Municipality shall have the sole and unfettered discretion to determine based on information provided by a landowner as to whether cost is prohibitive.
- b. The cost of installation, construction, commissioning, agency approval etc. of a **decentralized sewage system** shall be the sole responsibility of the landowner.
- c. A pre-servicing agreement, or similar, between the landowner and the Municipality prior to the approval of any development should be required setting out the expectations of the Municipality.
- d. The Municipality shall assume and accept ownership and operation of the **decentralized sewage system** upon completion of all requirements as set out by the Municipality.
- e. Residential **development** shall be developed at a density no less than required for a development provided with **municipal water service** and **municipal sanitary sewer service**.
- f. A **decentralized sewage system** may be deemed appropriate by the Municipality for new large scale commercial and employment lands proposals.

H1.3 Municipal Water Service and/or Municipal Sanitary Sewer Service Extensions

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

H1.4 Mandatory Connection

Where a **municipal water service** and/or **municipal sanitary sewer service** extension is constructed, abutting properties serviced by **partial services** or **private service**, West Grey may consider the passage of a mandatory service connection bylaw obligating affected property owners to connect to the **municipal water service** and/or **municipal sanitary sewer service** at terms to be determined.

H1.5 Municipal Water and/or Municipal Sanitary Sewer Capacity Allocation

West Grey should 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.

West Grey may not allocate servicing capacity, in the case of a Plan of Subdivision, until a subdivision agreement has been executed. This shall be clearly stated within the draft plan of subdivision conditions.

H1.6 Draft Plan of Subdivision Extension Requests Capacity Allocation

Where extension of a draft approval of a Plan of Subdivision is being considered, West Grey may only support the extension where uncommitted **reserve water and sewage treatment capacity** exists.

In the event other developments cannot be considered due to capacity shortages, West Grey 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.

H2 Stormwater Management

Stormwater management is required to mitigate the effects of urbanization on the hydrologic cycle including increased runoff, and decreased infiltration, of rain and snowmelt. Without proper stormwater management, reduced baseflow, degradation of water quality, and increased flooding and erosion can lead to reduced diversity of aquatic life, fewer opportunities for human uses of water resources, and loss of property and human life.

A combination of lot level, conveyance, and end-of-pipe stormwater management practices are usually required to meet the multiple objectives of stormwater management: maintaining the hydrologic cycle, protection of water quality, and preventing increased erosion and flooding.

H2.1 Stormwater Management – General

West Grey shall prepare and update as appropriate studies to assess storm sewer capacity in order to plan for long-term storm sewer needs.

Stormwater management plans and designs shall address and conform to the recommendations of any applicable master drainage study.

West Grey shall require stormwater management plans and designs to be in accordance with the MECP Stormwater Management Planning and Design Manual (2003 as amended).

Stormwater management plans and designs for all **development** shall strive to match pre-development water balance conditions in accordance with design guidance provided by West Grey.

All costs associated with improving/expanding etc. existing municipal stormwater management system(s) shall generally be borne by a developer/owner.

Private stormwater systems and related infrastructure not connected to the municipal system and that outlet directly to a surface water body may require clearances, permits, or certificates of approval from the Province and/or SVCA. Private stormwater drainage systems of this nature are discouraged where municipal storm sewers are available.

For the purposes of emergency maintenance West Grey may require access easements over private stormwater systems and related infrastructure where such infrastructure is connected to the municipal storm sewer system.

In newly developing areas West Grey shall encourage the use of centralized stormwater management facilities as opposed to small dispersed facilities.

All stormwater management systems and facilities involving infiltration shall be designed, constructed and operated in a manner to be protective of groundwater resources. Chloride loading to groundwater shall be evaluated in designated Well Head Protection Areas.

H2.2 Stormwater Management Study/Report

Where required by West Grey and / or the SVCA, a **development** proposal shall be supported by a stormwater management study/report.

A stormwater management study/report shall:

- a) confirm that the proposed stormwater management system ultimately discharges to a legal outlet;
- b) that the entirety of the proposed stormwater management system has sufficient capacity to handle the design storm.

H2.3 Construction of Stormwater Management System

The developer shall install the proposed stormwater management system identified in the stormwater management study/report as part of the **development** of the site at their expense, to the satisfaction of West Grey.

H2.4 Infill Development – Stormwater and Lot Grading

For **infill development**, where a master drainage study has not been conducted, hydrological and hydrogeological assessments and a stormwater management system design may be required by West Grey prior to the submission of a Planning Act application.

For **infill development** a Lot Grading Plan may be required. A Lot Grading Plan should take the following design requirements into consideration:

- No adverse impact to adjacent properties is permitted;
- Impacts on existing vegetation should be minimized;
- Existing drainage patterns must be considered and respected in the design of infill development;
- All existing ground elevations at the property boundary to be maintained;
- Surface ponding to be minimal;
- Infiltration of roof top stormwater where soil conditions are suitable;
- Arrangements to ensure that the above items are constructed as accepted by West Grey.

A Grading Plan shall include topographic/contour information to confirm the direction of surface flow and provide drainage details to limit off-site flows to the predevelopment condition.

H2.5 Legal Outlet - Stormwater Management

All **development** requires a legal outlet for stormwater.

A municipal stormwater management system typically discharges via a legal outlet to an open water body like a creek or river.

Stormwater management systems shall not outlet/discharge to land not owned by West Grey without the expressed written consent of the owner(s) of such private land(s) that the works will discharge to, unless the discharge is within the existing pre-development flows or water balance.

Where it has been determined that a legal outlet does not exist there are various approaches whereby a legal outlet may be obtained including:

- Easement (drainage)
- Mutual Agreement Drain
- Condominium Act
- Drainage Act

In general, it is the responsibility of a developer/owner to ensure that a **development** has a legal outlet for stormwater.

West Grey may assist a developer/owner in securing a legal outlet.

All costs associated with securing a legal outlet shall generally be borne by a developer/owner.

H2.6 Environmental Compliance Approval - Stormwater Management System

West Grey has been issued an Environmental Compliance Approval (ECA) for the operation of a Municipal Stormwater Management System within Durham and Neustadt.

The Municipal Stormwater Management System shall be altered and operated in accordance with the conditions of the ECA.

No alteration to the Municipal Stormwater Management System, including any new outlets, may be undertaken until the works have been approved and documented by West Grey.

Approval by West Grey does not negate the requirements of other regulatory bodies, which includes but is not limited to, Ministry of Natural Resources and Forestry and the local Conservation Authority.

H2.7 Low Impact Design - Stormwater management

Low impact development (LID) is a stormwater management strategy that seeks to mitigate the impacts of increased runoff and stormwater pollution by managing runoff as close to its source as possible.

West Grey shall encourage the implementation of LID stormwater practices and management systems.

LID practices that help to Preserve or to Restore predevelopment hydrological and ecological functions are encouraged:

- Preservation: use site design strategies to minimize runoff and to protect natural drainage patterns.
- Restoration: use distributed structural practices that filter, detain, retain, infiltrate, evapotranspire and harvest stormwater.

H3 Road Classification

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

1. Provincial Highway 6
2. County of Grey Roads
3. Municipal Street (Open and Maintained/Unopened/Unassumed)
4. Lane

H3.1 Provincial Highway 6

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.

- a) 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 West Grey. That notwithstanding certain changes and / or improvements to Highway 6 require approval by the Ministry of Transportation (MTO). MTO will be consulted on all **development** proposals that could impact Provincial Highway 6.
- b) Direct access from Provincial Highway 6 may be prohibited where vehicular access can be obtained from another road along which the subject property abuts.
- c) West Grey may apply site plan control to any **development** abutting Provincial Highway 6 to ensure the traffic function is not negatively impacted, and the streetscape is maintained. MTO shall be circulated on all site plan applications involving new **development** abutting Provincial Highway 6.

H3.2 County of Grey Roads

Grey Road 4 in Durham and Grey Roads 9 and 10 in Neustadt serve a regional role by carrying traffic through West Grey and from West Grey to neighbouring municipalities.

- a) All **development** proposed on lands abutting County Roads is subject to the requirements of the County of Grey.
- b) West Grey 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 shall be circulated on all site plan applications involving new **development** abutting a County Road.

H3.3 Municipal Street (Open and Maintained/Unopened/Unassumed)

Open and Maintained Municipal Streets shown on Schedules A and B represent municipally owned streets that are designed and available for general traffic circulation.

Unopened Municipal Streets shown on Schedules A and B represent municipally owned road allowances on which no municipal road has been constructed.

Unassumed Municipal Streets are privately owned roads constructed as per West Grey Development Standard as a part of a development where the intent is for the road to be assumed as an Open and Maintained Municipal Street. Unassumed Municipal Streets may not be shown on Schedules A and B.

- a) The minimum road right-of-way for a Municipal Street shall generally be 20 metres (65.61 feet).
- b) Access to a Municipal Street is subject to the requirements of West Grey.
- c) West Grey may restrict **development** on lands without access to an Open and Maintained Municipal Street.
- d) West Grey shall not be under any obligation to construct or maintain an Unopened Municipal Street.
- e) West Grey may dispose of an Unopened Municipal Street where, in the opinion of West Grey, the construction of a municipal street within the road allowance would not benefit the community in the long term. West Grey may choose to convey the road allowance to another party where it is considered in the best interest of West Grey.

H3.4 Lane

A lane is a road that is not designed for general traffic circulation.

- a) A lane may be owned by West Grey (a public laneway) or may be privately owned.
- b) Lanes may not be shown on Schedules A and B.
- c) Where a lane is used as a means of access to multiple lots the implementing comprehensive zoning bylaw may impose regulations such as building setbacks to the lane.

H3.5 Road Widening

As part of a **development** application West Grey may require the conveyance of road widening to West Grey at no cost to West Grey.

The minimum road right-of-way for a Municipal Street shall generally be 20 metres (65.61 feet).

Road widening and greater road allowance requirements may be required at any intersection for the purpose of providing daylight triangles, lane channelization, and locations for traffic control devices.

Road widening may also be required to accommodate auxiliary turning lanes intended to provide better access to land uses that are major traffic generators.

Generally, road widening shall be taken equally on both sides of a road as measured from the centre line of the road allowance. Where physical or other conditions necessitate a widening on one side in excess of an equal amount, only that portion of the widening that represents an equal amount shall be required as dedication under the Planning Act.

The implementing comprehensive zoning bylaw may establish setback requirements from the centre line or the limit of the required road allowance. The implementing comprehensive

zoning bylaw may also recognize, as legal uses, properties which do not conform to lot area or setback requirements due to road widening.

H3.6 Extension to Municipal Street/Opening Unopened Road Allowance

West Grey may consider a **development** proposal that requires the upgrading and/or construction of an extension to an Open and Maintained Municipal Street. In such instances, the developer will generally be responsible for all costs associated with the design, construction, and approval of the upgraded street.

West Grey may consider a **development** proposal that involves the construction of a new municipal street on an existing Unopened Municipal Street. In such instances, the developer will generally be responsible for all costs associated with the design, construction, and approval of the new street.

West Grey may consider a **development** proposal that involves granting access to a existing Unopened Municipal Street. In such instances West Grey may provide the developer with specifications for the design and construction of the access. The developer shall be responsible for all costs associated with the design, construction, and approval of the access. An agreement with West Grey regarding the access may be required.

The upgrading/reconstruction of an Open and Maintained Municipal Street, the construction of a new municipal street on an existing Unopened Municipal Street or the construction of a new access on an existing Unopened Municipal Street may be subject to the Municipal Class Environmental Assessment (2024).

H4 Active Transportation

H4.1 General policies

Active transportation includes walking, cycling, movement with mobility aids, skiing, snowshoeing, 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.

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 may also include designs that include street furniture, pedestrian islands to ease street crossings, benches and streetscape features separating pedestrians from traffic such as curbs and street trees.

H5 Outdoor Lighting/Dark Sky Friendly

This Official Plan recognizes the use of outdoor lighting for public safety purposes and encourages the use of lighting which both provides for safety and limits light pollution.

West Grey values its dark sky and supports outdoor lighting practices that minimize undesirable or unsafe light rays into the dark sky.

West Grey shall require, on public lands, dark sky friendly outdoor lighting that is oriented downward, is low wattage and energy efficient, and minimizes glare, where appropriate. The use of lit-signage or billboards that may have a deleterious impact on dark skies should be limited or include measures to mitigate impact.

The same consideration should also be given to new forms of private **development or redevelopment** within Durham and Neustadt, including larger scale residential, employment, commercial, recreational, and institutional development. Such dark sky friendly measures will be incorporated through Site Plan Agreements and Plan of Subdivision/Condominium Agreements.

West Grey requires as a condition of site plan, draft plan approval, or through wording in a subdivision, condominium, or site plan agreement, the requirement for **dark sky friendly lighting**, or light abatement provisions, to limit the potential for light pollution.

A Lighting Plan may be required as part of an application.

Nothing within this section is intended to limit lighting required in accordance with any Federal or Provincial standards, including but not limited to navigation, telecommunication towers, etc. Federal or Provincially regulated projects are encouraged to use lighting which minimizes impacts on dark skies, while still meeting Federal or Provincial standards

H6 Telecommunications / Radiocommunication and Broadcasting Antenna Systems

- a) West Grey supports the provision of high-quality telecommunications services throughout West Grey, 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 regional fibre network.
- c) Lot creation for 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 residential or environmental lands within the primary **settlement areas** of Durham and Neustadt.
- d) West Grey shall work to ensure the communication and transmission corridors are constructed, maintained, and operated to minimize their impact on the community.
- e) West Grey shall promote and encourage the shared and multiple use of towers and corridors for utility uses.
- f) West Grey shall cooperate with commissions and utilities responsible for the regulation, transmission, and delivery.

- g) West Grey shall prepare a procedure, to be adopted by Council, outlining the process for West Grey review of a proposed new tower. The procedure shall include consideration of Innovation, Science and Economic Development Canada “CPC-2-03 Radiocommunication and Broadcasting Antenna Systems Issue 6, July 2022” as amended.

H7 Parking

The implementing comprehensive zoning bylaw shall establish parking requirements including, but not limited to: number of required parking spaces, size of parking spaces, number and size of accessible parking spaces, location of parking spaces etc.

The implementing comprehensive zoning bylaw should require a minimum driveway length of 6.5 metres for a **dwelling** where a municipal sidewalk exists or a municipal sidewalk is proposed.

Where required parking space(s) cannot be provided, an agreement providing off-site parking may be considered by West Grey and/or Payment-in-Lieu of providing required parking space(s) may be considered by West Grey.

Monies raised through Payment-in-Lieu shall be placed in a special reserve fund, separate from general revenues, dedicated to managing existing public parking resources and/or establishing new parking facilities.

In order to encourage development/redevelopment within the Downtown Commercial designation West Grey may wish to have a Payment-in-Lieu fee which is less than the true cost of providing new parking spaces.

In order to encourage the development/redevelopment of **Affordable** housing initiatives, or portions of housing initiatives, which can be certified as **Affordable** housing, West Grey may waive a Payment-in-Lieu fee or reduce the Payment-in-Lieu fee to less than the true cost of providing new parking spaces.

H8 Development Standards

All **development** shall be constructed in accordance with West Grey Engineering/Development Standards as amended.

Reduced **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.

H9 Parkland and Cash-in-Lieu of Parkland / Trails

As a condition of **development** or **redevelopment**, West Grey may require a developer/owner to convey land for park purposes as permitted under section 42 or section 51.1 of the Planning Act. Alternatively West Grey may choose to accept cash-in-lieu of parkland or a combination of land and cash-in-lieu of parkland.

Where West Grey requires the conveyance of parkland:

- i. Parkland shall be properly drained and physically suitable for functional use;
- ii. West Grey may accept lands designated Environmental Protection in certain circumstances;
- iii. West Grey shall determine the specific location and size of the parkland;
- iv. Details regarding the responsibilities for developing the park and providing park facilities and equipment shall be established in a subdivision agreement.

West Grey 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 **development**;
- ii. The land available would be unsuitable for park purposes in terms of size, shape, or location;
- iii. The conveyance of land would render the balance of the **development** site unsuitable or impractical for development.

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.

PART I LAND DIVISION POLICIES

11 Provisional Consent / Consent to Sever

- a) Where West Grey 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 West Grey.
- b) Consent applications may also be considered for lot line adjustments, the creation of easements or for other purposes permitted in the Planning Act.
- c) West Grey is the delegated approval authority for consent to sever applications.
- d) West Grey may impose conditions of provisional consent approval, which may include the requirements for the developer to enter into a consent agreement with West Grey.
- e) West Grey council and/or land division committee and/or committee of adjustment in determining whether a provisional consent to sever is to be given shall have regard to the matters under subsection 51(24) of the Planning Act. Regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to:
 - i. the effect of development on matters of provincial interest as referred to in section 2 of the Planning Act;
 - ii. whether the proposed consent is premature or in the public interest;

- iii. whether the consent conforms to the Official Plan and adjacent plans of subdivision, if any;
 - iv. the suitability of the land for the purposes for which it is to be subdivided;
 - v. if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;
 - vi. the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed consent with the established highway system in the vicinity and the adequacy of them;
 - vii. the dimensions and shapes of the proposed lots;
 - viii. the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;
 - ix. conservation of natural resources and flood control;
 - x. the adequacy of utilities and municipal services;
 - xi. the adequacy of school sites;
 - xii. the area of land, if any, within the consent that, exclusive of highways, is to be conveyed or dedicated for public purposes;
 - xiii. the extent to which the consent's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and
 - xiv. the interrelationship between the design of the consent and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of the Planning Act.
- f) Regard shall be had shall not be interpreted to mean "absolute adherence to".
- g) West Grey council and/or land division committee and/or committee of adjustment shall determine what policies/regulations etc. are relevant to their decision.

11.1 Agreement, Costs and Securities

A consent agreement may be required as a condition of provisional consent to sever.

The consent agreement may address, but is not limited to:

- i. allocation of water capacity and/or sewer capacity;
- ii. stormwater management and/or lot grading;
- iii. road, sewer and water construction;
- iv. parkland;
- v. planting of/replacement of trees and other natural features;
- vi. costs associated with the consent are to be borne by the developer and that the **development** does adversely impact the finances of West Grey.

All planning, engineering and legal costs incurred by West Grey associated with the drafting, review and registration of a consent agreement shall be borne at the sole cost of the applicant.

A consent agreement may require securities to be provided to West Grey.

Upon its execution, the consent agreement may be registered on title to the lands and binding on all future landowners.

12 Plans of Subdivision

- a) The County is the delegated approval authority for plans of subdivision within West Grey.
- b) The County shall approve only those plans of subdivision that comply with Section 51(24) of the Planning Act; the policies of this Official Plan; and where the plan of subdivision has been recommended for approval by West Grey.
- c) All planning, engineering and legal costs incurred by West Grey associated with the review of any plans, reports, studies etc. submitted in support of an application for Plan of Subdivision shall be borne at the sole cost of the applicant.
- d) West Grey may conduct the public meeting pertaining to the Plan of Subdivision on behalf of the County.
- e) West Grey may request the County to impose specific conditions as part of draft plan approval.
- f) Draft plan approval shall not be granted unless the County is satisfied that the proposed **development** can be supplied with adequate public services such as municipal water, sanitary sewers, storm drainage facilities, parkland, recreation facilities, schools, fire protection and other items as identified. West Grey shall provide comment to the County on those items identified.
- g) The road pattern of the draft plan of subdivision shall be in the best interest of the subdivision, the adjoining subdivision, and the **settlement area** in general.
- h) Final approval shall not be granted until a subdivision agreement with West Grey has been completed to the sole satisfaction of West Grey.
- i) Final approval by the County of Grey may be granted in phases or for the entire subdivision.

12.1 Agreement, Costs and Securities

A subdivision agreement shall be required as a condition of Draft Plan of Subdivision approval.

The subdivision agreement should address but is not limited to:

- i. allocation of water capacity and/or sewer capacity;
- ii. stormwater management and/or lot grading;
- iii. road, sewer and water construction;
- iv. parkland;
- v. phasing;
- vi. planting of/replacement of trees and other natural features;
- vii. costs associated with the subdivision are to be borne by the developer and that the **development** does adversely impact the finances of West Grey.

All planning, engineering and legal costs incurred by West Grey associated with the drafting, review and registration of a subdivision agreement shall be borne at the sole cost of the applicant.

A subdivision agreement shall require securities to be provided to West Grey.

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

13 Part Lot Control

Section 50(7) of the Planning Act gives West Grey the authority to pass a bylaw 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 **dwelling**s 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.

- a) Requests for part lot control exemption shall be completed and submitted in accordance with the consent to sever application requirements of West Grey. A bylaw exempting land from part lot control does not take effect until it has been approved by the County of Grey.
- b) A proposal involving part lot control exemption must conform to this Official Plan and the implementing comprehensive zoning bylaw. 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.

13.1 Agreement, Costs and Securities

A development agreement may be required as a condition of part lot control approval.

The agreement may address, but is not limited to:

- i. allocation of water capacity and/or sewer capacity;
- ii. stormwater management and/or lot grading;
- iii. road, sewer and water construction;
- iv. parkland;
- v. planting of/replacement of trees and other natural features;
- vi. costs associated with the **development** are to be borne by the developer and that the **development** does adversely impact the finances of West Grey.

All planning, engineering and legal costs incurred by West Grey associated with the drafting, review and registration of a agreement shall be borne at the sole cost of the applicant.

An agreement may require securities to be provided to West Grey.

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

I4 Deeming by-laws

- a) In certain circumstances, West Grey 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 Street.
- 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 should not be adopted.
- c) West Grey may consider a request for a deeming by-law in the same manner as a consent to sever applications.

PART J BROWNFIELD REDEVELOPMENT

J1 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.

West Grey 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.

Brownfield site redevelopment shall be subject to the Record of Site Condition.

PART K COMMUNITY IMPROVEMENT POLICIES

K1 Community Improvement Areas

A community improvement area applies to the entire Municipality of West Grey. Council may choose to modify the 'Community Improvement Project Area' bylaw by passing another bylaw to replace it. Council has also enacted a Community Improvement Plan (CIP).

K1.1 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 **Public Utilities**, 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 West Grey.
- 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 West Grey. 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 L LIVESTOCK FACILITIES AND AGRICULTURE

No new livestock facilities, or expansion of livestock facilities existing at the time of adoption of this Official Plan are permitted within the **settlement areas** of Durham or Neustadt.

Existing agricultural uses meaning the growing of crops, including nursery, biomass, and horticultural crops; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures are permitted to continue until such time as the lands are converted to a use permitted by this Official Plan.

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 M TECHNICAL STUDIES AND PEER REVIEWS

M1 Policy

West Grey at its sole discretion may require technical studies to be submitted as part of a **development** application review.

West Grey shall take into consideration the requests/requirements of the County of Grey, Province of Ontario, Conservation Authority and other public agencies, persons or groups when making the determination as to what technical studies are to be submitted.

M1.2 Technical Studies/Reports/Assessments/Plans

Technical studies/reports/assessments/plans required may include, but are not limited to:

- Planning Justification Report
- Affordable/Attainable Housing Report
- Agricultural Impact Study
- Archaeological Assessment
- **Environmental Impact Study/Assessment**
- **Floodplain** Analysis
- Flood Access/Safe Access Analysis
- Functional Servicing Report/Site Servicing Report
- Geotechnical Study
- Grading/Drainage Plan
- Hydrogeological Assessment
- Karst Study
- Landscaping Plan
- Lighting Plan
- **MECP D-4 Study**
- **MECP D-6 Study**
- Noise Assessment
- Record of Site Condition
- Rental Unit Availability Assessment
- Road Condition Assessment
- Shadow Study
- Stormwater Management Study/Report
- Traffic Impact Study/Brief
- Visual Impact Study

West Grey reserves the right to require further technical studies/ reports/ assessments/ plans as part of any application review at its sole discretion.

M1.3 Terms of Reference – Technical Studies

Prior to submitting a **development** application, the applicant is encouraged to consult with West Grey to discuss the technical report submission requirements.

M1.4 Qualifications and Preparation Costs

Technical studies/reports/assessments/plans shall be prepared by qualified professionals and the costs associated with undertaking the studies/reports/assessments/plans shall be borne by the applicant.

M1.5 Peer Review Costs

West Grey may authorize a qualified professional to peer review such technical studies/reports/assessments/plans and provide advice to West Grey at the applicant's sole expense.

PART N IMPLEMENTATION AND ADMINISTRATION

N1 Implementing Comprehensive Zoning Bylaw

The implementing comprehensive zoning bylaw (or Zoning Bylaw) for the Municipality of West Grey is one of the most effective means of implementing this Official Plan.

- a) Following the adoption and/or amendment of this Official Plan, the Zoning By-law shall be reviewed. If necessary, a new Zoning By-law, or an amendment to the existing Zoning By-law, shall be prepared and adopted by Council to ensure that:
 - 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 Official Plan.
- b) The Zoning By-law is not intended to initially zone each area for the ultimate use as designated by this Official Plan. In some circumstances, lands may be zoned future development in the 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 this Official Plan, the lands will be rezoned to an appropriate zone.
- c) Where an existing land use conflicts with the intent of the corresponding Official Plan land use designation, the existing land use may be placed in a zone that permits the land use but does not correspond with the permitted uses in the land use designation provided that:
 - 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 use interfering with the desirable **development** or enjoyment of the adjacent area.
 - iii. The zone does not represent a danger to surrounding land uses and / or persons.

N2 Minor Variance - Section 45(1) of the Planning Act

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 West Grey.

The Committee of Adjustment may consider granting a minor variance if the applicant can demonstrate to the satisfaction of the Committee that the minor variance meet the four tests as set out in section 45(1) of the Planning Act:

- a) That the minor variance maintains the intent and purpose of the official plan.
- b) That the minor variance maintains the intent and purpose of the comprehensive zoning by-law.

- c) That the minor variance is minor in nature.
- d) That the minor variance is desirable and appropriate for the use of the subject lands.

N3 Legal Non-Conforming Uses

It is the intent of West Grey that **legal non-conforming uses** should cease to exist in the long term.

Alterations, expansions and changes in use which do not meet the requirements of this Official Plan should be discouraged.

N3.1 Alterations/Expansion/Change (Section 45(2)(a) Planning Act)

In certain circumstances, it may be desirable to permit the alteration, extension, enlargement or change to a **legal non-conforming use** to avoid unnecessary hardship.

The Committee of Adjustment may consider granting permission for the alteration, extension, enlargement or change in use to a **legal non-conforming use** as per section 45(2)(a) of the Planning Act.

The Committee of Adjustment may place conditions on the approval for the alteration, extension, enlargement or change in use to a **legal non-conforming use**.

N3.1.1 Enlargement or Extensions

The Committee of Adjustment may permit the enlargement or extension of a **legal non-conforming** building or structure.

Section 45(1) [minor variance tests] shall not apply.

The Committee of Adjustment shall consider the following:

- a) Has the applicant provided satisfactory evidence that the building/structure/use is legal non-conforming?
- b) Is it another use for a purpose previously permitted by the Committee?
- c) Has the use changed from the day the prohibiting bylaw was passed to the date of application?
- d) Is the proposed enlargement or extension beyond the limits of the land owned and used in connection therewith on the day the bylaw was passed?
- e) Will the enlargement or expansion have an impact on amenities, the environment and/or the surrounding neighbourhood?
- f) Is the enlargement or expansion in the public interest?
- g) Is the enlargement or extension to the existing structure, not a proposal for a new structure?
- h) Have there been previous permissions to enlarge or expand the building/structure/use?

N3.1.2 Similar Use – Change to

Where the use of such land, building or structure for a purpose that, in the opinion of the committee, is similar to the purpose for which it was used on the day the by-law was passed.

Section 45(1) [minor variance tests] shall not apply.

The Committee of Adjustment shall consider the following:

- a) Has the applicant provided satisfactory evidence that the use is legal non-conforming?
- b) Is it another use for a purpose previously permitted by the Committee?
- c) Has the existing use continued to the date of application?
- d) Is the proposed use similar to the purpose for which it was used on the day the prohibiting bylaw was passed?

N3.1.3 More Compatible Use – Change to

Where the use of such land, building or structure for a purpose that, in the opinion of the committee, is more compatible with the uses permitted by the bylaw than the purpose for which it was used on the day the by-law was passed.

Section 45(1) [minor variance tests] shall not apply.

The Committee of Adjustment shall consider the following:

- a) Has the applicant provided satisfactory evidence that the use is legal non-conforming?
- b) Is it another use for a purpose previously permitted by the Committee?
- c) Has the existing use continued to the date of application?
- d) Is the proposed use more compatible with the used permitted by the prohibiting bylaw than the purpose for which it was used on the day the prohibiting bylaw was passed?

N4 Section 45(2)(b) of the Planning Act

The Committee of Adjustment may consider granting approval for a proposed use of land where the uses of land, buildings or structures permitted in the implementing comprehensive zoning by-law are defined in general terms.

The Committee of Adjustment may consider granting approval for a proposed use of land where the proposed use of any land, building or structure that, in the opinion of the committee, conforms with the uses permitted in the implementing comprehensive zoning bylaw.

N5 Legal Non-Complying Uses

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

- a) The implementing comprehensive zoning by-law may 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 comprehensive zoning by-law or any regulations of the County of Grey, Province of Ontario, Conservation Authority or any other agency having land use planning requirements.
- 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 comprehensive zoning by-law would be subject to the minor variance process.

N6 Temporary Use Bylaw

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

N6.1 Duration of Temporary Use Bylaw

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.

N6.2 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 Official Plan.
- b) Compatibility with neighbouring land uses.
- c) The adequacy of municipal services.
- d) Traffic impacts, access, and parking requirements.

N6.3 Agreement, Costs and Securities

A development agreement may be required for a temporary use.

All planning, engineering and legal costs incurred by West Grey associated with the drafting, review and registration of a development agreement shall be borne at the sole cost of the applicant.

A development agreement may require securities to be provided to West Grey.

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

N7 H - Holding Provisions

Council may place a 'H – Holding (H)' provision on the zoning of certain lands to prohibit **development** until specific conditions of West Grey have been satisfied, in accordance with the Planning Act.

N7.1 Uses Permitted

When lands are placed under the H - Holding provision 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, West Grey may allow additions or alterations to existing uses.

N7.2 Removal of the Holding Provision

Council shall pass a bylaw removing the H - Holding provision from the zoning of the property once the conditions have been fulfilled to the satisfaction of West Grey. The responsibility of removing the H - Holding provision may be delegated to West Grey staff.

N7.3 Conditions

Conditions imposed by West Grey 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.

N7.4 Delegation of Approval Authority – Removal of Holding Symbol

Council may pass a bylaw under Section 39.2 of the Planning Act to delegate approval authority to staff for bylaws that remove a holding symbol.

N8 Interim Control Bylaw

In limited extraordinary circumstances, West Grey 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 an identified issue. This can be achieved by passing an interim control bylaw under section 38 of the Planning Act. Such a by-law shall only be adopted where the **development** of lands poses serious concern and requires further review and study.

N8.1 Timing

An interim control bylaw may put a hold on **development** for a maximum of one (1) year, with a one-year extension, if required.

N8.2 Required Action

An interim control bylaw shall only be enacted after West Grey has, by bylaw or resolution, directed that a study of the issues associated with the lands be undertaken AND allocated funds for said study.

N9 Site Plan Control

West Grey may require **development** proposals to include site plans and drawings which identify such things as access roadway improvements, building size and location, parking, buffering, landscaping, parking, stormwater management, grading, etc. as prescribed under the Planning Act.

N9.1 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 West Grey may require a Site Plan Agreement for any **development** or **redevelopment** of any property within these **settlement areas**.

All **development** over ten (10) residential units may be subject to site plan control.

All commercial, **Employment Lands** and institutional **development** may be subject to site plan control.

West Grey shall use its discretion to determine which **development** proposal(s) shall be subject to a site plan agreement.

N9.2 Site Plan Agreement, Costs and Securities

West Grey may 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.

West Grey may require a developer to include sustainable design elements on any adjoining highway under the municipality's jurisdiction as per section 41(e) of the Planning Act.

A Site Plan Agreement may require securities to be provided to West Grey.

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

All planning, engineering and legal costs incurred by West Grey associated with the drafting, review and registration of a Site Plan Agreement shall be borne at the sole cost of the applicant.

N10 Development Agreements / Other Agreements

West Grey may require a developer to enter into a Development Agreement to ensure that work is carried out in accordance with an approved plan.

A Development Agreement may require securities to be provided to West Grey.

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

All planning, engineering and legal costs incurred by West Grey associated with the drafting, review and registration of a Development Agreement shall be borne at the sole cost of the applicant.

N11 Official Plan Amendments

Circumstances may arise where **development** does not conform to this Official Plan. In order for such **development** to be permitted, the landowner must submit an application to amend this Official 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, 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?
- b) Is it desirable and appropriate to change the Official Plan to accommodate the proposed use?
- c) 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?
- d) Does the proposed amendment maintain the goals and objectives of the Official Plan?
- e) Is the proposed amendment consistent with the Provincial Planning Statement?

An application to amend this Official Plan may also require other technical studies to be conducted prior to the application being filed.

An application to amend this Official Plan for the purposes of changing the designation on **Employment Lands** to another land use designation shall be subject to the requirements of the Provincial Planning Statement.

N12 Pre-Submission Consultation

Prior to the submission of any Planning Act application being filed with West Grey, a consultation meeting may be required involving Municipal staff, the applicant and any agencies deemed appropriate by West Grey.

N13 First Nations and Métis Consultation

West Grey recognizes the desire of First Nations and Métis communities to be consulted on new **development** proposals within West Grey 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.

West Grey shall engage early with First Nations and Métis communities and ensure their interests are considered when identifying, protecting and managing archaeological resources, built heritage resources and cultural heritage landscapes.

PART O DEFINITIONS

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

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 Official Plan unless different values are established by a technical study prepared by a qualified professional knowledgeable on natural resources:

- a) Habitat of threatened or endangered species – 120 metres
- b) Significant wetlands – 120 metres
- c) Other identified wetlands – 30 metres
- d) Fish habitat – 120 metres

- e) Significant woodlands – 120 metres
- f) Significant valleylands – 120 metres
- g) Significant wildlife habitat – 120 metres
- h) Areas of natural and scientific interest (earth science) – 50 metres
- i) Areas of natural and scientific interest (life science) – 120 metres
- j) Natural Heritage System Core areas – 120 metres
- k) Protected heritage property – 50 metres

ADDITIONAL RESIDENTIAL UNIT (ARU) means a self-contained residential dwelling unit that is connected to ***municipal water service*** and ***municipal sanitary sewer service***, that either forms part of and is attached to the principal ***dwelling***, or is located within a detached building on the same lot as the principal ***dwelling***.

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.

AFFORDABLE means

- a) in the case of ownership housing, the least expensive of:
 - 1. housing for which the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual household income for ***low and moderate income households***; or
 - 2. housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in West Grey;
- b) in the case of rental housing, the least expensive of:
 - 1. a unit for which the rent does not exceed 30 percent of gross annual household income for ***low and moderate income households***; or
 - 2. a unit for which the rent is at or below the average market rent of a unit in West Grey.

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.

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 **development**.

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.

CONSERVATION AUTHORITY refers to the Saugeen Valley Conservation Authority.

DARK SKY FRIENDLY LIGHTING means lighting products and/or a lighting plan that is specifically designed to enable residents to enjoy nighttime views of the sky unobstructed by excessive municipal, business or parking lot lighting.

DECENTRALIZED SEWAGE SYSTEM means a sewage works within the meaning of section 1 of the Ontario Water Resources Act designed to provide wastewater disposal to more than one lot or to multiple units on a lot(s) that is owned by a municipality.

DESIGNATED AND AVAILABLE means lands designated in this Official Plan for urban residential use. (PPS 2024)

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 **Public Utilities** authorized under an environmental assessment process or class environmental process; or
- b) Works subject to the Drainage Act.

DRAIN means a conduit or channel, typically an underground pipe or above ground channel, that facilitates the removal of water from a specific area. Drains may be part of a formal stormwater management system. A drain may be a municipal drain created pursuant 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, or part of a building, that is used, or intended to be used, continuously or seasonally, as a residence by one or more persons and contains cooking,

eating, living, sleeping and sanitary facilities in accordance with Ontario Building Code requirements. The terms dwelling unit, house, residence, residential unit etc. shall be 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.

EMPLOYMENT LANDS means those areas designated for clusters of business and economic activities limited to manufacturing uses including uses related to research and development in connection with manufacturing; warehousing uses including uses related to the movement of goods; retail uses and office uses that are associated with manufacturing and warehouse uses; facilities that are ancillary to manufacturing and warehouse uses.

Manufacturing includes: assembling, making, producing, preparing, inspecting, grading, ornamenting, finishing, treating, clearing, washing, altering, repairing, restoring, processing, polishing, refinishing, breaking up or demolishing of goods, substances, articles or things or any part or parts thereof.

Warehousing includes: packing, adapting for sale and storing.

Uses that are excluded from ***Employment Lands*** are all residential uses including accessory or ancillary residential; institutional; and commercial, including retail and office not associated with the manufacturing and/or warehousing uses listed above.

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.

ENVIRONMENTAL IMPACT STUDY (EIS) is a study to identify and assess the potential impacts of specific ***development*** proposal on known or potential ***sensitive*** areas. The purpose of the EIS is to assess whether or not the ***development*** as proposed can integrate into the natural environment and if not, whether or how it can be modified or, where necessary, mitigated to better fit to the natural environment.

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 for river and stream systems means the outer portion of the ***flood plain*** between the ***floodway*** and the flooding hazard limit. In the primary ***settlement areas*** of Durham and Neustadt, the ***flood fringe*** includes those lands situated between the outer limits of the ***Hurricane Hazel Flood Event Standard*** and the outer limits of 1:100 ***floodplain***.

FLOOD PLAIN for river and stream systems means the area, usually low lands adjoining a watercourse, which has been or may be subject to flooding hazards. (PPS 2024)

FLOODWAY for river and stream systems means the portion of the flood plain where **development** and **site alteration** would cause a danger to public health and safety or property damage. The floodway is the contiguous inner portion of the **flood plain**, representing that area required for the safe passage of flood flow and/or that area where flood depths and/or velocities are considered to be such that they pose a potential threat to life and/or property damage.

GREENFIELD means a vacant property that has no prior history of development that has not been developed or redeveloped for urban purposes and is not a Brownfield. (WG CIP)

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.

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 / HAZARDOUS SITES 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 limits*. Hazardous site means property or lands that could be unsafe for development and site alteration due to naturally occurring hazards. These include unstable soils such as wetlands and unstable bedrock such as karst topography.
HURRICANE HAZEL FLOOD EVENT STANDARD means a storm that produces flood levels and/or damage similar to the Hurricane Hazel event of October 1954.

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

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.

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

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

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 means a use of any land, building or structure that was lawfully used or permitted at the time of establishment/construction but is no longer permitted.

LEGAL NON-CONFORMING USES means a use of any land, building or structure that was established legally at a time when it was permitted under a previous zoning bylaw or predates the existence of any zoning bylaw and has been in continuous use since it was established.

LOW AND MODERATE INCOME HOUSEHOLDS means:

- a) in the case of ownership housing, households with incomes in the lowest 60 percent of the income distribution for West Grey; or
- b) In the case of rental housing, household with incomes in the lowest 60 percent of the income distribution for renter households for West Grey.

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

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

MECP 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.

MECP D-6 STUDY is a study required to assess air quality, dust, odour, noise, and vibration (nuisance) between land uses.

MUNICIPAL SANITARY SEWER SERVICES means a sewage works within the meaning of Section 1 of the Ontario Water Resources Act that is owned or operated by a municipality.

MUNICIPAL WATER SERVICES means a municipal drinking-water system within the meaning of Section 2 of the Safe Drinking Water Act.

NATURAL HERITAGE FEATURES AND AREAS means features and areas, including significant wetlands, other identified wetlands, *fish habitat*, significant woodlands, significant valleylands, significant *habitat of endangered species or threatened species*, significant wildlife habitat, and

significant **areas of natural and scientific interest**, which are important for their environmental and social values as a legacy of the natural landscapes of an area.

NATURAL HERITAGE SYSTEM means a system made up of **natural heritage features**, Core Areas, and Linkages, joined by natural corridors which are necessary to maintain biological and geological diversity, natural functions, viable populations of indigenous species and ecosystems. These systems can include lands that have been restored and areas with the potential to be restored to a natural state.

NEGATIVE IMPACTS means that it shall be demonstrated that there is no loss of a natural feature or **ecological function** for which an area is identified. The manner in which this will be achieved will be through the undertaking of an **Environmental impact study**. **Negative impacts** are defined to mean: 1) In regard to water and water resources, means degradation to the quality and quantity of water, **sensitive** surface water features and **sensitive groundwater features**, and their related hydrologic functions, due to single, multiple or successive **development** or **site alteration** activities; or 2) In regard to **fish habitat**, any permanent alteration to, or destruction of **fish habitat**, except where, in conjunction with the appropriate authorities, it has been authorized under the Fisheries Act. 3) In regard to other **natural heritage features and areas**, degradation that threatens the health and integrity of the natural features or **ecological functions** for which an area is identified due to single, multiple, or successive **development** or **site alteration** activities.

NET HECTARE means the total number of residential units per hectare of land excluding additional residential units, road, school sites, parks, places of worship sites, commercial sites, stormwater management ponds, and lands designated Environmental Protection or otherwise undevelopable for environmental reasons. (Grey County OP)

OPEN SPACE USES are those uses including, but not limited to, parks; picnic area; conservation areas; public and private campgrounds; swimming pools; community/recreation centre; arena; sport fields; playground facilities; pedestrian and snowmobile trails; community gardens; public farmers markets; flea/street markets and other uses deemed to serve a similar public/open space function.

PARTIAL SERVICES means:

- 1) **Municipal sanitary sewer services** or **private communal sewage services** combined with individual on-site water services; or
- 2) **Municipal water services** or **private communal water services** combined with individual on-site sewage services.

PRIVATE COMMUNAL SEWAGE SERVICES means a sewage works within the meaning of section 1 of the Ontario Water Resources Act that serves six or more lots or private residences and is not owned by a municipality. (PPS 2024)

PRIVATE COMMUNAL WATER SERVICES means a non-municipal drinking-water system within the meaning of section 2 of the Safe Drinking Water Act, 2002 that serves six or more lots or private residences. (PPS 2024)

PRIVATE SERVICES means

- 1) a sewage system, as defined in O. Reg. 332/12 under the *Building Code Act, 1992*, that is owned, operated and managed by the owner of the property upon which the system is located; and
- 2) an individual, autonomous water supply system that is owned, operated and managed by the owner of the property upon which the system is located. (PPS 2024)

PROTECTED HERITAGE PROPERTY means property designated under Parts IV, V or VI of the Ontario Heritage Act; property subject to a heritage conservation easement under Parts II or IV of the Ontario Heritage Act; property identified by the **Province** and prescribed public bodies as provincial heritage property under the Standards and Guidelines for Conservation of Provincial Heritage Properties; property protected under federal legislation, and UNESCO World Heritage Sites.

PROVINCE refers to the Province of Ontario and its Ministries.

PUBLIC UTILITIES means municipal water treatment facilities and related infrastructure; municipal water distribution systems; municipal sewage collection systems; municipal sewage pumping stations or similar; municipal or private stormwater management systems; electrical transmission and distribution systems e.g., transformer stations, corridors; natural gas transmission and distribution systems including city gate station, compressor stations etc.; communications/ telecommunications transmission and distribution systems; transit and transportation corridors and facilities; active transit and other infrastructure deemed to serve a similar public function.

Public Utilities does not include:

- a) energy generation or energy storage facilities;
- b) municipal sewage treatment facilities and its associated infrastructure;
- c) municipal septage treatment facilities and related infrastructure;
- d) **Waste Management Facility**;
- e) **Waste Transfer Station**.

RECREATION means leisure time activity undertaken in built or natural settings for purposes of physical activity, health benefits, sport participation and skill development, personal enjoyment, positive social interaction, and the achievement of human potential.

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

REGULATORY FLOOD means the inundation under a flood resulting from the rainfall experienced during the Hurricane Hazel Storm of October 1954 or the Durham Frazil Ice Flooding of April 2016.

RESERVE SEWAGE SYSTEM CAPACITY means design or planned capacity in a centralized wastewater treatment facility which is not yet committed to existing or approved development.

RESERVE WATER SYSTEM CAPACITY means design or planned capacity in a centralized water treatment facility which is not yet committed to existing or approved development.

RESIDENTIAL UNIT means a unit that:

- a) Consists of a self-contained set of rooms located in a building or structure.
- b) Is used or intended for use as residential premises, and
- c) Contains kitchen and bathroom facilities that are intended for the use of the unit only.
(Planning Act RSO 1990 as amended)

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

SENSITIVE LAND USES means buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more ***adverse effects*** from contaminant discharges generated by a nearby major facility

SETTLEMENT AREAS means those areas designated in this Official Plan as a Primary Settlement Area, specifically Durham and Neustadt.

SPECIAL EVENT means a cultural, recreational, educational or similar event including farmers markets, fairs, festivals, concerts, plays and carnivals. Special Events does not apply to events held indoors. Special Events does not apply to events held outdoors on Municipal property, including Municipal highways.

SPECIAL OCCASION means a unique, singular, or remarkable event, or instance, on private property for invited guests only.

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

SMALL SCALE ENERGY SYSTEM means the generation of electrical power and/or the storage of electrical energy. Generation of electrical energy shall be limited to 10 kilowatts or less from an energy source that is renewed by natural processes limited to wind, water, or solar energy panels mounted on a roof. An electrical energy storage system shall be limited in capacity (kWh), and location, as set out in the Ontario Electrical Safety Code or other applicable regulations. A small scale energy system shall be ancillary/supportive to a principal building or structure on a lot.

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 Official Plan.

STORM SEWER means pipes that collect and convey, but not exfiltrate or lose, runoff resulting from precipitation and snowmelt.

STORMWATER means rainwater runoff, water runoff from roofs, snowmelt and surface runoff.

STORMWATER MANAGEMENT FACILITY means a facility for the treatment, retention, infiltration or control of stormwater.

STORMWATER MANAGEMENT SYSTEM means works for the collection, treatment, and disposal of stormwater but does not include plumbing to which the Building Code Act, 1992 applies or a pumping facility.

WASTE MANAGEMENT FACILITY means lands, buildings or structures used for the collection, sorting and processing of waste material for long term disposal on-site or for transfer to another site and includes a landfill, recycling facility, waste incinerator, composting facility, **Waste Transfer Station**, or other similar uses.

WASTE TRANSFER STATION means a lands, buildings or structures used for the collection and temporary storage of waste or hazardous waste prior to shipment, and which may include limited sorting or preparation of that waste to facilitate shipment for final disposal or transfer to a waste processing facility but does not include a **Waste Management Facility**.

WELLHEAD PROTECTION AREA (WHPA) is an area around the wellhead identified in a source protection plan 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.