

OFFICIAL PLAN  
OF THE  
TOWNSHIP OF CLEARVIEW

SEPTEMBER 2001

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CLEARVIEW

OFFICIAL PLAN OF THE  
TOWNSHIP OF CLEARVIEW

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# OFFICIAL PLAN OF THE TOWNSHIP OF CLEARVIEW

## **1.0 INTRODUCTION**

### **1.1 TITLE AND CONTENTS**

This document shall be known as “**OFFICIAL PLAN OF THE TOWNSHIP OF CLEARVIEW**”.

The Official Plan of the Township of Clearview comprises the written text of Sections 1.0 to 12.0 inclusive and the accompanying map schedules:

SCHEDULE A	- Land Use and Transportation Plan - Township of Clearview
SCHEDULE A1	- Land Use and Transportation Plan – Creemore
SCHEDULE A2	- Land Use and Transportation Plan - New Lowell
SCHEDULE A3	- Land Use and Transportation Plan - Stayner
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SCHEDULE A14	- Land Use Plan - Devil’s Glen Country Club Recreational District
SCHEDULE A15	- Black Ash Creek - Subwatershed Boundary and Natural Heritage System

### **1.2 PURPOSE OF THE OFFICIAL PLAN**

The Official Plan establishes goals, objectives and land use, transportation and servicing policies to direct the physical growth of the Township of Clearview within the context of relevant social, economic and environmental constraints, in order to obtain the most desirable living environment for present and future residents.

It is intended that the Plan serve as a guide to municipal decision-makers in preparing implementing zoning criteria, implementing other municipal by-laws, undertaking public works, and in assessing the propriety of development applications, including Official Plan and Zoning By-law amendments, consent requests, site plans and plans of subdivision/condominium.

The Official Plan establishes the general pattern for future growth to the year 2021. Its purpose is to ensure the best form of development under the most desirable conditions.

### **1.3 BASIS OF THE PLAN**

The Official Plan is based upon the findings of a comprehensive Background Report (2001) and the Nottawasaga Valley Watershed Management Plan (1996) which preceded the adoption of the Official Plan, as well as comments received from the general public, the County of Simcoe and stakeholder Provincial, County and municipal agencies and departments.

The background works and process of consultation undertaken by the municipality produced conclusions regarding the Township's expected rate of growth, land need requirements and environmental and servicing constraints and opportunities. This information, in turn, provided the basis for a three-tier municipal growth strategy focused on separately regulating the types of land use and forms of development to be permitted in rural parts of the community and in primary (municipally serviced) and secondary (privately serviced) urban settlement areas.

The policies of this Official Plan implement the municipal growth strategy detailed in Section 2.0.

### **1.4 RELATIONSHIP OF THE OFFICIAL PLAN TO THE COUNTY OFFICIAL PLAN AND THE PROVINCIAL POLICY STATEMENT**

On October 28, 1997, the Council of the County of Simcoe adopted a new Official Plan for the County (occasionally referred to herein as the County Plan) which was approved, with modifications, by the Minister of Municipal Affairs and Housing on April 1, 1998. Subsequently, the Minister of Municipal Affairs and Housing delegated authority for the approval local municipal Official Plans to the Council of the County of Simcoe.

Section 27.(1) of the Planning Act requires that local Official Plans be amended to conform to the County Plan. Accordingly, the criteria in this Official Plan of the Township of Clearview serve to implement the policies and long-range land use objectives of the County Plan, and hence, the Council of the County of Simcoe, in addition to those of municipal Council.

In accordance with Section 2 of the Planning Act, the policies contained in both this Plan and the County Plan have been prepared having regard to matters of Provincial interest, as established and outlined in the Provincial Policy Statement.

### **1.5 RELATIONSHIP OF THE OFFICIAL PLAN AND PROVINCIAL POLICY STATEMENT TO THE NIAGARA ESCARPMENT PLAN**

A portion of Clearview Township includes the Provincially-significant Niagara Escarpment and lies in the Niagara Escarpment Planning Area established pursuant to the Niagara Escarpment Planning and Development Act. On June 12, 1985, the Provincial Cabinet approved the Niagara Escarpment Plan (NEP). The NEP was revised on June 15, 1994 following its 5-Year Review as required under the Niagara Escarpment Planning and Development Act (NEPDA).

Section 14 of the NEPDA states, "Despite any general or special Act, where the Niagara Escarpment Plan is in effect and there is a conflict between any provision of the Plan and any provision of a local plan or any provision of a zoning by-law covering any part of the Niagara Escarpment Planning Area, then the provisions of the Niagara Escarpment Plan prevail".

Section IV.3 of the Provincial Policy Statement states, "Provincial Plans such as those adopted under the Niagara Escarpment Planning and Development Act, which have been approved by the Lieutenant Governor in Council, will take precedent over policies in the Statement".

In accordance with the NEPDA and Provincial Policy Statement, this Plan has incorporated the policies of the Niagara Escarpment Plan for that portion of the Township covered by the Provincial Plan.

The provisions of the Niagara Escarpment Plan continue to prevail over any local Plan or Zoning By-law where there is a conflict. The Niagara Escarpment Plan policies incorporated into this Official Plan are not to be interpreted in a manner which is determined to be less restrictive than the Niagara Escarpment Plan. However, the Township policies in this Official Plan that are more rigorous or restrictive than the Niagara Escarpment Plan are considered not to be in conflict with the Niagara Escarpment Plan and apply.

### **1.6 MONITORING THE OFFICIAL PLAN**

The planning period of this Plan is to the year 2021. However, pursuant to Section 26.(1) of the Planning Act, Council shall from time-to-time, and not less frequently than every five years, hold a special meeting of Council, open to the general public to consider the need for revisions to the Plan.

To evaluate the effectiveness of the Official Plan, the Township will monitor development activity within the municipality including the creation of lots, issuance of building permits, and changes of land use resulting from amendments to the Official Plan and implementing Zoning By-law. Where it is deemed necessary, due to changes in the physical, social, economic and environmental make-up of the municipality, or as a result of new Provincial and/or County planning policy, the Official Plan shall be appropriately updated.

### **1.7 USING THE OFFICIAL PLAN**

Local Official Plans are the primary tool for implementing long-range Provincial, County and municipal land use policy. A local Plan is developed by municipal Council in partnership with the County and Province and is subject to approval, first, by the local municipality and then the designated approval authority, which, in Clearview's case, is the County of Simcoe. This joint policy approach ensures that those reading/using an up-to-date local Official Plan do so with the confidence that its policies address the long-range land use objectives of the County and Province in addition to those of the municipality itself.

Whereas the focus of Provincial and County policy tends to be on larger land use issues involving public health and safety, the preservation of Provincially-significant natural heritage features and resources and development efficiency, the primary municipal aim in formulating new Official Plan criteria is to establish a strategy for growth which addresses the long-term living, working and recreational needs of the municipality's residents, while remaining true to the Plan's broader environmental, social and economic goals. To meet the aim of sustainable development, the policies of an Official Plan build upon themselves through a progressively more detailed outline of development policy generally commencing with a statement of the community's long-range vision for growth, followed by goals and objectives, implementing land use, transportation and servicing policy and, finally, detailed development and implementation guidelines. Clearview's Official Plan utilizes this progressive policy approach, which necessitates appropriate cross-referencing between the various criteria for a complete understanding of the document's intent.

Although an Official Plan presents a long-range strategy for growth, it is a dynamic document in which allowance often is made for more comprehensive planning of specific parts of a community,

usually through the preparation of secondary plans and/or by site-specific amendment. Clearview's Official Plan follows this approach, and, as such, provides both a 15 to 20 year strategy for future growth, and the rules under which individual development proposals to facilitate that growth are to be considered.

## **2.0 MUNICIPAL GROWTH STRATEGY**

### **2.1 GROWTH VISION**

The aspirations of Clearview Township are encapsulated in the following mission statement:

FORMED, IN 1994, THROUGH THE AMALGAMATION OF THE FORMER MUNICIPALITIES OF NOTTAWASAGA, SUNNIDALE, STAYNER AND CREEMORE, THE TOWNSHIP OF CLEARVIEW IS AN URBAN AND AGRICULTURAL COMMUNITY ENJOYING THE BENEFITS OF EXTENSIVE NATURAL HERITAGE RESOURCES AND THE COMMUNITY SERVICES NECESSARY TO SUPPORT FUTURE GROWTH. IT IS THE TOWNSHIP'S AIM TO CREATE A HOSPITABLE CLIMATE FOR NEW INDUSTRIAL AND COMMERCIAL DEVELOPMENT, IN ORDER TO CREATE SUSTAINABLE EMPLOYMENT OPPORTUNITIES, IN A PLANNED, FINANCIALLY-SOUND COMMUNITY, WHILE MAINTAINING A HEALTHY AND SAFE QUALITY OF LIFE FOR ALL MUNICIPAL RESIDENTS THROUGH THE PROVISION OF MUNICIPAL SERVICES IN PROPER PROPORTION TO NEW AND EXISTING DEVELOPMENT, AND THROUGH THE PRESERVATION OF THOSE FEATURES AND CHARACTERISTICS, HISTORICAL OR OTHERWISE, WHICH PROVIDE CLEARVIEW'S COMMUNITIES WITH THEIR UNIQUE SENSE OF IDENTITY. THE TOWNSHIP ACKNOWLEDGES ITS ROLE AS A FOOD PRODUCER; KEEPER OF ENVIRONMENTAL/RECREATIONAL RESOURCES; AND SOURCE OF LABOUR AND HOUSING FOR THE SURROUNDING REGION, AND INTENDS TO BUILD ON THE OPPORTUNITIES AFFORDED BY THESE STRENGTHS, WHILE FOSTERING LOCAL EMPLOYMENT.

### **2.2 GROWTH PARAMETERS**

#### **2.2.1 AGRICULTURE**

Agriculture will continue to be an important component of the Township's economy and a dominant feature of the rural landscape. Agricultural uses and areas and farm-related commercial and industrial uses will be protected from encroachment by incompatible land uses.

Farm sizes which maintain the economic viability of individual/stand-alone agricultural operations shall be encouraged as a means of ensuring a thriving agricultural community.

#### **2.2.2 ENVIRONMENTAL RESOURCES**

Increased environmental awareness and a public desire to link economic growth with environmental sustainability ensures that the preservation and management of Clearview's natural heritage resources will play a prominent role in the evolution of the community. Areas of Natural and Scientific Interest (ANSI's) and Provincially-significant wetlands, significant valleylands, significant woodlands, the habitat of threatened and endangered species, and fisheries and wildlife habitat, as refined and delineated as Greenlands in the Official Plan of the County of Simcoe, are an important part of what makes Clearview unique and will be protected. Consideration shall also be given to vulnerable species, where appropriate.

Any future development, that may be permitted within or adjacent to an identified natural heritage resource, shall be established in a manner which minimizes disruption to the resource and the character of the municipality in general, and, in the case of aggregate operations, shall be rehabilitated in a manner consistent with the surrounding environment.

Aggregate reserves are a valuable non-renewable resource important to the local, regional and provincial economies and shall be protected for future utilization.

### **2.2.3 NIAGARA ESCARPMENT PLAN**

The Niagara Escarpment includes a variety of topographic features and land uses extending 725 kilometres from Queenstown on the Niagara River to the islands off Tobermory on the Bruce Peninsula. It is a source of some of Southern Ontario's prime rivers and streams and is one of Ontario's principal outdoor recreation areas.

By the passage of the Niagara Escarpment Planning and Development Act on June 22, 1973, the Provincial Government established a planning process to ensure that the area would be protected. From this emerged the Niagara Escarpment Plan, approved by Provincial Cabinet on June 12, 1985, and amended on June 15, 1994 which provides a framework of objectives and policies that endeavour to strike a balance between development, preservation and the enjoyment of this important resource.

The Niagara Escarpment Plan affects a significant part of southwest Clearview including a majority of the lands situated to the west of Creemore, Glen Huron and Duntroon.

It is the intent of this Official Plan to maintain consistency with the policies of the Niagara Escarpment Plan and to regulate future development in a way consistent with the Plan's land use designations and development policies, as well as those contained in the Official Plan of the County of Simcoe.

### **2.2.4 MINESING SWAMP**

Minesing Swamp is a 6 000 hectare (15,000 acre), Class 1 provincially significant wetland located approximately 16 kilometres west of the City of Barrie partially in the Township of Clearview. A number of key waterways flow through the swamp including the Nottawasaga River, Mad River and Coates Creek, and the resource acts as both a major water storage area and important flood control reservoir. Because of Minesing Swamp's storage size, its wide diversity of plants and animals, and the unique combination of adjacent boreal and carolinian forests, it is considered to be of national, as well as provincial significance, and ranks internationally, as a RAMSAR wetland, with the Florida Everglades and Baltic Marshes.

Due to a wide variety of issues threatening the long term health of Minesing Swamp, the Ministry of Natural Resources and Nottawasaga Valley Conservation Authority, working closely with local residents, landowners and other interest groups, have embarked upon the development of a management plan with a view to integrating human needs with the need to sustain the swamp's eco-system.

Clearview Township supports this initiative, and it is the intent of this Official Plan to maintain consistency with any recommendation which may result from this planning exercise including any relating to the location of the swamp boundary and permitted land use activities both within the wetland and on adjacent lands.

### **2.2.5 CULTURAL HERITAGE**

The municipality recognizes the importance of cultural heritage resources as a means of maintaining contact with the past, enabling a unique living environment and facilitating economic/tourism opportunities. It, therefore, is an objective of the municipality to foster

development which complements the historical form and function of primary and secondary settlement areas, by establishing a method of planning control to identify and protect heritage resources, including individual buildings, structures, monuments, and community character in its unique settlement areas.

### **2.2.6 SOCIAL NEEDS**

Maintaining a high quality of life for Clearview's residents by ensuring a healthy, safe and family-oriented living and working environment is a primary objective of the municipality. The Township shall strive to offer a peaceful and secure family setting in an attractive location for all homeowners, from first-time homebuyers to retirees, through the effective delivery of:

- Professional health care services (doctors/optometrists/dentists), and through the Township's support of the district hospital and community medical centres.
- A varied and affordable supply of housing for people of different incomes and ages, (single-detached/multiple-residences, nursing homes/senior citizen housing, accessory apartments/residential conversions, etc.).
- Social and community services including publicly-sponsored services and those that rely heavily on the efforts and donations of volunteers within the community, (Meals-on-wheels, Home Care, etc.).
- Education programs that foster life skills which optimize employment possibilities, healthy living and self-fulfillment amongst the Township's residents.
- Recreational facilities, programs and events that encourage physical activity, social interaction and an appreciation of the Township's culture and heritage.

It is the Township's objective that health care, social services and recreational programs will be accessible and affordable.

### **2.2.7 COMMUNITY IDENTITY**

It is a primary objective of the Plan to ensure that the governing principle in the consideration of future development applications is the maintenance and enhancement of those cultural and natural heritage systems and resources that provide Clearview's communities, including its agricultural community, with their identity. Accordingly, decisions regarding future development shall maintain consistency with the following development principles:

1. Preservation of the Township's natural heritage features including the habitat of threatened and endangered species, Areas of Natural and Scientific Interest (ANSIs), and significant wetlands, fish and wildlife habitat, woodlands and valleylands. Consideration, where appropriate, shall also be given to the protection of the habitat of vulnerable species.
2. Preservation of the Township's archeological and cultural (including architectural) heritage resources.
3. Maintaining a built-form which complements and enhances the natural and cultural heritage (including architectural) features and resources which provide each area of

human settlement, particularly the historic communities of Creemore and Stayner, with their unique sense of identity. It is expected, that the form of new development, including the design of new subdivisions and buildings, may vary from community to community in maintaining consistency with established streetscapes, road patterns, local architecture, etc.

4. Maintaining/establishing centralized downtown cores within the Township's three primary settlement areas (Creemore/New Lowell/Stayner), oriented toward the needs of permanent and recreational residents and tourists, in which strong retail, service, cultural and entertainment components are provided.
5. Maintaining easy accessibility and, wherever possible, linkages between residential, commercial and institutional uses and recreational facilities such as parks and conservation areas, and destination-oriented cultural recreational/ entertainment centres, (eg. arenas, libraries, community centres).
6. Maintaining appropriate separation between pedestrian and vehicular traffic movements.
7. Facilitating, as far as possible, a harmonized interface between residential, commercial and industrial development, and site/subdivision design and/or ensuring that the built-form of new development is consistent with the host community's natural and cultural heritage features and resources.
8. Facilitating a land use pattern which promotes social interaction and social conscience, and makes lifestyle considerations a priority (ie. people scaled development/walkable communities/clean environment).
9. Preservation of the agricultural industry and the maintenance of Clearview's predominantly agricultural landscape. In this regard, it is a priority of this Plan to prevent the encroachment of incompatible land uses and to maintain agriculturally productive lands within economically viable farm units by preventing their fragmentation.
10. Establishing a tourism strategy which preserves and enhances the Township's natural and historical features and attractions, and ensures a built-form which complements those features and attractions.

Future development shall proceed in accordance with these land use principles, as well as the Official Plan's goals and objectives and implementing land use, servicing and development criteria. While provision is made for varying forms of development throughout the municipality, particularly in Creemore, New Lowell and Stayner which are Clearview's primary settlement areas, such development is not automatic, and shall only proceed in accordance with the development standards and assessment criteria of this Plan, and only in circumstances where Council is satisfied that the principles of this section are secure.

### **2.2.8 TRANSPORTATION**

The establishment of a hierarchical network of roads between the Township's primary and secondary urban settlement areas, and into the agricultural community and neighbouring municipalities is a municipal priority in order to ensure quick and convenient access for Clearview's residents to places of employment and commercial, recreational and community facilities and services, both within and outside the municipality. A key issue, in this regard,



involves Provincial Highway 26, between County Road 92 (Mosley Street) in the Town of Wasaga Beach and Lakeview Avenue in the Town of Collingwood, which is subject to high-traffic volumes that are projected to increase. Planned improvements to the highway are to include its realignment along the municipal boundary between the Township of Clearview and the Towns of Collingwood and Wasaga Beach.

Maintaining the functional integrity of the new highway's right-of-way is a primary municipal objective.

At the time of the preparation of this Official Plan, a comprehensive assessment of transportation needs within the Georgian Triangle had been initiated by the Towns of Collingwood, Wasaga Beach and The Blue Mountains and the Township of Clearview. It is expected that the conclusions of this analysis, particularly as they might relate to regional transportation improvements to facilitate more direct access to resort areas to the west, could influence future land use activity in northwest Clearview, (i.e., increase the pressure for new development on roads expected to accommodate higher traffic volumes). Recognizing this situation, when/if deemed necessary by Council, it is the intent of this Official Plan that a planning study be initiated to assess the potential need for adjustments to the Official Plan in relation to preferred land uses, future development opportunities and/or related municipal transportation improvements.

### **2.2.9 ECONOMIC GROWTH**

Employment opportunities will be provided through agriculture (agri-food industries), service and light industry, and retail, service and tourist-related commercial facilities. The formation of a well-rounded, vibrant community with economic opportunities for people of all ages is an objective of Council. Major new industrial and commercial facilities will be directed primarily to Stayner, Creemore, and New Lowell, where full municipal services are or will be available. The establishment of rural business parks shall be permitted in rural areas, or at limited access highway interchanges, where appropriate sites within the three primary urban settlement areas are not available, where the economic need can be justified, and where there is the presence of complementary features such as major transportation facilities (e.g. airport, railroad), land-base resources or existing industrial and/or commercial development. Such rural business areas shall only be permitted through the development of a secondary plan and/or by site-specific amendment to this Plan, as per Section 4.4.2.4.2.

### **2.2.10 TOURISM**

Tourism opportunities are expected to grow as the popularity of the Georgian Triangle as a recreational destination for the Greater Toronto Area (GTA) and the surrounding district continues to increase. The protection and enhancement of the Township's natural and historical attractions will be key to a successful tourism strategy, as will optimizing the opportunities associated with the Township's public and private recreational facilities and resources, including golf courses, regional trail systems, and recreational resorts (Osler Bluffs/Devil's Glen), open space areas, and rivers and streams.

## **2.3 FUTURE SETTLEMENT**

### **2.3.1 ESTABLISHED SETTLEMENT PATTERN**

The Township of Clearview is located in the northwest corner of the County of Simcoe, and came into being on January 1, 1994 through municipal restructuring, initiated by the County of Simcoe,

which resulted in the amalgamation of the former Townships of Nottawasaga and Sunnidale, the Town of Stayner and the Village of Creemore. The municipality is bounded by the Towns of Collingwood and Wasaga Beach in the north, the Townships of Essa, Mulmur and Melancon in the south, the Township of Springwater in the east and the Town of The Blue Mountains and Township of Grey Highlands in the west.

Primary settlement areas within Clearview include the communities of Creemore, New Lowell and Stayner. Avening, Batteaux, Brentwood, Dunedin, Duntroon, Glen Huron, Nottawa, Old Sunnidale, Singhampton, and Sunnidale Corners are secondary growth nodes. Major recreational destinations include the Devil's Glen and Osler Bluffs ski resorts.

While the Township's economy historically has centred around rural/agricultural land use activities, in more recent times, the municipality's popularity as a recreational destination and residential alternative to the more intensively urbanized communities in the surrounding area (Barrie/ Collingwood/Wasaga Beach) has been on the increase. Select parts of the Township, especially the Niagara Escarpment, also are becoming home to an increasing number of retirees and recreational/part-time residents.

The forecasted influx of urban commuters, retirees and recreational residents is a key factor in planning for Clearview's future in view of its potential impact on hard and soft municipal services (e.g. roads/parks/water supply/sanitary sewage disposal), and the demand for non-farm and recreational residential development, particularly in rural areas.

### **2.3.2 POPULATION/LAND NEED PROJECTIONS**

Census of Canada data indicates that, in 1996, the newly-amalgamated Township of Clearview had a permanent population of 12,400, of which approximately 7,960 persons resided in the Township's three primary and ten secondary settlement areas, and 4,440 in rural parts of the municipality.

In developing the policies of this Official Plan, the Township has prepared housing and population forecasts as a basis for the calculation of future residential and industrial land need. These projections, contemplate an increase in the Township's total population and number of housing units from 12,575 and 5,118 respectively in 1997, to 18,794 and 7,776 in 2021. It is anticipated that the projected form of development through the life of this Plan is, and these population numbers are allocated, as follows:

#### POPULATION GROWTH ALLOCATION SUMMARY\*

	<b>Allocated Growth</b>	<b>1997 Existing</b>	<b>2021 Targets</b>
<b>Total Population</b>	6219	12,575	18,794
<b>% Urban (Primary Settlement Area)</b>	86.5%	40%	53%
<b>% Urban (Secondary Settlement Area)</b>	9%	12%	11%
<b>% Rural</b>	4.5%	48%	36%

\*Anticipated growth allocations based on population projections and policies which direct the majority of new growth to the three primary settlement areas.

Assessment records in 2001 indicate that the residential housing stock currently consists of 4,405 (79% of total) permanent non-farm units, 741 (13.3% of total) farm-related residential units and 430 (7.7% of total) seasonal residential units.

While these population/housing statistics and projections provide a useful guideline in ensuring an adequate supply of housing and services over the planning period of this Official Plan, the Township's real growth potential is difficult to precisely quantify given that:

- historically, the growth of the amalgamated Township has been constrained by a lack of full municipal services in Creemore and New Lowell;
- the Township offers easy access and a desirable housing alternative to the booming City of Barrie;
- the Township has a significant and increasing seasonal or non-permanent resident population; and,
- it is anticipated the Township could emerge as a preferred location for adult/leisure lifestyle communities in view of its proximity to Barrie and location in the Georgian Triangle resort area.

Recognizing these factors, the housing/population forecasts that have been developed for this Plan are considered conservative and could be exceeded. It, therefore, is Council's broader intent that Clearview's growth rate be monitored and that the Official Plan be subject to periodic review to determine whether additional lands need to be provided for new development. It is also anticipated that there will be significant growth in the part-time and recreational population and associated housing demand.

Where development beyond those areas designated for future growth is proposed by amendment to this Official Plan, Council, among other things, shall:

- Require that the proponent prepare a justification report establishing the need for the proposed development as it specifically relates to the existing undeveloped land base already designated by the Plan to accommodate growth to 2021.
- Determine the consistency of the proposal with the long-range servicing objectives of the Official Plan, as well as Council's desire to achieve economics of scale in pursuing municipal servicing upgrades
- Ensure that the type of sewage disposal and water services being proposed meet all Provincial standards especially the regulations and guidelines of the Ministry of the Environment.
- Consider the impact the development may have on the Township's community services such as schools, parks, waste disposal, police and fire protection, and whether it will necessitate additional community facilities.

- Consider the implications of the proposed development on the Township's existing and future road network.
- Consider the development's potential impact on the agricultural community
- Consider the development's potential impact on the Township's natural heritage resources through, where necessary, the preparation of an Environment Impact Statement (EIS) prepared in accordance with Section 4.1.2.2.
- Consider the merits of the development proposal in relation to its compatibility with surrounding land uses and existing land use patterns.
- Consider the development's proposed design and any innovations it may offer in relation to housing affordability or lifestyle opportunities.
- Consider the implications of the proposed development on the Township's cultural heritage resources.

Although, as noted above, the population/ housing projections developed for the Official Plan provide a useful method for gauging housing demand, it is a further objective of the Township to foster a competitive real estate market and the establishment of a diverse range of land uses. Accordingly, while the areas designated for future growth on the Official Plan's land use schedules approximate those developed on the basis of these projections, they do not represent a precise demarcation.

### **2.3.3 NEIGHBOURING MUNICIPALITIES**

The Township of Clearview is bordered on the north by the Towns of Collingwood and Wasaga Beach, on the south by the Townships of Essa, Melancthon and Mulmur, on the east by the Township of Springwater, and on the west by the Town of The Blue Mountains and the Township of Osprey. Future development within these neighbouring communities, and a cooperative approach to regional planning issues could/will have bearing on:

1. The magnitude, form and timing of future development in the Osler Bluffs' Recreation Community.
2. Increased (economic) opportunities in relation to the Collingwood Airport Special Development Area.
3. Long-range inter-municipal tourist/recreational opportunities, such as the establishment of a destination-oriented regional trail system.
4. Future municipal water and/or sanitary sewer urban servicing opportunities, most particularly, as they relate to the Collingwood-New Tecumseth water pipeline, and municipal sanitary sewage treatment facilities in Wasaga Beach, Collingwood and/or the Town of The Blue Mountains.

5. The development of an arterial road system which optimizes economic development opportunities within the municipality, while affording improved and direct access to major resort, tourist and industrial destinations in the Georgian Triangle as a whole.

#### **2.3.4 FUTURE SETTLEMENT PATTERN**

In January, 1994, Simcoe County restructuring resulted in the amalgamation of the former Townships of Nottawasaga and Sunnidale, the Town of Stayner and the Village of Creemore. Prior to the restructuring, planning for these communities occurred independently, with the requirements for future growth being separately assessed and the designation of vacant lands for future residential, commercial, industrial and recreational land uses being determined for each of the former municipalities in isolation.

It is the central land use objective of this Official Plan to facilitate a rational approach to future growth in the “restructured municipality”, whereby major forms of development are directed toward the urban settlement areas best equipped with the hard and soft servicing infrastructure needed to efficiently accommodate intensive land use activity, (i.e., Creemore/New Lowell/Stayner), in this way preserving the municipality’s natural heritage features, including its prime agricultural lands, for the long-term social and economic benefit of Clearview’s residents.

A limited amount of additional growth will be permitted in rural and secondary urban settlement areas primarily through infilling, estate residential/rural business park development, existing vacant lot development and severance activity. Development in these settings will assist in addressing the projected demand for new housing, while, at the same time, offering residents an alternate (less urban) lifestyle opportunity.

#### **2.3.5 URBAN DEVELOPMENT CONCEPT (CREEMORE/NEW LOWELL/STAYNER)**

Major growth in Clearview is to be directed toward the Township’s three primary urban settlement areas: Creemore, New Lowell and Stayner. It is expected that the establishment of new land uses within these communities generally will proceed in accordance with the following development principles.

The Official Plan’s intent regarding the location, design characteristics and density of future development within Creemore, New Lowell and Stayner is enlarged upon in the land use, transportation, servicing, development and implementation policies which follow. The basic thrust of the Official Plan however, is to facilitate the expansion of these three communities in the most rational and cost-effective way possible, while maintaining each community’s unique sense of identity including their historical, small town character and atmosphere.

##### **1. Residential**

Residential development shall occur as an adjunct to existing development in locations where the extension/establishment of municipal water supply and/or sanitary sewage disposal facilities is easiest and shall not create a financial hardship for the taxpayers of the municipality. The lands designated for Residential use on Schedules A through A14 include vacant areas estimated to be sufficient to accommodate the demand for residential accommodation over the effective planning period of this Official Plan. The Future Development Area boundary classification on Schedules A1, A2 and A3 identifies lands, which, although not immediately required for development, are deemed the most logical for future growth in view of their location, accessibility, servicing potential and/or general lack of development constraints. As per Section 10.9, major development within

these areas will only be permitted on the basis of the recommendations of a secondary plan/comprehensive Official Plan amendment which considers the potential cumulative impact of future growth on the settlement area's environmental, economic and social make-up, as well as providing updated growth projections establishing the need for the designation of additional residential land.

While a majority of new residential development will occur by plan of subdivision/condominium and/or the selective, site-specific establishment of multiple-residential dwellings, the Township also supports residential intensification through infilling and single-detached residential conversions as a means of maximizing affordable housing opportunities and ensuring efficient development.

## **2. Commercial**

The future commercial needs of Clearview's residents primarily will be addressed by maintaining, and, in the case of New Lowell establishing, healthy central business districts capable of providing a full range of retail commercial uses and services at a scale consistent with the core areas' historical character/atmosphere. The need for additional commercial floor space will be addressed through the conversion of the predominantly-residential Commercial Transition Areas, surrounding existing core areas, as delineated on Schedules A and A3, to a limited range of commercial uses, and through the establishment of site-specific highway commercial and space extensive commercial uses in high visibility traffic corridors and/or industrial/business parks.

## **3. Industrial**

Major forms of new industrial development will be encouraged to locate in industrial/business parks, within the three primary urban settlement areas, where the infrastructure needed to efficiently accommodate intensive development is available, and the municipality's labour force is principally resident. Limited site-specific industrial development will be permitted on arterial or collector roads but only where suitable lands are not available in established business areas, and where it is demonstrated that the proposed use is compatible with adjacent uses and will not create a traffic hazard.

The municipality views the expansion/growth of the industrial sector, together with the Township's agricultural base, to be the primary means of fostering local employment opportunities.

## **4. Recreational**

Wherever feasible, major public and private parks, as defined in Sections 4.2.2.1 and 4.2.3.1, particularly multi-sports facilities, ideally will be situated within the Township's three primary urban settlement areas as a means of enabling convenient and easy access for all Township residents. Public parks shall be permitted in all land use designations, subject to the Open Space policies of Section 4.2 and other applicable policies of the Plan, without the need for an amendment to this Official Plan or the implementing Zoning By-law.

### **3.0 GOALS AND OBJECTIVES**

#### **3.1 GENERAL**

The following goals and objectives form the basis for the more specific land use and development policies contained in the following sections of this Official Plan. They provide a framework for directing growth in a logical and orderly manner while safeguarding the Township's environmental and economic well-being.

A goal is a desired state which reflects the long-range purpose of the Plan and is related to a major area of concern. An objective is a short-range step toward the goal. It is concrete, realistic, action-oriented and attainable within a relatively short period of time. The achievement of an objective should move the goal closer to reality.

Based on a review of the planning, environmental and servicing characteristics of the Township and input from the general public, the following are Council's long-range land use goals and objectives.

#### **3.2 AGRICULTURE**

##### **3.2.1 GOAL**

It is the agricultural goal of this Official Plan to preserve agriculturally productive land and promote the expansion of the agricultural industry.

##### **3.2.2 OBJECTIVES**

1. To protect agriculturally productive lands from the encroachment of incompatible land uses by restricting the location of non-farm residential, commercial and industrial development and by encouraging non-farm uses to locate in non-productive agricultural areas.
2. To maintain agriculturally productive lands in economically viable units by preventing their fragmentation.
3. To protect the viability of confinement livestock enterprises by preventing the encroachment of non-agricultural uses.
4. To promote ecologically sound agricultural practices through the use of best management practices.
5. To protect Class 1 to 3 soils as established by the Canada Land Inventory, and Class 4 soils in areas accommodating viable agricultural operations.

#### **3.3 ENVIRONMENTAL AND HAZARD LANDS**

##### **3.3.1 GOALS**

1. To maintain and enhance the quality of natural heritage features through the establishment of development guidelines and policies which implement the Greenlands objectives of the County Plan, and minimize land use conflicts within or adjacent to environmentally-sensitive areas.

2. To protect the health and safety of area residents by preventing loss of life and minimizing property damage due to flooding and erosion.
3. To protect and, where feasible, enhance the quantity and quality of surface and ground waters.
4. To conserve Clearview's heritage by establishing development guidelines and policies governing the preservation of significant natural heritage and archeological resources.

### **3.3.2 OBJECTIVES**

1. To protect, enhance and promote the rehabilitation of the ecological features and functions recognized by the Greenlands system in the County Plan, including rivers and streams, valley lands, wetlands, wildlife habitat and linkages, fish habitat, the habitat of threatened or endangered species, woodland and Areas of Natural and Scientific Interest (ANSI's). Consideration shall also be given, where appropriate, to the protection of habitat of vulnerable species.
2. To prevent development and/or site alteration on lands adjacent to provincially-significant wetlands, the habitat of threatened or endangered species, fish habitat, significant woodlands, significant valley lands, significant wildlife habitat or hazardous lands pending the completion of an Environmental Impact Statement (EIS) demonstrating that there will be no negative impact on these natural heritage features and their functions.
3. To prevent the occurrence of development on lands having inherent environmental hazardous such as poor drainage, inundation, flooding, erosion, steep slopes or any other physical conditions which could endanger life or property.
4. To ensure that any existing or potential adverse impacts of one land use on another are adequately investigated and mitigated as a prelude to new development, and that appropriate measures are taken to minimize or avoid these impacts and/or afford protection against them.
5. To ensure that all land use decisions promote water conservation and support the efficient use of water resources on a watershed and subwatershed basis.
6. To ensure that land use planning contributes to the protection, maintenance and enhancement of water and related resources and aquatic ecosystems on an integrated watershed management basis.
7. To protect the quality and quantity of groundwater and surface water and the function of sensitive groundwater recharge/discharge areas and aquifers.
8. To maintain and, where possible, enhance services and groundwater resources in sufficient quantity and quality to permit existing and future uses on a sustainable basis.
9. To correct or prohibit existing or potential sources of pollution by requiring the application of standards established by the Ministry of Environment or other regulatory agencies.



10. To establish policy to protect groundwater from depletion and/or contamination.

### **3.4 MINERAL AGGREGATES**

#### **3.4.1 GOALS**

1. It is a mineral aggregate goal of this Official Plan to protect mineral aggregate resource areas for existing and future extraction.
2. It is a mineral aggregate goal of this Official Plan to encourage the rehabilitation of exhausted pits and quarries, and the redesignation and rezoning of such areas in a manner that will ensure their compatibility with surrounding land uses.

#### **3.4.2 OBJECTIVES**

1. To protect mineral aggregate resources by restricting non-compatible development on or adjacent to identified areas of mineral aggregate resource potential.
2. To ensure that pits and quarries are properly rehabilitated to maintain the visual attractiveness and general rural character of the municipality.

### **3.5 SOCIAL AND CULTURAL HERITAGE**

#### **3.5.1 GOALS**

1. It is a social and cultural heritage goal of this Official Plan to maintain the aesthetically pleasing characteristics of the municipality and general quality of life.
2. It is a social and cultural heritage goal of this Official Plan to preserve Clearview's cultural heritage and archaeological resources.
3. It is a social and cultural goal of this Official Plan to preserve the unique/historical sense of identity of designated settlement areas.

#### **3.5.2 OBJECTIVES**

1. To identify, record and preserve significant historical and cultural buildings, structures, monuments and/or unique districts which reflect the rich past of Clearview and its residents.
2. To promote/encourage the designation of significant heritage resources in consultation with the local historical society, (including the local Architectural Conservation Advisory Committee (LACAC) should one exist).

**3.6 DEVELOPMENT FORM****3.6.1 GOALS**

1. It is a development goal of this Official Plan to encourage development in a manner consistent with and compatible with the demographic structure and social needs of the Township's residents.
2. It is a development goal of this Official Plan to encourage a high quality, varied and affordable supply of housing for all municipal residents and an efficient urban form.
3. It is a development goal of this Official Plan to enable compatible forms of growth in a manner which protects the Township's natural environment and agricultural industry, while maintaining Clearview's general rural character and quality of life.
4. It is a development goal of this Official Plan to foster future development of a type consistent with the historical form of the Township's urban and agricultural communities.

**3.6.2 OBJECTIVES**

1. To guide and direct future development in a manner which does not place undue pressure on municipal services and resources or compromise the Township's financial stability.
2. To ensure that new development is consistent with the standards and requirements of the Ontario Building Code, and that existing properties are maintained to a minimum standard.
3. To direct major forms of new development to the Township's primary (municipally-serviced) urban settlement areas in a manner which complements each community's unique/historical form and function.
4. To ensure that a sufficient supply of lands is available to meet the future needs of the Township's residents for new development.
5. To encourage innovative forms of development which protect the Township's natural and topographical features and/or facilitate affordable accommodation for the municipality's residents.
6. To provide sufficient diversity in housing types to meet the lifestyle preferences of the Township's residents.
7. To minimize the impact of new development on the function and aesthetic quality of Clearview's natural and cultural heritage resources and existing agricultural community.
8. To establish cost-effective development standards for new residential development and redevelopment to reduce the cost of housing.
9. To encourage a balanced ratio of commercial and industrial assessment to residential assessment.

**3.7 MUNICIPAL SERVICES****3.7.1 GOALS**

1. It is the municipal services goal of this Official Plan to provide adequate and safe systems of water supply, sanitary sewage disposal and storm water management to all areas of development.

**3.7.2 OBJECTIVES**

1. To optimize the opportunity for the provision of full municipal sewage and water services in major new development areas.
2. To direct major forms of new growth to municipally serviced, primary urban settlement areas.
3. To encourage progressive, staged development from existing built-up areas in order to minimize the need for major servicing extensions.
4. To upgrade and improve existing municipal services to meet the future growth requirements of the Township.
5. To ensure that the establishment of full, private or partial servicing systems and storm water management systems occurs in a manner consistent with all relevant municipal, County and Provincial policies and regulations.
6. To ensure that new development does not have an adverse effect on the Township's environmental resources and groundwater supply.
7. To encourage the improvement of existing substandard private sanitary sewage disposal systems.
8. To ensure that no development occurs without an adequate supply of potable water and method of sanitary sewage disposal.

**3.8 TRANSPORTATION****3.8.1 GOAL**

1. It is a transportation goal of this Official Plan to facilitate the establishment of a transportation network which enables the efficient and safe movement of people and goods throughout the Township.
2. It is a transportation goal of this Official Plan to establish a system of pathways and trails linking the Township's settlements and major development areas and public spaces within those settlements as an alternative to the vehicular network of roads.

**3.8.2 OBJECTIVES**

1. To foster an integrated (hierarchical) transportation system, in cooperation with the Township's neighbouring municipalities, particularly as it relates to the establishment of arterial and regional road networks.
2. To ensure that all new streets are of good quality by requiring new subdivision roads to meet the standards of the Ministry of Transportation and/or the Township of Clearview.
3. To ensure the provision of adequate off-street parking facilities, particularly in the central business districts of primarily urban settlement areas.
4. To ensure the continued and safe movement of vehicular and pedestrian traffic by controlling the number of access points to major roads.
5. To encourage and promote the provision of adequate and safe pedestrian and cycling linkages between communities, development areas, open space, and community facilities and services.

**3.9 RECREATION****3.9.1 GOALS**

1. It is the recreational goal of this Official Plan to optimize the recreational potential of the Township by ensuring sufficient lands are preserved for recreational purposes and by optimizing existing recreational resources.

**3.9.2 OBJECTIVES**

1. To provide sufficient park, recreation and sport facilities both by direct acquisition and by receiving the maximum parkland dedication/cash-in-lieu permitted under the Planning Act.
2. To locate parks in a way which benefits the greatest number of people when new development is under consideration.
3. To ensure the timely expansion and/or improvement of existing recreational facilities through the preparation of a Recreation Master Plan, and by, wherever practical, encouraging the enlargement of existing parks.
4. To establish new and reinforce existing systems of pedestrian (walking/jogging/bicycling/cross-country skiing) and motorized (snowmobile) trails within and between the Township's settlements, and to coordinate regional trail improvements with neighbouring municipalities and the Niagara Escarpment Commission.

**3.10 INDUSTRIAL/COMMERCIAL****3.10.1 GOALS**

1. It is the industrial/commercial goal of this Official Plan to maximize the economic and employment potential of the Township by encouraging a variety of enterprises.
2. It is an economic goal of this Plan to promote new industry by providing suitably located areas for the varying forms of industrial development.
3. It is an economic goal of this Official Plan to maximize the development opportunities associated with the Collingwood Airport and other industrial/commercial assets such as the water pipeline and Barrie-Collingwood Railway.
4. It is an economic goal of this Official Plan to maximize Clearview's recreational/tourism potential in this way expanding the Township's service sector.
5. It is an economic goal of this Official Plan to provide an economic climate attractive to new industry.

**3.10.2 OBJECTIVES**

1. To provide an adequate supply of industrial/commercial lands to meet the projected needs of the community.
2. To ensure that sites intended to accommodate major forms of new industry have access to major transportation routes and appropriate services.
3. To encourage the development and/or expansion of existing industrial enterprises.
4. To encourage agriculturally related industry, particularly that involving agricultural research.
5. To facilitate the establishment of urban and rural business parks in accordance with the locational policies of this Official Plan.
6. To encourage Federal/Provincial/County government offices to establish in the Township.
7. To encourage the diversification and expansion of the municipality's existing industrial/commercial base.
8. To support the development of tourist/recreational attractions and facilities, including hotels and conference facilities farmer's markets, theatres, and other destination attractions (e.g. country inns/restaurants).
9. To broaden the appeal of major commercial areas, particularly the central business districts in Stayner and Creemore, to tourists and permanent and recreational residents.

10. To encourage commercial establishments to develop in harmony and in proportion to their surroundings as the market matures.
11. To provide adequate highway commercial facilities oriented to the needs of the traveling public.
12. To encourage tourism-related commercial development.

#### 4.0 LAND USE POLICY

Land uses within the Township of Clearview shall be developed in accordance with the land use designations on Schedules A through A14. These designations establish the municipality's future development pattern in general terms by dividing those parts of the Township outside of the Niagara Escarpment Plan Area into twelve (12) land use classifications, namely:

Section 4.1	-	Greenland
Section 4.2	-	Open Space
Section 4.3	-	Agriculture
Section 4.4	-	Rural
Section 4.5	-	Estate Residential
Section 4.6	-	Residential
Section 4.7	-	Commercial
Section 4.8	-	Industrial
Section 4.9	-	Extractive Industrial
Section 4.10	-	Mineral Aggregate Resource Area
Section 4.11	-	Waste Disposal Industrial
Section 4.12	-	Recreational District

These twelve designations, their related sub-classifications, and the six designations listed in Section 5.0 having specific application to the Niagara Escarpment Plan Area, together with all other associated Official Plan policy (e.g. land use servicing, transportation, development policy), shall provide the basis for future development within the Township, and guidance to Council in the consideration of development proposals, including lot creation, minor variances, plans of subdivision/condominium, and site plans, and requests for amendments to the Official Plan and implementing Zoning By-law.

Except as specifically provided in this Official Plan, any changes to Schedules A through A14 or the land use policies of this section, shall require an amendment to this Plan.

**The land use designations of this Plan by policy permit a wide range of land uses as a matter of the principle of general compatibility between such uses and the general appropriateness of the lands to sustain such uses. However, while such uses are permitted on lands so designated in principle, any particular site or location may not be suitable for each of the potential permitted uses. The suitability of a particular site or location for a specific use shall be determined in accordance with all of the policies of this Official Plan, public input and the comments of review and approval agencies, land use compatibility and sustainability, servicing considerations, economic and financial impact, other applicable legislation and policy/guidelines, the individual merits of an application, the principles of good planning, and other matters Council may deem appropriate. The actual location and nature of acceptable permitted uses shall be based on these considerations and may be implemented through the Zoning By-law and site plan control, as well as other appropriate measures. It is accordingly the policy of this Plan that Council is under no obligation to permit a specific use through such implementation measures simply on the basis of the designation and its potential range of permitted uses, and Council may therefore deny or modify any application despite the generally permitted uses of the applicable designation.**

#### **4.1 GREENLAND**

The Greenland designation encompasses all areas designated as Greenlands in the County of Simcoe Official Plan. The Greenland designation is divided into three sub-classifications, Greenland-Hazard Land Areas, Greenland-Wetland Area and Greenland-Natural Heritage Areas.

The Greenland-Hazard Land Areas classification identifies lands unsuited to development due to inherent natural hazards such as their susceptibility to flooding or erosion.

The Greenland - Wetland Areas classification identifies Provincially and locally significant wetlands in which development is prohibited due to the ecological importance of the resources.

The Greenland - Natural Heritage Areas classification identifies all lands, except for wetland areas which are separately designated, warranting protection due to their ecological function and/or importance as valley land, woodland, and fish or wildlife habitat.

The Greenland - Hazard Lands Areas, Greenland-Wetland Areas and Greenland-Natural Heritage Areas sub-classifications recognize three distinct environmental circumstances within the County Plan's Greenlands designation, and provide criteria implementing the varying levels of development control mandated for these areas by County planning policy.

In locations where, Greenland-Wetland Areas overlap with Greenland-Natural Heritage Areas and/or Greenland-Hazard Land Areas, the Greenland-Wetland Areas designation has been applied in view of the additional prohibitions imposed on new development by the policies of Section 4.1.2 and the more stringent Environmental Impact Statement (EIS) study requirements in relation to adjacent lands. In locations where Greenland-Hazard Land Areas overlap with Greenland-Natural Heritage Areas, the Greenland - Hazard Land Areas designation has been applied in view of the additional prohibitions imposed on new development by Section 4.1.1. Notwithstanding this hierarchical planning approach, however, all "Greenland" areas, including Greenland - Wetland Areas and Greenland - Hazard Land Areas, are considered Greenland - Natural Heritage Areas, and hence also are subject to the policies of Greenland - Natural Heritage Areas, as these policies may be deemed to apply by the Township of Clearview, the Nottawasaga Valley Conservation Authority and/or other responsible approval authority(s).

While reference can be made to Schedules A through A14 for an indication of the lands subject to the Greenland policies of this Plan, the precise location of these areas and associated policy requirements shall, in all cases, be determined in consultation with the appropriate approval authority(s), (e.g. Township of Clearview, Nottawasaga Valley Conservation Authority/County of Simcoe).

The policies in Section 4.1.1 below describe the general principles to be considered in regulating land uses within Greenland-Hazard Land Areas, and the policies in Section 4.1.2 describe the general principles to be considered in regulating land uses within Greenland-Wetland Areas and within Greenland- Natural Heritage Areas.

##### **4.1.1 GREENLAND-HAZARD LAND AREAS**

The Greenland-Hazard Land Areas classification on Schedules A through A14 encompasses lands unsuited to development due to inherent natural hazards such as their susceptibility to flooding or erosion, poor drainage, organic soils or steep slopes. Development within these hazard land areas shall be governed by the following policies, as well as the provisions of Section



4.1.2.1.2, Greenland - Natural Heritage Areas, where the natural heritage area criteria are deemed to apply by the Township of Clearview, the Nottawasaga Valley Conservation Authority and/or other responsible approval authority(s).

All permitted land uses shall require the approval of the Township of Clearview and the Nottawasaga Valley Conservation Authority.

#### **4.1.1.1 PERMITTED USES**

Subject to compliance with any stricter use provisions of Sections 4.1.1.14, dealing specifically with development limitations in flood prone areas, and/or Section 4.1.2.1.2, dealing with development limitations in Greenland- Natural Heritage Areas, permitted uses may include agricultural and conservation uses, fish and wildlife management, golf courses exclusive of any buildings, passive recreation uses such as pedestrian (walking/jogging/bicycling/cross-country skiing) trails or other similar low intensity uses. Only those buildings and structures required for purposes of flood control shall be permitted.

Golf courses generally are discouraged within Greenland - Hazard Land Areas and shall only be permitted by amendment to the implementing Zoning By-Law in accordance with the provisions of Section 4.1.1.12 as well as all other applicable provisions of this Official Plan including Section 4.1.2.1.2.

#### **4.1.1.2 PARKING AREAS**

Subject to compliance with any stricter use provisions of Sections 4.1.1.14 and 4.1.2.1.2, parking areas may be established in conjunction with public recreational and conservation uses. Access to such parking areas shall be designed to minimize the danger to vehicular and pedestrian traffic.

#### **4.1.1.3 BOUNDARIES**

The boundaries of the Greenland-Hazard Land Areas designation are approximate, and it is the intent of this Plan that their precise location be determined, in consultation with the Nottawasaga Valley Conservation Authority and any other responsible approval authority, at the time of the consideration of development applications. An amendment to this Plan shall not be required to make minor adjustments to the boundaries of the Greenland-Hazard Land Areas classification provided the overall intent of the Plan is maintained. In circumstances where the boundary of the Greenland - Hazard Land Areas designation is adjusted, the lands previously considered to be so classified shall be deemed to be included within the abutting land use designation.

Where floodplain and/or fill-line mapping exists, it has been utilized as a basis for the delineation of the Greenland-Hazard Land Areas designation on Schedules A through A14 to this Plan. Where the extent of the regulatory floodplain is unknown, the Greenland-Hazard Land Areas designation has been conceptually delineated on the Official Plan's land use schedules utilizing, as far as possible, the top-of-bank of select watercourses.

Although not all lands in the vicinity of watercourses within the Township of Clearview have been designated as Greenland-Hazard Land Areas on Schedules A through A14, this does not preclude compliance with the policies of this Official Plan. Whether designated or not, future development in areas where watercourses exist shall be subject to the Greenland-Hazard Land Areas policies of this Plan.

Where development is proposed adjacent to a watercourse and engineered flood line mapping is not available, the proponent shall undertake a floodplain analysis, to the satisfaction of the Township of Clearview and the Nottawasaga Valley Conservation Authority, which establishes the precise location of the regulatory flood line and the general propriety of development.

As more detailed floodplain mapping becomes available, Council shall amend this Official Plan and/or the Zoning By-law to reflect the refined flood data.

#### **4.1.1.4 DETAILED DELINEATION**

It is the intent of this Plan that the boundaries of the Greenland-Hazard Land Areas sub-classification on Schedules A through A14 be used only as a guide in preparing implementing zoning criteria and that appropriate setbacks from identified hazards (e.g. areas susceptible to flooding/erosion), engineered flood lines and the high-water mark of any river, creek or shoreline be established in the Zoning By-law in consultation with the Nottawasaga Valley Conservation Authority and any other responsible approval authority. When more detailed mapping becomes available, it shall take precedence in the consideration of development applications, and Council shall periodically update/amend the Official Plan and/or Zoning By-law to reflect the improved mapping or may require an applicant to do so.

#### **4.1.1.5 FLOOD CONTROL WORK**

Whenever any flood control or other works are undertaken which result in significant changes to an identified floodplain, Council shall periodically update/amend this Plan to reflect the modifications to the boundaries of the Greenland-Hazard Land Areas designation.

#### **4.1.1.6 DEVELOPMENT APPROACH**

The establishment of any permitted use shall occur in a manner which ensures there is no negative impact on the natural environment and maintains and enhances the natural state of local rivers, creeks and streams by:

- Limiting alterations, diversions, or development within the adjacent floodplain to those which serve to enhance, restore or rehabilitate water quality and/or the natural environment.
- Maintaining or restoring the basic natural structure and function of the stream.
- Protecting, maintaining and nurturing the natural vegetation within the existing floodplain and on adjacent slopes.
- Protecting existing resident aquatic species and ecosystems, and the integrity of headwaters.
- Adopting an ecosystems management approach so as to ensure no net loss of habitat.
- Establishing incentives for good private stewardship and encouraging public involvement in environmental education programs sponsored by the Federal, Provincial and local governments.

The theme of public open spaces, particularly those which may be situated in the vicinity of Greenland - Wetland Areas and/or Greenland-Natural Heritage Areas, shall be oriented toward

the preservation of the natural environment as a recreational/educational resource for the benefit of area residents.

#### **4.1.1.7 BUILDING SETBACKS**

Building setbacks may be imposed from Greenland-Hazard Land Areas relative to the extent and severity of the identified hazard or as specifically indicated in this Official Plan. Regardless of any required setbacks from the boundary of the Greenland-Hazard Lands Area designation, however, subject to confirmation by the Nottawasaga Valley Conservation Authority, a minimum 30 metre (98.4 foot) building setback generally shall be required from the high-water mark or the top-of-bank of a watercourse, whichever is greater (also see Sections 4.1.2.6 and 7.3.2).

#### **4.1.1.8 LANDS UNDER PRIVATE OWNERSHIP**

It is essential that Greenland-Hazard Land Areas be protected from future development to preserve natural heritage features and to permit the implementation of an effective storm water management system throughout the municipality. As such, an application for the redesignation of Greenland-Hazard Land Areas to permit development shall be discouraged and may only be considered where it is established to the satisfaction of Council and the Nottawasaga Valley Conservation Authority:

1. that the hazards can be safely addressed, and the development and site alteration carried out in accordance with established standards procedures,
2. that new hazards will not be created (i.e. the remedial work to be undertaken to overcome the identified hazards will not transfer those hazards to other areas), and existing hazards will not be aggravated.
3. that no adverse environmental impacts will result and that the proposed methods by which the hazards are to be overcome are consistent with accepted engineering techniques and resource management practices, and the Environmental Impact Statement (EIS) requirements of Section 4.1.2.2,
4. that vehicles and people will have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies,
5. that the development does not include institutional uses or essential emergency services or the disposal, manufacture, treatment or storage of hazardous substances, and,
6. that the cost of the proposed remedial work will be borne by the proponent of the development.

There is no public obligation to redesignate any land if there is an existing or potential hazard that will be difficult or excessively costly to overcome.

Nothing in this Plan shall be construed to imply that Greenland-Hazard Land Areas are free and open to the general public and that such areas shall be purchased by the Township or any other public agencies.

#### **4.1.1.9 PUBLIC ACQUISITION OF HAZARD LAND AREAS**

Where new development is proposed on a site which includes lands designated Greenland-Hazard Land Areas such lands shall not necessarily be acceptable as part of a parkland dedication pursuant to the provisions of the Planning Act. In circumstances where the acquisition of such lands may be deemed in the public interest to, for example, facilitate the location of public recreational uses, the Township may choose to encourage their conveyance to the municipality, Conservation Authority or another public agency, through the development approval process, land trusts, easements, development agreements or other means at Council's discretion.

All Greenland-Hazard Land Areas that are dedicated to the municipality, under subdivision or site plan control procedures pursuant to the Planning Act, shall be conveyed in a satisfactory physical condition and, if an open watercourse is involved, the dedication shall provide sufficient land for proper maintenance to be carried out.

#### **4.1.1.10 CONSERVATION AUTHORITY REGULATIONS**

The following works shall be subject to the regulations administered by the Nottawasaga Valley Conservation Authority under the Conservation Authorities Act.

- The straightening, changing, diverting or interfering in any way with an existing channel of a watercourse or a wetland.
- The construction of any building or structure in any area susceptible to flooding under Regional storm conditions or a wetland.
- The placing or dumping of fill of any kind in a defined area regulated by the Nottawasaga Valley Conservation Authority.

#### **4.1.1.11 STORM WATER MANAGEMENT**

Storm water management shall occur in accordance with the policies of Section 7.3.

#### **4.1.1.12 RECREATIONAL USES**

Where a passive outdoor recreational use, such as a trail system, is proposed within the Greenland-Hazard Land Areas designation, such use shall be subject to the recommendations of an Environmental Impact Statement (EIS) prepared in accordance with the provisions of Section 4.1.2.2, and to the approval of the Township of Clearview, Nottawasaga Valley Conservation Authority and/or other responsible approval authority(s).

Where a golf course is proposed, such use shall only be permitted by amendment to the implementing Zoning By-law and only in circumstances where the Township of Clearview, Nottawasaga Valley Conservation Authority and/or other responsible approval authority(s) is satisfied that the use is supported by and can be established in accordance with the findings and/or recommendations of an Environmental Impact Statement (EIS), prepared in accordance with the provisions of Section 4.1.2.2, a floodplain study, a hydrogeological study, a water taking study, a nutrient management study and/or any other studies deemed necessary by the responsible approval authority(s) and meets all of the requirements of this Plan.

#### **4.1.1.13 DEVELOPMENT IN ASSOCIATION WITH EROSION HAZARDS**

The three main forces that shape and re-shape river and stream systems are the natural processes of erosion, flooding (i.e., water flow) and slope stability. Erosion and slope stability are two natural processes which are quite different in nature yet often linked. Erosion is the continual loss of earth material (i.e., soil or sediment) over time as a result of the influence of water or wind. Slope stability, usually described in terms of the potential for slope failure, refers to a mass movement of earth material, or soil, sliding down a bank or slope face as a result of a single event in time. Each geological circumstance poses a potential threat to property and the general health and safety of the general public, and accordingly, development shall be directed away from areas subject to either constraint.

Lands prone to erosion, slope instability or flooding are conceptually designated on Schedule A through A14 as Greenland- Hazard Land Areas. In all cases, where major development is proposed, however, the precise location of these areas shall be established by the Township of Clearview, the Nottawasaga Valley Conservation Authority and/or other responsible approval authority at the time of the consideration of development applications. The determination of the erosion hazard limit will be based on a combined influence of:

- the toe erosion allowance,
- the stable slope allowance,
- the flooding hazard limit or meander belt allowance; and
- the erosion access allowance.

In making such a determination, the mandated approval authority(s) shall be guided by the Natural Hazards Training Manual, Provincial Policy Statement - Polices 3.1, prepared by the Ministry of Natural Resources.

#### **4.1.1.14 DEVELOPMENT WITHIN FLOOD-PRONE AREAS**

There are a number of major river and stream systems that outlet to Nottawasaga Bay within the Township of Clearview including Lamont Creek, Black Ash Creek, and the Nottawasaga, Pretty, Mad, Noisy and Batteaux Rivers. Each of these watercourses contains an associated floodplain and, hence, poses a potential threat to property and the general health and safety of the general public. The following policies define the limitations to be imposed on development within these flood-prone areas.

##### **4.1.1.14.1 Floodplain Management**

It is the intent of the Township of Clearview and the Nottawasaga Valley Conservation Authority to prevent loss of life and to minimize property damage and social disruption in the event of a regulatory flood which is the greater of the Timmins Storm, the 1:100 year return period storm, or the flood actually experienced in the defined watershed. To achieve this objective, in Clearview, the One-Zone Concept has been applied to lands susceptible to flooding in association with a watercourse.

The One-Zone Concept is a planning approach whereby the entire floodplain, as defined by the regulatory flood standard, is treated as one unit and all development within the floodplain is prohibited or controlled. Except as indicated in Sections 4.1.1.14.1 c) and d) dealing with the Mad River floodplain in Creemore and part of the Lamont Creek flood plain in Stayner, floodplains, as

defined by the regulatory flood, shall be regulated by the One-Zone Concept. Development within these floodplains shall be subject to the following policies.

**1) Permitted Uses**

Subject to compliance with the stricter use provisions of Section 4.1.2, dealing with Greenland - Wetland areas and Greenland - Natural Heritage areas, the permitted use provisions of Section 4.1.1.1 shall apply.

All permitted land uses shall require the approval of the Township of Clearview and the Nottawasaga Valley Conservation Authority.

**2) Floodplain Boundaries (Also see Section 4.1.1.3)**

Where floodplain and/or fill line mapping, exists, it has been utilized as a basis for the delineation of the Greenland-Hazard Land Areas designation on Schedules A through A14 to this Plan. Where the extent of the regulatory floodplain is unknown, the Greenland-Hazard Land Areas designation has been conceptually delineated on Schedules A through A14 utilizing, as far as possible, the top of the bank of a particular watercourse.

Although the Greenland-Hazard Land Areas designation may be used as a guide in the preparation of implementing zoning criteria, it is the intent of this Plan that future building setbacks be established on the basis of engineered flood lines.

Where development is proposed adjacent to a watercourse, and engineered flood line mapping is not available, the proponent may be required to undertake a floodplain analysis to the satisfaction of the Township of Clearview and the Nottawasaga Valley Conservation Authority to establish the precise location of the regulatory flood line and the general propriety of development.

As more detailed floodplain mapping becomes available, Council may amend the Official Plan and/or Zoning By-law to reflect the refined flood data or may require a development proponent to do so.

**3) Lamont Creek Special Policies - Stayner**

Notwithstanding the limitations imposed by this Official Plan on new development within flood prone areas in Stayner, the following additional policies shall apply to those lands located adjacent to Lamont Creek to the west of the Barrie - Collingwood rail line between Lamont Creek and the Lamont Creek Regulatory Flood line on Schedules A and A3:

(i) Uses legally existing on or before the date of adoption of this Official Plan, which are recognized by an identifying land use designation (e.g. Residential, Commercial, Industrial) on Schedules A and A3, may be similarly recognized in the implementing Zoning By-law by a corresponding zone in conjunction with an "(F)" zoning symbol suffix. The improvement and/or expansion of these legally existing uses shall be permitted provided a permit is obtained from the Nottawasaga Valley Conservation Authority (NVCA).

(ii) Vacant lands conditionally approved for development on or before the date of adoption of this Official Plan, together with certain additional vacant lands considered potentially suitable for development on an infilling basis, having been recognized by an appropriate

land use designation (e.g. Residential, Commercial, Industrial) on Schedules A and A3, may be developed by amendment to the implementing Zoning By-law provided a permit is obtained from the NVCA and the development proposal is in accordance with all relevant policies of this document. Where lands are zoned to permit development, the implementing zoning symbol (e.g. Residential, Commercial, Industrial) shall be followed by an “(F)” symbol to denote the lands location within the Lamont Creek Floodplain.

The development of all other vacant lands shall only be permitted by amendment to this Official Plan and the implementing Zoning By-law.

#### **4) Mad River Special Policies - Creemore**

Notwithstanding the limitations imposed by this Official Plan on new development within flood prone areas the following additional policies shall apply to those lands in Creemore located between the Mad River and the Mad River Regulatory Flood line on Schedules A & A1

(i) Uses legally existing on or before the date of adoption of this Official Plan, which are recognized by an identifying land use designation (e.g. Residential, Commercial, Industrial) on Schedules A and A1, may be similarly recognized in the implementing Zoning By-law by a corresponding zone in conjunction with an “(F)” zoning symbol suffix. The improvement and/or expansion of these legally existing uses shall be permitted provided a permit is obtained from the Nottawasaga Valley Conservation Authority (NVCA).

(ii) Vacant lands conditionally approved for development on or before the date of adoption of this Official Plan, together with certain additional vacant lands considered potentially suitable for development on an infilling basis, having been recognized by an appropriate land use designation (e.g. Residential, Commercial, Industrial) on Schedules A and A1, may be developed by amendment to the implementing Zoning By-law provided a permit is obtained from the NVCA and the development proposal is in accordance with all relevant policies of this document. Where lands are zoned to permit development, the implementing zoning symbol (e.g. Residential, Commercial, Industrial) shall be followed by an “(F)” symbol to denote the lands location within the Mad River Floodplain.

The development of all other vacant lands shall only be permitted by amendment to this Official Plan and the implementing Zoning By-law.

(iii) In an effort to further protect and ensure the safety of residents of Creemore, the Township will cooperate with the Nottawasaga Valley Conservation Authority in the preparation and regular updating of an Emergency Action Plan which is intended to address, among other matters, the means to evacuate people and moveable property out of flood susceptible areas during a significant flood event.

##### **4.1.1.14.2 Special Greenland-Hazard Land Areas Policy**

###### **1. Leimqardt Seniors Residence - Stayner (OPA 33)**

Notwithstanding any provisions of Section 4.1.1.14.1.1 to the contrary, on those lands in Stayner, described as part of Block M on Registered Plan No. 214, which property is known locally as 212

Scott Street, the following special provisions shall apply in addition to all other applicable provisions of this Official Plan:

- a) In the implementing Zoning By-law, the existing guest home for seniors and accessory buildings and structures thereto, shall be recognized, as they existed on May 1, 1996, as legally conforming uses despite their inclusion in the Greenland-Hazard Land Areas designation in this Official Plan.

A minor extension, in the form of an uncovered sun porch, may be permitted at the south end of the building in accordance with the requirements of the Nottawasaga Valley Conservation Authority.

The parking of motor vehicles shall only be permitted in those parts of the southern interior side yard, front yard and rear yard where filling occurred prior to May 1, 1996. Any works required to improve and/or expand parking areas on the site shall require the approval of the Nottawasaga Valley Conservation Authority.

- b) Future Expansion

A minor extension of the main building may be permitted, by separate amendment to the municipal Zoning By-law, subject to the approval of the Nottawasaga Valley Conservation Authority and in accordance with accepted engineering techniques and resource management practices, as may be determined by the Conservation Authority.

- c) The lands shall be zoned in a separate category in the implementing Zoning By-law.

#### **4.1.2 GREENLAND-WETLAND AREAS AND GREENLAND-NATURAL HERITAGE AREAS**

Greenland-Wetland Areas and Greenland-Natural Heritage Areas, as delineated on Schedules A through A14 to this Official Plan, identify natural heritage resource areas of significant ecological importance. These resource areas require protection from improper disturbance and/or incompatible land uses, and accordingly, shall be subject to the following policies.

##### **4.1.2.1 DEVELOPMENT PREREQUISITES**

###### **4.1.2.1.1 Greenland-Wetland Areas**

Greenland-Wetland Areas on Schedules A through A14 include identified Provincially and locally-significant wetlands.

Wetlands are important because they maintain/improve surface and groundwater quality and quantity, act as a flood control and provide aquatic and wildlife habitat. Wetlands may be seasonally or permanently covered with water causing the formation of hydric soils (soils in which there is an abundance of moisture) which results in a dominance of hydrophytic or water tolerant plants. There are four major wetland classifications, swamps, marshes, bogs and fens.

It is the intent of this Official Plan that no development or site alteration, except for, conservation (including fishing, hunting and trapping), passive recreation (e.g. trails), and/or public works/uses required for flood or erosion control be permitted in Greenland-Wetland Areas. Furthermore, notwithstanding the land use designations on Schedules A and A14, no development shall be permitted on adjacent lands located within 120 metres (394 feet) of an identified wetland unless the proposed method of avoiding or mitigating the potential impacts of such development on the



adjacent resource are satisfactory to the Township of Clearview and/or other responsible approval authority(s), as demonstrated through the preparation of an Environmental Impact Statement (EIS), prepared in accordance with the guidelines in Section 4.1.2.2 below.

#### **4.1.2.1.2 Greenland-Natural Heritage Areas**

Greenland-Natural Heritage Areas on Schedules A1 to A14 include lands deemed to have special environmental significance due to their ecological function, attributes or linkages, and encompass Areas of Natural and Scientific Interest (ANSIs), the habitat of threatened and endangered species, fish and wildlife habitat, significant woodlands and valley lands.

No development shall be permitted within significant portions of the habitat of threatened and endangered species.

It is the intent of this Official Plan that disturbance to Greenland-Natural Heritage Areas be discouraged and development generally directed away from identified resources. Consideration may also be given, where appropriate, to the protection of habitat of vulnerable species. Accordingly, development shall only be permitted on lands designated Greenland-Natural Heritage Areas and/or on adjacent lands located within 50 metres (164 feet) of Greenland-Natural Heritage Areas, where it is established, through the preparation of an EIS completed in accordance with the requirements in Section 4.1.2.2 below, that the proposed methods of avoiding or mitigating any potential impacts are satisfactory to the Township of Clearview and/or other responsible approval authority(s).

#### **1. Permitted Uses**

In Greenland-Natural Heritage Areas agricultural uses, home occupations in dwellings existing on the date of adoption of this Official Plan and farm and non-farm single-detached residential dwellings on existing lots of record having distinct and separate ownership on the date of adoption of this Official Plan, together with uses which do not impair the function of natural heritage areas, such as conservation uses (including fishing, hunting and trapping) and those involving passive recreation and interpretive education, may be permitted and may be recognized in the implementing Zoning By-law without the need for an amendment to this Official Plan. The establishment of a single-detached dwelling on an existing lot of record shall only be permitted where the lands have frontage on a public road, sufficient lot area and Council is satisfied regarding the adequacy of the proposed lot for development and the intended uses, methods of water supply and sanitary sewage disposal.

Public parks may be permitted where it is demonstrated, through the preparation of an EIS completed in accordance with the requirements of Section 4.1.2.2 below, to the satisfaction of the Township, Nottawasaga Valley Conservation Authority and the County of Simcoe, that there will be no negative impact on the natural features or the ecological functions of the affected natural heritage feature. As well the following additional uses may be similarly permitted subject to the findings of an EIS, but only by site-specific amendment to the implementing Zoning By-law. Uses which may be permitted conditionally upon the satisfactory results of an EIS and the approval of a site-specific amendment to the implementing Zoning By-law, include:

- new agricultural uses proposing expansion into undisturbed natural heritage areas outside of primary or secondary urban settlement areas, in accordance with the provisions of

Section 4.3, except that intensive agricultural uses shall not be permitted without an amendment to this Plan,

- agriculturally-related industries, sales outlets and facilities devoted to the processing of agricultural products, in accordance with the provisions of Section 4.3.2.7,
- farm and non-farm single-detached residential dwellings on lots created by consent, and in accordance with the provisions of Section 9.0 in primary and secondary urban settlement areas, and the provisions of Section 9.5 in all other parts of the Township.

## **2. Natural Heritage Reclassification**

Notwithstanding the general intent of the Official Plan to regulate development within Greenland-Natural Heritage Areas in the manner set out above, it is recognized that comprehensive on-site investigation, utilizing refined assessment criteria and study techniques, could reveal that, all or part of a particular site, is suited for reclassification to another, less restrictive, land use designation.

Accordingly, the reclassification of Greenland-Natural Heritage Areas may be considered where it is established, to the satisfaction of Council and the Nottawasaga Valley Conservation Authority and/or other responsible approval authority, through the preparation of an EIS, completed in accordance with the requirements of Section 4.1.2.2 below, that the natural heritage area in question no longer warrants categorization as Greenland.

The reclassification of lands designated Greenland-Natural Heritage Areas shall only be permitted by amendment to this Official Plan.

### **4.1.2.2 ENVIRONMENTAL IMPACT STATEMENT GUIDELINES**

Where the preparation of an Environmental Impact Statement (EIS) is necessary to determine the suitability of proposed development and/or the adequacy of proposed mitigative measures in or adjacent to Greenland-Wetland Areas or Greenland-Natural Heritage Areas or in Greenland - Hazard Land Areas, it shall proceed in accordance with the following:

#### **4.1.2.2.1 Environmental Issues**

##### **1. General**

The issues to be addressed and the complexity of an EIS will vary with the scale and type of development and/or its distance from the resource area in question and shall be determined on a site by site basis in pre-consultation with the Township of Clearview and/or other responsible approval authority(s), prior to the EIS proceeding. The following provides examples of the types of issues which may require consideration through the EIS process.

- The potential impacts of development on groundwater quantity and quality and recharge/discharge function.
- The potential impacts of development on surface water quality and quantity.
- The potential impacts of development on fish habitat.
- The potential impacts of development on vegetation, wildlife and wildlife habitat.
- The potential impacts of development on biodiversity of an area, corridors and connectivity.

- The potential impacts of noise and other disturbances on wildlife.
- The quality, quantity, distribution and water balance of storm water run-off.
- The potential impacts of grade alterations and topsoil removal.
- The potential constraints open or closed waste disposal sites and other potential sources of contamination may place on development.
- Methods of avoiding or mitigating the impact.
- Monitoring requirements.
- Any other issues deemed to warrant consideration by the Township of Clearview or other responsible approval authority.

## **2. Protection of Natural Heritage Features**

Where development is proposed in natural heritage features, or where development may impact the functions of natural heritage features, the proponent shall be required to prepare, as part of an EIS, an evaluation of the feature's composition and function to assess the significance of the area and its suitability for development. If it is determined, through the EIS and natural heritage evaluation, that development can proceed, the proponent shall be required to prepare a protection and mitigation plan. Where appropriate, site remediation plans may also be required focusing on principles of site naturalization. Such plans and analysis shall be undertaken by a qualified professional acceptable to the Township and/or other responsible approval authority, and shall identify:

- Trees, plant and animal communities that should not be disturbed due to their characteristics, function and/or their importance as natural linkages between plant and animal habitats. Where available, policies/guidelines of the municipality, Province/County or Conservation Authority relative to natural feature preservation shall be utilized.
- Vegetation or other features scheduled for removal, the rationale for their removal, and plans to avoid or mitigate impacts on adjacent features.
- The potential to restore or enhance environmental features and functions on a site or, where acceptable to the municipality and other approval agencies, the potential to compensate for unavoidable environmental impacts (this latter option will be applicable only in restricted circumstances and shall be based on a significant net gain approach).
- Specifications for construction techniques that minimize the impact on the natural environment.
- Construction period and post-construction monitoring.

The Township of Clearview may require the entering into of agreements and associated securities to ensure the implementation of the preservation techniques described in the evaluation study, protection and preservation plan, remediation plan, and/or EIS.

The clearing of woodland areas may only proceed in accordance with the County of Simcoe Tree Cutting By-law, or any other relevant municipal by-law, which regulates the cutting, burning or removal of trees by any other means. Drainage alterations, grading and the placement or removal of fill may also require additional approvals by the municipality and Conservation Authority.

#### **4.1.2.2 Environmental Impact Statement (EIS) Content**

Subject to the further requirements of the Township and/or other responsible approval authority(s), an EIS shall include:

- A description of the physical features of the lands proposed to be developed, including buildings, structures, soils, vegetation, wildlife, habitat, topography, watercourses and other relevant features, together with a general description of the same physical features for lands adjacent to the proposed development site.
- A description of the development proposal including a detailed site plan.
- A description of the potential impacts of the proposed development on the site's natural heritage features and functions.
- A review of alternate development options and ultimate methods of avoiding or mitigating the impacts of development.
- An analysis of the opportunities for environmental enhancement, restoration, or compensation (where this option is found to be acceptable).
- The preparation of an implementation and monitoring plan.

The primary objective of an EIS is first, to identify and assess the potential impacts of development on the natural features and functions of the area, and second, where development is concluded to be appropriate, to ensure its integration with the natural system through sensitive design.

Although compensation may be considered by the municipality and other approval authorities, it is not the preferred option and may not be an acceptable approach. The acceptability and desirability of compensation as a technique shall be determined solely by the municipality and other approval authorities. The applicant, if proposing this approach, shall inform the municipality during pre-consultation.

Only where it is established through an EIS, approved by the Township of Clearview and/or other responsible approval authority(s), that development can occur in accordance with sound management practices, the permitted use may proceed on the basis of the recommendations of the EIS, the requirements of the municipality, and the other pertinent policies of this Official Plan.

#### **4.1.2.3 BOUNDARIES**

The boundaries of the Greenland-Wetland Areas and the Greenland-Natural Heritage Areas designations on Schedules A through A14 are approximate, and it is the intent of this Plan that their precise location be determined by the Township, in consultation with other responsible approval authority(s), prior to the consideration of a development application. An amendment to this Plan shall not be required to make modifications to the boundaries of identified wetland or natural heritage areas on Schedules A through A14, provided the overall intent of the Plan is maintained. In circumstances where the boundary of a designation is adjusted, the lands previously considered to be otherwise classified shall be deemed to be included within the abutting land use designation. Notwithstanding the intent of this Plan to enable boundary adjustments, however, where a boundary modification to an identified resource area is deemed to constitute a major change, or where a new resource area is identified, an amendment shall be required to Schedules A through A14. An applicant may be required to make such an amendment.

The Township may utilize additional resources to identify natural heritage features (e.g. LANDSAT mapping of significant woodlands, endangered and threatened species mapping, subwatershed

studies, proponents studies etc.) to identify the presence of natural heritage features on a site proposed for development, whether or not such features have been identified either in this Plan or in the County Official Plan. In accordance with the Provincial Policy Statement, the Township may apply the natural heritage protection policies of this Plan to such identified features.

#### **4.1.2.4 DETAILED DELINEATION**

It is the intent of this Plan that the boundaries of the Greenland-Wetland Areas and Greenland-Natural Heritage Areas on Schedules A through A14 be used as guide in preparing implementing zoning criteria, and that the extent of the environmental buffers, pursuant to Section 4.1.2.6, be established in the Zoning By-law in consultation with the responsible approval authority(s). In the event that more detailed mapping becomes available, it shall take precedence in the consideration of the development application, and Council may amend the Official Plan and/or Zoning By-law to reflect the improved mapping or require an applicant to do so.

#### **4.1.2.5 PUBLIC RECREATION**

The establishment of any public recreational use or activities shall occur in a manner which ensures there is no negative impact on the natural environment. Public recreational uses shall be limited to those of a passive nature and shall be established in accordance with the recommendations of an EIS, prepared in accordance with Section 4.1.2.2. Wherever possible, the theme of any public open spaces located in or in the vicinity of the Greenland-Wetland Areas or Greenland-Natural Heritage Areas shall be oriented toward the preservation of the natural environment as a recreational/educational resource for the benefit of area residents.

#### **4.1.2.6 ENVIRONMENTAL BUFFERS**

Naturally vegetated buffers, generally extending a minimum of 30 metres (98.4 feet) from the edge of Greenland - Natural Heritage Areas, shall be encouraged, (also see Sections 4.1.1.7 and 7.3.2). The precise nature of the buffers and their widths shall be determined on a site-by-site basis through the findings of an EIS and/or through consultation with the Township and Nottawasaga Valley Conservation Authority.

The naturally vegetated buffers intended to protect wetlands or natural heritage resources are separate from, and hence, may exceed and supersede the building setbacks from identified natural hazards established in accordance with Section 4.1.1.7 for reasons of safety.

#### **4.1.2.7 LANDS UNDER PRIVATE OWNERSHIP**

It is essential that Greenland-Wetland Areas and Greenland-Natural Heritage Areas be protected from unsuitable forms of development in order to protect Clearview's environmentally significant natural features and ecological functions and to generally provide municipal residents with a greener, more aesthetically pleasing living environment. It is recognized, however, that natural changes can occur which alter the resources value or sustainability. In such circumstances, the reclassification of a particular resource may be considered where it is established through the findings of an EIS, prepared in accordance with Section 4.1.2.2 and to the satisfaction of Township and/or other responsible approval authority(s), that the area in question no longer merits such environmental classification. There is no public obligation to reclassify any land or natural feature deemed to have Provincial, County or local environmental significance. Furthermore, nothing in this Plan should be construed to imply that Greenland-Wetland Areas and Greenland-Natural

Heritage Areas are free and open to the general public or that such areas necessarily will be purchased by the Township or any other public agency.

#### **4.1.2.8 PUBLIC ACQUISITION OF WETLAND AND NATURAL HERITAGE AREAS**

In circumstances where the acquisition of Greenland-Wetland Areas or Greenland-Natural Heritage Areas is deemed to be in the public interest to ensure their long-term preservation and/or to facilitate the location of passive recreational uses (e.g. trail systems), the Township may choose to encourage their conveyance to the municipality and/or the Nottawasaga Valley Conservation Authority or another public or non-profit agency through the development approval process, parkland dedications, provisions of the Planning Act, land trusts, easements, development agreements or other means at Council's disposal including density transfers.

In that the public acquisition of all wetland and natural heritage areas is not practical, particularly given potential maintenance and/or liability responsibilities, as an alternative, the Township make seek to ensure the long term preservation of wetland and natural heritage areas through a public education program explaining the environmental importance of identified resources and ecological functions and appropriate management practices to area land owners.

#### **4.1.3 ENVIRONMENTAL MONITORING**

The Township of Clearview in consultation with the Nottawasaga Valley Conservation Authority and other agencies and organizations, shall encourage the establishment of public or private environmental monitoring programs in order to measure the effectiveness of the environmental policies of this Official Plan. If deemed necessary, the Plan shall be appropriately updated as per Section 1.6.

#### **4.1.4 SUBWATERSHED AND GROUNDWATER STUDIES**

In reviewing development proposals within the Black Ash Creek Subwatershed, as delineated on Schedule A15, Council shall have regard to the recommendations of the subwatershed study as further described in the policies of Section 8.19, in addition to all other relevant policies of this Plan, including those of this Section 4.1.

As further subwatershed and groundwater studies are prepared by the Conservation Authority and approved by the Township, Council shall similarly have regard to their recommendations in reviewing any application that is located within the identified study area.

#### **4.1.5 SITE PLAN CONTROL**

All areas designated Greenland on Schedule 'A' may be designated by by-law as site plan control areas. Policies concerning site plan control in Section 8.5 of this Official Plan, shall apply.

#### **4.1.6 ZONING**

Greenland-Hazard Land Areas, Greenland-Wetland Areas, and Greenland-Natural Heritage Areas on Schedules A through A14 may be zoned in separate categories in the implementing Zoning By-law.

## **4.2 OPEN SPACE**

The Open Space designation applies to public and private parks within Clearview, and the policies of this section are intended to guide the establishment of new public and private parks.

Future public parks, as defined below, are not designated on Schedule A through A14, but instead are intended to be identified as development proceeds. To simplify this process, the establishment of new public parks, as defined in Section 4.2.2 below, shall be permitted in the Open Space designation/and all other designations, without the need for an amendment to this Official Plan and/or the implementing Zoning By-law subject to the policies of this section and the following criteria:

- 1) Permitted public parks within Greenland - Wetland Areas shall be limited to those devoted strictly to passive recreation (e.g. trails) established in accordance with Section 4.1.2.1.1.
- 2) The establishment of public parks within Greenland - Natural Heritage Areas shall be conditional upon the satisfactory results of an Environmental Impact Statement, as per Section 4.1.2.1.2.1.
- 3) Public parks shall not be permitted within the Agricultural designation.

The establishment of new private parks, as defined below shall only be permitted by amendment to the Official Plan in all designations other than of Rural, and the implementing Zoning By-law, as per Section 4.2.3.2 below. The establishment of new private parks on lands in the Rural designation shall only be permitted by an amendment to the Zoning By-law in accordance with the policies of Section 4.2 and Section 4.4 as well as any other applicable policies of this Plan.

In determining the optimum location for public and private parks, particular care shall be taken to ensure that significant public open space areas (quantity, quality, and distribution) are provided in the vicinity of areas of concentrated residential development, and, wherever possible, school sites.

### **4.2.1 PERMITTED USES**

The uses permitted within the Open Space designation or selected open space areas in other land use designations may include forestry, conservation and agricultural (excluding intensive agricultural) uses and public uses (in accordance with Section 12.4), in addition to public and private parks (as defined in Sections 4.2.2 and 4.2.3) including campgrounds and trailer parks, and other public and/or private outdoor/indoor recreational uses and activities such as nature study and wildlife areas, picnic areas, eating areas, swimming pools, angling, botanical and zoological gardens, arenas, golf courses, golf driving ranges, hockey and curling rinks and hiking, bicycling, jogging and cross-country ski trails or other similar uses. In addition, uses accessory to a permitted open space use may be permitted including a residence for caretaker or watchman, a clubhouse, and a restaurant to serve the use and needs of the recreational area.

## **4.2.2 PUBLIC PARKS**

### **4.2.2.1 DEFINITION**

A Public Park is any open space or recreational area owned or controlled by the Province, County, or Township or by any Board, Commission or Authority established under any statute of the Province of Ontario encompassing neighbourhood, community, and special parks or areas, and may include one or more athletic fields, field houses, community centres, bleachers, swimming pools, greenhouses, botanical gardens, zoological gardens, bandstands, skating rinks, tennis courts, bowling greens, hockey and curling rinks, refreshment rooms, fairgrounds, campgrounds, arenas, health clubs, golf courses or similar uses.

The Public Park definition also encompasses buildings, structures and uses accessory to the foregoing including, but not limited to, a refreshment booth, a pavilion, administrative offices, an outlet for the sale of products associated with a principal public recreational use (golf pro shop/hockey equipment sales), dining facilities, an accessory parking lot and similar uses.

### **4.2.2.2 FUNCTION**

It is the intent of this Official Plan that public parks be designed to serve both Neighbourhood Parkland and Community Parkland functions as defined in Section 4.2.2.3 below. It is anticipated that public parks will vary in type from those involving outdoor sports and passive recreational activities to those oriented toward the preservation of the natural environment as a recreational/educational resource.

- Neighbourhood parks should be situated within walking distance of the residents they are intended to serve.
- Sports oriented community parks of sufficient size to accommodate multi-sports facilities such as baseball diamonds and soccer fields shall be encouraged in all areas (designations), except where specifically prohibited, wherever land becomes available.

Notwithstanding that the Open Space land use designation has application to all existing public recreation facilities in the Township, new public parks shall be permitted in the Open Space designation and all other designations, except for the Agriculture, Greenland-Wetland Areas and Greenland-Natural Heritage Areas designations and those covered by the Niagara Escarpment Plan, without the need for an amendment to this Official Plan. New Open Space uses in areas which are not designated Open Space in this Official Plan may be so designated during the document's periodic updating.

### **4.2.2.3 PARKLAND DEFINITIONS**

In endeavouring to acquire, improve or amass lands for public purposes, Council may be guided by the following definitions.

#### **1. Neighbourhood Parks**

Neighbourhood Parks are recreational spaces, primarily located within areas of concentrated residential development which are intended to serve the residents of that specific neighbourhood. Uses common to neighbourhood parks include passive and active recreational uses such as



playgrounds, tennis courts, outdoor ice rinks, shaded areas for sitting and general relaxation and accessory uses.

## **2. Community Parks**

Community Parks are recreational spaces which, by reason of their location and size, tend to serve the general population of the municipality. Uses of community parks include passive and active recreational activities such as outdoor and indoor sports (e.g. baseball/soccer/hockey/swimming), picnic areas, botanical gardens and natural areas of educational interest, as well as accessory uses such as parking lots, change rooms, washrooms, restaurants and other service facilities incidental to the primary recreational activity.

## **3. Other Recreational Uses**

While the public parkland definitions provide a useful guideline in striving to address the basic recreational needs of the community, favoured leisure activities tend to encompass a myriad of additional publicly/privately sponsored uses including historical exhibits, theatres, skiing, bowling and golf, amongst others. It is the intent of this Plan that the future recreational planning of the Township occur within the context of both the neighbourhood and community open space requirements of the municipality, and the broader recreational/leisure needs of Clearview's residents in general.

### **4.2.2.4 PARKLAND ACQUISITION**

#### **1. Parkland Dedicated Pursuant to the Planning Act**

To ensure adequate public open space is available to meet the recreational needs of the community, Council may require the conveyance of a parkland dedication in the case of residential commercial, and industrial development or redevelopment. Generally, Council shall seek the maximum dedication of parkland feasible.

In the case of approvals of plans of subdivision or condominium for residential purposes, Council may seek the greater of 5% of the lands to be subdivided, or lands at a rate of 1 ha for each 300 dwelling units proposed. For subdivisions or condominiums proposed for industrial or commercial purposes, Council may seek a conveyance of 2% of the lands.

Council may also seek lands for parkland purposes at equivalent rates as a condition of development or redevelopment of land by by-law applicable to the whole municipality or defined areas of the Township.

All land dedicated for parkland purposes must be in a satisfactory physical condition and located in a manner which provides for its easy use by the general public. Lands susceptible to flooding or other environmental hazards need not be accepted as part of the parkland dedication, but the municipality may separately acquire such lands where it is deemed in the public interest.

Before accepting lands for park purposes, the municipality shall enter into an agreement with the developer dealing with such matters as the responsibility for grading, seeding, fencing, landscaping, and/or the installation of water supply and sanitary sewage disposal and/or recreational facilities.

Where Council deems it appropriate, it may require the payment of money to the value of the land otherwise required to be conveyed as cash-in-lieu of a parkland dedication.

## **2. Acquisition of Additional Parkland**

In circumstances where the acquisition of new parkland, including that designated Environmental Protection - Hazard Land Areas, Environmental Protection - Wetland Areas and/or Environmental Protection - Natural Heritage Areas on Schedules A and A14, is deemed in the public interest to ensure its long term preservation and/or to facilitate the location of active or passive recreational uses (e.g. trail systems), the Township may choose to encourage its conveyance to the municipality through the development approval process, land trusts, easements, development agreements or other means at Council's disposal, including density transfers, in addition to through the parkland dedication provisions of the Planning Act.

### **4.2.3 PRIVATE PARKS**

#### **4.2.3.1 DEFINITION**

A Private Park is an open space or recreational area or building, other than a public park, operated on a commercial and/or private member basis, which is devoted to one or more of the following uses or activities or to a similar type of use or activity:

- a golf course including a driving range and/or clubhouse, hockey or curling rink,
- health club, country club or similar facility
- lodges, resorts, and conference centers
- ski facilities
- special events facilities
- areas for walking, riding or cross-country skiing, but not for the racing of animals,
- motor vehicles, motorcycles or snowmobiles,
- a campground,
- accessory recreational or playground uses such as picnic areas, tennis courts, lawn bowling greens, outdoor skating rinks, athletic fields, swimming pools or similar uses,
- buildings and structures accessory to the foregoing such as refreshment booths or pavilions, dining and recreational facilities and administrative offices
- a clubhouse, which may include dining and recreational facilities to service the clients or members utilizing the principal recreation use, and
- parking lots accessory to the foregoing.

#### **4.2.3.2 DEVELOPMENT POLICIES**

Improvements to existing, and the establishment of new, private parks shall adhere to the following policies and requirements in addition to all other applicable policies and provisions of this Official Plan:

1. Except where lands are already appropriately designated/zoned, the establishment of new private parks shall only occur through the approval of an amendment to this Official Plan and the implementing Zoning By-law redesignating/rezoning the site of a new park for private Open Space use in accordance with the amendment criteria in Section 8.18 and, where applicable, Sections 4.1.2.2 and 4.4.2.5 and other applicable policies of this Plan.
2. Permitted private parks within Greenland-Wetland Areas shall be limited to those devoted strictly to passive recreation (e.g. pedestrian trails) established in accordance with Section 4.1.2.1.1.

3. The establishment of private parks within Greenland-Natural Heritage Areas shall be conditional upon the satisfactory results of an Environmental Impact Statement, as per Section 4.1.2.1.2.1,
4. Private parks shall not be permitted within the Agriculture designation.
5. Buildings and structures accessory to a permitted private park, which may include administrative offices, a residence for a caretaker or watchman, a pro-shop, a refreshment booth or pavilion, dining and recreation facilities and a clubhouse, shall be permitted.

#### **4.2.3.3 STAYNER MISSIONARY CHURCH CAMP**

The development of the Missionary Church Camp in Stayner shall occur in accordance with the development concept delineated on Schedule A3-1.

All uses, except for one or two residences which must front onto either Scott or Saunders Streets for a caretaker and/or a campground coordinator, are to be seasonal in nature. For the purposes of this particular use, seasonal shall mean a use which may occur at any time throughout the year but shall not be used permanently, that is continuously for 365 days each year.

All buildings and structures are to be owned and operated by the Missionary Church and are to be fully serviced with municipal sewer and water and any other underground service that Council deems necessary such as hydro. In those areas designated General Camping tents and trailer use may occur where properly serviced. The area shown for parking purposes shall be used primarily for parking purposes, however, overflow from the General Camping area may be accommodated in the Parking Area for short periods of time.

Council may enter into an agreement with the campground board of directors which will indicate the form in which the campground will develop in accordance with Schedule A3-1, the location of all buildings, the buffering required on the site, the required servicing such as roads, sewers, hydro, water etc. and the preservation of the majority of trees on the site.

Seasonal cottages may be developed in the area designated as Existing Residences and Camp Facilities Area providing it complies with future goals of the board of directors and the policies of this Plan and otherwise meets the requirements of the Township. The two permanent residences may be located only in the area designated as Parking Area on Scott Street or the area shown as Open Area on Saunders Street.

The implementing Zoning By-law shall include such things as the setback from Saunders and Scott Streets, setbacks between uses and shall require a minimum 20 metre buffer along the northern boundary of the property. Adequate fencing must be provided to prevent trespassing onto the adjacent railway lands.

Development shall be subject to site plan control.

#### **4.2.4 PARKING AND ACCESS**

Adequate off-street parking areas shall be established in a manner complementary to the landscape features of an open space area. Access points to parking areas and open space areas shall be located in such a way that the external and internal road pattern provides for the adequate and safe movement of vehicular and pedestrian traffic.

#### **4.2.5 BUFFERING**

Adequate buffering shall be provided between open space areas and adjacent land uses and roadways. Such buffers shall be located on lands designated for open space use (not on a public road right-of-way) and may include the provision of grass strips, screening, the planting of trees and shrubs and the location of a berm or fence of sufficient height to provide a visual barrier between the recreational use and adjacent land uses and roadways.

#### **4.2.6 PRESERVATION OF THE NATURAL ENVIRONMENT**

In the interest of protecting the natural features of lands dedicated for park purposes or proposed for private recreational use, the placement of fill, stripping of topsoil, removal of vegetation or any other undertaking which disrupts the natural environment shall not be permitted without the approval of the Township of Clearview and/or other responsible approval authority.

In the event that land to be dedicated to the Township of Clearview is disturbed, the Township shall require its restoration to an appropriate condition prior to accepting the land dedication.

#### **4.2.7 TRAIL SYSTEMS**

The establishment of pedestrian (walking/jogging/bicycling/cross-country skiing) trails and snowmobile trails shall occur in accordance with Section 6.8. A regional trail system which focuses on the interconnection of primary and secondary urban settlement areas (e.g. Stayner/Creemore/New Lowell/Nottawa, etc.), and the linkage of municipal and regional recreational destinations such as area resorts, ski hills, golf courses, beaches, Provincial parks and other tourist attractions, shall be encouraged. The continuous movement of people across the municipality will benefit the Township's commercial sectors and will advance Clearview's tourism objectives.

Interconnection of residential areas, commercial/industrial areas and open space within a community shall be encouraged through the development review and approvals process and accomplished through measures similar to those as for the acquisition of additional parkland.

#### **4.2.8 SITE PLAN CONTROL**

All areas designated Open Space on Schedules A through A14 may be designated, by by-law, as site plan control areas. Policies concerning site plan control in Section 8.5 of this Official Plan shall apply.

#### **4.2.9 ZONING**

Open Space uses may be zoned in separate classifications in the implementing Zoning By-law.

### 4.3 **AGRICULTURE**

Lands designated Agriculture on Schedules A through A14 have high potential for agricultural production and generally encompass those areas within the Township that meet one or more of the following criteria:

- Lands where soil Classes 1, 2 and 3, as established by the Canada Land Inventory, predominate.
- Lands where soil Class 4, as established by the Canada Land Inventory, predominates, which accommodate viable agricultural operations.
- Lands which have high capability for the production of specialty crops due to special soils or climatic conditions.
- Lands which, regardless of their classification by the Canada Land Inventory, exhibit characteristics of ongoing viable agriculture.

It is a goal of this Official Plan to preserve agriculturally-productive land and promote the expansion of the agricultural industry by preventing the encroachment of incompatible land uses, and by maintaining agriculturally productive lands in economically viable farm units by preventing their fragmentation.

#### 4.3.1 **PERMITTED USES**

##### 4.3.1.1 **PRIMARY USES**

The predominant use of lands designated Agriculture shall be for agriculture, including single-detached farm dwellings and accessory agricultural buildings (barns/sheds/garages), and conservation, forestry, and/or similar uses which generally maintain the existing parcel size and do not require non-agricultural buildings, structures or any other form of non-agricultural related construction. In addition, industrial/commercial uses directly related and necessary in proximity to agricultural operations, such as greenhouses, estate wineries, cold storage and grain drying facilities, livestock assembly areas, feed mills, seed cleaning plants, agricultural produce warehouses, abattoirs, veterinary clinics and animal husbandry services may be permitted, in accordance with the provisions of Section 4.3.2.7, providing suitable alternate locations within the Rural designation are not available.

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No. 1

~~Intensive agricultural uses may also be permitted subject to an amendment to the Zoning By-law and the proposed use meeting specific and general requirements of this Official Plan.~~

##### 4.3.1.2 **SECONDARY USES**

- Roadside Retail Outlets for the purpose of the sale of agricultural products produced on the lands upon which the retail use is situated may be permitted in accordance with the standards and regulations established in the implementing Zoning By-law.
- Home Occupations and Home Industries may be permitted in accordance with the policies of Section 4.3.2.6 below.
- A Garden Suite or Accessory Apartment may be permitted on the same lot and in conjunction with a principal single-detached dwelling in accordance with the policies of Sections 4.3.2.8 and 4.3.2.9 below.

- Within the “Agriculture” designation, garden suites and accessory apartments are intended to provide alternate forms of housing for seniors/retirees or individuals largely dependent upon others for their day-to-day care.
- Temporary Farm Accommodation for farm help may be permitted in accordance with the policies of Section 4.3.2.11 below.
- Bed and Breakfast Accommodation may be permitted within a single-detached farm dwelling in accordance with the policies of Section 4.3.2.10 below.
- A kennel or riding club may be permitted subject to an amendment the zoning by-law where it is demonstrated to be compatible with adjacent agricultural uses.
- Public Uses limited to Public Transportation, Utility and Communication Facilities and Structures may be permitted in accordance with the policies of Section 4.3.2.12 and 12.4, provided that suitable alternate locations within other land use designations are not available, and that the potential impact of such uses on prime agricultural operations is minimized.
- Uses legally existing on the date of adoption of this Official Plan may be recognized in the implementing Zoning By-law and minor extensions and/or the construction of accessory uses may be permitted. The provisions of Section 4.3.2.13 shall apply.
- Except within Reference Plans described in Section 4.4.4, a Single-detached Dwelling may be permitted on an existing lot of record having distinct and separate ownership on the date of adoption of this Plan in accordance with the rural residential provisions of the implementing Zoning By-law, and, provided that the lands have frontage on a public road and Council is satisfied with regard to the adequacy of the proposed method of water supply and sanitary sewage disposal.

#### **4.3.2 POLICIES**

##### **4.3.2.1 DEVELOPMENT PHILOSOPHY**

It is the intent of Council to protect and preserve agricultural land to the greatest extent possible. As a general rule, agricultural uses shall take precedence over all other uses.

##### **4.3.2.2 AMENDMENT CRITERIA**

Except as specified in Section 12.1, adjustments to the boundaries of the Agriculture designation shall only be permitted by amendment to this Official Plan, and shall only occur in circumstances where Council has considered:

- The predominate soil capability for agriculture classification assigned by the Canada Land Inventory.
- The history of agricultural activities on the subject land and in the surrounding area, including past crop records.
- The location of the proposed use and its potential impact on agriculture and the natural environment.

- Compliance with the Minimum Distance Separation Formulae I or II.
- The need for a proposed use in relation to the availability of similar existing uses within the Township.
- The availability of alternate locations for a proposed use on lands with lesser agricultural capability.

Council, in its consideration of the above, may require a report by a professional agrologist or other qualified professional describing the agricultural potential of the land and the potential impacts on agriculture of a proposed modification.

It is the intent of this Official Plan that the municipality evaluate the above matters collectively, in this way ensuring that no single factor determines the lands agricultural circumstance. Individuals seeking to amend the boundaries of the Agriculture designation shall be required to provide all necessary information needed to substantiate such modifications as well as the appropriateness of any proposed non-agricultural use.

#### **4.3.2.3 MINIMUM DISTANCE SEPARATION**

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~~All new agricultural and non-agricultural development shall comply with the Minimum Distance Separation Formulae I or II. Beyond this, it is the intent of this Official Plan that minimum separation distance limitations be imposed in the implementing Zoning By-law on the establishment of new intensive agricultural operations in proximity to urban settlement areas or other sensitive and potentially incompatible land uses.~~

All new agricultural and non-agricultural development shall comply with the Minimum Distance Separation Formulae I or II. For the purposes of clarity in implementing MDS, the boundaries of settlement areas identified in this Official Plan and the boundaries of adjacent identified settlement areas in neighbouring Official Plans shall be considered to be Urban Areas.

Where a new or expanding use is located within or adjacent to natural heritage features, and an environmental impact study (EIS) has been required in accordance with the policies of this Official Plan, separations as recommended by a Township approved EIS shall apply.

Proponents of new uses within 1 kilometre of a settlement area shall be encouraged to evaluate their proposal relative to future limitations which may be imposed on expansions as a result of proximity to a settlement area.

#### **4.3.2.4 INTENSIVE AGRICULTURE AND NUTRIENT MANAGEMENT PLANS**

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No. 1

~~Intensive agricultural uses shall require an amendment to the zoning by-law and shall be subject to site plan control, including agreements, and where appropriate, securities.~~

~~Specialized or intensive agricultural uses shall be appropriately separated from non-farm uses. Intensive farming uses shall be discouraged in areas of high groundwater or other sensitive surface or groundwater resources.~~

~~Intensive agricultural uses shall be conducted in accordance with the latest standards and best management practices. A nutrient management plan shall be prepared prior to site plan approval and a building permit being issued for a new or expanding livestock operation. The terms and conditions of a nutrient management plan may be established in a nutrient management by-law, passed by Council. The preparation of a nutrient management plan may also require surface and~~

~~groundwater studies and post-development monitoring, all conducted at the expense of the applicant. The studies and monitoring must demonstrate that surface and groundwater quality will be protected.~~

~~For the purposes of this Official Plan, intensive agriculture uses are defined to include buildings for the raising and feeding of chickens, turkeys or other fowl, fish, fur bearing animals, hogs and cattle, or the intensive raising and feeding of other livestock at high densities. The policies of this section shall be implemented through site plan control and through the preparation of an implementing nutrient management by-law and implementing land use zoning criteria and provisions which, in addition to establishing appropriate development standards, will include a specific definition of an intensive agricultural use.~~

New and expanding agricultural structures are subject to site plan control requirements.

The Township encourages and promotes existing and new agricultural operations to voluntarily utilize the latest standards and best management practices.

Under the Nutrient Management Act, a nutrient management plan may be required for new and expanding operations. These requirements will be established through provincial legislation, regulations and standards and will be implemented by the municipality accordingly. However, as the municipality has a responsibility and obligation to manage the quality and quantity of ground and surface water resources, the Township shall require that, prior to site plan approval and a building permit being issued for a new or expanding operation, the municipality shall be provided with information to its satisfaction indicating that ground and surface water quality and quantity will not be detrimentally impacted. A proponent may submit a letter of verification, from the Provincial approval authority or a qualified nutrient management consultant, indicating that a nutrient management plan/strategy is in place in accordance with the Nutrient Management Act. The municipality may also request a copy of relevant information contained in the nutrient management plan relative to groundwater studies which may be required from a proponent in accordance with the following policies of this section of the Official Plan.

Where existing municipal or Conservation Authority studies demonstrate a potential concern, a report may have to be prepared to address potential impacts on surface and ground water resources. Required surface and groundwater studies are to be conducted at the expense of the applicant, and are to be reviewed and approved by the Township prior to a development approval being issued. The studies must demonstrate that surface and groundwater quality will be protected. Where such studies indicate a need for mitigative measures or monitoring, such requirements shall be incorporated into the site plan approval.

To assist applicants in meeting these requirements, the Township shall endeavor to make existing studies and information available for use by the proponent. The Township shall also encourage its partners in water management to make relevant information public and promote access to information, resources, and other programs to assist applicants in meeting these requirements.

#### **4.3.2.5 MINIMUM LOT SIZE**

Farm sizes which maintain the economic viability of single, stand-alone agricultural operations shall be required as a means of ensuring a thriving agricultural community. Land holdings within the Agriculture designation generally should be no less than 35 hectares (86.5 acres), although larger farm sizes shall be encouraged, and may be stipulated in the implementing Zoning By-law.



However, existing parcels of a lesser size may be recognized as continuing to contribute to the Township's agricultural viability and character.

The preservation of agriculturally viable farm units and Clearview's historical agricultural community is a major goal of this Official Plan.

#### **4.3.2.6 HOME OCCUPATIONS AND HOME INDUSTRIES**

Home occupations and home industries may be permitted within the Agriculture designation. Home occupations shall be located within single-detached farm dwellings, while home industries shall be located within accessory agricultural buildings (barns/sheds/garages). Where a use is conducted within an accessory building, such building shall be located as near to the single-detached farm dwelling or other on-site accessory agricultural buildings as reasonably possible. For the purposes of this Official Plan:

- A home occupation is defined as a small-scale commercial use carried on within a single-detached dwelling, which does not change the residential character of the dwelling unit.
- A home industry is defined as a small-scale industrial use carried on within an accessory building (barn/shed/garage) to a principal agricultural/rural use which provides a service to the surrounding agricultural area (e.g. welding shop, seasonal storage) without changing the agricultural/rural character of the principal use.

Regulations governing the size and scale of home occupations and home industries, as well as permitted staffing, shall be established in the implementing zoning by-law and such uses may be subject to site plan control. In no case shall open storage be permitted in conjunction with a home occupation or home industry.

Applications to permit the expansion/enlargement of a home occupation or home industry beyond the small-scale commercial/industrial intent of this Official Plan shall only be permitted by amendment to this Plan and/or the implementing Zoning By-law as per the policies of Sections 4.7 and 4.8 which regulate Commercial and Industrial land uses respectively.

#### **4.3.2.7 AGRICULTURALLY-RELATED INDUSTRIAL AND COMMERCIAL USES**

Within the Agriculture designation, industrial and commercial uses directly related to agriculture and which require proximity to agricultural operations may be permitted, by amendment to the implementing Zoning By-law, in accordance with the following policies.

##### **1. Permitted Uses**

Permitted industrial and commercial uses shall be limited to those providing services or supplies to nearby agricultural operations, or which require proximity to the agricultural area for research purposes, including uses such as feed mills, seed cleaning plants, agricultural produce warehouses, abattoirs, greenhouses, cold storage and grain drying facilities, livestock assembly areas, veterinary clinics, animal hospitals, estate wineries, or similar agriculturally related businesses.

##### **2. Location Criteria**

In reviewing applications to amend the Zoning By-law to permit a new agriculturally related industrial or commercial use, Council shall consider:

- the need for the proposed use in relation to the availability of existing similar uses within the Township,
- the availability of alternate locations for the proposed use on poorer quality agricultural lands,
- the adequacy of the proposed method of access from existing or proposed roads,
- the adequacy of utilities and municipal services,
- compliance with the Minimum Distance Separation Formulae I and II, and general compatibility of the proposed use in relation to surrounding uses given its nature and visual appearance, and
- any potential noise, odour and/or traffic impacts.

#### **4.3.2.8 ACCESSORY APARTMENTS**

Wherever a principal single-detached dwelling, that is not a second farm residence, is permitted, an accessory apartment may be permitted by amendment to the implementing Zoning By-law, in circumstances where it is clearly established that there is an adequate supply of potable water and suitable method of sewage disposal, and in accordance with the policies of Section 4.6.4.1.

#### **4.3.2.9 GARDEN SUITES**

Garden Suites are separate, temporary, secondary residences located on a lot accommodating an existing single-detached dwelling. Garden suites provide an alternate form of housing for seniors/retirees and/or individuals largely dependent upon others for their day-to-day care, and are intended to be portable and removable following their intended use.

The Planning Act enables a municipality to enact a temporary use by-law to permit a garden suite for a period of up to 10 years with subsequent limited renewals, and together with the Municipal Act, allows a municipality to enter into an agreement respecting:

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

Notwithstanding any of the provisions of this Official Plan to the contrary, the establishment of a garden suite may be permitted in the Agriculture designation, subject to the passage of a temporary use by-law. Permission to establish a garden suite only shall be granted in circumstances where Council is satisfied:

- that the garden suite will function in conjunction with the principal single-detached dwelling, and will only be used to accommodate individuals related to the owner,
- that the garden suite will be secondary to the principal single-detached dwelling. No more than two dwelling units, in total, including the garden suite shall be permitted on a lot,
- that the proposed method of water supply and sanitary/sewage disposal servicing meets the standards of the Township of Clearview, and/or other responsible approval authority(s). Wherever possible, garden suites should rely upon the servicing systems utilized by the principal residence. Generally, a garden suite should not be established on a lot encompassing less than 0.4 hectares (1 acre),

- that the garden suite does not encroach on any required yard/building setback imposed on the principal residence by the implementing Zoning By-law. In circumstances where the principal residence is legally non-complying, the garden suite shall not further encroach on a required yard,
- that the garden suite will be built to standards which comply with all applicable building codes/regulations, but, at the same time, will be portable and removable, and
- that adequate parking is available and that the garden suite and any additional parking areas are adequately screened/buffered from any incompatible uses.

The establishment of a garden suite may also be subject to site plan control.

#### **4.3.2.10 BED AND BREAKFAST ACCOMMODATION**

The Township of Clearview supports the controlled establishment of Bed and Breakfast Accommodation as a means of providing visitors to the community with a varied and interesting supply of temporary accommodation. As such, notwithstanding any provisions of this Official Plan to the contrary, within the Agriculture designation bed and breakfast accommodation may be permitted, without the need for an amendment to the implementing Zoning By-law, within an existing single-detached farm dwelling in accordance with the policies of Section 4.6.4.3.

#### **4.3.2.11 TEMPORARY FARM ACCOMMODATION**

Where a single-detached farm dwelling is permitted, temporary accommodation for farm help also may be permitted as an accessory farm use in accordance with the following policies:

- The temporary accommodation is necessary to house seasonal farm help, essential to the operation of the farm.
- The temporary accommodation is situated in close proximity to the existing accessory farm dwelling and farm buildings.
- The proposed method of water supply and sanitary sewage disposal is acceptable to the Township of Clearview and/or other authority(s) responsible for the approval of such facilities.
- Vehicular access to the temporary accommodation is provided via the same public road access to the existing single-detached farm dwelling.
- All of the provisions of the Zoning By-law have been addressed.

The policies of this section shall be implemented through the preparation of implementing zoning criteria which, in addition to the above, shall include a definition of Temporary Farm Accommodation.

#### **4.3.2.12 PUBLIC USES**

Public uses permitted within the Agriculture designation shall be limited to utility, communication and transportation facilities and structures and public parks, including pedestrian and snowmobile trails, established in accordance with the provisions of Section 11.4 of this Official Plan. In making provision for these uses, however, it is still the broader intent of the Official Plan to protect and preserve, to the greatest extent possible, agricultural land and existing agricultural operations. Accordingly, public uses shall, wherever possible, be encouraged to locate on lands with lower

agricultural capability and be designed in a manner which minimizes disturbance to existing or future farm operations.

#### **4.3.2.13 LEGALLY EXISTING USES**

Legally existing uses existing on the date of the adoption of this Official Plan may be recognized in the implementing Zoning By-law and minor extensions may be permitted without the need for amendment to this Official Plan or the implementing Zoning By-law. Furthermore, the Township may permit a change to another use not permitted by the Agriculture designation, by amendment to the Zoning By-law, provided that the new use is more in conformity with the provisions and intent of the Official Plan and is in compliance with the Minimum Distance Separation Formulae I or II.

#### **4.3.2.14 NON-AGRICULTURAL USES**

Non-agricultural uses within the Agriculture designation shall be strictly limited to those which are compatible with the surrounding agricultural area and shall be limited to those involving conservation and the management of resource areas including natural heritage, wetland and hazard land areas as described in Section 4.1. Such uses may be permitted without the need for an amendment to this Official Plan or the implementing Zoning By-law.

Except as may be permitted by Section 9.0, as it pertains to farm consolidations, no non-farm residential uses shall be permitted and no non-farm residential severances shall be approved.

#### **4.3.3 MINERAL AGGREGATE OPERATIONS**

Where, by amendment to this Official Plan pursuant to the provisions of Section 4.9, mineral aggregate extraction (pits or quarries) is permitted to occur in areas of Class 1, 2 or 3 soils, according to the Canada Land Inventory, it is the intent of Council that conditions be imposed requiring the rehabilitation of such lands to permit their future use for agricultural purposes. The terms and conditions for such rehabilitation shall be established, in consultation with the authorities responsible for the approval of such extractive operations, during the project's planning and licensing phases.

#### **4.3.4 AGRICULTURAL USES IN GREENLAND AREAS**

Agricultural uses and accessory uses to agriculture shall not be permitted in Greenland -Wetland Areas, and shall only permitted in Greenland-Natural Heritage Areas in accordance with the provisions of Section 4.1.1.1 and 4.1.2.1.2 and other applicable policies of this Official Plan. Agriculturally related industrial uses, the processing of agricultural products and/or agricultural sales outlets (roadside retail outlets) may also be permitted in Greenland-Natural Heritage Areas, but only by amendment to the implementing Zoning By-law, and only on the basis of the findings and recommendations of an Environmental Impact Statement (EIS), prepared in accordance with the requirements of this Plan.

#### **4.3.5 CONSENTS**

Consents in the Agriculture designation shall occur in accordance with the provisions of Section 9.0, this Section 4.3 and all other relevant policies of this Official Plan. Generally, however, it is the intent of the Plan to stop the unnecessary fragmentation of the Township's agricultural lands

in order to maintain economically viable farming operations and to prevent encroachment by incompatible non-farm land uses. Consolidation of smaller parcels is encouraged.

#### **4.3.6 SITE PLAN CONTROL**

All areas designated Agriculture on Schedules A through A14 may be designated, by by-law, as site plan control areas. Policies concerning site plan control in Section 8.5 shall apply.

#### **4.3.7 ZONING**

Agricultural uses shall be included in separate zoning classifications in the implementing Zoning By-law. Furthermore, individual zoning categories may be developed to recognize permitted secondary and/or permitted non-agricultural uses.

#### **4.3.8 AGRICULTURAL EXCEPTIONS**

Notwithstanding any policies of this Plan to the contrary, on those lands designated Agriculture and developed as the Collingwood Airport in Part Lots 31,32, and 33, Concession V and VI, formerly Nottawasaga, an airport and related accessory uses to an airport shall be permitted non-agricultural uses.

#### **4.4 RURAL**

Lands designated Rural on Schedules A through A14 are areas with lower agricultural capability and generally encompass Classes 5, 6, and 7 soils, as established by the Canada Land Inventory (CLI) of Soil Capability for Agriculture, as well as Class 4 soils where non-agricultural uses are predominant. While these lands are considered marginal in terms of agriculture, some do accommodate existing agricultural operations, and it is the intent of this Plan to maintain the viability of these existing farm uses. The amount and type of non-farm development permitted within the Rural designation shall be consistent with maintaining the Township's historical agricultural community and rural character while protecting its natural heritage features.

##### **4.4.1 PERMITTED USES**

###### **4.4.1.1 PRIMARY USES**

All agricultural uses permitted under Section 4.3.1 of the Agriculture designation may be permitted within the Rural designation. The policies of Section 4.3, pertaining to such uses, shall apply.

###### **4.4.1.2.1 SECONDARY USES**

Agricultural uses shall continue to be a predominant land use in the Rural designation. Other uses may occur where they do not compromise or conflict with existing agricultural uses. This may, subject to the discretion of the Township, require the preparation of an agricultural impact study to demonstrate that there will be no adverse impact on nearby farming operations.

- Non-Agricultural Residential Uses may be permitted by consent in accordance with the policies of Section 4.4.3 below.
- Highway Commercial uses may be permitted, by amendment to the Zoning By-law, in accordance with the policies of Sections 4.4.2.4.1 and in accordance with other applicable policies of this Plan. For the purposes of this Official Plan, Highway Commercial are commercial uses which primarily serve the traveling public and include, but are not limited to, eating establishments, motels/hotels, motor vehicle service establishments, recreational vehicle service establishments, motor vehicle gasoline outlets, convenience stores, and tourist, craft and special feature establishments (e.g. antique shops).
- The following Open Space uses may be permitted, by an amendment to the Zoning By-law, in accordance with the policies of Section 4.2 and any other applicable policies of this Plan:
  - golf courses and driving ranges
  - clubhouses, lodges, resorts and conference centers
  - ski facilities
  - special event facilities
  - areas for walking, riding or cross-country skiing, but not for the racing of animals, or the racing and/or riding of motor vehicles, motor cycles or snowmobiles
  - picnic areas, athletic fields, outdoor swimming pools or swimming areas, and passive recreational uses
  - buildings and structures accessory to the foregoing such as refreshment booths or pavilions, dining and administrative offices
  - parking lots accessory to the fore

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All other Open Space uses shall only occur in the Open Space designation.

In considering applications to the implementing Zoning By-law to permit a new Open Space use, Council shall be guided by the findings of the EIS and the policies of Section 8.18 of this Official Plan.

- A kennel or riding club may be permitted where demonstrated to be compatible with adjacent uses.
- Estate Residential subdivisions may be permitted, by an amendment to the Zoning By-law, in accordance with the policies of Section 4.5 and any other applicable policies of this Plan.
- Rural Business Parks may be permitted, by amendment to the implementing Zoning By-law, in accordance with the policies of Section 4.4.2.4.2 below. For the purposes of this Official Plan, Rural Business Parks are defined as industrial subdivisions which accommodate industrial, wholesale, office and service establishments, as per Sections 4.8.2.3.1 and 2 and other applicable policies of this Plan, and which may also accommodate retail establishments subject to the servicing policies of Section 4.4.2.4.2.
- Stand-Alone Industrial Uses may be permitted on a site-specific basis, by amendment to the implementing Zoning By-law, in accordance with the policies of Section 4.4.2.4.3 below and other applicable policies of this Plan.
- Public Uses may be permitted in accordance with Section 12.4 of this Official Plan and other applicable policies of this Plan.

#### **4.4.1.3 ONE KILOMETRE NON-AGRICULTURAL DEVELOPMENT PROHIBITION**

It is the general intent of this Official Plan to discourage inefficient development, including the creation of lots by consent, adjacent or in close proximity to the boundaries of areas intended for urban growth in neighbouring municipalities in order to facilitate the potential expansion of such areas should it become necessary in the future. Accordingly, notwithstanding any provisions of this Section 4.4 to the contrary, the land use policies of the Agriculture designation in Section 4.3 shall apply to those lands designated Rural which are located within one kilometre of the municipal boundaries of the Towns of Collingwood and Wasaga Beach or within one kilometre of a designated Settlement in other adjacent municipalities, as so classified in the County of Simcoe Official Plan or the Official Plan's for the municipalities of Grey Highlands or the Town of The Blue Mountains, except that this prohibition shall not apply:

- where designated Settlements exist adjacent to one another (e.g. Singhampton),
- within an identified Recreational District, (e.g. Osler Bluffs), and/or,
- where there is agreement between the Township of Clearview and an adjacent municipality regarding the preferred form of development, which may or may not necessitate an amendment to this Official Plan, and the method of servicing. In this circumstance, pre-application consultation with the adjacent municipality shall be strongly encouraged.

Consideration may be given to decreasing the one kilometre distance standard due to the existence of natural or man-made boundaries but only with the approval of the County of Simcoe.

#### **4.4.2 POLICIES**

##### **4.4.2.1 MINIMUM DISTANCE SEPARATION**

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~~All new agricultural and non-agricultural development shall comply with the Minimum Distance Separation Formulae I or II. Beyond this, it is the intent of this Official Plan that minimum separation distance limitations be imposed in the implementing Zoning By-law on the establishment of new intensive agricultural operations in proximity to urban settlement areas or other sensitive and potentially incompatible land uses.~~

All new agricultural and non-agricultural development shall comply with the Minimum Distance Separation Formulae I or II. For the purposes of clarity in implementing MDS, the boundaries of settlement areas identified in this Official Plan and the boundaries of adjacent identified settlement areas in neighbouring Official Plans shall be considered to be Urban Areas.

Where a new or expanding use is located within or adjacent to natural heritage features, and an environmental impact study (EIS) has been required in accordance with the policies of this Official Plan, separations as recommended by a Township approved EIS shall apply.

Proponents of new uses within 1 kilometre of a settlement area shall be encouraged to evaluate their proposal relative to future limitations which may be imposed on expansions as a result of proximity to a settlement area.

##### **4.4.2.2 INTENSIVE AGRICULTURE AND NUTRIENT MANAGEMENT PLANS**

~~Notwithstanding Section 4.4.1.1, intensive agricultural uses shall be discouraged from locating in the Rural designation and shall only be permitted under restricted circumstances, where it is clearly demonstrated that there will be no conflict with existing uses in the Rural designation, by an amendment to the Zoning By-law in accordance with the policies of Section 4.3.2.4 and the other applicable policies of this Plan.~~

~~Where permitted, intensive agricultural uses shall be subject to site plan control, including agreements, and where appropriate, securities.~~

~~Specialized or intensive agricultural uses shall be appropriately separated from non-farm uses. Intensive farming uses shall be discouraged in areas of high groundwater or other sensitive surface or groundwater resources.~~

~~Intensive agricultural uses shall be conducted in accordance with the latest standards and best management practices. A nutrient management plan shall be prepared prior to site plan approval and a building permit being issued for a new or expanding livestock operation. The terms and conditions of a nutrient management plan may be established in a nutrient management by-law, passed by Council. The preparation of a nutrient management plan may also require surface and groundwater studies and post-development monitoring, all conducted at the expense of the applicant. The studies and monitoring must demonstrate that surface and groundwater quality will be protected.~~

~~For the purposes of this Official Plan, intensive agriculture uses are defined to include buildings for the raising and feeding of chickens, turkeys or other fowl, fish, fur bearing animals, hogs and~~



~~cattle, or the intensive raising and feeding of other livestock at high densities. The policies of this section shall be implemented through site plan control and through the preparation of an implementing nutrient management by law and implementing land use zoning criteria and provisions which, in addition to establishing appropriate development standards, shall include a specific definition of an intensive agricultural use.~~

New and expanding agricultural structures are subject to site plan control requirements.

The Township encourages and promotes existing and new agricultural operations to voluntarily utilize the latest standards and best management practices.

Under the Nutrient Management Act, a nutrient management plan may be required for new and expanding operations. These requirements will be established through provincial legislation, regulations and standards and will be implemented by the municipality accordingly. However, as the municipality has a responsibility and obligation to manage the quality and quantity of ground and surface water resources, the Township shall require that, prior to site plan approval and a building permit being issued for a new or expanding operation, the municipality shall be provided with information to its satisfaction indicating that ground and surface water quality and quantity will not be detrimentally impacted. A proponent may submit a letter of verification, from the Provincial approval authority or a qualified nutrient management consultant, indicating that a nutrient management plan/strategy is in place in accordance with the Nutrient Management Act. The municipality may also request a copy of relevant information contained in the nutrient management plan relative to groundwater studies which may be required from a proponent in accordance with the following policies of this section of the Official Plan.

Where existing municipal or Conservation Authority studies demonstrate a potential concern, a report may have to be prepared to address potential impacts on surface and ground water resources. Required surface and groundwater studies are to be conducted at the expense of the applicant, and are to be reviewed and approved by the Township prior to a development approval being issued. The studies must demonstrate that surface and groundwater quality will be protected. Where such studies indicate a need for mitigative measures or monitoring, such requirements shall be incorporated into the site plan approval.

To assist applicants in meeting these requirements, the Township shall endeavor to make existing studies and information available for use by the proponent. The Township shall also encourage its partners in water management to make relevant information public and promote access to information, resources, and other programs to assist applicants in meeting these requirements.

#### **4.4.2.3 MINIMUM LOT SIZE**

Farm sizes which maintain the economic viability of single stand alone agricultural operations, and which preserve the rural/agricultural character of Clearview by discouraging the acquisition of rural land holdings for permanent non-farm and/or recreational residential use, shall be encouraged.

Site-specific, stand alone uses permitted within the Rural designation shall be accommodated on lots encompassing the minimum area required for the effective operation of the permitted use and adequate systems of water supply and sanitary sewage disposal.

The preservation of the Township's rural/agricultural character by preventing the undue fragmentation of Clearview's rural landscape is an important goal of this Official Plan. Consolidation of smaller farm parcels is encouraged.

#### **4.4.2.4 NON-AGRICULTURAL INDUSTRIAL AND COMMERCIAL USES**

Within the Rural designation, non-agricultural industrial and commercial uses may be permitted, in accordance with the following policies.

##### **1. Highway Commercial**

Highway commercial uses, as defined in Section 4.4.1.2, may be permitted by amendment to the implementing Zoning By-law, and in accordance with the following policies in addition to all other applicable policies of the Plan:

- Wherever possible, highway commercial uses should be consolidated into groups rather than allowed to spread out in a scattered manner along Township roads.
- Highway commercial uses generally shall be located on Provincial Highways and County Roads where an entrance permit can be obtained, arterial or collector roads or, ideally, be visible and easily accessible from such roads via a service road where feasible.
- Highway commercial uses shall be serviced by water supply and sanitary sewage disposal systems established in accordance with the provisions of Section 7.0 and approved by the Township of Clearview and/or other responsible approval authority(s).
- Highway commercial uses shall comply with the Minimum Distance Separation Formulae I or II, and the general development policies of this Plan.
- Highway commercial uses shall be suitably buffered from incompatible land uses.

##### **2. Rural Business Parks**

The establishment of rural business parks may be permitted within the Rural designation, or at limited access highway interchanges, by amendment to the implementing Zoning By-law, where it is established to the satisfaction of the Township of Clearview that the proposal complies with all of the applicable policies of this Plan, and:

- that suitable or comparable sites within the Township's three primary urban settlement areas (Creemore/New Lowell/Stayner) are not available,
- that the rural business park will be an economic benefit to the municipality,
- that the proposed method of water supply and sanitary sewage disposal satisfies all applicable Provincial, County and municipal standards and regulations. Notwithstanding this general servicing intent, rural business parks primarily accommodating retail establishments, shall only be permitted on municipal water supply and sanitary/sewage disposal services, with the exception of those retail uses that only sell merchandise produced on site or locally and/or which are devoted to extensive outdoor storage,

- that the rural business park will have no negative impact on natural or cultural heritage features, and
- that the rural business park will not compromise existing agricultural operations in the surrounding area.

Beyond the above development criteria, rural business parks generally shall be limited to locations where there is a presence of specific complementary assets such as existing industrial or commercial development, land-based resources (e.g. pristine environment for high-tech industry/accessible labour force) and/or uniquely suited transportation facilities, (e.g. arterial road intersections/airports, etc.).

### **3. Stand-Alone Industrial Uses**

Stand alone industrial uses generally shall not be permitted outside of urban settlement areas or business parks. Applications for such non-agricultural uses, however, may be considered, by amendment to the implementing Zoning By-law, in circumstances where the proposed use complies with all applicable policies of this Plan and meets one or more of the following criterion:

- The industrial use engages in the primary processing of land-related resources found on the proposed site or in close proximity to the site.
- The proposed use is not compatible with other industrial uses, such as those that might be located within a business park.
- The proposed use is directly related to agriculture and/or services the agricultural industry, (e.g. fertilizer mixing and sales establishments).

In considering an application for a Zoning By-law amendment, Council shall be satisfied:

- that traffic generation will be minimal or alternatively that the proposed use is in proximity to an arterial road,
- that the proposed method of water supply and sanitary sewage disposal is suitable for the proposed use. In this regard, industrial uses utilizing private services shall be limited to those of a “dry” nature, as defined by the Ministry of Environment (MOE),
- that the proposed use is compatible with surrounding uses, and meets the applicable guidelines of the Ministry of Environment in relation to Industrial Minimum Distance Separation and Spills Containment, etc.
- that the proposed use will not have a negative impact on ground and surface water resources, and
- that the site’s proposed method of development is consistent with Township practices in relation to site grading and stormwater management, access, lighting, garbage collection and/or any other site issues.

#### **4.4.2.5 ACCESSORY APARTMENTS, GARDEN SUITES, BED AND BREAKFAST ACCOMMODATION, AND TEMPORARY FARM ACCOMMODATION**

Accessory apartments may be permitted in accordance with all applicable policies of the Plan and specifically in accordance with Section 4.3.2.8.

Garden suites may be permitted in accordance with all applicable policies of the Plan and specifically in accordance with Section 4.3.2.9.

Bed and breakfast accommodation may be permitted in accordance with all applicable policies of the Plan and specifically in accordance with section 4.3.2.10.

Temporary farm accommodation may be permitted in accordance with all applicable policies of the Plan and specifically in accordance with section 4.3.2.11.

#### **4.4.2.6 PUBLIC USES**

Public Uses shall be established in accordance with the policies of Section 12.4 of this Official Plan.

#### **4.4.3 CONSENTS**

Consents in the Rural designation shall occur in accordance with the provisions of Section 9.0, this Section 4.4 and all other relevant policies of this Plan. Generally, however, it is the intent of this Official Plan to discourage the fragmentation of the rural landscape in order to maintain the historical agricultural community and rural/agricultural character of the municipality. Consolidation of smaller parcels is encouraged.

#### **4.4.4 SPECIAL POLICY RESIDENTIAL**

In the Township of Clearview (especially the former Township of Nottawasaga) there are archaic Plans of Subdivision, some dating back to the 19th century, as well as subdivisions of land created by Reference Plans deposited in the County of Simcoe Registry Office, under Section 88 of the Registry Act, prior to the imposition of a Subdivision Control Order by the Ministry of Municipal Affairs in April of 1969. Many of these Reference Plans and deficient Plans of Subdivision are within rural areas (i.e., within the Rural or Agriculture designation), and are unsuited to development due to minimum lot areas which are inadequate for private services, the lack of frontage on an improved public road and/or their location in settings incompatible with residential uses due to conflicts with traditional rural land use activities, (e.g. agriculture, waste disposal, mineral aggregate extraction). Beyond these physical constraints, the possibility of the subdivision's upgrade through design adjustment and/or the entering into of agreements for the completion of required improvements is often complicated by the ownership of the lots being spread amongst a variety of individuals unrelated by either family or corporate interest.

Unlike Reference Plans and deficient Plans of Subdivision situated within primary and secondary urban settlement areas, which are addressed in Section 4.6.6, this Plan does not foresee the future development of those plans within the Township's rural areas and, as such, they are not recognized as subdivisions, and have not been assigned a Special Policy Residential or any other Residential designation. Accordingly, if further development of a complete Reference Plan or deficient Plan of Subdivision is proposed, it will only be considered by amendment to this Official Plan and the implementing Zoning By-law, and shall only be permitted in accordance with the development criteria for estate residential development in Section 4.5 of this Plan, and only after an agreement has been entered into between the Township and an individual/developer representing a majority of the lot owners in the subdivision with respect:

- to the dedication of parkland or cash-in-lieu of parkland to the amount of 5% of the land included in the agreement,
- to the dedication of lands for public purposes including public highways,
- to, where applicable, the provision of communal services,
- to the provision of adequate surface drainage facilities,
- to the re-division of the land by a new registered plan of subdivision, if considered necessary by Council,
- to the consideration of any other matters in the public interest.

If an agreement already exists between the original developer of a Reference Plan or deficient Plan of Subdivision and the municipality, this definition shall be interpreted to mean that the agreement must be renegotiated prior to the passage of the Official Plan and Zoning By-law amendments.

If more than fifty percent (50%) of the lots in a Reference Plan or deficient Plan of Subdivision have been sold, then in addition to the agreement noted above with the developer, the signatures of a majority of the individual lot owners in the area will be required asking for the formation of a district in which communal sewage works and/or waterworks may be constructed, operated and maintained in a manner consistent with the provisions of the Municipal Act. If other services, such as, but not limited to roads, bridges, culverts, intersection improvements, paving and sidewalks, are required as a condition of continued development, then the provisions of the Local Improvement Act may be used in addition to the provisions of the Municipal Act.

Notwithstanding the above intent, in order to avoid unnecessary hardship to individual lot owners, where an unreasonable hardship is demonstrated, Council may make exceptions to this restrictive policy by enacting a Zoning By-law amendment, and by observing the regular severance policies of this Official Plan with respect to non-farm residential severances within the Rural and Agriculture designations. In all cases, it shall be demonstrated that the new lot satisfies the minimum requirements for the establishment of required sanitary sewage disposal services and represents good planning.

#### **4.4.4.1 SPECIAL POLICY RESIDENTIAL - DUNTROON**

Although not falling within the defined boundary of the Duntroon urban settlement area, as delineated on Schedule A8, the lands in Part of Lot 25, Concession VIII and IX, which have previously been subdivided into a number of large individual lots, are considered to be both a logical extension of the community and potentially suited to development on the basis of private services. Accordingly, notwithstanding the provisions of Section 4.4.1 above, these lands have been designated Special Policy Residential and it is the intent of this Official Plan that their consideration for future development proceed on the basis of the approval conditions stipulated in Section 4.6.6.

#### **4.4.5 SPECIAL RURAL POLICIES - URBAN SETTLEMENT AREAS**

##### **Secondary Urban Settlement Areas**

Certain lands within the Township's secondary urban settlement areas are not required for development in the short or medium term, but nevertheless are deemed the most logical for future growth in the long-term in view of their location, accessibility and/or general lack of perceived development constraints. These lands have been designated Rural which is intended to function as a holding classification until such time as the demand for new development becomes apparent, and pending the completion of a comprehensive planning study establishing permitted land uses and preferred methods of servicing, access and stormwater management.

In the period leading up to the completion of such comprehensive planning, development may be permitted in accordance with the Rural policies of this Official Plan except that the establishment of new intensive agricultural operations shall not be permitted.

##### **Primary Urban Settlement Areas**

Certain lands within the Township's primary urban settlement areas (Creemore/New Lowell/Stayner) also have been designated Rural. These lands are either subject to severe development constraints (e.g. not easily serviceable) or are in areas considered less suited to development than those identified by the Future Development Area boundary classification on Schedules A, A1, A2 and A3 of this Plan.

Within these areas, it is the intent of this Plan that development of a scale comparable to that contemplated by the Future Development Area policies of Section 4.6.2.4 be delayed until development within the areas designated Future Development Area is substantially complete, and even then only after the completion of a comprehensive planning analysis (e.g. secondary plan) establishing permitted land uses and preferred methods of servicing, access and stormwater management in relation to the community as a whole. Minor development made possible through the elimination of development constraints (e.g. extension of municipal services) and which comprises a logical extension of the existing built-up part of the community shall be permitted by site-specific amendment to this Official Plan and the implementing Zoning By-law provided Council is satisfied it will not disrupt the long-range pattern for future growth contemplated by this Plan.

In the interim period leading up to the possible redesignation of the areas in question, development may be permitted in accordance with the Rural policies of Section 4.4, except that the establishment of new intensive agricultural operations, rural business park and non-agricultural residential consents shall not be permitted.

#### **4.4.6 RURAL - POLICY EXCEPTIONS**

##### **4.4.6.1 HIGHWAY COMMERCIAL - BUILDING SUPPLY OUTLET**

Notwithstanding any policies of this Official Plan to the contrary, on those lands designated for Rural use in the northwest part of the west half of Lot 38, Concession VIII (former Nottawasaga), fronting on County Road 124, a lumber, hardware and builder's supply outlet shall be permitted in addition to those uses listed in Section 4.4.1.2.

#### **4.4.6.2 HIGHWAY COMMERCIAL - FURNITURE SALES OUTLET**

Notwithstanding any policies of this Official Plan to the contrary, on those lands designated for Rural use in the north part of the east half of Lot 6, Concession III (former Nottawasaga), fronting on County Road 42, an outlet for the sale of furniture shall be permitted in addition to those uses listed in Section 4.4.1.2.

#### **4.4.6.3 INDUSTRIAL - SIXTH CONCESSION ROAD**

Notwithstanding any policies of this Official Plan to the contrary, on those lands designated for Rural use in the east part of the north half of Lot 38, Concession VII (former Nottawasaga), fronting on the Sixth Concession Road, a fabricating, processing or manufacturing establishment which does not require water except that which is necessary for the sanitary needs of its employees, an assembly plant, a wholesale outlet or warehouse, a contractor or tradesman shop, a motor vehicle body shop, a motor vehicle repair garage, a service repair shop, a farm produce storage area, a printing or publishing establishment, and accessory uses thereto including a contractor's or tradesman's yard, outside storage of goods and materials in a fenced area which is screened from public view, and a retail outlet, wholesale outlet, business or administration office shall be permitted in addition to those permitted by Section 4.4.2.4.3.

#### **4.4.6.4 CONTAMINATED LANDS - FORMER TRANSMITTER PROPERTY**

Lands designated for Rural use in part of Lots 13 and 14, Concession 10 (former Sunnidale), which previously accommodated the Edenvale Transmitter Facility, owned and operated by the Department of National Defense, are contaminated with polycyclic aromatic hydrocarbons (PAH's). Accordingly, notwithstanding any provisions of this Official Plan to the contrary, where new development is proposed within this area, the development application shall be accompanied by a report, prepared in accordance with the provisions of Section 8.21, explaining the extent of the contamination and the necessary methods of remediation, if required. The municipality encourages the Department of National Defence to conduct site remediation.

#### **4.4.6.5 STAND-ALONE INDUSTRIAL USE – TURCK TERMINAL (OPA 17)**

OPA  
No. 17

The lands subject to the amendment will be designated Rural and notwithstanding any permitted uses and provisions of the Rural designation of the Official Plan the following additional requirements are required to establish a Stand-Alone Industrial Use – Truck Terminal:

- Environmental Noise Assessment Report to be completed and implemented to the satisfaction of the Township and County;
- Appropriate noise attenuation measures which would prevent the Ministry of Environmental and Climate Change noise thresholds not to be exceeded for residential uses in proximity to industrial uses;
- Dust Impact Analysis to be completed and implemented to the satisfaction of the Township and the County; and
- These lands are subject to site plan approval. Specifically, detailed engineering design will ensure that drainage and stormwater management for the site will not

result in an increase to the flow and volume of water into the Tributary of the Trillium Creek.

#### **4.4.7 SITE PLAN CONTROL**

All areas designated Rural on Schedules A through A14 may be designated, by by-law, as site plan control areas. Policies concerning site plan control in Section 8.5 shall apply.

#### **4.4.8 ZONING**

Rural uses shall be included in a separate zoning classification in the implementing Zoning By-law. Furthermore, individual zoning categories may be developed to recognize permitted secondary uses.



#### **4.5 ESTATE RESIDENTIAL**

Within the Estate Residential designation the predominant land use shall be low density residential development located in attractive and interesting rural settings.

Estate Residential Subdivisions may be permitted in the Rural designation without an amendment to this Plan, but in all other cases shall proceed by an amendment to the Plan and the Zoning By-law.

##### **4.5.1 DEVELOPMENT OVERVIEW**

While helping address the projected demand for new housing, the main purpose of estate residential development is to provide residents of the Township with an alternate (rural) lifestyle opportunity. Accordingly, new estate residential subdivisions shall be limited to settings offering significant rural attributes such as scenic views, proximity to valley lands or natural water-bodies, tree cover and/or undulating topography. In addition, estate residential subdivisions shall not be considered in areas adjacent to, or within one concession block of a primary or secondary urban settlement area, neighbouring municipalities, or in areas in close proximity to commercial or industrial operations, pits and quarries or other estate residential subdivisions where the total number of lots would exceed 40.

Notwithstanding the general intent to limit individual estate subdivisions to a maximum of 40 lots, consideration may be given to permitting additional estate residential development adjacent to an existing estate subdivision so that the total number of lots exceeds 40 where potential transportation and servicing impacts, as well as the potential impact on the existing subdivision, have been thoroughly examined, and Council is satisfied that the proposal maintains consistency with the Rural and Estate Residential policies and objectives of this Official Plan.

In considering applications for estate residential development, Council shall ensure:

- that lot sizes within estate residential subdivisions generally average no more than 1.0 hectare (2.47 acres), unless larger lots are required for purposes of environmental conservation or servicing,
- that the proposed method of servicing meets the requirements of Section 7.0 of this Official Plan, and the servicing policies and standards of the Township of Clearview or any other responsible approval authority(s),
- that the proposed subdivision is serviced by a municipally-assumed internal road network constructed to full municipal standards,
- that the proposed development is of a scale which permits it to blend into its natural setting,
- that all estate residential development occurs by registered plan of subdivision, and
- that the design of the subdivision is such that it maximizes the separation of individual dwellings thereby increasing the dwelling's sense of isolation, and hence, the rural lifestyle experience for the homeowner.

##### **4.5.2 POLICIES**

Estate residential plans of subdivision may be permitted, by amendment to this Official Plan and the implementing Zoning By-law, in accordance with the following policies.

**4.5.2.1 PERMITTED USES**

Permitted uses shall be limited to single-detached dwellings, accessory apartments in accordance with Section 4.6.4.1, home occupations and public uses such as parks, playgrounds and day-nurseries.

**4.5.2.2 AMENDMENT CRITERIA**

In considering a proposed plan of subdivision and/or an application for an amendment to this Official Plan and/or the Zoning By-law, the adequacy of the proposed development shall be demonstrated to the satisfaction of Council, and/or other responsible approval authority(s), through the conclusions of appropriate studies, which, among any others deemed necessary by the Township of Clearview and/or other responsible approval authority(s), shall include:

- A hazard land study where applicable and a drainage and stormwater management report prepared in accordance with the policies of Section 7.3 of this Plan.
- A servicing study prepared in accordance with the policies of Section 7.0 of this Plan.
- A traffic impact analysis which ensures compliance with Section 6.0 of this Official Plan.
- An archeological evaluation, as per Section 8.13 of this Official Plan.
- Where development is proposed within 120 metres (394 feet) of Environmental Protection - Wetland Areas or within 50 metres (164 feet) of Environmental Protection - Natural Heritage Areas, an Environmental Impact Statement (EIS) prepared in accordance with the provisions of Section 4.1.2.2 of this Plan.
- Where development is proposed in proximity to an existing or potential area of mineral aggregate extraction, an Aggregate Extraction Compatibility Report prepared in accordance with the requirements of the Township and responsible approval authority(s), (e.g. Ministry of Natural Resources/County of Simcoe).
- An Agricultural Capability Report prepared in accordance with the requirements of the Township and responsible approval authority, (e.g. County of Simcoe/Ministry of Agriculture, Food and Rural Affairs), and Section 4.3.2.2 of this Official Plan insofar as the criteria relates to evaluating the lands' potential for agricultural use.

**4.5.3 ESTATE RESIDENTIAL - POLICY EXCEPTIONS****4.5.3.1 ESTATE RESIDENTIAL - OSLER PINES/POPLAR SIDEROAD**

Notwithstanding the above provisions of this Section 4.5, or any other policies of this Official Plan to the contrary, on those lands designated for Estate Residential use in the east part of the south half of Lot 40, Concession XII (former Nottawasaga), the maximum number of single-detached dwellings on a single lot in a single development shall not exceed twenty-eight and buildings and structures may front on a private road.

**4.5.4 ZONING**

Estate Residential uses shall be zoned in separate categories in the implementing Zoning By-law.

#### **4.6 RESIDENTIAL**

The general principles to be considered in the development of residential uses within the Township of Clearview are set out below. Residential development shall conform to these principles and to all policies of this Official Plan.

##### **4.6.1 DEVELOPMENT OVERVIEW**

Major forms of new residential development are to be directed toward the Township's three primary urban settlement areas (Creemore/New Lowell/Stayner) which are or will be equipped with the hard and soft servicing infrastructure needed to efficiently accommodate intensive development. A limited amount of additional residential growth will be permitted in Clearview's secondary urban settlement areas through infilling and/or the minor expansion of existing residential districts. Similarly, a modest amount of new non-farm residential development will be permitted in the Township's rural areas through infilling, existing vacant lot development and the approval of consents and estate residential plans of subdivision.

While residential development outside of the Township's three primary urban settlement areas will assist in addressing the projected demand for new housing, its main purpose is to offer residents an alternate rural lifestyle opportunity. The long-range accommodation needs of a majority Clearview's residents will be satisfied through the construction of new "urban" forms of housing.

Furthermore, although over the effective planning period of this Official Plan it is expected that single-detached dwellings will be the predominate form of housing, it is the intent of Council to ensure a varied and affordable supply of accommodation for all residents by facilitating the selective establishment of medium density residential uses (e.g. semi-detached dwellings/townhouses/ apartments), and through differing means of residential intensification such as infilling and the establishment of accessory apartments within single-detached dwellings. As well, Council supports the establishment of nursing homes, senior citizen housing and garden suites as a means of meeting the needs of seniors/retirees and individuals largely dependent upon others for their day-to-day care.

The policies in Sections 4.6.2 and 4.6.3 below describe the general principles to be considered in regulating residential land uses within primary and secondary urban settlement areas, and, to a lesser extent, outside primary and secondary urban settlement areas. The policies in Section 4.6.4 describe the general principles governing the various methods of residential intensification encouraged by this Official Plan and the policies of Section 8.12 provide a series of design parameters to guide the form of future residential development in addition to other forms of development.

##### **4.6.2 RESIDENTIAL DEVELOPMENT IN PRIMARY AND SECONDARY URBAN SETTLEMENT AREAS**

The Residential designation, as delineated on Schedules A through A14 to this Official Plan, identifies areas within the Township's three primary and ten secondary urban settlement areas where residential development may be permitted in accordance with the following policies.

**4.6.2.1 DEVELOPMENT PRINCIPLES**

Over the planning period of this Official Plan major residential growth shall be directed to Creemore, New Lowell and Stayner, with more limited forms of urban residential development being permitted in Avening, Batteaux, Brentwood, Dunedin, Duntroon, Glen Huron, Nottawa, Old Sunnidale, Singhampton and Sunnidale Corners. Future residential development within these communities shall occur in accordance with the design criteria in Section 8.12 in addition to other relevant policies of this Plan and the following development principles.

1. Future residential development shall be of a character in keeping with the small- town atmosphere and, where deemed relevant, historical character of the host urban community. While the select location of higher density, multiple-residential uses is to be encouraged as a means of ensuring a varied and affordable housing supply, it is the broad intent of this Official Plan to maintain each community's historical/rural character by, as much as possible, ensuring proposed development is compatible with the existing urban form, including the predominance of single detached dwellings.
2. Residential development shall only be permitted when serviced by water supply and sanitary sewage disposal systems established in accordance with the standards of the Township of Clearview and/or other responsible approval authority(s).

Major development shall be directed to Creemore, New Lowell and Stayner where full municipal water supply and sanitary sewage disposal services are or will be available. The use of site-specific communal water supply and sewage disposal services or private services may be selectively considered in other settlement areas, but only in strict accordance with the municipal servicing policies of Section 7.0.

The use of partial (water or sewer only) servicing systems may only be considered where such systems presently exist (e.g. New Lowell/Nottawa), and only in accordance with the policies of Section 7.0.

3. Public and private nursing homes, senior citizen/retirement homes, group-homes, crisis centres and/or other forms of public housing generally shall have access to arterial or collector roads and be located in close proximity to community facilities such as recreational centers, parks and commercial outlets.
4. The establishment of a home occupation within a private residence shall occur in a manner which does not alter the residential character and amenity of the neighbourhood and may be subject to site plan control.
5. Residential intensification shall be encouraged within existing built-up areas as a means of urban renewal, creating affordable housing and ensuring the most efficient use of existing infrastructure and services, but shall only occur in a manner which maintains the general character and amenity of the host neighbourhood.
6. The establishment of community facilities (e.g. schools/places of worship) within residential areas shall occur in a manner which keeps pace with future growth, maintains the character of the host neighbourhood and minimizes potential traffic and/or aesthetic impacts. To ensure that available educational facilities are sufficient to meet the needs of area residents, the

Township's consideration of new residential development, and servicing strategies for new development in general, shall proceed in consultation with the public and separate school boards.

7. Clearview's projected residential land need requirements to 2021 are provided in Section 2.3.2. Although the land need totals provide a useful guideline in ensuring an adequate, varied and affordable supply of housing for municipal residents, it is not Council's intent to rigidly adhere to the projections. If conditions suggest an accelerated need for housing and/or different accommodation preferences by the general public on the basis of good planning principles, Council may consider amendments to the Official Plan, in accordance with the provisions of Sections 2.3.2 and 10.9, to increase the amount of permitted development provided that the larger residential objectives of the Plan are maintained.
8. Major residential development in areas situated within the Future Development Area boundary classification on Schedules A1, A2 and A3 shall be preceded by the preparation of a secondary plan and/or a comprehensive Official Plan amendment, completed in accordance with the provisions of Sections 4.6.2.4 and 11.9 of this Plan.
9. Residential development, through the subdivision/condominium approval process, may be phased, at Council's discretion, in accordance with the availability and/or provision of services, housing needs, community impact and other considerations deemed appropriate by Council.

#### **4.6.2.2 PERMITTED USES**

Permitted uses shall be limited to:

- Single-detached, linked semi-detached and duplex dwellings, townhouses, low-rise apartment buildings, private nursing homes, senior citizen/retirement homes, crisis centres and group homes.
- Non-residential uses such as home occupations, neighbourhood commercial uses and public uses (e.g. schools/places of worship/parks and playgrounds), which serve and complement a residential neighbourhood.
- Residential intensification in the form of residential infilling, accessory apartments and bed and breakfast accommodation in strict accordance with the policies of Section 4.6.4.

Residential development shall conform to the policies set out below, as well as the development principles and policies in Sections 4.6.2.1 and 8.12 and all other relevant policies of this Official Plan.

#### **4.6.2.3 POLICIES**

##### **1. Low Density Residential**

Low Density Residential is defined as single-detached, linked semi-detached, semi-detached and duplex dwellings and group homes. New low-density residential development shall occur in accordance with the following:

- The density of permitted development shall be established in the Zoning By-law based on the individual planning circumstances in the Township's primary and secondary urban

settlement areas (e.g. available servicing/community aesthetics). Generally, however, when on full municipal services, development shall not exceed 12 dwelling units per gross hectare (5 units per gross acre) for single-detached dwellings, and 15 dwelling units per gross hectare (6 units per gross acre) for semi-detached, linked semi-detached and duplex dwelling units.

- Low density residential development shall be located in accordance with Schedules A through A14, and wherever possible, shall front on local roads rather than on collector or arterial roads.
- Adequate off-street parking shall be provided for all permitted uses.

## **2. Medium Density Residential**

Medium Density Residential is defined as triplexes, fourplexes, townhouses, and low-rise apartment buildings not exceeding three stories in height, and includes public and private nursing homes and senior citizen/retirement homes, crisis centres and group-homes. Generally new medium density residential development shall be restricted to the Township's three primary urban settlement areas and shall occur in accordance with the following:

- The density of development shall be established in the implementing Zoning By-law based on the individual planning circumstances of the host urban settlement area (e.g. available servicing/community aesthetics). Generally, however, when on full municipal services, development shall not exceed 50 dwelling units per gross hectare (20 units per gross acre).
- Wherever possible, access to townhouses and apartments shall be from privately owned and maintained service driveways emptying onto collector and arterial roads. Triplexes and double duplexes may be permitted on local roads provided Council is satisfied such development will not significantly increase traffic volumes.
- Medium density residential development shall be encouraged to locate in proximity to community facilities such as parks, schools, commercial and recreational facilities.
- Adequate off-street parking shall be provided for all permitted uses.
- Adequate buffering shall be provided between medium density residential areas and lower density residential areas and/or non-residential uses. Such buffering may include the provision of grass strips, screening, the planting of trees and shrubs or the location of a berm or fence of sufficient height to provide privacy.
- The scale and design of a medium density residential development, in respect to such matters as building height, setbacks, landscaping and vehicular circulation, should maintain consistency, and be compatible with the surrounding residential area.
- It is the intent of this Plan that medium density residential development generally be encouraged to locate in newly developing areas rather than in the midst of established low-density neighbourhoods. This, however, does not preclude the location of multiple-residential uses in established residential areas with appropriate justification.

- Medium density residential uses shall only be permitted by amendment to the Zoning By-law.

### **3. Services**

Residential development within primary and secondary urban settlement areas shall occur in accordance with the servicing policies of Section 7.0, and all other relevant servicing provisions of this Official Plan.

### **4. Home Occupations**

Regulations governing the size and scale of home occupations, as well as permitted staffing, shall be established in the implementing Zoning By-law. In no case shall open storage be permitted in conjunction with a home occupation. A home occupation use may also be subject to site plan control.

Applications to permit the expansion/enlargement of a home occupation beyond the small-scale commercial intent of this Official Plan shall only be permitted by amendment to this Plan and/or the implementing Zoning By-law as per the commercial policies of Section 4.7.

### **5. Neighbourhood Commercial Uses Within Residential Areas**

Neighbourhood commercial uses providing for the sale of convenience goods and services to meet the daily living needs of residents in the adjacent residential area may be permitted, by amendment to the Zoning By-law, in areas designated for Residential use, and in accordance with all relevant policies of the Official Plan, including Section 8.12, and with the following criteria:

- Permitted uses shall be limited to small-scale retail and service commercial uses such as variety stores, personal service shops and other convenience commercial outlets. No outside storage of goods and materials shall be permitted, and no individual commercial use shall encompass more than 200 square metres (2152 square feet).
- Neighbourhood commercial development proposals will be evaluated on the basis of site size, access suitability, the adequacy of off-street parking, site design (lighting/landscaping/ signage/visual aesthetics), the proximity of other commercial facilities and location.
- Neighbourhood commercial uses generally shall be located at intersections of arterial or collector roads with local roads, serve a radius within a reasonable walking distance, and avoid overlapping the service areas of other neighbourhood commercial facilities.

### **6. Public Uses**

Public uses shall be established in accordance with the policies of Section 12.4 of this Official Plan.

### **7. Special Residential Development Prerequisites**

#### **a) Residential (FF) - Stayner (OPA 37) (Clearview Property Rentals Inc.)**

Those lands designated Residential (FF) on Schedule A3 are located between the Regional Storm Floodline and the 1:100 Year Storm Floodline of Lamont Creek. This area

is generally defined as the “flood fringe” under the application of the “Two Zone Concept” to floodplain management within the Community of Stayner.

It is the intent of the Township of Clearview and the Nottawasaga Valley Conservation Authority to prevent loss of life and to minimize property damage and social disruption on flood-prone lands adjacent to Lamont Creek in the event of a Regional Storm Flood. To achieve this objective, notwithstanding any provisions of this Official Plan to the contrary, on those lands designated

Residential (FF) the following special policies shall apply in addition to all other applicable provisions of this Official Plan.

- All development applications, including consent and/or rezoning applications, shall be accompanied by a Floodplain Analysis, a Stream Corridor Management Plan and a detailed Stormwater Management Report, including a grading/drainage plan(s), satisfactory to the Nottawasaga Valley Conservation Authority and the Township of Clearview. The Floodplain Analysis shall assess the impacts of development and site alteration on the function of the Lamont Creek floodplain. Development will only be permitted within the flood fringe if it has been demonstrated that there will be no adverse impacts on upstream and downstream land.
- Prior to any construction or the issuance of a building permit, the proponent shall obtain a permit from the Nottawasaga Valley Conservation Authority, pursuant to the Conservation Authorities Act.

**b) Residential - Stayner (OPA 38)  
(Regina Subdivision)**

Those lands designated Residential on Schedule A3 which are located in Stayner to the west of Valleyfield Crescent and to the north of Lamont Creek in part of Lots 23, 24, 25 and 26, Registered Plan 194, shall be subject to the following special development policies in addition to all other relevant policies of this Official Plan.

- All future development applications, including subdivision, consent and/or rezoning applications, shall be accompanied by a Stream Corridor Management Plan and preliminary and detailed Stormwater Management Reports, including a grading/drainage plan(s), satisfactory to the Nottawasaga Valley Conservation Authority (NVCA) and the Township of Clearview. The preliminary Stormwater Management Report shall be made a condition of draft plan approval.  
  
Prior to any construction or the issuance of a building permit, the proponent shall obtain a permit from the Nottawasaga Valley Conservation Authority, pursuant to the Conservation Authorities Act.
- It is the intent of the Township of Clearview that the residential development of all or part of the subject lands only proceed in circumstances where the adequacy of municipal water and sanitary sewer services has been clearly established. To achieve this objective, all future development applications including subdivision, consent and/or rezoning applications, shall be accompanied by an engineering servicing study(s) addressing the manner in which development is proposed to be phased and demonstrating the adequacy



of local municipal services, particularly sanitary sewer services, in relation to each of the proposed development phases.

Municipal approval of an implementing Zoning By-law amendment to permit one or more development phases shall only occur in circumstances where Council is satisfied that a commitment of municipal servicing capacity will not unduly compromise other planned development in the community.

OPA  
No. 5

(c) **PART OF LOT 8 AND PART OF THE NORTH AND SOUTH HAVLES, LOT 9 CONCESSION 4 – CREEMORE**

Those lands designated as Residential – Special Policy 1 as indicated in Schedule “A” attached hereto and generally bounded by County Road no. 9, Mary Street, the unopened Elizabeth Street road allowance and the boundary line between Concession III and IV shall be subject to the following special development policies in addition to all other relevant policies of this Official Plan.

- Notwithstanding the Official Plan policies related to residential density, it is the intent of the Township of Clearview that the maximum number of residential dwelling units permitted on lands designated Residential – Special Policy 1 shall be 498 units, and despite the interpretation clauses of this Official Plan, no more than 498 residential dwelling units shall be permitted on these lands.
- These units will be developed in phases with the overall development consisting of a mixture of single-detached, fourplexes, sixplexes, townhouses and low rise apartment buildings as illustrated in Schedule “C” – Development Concept attached hereto. Modifications to Schedule “C” which do not increase the density of development either within any lots or blocks of the Development Concept, may be permitted, without amendment to this plan, provided that such modifications are consistent with the intent of Schedule “C” and all other provisions of this plan.
- Architectural Control Guidelines will be prepared prior to final approval to ensure compatibility with the established built form context of Creemore. Specific matters related to built form are as follows:
  - i. Development on the east side of Mary Street shall be limited to single-detached dwellings, fourplexes and/or sixplexes. The fourplexes and sixplexes will be designed to appear as single detached dwellings.
  - ii. Development facing County Road No. 9 shall be designed to be buffered with a landscaped open space and trail area which shall be fully developed prior to the initiation of any development beyond the lots and blocks fronting on Mary Street.
- A Neighbourhood Commercial use shall only be permitted in the multiple residential block located north-west of the intersection of the unopened Elizabeth Street road allowance and the new north-south collector road. Neighbourhood Commercial uses shall be permitted only on the first floor of multiple residential buildings and shall be limited to local convenience retail stores, cafes, personal service shops and health related retail or service facilities. Independent free standing commercial buildings shall not be permitted.

- Notwithstanding the policies of the Official Plan, fourplexes and sixplexes shown on Schedule “C” attached hereto are permitted to access local roads. Access to the Nelson Street extension for the medium density block north of Nelson Street is also permitted.
- All Development shall be serviced with municipally piped water and sanitary sewers. Prior to any approval, a phasing plan, in general accordance with Schedule “B” – Phasing Plan, shall be approved by the Township. The phasing plan shall outline the staging of development for the lands subject to this amendment to ensure that all municipal services are available prior to development proceeding at the relevant phase along with the proper sequencing of stormwater management, road connections, parkland development and any other services necessary to support the development of the lands. Minor modifications to the boundaries of phases shown on Schedule “B” may be permitted, without amendment to this plan, provided that such modifications are consistent with the intent of Schedule “B” and all other provisions of this plan.
- Phasing of development will occur on the basis that any preceding phase must be 70% complete, based on units available for occupancy, before development of the subsequent phase can be initiated, with the details of such phasing to be established as a condition of draft plan approval.

OPA  
No. 8

**(d) PART LOT 25, CONCESSION 1, FORMERLY NOTTAWASAGA TOWNSHIP**

Those lands designated “Residential – Special Policy 2” as indicated on Schedule “A” hereto are subject to the following special development policies in addition to all of the other relevant additional policies of the Official Plan:

- i) Subsequent development approvals on the lands (e.g. plans of condominium, site plan approval) shall be subject to the Official Plan policies in effect at the time of a decision concerning any application for development of the lands.
- ii) Blocks 33, 34, 35, 36, 37, 38 and 55 as shown on Schedule “B” attached hereto, shall be merged as a single block in a draft plan to be approved by Council and shall subsequently be developed as multi-residential uses in accordance with an integrated comprehensive site plan application and plan of condominium.
- iii) Blocks 39, 40, 41, 42, 43, 44 and 56 as shown on Schedule “B” attached hereto, shall be merged as a single block in a draft plan to be approved by Council and shall subsequently be developed as multi-residential uses in accordance with an integrated comprehensive site plan application and pan of condominium.
- iv) Blocks 45, 46, 47, 48 and 57 as shown on Schedule “B” attached hereto, shall be merged as a single block in a draft plan to be approved by Council and shall subsequently be developed as multi-residential uses in accordance with an integrated comprehensive site plan application and plan of condominium. Block 57 shall incorporate a public space entrance feature at the corner of Highway 26 and Street “K” to the satisfaction of the municipality.
- v) Development of the subject lands shall require that prior to final approval the applicant shall provide an integrated environmental protection and sustainability plan to the

municipality's satisfaction which will address such matters as a tree and environmental features protection plan, landscaping and site enhancement plan, a construction spills plan, a development energy efficiency assessment, a water use and servicing efficiency assessment, and an integrated stormwater management and rainwater capture and re-use study. Such a study shall take place in a comprehensive framework for the entire site, but detailed components may be prepared in accordance with approved phasing and as submissions coordinated with subsequent applications for development approval on the lands.

- vi) Development of the subject lands shall require that prior to final approval the applicant shall provide an integrated urban design plan to the municipality's satisfaction which will address such matters as architectural control, public spaces, trails and pedestrian linkages and access, and landscaping. Such a study shall take place in a comprehensive framework for the entire site, but detailed components may be prepared in accordance with approved phasing and as submissions coordinated with subsequent applications for development approval on the lands.
- vii) Development shall be subject to phasing and prior to final approval the applicant shall submit a comprehensive phasing plan for municipal approval. The phasing plan shall, in addition to outlining the proposed phases of development, address such matters as required temporary municipal services, temporary signage, fencing, landscaping, construction management and storage of topsoil and construction materials, phased provision of securities and servicing allocations, inhibiting orders and other measures required to ensure orderly development, and temporary easements and conveyances necessitated by temporary works.

OPA  
No. 10

**(e) PART OF LOT 34 & 35, CONCESSION 8, FORMERLY NOTTAWASAGA TOWNSHIP**

Those lands designated "Residential", "Rural" and "Greenland – Natural Heritage Areas" as indicated on Schedule "A" hereto are subject to the following special development policies in addition to all of the other relevant additional policies of the Official Plan.

Subsequent development approvals on the lands (e.g. plans of condominium, site plan approval) shall be subject to the Official Plan policies in effect at the time of a decision concerning any application for development of the lands.

These lands shall be developed to permit a new mixed use neighbourhood integrated with the existing community adding a maximum of 500 new residential units (not including accessory apartments in single detached units) on the basis of full municipal water and sewer services. The development shall include areas of free-hold single detached development as well as areas of single detached and multiple unit development under condominium ownership. This neighbourhood will contain low and medium density residential uses, village scale commercial uses, walking trails, a location for a community centre, parks, environmental features and community gardens in a comprehensively designed phased development plan.

The developer shall be responsible for the design and construction of full municipal servicing for the proposal. The design and construction shall also incorporate provision for servicing existing portions of the community to the satisfaction of the municipality. Servicing to the site will be required to be over-sized to accommodate additional servicing to the Village. The municipality shall not be responsible for the over-sizing. The developer has taken responsibility for such over-

sizing. The developer acknowledges that compensation for oversizing will occur only when, or if, such capacity is subsequently utilized by the municipality or other land owners within a timeframe established under agreement with the developer. The municipality will accordingly enter into an agreement for reasonable efforts for fair cost recovery in regard to such over-sizing expenditures.

Notwithstanding any policies to the contrary in the Official Plan, a new municipal water reservoir and sewage pumping station, as well as an environmentally designed stormwater management facility may be located within the Greenland-Natural Heritage Areas designation on the subject lands in a location approved by the municipality.

Prior to final approval of a plan of subdivision, the applicant shall provide an environmental sustainability plan to the municipality's satisfaction which will address such matters as environmental features protection, tree preservation, a construction spills plan, a development energy efficiency assessment, a water use and servicing efficiency assessment, and an integrated stormwater management and rainwater capture and re-use study. Such studies shall take place in a comprehensive framework for the entire site, but detailed components may be prepared in accordance with approved phasing and as submissions coordinated with subsequent applications for development approval on the lands.

The stormwater management area and environmental protection area identified on Part Lot 35, Concession 8 adjacent to the "Residential-Special Policy 3" designated as "Greenland-Natural Heritage Areas", shall be dedicated to the municipality as an environmental feature (not as a parkland requirement which shall be met within the development area) for long-term management as an environmental management area, with required improvements established in the development approvals process on the basis of the following requirements. Stormwater management, environmental features protection and a public trail network shall be components of an integrated design plan which shall establish environmental enhancement requirements, drainage feature design and trail design. The objective shall be to improve current environmental conditions, manage stormwater creatively for environmental and wildlife habitat enhancement, and to provide for public walking and nature appreciation. This area shall be integrated with drainage areas to be located within the development area within which similar features and objectives are to be incorporated. The existing watercourse and drainage channel, shall be environmentally enhanced and blocks of suitable dimensions to incorporate these features and a trail system shall be similarly dedicated to the municipality as environmental lands and parkland where applicable.

Prior to final approval of a plan of subdivision, the applicant shall also provide an integrated urban design plan to the municipality's satisfaction which will address such matters as architectural control (all development shall be subject to architectural control), public spaces, trails and pedestrian linkages and access, and landscaping. The urban design study shall also take place in a comprehensive framework for the entire site, but detailed components may be prepared in accordance with approved phasing and as submissions coordinated with subsequent applications for development approval on the lands.

The urban design plan shall also set out public amenity features to be provided by the developer which shall include, but not be limited to, a community centre site, a public community garden area, and a trails system integrating the proposed development area, existing adjacent neighbourhoods, the public school, and the open space and environmental features in the plan area. Parkland improvements shall also be identified (e.g. trails, playground areas etc.).

The lands fronting on County Road 124 shall be developed as a mixed use commercial and residential development providing a range of employment and living opportunities, which may include office space and live-work units. Notwithstanding any requirements of the Official Plan to the contrary, commercial development may occur in this area without further re-designation to Commercial. However, commercial uses shall be limited to small-scale retail commercial establishments, eating establishments (excluding drive-through establishments), personal service uses, professional and business offices, neighbourhood convenience uses, art galleries and studios, boutiques, medical and dental clinics, and similar uses appropriate to a mixed residential/commercial development. Space extensive commercial uses (“big box”) and uses with an orientation to large volumes of vehicular traffic shall not be permitted. Nursery schools, daycares and other community oriented institutional uses shall also be permitted to occur in this mixed use area.

Design of the mixed-use area shall be subject to urban design guidelines approved by the Township. The mixed use area shall be designed to provide aesthetic and vital streetscapes. It shall incorporate public space amenity and entrance features. Parking areas shall be designed as small pods interrupted by buildings, public amenity and pedestrian areas and prevent the creation of excessively large parking areas. Design of the mixed use area shall include coordination of signage, facias, lighting, landscaping and the provision of street furniture, public art and planters. Residential uses shall not be located on the ground floor of the mixed use buildings. Residential uses are permitted on the ground floor of those buildings which are entirely used for residential purposes. Building heights in the mixed use area shall not exceed three stories.

Development of this mixed use area shall be subject to site plan control which will require the submission of detailed design drawings to an integrated design plan to the municipality’s satisfaction which will address the above requirements with emphasis on such matters as architectural control, public spaces, parking, pedestrian access and linkages, streetscapes, and landscaping.

The residential components of the development plan shall incorporate a range of housing opportunities with a minimum of 20% of the development consisting of multi-residential or mixed use units. Additionally, the developer shall provide a minimum of 5% affordable housing units (as established by the municipality at the time of negotiation of the subdivision agreement).

The lands designated “Rural” on Part Lot 35 and 36 Concession 8 which are contiguous to the “Residential” designation form an integral part of the development of the lands. The lands shall form part of the community and shall include a community garden. Uses which support the community garden, walking trails, rural/agricultural industrial uses which are compatible to the residential uses, and other compatible rural uses are permitted on the lands.

Development of all of the lands shall be subject to phasing and, prior to final approval of a plan of subdivision, the applicant shall submit a comprehensive phasing plan for municipal approval. The phasing plan shall, in addition to outlining the proposed phases of development, address such matters as required temporary municipal services, temporary signage, fencing, landscaping, construction management and storage of topsoil and construction materials, phased provision of securities and servicing allocations, inhibiting orders and other measures required to ensure orderly development, and temporary easements and conveyances necessitated by temporary works.

The comprehensive design plan shall be implemented through a detailed zoning plan establishing appropriate uses and provisions for the mixed use area, residential areas, parkland and other community amenities and the environmental features.

The implementing Zoning By-law(s) may zone the subject lands in a “Holding (H) Provision” in accordance with Section 11.2.2 of the Township’s Official Plan. The conditions for lifting of the Hold may be established in accordance with Section 11.2.2 and may include, but not be limited to, such matters as; 1) the confirmation of available servicing capacity for the site and that all services have been constructed and are operational to the site and on the required phase; 2) confirmation that appropriate stormwater facilities are provided on the site to service the applicable phase; 3) final approval of the plan of subdivision or phases thereof; and, 4) the execution of a Site Plan Agreement, if required, for any commercial, mixed use or multi-residential component of the site.

These policy requirements shall also be incorporated in all conditions of approval for plans of subdivision, plans of condominium, and site plans, all to the satisfaction of the municipality.

OPA  
No. 12

**(f) CONCESSION 3, PART LOT 26, in the former Township of Nottawasaga, in the community of Stayner, municipally known as 7535 & 7603 Hwy 26**

The portion of the subject lands re-designated ‘Residential’, as indicated on OPA No. 12 - Schedule ‘A’ attached hereto, are subject to the following special development policies in addition to all of the other relevant policies of the Official Plan:

- i) Subsequent development approvals on the lands, including draft plans of subdivision and zoning by-law amendments, shall be subject to all applicable Official Plan policies and other relevant Township policies and By-laws in force and effect at the time of a decision concerning any application for development of the lands.
- ii) Configuration of any draft plan of subdivision on the subject lands must consider and prioritize a high standard of design, including:
  - a. Access and connectivity to adjacent trails, open spaces, and community uses, particularly the high school, Rail Trail, and the existing Community Centre and Arena to the south.
  - b. Preservation and enhancement of the natural heritage features on site, including the woodland habitat to the west and the Lamont Creek tributary swale to the east.
  - c. Connectivity and integration with existing and planned infrastructure and development on all adjacent lands. This includes establishing a connection with Locke Avenue across the Highway 26 corridor through the subject lands if possible.
  - d. Maximizing opportunities to navigate the site and reach destinations within and beyond the subject lands on foot, by bicycle, or any other form of active transportation.
- iii) Protection of natural heritage features will not necessarily be limited to lands designated ‘Greenland’. Detailed site plans, submitted studies, and further investigation may reveal necessity to conserve additional lands.

- iv) Development of the subject lands shall require that prior to final approval an investigation of multi-unit housing and affordable housing opportunities shall be executed and integrated where appropriate.
- v) Development of the subject lands shall require that prior to final approval the applicant shall provide an integrated environmental protection and sustainability plan to the municipality's satisfaction, which will address such matters as a tree and environmental features protection plan, landscaping and site enhancement plan, a construction spills plan, a development energy efficiency assessment, a water use and servicing efficiency assessment, and an integrated stormwater management and rainwater capture and re-use study. Such a study shall take place in a comprehensive framework for the entire site, but detailed components may be prepared in accordance with approved phasing and as submissions coordinated with subsequent applications for development approval on the lands.
- vi) Development of the subject lands shall require that prior to final approval the applicant shall provide an integrated urban design plan to the municipality's satisfaction, which will address such matters as architectural control, public spaces, trails and pedestrian linkages and access, and landscaping. Such a study shall take place in a comprehensive framework for the entire site, but detailed components may be prepared in accordance with approved phasing and as submissions coordinated with subsequent applications for development approval on the lands.

Development shall be subject to phasing and prior to final approval the applicant shall submit a comprehensive phasing plan for municipal approval. In addition to outlining the proposed phases of development, the phasing plan shall address such matters as required temporary municipal services, temporary signage, fencing, landscaping, construction management and storage of topsoil and construction materials, phased provision of securities and servicing allocations, inhibiting orders and other measures required to ensure orderly development, and temporary easements and conveyances necessitated by temporary works.

OPA  
No. 13

**(g) CONCESSION 1 S PT LOT 26, FOMER TOWNSHIP OF NOTTAWASAGA  
(1192 COUNTY ROAD 7, STAYNER)**

The portion of the subject lands designated 'Residential', as indicated on OPA No. 13 - Schedule 'A' attached hereto, are subject to the following special development policies in addition to all of the other relevant policies of the Official Plan:

- i) Subsequent development approvals on the lands, including draft plans of subdivision and zoning by-law amendments, shall be subject to all applicable Official Plan policies and other relevant Township policies and By-laws in force and effect at the time of a decision concerning any application for development of the lands.
- ii) Configuration of any draft plan of subdivision on the subject lands must consider and prioritize a high standard of design, including:
  - a. Access and connectivity to adjacent trails, open spaces, community uses, and adjacent residential neighbourhoods.

- b. Connectivity and integration with existing and planned infrastructure and development on all adjacent lands. This includes establishing a connection with Mowat Street North and the small existing residential subdivision directly to the west.
  - c. Maximizing opportunities to navigate the site and reach destinations within and beyond the subject lands on foot, by bicycle, or any other form of active transportation.
  - d. Development of a stormwater management strategy that: innovatively addresses quality and quantity controls on site; identifies an appropriate drainage outlet that will not adversely impact adjacent properties; and abides by the principles of the water balance model, ensuring that post-development conditions mimic pre-development conditions.
- iii) Development of the subject lands shall require that prior to final approval an investigation of multi-unit housing and affordable housing opportunities shall be executed and integrated where appropriate.
  - iv) Development of the subject lands shall require that prior to final approval the applicant shall provide a sustainability plan to the municipality's satisfaction, which will address such matters as a landscaping and site enhancement plan, a construction spills plan, a development energy efficiency assessment, a water use and servicing efficiency assessment, and an integrated stormwater management and rainwater capture and re-use study. Such a study shall take place in a comprehensive framework for the entire site, but detailed components may be prepared in accordance with approved phasing and as submissions coordinated with subsequent applications for development approval on the lands.
  - v) Development of the subject lands shall require that prior to final approval the applicant shall provide an integrated urban design plan to the municipality's satisfaction, which will address such matters as architectural control, public spaces, trails and pedestrian linkages and access, and landscaping. Such a study shall take place in a comprehensive framework for the entire site, but detailed components may be prepared in accordance with approved phasing and as submissions coordinated with subsequent applications for development approval on the lands.

Development shall be subject to phasing and prior to final approval the applicant shall submit a comprehensive phasing plan for municipal approval. In addition to outlining the proposed phases of development, the phasing plan shall address such matters as required temporary municipal services, temporary signage, fencing, landscaping, construction management and storage of topsoil and construction materials, phased provision of securities and servicing allocations, inhibiting orders and other measures required to ensure orderly development, and temporary easements and conveyances necessitated by temporary works.

#### **4.6.2.4 FUTURE DEVELOPMENT AREA**

The Future Development Area boundary and overlay classification on Schedules A1, A2 and A3 is a holding category encompassing lands which, although not immediately required for



development, are deemed the most logical for future growth in view of their location, accessibility, servicing potential and/or general lack of development constraints. It is the intent of this Official Plan that major development within these areas only be permitted on the basis of the findings and policies of a secondary plan/comprehensive Official Plan amendment which addresses the potential impact (environmental/economic/social) of future growth on the existing settlement area. This detailed planning will establish the preferred land use pattern, road network, servicing approach and method of stormwater management for the area, and provide a policy framework which minimizes potential impacts on natural heritage resources, and on the general character/atmosphere of the host community, and shall proceed in accordance with all of the applicable policies of this Plan and specifically the policies of Section 11.9 of this Plan.

In the period leading up to the completion of a secondary plan/comprehensive Official Plan amendment, development may be permitted to occur in accordance with the policies of the land use designations underlying the Future Development Area overlay classification on Schedules A1, A2 and A3, save and except that new intensive agricultural operations, non-agricultural residential consents, estate residential subdivisions and rural business parks shall not be permitted.

#### **4.6.3 RESIDENTIAL DEVELOPMENT OUTSIDE URBAN SETTLEMENT AREAS**

Residential uses outside of primary and secondary urban settlement areas shall occur in accordance with all of the applicable policies of this Plan and particularly the policies of Section 4.1.2.1.2 - Greenland-Natural Heritage Areas, Section 4.3 - Agriculture, Section 4.4 – Rural, Section 4.5 Estate Residential, and Section 4.12 - Recreational District and of this Official Plan.

#### **4.6.4 RESIDENTIAL INTENSIFICATION**

The Township of Clearview supports residential intensification as a means of urban development, creating affordable housing and ensuring the most efficient use of existing infrastructure and services. The Official Plan's definition of residential intensification encompasses the conversion of single-detached dwellings to accommodate one accessory apartment, major and minor residential infilling of vacant or under-developed lots, and the establishment of bed and breakfast accommodation.

The following uses and methods of residential intensification may be permitted within the Residential designation, and the following policies shall apply in relation to future intensification initiatives:

##### **4.6.4.1 ACCESSORY APARTMENTS**

The following policies shall apply to the conversion of new single-detached dwellings to permit one accessory apartment.

##### **1. Definition**

For the purposes of this Official Plan, an accessory apartment shall mean an attached dwelling unit that is secondary and incidental to a single-detached dwelling unit.

##### **2. Eligible Buildings**

Criteria establishing the buildings eligible for conversion shall be included in the implementing Zoning By-law.

**3. Servicing**

The servicing of a converted dwelling shall occur in accordance with the municipal servicing and development policies of Sections 7.0 and 8.0 of this Official Plan.

**4. Unit Facilities**

The accessory dwelling unit shall be self-contained and shall have a private entrance and separate culinary and sanitary facilities.

**5. Floor Area**

Criteria establishing minimum and maximum floor areas for an accessory apartment shall be included in the implementing Zoning By-law. This criteria shall ensure that the principal single-detached residential use remains dominant.

**6. Construction Criteria**

The accessory apartment shall form an integral part of the single-detached dwelling and be designed so as to maintain the general character of the dwelling and surrounding neighbourhood. The converted dwelling shall comply with all pertinent Provincial and municipal regulations and by-laws relative to such matters as fire, health, safety and occupancy.

**7. Parking**

Adequate off-street parking shall be provided at a standard of no less than one parking space per dwelling unit.

**8. Zoning**

Conversions to permit accessory apartments shall occur in compliance with permitted uses in the Zoning By-law or shall require an amendment to the Zoning By-law.

**4.6.4.2 RESIDENTIAL INFILLING**

**1. General**

The residential infilling of primary and secondary urban settlement areas may be encouraged in circumstances:

- Where the proposed method of servicing is in accordance with the standards of the Township of Clearview or other responsible approval authority.
- Where the major extension of municipal services will not be required.
- Where proposed lots have access to a public road which meets minimum municipal standards.
- Where adequate community facilities, including schools and parks, are available.

- Where the proposed method of access will not unduly impede the flow of traffic along arterial or collector roads or create a traffic hazard due to traffic volumes or limited sightlines.

Unless required due to a proposed change in the permitted residential density or permitted use, infilling may occur without the need for amendment to the Official Plan, but, in all other respects, shall comply with the development requirements of the municipality and the Planning Act.

Residential infilling within rural areas shall occur in accordance with the policies of Section 9.5.4 of this Official Plan in addition to any other applicable policy of this Plan.

## **2. Neighbourhood/Landscape Character**

Wherever possible, the design of a new infill dwelling(s) shall be encouraged to maintain consistency with the general character of the surrounding neighbourhood or landscape. To this end, in assessing the propriety of applications for consent and/or amendment to the Official Plan or Zoning By-law, the Committee of Adjustment and/or Council may consider the architectural form of the proposed dwelling(s) in addition to the matters above.

### **4.6.4.3 BED AND BREAKFAST ACCOMMODATION**

The Township of Clearview supports the controlled establishment of bed and breakfast accommodation as a means of providing visitors to the community with a varied and interesting supply of temporary accommodation. As such, notwithstanding any provisions of this Official Plan to the contrary, bed and breakfast accommodation may be permitted within an existing single-detached dwelling in accordance with the following policies.

#### **1. Definition**

Bed and Breakfast Accommodation means a single-detached dwelling in which not more than three rooms are offered for rental to the traveling public for overnight accommodation on a temporary basis, by the permanent occupant of such dwelling, and in which prepared food is provided as a part of the rental fee.

In no circumstance shall this definition be deemed to include a hotel, motel, boarding house or similar commercial use.

#### **2. Development Criteria**

Except in areas designated Agriculture or Rural, the establishment of Bed and Breakfast Accommodation shall require an amendment to the Zoning By-law. In considering such an amendment, Council shall be satisfied that the matters below have been addressed, in addition to all other relevant policies of this Official Plan.

- A Bed and Breakfast use must be an accessory use to the single-detached dwelling. No one shall use a building wholly for the purpose of bed and breakfast accommodation.
- A single-detached dwelling accommodating a Bed and Breakfast use must be the principal residence and occupied on a full-time basis by the owner of the dwelling or a lessee who has a minimum of a one-year lease. At least one bedroom must be available in the dwelling for the exclusive use of the building's permanent resident.

- Prepared food may be served to guests of a Bed and Breakfast facility in a common area, but neither the serving of meals nor the preparation of food shall be permitted in rented guestrooms.
- Bed and Breakfast Accommodation shall only be permitted in circumstances where the Township of Clearview or other responsible approval authority(s) is satisfied regarding the adequacy of the proposed method of water supply and sanitary sewage disposal.
- Adequate off-street parking shall be provided at a standard of no less than one space per guest room in addition to the normal parking requirements for the single-detached dwelling. Such parking shall be screened from adjacent properties.
- Bed and Breakfast Accommodation shall comply with the Building Code.
- Bed and Breakfast Accommodation shall be subject to site plan control in accordance with Section 8.5 of this Plan.

The policies of this section shall be implemented through the inclusion of detailed criteria in the implementing Zoning By-law and through site plan control.

#### **4.6.5 RESIDENTIAL IMPACT STUDIES**

Before an amendment is made to this Official Plan and/or before an amendment is made to the implementing Zoning By-law (which may or may not require an amendment to this Official Plan) and prior to site plan approval, it shall be demonstrated, where necessary through the preparation or appropriate studies:

- that all of the matters contained within this Section 4.6 have been addressed and that no undue transportation difficulties will ensue from the proposed development,
- that the proposed method of servicing is in accordance with the engineering standards of the Township of Clearview and/or other responsible approval authority,
- that adequate community facilities, including recreational and educational facilities, are available to service the proposed use, and/or development is phased accordingly
- that the proposed development is compatible with adjacent surrounding land uses, and
- that all other requirements for this Official Plan have been met, including those of Sections 8.12 and 8.18.

#### **4.6.6 SPECIAL POLICY RESIDENTIAL**

In the Township of Clearview (especially the former Township of Nottawasaga), there are archaic Plans of Subdivision, some dating back to the 19th Century, as well as subdivisions of land created by Reference Plans deposited in the County of Simcoe Registry Office, under Section 88 of the Registry Act, prior to the imposition of a Subdivision Control Order by the Minister of Municipal Affairs in April 1969. Certain of the lots in these subdivisions are unsuited to development due to constraints such as the unavailability of services and/or the lack of frontage on an improved public road. In addition, the upgrade of the Reference Plans or deficient Plans of

Subdivision through design adjustments and/or the entering into of agreements for the completion of required improvements is often complicated by the ownership of the lots being spread amongst a variety of individuals unrelated by either family or corporate interest.

Reference Plans and deficient Plans of Subdivision located in primary and secondary urban settlement areas, where the possibility of the provision of full municipal/communal services exists, have been recognized by a Special Policy Residential designation. While the future development of these areas is problematic, development may be considered by amendment to the implementing Zoning By-law where it is established to the satisfaction of the Township of Clearview and/or other responsible approval authority(s) that all matters in Sections 4.6.2 and 4.6.5 have been addressed, and an agreement has been entered into between the Township and an individual/developer representing a majority of the lot owners in the subdivision with respect to:

- the dedication of parkland or cash-in-lieu of parkland to the amount of 5% of the land included in the agreement,
- the dedication of lands for public purposes including public highways,
- where applicable, the provision of municipal/communal services,
- the provision of adequate surface drainage facilities,
- the re-division of the land by a new registered plan of subdivision, if considered necessary by Council,
- the consideration of any other matters in the public interest.

If an agreement already exists between the original developer of a Reference Plan or deficient Plan of Subdivision and the municipality, this definition shall be interpreted to mean that the agreement must be renegotiated prior to the passing of the zoning amendment.

If more than fifty percent (50%) of the lots in a Reference Plan have been sold, then in addition to the agreement noted above with the developer, the signatures of a majority of the individual lot owners in the area will be required asking for the formation of a district in which municipal/communal sewage works and/or water works may be constructed, operated and maintained in a manner consistent with the provisions of the Municipal Act. If other services, such as, but not limited to roads, bridges, culverts, intersection improvements, paving and sidewalks, are required a condition of continued development, the provisions of the Local Improvement Act may be used in addition to the provisions of the Municipal Act.

### **Recreational District**

In addition to the above, Reference Plans designated Special Policy Residential in areas situated within a Recreational District boundary classification on Schedules A and A14, shall be subject to the following:

- Each development shall be serviced by a communal water supply system designed for year-round use, approved by the Ministry of Environment and the Township of Clearview. When completed and approved, the system's ownership will be vested in the Township,

and the municipality will operate and maintain the system with the cost being borne by the residents whose residential units are connected to the system.

- Sewage disposal will be by private septic tank and tile bed systems and will be in strict conformity with the requirements of the Township of Clearview and/or other responsible approval authority(s).

### **Special Policy Residential - Duntroon**

Refer to Section 4.4.4.1.

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### **4.6.7 RESIDENTIAL POLICY EXCEPTIONS**

Part of Lot 20, South Side of North Street, Plan 194, Nottawasaga, designated as Part 3, Plan 51R-15318, in the Township of Clearview municipally known as 214 North Street, Stayner subject to the following special policies in addition to all of the other relevant policies of the Official Plan:

- i. Additional permitted use: Parking area and Access serving the use at 7449 Highway 26.
- ii. Permissions for the use of the subject lands for parking shall be dedicated solely and exclusively to the neighbouring lands at 7449 Highway 26. No parking stall on the subject lands may be used to serve another use or purpose.
- iii. Any redevelopment of the subject lands, where a new use or building is proposed, shall warrant an evaluation of the parking requirements for the new use or building in accordance with the Township Zoning By-law.

Where parking on the subject lands is no longer needed to serve 7449 Highway 26 for the new use or building proposed thereupon, the subject lands should be redeveloped for residential purposes and the parking use should cease. In this context, need shall not be determined by the requirements of the Zoning By-law for parking numbers, but by the need of 7449 Highway 26 for parking numbers.

### **4.6.8 SITE PLAN CONTROL**

All areas designated Residential on Schedules A through A14 may be designated, by by-law, as site plan control areas. Policies concerning site plan control in Section 8.5 shall apply.

### **4.6.9 ZONING**

Low density and medium density residential uses, neighbourhood commercial uses, public uses, accessory apartments, and bed and breakfast accommodation situated within the Residential designation shall be zoned in separate categories in the implementing Zoning By-law.

## **4.7 COMMERCIAL**

The general principles to be considered in the development of commercial uses within the Township of Clearview are set out below. Commercial development shall conform to these principles and to all policies of this Official Plan, particularly those relating to environment preservation, servicing and transportation.

### **4.7.1 DEVELOPMENT OVERVIEW**

Major forms of new commercial development are to be directed toward the Township's three primary urban settlement areas (Creemore/New Lowell/Stayner) which are, **or will be**, equipped with the servicing infrastructure needed to efficiently accommodate intensive development, and are to be the focus of the Township's future residential growth. A limited amount of additional commercial growth is to be permitted in Clearview's secondary urban settlement areas through infilling and/or the minor expansion of established commercial districts. Similarly, a modest amount of commercial development is to be permitted in the Township's rural areas through the establishment of rural business parks and/or by site-specific amendment to this Official Plan and the implementing Zoning By-law to permit agriculturally-related commercial uses (e.g. feed mills/farm implement dealers), and select highway commercial development oriented toward the needs of the traveling public (e.g. eating establishments/tourist accommodation).

It is the intent of this Official Plan to encourage the expansion of the municipality's existing commercial base as a means of addressing the commercial needs of Clearview's residents and optimizing tourist/recreational opportunities. Also it is the intent of this Plan that commercial activity be strategically located so as to facilitate improvements to the commercial cores of Clearview's urban settlement areas, particularly Creemore and Stayner, while maintaining the historical, small-town character of established residential neighbourhoods.

The policies below describe the general principles to be considered in regulating commercial land uses within primary and secondary urban settlement areas, and outside primary and secondary urban settlement areas. The policies of Section 8.12 provide a series of design parameters to guide the form of future commercial development.

### **4.7.2 COMMERCIAL DEVELOPMENT IN PRIMARY AND SECONDARY URBAN SETTLEMENT AREAS**

The Commercial designation, as delineated on Schedules A through A14 to this Official Plan, identifies those areas within the Township's three primary and ten secondary urban settlement areas where commercial development may be permitted.

Over the planning period of this Official Plan major commercial growth shall be directed to Creemore, New Lowell and Stayner, with limited forms of urban commercial development also being permitted in Avening, Batteaux, Brentwood, Dunedin, Duntroon, Glen Huron, Nottawa, Old Sunnidale, Singhampton and Sunnidale Corners.

Commercial development shall conform to the policies set out below, as well as all other relevant policies of this Official Plan.

#### **4.7.2.1 DOWNTOWN COMMERCIAL**

Commercial development in downtown core areas shall be guided by the following:

## 1. Permitted Uses

Uses which may be permitted include all forms of retail and service commercial facilities including retail commercial establishments, business, professional and administrative offices, banks and financial institutions, hotels and motels, private clubs, places of recreation and entertainment, commercial/business services, eating establishments, laundromats and/or dry-cleaning stores, funeral homes, motor vehicle service establishments, gasoline outlets, motor vehicle dealerships and similar uses. In addition, government, cultural, parking and community facilities, parks, public and private institutions, public uses in accordance with Section 12.4, and residential uses in the upper storey or in the rear of the ground storey of a commercial building shall be permitted. Where permitted in the ground storey of a commercial building, the total floor area of the residential use shall not exceed thirty percent of the total ground floor area of the building.

Adult entertainment parlours, retail outlets catering exclusively to adult entertainment products, and similar uses shall not be permitted within the Commercial designation. Such uses shall be confined to appropriate locations in the Industrial designation.

## 2. Development Principles

The maintenance and improvement of the commercial core areas of the Township's primary and secondary urban settlement areas is a primary objective of this Official Plan. Accordingly, Council shall require compliance with all relevant policies of this Plan and shall specifically be guided by the design criteria in Section 8.12 in addition to the following principles in the consideration of future public works and/or development applications:

- Commercial core areas should remain as compact as possible in order to facilitate easy pedestrian access to stores and facilities.
- Any plans to rehabilitate commercial core areas and new commercial development should endeavour to maintain the historical built form, particularly as it relates to the scale of development and building materials.
- The preservation and continued maintenance of the architectural legacy of downtown core areas may be supported through policy and regulatory controls including architectural control agreements.

Consideration may be given to the designation of commercial core areas as Heritage Districts within the definition of the Ontario Heritage Act, as per Section 8.14 of this Plan.

- On-site parking requirements for commercial development in commercial core areas may be satisfied through communal, municipal or privately-owned parking areas located either in conjunction with a specific commercial use or elsewhere in the core. Cash-in-lieu of parking agreements also may be entered into as per Section 11.7 of this Plan.
- Aesthetic improvements to commercial core areas and aesthetic considerations for new commercial development may include the coordination of signage, fascias, lighting and landscaping, the acquisition of centralized communal parking areas, the use of small spaces for amenities such as street furniture, planters or public art. Consideration also may be given to linking individual uses through a united design theme.



Where appropriate, decisions regarding aesthetic improvements may be assisted by the preparation of a Heritage District Plan(s) pursuant to the Ontario Heritage Act.

- Residential uses located in commercial buildings, in accordance with the provisions of Section 4.7.2.1.1, and business (e.g. banks) and entertainment (e.g. restaurants) facilities shall be encouraged within commercial core areas both as a means of attracting consumers and increasing the vitality of these focal points of the community.
- While all forms of retail commercial development may be permitted in commercial core areas, space extensive (big box) commercial uses, and those with an orientation to vehicular traffic, shall be encouraged to situate in other commercial areas better suited to the large lot/large building area requirements and high visibility demands of these uses.
- Except for accessory street vending in association with a principal commercial use, the open storage of goods and materials shall not be permitted in commercial core areas.

### **3. Commercial Transition Area Boundary Classification**

Council recognizes that over the planning period of this Official Plan additional commercial land will be required with the Township's primary urban settlement areas (Creemore/New Lowell/Stayner) to adequately service the residents of the municipality. Consequently, certain lands which naturally extend from the existing commercial core areas of these communities have been included within a Commercial Transition Area boundary classification on Schedules A1 and A3. Within these areas consideration may be given to the use of the lands for select forms of commercial development, in addition to the residential uses permitted by the underlying Residential land use designation, without the need for an amendment to this Plan, but shall occur through an amendment to the Zoning By-law and be subject to site plan control. Lands within the Commercial Transition Area boundary classification shall be subject to the commercial policies above, in addition to the following criteria:

#### **a) Permitted Uses**

Notwithstanding the provisions of Section 4.7.2.1, the uses permitted on lands situated within the Commercial Transition Area boundary classification shall be limited to residential uses established in accordance with the policies of Section 4.6 of this Plan, and a limited range of commercial uses such as boutiques, art galleries, artist studios, personal service shops, business and professional offices, eating establishments (excluding drive-in restaurants), and medical/dental clinics and community facilities. Nursery schools, daycare centres and other community facilities also shall be permitted but shall be encouraged to locate off the main commercial thoroughfare.

Notwithstanding the above, the lands identified for Commercial Transition Area uses in the Creemore settlement area shall be restricted to existing single family residential uses, boutiques, art galleries, and artists' studios. Commercial uses shall only be permitted to occur on the basis of retaining the existing residential structure and desirable landscape amenities of the lot and only where it has been clearly demonstrated to Council's satisfaction that the commercial redevelopment of the site is compatible with continuing residential uses in the area, does not change the character of the community, does not create parking problems or traffic hazards, and meets all requirements of this Plan, with particular emphasis on Section 8.12. Architectural

control will be utilized in addition to site plan control to ensure that Council's objectives are realized in this regard.

**b) Development Process**

It is the intent of this Plan that commercial development on lands within the Commercial Transition Area boundary classification occur in an orderly, controlled manner, with minimal impact on existing residential uses. Preference will be given to commercial development proposals which constitute a natural extension of the existing commercial core area and/or which are designed to blend with surrounding residential uses. All commercial lands shall be landscaped to a standard characteristic of, or exceeding, the surrounding residential area and commercial uses shall be appropriately buffered from adjacent residential uses, through the provision of grass strips, the planting of trees or shrubs and/or the location of a berm or fence.

To ensure absolute clarity regarding Council's purpose, it is the intent of this Plan to permit select forms of commercial development on lands within the Commercial Transition Area boundary classification, while endeavouring to ensure that these lands retain their predominantly residential character. In this regard, the preservation of the existing exterior of residential structures and minimal sensitive additions in full character with the existing structure shall be encouraged and required to the greatest extent feasible.

Notwithstanding any other requirements of this Plan to the contrary, the municipality may require payments in-lieu of on-site parking as a measure to provide public parking. The intent of this provision is to provide additional parking in the commercial area as well as providing an opportunity, where appropriate, to avoid the provision of full parking requirements on a lot proposed for commercial redevelopment. Providing such an alternative, at the municipalities discretion, provides an opportunity whereby desirable commercial development can occur in the transition area without negatively altering the existing character of the area.

**c) Zoning**

The establishment of new commercial uses within the Commercial Transition Area boundary classification shall require an amendment to the Zoning By-law. Permitted commercial uses within the area shall be zoned in a separate category in the implementing Zoning By-law.

**4. Future Commercial Area Boundary Classification**

The controlled and phased residential growth of Creemore will require that additional commercial development occurs to service the needs of additional residents. Creemore will also continue to provide a commercial function for the surrounding area and will increasingly provide a tourism commercial function.

It is therefore anticipated that over the planning period additional lands will be required to provide for adequate space and reasonable flexibility in meeting commercial development needs. The limited Transitional Commercial area, minor extensions to the existing commercial core, hazard lands, and land division and ownership patterns all act as constraints on future commercial development.

It is also Council's intent that, in the Creemore settlement area, the traditional pattern of minimal commercial development along County Road 9 be maintained so as to preserve the residential and aesthetic character of the community.

It is also Council's intention that a single commercial core be maintained and that all future commercial development compliment and not detract from the existing commercial area.

Consequently, lands contiguous to and east of the existing commercial core have been designated as Future Commercial Area.

Lands designated Future Commercial bounded by Library Street, Caroline Street East, Elizabeth Street East and Mary Street are currently utilized for residential purposes. Until commercial development is approved through an amendment to the zoning by-law in accordance with all of the policies and requirements of this Plan, permitted uses shall be limited to single family residential and associated accessory uses, however, residential intensification of this area shall be discouraged so as not to impede future commercial utilization.

OPA  
No. 5

~~Lands designated Future Commercial east of Mary Street are currently not developed and until commercial development is approved through an amendment to the zoning by-law in accordance with all of the policies and requirements of this Plan, permitted uses shall be limited to compatible Rural uses which do not require the construction of buildings or other structures so as not to impede future commercial utilization.~~

In addition to all of the applicable requirements and policies of this Plan, no commercial development shall take place on lands designated Future Commercial until significant new residential development has received final approval (i.e. registration of subdivision plans), and a Concept Plan has been prepared to establish guidelines for the development approval process to ensure that the character and design of development, pedestrian linkages, and landscaping and public amenities all ensure that the Future Commercial area when developed is physically, functionally and aesthetically a contiguous extension of the existing commercial core and compliments the existing commercial core.

OPA  
No. 5

~~Additionally, on lands designated Future Commercial east of Mary Street development shall provide the main access onto Elizabeth Street which is currently an un-opened and un-improved road allowance. It is anticipated that this road will be opened and improved as a collector road through commercial, industrial and residential development of this area. It is also anticipated that any significant development or redevelopment of the lands designated Industrial in this area will likewise provide access onto Elizabeth Street. Accordingly, Council may require that the necessary road improvements take place as a condition of development approvals for commercial, industrial and/or residential development in this area.~~

#### **4.7.2.2 ARTERIAL COMMERCIAL**

The following development criteria shall apply, in addition to all other relevant policies of this Official Plan, to Arterial Commercial development within primary and secondary urban settlement areas. The establishment of new arterial commercial uses shall require an amendment to this Official Plan and/or the implementing Zoning By-law.

##### **1. Permitted Uses**

Permitted arterial commercial uses shall be restricted to those commercial activities which have larger land/ building area requirements than uses in the commercial core areas and/or which primarily serve vehicular traffic and the traveling public and rely heavily upon such traffic for their economic existence. Such uses should complement uses in commercial core areas, and shall include, but shall not be limited to hotels/motels including accessory convention facilities; private

fitness clubs and recreational facilities; places of entertainment or amusement, meeting or assembly halls; marine sales and service establishments; motor vehicle and recreational vehicle sales and/or service establishments; building supply outlets; establishments for the sale of plumbing fixtures, pool, patio and spa supplies, paint and wallpaper and/or electrical fixtures; nurseries and garden centres; motor vehicle gasoline outlets; farm implement sales and service establishments; laundromats and/or dry-cleaning stores; commercial greenhouses; farmers' markets; eating establishments/taverns, business, professional and administrative offices, convenience stores, and uses accessory to a permitted highway commercial use including a residence for the owner or caretaker.

## **2. Location Criteria**

Arterial commercial uses generally shall be located on arterial roads and should not be permitted to infiltrate unnecessarily into adjoining residential areas. Such uses shall be encouraged to locate in groups at major intersections.

Where new arterial commercial development is proposed adjacent to residential areas, it shall be demonstrated that the commercial use will not create a traffic hazard and that its impact on the residential area will be minimal insofar as it relates to such matters as lighting, parking, drainage, noise, traffic movements, etc.

## **3. Lot Area**

Arterial commercial development shall occur on lots of an appropriate size and with appropriate frontage for a specific highway commercial use, and the minimum lot area/servicing requirements for a new commercial use shall be determined in accordance with the policies of Section 7.0 and all other relevant policies of this Plan. The method of servicing is particularly relevant in settlement areas where full municipal servicing is not available. Commercial uses on private sanitary sewage disposal services shall be limited to "dry" commercial uses as defined by the Ministry of Environment.

## **4. Storage**

Where goods and materials are stored in the open, they generally shall be screened through the use of fencing or landscaping and shall not be visible from the road or surrounding properties.

Notwithstanding the above, where goods or materials such as motor vehicles, boats or recreational vehicles, antiques, vegetables, plants, trees or any other form of vegetation are being offered for immediate sale by a motor vehicle, marine or recreational vehicle sales establishment, an antique dealer, or a nursery or garden centre, such goods or materials may be stored in such a way as to be visible from the road or adjacent property.

## **5. Parking and Loading**

Adequate off-street parking and loading facilities shall be provided. Access points to parking and loading areas shall be limited in number and/or designed in a manner which minimizes the danger to vehicular and pedestrian traffic.

**6. Buffering**

Adequate buffering shall be provided between arterial commercial uses and adjacent land uses and roadways. Such buffers may include the provision of grass strips, screening, the planting of trees and shrubs and the location of a berm or fence.

**7. Arterial Commercial Amendment Criteria**

Refer to Section 4.7.4.

**4.7.2.3 NEIGHBOURHOOD COMMERCIAL**

Neighbourhood commercial development within residential areas shall occur in accordance with the provisions of Section 4.6.2.3.5 of this Official Plan in addition to all other relevant policies of this Plan.

**4.7.2.4 SERVICES**

Commercial development within primary and secondary urban settlement areas shall occur in accordance with the policies of Section 7.0, and other relevant servicing policies of this Official Plan.

**4.7.3 COMMERCIAL DEVELOPMENT OUTSIDE URBAN SETTLEMENT AREAS**

Commercial uses outside of primary and secondary urban settlement areas shall occur in accordance with the policies of Section 4.1.2.1.2, - Greenland -Natural Heritage Areas, Section 4.3 - Agriculture, Section 4.4 - Rural, Section 4.12 - Recreational District and Section 4.2 - Open Space as the open space policies specifically relate to “private” parks, of this Official Plan.

**4.7.4 COMMERCIAL IMPACT STUDIES**

Before an amendment is made to this Official Plan and/or before an amendment is made to the implementing Zoning By-law (which may or may not require an amendment to this Official Plan) and prior to site plan approval, it shall be demonstrated, where necessary through the preparation of appropriate technical/engineering studies:

- that all of the matters contained within this Section 4.7, and any other related matters, have been addressed,
- that no undue transportation difficulties will ensue from traffic generated by the proposed development,
- that the proposed method of servicing is in accordance with the engineering standards of the Township of Clearview and/or other responsible approval authority,
- that the form of development is appropriate in relation to the surrounding area, the heritage objectives of the host community, the commercial needs/objectives of the Township, and the design guidelines of Section 8.12,
- that the proposed off-street parking and loading facilities, setbacks and proposed buffering from adjacent residential development, comply with the standards of the implementing Zoning By-law, and the design guidelines of Section 8.12, and

- that all other requirements of this Official Plan have been met, including those of Section 8.18.

#### **4.7.5 COMMERCIAL – POLICY EXCEPTIONS**

##### **4.7.5.1 CREEMORE SPRINGS BREWERY (OPA 9)**

OPA  
No. 9

(Lots 13, 14, 15 and 16, Plan 315 and Lot 13 and 14 Plan 88 formerly in the Village of the Creemore, now in the Township of Clearview (121 Mill Street, 127 Mill Street, 137 Mill Street, 3 Elizabeth Street and 6 Edwards Street East)

~~Notwithstanding any policies of this Official Plan to the contrary, on those lands in Creemore designated for Commercial use on Schedules A and A1, which front on the east side of Mill Street between Edward Street and Elizabeth Street, being more specifically described as being situated within part of Lots 13, 14 and 15, Registered Plan 315, a brewery shall be permitted, in addition to all other permitted uses, in accordance with a Certificate of Approval issued by the Ministry of the Environment.~~

~~For the purposes, of this Subsection 4.7.5.1 a brewery shall mean buildings, structures and/or facilities devoted to the manufacture, cooling, bottling, storage and/or transport of beer.~~

Notwithstanding any provisions of the Official Plan to the contrary, on lands designated Commercial on Lots 13, 14, 15 and 16, Plan 315 and Lot 13 and 14 Plan 88 formerly in the Village of the Creemore, now in the Township of Clearview, in addition to downtown commercial uses an industrial brewery operation shall be permitted. Brewery shall mean buildings, and structures devoted to the manufacturing, bottling, storage and sale of beer.

The brewery operation shall be limited in size to a production capacity of 150,000 hl per year.

Expansion (eg. production capacity, building and structure modifications or expansions) of the existing brewery shall be required to occur in a manner which:

- Respects and enhances the streetscape of Mill Street as a commercial core with aesthetic attributes;
- Provides a retail, public open space or high quality architectural façade along Mill Street;
- Maintains an odour standard of 1 OU with exceedence less than 0.5% of the time and meets MOE noise standards;
- Minimizes traffic impacts by eliminating truck access on Mill Street and providing safe access onto Elizabeth and Edward Streets for trucks and employee vehicles; and
- Utilizes landscaping and building architecture to enhance the downtown core while providing for a combined commercial/industrial brewery use

Expansion (eg. production capacity, building and structure modifications or expansions) of the brewery shall occur on the basis of a phased site plan to be approved by the Municipality and registered on title through a site plan agreement. A consolidated agreement shall be required to also incorporate provisions relating to working hours, truck traffic and truck rates.

The expansion shall be subject to municipal architectural control to achieve the design objectives for the downtown core.

The site plans and agreement shall incorporate a phasing plan to the satisfaction of the Municipality. The phasing plan shall require that implementation of any phase shall be contingent upon:

- The availability of sewage and water services and suitable arrangements for the provisions thereof;
- Certificates of Approval issued by the MOE;
- Demonstration of satisfactory performance of the brewery with any Certificates of Approval, Municipal approval requirements and by-laws, and site plan consolidated agreement terms;
- Limitations on hours of operation for production and shipping; and
- Restrictions on trucking and truck routes.

The phasing plan shall require that:

- Improvements to Mill Street façade to the maximum extent feasible and practical be the first component of site redevelopment;
- All noise and odour mediation/abatement measures be reviewed at each phase and any recommendation/requirements be incorporated for any redevelopment affecting increased production capacity prior to increased production occurring; and;
- Adequate financial arrangements are made with the Municipality to pay for and/or secure site servicing, landscaping, mediation/abatement measures, architectural control and any other matters of municipal interest.

OPA  
No. 8

#### **4.7.5.2 PART OF LOT 25, CONCESSION 1, FORMERLY NOTTAWASAGA TOWNSHIP**

Those lands designated “Commercial – Special Policy 1” as indicated on Schedule “A” hereto are subject to the following special development policies in addition to all of the other relevant additional policies of the Official Plan:

- i) Block 81 shall be developed as a mixed use commercial and residential development providing a range of employment and living opportunities, office space and live-work units.
- ii) Development of Block 81 shall have a street orientation and all buildings shall have a minimum of two storeys.
- iii) Block 81 shall incorporate a public space entrance feature at the corner of Highway 26 and Street “K” to the satisfaction of the municipality.
- iv) Development of Block 81 shall require that as a submission to be made for any further development approval the applicant shall provide an integrated urban design plan to the municipality’s satisfaction which will address such matters as architectural control, public spaces, parking, pedestrian access and linkages, and landscaping.

- v) Development of Block 81 shall require that as a submission to be made for any further development approval the applicant shall provide an integrated environmental protection and sustainability plan to the municipality's satisfaction which will address such matters as a construction spills plan, a development energy efficiency assessment, a water use and servicing efficiency assessment, and an integrated stormwater management and rainwater capture and re-use study.
- vi) Development of Block 81 shall require that as a submission to be made for any further development approval the applicant shall provide an update commercial needs assessment to the satisfaction of the municipality which shall review and justify required retain space as well as other commercial and employment space opportunities.
- vii) Subsequent development approvals on the lands (e.g. plans of condominium, site plan approval) shall be subject to the Official Plan policies in effect at the time of a decision concerning any application for development of the lands.
- viii) Block 81 as shown on Schedule "B" attached hereto shall not be developed until the following have been completed:
  - a) Completion of a comprehensive site plan application for the entire block;
  - b) The owner entering into of a site plan agreement with, and to the satisfaction of, the municipality.

OPA  
No. 11

#### **7.5.5.3 CREEMORE SPRINGS BREWERY**

##### **Lot 17 N/S of Edward Street, Plan 315 formerly in the Village of the Creemore, now in the Township of Clearview (8 Edward Street East, Creemore)**

Notwithstanding any provisions of the Official Plan to the contrary, on lands designated Commercial on Lot 17 N/S of Edward Street, Plan 315 formerly in the Village of the Creemore, now in the Township of Clearview (8 Edward Street East, Creemore) in addition to downtown commercial uses, uses accessory to and incidental to an industrial brewery operation shall be permitted. These accessory and incidental uses shall be restricted to landscaping; staff and public amenity areas; winter snow storage; and staff and public parking areas:

Brewery expansion onto these lands shall not be permitted. A brewery is defined as buildings, and structures devoted to the manufacturing, bottling, storage and sale of beer.

The site plans and agreement shall incorporate these additional lands to the satisfaction of the Municipality.

#### **4.7.6 SITE PLAN CONTROL**

All areas designated Commercial or utilized for permitted commercial uses may be designated, by by-law, as a site plan control area. Policies concerning site plan control in Section 8.5 shall apply.

#### **4.7.7 ZONING**

Commercial uses within primary and secondary settlement areas may be zoned in separate categories in the implementing Zoning By-law. Commercial development shall be regulated through the inclusion of suitable provisions in the Zoning By-law including those addressing



permitted uses, setbacks from property lines, parking and loading, landscaping, buffering, outside storage, and building and lot areas.

## **4.8 INDUSTRIAL**

The general principles to be considered in the development of industrial uses within the Township of Clearview are set out below. Industrial development shall conform to these principles and to all policies of this Official Plan, particularly those relating to environmental preservation, servicing and transportation.

### **4.8.1 DEVELOPMENT OVERVIEW**

Major forms of new industrial development are to be directed toward the Township's three primary urban settlement areas (Creemore/New Lowell/Stayner) which are or will be equipped with the servicing infrastructure needed to efficiently accommodate intensive industrial development, and which are where the municipality's labour force is principally resident. A limited amount of additional industrial growth will be permitted in Clearview's secondary urban settlement areas through infilling and/or the minor expansion of existing industrial areas. Similarly, a modest amount of new agriculturally related and non-farm industrial development is to be selectively permitted in rural parts of the municipality through infilling, existing vacant lot development, severance activity and/or by site-specific amendment to this Official Plan and/or the implementing Zoning By-law.

The policies in Section 4.8.2 below describe the general principles to be considered in regulating industrial land uses within primary and secondary urban settlement areas. The policies in Section 4.8.3 explain the manner in which industrial land uses outside primary and secondary urban settlement areas are to be regulated. And the policies of Section 8.12 provide a series of design parameters to guide the form of all future industrial development and redevelopment.

### **4.8.2 INDUSTRIAL DEVELOPMENT IN PRIMARY AND SECONDARY URBAN SETTLEMENT AREAS**

The Industrial designation, as delineated on Schedules A through A14 to this Official Plan, identifies areas within the Township's three primary and ten secondary urban settlement areas where industrial development may be permitted in accordance with the following policies.

#### **4.8.2.1 DEVELOPMENT PRINCIPLES**

Over the planning period of this Official Plan major industrial growth shall be directed to Creemore, New Lowell and Stayner, with limited forms of industrial activity also being permitted in Avening, Batteaux, Brentwood, Dunedin, Duntroon, Glen Huron, Nottawa, Old Sunnidale, Singhampton and Sunnidale Corners. Future industrial development and redevelopment of a type that creates full-time employment opportunities for municipal residents will be encouraged, and shall occur in accordance with the design criteria in Section 8.12 in addition to meeting all of the applicable requirements of the Official Plan and specifically the following development principles.

1. Industrial uses shall be encouraged to locate in business parks, which, for the purposes of this Official Plan, are defined as industrial subdivisions accommodating industrial, wholesale, office, and retail and service commercial establishments. Site-specific industrial uses may be located on arterial or collector roads in circumstances where the proposed use is compatible with adjacent uses and it is demonstrated that it will not create a traffic hazard.
2. Industrial development shall occur on lots of an appropriate size and with appropriate frontage for a specific industrial use.

3. Industrial development shall be serviced by water supply and sanitary sewage disposal systems established in accordance with the standards of the Township of Clearview and/or other responsible approval authority(s).

Major industrial development shall be directed to Creemore, New Lowell and Stayner where full municipal water supply and sanitary sewage disposal services are or will be available, although the use of site-specific communal services may be considered in accordance with the policies of Section 7.0, where full municipal services are not available or are not viable.

The use of partial (water or sewer only) servicing systems only may be considered where such systems presently exist (New Lowell/Nottawa), and only in accordance with the policies of Section 7.0.

4. No industrial use shall be permitted which creates an adverse impact, as determined by studies acceptable to the Township and other approval authorities, on adjacent land uses as a result of the emission of contaminants into or onto the air, water or land. Adjacent uses shall be adequately protected from industrial emissions, noise and vibration in accordance with, and subject to the regulations of the Ministry of Environment and Council.

Where deemed necessary, a report(s) shall be prepared, by a qualified professional, which assesses the potential impacts and recommends mitigation and/or design measures, as appropriate. Such a report shall also address the potential hazards associated with the facility or materials utilized and stored at the facility and shall detail contingencies for dealing with those potential hazards.

5. Adequate off-street parking and loading facilities shall be provided for all permitted industrial uses, including industrial employee and visitor parking areas.
6. Adequate buffering and setbacks shall be provided between industrial areas and/or uses and any adjacent residential areas or roadways. Such buffering may include the provision of grass strips, screening, landscaping and the planting of trees and shrubs, and the location of a berm or fence, as well as, distance separation.

Industrial buildings, structures, and parking areas shall be screened from adjacent residential properties by a berm, landscaping and/or a fence of sufficient height to provide a visual barrier between the industrial use and adjacent residential uses.

Where necessary, spatial separations shall be provided between incompatible land uses in accordance with the guidelines of the Township or Ministry of Environment.

#### **4.8.2.2 PERMITTED USES**

The uses permitted may include those listed in Sections 4.8.2.3.1 and 4.8.2.3.2 below.

Industrial uses legally existing at the date of adoption of this Official Plan may be recognized by an appropriate zoning category in the implementing Zoning By-law and extensions thereto may be permitted in accordance with the policies applicable to industrial redevelopment.

Industrial development and redevelopment shall conform to the policies set out below, as well as the development principles in Sections 4.8.2.1 and 8.12, and all other relevant policies of this Official Plan.

### **4.8.2.3 POLICIES**

#### **1. Restricted Industrial**

The Restricted Industrial sub-classification encompasses lighter industrial activities generally found to be compatible in relation to other land uses including residential uses. Permitted Restricted Industrial uses shall be limited to light industrial uses such as workshops; service shops; light manufacturing, processing, repairing, fabricating and assembly operations; warehouses; business, professional and administrative offices; storage units/outlets; printing or publishing establishments; industrial laundromats and/or dry-cleaning establishments; broadcasting and communication establishments; bakeries; light equipment sales and rental establishments; establishments for the manufacture and sale of wine and beer and/or wine and beer products; motor vehicle repair garages; motor vehicle service stations; research establishments; recreational facilities; assembly halls, adult entertainment parlours and retail establishments devoted exclusively to the sale of adult entertainment oriented materials, and similar establishments. Notwithstanding the above the municipality generally discourages adult entertainment parlours and retail establishments devoted exclusively to the sale of adult entertainment oriented materials, and may take additional measures with regard to locational criteria and site plan requirements to ensure that such uses are buffered from residential and public areas. In addition, an accessory retail outlet for the purpose of the sale of goods and materials produced on the premises shall be permitted, providing the accessory use is located within the structure in which the principal use is situated, as well as the following quasi-commercial uses:

- Commercial uses accessory or supportive of an established industrial/business park may be permitted including uses such as eating establishments; business, professional and administrative offices; service shops and retail and service businesses for commercial and industrial equipment.
- Space extensive commercial uses, which are defined as large-scale commercial operations requiring a large land/building area to function appropriately, may be permitted, including uses such as private fitness clubs and recreational facilities; marine sales and service establishments; motor vehicle and recreational vehicle sales and/or service establishments; building supply outlets; establishments for the sale of plumbing fixtures, pool, patio, and spa supplies, paint and wallpaper and electrical fixtures, and nurseries and garden centres.

Restricted Industrial areas may be identified in the implementing Zoning By-law. A holding zone may also be utilized to identify Restricted Industrial areas.

Adult entertainment parlours and adult entertainment oriented retail uses shall only be permitted by site-specific amendment to the implementing Zoning By-law.

#### **2. General Industrial**

The General Industrial sub-classification encompasses heavier industrial activities which might be found offensive due to the large-scale of the use, potential emissions, the open storage of

goods and materials, noise, etc. Permitted general industrial uses may include those Restricted Industrial uses listed in Section 4.8.2.3.1 above, in addition to heavier industrial activities such as construction yards; truck or transportation terminals; railway uses; bulk storage operations, (including lumber and fuel storage); heavy manufacturing, processing, repairing, fabricating and assembly operations; motor vehicle body-shops; open storage both as an accessory and general use; laundry and dry-cleaning plants and other similar industrial uses. In addition, uses accessory or supportive of the various permitted uses may be permitted including accessory commercial uses serving an industrial business park as a whole such as eating establishments; business and professional offices; a residence for a caretaker or watchman and an accessory retail outlet for the purpose of the sale of goods and materials produced on the premises providing the accessory retail use is located within the structure in which the principal use is situated.

General Industrial areas shall be identified in the implementing Zoning By-law. New uses shall require an amendment to the Zoning By-law.

### **3. Creemore East Industrial Lands**

Lands designated Industrial located in the eastern portion of the Creemore settlement area shall be limited to prestige Restricted Industrial development with no outside storage. High technology industrial uses are preferred. Permitted uses shall be limited to light manufacturing, processing, repairing, fabricating and assembly operations; business, professional and administrative offices; printing or publishing establishments; broadcasting and communications establishments; establishments for the manufacture of wine or beer and/or wine or beer products; research establishments; and indoor recreational facilities and fitness clubs. In addition, an accessory retail outlet for the purpose of the sale of goods and materials produced on the premises may be permitted.

In addition to meeting all of the requirements of this Plan, including Section 8.12, all industrial uses in this area shall be subject to extensive buffering and landscaping requirements to ensure that development is compatible with the historic and scenic nature of the Creemore area. Development within this area shall occur only by amendment to the Zoning By-law.

Additionally, significant development or redevelopment of the lands designated Industrial between Edward Street and the unopened portion of Elizabeth Street shall provide the main access onto Elizabeth Street which is currently an un-opened and un-improved road allowance. It is anticipated that this road will be opened and improved as a collector road through industrial, commercial and residential development of this area. It is also anticipated that any significant development or redevelopment of the lands designated Future Commercial in this area will likewise provide access onto Elizabeth Street. Accordingly, Council may require that the necessary road improvements take place as a condition of industrial, commercial and/or residential development approvals in this area.

### **4.8.3 INDUSTRIAL DEVELOPMENT OUTSIDE URBAN SETTLEMENT AREAS**

Industrial uses outside of primary and secondary urban settlement areas may be permitted in accordance with the policies of Section 4.3, 4.4, 4.9 and 4.11.

### **4.8.4 INDUSTRIAL IMPACT STUDIES**

Before an amendment is made to this Official Plan and/or before an amendment is made to the implementing Zoning By-law (which may or may not require an amendment to this Official Plan)

and prior to site plan approval, it shall be demonstrated, where necessary through the preparation of appropriate technical/engineering studies:

- that all of the matters contained within this Section 4.8, and any other related matters, have been addressed,
- that no undue transportation difficulties will ensue from traffic generated by the proposed development,
- that the proposed method of servicing is in accordance with the engineering standards of the Township of Clearview and/or other responsible approval authority,
- that development will occur in a manner which, as far as possible, maintains aesthetic consistency with the existing form of development in the host community through the use of site design techniques such as those listed in Section 8.12, particularly as they pertain to landscaping, screening and buffering,
- that the development is appropriate in relation to the industrial needs/objectives of the Township,
- that the proposed off-street parking and loading facilities, setbacks and proposed buffering from adjacent residential development, comply with the standards of the implementing Zoning By-law, and
- that all other requirements of this Official Plan have been met, including those of Section 8.18.

#### **4.8.5 SITE PLAN CONTROL**

All areas designated Industrial on Schedules A through A14 or utilized for permitted industrial uses may be designated by by-law as site plan control areas. Policies concerning site plan control in Section 8.5 shall apply.

#### **4.8.6 ZONING**

Restricted Industrial and General Industrial uses shall be zoned in separate categories in the implementing Zoning By-law.

#### **4.8.7. AIRPORT RELATED EMPLOYMENT LANDS SPECIAL POLICY AREA (Part of Lot 31, 32 & 33, Concession 5 & 6, Formerly Nottawasaga Township)**

Those lands designated “Airport Related Employment Lands Special Policy Area” and as shown on Schedule A-1 – North West are subject to the following special development policies in addition to all of the other relevant additional policies of the Official Plan.

These lands are located adjacent to the Collingwood Regional Airport. The subject lands shall be developed in accordance with the policies of this Official Plan to permit an airport related business park in support of the existing adjacent airport use.

##### **1. Permitted Uses**

The uses permitted on the subject lands shall be limited to industrial and commercial uses that are related to the aviation sector. Uses permitted under this designation include, for example: aircraft sales and service; manufacturing; maintenance; shipping; storage; research establishments; commercial flight schools, including associated short-term accommodation; business offices; and, small-scale accessory uses.

Short-term residential accommodation associated with a flight school shall be permitted. This accommodation is required to be for short duration stay only and may take the form of dormitories or small suites. Cooking facilities may be permitted in each suite. Communal cooking facilities or full facility cooking and dining facilities are also permitted. Short-term residential accommodation is to be appropriately serviced.

Hotel accommodation, residential uses, except as otherwise permitted relating to a flight school, and major/large-format retail uses are not permitted.

Existing agricultural operations may continue, provided the agricultural use does not hinder the function or phasing of the airport related employment land development.

## **2. Development Engineering**

The site may be fully serviced with municipal water and sewage services. The development may be serviced with communal water and/or sewage services, which shall be converted to municipal services if and when they become available. Notwithstanding Section 7.2.5, the communal system may be under private or condominium ownership. Individual, private water and/or sewage servicing is not permitted.

No uses shall be established and no subsequent *Planning Act* approvals shall be issued without confirmation of appropriate servicing arrangements. In this case 'confirmation' shall mean that all parties involved in the servicing plan are in agreement, to the satisfaction of the Township. Prior to the development of the lands, a servicing plan shall be completed and phasing shall be addressed.

Approval from The Ministry of the Environment and Climate Change will be required for communal servicing facilities.

Stormwater management facilities, where required, shall be designed to ensure that the facilities do not provide habitat for waterfowl, which are considered a safety concern for the operation of the adjacent airport. Stormwater management facilities shall be naturalized. Low Impact Development methods shall be utilized wherever possible. An appropriate stormwater outlet must be identified to the satisfaction of the Township prior to any further *Planning Act* approvals. Proof of stormwater management approvals from the Ministry of the Environment and Climate Change shall be submitted to the Township prior to development of the lands.

## **3. Development Principles**

The subject development shall be user maintained and operated. The intent of this policy is to facilitate a complete, planned business park development.

Given the connected and communal nature of this development, it is the intent of this plan that the development proceed through condominium plan. Depending on the timing and the nature of the proposal, there may be opportunity for approval through plan of subdivision. If a plan of subdivision is deemed appropriate by the Township, the plan may be required to include a

common elements component, where all communal components be held and maintained by the developer or identified ownership group. For the purposes of this section, ‘communal components’ may include transportation corridors, stormwater management systems, water/sewer systems, infrastructure, and any other feature identified by the Township. If warranted, the existing lots may be subject to future severance for technical purposes.

The development may be appropriately phased. A comprehensive, detailed phasing plan that addresses timing, connectivity, slated infrastructure needs, and any required off-site improvements, shall be completed and provided to the Township as part of a subsequent *Planning Act* approval for a given phase. The development may be planned in a single phase or up to four phases. Phasing shall be based on the four existing lots of record at the time of this approval, meaning that a single phase must encompass at least one lot of record and no less.

Ancillary commercial development or accessory uses shall not be established prior to the development of primary uses in a given phase.

A detailed Environmental Impact Statement is required to be completed prior to any further *Planning Act* approvals. Prior to any site alteration, and as a condition of any draft plan of condominium/subdivision approval for the site, approvals from the Ministry of Natural Resources and Forestry will be required to address any Species at Risk matters on the property. Proof of approvals from the Ministry shall be submitted to the Township prior to development of the lands. Notwithstanding this policy, normal farming practice is not precluded to be continued on the site.

A Stage 1 Archaeological Assessment must be completed as part of any further *Planning Act* approvals. Any subsequent archaeological work arising from the Stage 1 recommendations shall be dealt with. Clearance from the Ministry of Tourism, Culture, and Sport may be required prior to development of the lands.

There may be opportunity to establish connectivity between the subject development, adjacent future developments, and/or the adjacent airport use. Such connectivity may be via taxiways, roads, pedestrian paths, or other methods. If connectivity is proposed for a given phase, an Airport Interface Safety Plan shall be completed and approved by the Township as part of any subsequent *Planning Act* approvals. The Safety Plan will address the safety measures proposed for airplane movement which is internal to the site, airplane movement onto the adjacent airport site, and vehicle and pedestrian access to the adjacent airport site as applicable. Confirmation of willingness to connect must also be provided by all impacted land owners to the Township.

Adequate off-street parking and loading facilities shall be provided for all permitted uses, including employment and visitor parking areas.

A trail head shall be established on the site adjacent to the rail trail. The trail head shall provide for vehicle parking, interpretive and directional signage, refuse receptacles, benches, and other amenities as appropriate.

Adequate buffering and setbacks shall be provided between employment uses and any adjacent residential uses or roadways. Buffering may include the provision of grass strips, screening, landscaping and the planting of trees and shrubs, or installation of a berm or fence. The development shall be fully landscaped in accordance with this Plan and the implementing Zoning By-law through site plan approval.



#### 4. Future Approvals and Zoning

The development of the business park shall be implemented through amendment to the Zoning By-law to establish appropriate uses and zone provisions for the site. The Zoning By-law for the site shall regulate building height and location of buildings and structures, among other matters in order to ensure that the proper operation of the airport is not impeded.

The Zoning By-law for the site shall also address any setback requirements as a result of a Minimum Distance Separation analysis, if required.

The site shall be subject to site plan control. Development of each building site shall ensure that the proper and appropriate functioning of the airport is taken into consideration. Each development block shall be designed with high quality landscaping and building design. The landscaping shall take into consideration use of drought resistant materials.

The implementing Zoning By-law(s) may zone the subject lands in a “Holding (H) Provision” in accordance with Section 11.2.2 of the Township’s Official Plan. The conditions for lifting of the Hold may be established in accordance with Section 11.2.2 and may include, but not be limited to, such matters as:

- 1) the confirmation of available servicing capacity for the site and that all services have been constructed and are operational to the site;
- 2) confirmation that appropriate stormwater facilities are provided on the site to service the applicable site;
- 3) confirmation that natural heritage features on site have been adequately addressed;
- 4) final approval of the plan of condominium/subdivision and/or phasing plan; and,
- 5) the execution of a Site Plan Agreement for the site.

Additional or amended plans and studies may be required at subsequent stages in the approvals and/or development process. Despite what has been otherwise referenced in this section of the Official Plan and depending on development timing, any *Planning Act* application, permit application, or other request for permission may trigger the need for an updated or new study/plan. The requirement to provide a new or updated study/plan shall be at the discretion of the Township and/or applicable approval authority at the appropriate stage of the development or approvals process, and may include, but is not limited to:

Archaeological site assessments;	Tree inventory and preservation plan;
Environmental Impact Study;	Noise and vibration study;
Landscape plans;	Elevation drawings;
Functional servicing report;	Hydrogeological/geotechnical investigation report;
Traffic impact study;	Commercial/industrial needs studies;
Grading and drainage plans;	Sediment and erosion control plans;
Stormwater management study;	Minimum distance separation calculations.

These policy requirements shall also be incorporated in all conditions of approval for plans of condominium/subdivision, and site plans, where applicable, all to the satisfaction of the Township.

## **4.9 EXTRACTIVE INDUSTRIAL**

Within the Extractive Industrial designation, the predominant land use shall be the extraction and storage of mineral aggregates. The general principles to be considered in regulating pits and quarries within the Township of Clearview are set out below. Extractive industrial development shall conform to these principles and to all other relevant policies of this Official Plan.

### **4.9.1 DEVELOPMENT OVERVIEW**

Mineral aggregate resources are essential to the economic life of the Province, County and Township. They are non-renewable resources which are found in only select locations in the Province.

The purpose of the Extractive Industrial designation is to provide a policy framework for regulating the orderly extraction of mineral resources and the subsequent rehabilitation of disturbed sites, while minimizing potential impacts from the operation on natural heritage features and surrounding land uses.

The Extractive Industrial designation recognizes all pits and quarries licensed by the Ministry of Natural Resources pursuant to the Aggregate Resources Act. The establishment of future pits and quarries shall require an amendment to this Official Plan and the implementing Zoning By-law.

Areas identified as having potential for mineral aggregate extraction, but which are not yet licensed for extraction by the Ministry of Natural Resources, are designated Mineral Aggregate Resource Area on Schedules A through A14, and are subject to the policies of Section 4.10 of this Plan.

### **4.9.2 PERMITTED USES**

The Extractive Industrial designation applies to those lands which have been licensed for mineral aggregate extraction by the Ministry of Natural Resources. Areas so designated may be used or developed as pits and quarries which also shall include ancillary uses to mineral extraction such as aggregate crushing, screening and washing. Asphalt plants, ready-mix concrete plants, aggregate transfer stations and/or any other mineral aggregate processing operation may be permitted through an amendment to the Zoning By-law.

Open space, conservation, forestry and agricultural uses, including barns, silos, drive-sheds and accessory dwellings to agricultural, may be permitted but only where such uses do not preclude or hinder future extraction.

For the purpose of this Plan, the following definitions shall apply:

- PIT shall mean land or land under water from which unconsolidated aggregate is being or has been excavated, and that has not been rehabilitated, but does not mean land or land under water excavated for building or other work on the excavation site or in relation to which an order has been made under the Aggregate Resources Act.
- QUARRY shall mean land or land under water from which consolidated aggregate is being or has been excavated and that has not been rehabilitated, but does not mean land or land under water excavated for building or other work on the excavation site or in relation to which an order has been made under the Aggregate Resources Act.

- WAYSIDE PIT/QUARRY shall mean a temporary pit or quarry opened under the authority of a wayside permit issued under the Aggregate Resources Act to any public authority or any person who has a contract with the public authority that requires aggregate for temporary projects such as road construction, road maintenance or urgent projects for which no alternative sources of aggregate under licence or permit are readily available in the vicinity.
- PORTABLE ASPHALT PLANT shall mean a temporary facility with equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material, and includes stock piling and storage of bulk materials used in the process, which is placed for temporary projects only and which is dismantled at the completion of the construction project.

### **4.9.3 POLICIES**

#### **4.9.3.1 AMENDMENT CRITERIA**

The establishment of new pits and quarries shall occur by amendment to this Official Plan and the implementing Zoning By-law. An application for an amendment to the Official Plan and/or Zoning By-law shall be accompanied by:

- All data relevant to the physical development of the property as may be required by the Ministry of Natural Resources in considering a licence application under the Aggregate Resources Act.
- An Environmental Impact Statement (EIS) in accordance with Section 4.1.2.2 of this Plan.
- Any additional information deemed necessary by the Township of Clearview, Ministry of Natural Resources, and/or other responsible approval authority(s).

#### **4.9.3.2 GENERAL DEVELOPMENT PRINCIPLES**

In considering an application to amend the Official Plan and/or Zoning By-law to permit a new pit and/or quarry, Council shall consider the following:

1. Due to the large amount of highly productive agricultural land within the Township and the importance of the agricultural industry, Council shall carefully weigh the impact of the proposed pit or quarry on surrounding agricultural operations. If, in the opinion of Council, the proposed pit or quarry will have a severe or limiting effect on adjacent agricultural uses, the Township may decline to approve the requested planning amendment(s). In addition, Council may also choose to deny an application in circumstances where alternate mineral aggregate resource areas, having less of an impact on agriculture, are available and/or in circumstances where the proposed method of rehabilitation will not restore the pit or quarry site to substantially the same agricultural acreage and level of soil capability.
2. Due to the large amount of sensitive natural heritage features within the Township and the importance of the environment, Council shall carefully weigh the impact of the proposed pit or quarry on surrounding natural heritage features and functions. If, in the opinion of Council, the

proposed pit or quarry will have a severe or limiting effect on adjacent natural features, the Township may decline to approve the requested planning amendment(s).

In addition, Council may also choose to deny an application in circumstances where alternate mineral aggregate resource areas, having less of an impact on natural heritage features and functions, are available and/or in circumstances where the proposed method of rehabilitation will not restore the pit or quarry site to substantially the same condition.

3. In order to reduce the wastage of material, where two pits or quarries abut each other Council may waive the required pit or quarry setback from lot lines to permit the removal of all economically-viable resources between the two pits or quarries. Also, where a municipal road separates two extractive operations, Council may waive or reduce the required setbacks from the road.

Notwithstanding the above, Council shall be bound by the provisions of the Aggregate Resources Act and associated regulations in regulating both of these matters.

4. In reviewing an application for an Official Plan and/or Zoning By-law amendment or prior to issuing site plan approval, Council shall seek to ensure, along with meeting all of the requirements of this Plan:
  - that a proposed pit or quarry will be screened from public view,
  - that a proposed pit or quarry, and/or pit or quarry ancillary use, will be separated from any incompatible adjacent uses. In this regard, Council may be guided by the separation requirements/guidelines of the Ministry of Natural Resources or such other separation criteria as may be set out in the implementing Zoning By-law,
  - that any buildings and structures associated with the extractive operation are appropriately set back from adjacent property lines and/or land uses. In this regard, Council may be guided by the requirements/guidelines of the Ministry of Natural Resources and/or any separation criteria set out in the implementing Zoning By-law,
  - that suitable arrangements have been made for the rehabilitation of the subject lands,
  - that suitable financial arrangements have been made with respect to the upgrade and maintenance of any Township roads proposed to be utilized as a haul route,
  - that the proposed pit or quarry meets the environmental requirements /standards/guidelines of the Township, Ministry of Natural Resources, Ministry of Environment and/or Nottawasaga Valley Conservation Authority in relation to potential impacts on ground and surface water quality, the disposal of any liquid and/or solid waste such as tree stumps, and the control of emissions into the environment such as noise, dust and vibration,

- that an entrance permit has been obtained in circumstances where a proposed pit or quarry and/or pit or quarry ancillary use requires access to a Provincial or County road, and
  - that, where necessary, a Certificate of Approval has been issued by the Ministry of Environment in accordance with the Environmental Protection Act.
5. When deemed necessary by Council, the Township may enter into an agreement with the pit/quarry operator to address, among other matters, the upgrade and/or maintenance of any municipal roads proposed to serve as haul routes, site rehabilitation, and the pit's/quarry's hours of operation.

#### **4.9.3.3 CLOSED PITS AND QUARRIES**

Except in areas subject to the policies of the Niagara Escarpment Plan, once the Township, in consultation with the Ministry of Natural Resources, is satisfied that a pit or quarry is exhausted, rehabilitated and closed, the Rural policies of this Official Plan shall apply to lands designated "Extractive Industrial". Notwithstanding this intent, however, in circumstances where the lands accommodating a closed pit or quarry have been rehabilitated to Class 1, 2, or 3 agricultural potential or are located in an area where lands with Class 1, 2 or 3 agricultural potential predominate, the site of the former extractive operation shall be subject to the Agriculture policies of this Plan. Similarly, notwithstanding this intent, where the lands are adjacent to or surrounded by Greenlands and have been rehabilitated to a natural condition, the site of the former extraction operation shall be subject to the Greenlands policies of this Plan.

#### **4.9.3.4 ABANDONED PITS AND QUARRIES**

It is the intent of Council to identify and investigate means of rehabilitating abandoned pits within the Township through consultation with the Ministry of Natural Resources and/or other responsible Provincial agencies, and by investigating possible sources of funding.

#### **4.9.4 WAYSIDE PITS, QUARRIES AND TEMPORARY/PORTABLE ASPHALT PLANTS**

Council recognizes the need for wayside pits, quarries and portable asphalt plants to provide sand, gravel and other mineral aggregates for road construction and maintenance and other Provincial, County or municipal projects. As such, it is a policy of this Plan to permit wayside pits, quarries and portable asphalt plants to locate in all designations without the necessity of an amendment to the Official Plan and/or Zoning By-law, except in, (1), areas of existing development or particular environmental sensitivity (i.e., Greenland-Wetland Areas/Greenland-Hazard Land Areas), in which case such temporary extractive industrial uses will only be permitted on the basis of an amendment to the implementing Zoning By-law, and, (2), in areas subject to the Niagara Escarpment Plan where wayside pits and quarries are separately regulated by the policies of Section 5.2.10 of this Plan.

The establishment, operation and rehabilitation of wayside pits, quarries and portable asphalt plants shall occur in accordance with the Aggregate Resources Act, as well as any requirements, standards, and/or guidelines administered by the Ministry of Natural Resources. The Aggregate Resources Act makes provision for municipal input in the issuance of wayside pit or quarry permits, and, in this way, Council shall endeavour to ensure that wayside licences are issued in

conformity with the broad land use intent of this Official Plan, having regard to the development/evaluation criteria in Section 4.9.3.2 above.

For the purposes of this Official Plan, a wayside pit or quarry shall mean a temporary pit or quarry as defined in Section 4.9.2 above.

#### **4.9.5 SITE PLAN CONTROL**

All areas designated Extractive Industrial on Schedules A through A14 may be designated by by-law as site plan control areas. Policies concerning site plan control in Section 8.5 shall apply. In such areas only the structures on a site and access and associated servicing and landscaping shall be subject to site plan control. Any associated lands, facilities etc. outside of the licence boundary may also be subject to site plan control.

#### **4.9.6 ZONING**

Extractive Industrial lands shall be zoned in a separate category in the implementing Zoning By-law.

**4.10 MINERAL AGGREGATE RESOURCE AREA**

The Mineral Aggregate Resource Area designation includes land containing consolidated and unconsolidated mineral aggregate. The purpose of the designation is to recognize and protect these resources for possible future extraction. The development and control of such lands shall be governed by the following criteria.

**4.10.1 PERMITTED USES**

The uses permitted shall be limited to conservation and agricultural uses, including single-detached farm dwellings and accessory farm buildings (barns/silos/drive-sheds) provided they do not hinder future extraction. In addition, existing uses may be recognized in the implementing Zoning By-law and minor extensions permitted thereto.

**4.10.2 ESTABLISHMENT OF A NEW PIT OR QUARRY**

The establishment of a new pit or quarry or the expansion of an existing pit or quarry onto lands that are designated Mineral Aggregate Resource Area on Schedules A through A14 shall require an amendment to this Official Plan and the implementing Zoning By-law. Such an amendment shall serve to redesignate/rezone the lands to an Extractive Industrial classification, and shall be undertaken in accordance with all relevant policies of this Plan and the provisions of Section 4.9 of this Plan.

**4.10.3 ADDITION OF NEW MINERAL RESOURCE LANDS**

Schedules A through A14 may be amended from time-to-time to add new Mineral Aggregate Resource Area lands as a result of changed circumstances and/or new information about mineral deposits provided by the Ministry of Natural Resources and/or other stakeholder Provincial, County or local ministries or agencies.

**4.10.4 REDUCTION OF MINERAL AGGREGATE RESOURCE AREA**

Schedules A through A14 may be amended to reduce or remove the Mineral Aggregate Resource Area designation in the following circumstances:

- The land is being redesignated for Extractive Industrial use.
- The potential for mineral extraction is low as determined by the Ministry of Natural Resources and the Township on the basis of testing undertaken by a geologist, or other qualified professional, establishing the quality, quantity and extent of the mineral deposit.
- The land has been mined to a point that it is no longer commercially viable for the purposes of mineral extraction.
- The use of the lands for mineral extraction is constrained by the location of existing or proposed residential uses, the location and/or condition of access roads, and/or proximity of natural heritage features.

Notwithstanding the intent of this section to permit amendments to this Official Plan to reduce or remove a Mineral Aggregate Resource Area designation where justified on the basis of the above criteria, no lands shall be redesignated or rezoned to permit a new use which has the potential to



prevent or impair future extraction from existing and/or potential pits and quarries located in the surrounding area.

#### **4.10.5 ZONING**

Lands designated Mineral Aggregate Resource Area shall be zoned in a separate category in the implementing Zoning By-law.

#### **4.11 WASTE DISPOSAL INDUSTRIAL**

The Waste Disposal Industrial designation identifies those lands accommodating active and closed landfill sites used for the storage or disposal of municipal solid waste, hazardous wastes and liquid wastes.

##### **4.11.1 DEVELOPMENT OVERVIEW**

Within the County of Simcoe, the County is responsible for the development, operation, monitoring, maintenance and rehabilitation of all municipal solid waste disposal facilities. The Waste Disposal Industrial designation identifies those open and closed solid waste disposal sites within Clearview which are under the County's protection. Alternate forms of land use within this designation will be strictly dependent upon Provincial guidelines and will only be permitted by amendment to this Official Plan and the implementing Zoning By-law.

The Waste Disposal Assessment Area boundary classification on Schedules A through A14 identifies lands in the vicinity of open and closed solid waste disposal sites, where development may be possible, on the basis of the underlying land use designations on Schedules A through A14, but only in accordance with policies of Section 4.11.4.

It is the intent of Council to ensure that future development in the vicinity of open and closed landfill facilities, and all other solid or liquid waste sites, occurs in a manner which ensures the health and safety of municipal residents.

##### **4.11.2 PERMITTED USES**

The uses permitted shall be limited to publicly or privately-operated sites for the storage and recycling and/or disposal of solid waste established and operated by the County of Simcoe, or facilities for the handling, storage and/or disposal of hazardous and liquid wastes in accordance with the Environmental Assessment Act and Environment Protection Act.

##### **4.11.3 POLICY**

###### **4.11.3.1 DEVELOPMENT PRINCIPLES**

Future Waste Disposal Industrial development within the Township of Clearview shall take into account impacts on agricultural areas and economies, settlements and other development, natural features and functions, scenic views, the physical capability of the land to support the waste disposal site and to be rehabilitated and the quality of road access, and furthermore shall occur in accordance with the following development principles.

1. Sites for the storage or disposal of solid waste should be located on or have direct access to Provincial highways, County roads, or other roads of good construction capable of withstanding the traffic generated by such sites.
2. Sites for the storage or disposal of solid waste should be appropriately separated/buffered from existing or proposed residential areas or other incompatible land uses, including agricultural land uses, and, wherever possible, should be located in areas of poor agricultural potential.
3. Sites for the storage or disposal of solid waste generally should be concealed from public view in order to preserve the rural landscape.

4. Sites for the storage or disposal of solid waste and any accessory buildings and structures shall be appropriately set back from adjacent property lines, road rights-of-way and/or surrounding uses. In this regard, Council shall be guided by the applicable separation requirements/standards/regulations of the Ministry of Environment, as well as any setbacks in the implementing Zoning By-law.
5. No new uses nor the construction of buildings or structures nor changes affecting the ground surface of lands previously used as a site for the storage or disposal of solid waste, or known to have been contaminated by the operation of a waste disposal site, will be permitted without written confirmation from the Ministry of Environment that the proposed development satisfies the provisions of the Environmental Protection Act.

Under no circumstances shall residential uses be permitted in any area which has been used for the disposal of solid waste without written confirmation of its suitability for such use from the responsible approval authority (Ministry of Environment/County of Simcoe).

When a waste disposal site has closed and been rehabilitated, subject to compliance with the policies of this subsection above, the Rural or Agricultural policies of this Plan, contained in Section 4.4, shall apply in accordance with the predominant abutting designation.

#### **4.11.3.2 AMENDMENT CRITERIA**

An amendment to this Official Plan and/or the implementing Zoning By-law shall be required to permit the establishment of a new public or private waste disposal site and/or the expansion of an existing public or private waste disposal site. Prior to the approval of such an amendment, it shall be demonstrated, through the preparation of appropriate studies completed to the satisfaction of the Township of Clearview and/or other appropriate approval authority(s), that all matters contained within this Section 4.11 have been addressed and:

- that the proposed haulage routes are adequate in relation to anticipated traffic volumes, and that no transportation difficulties will ensue from the proposed waste disposal use,
- that the proposed waste disposal use is adequately separated, buffered, and screened from adjacent land uses,
- that the proposed rehabilitation plan is adequate and contemplates improvements consistent with the character of the surrounding landscape,
- that 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,
- that the potential hazards associated with the facility or materials handled, stored and/or disposed of at the facility are addressed and that contingencies for dealing with those potential hazards are identified,
- that accessory buildings or structures are appropriately set back from property lines and adjacent uses, and

- that 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 Ministry of Environment, County of Simcoe or Township of Clearview.

In considering an application to amend the Official Plan and/or the Zoning By-law, Council shall consult with the Ministry of Environment, County of Simcoe and/or any other agency(s) having jurisdiction to ensure that all aspects of the development comply with the relevant Provincial and County legislation and regulations.

In addition to the above, an application to amend the Official Plan and/or Zoning By-law to permit a new Waste Disposal Industrial use or the expansion of an existing Waste Disposal Industrial use shall be accompanied by:

- All data related to the physical development of the property as may be required by the Ministry of Environment for a licence application under the Environmental Protection Act or other applicable Provincial legislation.
- An Environmental Impact Statement (EIS) prepared in accordance with the policies of Section 4.1.2.2 of this Official Plan, and/or any additional requirements deemed appropriate by the Ministry of Environment, County of Simcoe and/or Township of Clearview.

#### **4.11.4 WASTE DISPOSAL ASSESSMENT AREAS**

It is a policy of Council to protect the health, safety, convenience and welfare of residents of the Township from the adverse effects of waste disposal sites by restricting the use of land on and in the vicinity of such sites. The Waste Disposal Assessment Areas boundary classification identifies lands surrounding certain open and closed solid waste disposal sites where the environmental conditions caused by the landfill operation have the potential to negatively influence future land use activities. Within these areas development may be permitted in conformity with the underlying land use designations indicated on Schedules A through A14 and the following policies:

1. Written approval is received from the County of Simcoe that the proposed development satisfies the provisions of the Environmental Protection Act.
2. Active and closed solid, liquid and hazardous waste disposal sites are shown on the Schedules to this Plan. The development of new uses or new or enlarged buildings or structures within an assessment area of approximately 500 metres from the property boundary of the open site or 500 metres from the fill area and/or boundaries of the closed site, unless otherwise specified in this Plan, may be permitted, provided an assessment is completed to determine:
  - the impact of any methane gas migration;
  - whether the proposed use will be adversely affected by noise, odour, dust or other nuisance factors from the waste disposal site;
  - whether the active or closed site represents a potential safety or health hazard to the proposed use
  - whether the proposed use will be adversely affected by ground and surface water contamination by leachate migrating from the waste disposal site; and

- the impact of the proposed use on leachate migration from the landfill site.

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

The studies required to support a development application within the assessment area shall be based on the type and/or scale of the development proposed, or the studies may be waived as appropriate. The County and/or owner/operator of the site shall, in a timely manner, provide the proponent with all information and studies in their possession relevant to the assessments to be completed provided same are not documents that would otherwise be excluded from disclosure by solicitor/client privilege or pursuant to the Municipal Freedom of Information & Protection of Privacy Act. The nature of the required studies and their scope shall be determined by the Township in consultation with the County of Simcoe, at the time the development is proposed.

Where adjacent lands may be impacted by leachate, the owner/operator of that site shall make available to the applicant all relevant information, or undertake studies to obtain such information, and the owner/operator shall take appropriate remedial or corrective action to remove any resulting restriction which would otherwise permit the application to proceed in accordance with all other applicable policies of this Plan.

All lands within the assessment area shall be subject to a Holding provision in the implementing zoning by-law. The lifting of a Holding provision permitting the development of any new use or new or enlarged buildings or structures within the assessment area shall not occur until Council is satisfied that all of the studies required by the Township and County have been completed.

In cases where an amendment to the Official Plan and/or Zoning By-law, land division and/or site plan approval is required to permit a proposed use, appropriate studies dealing with the matters set out above shall be submitted for Councils' consideration.

3. Where problems are identified, development shall be phased to coincide with the implementation of required methods of remediation.
4. Studies have been completed to the satisfaction of the Township of Clearview and the County of Simcoe demonstrating the structural integrity and safety of all proposed buildings and structures.
5. Notwithstanding the land use designations on Schedules A through A14, residential development shall not be permitted in areas containing organic or chemical waste. Furthermore, notwithstanding the land use designations on Schedules A through A14, in Waste Disposal Assessment Areas only land uses compatible with the existing or former waste disposal operation and/or which can be safely located through proper engineering controls shall be permitted, which may necessitate an amendment to this Official Plan.

In the event that an open or closed landfill site (including any of those listed in Section 7.6), or adjacent Waste Disposal Assessment Area, has not been identified on Schedules A through A14, this does not preclude compliance with the policies of this Official Plan. Whether identified or not,

future development on lands which may be influenced by an open or closed landfill site, as determined by the County of Simcoe, shall be subject to the policies of this Section 4.11.4.

Similar assessment areas may be identified for other sites and uses, and the applicable policies and requirements shall apply in those instances.

#### **4.11.5 EXISTING USES**

Uses legally existing at the date of adoption of this updated Official Plan which are situated within a Waste Disposal Assessment Areas boundary classification, may be recognized in the implementing Zoning By-law and minor extensions or enlargements permitted thereto, in accordance with Provincial policy, and the policies and provisions of this Official Plan and the implementing Zoning By-law.

#### **4.11.6 LIQUID AND HAZARDOUS WASTE STORAGE AND TRANSFER FACILITIES**

##### **4.11.6.1. Policies**

- a) The construction and operation of liquid and/or hazardous waste storage and transfer facilities shall only be permitted on the basis of a Certificate of Approval issued by the MOE pursuant to the Environmental Protection Act, and shall function in accordance with all standards established by the Ministry and the Township.
- b) Liquid and/or hazardous waste storage and transfer facilities shall be well separated from existing or proposed residential land uses and shall meet all applicable MOE minimum distance separation guidelines including the MOE “Guideline on Separation Distances”.  
  
Impacts on surrounding land uses, particularly any resulting from increased truck movements, shall be minimized.
- c) Access to liquid and/or hazardous waste storage and transfer facilities shall be located and designed so as not to create a traffic hazard.
- d) In order to preserve the rural landscape storage tanks for liquid and/or hazardous wastes shall be enclosed within a building or structure. Limited outside storage of non-hazardous liquid wastes shall be permitted as an accessory use to the principal liquid waste storage and transfer facility but only in storage vessels of permanent design which are affixed to the ground, and only provided such storage vessels are appropriately screened from public view and provide secondary containment. Outside barrel storage shall not be permitted.
- e) Minimum setbacks from property lines and adjacent uses shall be established in the implementing Zoning By-law.
- f) Waste Disposal Industrial areas designated for special liquid and/or hazardous waste storage and transfer use, shall be subject to site plan control and, hence, the provisions of Section 8.5 of this Official Plan.
- g) Lot grading and drainage plans for construction, as required through detailed design, shall be submitted to the appropriate approval authority for approval and shall be assessed in relation to applicable Township standards during the municipal site plan review process.

Adjustments to the approved lot grading plan, lot drainage plan and/or site plan shall only be undertaken with the approval of the authority.

h) In reviewing an application to amend the Official Plan and/or Zoning By-law or a site plan application to permit a liquid and/or hazardous waste storage and transfer facility, Council shall assess the proposed facility's conformity to the above policies and the applicable provisions of Section 8 -General Development Policies of this Official Plan, and shall consider:

- the amount of water or other liquids to be used in the industrial operation. A liquid and/or hazardous waste storage and transfer facility shall only use a limited amount of water or other liquids in the processing or treatment of wastes,
- the use's compatibility with surrounding land uses in relation to noise, lighting, water, airborne pollutants or other site generated impacts,
- the adequacy of proposed haulage routes to accommodate anticipated increases in traffic,
- the degree to which the operation will be exposed to the public;
- the suitability of containment plans in the event of on-site or off-site spills,
- the effect of the operation on nearby communities and sensitive uses,
- the effect of the operation on ground and surface water patterns and quality, and
- any other planning or land use related concerns which Council may deem to be of importance.

Council shall also be satisfied through appropriate submissions/reports and or agreements entered into with the applicant/proponent that the potential hazards associated with the facility or materials handled, stored and/or disposed of at the facility are addressed and that contingencies for dealing with those potential hazards are identified.

Council may consult with the MOE or any other agency having jurisdiction, to ensure that all matters relating to the proposed liquid and/or hazardous water storage and transfer facility are in accordance with relevant Provincial legislation and regulations.

i) An application to amend the Official Plan and/or Zoning By-law, and site plan application to permit a liquid and/or hazardous waste storage and transfer facility shall be accompanied by a report(s) which addresses the issues noted above and the relationship of the proposed facility to surrounding land uses, and describes the wastes proposed to be stored, probable source and disposal locations, and the nature of the proposed facility in relation to such matters as operating hours, storage and handling and truck movements.

While recognizing that a liquid and/or hazardous waste storage and transfer facility will have to comply with all relevant Provincial legislation and regulations and that its operation will be dependent upon the issuance of a Certificate of Approval by the MOE, Council may request any additional technical information it deems necessary to properly assess the merits of a specific proposal.

- j) The Township shall notify all landowners within 500 metres of the boundary of a proposed liquid and/or hazardous waste storage and transfer “Waste Disposal Industrial” use and make any site plan and/or development agreement that may be available, available for public review prior to amending the Official Plan or Zoning By-law to permit the operation.
- k) Once a liquid waste storage and transfer facility is closed, the “Agriculture” or “Rural” policies of the Official Plan shall apply in accordance with the predominant abutting designation to the lands designated “Waste Disposal Industrial”. Under no circumstances, however, shall new uses, the construction of new buildings or structures, or alterations to the ground surfaces of lands previously used for liquid and/or hazardous waste storage and transfer, be permitted without the approval of and/or a written advisement from the MOE that the establishment of the proposed new use is in accordance with all applicable Provincial regulations.

#### **4.11.7 WASTE DISPOSAL INDUSTRIAL POLICY EXCEPTIONS**

##### **4.11.7.1 SPECIAL LIQUID WASTE STORAGE AND TRANSFER (OPA 5)**

Notwithstanding any provisions of this Official Plan to the contrary, on lands designated Waste Disposal Industrial in part of Lot 21 ESR, Concession 4 in the former Township of Sunnidale, the following special provisions shall apply.

#### **1. Permitted Uses**

The uses permitted on lands designated Waste Disposal Industrial in Lot 21 ESR, Concession 4 shall be limited to the temporary storage of non-hazardous and hazardous liquid waste products for subsequent transport to recycling or disposal sites.

The waste materials permitted to be stored shall be in accordance with a Certificate of Approval issued by the Ministry of Environment (MOE) and the policies and requirements of this Plan and specifically Section 4.11.6.

Should the necessary Certificates of Approval for the proposed facility be refused by the Ministry of Environment or not be granted within three years of the adoption of this Official Plan, then the “Agriculture” policies of the Official Plan shall apply without requiring an amendment to this Plan and the lands shall be rezoned accordingly.

#### **2. Policies**

- a) The construction and operation of liquid waste storage and transfer facilities shall only be permitted on the basis of a Certificate of Approval issued by the MOE pursuant to the Environmental Protection Act, and shall function in accordance with all standards established by the Ministry and the Township.
- b) Access to liquid waste storage and transfer facilities shall be from County Rd. No. 10 which is classified as an Arterial Road on Schedule ‘A’. The number of entrances onto County Road No. 10 shall be kept to a minimum, and shall comply with the requirements of the County of Simcoe.
- c) The lands designated Waste Disposal Industrial in Lot 21 ESR, Concession 4, comprise part of a total holding of approximately 40 hectares. It is the intent of this Official Plan that



these industrial lands remain part of a larger landmass, and hence, their severance shall not be permitted.

**4.11.7.2 SPECIAL WASTE DISPOSAL ASSESSMENT**  
**(Lot 10, Concession V, former Sunnidale)**

The Waste Disposal Industrial designation on lands in Part of Lot 10, Concession V, (former Sunnidale) identifies a closed waste disposal site together with lands in the vicinity where the environmental conditions caused by the waste disposal operation have the potential to negatively influence future land use activities. Notwithstanding any policies of this Section 4.11 to the contrary, development may be permitted within this area in conformity with the policies of Section 4.4 -Rural provided the criteria in Section 4.11.4 is addressed to the satisfaction of the Township of Clearview and County of Simcoe.

OPA  
No. 7

**4.11.7.3 Construction Material Recycling Facility (OPA 7)**  
**(E1/2 Lot 31, Concession 2, Formerly in Nottawasaga)**

Notwithstanding any provisions of the Official Plan to the contrary, on lands designated Waste Disposal Industrial on the E1/2 of Lot 31, Concession 2, formerly Nottawasaga, the following special provisions apply:

Permitted uses are restricted to a privately owned and operated recycling, storage and transfer facility for construction demolition materials. Materials handled will be limited to: solid, non-hazardous materials, including concrete/brick, wood, scrap metal, drywall, cardboard, gravel, and other non-hazardous miscellaneous materials. Outside storage areas for clean concrete, wood, aggregate and scrap metal will be permitted.

The facility is subject to site plan control.

**4.11.8 SITE PLAN CONTROL**

All areas designated Waste Disposal Industrial on Schedules A through A14 and associated assessment areas may be designated, by by-law, as site plan control areas. Policies concerning site plan control in Section 8.5 shall apply.

**4.11.9 ZONING**

Waste Disposal Industrial uses shall be zoned in separate categories in the implementing Zoning By-law.

## **4.12 RECREATIONAL DISTRICT**

The Recreational District boundary classification on Schedules A and A14 identifies existing recreational destinations favoured by recreational residents and tourists due to their unique natural heritage features. Protecting significant environmental resources and ensuring the effective, efficient and environmentally sustainable delivery of services and infrastructure to these areas is a major objective of this Plan. Accordingly, the development of lands within the Recreational District boundary classification shall only be permitted in accordance with the following policies.

### **4.12.1 PREREQUISITES FOR MAJOR DEVELOPMENT**

The Recreational District boundary classification on Schedules A and A14 identifies areas (Osler Bluffs and Devil's Glen) which due to their recreational resource assets (e.g. ski hills) have potential for significant development, including recreational and/or permanent residential development. As per Section 11.9, it is the intent of this Official Plan that major development within these recreational districts only be permitted on the basis of the recommendations of a secondary plan/comprehensive Official Plan amendment which addresses the potential impacts (environmental/economic/social) associated with future development.

Long-range planning for a Recreational District shall include the delineation of the area's future land use pattern, including the distribution and mix of preferred housing types, if applicable, and the location of future recreational and commercial areas and arterial and collector roads.

The determination of the areas to be designated for future development shall derive from anticipated growth trends and analyses which demonstrate that the lands are physically suited to development in relation to both their servicing capability and potential impact on the financial and natural heritage resources of the Township.

Within the Osler Bluffs Recreational District, development in the Black Ash Creek Natural Heritage Systems identified on Schedule A15, shall only be permitted if supported by an Environmental Impact Statement (EIS) prepared in accordance with the policies of Section 4.1.2.2 of this Plan.

Where development is contemplated on the Niagara Escarpment, the policies of the Niagara Escarpment Plan, as set out in Section 5.0 of this Plan shall apply, subject to any modifications that may arise in consultation with the Niagara Escarpment Commission.

The detailed planning for a Recreational District shall establish the preferred land use pattern, road network, servicing approach and method of stormwater management, as well as a policy framework which minimizes the potential impact of new development on natural heritage resources particularly the Niagara Escarpment. In devising planning policy for the area, it is anticipated that full consideration will, among other things, be given:

- the vision, intent, policies and requirements of this Official Plan,
- to the district's future land use relationship to surrounding land uses, including those in neighbouring municipalities,
- to the preferred form/magnitude of new development in relation to the municipality's broad objective to maintain the character and atmosphere that contribute to the Recreational District's popularity,
- to the transportation needs/demands of the area and the potential impact of increased traffic on the existing recreational and agricultural communities,

- to the environmental/recreational needs of the area in the context of both ensuring the preservation of significant natural heritage resources, and the desirability of maintaining a generous apportionment of open space,
- to the stormwater management requirements of the area, particularly as they may relate to sensitive watercourses, and
- to the optimum method of providing water and sanitary sewage services to the policies of Section 7.0 of this Plan.

Since servicing and other issues have a potential impact on neighbouring municipalities, the planning process for major development will incorporate circulation to, and consultation with, those neighbouring municipalities. On a similar basis, the Township shall seek the co-operation of neighbouring municipalities in establishing input to major development in their jurisdictions which may impact the Township of Clearview.

It is important to recognize that it is not the intent of this Plan to unnecessarily curb and delay development within an identified Recreational District, only to ensure that growth occurs in accordance with good planning principles and the long-range land use and economic objectives of the municipality. Accordingly, detailed planning of the secondary plan area or selected parts thereof may proceed when Council is satisfied that the municipality can reasonably finance the planning study and related technical works with the partial or complete assistance of area developers.

Notwithstanding the above paragraph, long-range planning for “select” parts of the secondary plan area may only proceed in circumstances where Council is satisfied, (1) that the scope of the analysis is sufficiently broad to permit an understanding of the land use, transportation, servicing and environmental inter-relationships between the study area and broader Recreational District as a whole, and (2), that the magnitude of development under consideration is sufficient to make the use of full municipal/communal services a realistic possibility.

#### **4.12.2 PREREQUISITES FOR MINOR DEVELOPMENT**

While it is the Township’s intent that major development within an identified Recreational District be delayed pending the completion of a secondary plan/comprehensive Official Plan amendment, as per the criteria above, it also is the intent of this Plan to permit limited forms of rural development in the period leading up to the completion of the comprehensive planning process. Accordingly, in this interim period, development may be permitted within an identified Recreational District in accordance with the permitted use and development criteria of the land use designations on Schedules A and A14, save and except that permitted uses within the Rural designation shall be limited to the following:

- Agricultural uses, but not intensive agricultural uses, including single-detached farm dwellings and accessory agriculture buildings (barns/sheds/garages in accordance with policies of Section 4.3.
- Conservation and forestry uses.
- Non-agricultural residential uses by consent in accordance with the policies of Sections 4.4 and 9.0.
- Except within Reference Plans described in Section 4.4.4, a single-detached dwelling may be permitted on an existing lot of record having distinct and separate ownership on the date of adoption of this Plan in accordance with the rural residential provisions of the implementing Zoning By-law, and provided that the lands have frontage on a public road

and Council is satisfied with regard to the adequacy of the proposed method of water supply and sanitary sewage disposal.

- A kennel or riding club in accordance with the policies of Section 4.4.
- A golf course in accordance with the policies of Sections 4.2 and 4.4.1.2.
- Public uses in accordance with the policies of Section 12.4.
- Public Parks in accordance with the policies of Section 4.2.
- Roadside Retail Outlets for the purpose of the sale of agricultural products produced on the lands upon which the retail use is situated in accordance with the standards and regulations established in the implementing Zoning By-law.
- Home Occupations and Home Industries in accordance with the policies of Section 4.3.2.6.
- A Garden Suite or Accessory Apartment on the same lot and in conjunction with a principal single-detached dwelling in accordance with the policies of Section 4.3.2.8 and 4.3.2.9.
- Bed and Breakfast Accommodation within an existing single-detached dwelling in accordance with the policies of Section 4.3.2.10.
- Uses legally existing on the date of adoption of this Official Plan may be recognized in the implementing Zoning By-law and minor extensions and/or the construction of accessory uses may be permitted.

#### **4.12.3 SITE PLAN CONTROL**

All areas within a Recreational District boundary classification on Schedules A and A14 may be designated, by by-law, as site plan control areas. Policies concerning site plan control in Section 8.5 shall apply.

#### **4.12.4 OSLER BLUFFS RECREATIONAL DISTRICT**

The lands situated within the Recreational District boundary classification in northwest Clearview in the vicinity of the Osler Bluffs Ski Club, as delineated on Schedule A, have been so classified for study purposes only. The ultimate boundary of the Recreational District and areas actually intended for future development will derive from the conclusions of the secondary plan/comprehensive Official Plan amendment study process described in Section 4.12.1, and may be dependent on, among other things, municipal/communal servicing opportunities and/or servicing capacities in, and servicing agreements with neighbouring municipalities.

#### **4.12.5 DEVIL'S GLEN COUNTRY CLUB RECREATIONAL DISTRICT**

The Devil's Glen Country Club Recreational District, as delineated on Schedule A14, is located within the area governed by the Niagara Escarpment Plan. Accordingly, development within the Recreational District shall also be subject to the Devil's Glen Country Club Development Policies in Section 5.4 of this Plan as administered by the Niagara Escarpment Commission.

#### **4.12.6 ZONING**

In the interim period leading up to the preparation of a comprehensive planning study

(e.g. secondary plan(s)), lands within a Recreational District boundary classification shall be included within separate zones established in accordance with the land use designations on Schedules A and A14, subject to the further provisions of Section 4.12.2 above. Upon the completion of a planning study for the area by the municipality and/or an applicant, the lands shall

be included in separate zones designed to implement the land use designations which emerge from the comprehensive planning process.

Lands within the Devil's Glen Country Club Recreational District are subject to the Niagara Escarpment Plan and are administered strictly by the Niagara Escarpment Commission. Accordingly, zoning criteria to implement the policies of Section 5.4 of this Plan or the land use designations on Schedule A14 applying to the Devil's Glen Country Club Recreational District may not be required.

## **5.0 NIAGARA ESCARPMENT PLAN**

The Niagara Escarpment extends 725 kilometres from Queenstown on the Niagara River to the islands off Tobermory on the Bruce Peninsula, and covers a significant part of southwest Clearview including a majority of the lands situated to the west of Creemore, Glen Huron and Duntroon.

The importance of this natural feature was recognized by the passage of the Niagara Escarpment Planning Development Act by the Provincial Government on June 22, 1973 and the subsequent approval, and then amendment to the Niagara Escarpment Plan by Provincial Cabinet on June 12, 1985 and June 15, 1994 respectively.

The Plan is Canada's first, large-scale environmental land use plan. It balances protection, conservation and sustainable development to ensure that the Escarpment will remain substantially as a natural environment for future generations.

In 1990, the United Nations Educational, Scientific and Cultural Organization (UNESCO) named Ontario's Niagara Escarpment a World Biosphere Reserve. This designation recognizes the natural features and ecological importance of the Escarpment and endorses the Niagara Escarpment Plan.

The Niagara Escarpment Plan provides a framework of objectives and policies that endeavour to strike a balance between development, preservation and enjoyment of the Niagara Escarpment. It is the intent of Council to maintain consistency with the policies of the Niagara Escarpment Plan (NEP) through the inclusion of the NEP's long-range objectives and land use and development policies within the body of Clearview's Official Plan.

Land uses within those parts of the Niagara Escarpment situated within the Township of Clearview shall be developed in accordance with the land use designations on Schedule A through A14. These designations establish land uses by dividing the Escarpment area into six land use designations, namely:

- Section 5.1.2 - Escarpment Natural Area
- Section 5.1.3 - Escarpment Protection Area
- Section 5.1.4 - Escarpment Rural Area
- Section 5.1.5 - Escarpment Recreation Area
- Section 5.1.6 - Mineral Resource Extraction Area
- Section 5.1.7 - Minor Urban Centre

These designations and associated land use and development policies shall provide the basis for future development within areas forming part of the Niagara Escarpment and guidance in the consideration of development proposals.

Development within areas subject to the Niagara Escarpment Plan shall be contingent upon the issuance of a permit by the Niagara Escarpment Commission for those areas which are subject to Niagara Escarpment Development Control, followed by the issuance of a building permit by the Township of Clearview. Permitted development must conform to the policies of the Niagara Escarpment Plan, the Official Plan of the County of Simcoe, and the Official Plan of the Township of Clearview. The Township may also incorporate lands within the Niagara Escarpment Plan into a municipal zoning by-law where permitted to do so by legislative authority and/or the Niagara

Escarpment Plan. Where such a municipal by-law is in effect, all development must also comply with the permitted uses and provisions of that by-law.

Except as stipulated in Section 12.6, any changes to map Schedules A through A14 or the land use policies of this section, shall require an amendment to this Official Plan and the Niagara Escarpment Plan, and the approval of the Niagara Escarpment Commission, County of Simcoe and Township of Clearview, and may require an amendment to any zoning by-law which may be in effect.

All areas within the Niagara Escarpment Plan Area boundary classification on Schedules A and A14 may be designated, by by-law, as site plan control areas. Policies concerning site plan control in Section 8.5 shall apply.

## **5.1 LAND USE POLICIES IN THE NIAGARA ESCARPMENT PLAN AREA**

### **5.1.1 INTERPRETATION OF NIAGARA ESCARPMENT PLAN BOUNDARIES AND POLICIES**

The outer boundary of the Niagara Escarpment Plan (NEP) Area is fixed and inflexible. It can only be changed by an amendment to the Niagara Escarpment Plan and this Official Plan. It is formed by a combination of such features as roads, railways, electric transmission lines, municipal and property boundaries, lot lines, rivers and topographic features.

The internal boundaries between designations within the NEP Area, however, are less definite except where they are formed by such facilities as roads, railways and electrical transmission lines. These internal boundaries are not intended to be site-specific and should not be used for accurate measurement. The exact delineation of designation boundaries on specific sites will be done on a case-by-case basis through the application of the designation criteria for each classification, utilizing the most detailed or up-to-date information available, and site inspections. Such designation boundary interpretations will not require an amendment to this Official Plan.

The land use development policies and definitions of this Section 5.0 have exclusive application to the NEP Area shown on Schedules A through A14. Policies found in other sections of this Plan also apply unless they conflict with the policies of Section 5.0 in which case the policies of Section 5.0 shall prevail.

### **5.1.2 ESCARPMENT NATURAL AREA**

#### **1. Objectives**

Within the Escarpment Natural Area, it is the intent of this Official Plan:

- To maintain the most natural Escarpment features, stream valleys, wetlands, related significant natural areas and associated cultural heritage features.
- To encourage compatible recreation, conservation and education activities.
- To maintain and enhance the landscape quality of Escarpment features.

#### **2. Identifying Features**

The Escarpment Natural Area includes Escarpment features which are in a relatively natural state and associated stream valleys, wetlands and forests, which are relatively undisturbed.

Escarpment Natural Areas contain important plant and animal habitat and geological and cultural heritage features, and are the most significant natural and scenic areas of the Escarpment. The policy objective is to maintain these natural areas.

### **3. Defining Criteria for Designation**

The Escarpment Natural Area designation encompasses:

- Escarpment slopes and related landforms associated with the underlying bedrock which are in a relatively natural state.
- The most significant Areas of Natural and Scientific Interest (Life Science).
- The most significant stream valleys and wetlands associated with the Escarpment.
- The area extending 300 metres (1,000 feet) from the brow of the Escarpment slope, in circumstances where forest lands abut the Escarpment.

### **4. Permitted Uses**

Subject to the development criteria of Section 5.2 and the policies of this Plan, the following uses may be permitted:

- Existing agricultural operations.
- Existing Uses.
- Single-detached dwellings.
- Non-intensive recreation uses such as nature viewing and trail activities, except motorized vehicle trails or the use of motorized trail vehicles. (e.g., trail bikes and all-terrain vehicles).
- Forest, wildlife and fisheries management.
- Archeological activities.
- Essential transportation and utility facilities.
- Accessory buildings, structures and facilities (e.g. garages or farm ponds) and site modifications to accommodate them.
- Incidental uses (e.g. swimming pools, tennis courts) and site modifications to accommodate them, provided that the impact on the natural environment is minimal.
- Uses permitted in approved Park Plans, prepared in accordance with the Niagara Escarpment Plan (see Section 5.3).
- Home occupations and cottage industries.
- Essential watershed management and flood and erosion control projects carried out or supervised by a public agency.
- The Bruce Trail corridor including the pedestrian footpath and, where necessary, bridges, boardwalks and other trail-related constructions and unserviced Overnight Rest Areas and Access Points for Bruce Trail users.
- Bed and Breakfast Homes.
- Farm Vacation Homes.
- Provided there is no alternative (see Section 5.2.1.7.b) a second single dwelling on an existing lot of record where there is an existing single dwelling designated and an easement agreement registered under the Ontario Heritage Act, or such a dwelling is considered to be of provincial or national heritage value or interest.



## **5. Severance Policy**

New lots may be created subject to the provisions of this section, and the applicable policies of Section 5.2, Development Criteria and the policies of this Plan.

- Severances may be created for the purposes of correcting conveyances, enlarging existing lots or through acquisition by a public body provided no new building lot(s) is created.
- Severances may be permitted to reassemble original lots along original Township lot lines and to create 40 hectare (100 acre) lots along half-lot lines where the original Township lot is 80 hectares (200 acres) provided no previous lot(s) have been severed from the original Township lots.
- A lot created by a public body (e.g., for a road or park) will not be considered a previous lot. A remnant lot(s) created as a result of a parcel acquired by a public body, which may be used as a building lot(s) shall be considered a previous lot.

### **5.1.3 ESCARPMENT PROTECTION AREA**

#### **1. Objectives**

Within the Escarpment Protection Area, it is the intent of this Official Plan:

- To maintain and enhance the open landscape character of Escarpment features.
- To provide a buffer to prominent Escarpment features.
- To maintain natural areas of regional significance and cultural heritage features.
- To encourage agriculture, forestry and recreation.

#### **2. Identifying Features**

Escarpment Protection Areas are important because of their visual prominence and environmental significance. They are often more visually prominent than Escarpment Natural Areas. Included in this designation are Escarpment features that have been significantly modified by land use activities such as agriculture or residential development, as well as land needed to buffer prominent Escarpment Natural Areas, and natural areas of regional significance.

The policy objective is to maintain the remaining natural features and the open, rural character of the Escarpment landscape and lands in its vicinity.

#### **3. Defining Criteria for Designation**

The Escarpment Protection Area designation encompasses:

- Escarpment slopes and related landforms where existing land uses have significantly altered the natural environment (e.g. agricultural lands or residential development).
- Areas in close proximity to Escarpment slopes which visually are part of the landscape unit.
- Regionally significant Areas of Natural and Scientific Interest (Life Science).

#### **4. Permitted Uses**

Subject to the development criteria of Section 5.2 and the policies of this Plan, the following uses may be permitted:

- Agricultural operations.
- Existing uses.
- Single-detached dwellings.
- Mobile or portable dwelling unit(s) accessory to an agricultural operation.
- In non-agricultural areas, recreational uses oriented towards the land which require minimal modification of the existing natural, topographic and landscape features and which do not require the building of major structures (e.g., picnic sites, day use sites, unserviced camp sites, trail uses). Golf courses are not permitted.
- Forest, wildlife and fisheries management.
- Archeological activities.
- Transportation and utility facilities.
- Accessory buildings, structures and facilities (e.g. garages or farm ponds) and site modifications required to accommodate them.
- Small-scale commercial uses accessory to agriculture.
- Incidental uses (e.g. swimming pools, tennis courts and ponds) and site modifications required to accommodate them providing the impact on the natural environment is minimal.
- Small-scale institutional uses.
- Uses permitted in approved Park Plans prepared in accordance with the Niagara Escarpment Plan (see Section 5.3).
- Home occupations, cottage industries and home industries.
- Veterinary clinics.
- Animal kennels in conjunction with a single-detached dwelling.
- Watershed management and flood and erosion control projects carried out or supervised by a public agency.
- The Bruce Trail corridor including the pedestrian footpath and, where necessary, bridges, boardwalks and other trail-related constructions and unserviced Overnight Rest Areas and Accessory Points for Bruce Trail users.
- Bed and Breakfast Homes.
- Farm Vacation Homes.
- A second single dwelling on an existing lot of record where there is an existing single dwelling designated and an easement agreement registered under the Ontario Heritage Act, or such a dwelling is considered to be of provincial or national heritage value or interest.
- Small-scale recycling depots for paper, glass and cans, etc., serving the local community.

### **5. Severance Policy**

New lots may be created subject to the provisions of this section, and subject also to the applicable policies in Section 5.2, Development Criteria and the policies of this Plan.

- New lots may be created for the purposes of correcting conveyances, enlarging existing lots or through acquisition by a public body, provided no new building lot(s) is created.
- New lots may be created for agricultural operations provided both the severed and remnant parcels are of sufficient size to remain useful for agricultural purposes as outlined in agricultural policies of the Provincial Policy Statement.
- Severances may be permitted to reassemble original lots along Township lot survey lines and to create 40-hectare (100 acre) lots along half-lot lines where the original Township

lot is 80 hectares (200 acres) provided no previous lots have been severed from the original Township lots.

- Where no lots have been severed in the past from the original township lot or half township lot, where the original township lot is 80 ha (200 ac.) or more, and where the lot to be created is not in conflict with the agricultural policies of the Provincial Policy Statement, a full time bona fide farmer who is retiring from active working life and has farmed the land from the date of approval of the original Niagara Escarpment Plan on June 12, 1985, may be permitted a lot on which the farmer intends to retire and reside.
- A lot created by a public body (e.g., for a road or park) will not be considered a previous lot. A remnant lot(s) created as a result of a parcel acquired by a public body, which may be used as a building lot(s) shall be considered a previous lot.

#### **5.1.4 ESCARPMENT RURAL AREA**

##### **1. Objectives**

Within the Escarpment Rural Area, it is the intent of this Official Plan:

- To maintain the scenic value of lands in the vicinity of the Escarpment.
- To maintain the open landscape character by encouraging the conservation of the traditional cultural landscape and cultural heritage features.
- To encourage agriculture and forestry and to provide for compatible rural land uses.
- To provide a buffer for the more ecologically sensitive areas of the Escarpment.
- To provide for the designation of new Mineral Resource Extraction Areas which can be accommodated by an amendment to this Plan and the Niagara Escarpment Plan in accordance with the provisions of the Niagara Escarpment Planning and Development Act and the Planning Act.

##### **2. Identifying Features**

The Escarpment Rural Area designation encompasses lands which are an essential component of the Escarpment corridor, including portions of the Escarpment and lands in its vicinity. They provide a buffer to the more ecologically sensitive areas of the Escarpment.

##### **3. Defining Criteria for Designation**

The Escarpment Rural Area designation encompasses:

- Minor Escarpment slopes and landforms.
- Lands in the vicinity of the Escarpment necessary to provide an open landscape, and/or the ecological importance to the environment of the Escarpment.

##### **4. Permitted Uses**

Subject to the development criteria of Section 5.2 and the policies of this Plan, the following uses may be permitted:

- Agricultural operations.
- Existing uses.
- Single-detached dwellings.
- Mobile or portable dwelling unit(s) accessory to an agricultural operation.

- In non-agricultural areas, recreational uses such as campgrounds, golf courses, country clubs, and trail uses provided that any detrimental impact of these uses on the Escarpment's scenic qualities and natural environment is kept to a minimum.
- Forest, wildlife, and fisheries management.
- Archeological activities.
- Transportation and utility facilities; however only linear facilities may be permitted in prime agricultural areas.
- Accessory buildings, structures and facilities (e.g. garages or farm ponds) and site modifications required to accommodate them.
- Small-scale commercial uses accessory to agricultural operations.
- Incidental uses (e.g. swimming pools, tennis courts and ponds) and site modifications to accommodate them provided that the impact on the natural environment is minimal.
- In non-agricultural areas, small-scale institutional uses.
- Uses permitted in approved Park Plans prepared in accordance with the Niagara Escarpment Plan (see Section 5.3).
- Home occupations, cottage industries and home industries.
- Veterinary clinics.
- Animal kennels in conjunction with a single-detached dwelling.
- In non-agricultural areas, small-scale commercial and industrial development serving agriculture and the rural community.
- Watershed management and flood and erosion control projects carried out or supervised by a public agency.
- The Bruce Trail corridor including the pedestrian footpath and, where necessary, bridges, boardwalks and other trail-related constructions and unserviced Overnight Rest Areas and Access Points for Bruce Trail users.
- New licensed pits or quarries producing less than 20,000 tonnes (22,000 tons) annually with an Amendment to this Plan and the Niagara Escarpment Plan subject to Sections 4.9, 5.1.6 and 5.2.10.
- New licensed pits or quarries producing more than 20,000 tonnes (22,000 tons) annually with an Amendment to the Niagara Escarpment Plan subject to Sections 5.1.6 and 5.2.10.
- Wayside pits or wayside quarries subject to the Aggregate Resources Act, and the Ministry of Transportation Wayside Pits and Quarries Criteria (see Figure 12), and Section 5.2.10, Mineral Resources Development Criteria.
- Small-scale recycling depots for paper, glass and cans, etc. serving the local community.
- Bed and Breakfast Homes.
- Farm Vacation Homes.
- A second single dwelling on an existing lot of record where there is an existing single dwelling designated and an easement agreement registered under the Ontario Heritage Act, or such a dwelling is considered to be of provincial or national heritage value or interest.

## **5. Severance Policy**

New lots may be created subject to the provisions of this section and subject also to the applicable policies in Section 5.2, Development Criteria and the policies of this Plan.

- New lots may be created for the purpose of correcting conveyances, enlarging existing lots or through acquisition by a public body provided no new building lot(s) is created.

- New lots may be created for agricultural operations provided both the severed and remnant parcels are of sufficient size to remain useful for agricultural purposes as outlined in the agricultural policies of the Provincial Policy Statement.
- Severances may be permitted to reassemble original lots along Township lot survey lines and to create 40 hectare (100 acre) lots along half-lot lines where the original Township lot is 80 hectares (200 acres) provided no previous building lot(s) have been severed from the original Township lots.
- Where no lots have ever been severed in the past, and where the lots to be created are not in conflict with the agricultural policies of the Provincial Policy Statement, one new lot may be severed for a permitted use per original Township lot (generally 40 hectares/100 acres) or half lot where the original Township lot is 80 hectares (200 acres).
- No new lots are permitted where one or more lots have been severed from the original township lot, or half township lot (where the original township lot is 80 hectares (200 acres) or more).
- In addition, provided no more than one lot has been severed from the original township lot or half township lot, where the original township lot is 80 hectares (200 acres) or more, and where the lot to be created is not in conflict with the agricultural policies of the Provincial Policy Statement, a full time bona fide farmer who is retiring from active working life and has farmed the land from the date of approval of the original Niagara Escarpment Plan on June 12, 1985, may be permitted a lot on which the farmer intends to retire and reside.
- A lot created by a public body (e.g., for a road or park) will not be considered a previous lot. A remnant lot(s) created as a result of a parcel acquired by a public body, which may be used as a building lot(s) shall be considered a previous lot.

### **5.1.5 ESCARPMENT RECREATION AREA**

#### **1. Objectives**

Within the Escarpment Recreation Area, it is the intent of this Official Plan:

- To minimize any adverse effects of recreational activities on the Escarpment environment.
- To provide areas where new recreational and associated development can be concentrated around established, identified or approved downhill ski centres.
- To provide for the development of new ski centres or other recreational areas.
- To ensure that future recreational development is compatible with cultural and natural heritage values (e.g., fisheries and wildlife habitats) in the area.

#### **2. Identifying Features**

The Escarpment Recreation Area identifies established or approved recreational areas (e.g. ski centres and resort development).

#### **3. Defining Criteria for Designation**

The Escarpment Recreation Area designation recognizes those parts of the Devil's Glen and Osler Bluff Recreational Districts situated within the Niagara Escarpment Plan Area. These are both existing recreational resort areas where limited forms of future growth are anticipated on the basis of comprehensive planning.

#### **4. Permitted Uses**

Subject to the development criteria of Section 5.2, as well as Sections 5.1, 5.3 and 5.4 and the additional requirements of this Plan, the following uses may be permitted:

- Existing Uses.
- In ski centres, accessory buildings, structures and facilities (e.g., snow-making pond) and the site modifications required to accommodate them and incidental uses (e.g., tennis courts) and the site modifications required to accommodate them provided that any adverse effect on the environment is minimal.
- In ski centres, facilities such as ski runs, ski lifts, snowmobile trails, slide rides, toboggan runs, ski chalets and commercial development such as lodges, retail stores and service establishments associated with the centre.
- In the Devil's Glen Country Club Policy Area, uses as provided for in Subsection 5.4 of this Plan.
- Uses in approved Park Plans, prepared in accordance with the Niagara Escarpment Plan (see Section 5.3).
- The Bruce Trail corridor including the pedestrian footpath and, where necessary, bridges, boardwalks and other trail-related constructions and unserviced Overnight Rest Areas and Access Points for Bruce Trail users.

#### **5. Development/New Lot Policy**

Residential development should occur on lots or blocks created by registered plan of subdivision or condominium or other compatible forms of ownership in accordance with the policies of this Plan. New lots, however, may be created for permitted uses subject to:

- Section 5.2, Development Criteria.
- Section 4.5, (dealing with Estate Residential Uses).
- Section 5.4, inclusive of Section 5.4.2, (dealing with embankment stabilization and erosion control for the Devil's Glen Ski Club).
- Section 5.1.5.6 which follows.
- The policies of this Plan.

#### **6. Development Objectives**

Except for plans of subdivision which have been draft or final approved, development on prominent Escarpment slopes shall be limited to those recreational facilities such as ski runs, ski lifts or slides which require the slopes for the proper function of the operation.

Growth should be compatible with and provide for the protection of unique ecological, historical and archeological areas, wildlife habitat, streams and water supplies and other environmentally-sensitive areas both inside and adjacent to Escarpment Recreation Areas.

Recreational uses shall be designed to utilize existing site and topographical conditions, with allowance for minimum regrading, placement/excavation of fill and vegetation removal only if they are essential to the use and only if adverse effects can be mitigated.

#### **7. Official Plans/Secondary Plans**

Official Plan and/or secondary plan designations (as shown on Schedules A through A14) may be amended without requiring an amendment under the Niagara Escarpment Planning and

Development Act provided such an amendment is not in conflict with the permitted use, policies, objectives and development objectives of this section and Sections 5.2 and 5.4.

## **8. Land Use Control**

Land use control within an identified Escarpment Recreation Area may be exercised either through by-laws passed under the Planning Act, or through Development Control as authorized under the provisions of the Niagara Escarpment Planning and Development Act.

### **5.1.6 MINERAL RESOURCE EXTRACTION AREA**

#### **1. Objectives**

Within the Mineral Resource Extraction Area designation, it is the intent of this Official Plan:

- To designate licensed Mineral Resource Extraction Areas.
- To minimize the impact of mineral extraction operations on the Escarpment environment.
- To provide areas where new pits and quarries may be established.
- To ensure that after uses and rehabilitation are compatible with the applicable Plan designation, the surrounding environment and existing uses.
- To encourage, where possible, the rehabilitated after uses of pits and quarries to be integrated into the Niagara Escarpment Parks and Open Space System.

#### **2. Identifying Features**

The Mineral Resource Extraction Area designation includes pits and quarries licenced pursuant to the Aggregate Resources Act and the areas where mineral resource extraction may be permitted subject to the policies of this Official Plan and the Niagara Escarpment Plan.

#### **3. Defining Criteria for Designation**

The Mineral Resource Extraction Area designation encompasses existing licensed pits and quarries.

#### **4. Permitted Uses**

Subject to the development criteria of Section 5.2 and the policies of this Plan, the following uses may be permitted:

- Agricultural operations.
- Existing uses.
- Mineral extraction operations licensed pursuant to the Aggregate Resources Act.
- Forest, fisheries and wildlife management.
- Archeological activities.
- Recreational uses (such as trail activities and golf courses) which are oriented toward the land rather than the building of major structures.
- Essential utility and transportation facilities.
- Watershed management and erosion control projects carried out or supervised by a public agency.
- Accessory buildings and facilities normally associated with the mineral extraction operation, such as office or crushing and washing facilities. Asphalt plants, concrete

plants, brick manufacturing plants and other similar manufacturing uses shall not be permitted.

- Incidental uses and site modifications required to accommodate them, provided that the impacts of such uses on the natural environment are minimal.
- Uses permitted in approved Park Plans, prepared in accordance with the Niagara Escarpment Plan (see Section 5.3).
- The Bruce Trail corridor, including the pedestrian footpath and, where necessary, bridges, boardwalks and other trail related constructions and unserviced overnight rest areas and access points for Bruce Trail users.
- Single dwellings, and associated accessory uses (e.g., a garage or storage building), including a home business, where the licence has been cancelled and rehabilitation has occurred.

### **5. After Uses and New Lots**

Prior to a change of land use or severance, a Mineral Resource Extraction Area will require an amendment in accordance with the Niagara Escarpment Planning and Development Act and the provisions of the Planning Act. The after-use of the excavated area shall be compatible with, and have minimal impact upon, surrounding uses and shall maintain consistency with the broader rehabilitation objectives of Section 4.9 of this Official Plan and the following:

- Where the rehabilitation is being undertaken by reforestation, the after use shall aim to re-establish a functioning ecosystem similar in condition to the natural ecosystems in the region.
- Where the rehabilitation is being undertaken to agriculture, substantially the same acreage and average soil capability for agriculture shall be restored.

### **6. New Mineral Resource Extraction Areas**

New Mineral Resource Extraction Areas producing less than 20,000 tonnes (22,000 tons) annually may be permitted in the Escarpment Rural Area by amendment under Section 4.9 of this Official Plan.

New Mineral Resource Extraction Areas producing more than 20,000 tonnes (22,000 tons) annually may be designated in the Escarpment Rural Area by amendment to the Niagara Escarpment Plan and to this Official Plan in accordance with the Niagara Escarpment Planning and Development Act and the provisions of the Planning Act. Such an amendment will have the effect of changing the Escarpment Rural Area designation to a Mineral Resource Extraction Area designation.

### **7. Amendment Policies for Mineral Extraction**

- a) In evaluating applications for an amendment to redesignate Escarpment Rural Area to Mineral Resource Extraction Area, the following matters will be considered:
  - i) Protection of the natural and cultural environment, namely:
    - Groundwater and surface water systems on a watershed basis;
    - Habitat of rare, vulnerable, threatened or endangered species;
    - Adjacent Escarpment Protection and Escarpment Natural Areas;
    - Adjacent Rural Area natural features;



- Existing and optimum routes of the Bruce Trail;
  - Provincially significant wetlands;
  - Provincially significant ANSIs; and
  - Significant cultural heritage features.
- ii) Opportunities for achieving the objectives of this Plan and Section 8 of the Niagara Escarpment Planning and Development Act through the final rehabilitation of the site;
- iii) Maintenance and enhancement of the quality and character of natural systems, water supplies, including fish habitat; and
- iv) Capability of the land for agricultural uses and its potential for rehabilitation for agricultural uses.
- b) Amendment applications must be accompanied by:
- i) Information on the location of the site in relation to the actual Escarpment and to the Escarpment Rural, Protection and Natural Area designations;
  - ii) Information to support the requirements of Section 5.1.6.7, along with information submitted to meet the requirements of the Aggregate Resources Act, including site plans submitted under Section 8 and reports submitted under Section 9 of that Act;
  - iii) Information on the ultimate use of the site in conformity with the Escarpment Rural, Protection or Natural Area designations; and
  - iv) Information on how the application satisfies the objectives and policies of this Plan, the purpose and objectives of the Niagara Escarpment Plan and the Provincial Policy Statement.

### **5.1.7 MINOR URBAN CENTRE**

#### **1. Objectives**

Within the Minor Urban Centre designation, it is the intent of this Official Plan:

- To recognize, maintain and enhance existing rural settlements or provide concentration points for development and growth in rural areas.
- To ensure that cumulatively the existing Minor Urban Centre and any associated development and growth can be accommodated and serviced in a manner that would be environmentally sustainable over the long term.
- To maintain and enhance the cultural heritage features of settlement areas, and where applicable: (a) designate all or parts of them in accordance with the Ontario Heritage Act and (b) recommend all or parts of them be listed as being of heritage significance in this Plan and the Niagara Escarpment Plan.
- To ensure that new development is compatible with the identity and traditional character of Minor Urban Centres.
- To generally direct the growth of settlement areas away from Escarpment Natural Areas and Escarpment Protection Areas into Escarpment Rural Areas, in a logical manner with the least possible environmental and agricultural disruption.

- To ensure that any growth will be in accordance with this Official Plan and/or comprehensive secondary plan which is not in conflict with the Niagara Escarpment Plan.

## **2. Identifying Features**

The Minor Urban Centre designation identifies a number of secondary urban settlement areas in the Niagara Escarpment Plan Area.

## **3. Defining Criteria for Designation**

The Minor Urban Centre designation recognizes the existing communities of Dunedin, Glen Huron and Singhampton.

## **4. Boundaries**

The Minor Urban Centre designation is shown by a boundary classification on Schedule A of this Official Plan and on the enlarged detailed drawings, Schedules A6, A7 and A8.

New boundaries to establish revised growth areas must be clearly defined through an Official Plan and/or secondary plan amendment undertaken by the municipality, which is not in conflict with the objectives, including the development and growth objectives, of the Minor Urban Centre designation. Changes to the Minor Urban Centre (secondary urban settlement area) boundaries shown on the Map Schedules of this Plan will also require an Amendment to the Niagara Escarpment Plan.

## **5. Permitted Uses and New Lots**

The range of permitted uses and the creation of new lots will be subject to:

- Section 5.2, Development Criteria.
- Sections 4.6, 4.7 and 4.8 dealing with residential, commercial and industrial development in secondary urban settlement areas.
- Section 5.1.7.6 which follows the policies of this Plan.

## **6. Development and Growth Objectives**

- Development and growth, including the creation of new lots, shall not extend into the Escarpment Natural Areas.
- An exception may be made to include the Escarpment Natural Area within the boundary of a Minor Urban Centre where it is not physically logical to exclude a Escarpment Natural Area from a Minor Urban Centre (e.g., river valley through a village). In this instance the Escarpment Natural Area designation and its policies must be incorporated into the official plan/secondary plan or development proposal.
- Development and growth should generally not extend into Escarpment Protection Areas but be directed to Escarpment Rural Areas in a manner consistent with Escarpment Rural Area objectives.
- Development and growth should be limited to minimize land use conflicts (e.g. with agriculture) and, where appropriate, incorporate adequate screening and/or setbacks to reduce the visual impact on the Escarpment landscape (e.g., berming, tree planting, subdued lighting).

- Development and growth should be minor only, relative to the size and capacity of the settlement area to absorb new growth, so that the rural heritage of the community is maintained. A consideration shall be the scale (e.g., floor area, height, design) of new housing and its compatibility with the traditional character of the village.
- Development and growth generally should take place as a logical extension of existing development in the form of planned groups rather than linear or scattered development. Expansion in depth rather than by extension along existing roads is preferred.
- Development and growth should be compatible with, and provide for, the protection and restoration of historical features or areas, archeological sites and structures of archeological significance in accordance with Subsections 5.2.11 and 8.14 (i.e., heritage conservation).
- Development and growth should be compatible with and provide for the protection of ecological areas, wildlife habitat, streams and water supplies and other environmentally-sensitive areas, both inside and adjacent to the Minor Urban Centres (i.e., secondary urban settlement areas).
- Consideration of new growth and development must include an examination of the specific and cumulative environmental, economic and social effects of providing services (e.g., water, sewage disposal, schools, roads, etc.).
- Adequate public access to the Escarpment should be provided by such means as parking areas, walkways or pedestrian trails (e.g., the Bruce Trail).
- Agricultural areas should be protected and maintained when development and growth is being considered.
- Development and growth should be compatible with adjacent existing Mineral Resource Extraction Area designations and, where appropriate incorporate methods of minimizing land-use conflicts (e.g., staging, site design, berming).

#### **7. Official Plans/Secondary Plans**

Official Plan and/or secondary plan designations (as shown on Schedules A6, A7 and A8) may be amended without requiring an amendment under the Niagara Escarpment Planning Development Act provided such amendment does not involve the Escarpment Natural Area, Escarpment Protection Area or Escarpment Rural Area designations.

In addition, changes to the list of Minor Urban Centres may not be made without amendment under the Niagara Escarpment Planning and Development Act. A secondary plan justifying such a change must also be approved and incorporated into this Official Plan, as per Section 10.9.

#### **8. Land Use Control**

Land use control within an identified Minor Urban Centre may be exercised either through by-laws passed under the Planning Act, or through Development Control as authorized under the provisions of the Niagara Escarpment Planning and Development Act.

## **5.2 NIAGARA ESCARPMENT PLAN AREA DEVELOPMENT CRITERIA**

The following Development Criteria are to be applied to all development within the Niagara Escarpment Plan Area, as shown on Schedules A through A14, in conjunction with any other applicable policies of this Plan. These Criteria deal with development in a variety of situations, and, therefore, all of the criteria will not apply to every development.

### **5.2.1 GENERAL DEVELOPMENT CRITERIA**

It is the intent of this Plan to permit reasonable enjoyment by the owners of all lots that can sustain development within the Niagara Escarpment Plan Area subject to the objectives, permitted uses, new lot policies and development criteria. Accordingly, the following general development criteria shall apply to all forms of development in the Niagara Escarpment Plan Area:

1. Permitted uses may be allowed within the Niagara Escarpment Plan Area designations provided that:
  - The long-term capacity of the site can support the use without a substantial negative impact on Escarpment environmental features such as water quality, water quantity, natural vegetation, soil, wildlife, population, visual attractiveness and cultural heritage features.
  - The cumulative impact of development will not have serious detrimental effects on the Escarpment environment (e.g. water quality, vegetation, soil, wildlife, and landscape).
  - The site is not considered hazardous to life or property due to unstable soil conditions or possible flooding.
  - Development meets applicable federal, provincial and municipal requirements (e.g. road frontage) including health and servicing requirements.
  - Development has regard to the requirements of the Provincial Policy Statement.
2. Where a lot is located in more than one designation, development should be located on that portion of the lot located in the least restrictive designation, except where it is evident that the impact of development on the Escarpment environment would be reduced by locating the development on a portion of the lot located in a more restrictive designation.
3. Private sewage systems and water supplies associated with permitted uses require, where specified by statute, the approval of the appropriate approval authority(s).
4. Any development permitted should be designed and located in such a manner as to preserve the natural and visual characteristics of the area.
5. Where development involves new roads, road improvements or service corridors, their designation and alignment should be in harmony with the Escarpment landscape.
6. The design of subdivisions should be in harmony with and maintain the existing character of the Escarpment landscape.
7. Single dwellings are limited to one per lot in the Escarpment Natural, Escarpment Protection and Escarpment Rural Area designations, unless:

- a) The residential use is a mobile or portable dwelling(s) accessory to agriculture and complies with the criteria relating to agriculture.
  - b) The approval/construction of a second dwelling is, in the opinion of the implementing authority, the only viable way to preserve the local, provincial or national heritage value of an existing single dwelling; and
    - i) The existing single dwelling has been designated and an easement agreement registered under the Ontario Heritage Act, or such a dwelling is considered to be of provincial or national heritage value or interest.
    - ii) The second single dwelling is located on the same existing lot of record as the existing single dwelling to be preserved.
    - iii) The second single dwelling shall not be located within the Escarpment Natural Area unless the implementing authority has determined that there is no other less restrictive designation within which the new dwelling can be sited.
    - iv) The other applicable policies and standards in this Official Plan are met (e.g., lot size).
- Policy 7.b) shall not apply to existing lots of record which already have more than one dwelling unit.
8. Development permitted should be designed and located in such a manner as to provide for or protect access to the Niagara Escarpment including the Bruce Trail Corridor.
  9. Bed and Breakfast and Farm Vacation Homes:
    - a) Signs identifying Bed and Breakfast and Farm Vacation Homes shall be limited to one and be located only on the property which is the subject of the use.
    - b) Signs shall have a maximum size of 0.4 square metres.
    - c) One parking space shall be provided per guest room.
    - d) Where meals are provided, no food or drink shall be offered or kept for sale to anyone who is not a guest of the Bed and Breakfast or Farm Vacation Home.
  10. The following additional provisions apply to home businesses as defined in Section 5.5 of this Plan:
    - a) Home businesses shall be confined to the single dwelling or in an addition to the dwelling in the Escarpment Natural Area.
    - b) Home businesses in the Escarpment Protection Area, Escarpment Rural Area and Mineral Resource Extraction Area designations as a first option shall be encouraged to locate in the single dwelling or in an addition to the dwelling, but may be conducted in an accessory building where the need for the use of a separate building can be justified. The justification, for a separate building, shall demonstrate to the satisfaction of the implementing authority the following:

- Why the home business cannot be established within the existing single dwelling or in an addition to the dwelling;
  - That the home business will not result in applications for severance;
  - That the building size and design will result in minimal visual impact and not alter the rural character of the property;
  - That wells and septic systems can accommodate the use with minimal impact;
  - That any access and parking requirements can meet engineering and safety standards;
  - That municipal transportation networks will not be unreasonably affected;
  - That the home business will retain the existing rural and agricultural character of the area and remain incidental and secondary to the principal residential or farm use on the property; and,
  - Why the home business cannot be appropriately located in a designated Minor Urban Centre (secondary urban settlement area) or serviced urban area.
- c) Home businesses shall normally be limited to one home business per lot.
- d) Where the home business is located within the single dwelling or in an addition to the dwelling not more than 25 percent of the total floor area including any addition to the dwelling shall be devoted to the use to a maximum of 100 square metres (1,075 square feet).
- e) Where the home business is located in an accessory building not more than 100 square metres (1,075 square feet) of the building shall be devoted to the use.
- f) In no instance shall there be more than 125 square metres (1,345 square feet) devoted to the use where the home business is located within the single dwelling or in an addition to the dwelling and an accessory building.
- g) The total floor area requirements set out in subsection d), e) and f) above shall apply to all home business activities where there is more than one home business on a lot.
- h) Where the home business is located in an accessory building the following apply:
- the building shall be sited in the residential cluster which shall generally mean a distance of not more than 30 metres (100 feet) from the single dwelling;
  - the use of a common driveway; and
  - the use of shared residential services where possible (e.g. septic system for domestic waste only, well, parking).
- i) Home businesses shall be subject to the following general requirements:
- home businesses shall be secondary to the primary residential or agricultural use on the lot;
  - home businesses shall not alter the cultural landscape of the property and be compatible with the surrounding residential or rural community;
  - environmental impacts shall be minimized through compatible design and siting;
  - the home business shall be operated by residents of the household on the lot and no more than two additional persons or their two full time equivalents (FTE) who

- are not members of the household may be employed in the operation of the business on the property;
- goods or products offered as part of a home business must be produced on the lot and not be imported to the property;
  - where goods or services are offered only limited public retail sales from the property shall be permitted;
  - the production, storage or disposal of waste, toxic or hazardous materials is prohibited;
  - outdoor storage or display of goods, materials or products shall be prohibited;
  - the home business shall not interfere with television and radio reception; and,
  - only one unlit sign having a maximum size of 0.4 square metres (4.3 square feet) identifying the home business shall be permitted on the lot.
- j) Where the professional service being offered is teaching instruction (et. music, dance, art) the number of students attending any lesson shall be limited to 5 and overnight accommodation or boarding of students is prohibited.
- k) Where the professional service being offered is home day care the number of children being cared for shall not exceed 5 and overnight accommodation or boarding of children is prohibited.
- l) The other policies and standards (e.g. lot size, parking, floor area and retail space) for a home business in this Official Plan must be met,
- m) Municipal and agency permit, licensing and approval requirements must be satisfied (e.g. building, access, health, safety, flood and fill regulations).
- n) Where a Development Permit is required, such a Permit will not be transferable to a new owner, but the home business use may be considered through a new application.
- o) Where application is not made under sub-subsection n) by a new owner, the home business shall:
- in the case of the home business located in a single dwelling or in an addition to the dwelling, become part of the floor area of the single dwelling. In no instance shall the floor area be used as a second dwelling unit and;
  - in the case of a home business in an accessory building, become a non-residential use which satisfies the definition of accessory building or structure in Section 5.5 of this Plan.

### **5.2.2 EXISTING USES**

It is the intent of this Plan is to avoid disrupting existing uses within the Niagara Escarpment Plan Area. Accordingly, the following development criteria shall apply to existing uses within the Niagara Escarpment Plan Area:

1. An existing use, building or structure may expand or change in use, or be replaced when it is demonstrated, to the satisfaction of the appropriate approval authority, that the objectives of the applicable Niagara Escarpment Plan Area designation are being met.

2. Where an existing use has a substantial ecological or visual impact, the property owner shall be encouraged to bring the use into closer conformity with the objectives of the applicable Niagara Escarpment Plan Area designation (e.g. erect a fence around a wrecking yard or install manure storage facilities).
3. A building or structure may be rebuilt in the same location, of the same exterior size and use without a Niagara Escarpment Development Permit provided municipal requirements and the provisions of Ontario Regulation 828/90 (or its successor) as amended, are met and, in the case of hazard lands, approval is required from the Conservation Authority.
4. An expansion or enlargement shall be minor in proportion to the size and scale of the building or use at the date of approval (June 12, 1985) of the original Niagara Escarpment Plan and shall not result in an intensification of the use.
5. An existing use may change to a similar use or more compatible use provided it can be sufficiently demonstrated that the objectives of the applicable designation of the Niagara Escarpment Plan Area are met.
6. The expansion/enlargement of existing ponds is not permitted unless it is a farm pond and is not located in the Escarpment Natural Area.
7. On existing landfill sites in the Escarpment Natural Area, Escarpment Protection Area, Escarpment Rural Area, and Mineral Resource Extraction Area, the following waste-related facilities may be permitted without an amendment under the Niagara Escarpment Planning and Development Act provided it can be demonstrated that the objectives and development criteria of the Niagara Escarpment Plan Area are being met:
  - small-scale recycling and/or compost facilities, serving the local community;
  - temporary storage of household hazardous wastes (paint, etc.), serving the local community;
  - containers and weight scales; and
  - other incidental uses normally associated with the waste disposal site, serving the local community;
  - but does not include:
    - any expansion or alteration to an existing waste disposal site from what has been approved under the Niagara Escarpment Planning and Development Act, and the Environmental Protection Act and/or the Environment Assessment Act (including any expansion in area or height of a landfill site or any change in the type of waste material being disposed of, such as a change from non-hazardous solid industrial waste to municipal waste);
    - incineration facilities (including energy from waste facilities); and,
    - large-scale packer and/or recycling plants or similar uses.

### **5.2.3 LOT CREATION**

It is the objective of this Plan to direct the formation of new lots in the Niagara Escarpment Plan Area to those locations that are the least environmentally sensitive. Accordingly, the following



development criteria shall apply to the creation of new lots within the Niagara Escarpment Plan Area:

1. Lot creation shall be subject to the requirements of this Plan and the criteria set out below.
2. New lots intended to meet residential and recreational housing needs should be created primarily in designated Minor Urban Centres and Escarpment Recreation Areas or other residentially-designated areas within the Township outside the Niagara Escarpment Plan Area.
3. Ribbon or strip development should be prevented.
4. The size and configuration of new lots shall be subject to the requirements of this Plan and the objectives of the Niagara Escarpment Plan Area designation.
5. New lots must satisfy the following criteria:
  - The location, design, size and density of development should retain the open rural landscape and protect natural features.
  - The design should be in harmony with the existing heritage features and heritage areas of the Escarpment landscape.
6. Consideration of new lots shall include:
  - the number, distribution and density of vacant lots in the area;
  - the additional lots that may be created in conformity with this Plan; and
  - the consequences of the development of the lots with regard to the objectives of the Niagara Escarpment Plan Area designation.
  - providing for, or protecting, public access to the Niagara Escarpment, including the Bruce Trail corridor.
7. The creation of new lots shall comply with the agricultural policies of the Provincial Policy Statement.
8. Where a lot is proposed in more than one Niagara Escarpment Plan Area designation, the severance policy of the least restrictive designation shall apply. There should be sufficient area in the least restrictive designation to accommodate the development.
9. New lots created by consent shall front onto a public road which is of a reasonable standard of construction and generally maintained all year round.
10. Public bodies and private persons are encouraged to consolidate existing vacant lots to establish new lots of such a size as to permit uses consistent with the objectives of the Niagara Escarpment Plan Area designation in which they are located.

11. Where a portion of an original township lot or half township lot, where the original township lot is 80 ha (200 ac.) includes a Minor Urban Centre or Escarpment Recreation Area, the New Lots policies of the applicable Niagara Escarpment Plan Area designations will apply only to the area outside the Minor Urban Centre and Escarpment Recreation Area boundary provided:
  - (a) the lands outside constitute more than 50% of the original township lot, or half lot; and
  - (b) the boundary of the Minor Urban Centre or Escarpment Recreation Area has been clearly defined in an approved official plan and/or secondary plan.
12. Where a portion of an original township lot or half township lot, where the original township lot is 80 ha (200 ac), lies outside the Niagara Escarpment Plan Area, the lots created outside the Plan area will be considered previous severances.
13. New lots may be created by a public body through either acquisition, disposal or exchange provided such a lot does not conflict with the new lot policies and severance limits set out for the Escarpment Natural, Protection and Rural designations.
14. Where more than one single dwelling exists on the same lot, the additional dwelling(s) may be severed provided all the following criteria can be met:
  - a) that neither the dwelling to be severed nor the dwelling(s) to be retained were approved on the basis that they would be for temporary use or for farm-help;
  - b) that all the dwellings on the property are legally existing uses and have received approval from the municipality;
  - c) that both the dwelling to be severed and the dwelling retained are in a reasonable standard for habitation and have been used as a dwelling unit within the year before making application to sever;
  - d) a mobile or portable dwelling unit shall not be severed.
  - e) That severance of existing dwelling shall not conflict with Section 5.2.3.16.
15. Where more than one single dwelling exists on the same lot and where these dwellings comply with provisions of Section 5.2.14, such dwelling(s) shall be considered as though it were a previous severance for the purpose of applying the new lots policies of the applicable designation (e.g., 2 dwellings would be considered as 2 parcels for the purposes of determining density).
16.
  - (a) The approval/construction of a second single dwelling which has been granted by the implementing authority for the purpose of preserving the local, provincial or national heritage value or interest of an existing single dwelling shall preclude the severance of a new lot off the existing lot of record which may have been otherwise permitted by the Niagara Escarpment Plan Area designation, subject to Section 5.2.15.
  - (b) Notwithstanding the above, if the number of severances permitted by the applicable designation has already been granted or exceeded, the second single dwelling may be permitted, but future severance of a new lot off the existing lot of record is prohibited.

17. A home business shall not be severed in the Escarpment Natural Area, Escarpment Protection Area, Escarpment Rural Area or Mineral Resource Extraction Area.

#### **5.2.4 DEVELOPMENT AFFECTING STEEP SLOPES AND RAVINES**

It is the intent of this Plan to ensure that new development affecting steep slopes (e.g. Escarpment slopes, rock faces, and talus slopes) and ravines does not result in environmental damage or in unsafe conditions. Accordingly, the following development criteria shall apply to development affecting steep slopes and ravines:

1. The crest or brow and toe of the slope or ravine shall be established through a site inspection by the implementing authority and these lines will be plotted on proposed development plans.
2. The implementing authority will establish a minimum development setback from the brow or crest and toe of a slope or ravine and no disturbance of grades or vegetation below the crest or brow and above the toe shall occur.
3. Where the setback cannot be achieved on an existing lot of record on a steep slope, the setback may be varied or eliminated to the satisfaction of the implementing authority.
4. An engineering report shall be prepared by the applicant if the existing or future stability of the slope or ravine is in question.
5. Structures of any kind, unless permitted by the policies of this Plan, should not be placed on slopes in excess of 25 per cent (1 in 4 slopes).
6. During development, a screen of appropriate fencing material (e.g. snow fencing) should be established approximately 3 metres (10 feet) from the crest of the slope in order to prevent any dumping.
7. Development (e.g. a single-detached dwelling) should be designed in such a way as to minimize the disturbance and ensure the stability of Escarpment and ravine slopes.

#### **5.2.5 NEW DEVELOPMENT AFFECTING WATER RESOURCES**

##### **1. Water Quality**

It is the intent of this Plan to ensure that new development adjacent to streams, lakes and wetlands will have minimum adverse impact on water quality and quantity. Accordingly, the following development criteria shall apply to development potentially affecting the quality of water resources:

- a) Changes to the natural drainage should be avoided.
- b) No sewage system should be located closer than 30 metres (approximately 100 feet) to:
  - the high-water mark of any lake;
  - the top of a stream bank or ravine; or
  - the edge of any wetland.

Where this setback cannot be achieved on an existing lot of record, the distance may be varied to the satisfaction of the appropriate approval authority(s).

- c) A setback for development will be established from each side of a stream, riverbed, lakeshore or wetland necessary to maintain existing water quality. The width of this buffer shall be determined by the implementing authority in consultation with the Ministry of the environment, Conservation Authority and the Ministry of Natural Resources, which shall consider:
  - soil type;
  - types and amounts of vegetation cover;
  - slope of the land; and
  - fish and wildlife.
- d) No alteration of the natural grade or drainage shall occur within the setback where, in the opinion of the implementing authority, such action would adversely affect surface and/or groundwater resources.
- e) The cutting of trees within the setback is regulated by the criteria in Section 5.2.8.
- f) Where, in the opinion of the implementing authority, a potential ground or surface water pollution problem exists, the applicant shall detail through appropriate studies, the detrimental effects and how they will be minimized.
- g) During development, the following sediment and erosion control practices should be carried out:
  - Only the smallest practical area of land should be exposed at any time during development.
  - When land is exposed during development, the exposure should be kept to the shortest practical period of time.
  - Natural features such as tree groves, grades and waterways should be preserved.
  - Temporary vegetation and/or mulching should be used to protect critical areas exposed during development.
  - Final landscaping and vegetation should be installed as soon as practical following completion of the development.
  - Topsoil should not be removed from the site, but rather, should be stored and redistributed as a suitable base for seeding and planting.
  - Sediment control devices should be installed to remove sediment from run-off due to changed soil surface conditions during and after construction.
  - Construction in or across a watercourse or wetland should be appropriately timed to minimize impacts on fish and wildlife habitat.

## **2. Water Quantity**

- a) Permitted Uses which involve water taking or undertake stream diversions must be demonstrated to be an essential part of their operation and shall be of a scale and intensity that will not adversely affect water quality, quantity and the Escarpment environment. The implementing authority may require that studies be undertaken to justify the need and amount of water taking and/or diversions and to mitigate impact on the Escarpment environment.

- b) When considering whether to allow a use which involves water taking or diversion, the implementing authority shall consider:
- i) the number, distribution, location and intensity of such activities within the watershed in terms of:
    - the impact on water quality and quantity;
    - the cumulative effect on the objectives of the Plan and Niagara Escarpment Plan Area designation(s);
    - the quality and character of natural streams and water supplies.
  - ii) the water resource management policies/activities and permit requirements of the Ministry of Environment, Ministry of Natural Resources and Conservation Authority.

### **3. Wetlands**

The following development criteria shall apply to development affecting wetlands:

- a) Development shall locate outside wetlands.
- b) The limits of the wetland shall be determined by the implementing authority, in consultation with the Ministry of Natural Resources and/or Conservation Authority.
- c) In addition to Section 5.2.5.1 (Water Quality), development adjacent to wetlands may be permitted only if it does not result in any of the following:
  - i) loss of wetland functions;
  - ii) subsequent demand for future development which will negatively affect existing wetland functions;
  - iii) conflict with existing site-specific wetland management practices; and
  - iv) loss of contiguous wetland area.
- d) A development setback from the wetland area, which is to be maintained or established as a natural vegetative buffer, shall be established by the implementing authority in consultation with the Ministry of Natural Resources.

### **4. Fisheries**

The objective is to ensure that water resources are maintained in a clean and healthy condition so that there is no net loss of aquatic ecosystems including fish habitat or other natural habitats which depend upon lakes, watercourses, wetlands, and groundwater systems for their existence.

- a) New Development or redevelopment adjacent to significant fishery resources shall demonstrate the following:
  - i) the development shall ensure net gain/no net loss of productive capacity of fish habitat;
  - ii) maintenance of minimum baseflow of watercourses;
  - iii) maintenance of existing watercourses in a healthy, natural state;
  - iv) maintenance of vegetative buffers in accordance with the sensitivity of the fishery resource and development criteria; and

- v) best available construction and management practices shall be used to protect water quality and quantity, both during and after construction. Treatment of surface run-off to maintain water quality and hydrological characteristics in receiving watercourses shall meet the standards established by the Ministries of Environment and Natural Resources.
- b) Public access to fishery resource areas shall be maintained or, wherever possible, improved.

## **5. Floodplains**

The following development criteria shall apply to development affecting floodplains:

- a) No building or structure shall be permitted in identified floodplains except where the building or structure has been approved by the local municipality, the Conservation Authority and/or the Ministry of Natural Resources in accordance with established floodplain management and development criteria.
- b) Watershed management and flood and erosion control projects shall be carried out in accordance with the standards, policies or guidelines of the Ministry of Natural Resources and/or Conservation Authority.
- c) Where possible, such projects should be designed and located to avoid or minimize the impact on wetlands, wildlife habitat, source areas, streams, steep slopes and other areas of visual and environmental significance.
- d) Where possible, ponds should be designed as off-stream devices with bottom draw-off control structures.
- e) Water management and flood and erosion control projects should be designed so as not to adversely affect downstream water quality, quantity and adjacent lands.
- f) When considering a new project, the implementing authority shall consider the number, distribution and location of these works within the watershed in terms of their cumulative effect on the objectives of the applicable designation and watershed management policies/activities of the Ministry of Environment, Ministry of Natural Resources and the Conservation Authority.

## **6. Ponds**

The following development criteria shall apply to the development of ponds:

- a) Where permitted, the construction and expansion of ponds shall be in accordance with the following:
  - i) The pond(s) shall be designed and located to avoid streams, wetlands, Areas of Natural and Scientific Interest (life science), source areas, Escarpment slopes and significant watercourses; and
  - ii) The implementing authority shall consider the number, distribution and location of ponds within the watershed in terms of their cumulative effect on the objectives of the Plan as well as the quality and character of natural streams and water supplies. It must also meet with the water resource management policies/activities and

permit requirements of the Ministry of Environment, Ministry of Natural Resources and Conservation Authority.

- b) Where permitted, the construction, expansion and maintenance of ponds shall be in accordance with the following:
  - i) The policies of this Plan and the requirements of the Ministry of Environment, Ministry of Natural Resources, Conservation Authority and/or Ministry of Agriculture, Food and Rural Affairs;
  - ii) Natural vegetative buffers shall be maintained or established;
  - iii) The design shall not adversely affect downstream water quality, quantity, adjacent lands and riparian rights; and
  - iv) Applications which involve the impoundment or damming of surface drainage or spring sources shall be accompanied by detailed design drawings approved by a water resource engineer if structural or safety concerns exist.
- c) Existing ponds shall be encouraged to revert to a natural state (e.g., where there are significant environmental impacts or structural problems).
- d) Where an existing pond has a substantial ecological or potentially hazardous impact, the property owner shall be encouraged to take corrective measures which may include the installation of a bottom draw device or the establishment of a natural vegetative buffer at the edge of the pond.
- e) The construction of ponds associated with golf courses shall be supported by the preparation of a water budget analysis which:
  - i) maximizes collection of surface drainage internal to the site; and
  - ii) incorporates measures within the overall design of the pond/drainage system which minimizes the demand for and reliance on supplementary water resources (e.g., well/groundwater sources and stream systems).

All ponds must receive written approval from the Township of Clearview, which may consider all applicable policies of this Plan in determining whether or not such approval will be granted. Township approval may also require that a site plan and site plan agreement be prepared and entered into as a condition of an approval.

#### **5.2.6 DEVELOPMENT WITHIN WOODED AREAS**

It is the intent of this Plan to ensure that new development preserves wooded areas as much as possible. Accordingly, the following development criteria shall apply to development affecting wooded areas:

1. Disturbance of treed areas should be minimized, and proposed development in heavily treed areas shall have site plan agreements containing specific management details regarding the protection of existing trees.
2. Trees to be retained should be protected by means of snow-fencing, wrapping, or other acceptable means during construction (e.g. tree wells).

3. Existing tree cover or other stabilizing vegetation will be maintained on slopes in excess of 25 per cent (1 in 4 slopes).

### **5.2.7 WILDLIFE HABITAT**

The objective is to protect the habitat of rare, vulnerable, threatened, and endangered plant and animal species, and minimize the impact of new development on wildlife habitat.

1. New development will not be permitted in identified habitat of endangered plant or animal species.
2. Development shall be designed so as to:
  - a) minimize the impacts upon wildlife habitat, in particular, rare, vulnerable, threatened plant or animal species, as identified by on-site evaluation;
  - b) maintain wildlife corridors and linkages with adjacent areas; and
  - c) enhance wildlife habitat wherever possible.

### **5.2.8 FOREST MANAGEMENT**

It is the intent of this Plan to maintain and enhance the forests and associated animal and plant habitats. Accordingly, the following development criteria shall apply to development affecting forests and forest management:

1. All tree cutting requires the approval of the implementing authority with the following exceptions:
  - The cutting or other destruction, removal or pruning of trees carried out under The Crown Forest Sustainability Act, The Forestry Act, The Municipal Act and The Conservation Authorities Act, or in accordance with programs recommended by forestry staff of the Ministry of Natural Resources.
  - The cutting or other destruction, removal or pruning of trees for domestic purposes, provided that the property owner or his/her agent is the tree cutter; no sales of the trees or wood products will take place; and the provision of section 5.2.8.2 are met.
  - Where there are specialized tree crops, such as Christmas tree farms, nurseries, or orchards, where clear cutting or removal and replanting is a normal part of the operation.
  - Where trees create a hazard.
  - To facilitate approved permitted uses.
2. Approval to cut trees is conditional upon:
  - Using tree-cutting methods designed to minimize adverse effects on the natural environment including surface drainage and groundwater.
  - Minimizing disruption of habitat for plants and animal species occurring in the area.
  - Retaining the diversity of tree species.
  - Aiming over the long-term to retain or enhance the quality, appearance and productivity of the forest site.
  - Minimum tree cutting within highly sensitive areas such as steep slopes, unstable soils, stream valleys, and areas of high groundwater infiltration.
  - Compliance with the County of Simcoe Tree Cutting By-Law.



3. Notwithstanding Section 5.2.8.1 above, all public bodies shall submit details of tree-cutting plans to the Ministry of Natural Resources for approval before entering into any agreement involving the cutting of trees.
4. Reforestation using native tree species shall be encouraged by the municipality, particularly in areas of shallow and unstable soils, steep slopes, stream valleys, headwaters and groundwater infiltration areas critical to the maintenance of the quality and quantity of natural streams and water supplies; and to restore open abandoned sub-marginal agricultural land to productivity by growing a forest crop.
5. Any tree-cutting program should include natural regeneration or rehabilitation through reforestation where necessary.
6. Tree cutting in an Area of Natural and Scientific Interest (Life Science), which is in public ownership, will be permitted where it is necessary to maintain the values for which the area was acquired, for emergency access, where existing agreements are in effect or to implement uses permitted in approved Park Plans, prepared in accordance with the provisions of the Niagara Escarpment Plan (see Section 5.3).

### **5.2.9 AGRICULTURE**

The objective is to encourage agricultural uses in agricultural areas, to protect agricultural areas, to permit uses that are compatible with farming and to encourage accessory uses that directly support continued agricultural use.

Development and the creation of new lots, including a new lot for a bona fide retiring farmer, should maintain and protect agricultural areas from uses considered incompatible with sustaining the agricultural use and/or land base.

#### **1. Dwelling Units Accessory to Agriculture**

A dwelling unit(s) may be permitted accessory to an agricultural operation on the same property as the principal farmhouse subject to conformity with the following:

- Farm help must be necessary on a seasonal or full-time basis on the farm.
- The farmer shall live in the principal farm residence with farming as his/her principal occupation, and in the case of seasonal farming work part-time on the farm.
- The dwelling unit(s) shall be mobile or portable, without a basement; or in the case of horse farming, a dwelling unit may be permitted within a farm building, i.e., the horse barn.
- The dwelling unit(s) shall be located within the farm cluster and where possible, use the existing farm lane access and a separate lot shall not be created for it.
- The approval shall be valid for three years only.
- Continuance of dwelling unit(s) will be considered through re-applications on a three-year basis subject to adequate justification that the farm help continues to be necessary to the farm operation.
- The dwelling unit(s) shall be removed when no longer required and/or when the approval expires.
- That any approval or agreement struck between the local municipality and the applicant to permit the additional dwelling unit(s) or farm help shall also be renewed, if necessary, on the anniversary of the approval.

## **2. Small-Scale Commercial Uses Accessory to Agriculture**

Small-scale commercial uses accessory to agriculture must satisfy the following Criteria:

- A small-scale commercial use accessory to agriculture may be permitted provided it is subordinate, incidental and exclusively devoted to the principal agricultural use carried out on the farm property by the owner and is not considered a high intensity use out of character with the agricultural area.
- All buildings, structures and facilities, including parking areas, associated with the small-scale commercial use accessory to agriculture shall be designed and located to minimize the impact on the principal agricultural use, adjacent land use and the rural open landscape character.
- The majority of retail sales conducted as part of the small-scale commercial use accessory to agriculture shall be limited to the sale of produce grown on the property or produced on the property from the produce grown on the property. This relationship shall be clearly outlined to the satisfaction of the implementing authority in the proposed plans for the development.
- Signage for small scale commercial uses accessory to agriculture shall be restricted to non-illuminated signs that are compatible with the surrounding open landscape and cultural heritage features. Generally the sign should be small in size and limited to one per property.
- A use incidental to the small-scale commercial use accessory to agriculture may be integrated within the accessory operation provided that it does not result in an intensification of the use.

### **5.2.10 MINERAL RESOURCES**

It is the intent of this Plan to minimize the impact of new mineral extraction operations and accessory uses on the Escarpment environment. Accordingly, the following development criteria shall apply to the establishment of new mineral extraction operations in addition to the requirements of this Plan:

1. Extractive operations including wayside pits and haul routes shall not conflict with the following:
  - The protection of sensitive ecological, geological, historical and archaeological sites or areas.
  - The protection of surface and groundwater resources.
  - The maintenance of good agricultural land, in accordance with the agricultural policies of the Provincial Policy Statement.
  - The minimization of the adverse impact of extractive and accessory operations on existing and approved residential development.
  - The preservation of the natural and cultural landscapes, as much as possible, during extraction and after rehabilitation.
  - The minimization of the adverse impact of extractive and accessory operations on parks, open space and the existing and optimum routes of the Bruce Trail.
2. For extractive operations licensed prior to the approval of the Niagara Escarpment Plan on June 12, 1985, no extraction shall take place at any point nearer the brow of the Escarpment than 90 metres (295 feet) measured horizontally. For new quarry operations, no extraction

shall take place at any point nearer the brow of the Escarpment than 200 metres (655 feet) measured horizontally or any greater setback required by the implementing authority.

3. As a condition of the licence, the extractive operation shall be screened while it is in progress and, where possible, prior to extraction in a manner compatible with the surrounding visual environment.
4. Screening shall incorporate the following:
  - Overburden material supplemented with native tree and shrub plantings should be utilized for screening purposes.
  - Tree-screen plantings are to be of compatible species and sizes to permit only very limited visual contact from the surrounding landscape.
  - All plantings should be properly maintained to ensure continued survival and good growth rates.
  - Where the existing forest is adequate to be considered as an effective screen along the perimeter of the site, no additional artificial berming or stock piling of overburden materials will be permitted within the forested area being used as a natural screen.
5. Where possible, rehabilitation shall be progressive as the extraction proceeds. Progressive rehabilitation may include the use of off-site material, and where on-site material is not available, minimal amounts of off-site material required to stabilize and revegetate disturbed areas, but shall not include any major regrading toward a planned after-use with the deposition of off-site material.
6. The use of off-site material for progressive rehabilitation must also be acceptable to the Niagara Escarpment Commission, Ministry of Environment and the Ministry of Natural Resources.
7. Off-site material required for the processing of aggregate products being produced, may be transported to the site, i.e., sands to be mixed with existing aggregate to create a specified aggregate product.
8. All accessory uses to the Mineral Resource Extraction Area operation shall be discontinued and be required to vacate the property as soon as the site is depleted, and on-site processed material has been transported from the property.
9. Rehabilitation shall incorporate the following:
  - Excess topsoil and overburden are to be retained and stabilized for future rehabilitation.
  - All excavated pit walls are to be regraded to a slope of 3 to 1 or less, except in regions where topsoil and fill material are scarce. In such areas, finished slopes may be no steeper than 2 to 1. Exposed sections of pit or quarry faces may be left unrehabilitated for aesthetic or educational purposes as incorporated into an approved after-use plan.
  - Vegetation, including seedings, crops or trees and shrubs, shall be planted as soon as possible following finished grading.
10. New development adjacent to extractive operations should only be permitted where the new development incorporates suitable methods to minimize land-use conflicts (e.g., site design, berming).

11. In addition to the requirements of the Aggregate Resources Act, proposed wayside pits and quarries also shall be subject to the following:
- An application for a wayside permit shall be accompanied by a sketch map drawn to scale indicating property features, present pit areas, excavation faces, areas to be excavated and other areas to be used.
  - An application for a wayside permit shall be accompanied by a rehabilitation statement or plan compatible with the proposed operation and land use in the area.
  - The comments of affected municipalities will be solicited on applications for wayside permits for Provincial road construction purposes.
  - The opportunity to use mineral aggregate resources, which would not be otherwise commercially developed, including abandoned pits and quarries, shall be considered prior to issuing a wayside permit.
  - A wayside permit expires on the completion of the project or contract or eighteen months after its issuance, whichever occurs first. Application for renewal or a permit for the completion of the project or contract will be considered.
  - An estimated tonnage limit shall be determined based on the requirements of the project or contract and will be placed as a condition on the permit at the time of issuance.
  - Terms and conditions related to the method of operation and rehabilitation shall also be placed on the permit at the time of issuance.

#### **5.2.11 HERITAGE**

It is the intent of this Plan to maintain the heritage resources of the Niagara Escarpment Plan Area. Accordingly, in addition to Section 8.14 (i.e., Heritage Conservation) of this Plan, the following development criteria shall apply to development affecting heritage resources:

1. Care shall be taken to preserve known archaeological sites (especially native burial sites) or areas where such sites might reasonably be expected to exist.
2. Existing heritage features, areas and properties should be retained and reused. To determine whether such actions are feasible, consideration shall be given to both economic and social benefits and costs.
3. New development, including reconstruction and alterations and consideration of a second dwelling under Section 5.2.1.7.b), should be in harmony with the area's character and the existing heritage features and building(s) in general mass, height and setback and in the treatment of architectural details, especially on building facades.
4. Where new development involves a heritage feature, it should express the feature in some way. This may include one or more of the following:
  - preservation and display of fragments of the former building's features and landscaping,
  - marking the traces of former locations, shapes and circulation lines,
  - displaying graphic verbal descriptions of the former use,
  - reflection of the former architecture and use in the new development.

5. Where development will destroy or significantly alter cultural landscapes or heritage features, actions should be taken to salvage information of the features being lost. Such actions could include archaeological salvage excavation, and the recording of buildings or structures through measured drawings or photogrammetry or their physical removal to a different location.

### **5.2.12 RECREATION**

It is the intent of this Plan to minimize any adverse impact of recreational activities on the Escarpment environment. Accordingly, the following development criteria shall apply to recreational activities and uses:

1. All recreational activities should be designed and located so as not to conflict with surrounding land uses (e.g. agriculture) and be compatible with the natural and cultural character of the area.
2. Where permitted, golf courses shall be designed and maintained to minimize impact on the natural and physical Escarpment environment (i.e., minimum regrading, maximum incorporation of natural vegetation, undisturbed and rough areas, minimum fertilizer and irrigation demands).
3. Intensive recreational activity is intended to occur primarily in the designated Escarpment Recreation Areas (see Section 5.1.5) and in the parks of the Niagara Escarpment Parks System established for this purpose (see Section 5.3).
4. Recreational uses should not exceed the carrying capacity of a site or area.
5. Trails will be located and designed so as not to adversely affect adjoining private landowners.
6. Motorized vehicle trails are encouraged to locate in abandoned pits and quarries, abandoned railway lines or unused Township roads where disruption to the natural environment will be minimal.
7. Trails will be located and designed to avoid, wherever possible, steep slopes, wetlands, erosion-prone soils, and ecologically-sensitive areas such as deer-wintering yards and significant plant and animal habitats and Areas of Natural and Scientific Interest (ANSI's).
8. Where existing trails are in locations that cause environmental deterioration, relocation to less critical locations shall be encouraged.
9. Trail design, construction and management should ensure the safety of trail users.

### **5.2.13 AREAS OF NATURAL AND SCIENTIFIC INTEREST**

It is the intent of this Plan to protect provincially and regionally significant elements of the Natural landscapes of Ontario. Accordingly, the following development criteria shall apply to development affecting Areas of Natural and Scientific Interest:

1. Development shall be directed to locate outside of provincially significant and regionally significant life science ANSIs. Minor encroachments will be considered in relation to:
  - specific features for which the ANSIs have been identified;
  - protection, natural heritage appreciation, scientific study or educational values and their maintenance; and
  - whether appropriate mitigative measures can be applied to protect ANSI values.

2. A setback for development shall be established for provincially and regionally significant life science ANSIs or features therein wherever it may be determined that such setback is necessary to maintain the protection, natural heritage appreciation, scientific study, or educational values of such areas. The setback shall be established by the implementing authority in consultation with the Ministry of Natural Resources.
3. In provincially significant earth science ANSIs development will be considered, provided that:
  - development does not significantly alter the natural topography or geological features of the earth science ANSI; and
  - methods are employed to minimize the impact of the use on the values for which the site has been identified.

#### **5.2.14 TRANSPORTATION AND UTILITIES**

It is the intent of this Plan to design and locate new and expanded transportation and utility facilities so the least possible change occurs to the environment and the natural and cultural landscape. Accordingly, the following development criteria shall apply to transportation and utility facilities including any transportation facilities in the Niagara Escarpment Plan Area considered under Section 6 of this Plan in addition to the requirements of this Plan:

1. All new and reconstructed transportation and utility facilities shall be designed and located to minimize the impact on the Escarpment environment and to be consistent with the objectives and the land use designations in the Niagara Escarpment Plan Area. Examples of such site and design guidelines include the following:
  - Blasting, grading and tree removal should be minimized, wherever possible, through realignment and utilization of devices such as curbs and gutters, retaining walls and tree wells.
  - Finished slopes should be graded to a 2 to 1 slope minimum and planted; large cuts should be terraced to minimize surface erosion and slope failure.
  - Site rehabilitation should use native species of vegetation and blend into the surrounding landscape.
  - Vegetation screens should be used where feasible.
  - Transportation and utility structures should be sited and designed to minimize visual impact.
  - A development setback from the Escarpment brow for utility structures will be established by the implementing authority to minimize visual impacts.
  - Transmission towers (e.g. microwave and television towers) should be located in areas where similar facilities exist provided the area's carrying capacity is not exceeded.
  - The visual impact of utility structures should be minimized by siting, structural design, coloration and landscape plantings in order to minimize the impact on the Escarpment environment.
  - Transportation and utility facilities should be sited and designed to avoid or minimize the impacts on parks, open space and the Bruce Trail. Where Trail impacts cannot be avoided the objective will be to provide for an acceptable, safe alternative.
2. New transportation and utility facilities should avoid Escarpment Natural Areas.

**5.2.15 THE BRUCE TRAIL****General Provisions**

The objective of this Plan is to design and locate uses within the Bruce Trail corridor in an environmentally sound manner:

1. The Trail shall be designed and located within the corridor so as to:
  - Minimize potential conflicts with adjacent private landowners and surrounding land uses (e.g., agriculture, housing); and
  - Comply with municipal by-laws (where applicable).
2. All uses within the corridor shall be designed to minimize the need for environmental change (e.g., tree removal).
3. All Trail activities shall be compatible with the natural and cultural character of the area, avoiding wherever possible the need for major engineering works and site modifications over the long term.
4. In locations which are particularly sensitive to foot traffic, or which experience heavy use, periodic reroutes of the Trail may be necessary to allow for natural regeneration and minimize negative environmental impacts.
5. All uses within the Trail corridor shall be located and designed, where possible, to avoid steep slopes, wetlands, erosion prone soils and ecologically sensitive areas such as sensitive plant and animal habitats and sensitive areas within Areas of Natural and Scientific Interest.

**Overnight Rest Areas**

6. The development of Overnight Rest Areas shall be subject to the General Provisions of Section 5.2.15, and the following:
7. Overnight Rest Areas should not be sited closer together than 10 km (6.3 miles). Locational preference for Overnight Rest Areas will be given to their development outside Escarpment Natural Areas on existing public parkland within the Niagara Escarpment Parks and Open Space System or on properties owned by the Bruce Trail Association.
8. Overnight Rest Areas shall be managed as primitive unserviced campsites. Such an area would normally consist of 3 to 6 clearings for tents, a fireplace, water source and latrine. Municipal/Provincial regulations governing fires, water supplies and waste disposal shall apply.
9. To discourage abuse by non-hikers, Overnight Rest Areas should be separated from the Bruce Trail main Trail, and scenic or historic attractions. A minimum 500 m (1650 ft.) separation from roads and other points of vehicular access will normally be required.

**Bruce Trail Access Points**

10. The development of Bruce Trail Access Points shall be subject to the General Provisions of Section 5.2.15 and the following:
11. Locational preference for Bruce Trail Access Points will be given to their development outside Escarpment Natural Areas on existing public parkland within the Niagara

Escarpment Parks System (see Section 5.3) or on properties owned by the Bruce Trail Association.

12. Secondary Bruce Trail Access Points may occur between Escarpment Parks or Open Space provided the following design standards can be met:
  - Secondary Access Points should generally be located within 500 m (1650 ft.) of the Bruce Trail and be connected by a side trail;
  - Secondary Access Points should be located a minimum of 50 m (164 ft.) from residences, sensitive features or other adjacent uses (e.g., agriculture) which may be adversely affected by increased access;
  - Secondary Access Points should be limited in size and accommodate a maximum of 20 vehicles;
  - Where necessary Secondary Access Point parking areas should be fenced and visually buffered with berms and/or vegetative screening;
  - Secondary Access Points shall not be established in remote areas, or near sensitive areas or features where natural and cultural values might be endangered or compromised by increased public access; and
  - The location and design of Secondary Access Points shall satisfy all municipal and provincial road access requirements (e.g., sight-lines, drainage).

### **5.3 NIAGARA ESCARPMENT PARKS SYSTEM**

The Niagara Escarpment Plan contains policies for a system of Niagara Escarpment Parks. These policies provide a framework for the establishment and co-ordination of the publicly-owned park land system which is linked together by the Bruce Trail. It is the objective of the Escarpment Parks System:

1. to protect unique ecological and historical areas;
2. to provide adequate opportunities for outdoor education and recreation;
3. to provide for adequate public access to the Niagara Escarpment;
4. to complete a public system of major parks and open space through additional land acquisition and park and open space planning;
5. to secure a route for the Bruce Trail;
6. to maintain and enhance the natural environment of the Niagara Escarpment;
7. to support tourism by providing opportunities on public land for discovery and enjoyment by Ontario's residents and visitors; and
8. to provide a common understanding and appreciation of the Niagara Escarpment.

Parks in Clearview Township within the Niagara Escarpment Parks system include:

- Noisy River (Lavender Falls) Provincial Park
- Nottawasaga Bluffs Conservation Area
- Devil's Glen Provincial Park
- Nottawasaga Lookout

These parks are shown on Schedule A.

Park agencies are required under the Niagara Escarpment Plan to prepare park plans for all Niagara Escarpment Parks.



#### 5.4 **DEVIL’S GLEN COUNTRY CLUB DEVELOPMENT POLICIES**

Notwithstanding its location in the Niagara Escarpment Plan Area and subject to the provisions of Section 5.1.5 and Section 5.2, development of the Devil’s Glen Country Club/Ski Resort shall occur in accordance with the land use designations on Schedules A and A14 and the following policies in addition to the applicable policies of this Plan.

##### 5.4.1 **GENERAL POLICIES**

1. Land uses within the area shown on Schedule A14, Land Use Plan - Devil’s Glen Country Club Policy Area shall be limited to, those permitted by the Escarpment Natural Area, Escarpment Recreation Area, Devil’s Glen Residential - Single-Detached and Devil’s Glen Residential - Multiple classifications. Lands designated in either the Escarpment Natural Area or Escarpment Recreation Area categories shall be subject to the provisions of Sections 5.1.2 and 5.1.5 of this Plan. The use of such areas for the disposal of treated sewage effluent by spray irrigation also shall be permitted when operated under a Certificate of Approval issued by the Ministry of Environment.

Notwithstanding the designation of land on Schedule A14, no new development, with the exception of ski lift structures, is to be allowed in the floodplain of the Mad River as this floodplain is defined by “Timmons” regional storm design criteria. Furthermore, any expansion of existing facilities, including the clubhouse, service buildings or the sewage lagoon located in this floodplain, will be subject to the approval of the Ministry of Natural Resources and/or other responsible approval authority(s).

2. OPA  
No. 4 ~~Lands designated in either of the two Devil’s Glen Residential categories may be used for the construction of single-detached dwellings or multiple dwellings in accordance with the densities shown on Schedule A14. All dwelling units are to be serviced by communal (piped) water supply and a sewage disposal systems approved by the Ministry of Environment and/or other responsible approval authority(s). The ownership and responsibility for operation of communal servicing systems shall revert to the municipality after their completion in accordance with the provisions of Section 7.2.5 of this Plan. Access to each unit is to be maintained by the Club over private roads.~~

~~Groups of residential units shall be laid out according to plans submitted and approved under The Planning Act or The Condominium Act. Where either of these Acts require the dedication of land for park purposes, the Township will accept cash in lieu of such land according to a valuation formula to be agreed upon between the parties.~~

Lands designated in either of the two Devil’s Glen Residential categories may be used for the construction of single-detached dwellings or multiple dwellings in accordance with the densities shown on Schedule A14. All dwellings units are to be serviced by communal (piped) water supply and sewage disposal systems approved by Ministry of Environment and/or other responsible approval authority(s). Devil’s Glen Country Club shall be solely and fully responsible for the construction, operation, servicing (sewage, water, roads, stormwater, waste collection) for the condominium corporations which have or will enter into servicing agreement within the Club. Notwithstanding Section 7.2.5, and in accordance with a servicing agreement to be registered on title, the Township will not be taking over the communal water or sewage system. Accordingly, part-time recreational residential development may occur on the basis of private

services, including private roads, within these areas and where agreements stipulating these conditions have been entered into to the satisfaction of the Township.

Groups of residential units shall be laid out in accordance with plans submitted and approved under the Planning Act or The Condominium Act. Where either of these Acts require the dedication of land for park purposes, The Township may accept cash-in-lieu of such land according to a valuations formula to be agreed upon between the parties.

3. Lands for sewage use shall be used in accordance with a Certificate of Approval issued by the Ministry of Environment. Furthermore, a solid waste management system will be provided to the satisfaction of the Ministry of Environment.
4. The policies set out in this section are to be implemented by either a Zoning By-law passed under the Planning Act or Development Control as authorized under the provisions of the Niagara Escarpment Planning and Development Act. In the case of a proposal to build a group of residential units, the club and the municipality will enter into either a development control agreement or subdivision agreement under the Planning Act.
5. Whenever additional ski-trails or ski-lifts are constructed within the area designated on Schedule A14, erosion protection and slope stability measures will be undertaken in accordance with Section 5.4.2 inclusive of Embankment Stabilization and Erosion Control Considerations for Devil's Glen Country Club which are incorporated as a policy.
6. The Township supports the efforts of the Club in relocating the Bruce Trail, discussing the possibilities of granting an easement for the new route and looking into the possibilities for overnight camping for Bruce Trail hikers.
7. Boundaries between land-use areas are considered to be flexible and an amendment to this Plan will not be required to adjust those boundaries provided the residential density is not altered nor significant natural features altered.

#### **5.4.2 EMBANKMENT STABILIZATION AND EROSION CONTROL CONSIDERATIONS FOR DEVIL'S GLEN COUNTRY CLUB**

##### **1. Introduction**

One of the essential requirements for ski trail design is "slope", with the following criteria generally being considered to define the slope in terms of skiing ability:

- Beginner - 15%
- Novice - Up to 25%
- Intermediate - Up to 40%
- Expert - 50% (±) Page 165

From the above, it can be seen that the nature of the sport dictates that some lands which may be considered and designated "hazardous" for other uses because of their slope, are suitable for skiing purposes. In providing for such use, however, it is essential that adequate consideration be given at the design, construction and ongoing maintenance stages to embankment

stabilization and erosion control in order to minimize any potential adverse impacts from such use.

The following sections contain an outline of matters that should be considered in developing a new ski trail. The criteria should be viewed as a guideline, not a specification, in that each project should be considered on its own merits and designed by a qualified engineer.

## **2. General Selection of Lift and Trail Alignment**

Although the selection of lift and trail alignment is primarily determined by desirable use in terms of suitable slope, exposure, commencement and termination points, traffic patterns, vegetation, etc., every effort should be made to avoid obvious inherent problem areas such as running and dry watercourses, unstable soil conditions, springs, extreme slopes, etc.

When the preferred course/use dictates a lift or trail alignment which encounters such problem areas, then a suitable solution to same must be determined prior the final selection of the route.

## **3. Clearing and Grubbing**

The selection of an alignment for trails and lift-lines is generally made to minimize the amount of clearing in the interest of reducing both visual and physical impacts, however, end-use dictates that a sufficient minimum trail and lift-lines width be achieved to provide safety to skiers and equipment.

Connecting links at low grade, which are required for skiers to move from area to area should, wherever possible, have a narrow meandering alignment through wooded areas to minimize the wind velocity. Similarly, in-runs or approaches to the top of slopes through wooded areas should be as narrow as possible to reduce wind erosion and icing on the skiing surface, and the limit of clearing on slopes through wooded areas should be irregular and undulating to reduce the visual impact of the ski-trail. To achieve the foregoing, clearing operations should be closely controlled.

In geographical areas usually experiencing large annual snow falls it is possible to “close-cut” trees (i.e. cut the trees flush with the ground) when earth grading is not required to achieve proper slope. However, in Southern Ontario it is normal to remove the stumps, which should be burned on site either in a hole dug specifically for that purpose or in the toe of the slope.

All brush and timber should also be entirely removed from the site either by burial, removal or burning if local regulations permit.

## **4. Earth Grading**

Ideally, trail and lift-line alignment is situated to minimize grading in the interests of construction economics, lessening physical and visual impact, and the maintenance of existing plant and root growth.

Additionally, although in geographical areas experiencing large snow cover, little mass grading is usually necessary, in Southern Ontario a smooth grade is required because of the relatively small snow cover.

While each site must be assessed individually in relation to its specific limitations and requirements regarding soil type, slope, etc., the following general principles should be observed:

- Side slopes of both cut and fill areas should not exceed 2:1.

- Although filling in the toe of slope to lessen the grade is usually permissible, placing of fill on a slopes should be avoided, and only performed with proper benching and compaction procedures.
- Whenever possible, topsoil should be stripped and used for final dressing, however, this is not always possible because of the severe grades being worked on which usually necessitates a “one-pass” grading operation.
- Trimming should be performed at the time of grading on steep slopes, as it is virtually impossible to re-trim some slopes after the bulk grading has been completed.
- Other than in locations where optimum consolidation is required for embankment stabilization purposes, compaction by mechanical methods is not usually required.

### **5. Rock Grading**

When rock grading is required, it is preferable to provide at least a 0.3 to 0.6 metre (1.0 to 2.0 foot) depth of “shatter” on slopes requiring planting of ground cover, to provide voids for both root growth and for drainage. Whenever possible, soil should be spread on the surface of the shatter to support ground cover growth.

Ideally, rock fill should be buried on site and not mixed with earth fill through the slope, as it not only interferes with the skiing surface but also creates difficulties in installing drainage systems as discussed in the following.

### **6. Surface Drainage External to the Slope**

It is essential that all surface drainage external to the slope, which tends to flow towards the slope from the side or from the top, be intercepted prior to reaching the slope and re-directed by pipe or channel in a suitable manner.

This treatment is particularly important where the slope is located on an escarpment where a surface water catchment area exists above and beyond the slope.

Where necessary to maintain a flow across or down a surface lift-line or a ski trail it should be piped and not channeled.

### **7. Surface Drainage of Slopes**

In order to minimize sheet erosion on trails and lift-lines, “water-bars” consisting of small drainage channels having a 5% slope should be constructed laterally across the slope and extended either into the adjacent woods or into a drainage system. In very impermeable soils the water-bars should be spaced at not less than 30 metre (98.4 foot) intervals. Sandy soils may allow for spacing up to 60 metres (196.9 foot) intervals.

On slopes of less than 25% it is possible to install the “water-bars” by mechanical means with a horse drawn single furrow plow. On steep slopes it is usually necessary to install them by hand.

Proper placement, intervals of spacing, location and fall, is key to the effectiveness of “water bars”.

### **8. Sub-surface Drainage of Slopes**

Slopes containing running springs and/or perched groundwater should be treated with an effective sub-surface interceptor system which will carry the water by underground means off the slope.

This kind of condition left untreated will be a constant threat to the stability of the slope, the maintenance of “water-bars”, the maintenance of the skiing surface, and hence the safety of skiers.

### 9. **Seeding and Mulching**

Generally, grading operations should be planned for completion in either early summer or early fall to allow for seeding and mulching operations to immediately follow thereafter. Under no circumstances should regraded slopes remain unplanted and unprotected over a long period, particularly over the winter months.

Upon completion of grading and the installation of drainage works, the surfaces to be seeded should be trimmed by machine or by hand as far as is practical. Seed, fertilizer and mulch cover should then be applied in that order.

The composition of the seed-mix may vary from one locality to another, however, it should have a large proportion of creeping red fescue as indicated in the following typical mix commonly used on ski-slopes:

- Creeping Red Fescue -65%
- Perennial Rye -15%
- Red Top -10%
- White Dutch Clover -10%

The type of fertilizer should be consistent with the soils encountered, however, the following standard commercial fertilizers have been used effectively: 10-10-10 and 5-20-20.

Hay or straw may be used for mulching material. Hay generally is superior as it tends to reinforce the ground cover growth by adding additional seed.

The rate of application of materials in the seeding and mulching operation may vary according to conditions. Generally, however, the maximum rates of application would be typical treatment on a rock cut or fill having little or no soil cover, and the minimum rates on low slopes having good topsoil coverage; moderate conditions falling between the extremes would require moderate treatment.

MATERIAL	RATE OF APPLICATION
	Minimum Maximum
Seed *	100 to 200 lbs/acre
Fertilizer	200 to 400 lbs/acre
Mulch (hay or straw)	100 to 600 bales/acre

\* **NOTE:** Early fall seeding should include an additional nurse crop seed of either fall wheat or perennial rye at approximately 100 lbs/acre.

## **10. Reforestation**

A forestry program should be implemented at the outset of the project which should be designed to serve the dual purpose of minimizing wind erosion on snow or soil and protecting the skier from severe wind conditions.

In exposed, unwooded areas, tree planting should follow the principles outlined in Section 5.4.2.3. The type, location, spacing of the trees should be determined with the assistance of a qualified professional to suit each site.

Experience has shown that existing trees adjacent to a cleared slope can be adversely affected by the clearing operation. The extent and degree of the impact varies according to conditions and the cause is suspected to be wind exposure. In any event, the forestry program should include ongoing inspection and the re-planting of existing tree stands, if necessary.

The entire program should be arranged through the Ministry of Natural Resources.

## **11. Construction Precautions**

Although standard methods of planning and construction phasing normally are applied to suit a particular project, the following matters should receive special consideration.

- Surface drainage external to the slope as discussed in Section 5.4.2.6 should be implemented, if possible, prior to major grading to reduce erosion during construction and to maintain a dry workable site.
- Temporary catchment areas should be constructed at the foot of the slopes and graded to intercept and settle out surface drainage during construction and to minimize sedimentation occurring due to watercourses, etc.
- Planting ground cover on disturbed surfaces should take place immediately following grading operations as noted in Section 5.4.2.9.
- Burning of brush and stumps on site should be in accordance with Provincial and local regulations.

## **12. Annual Maintenance**

Although normal maintenance would include ongoing inspection and rectification of eroded areas, specific attention should be paid to the following:

- All “water-bars” should be re-established and cleaned-out twice annually; immediately following spring run-off and in late fall prior to snow fall or frost penetration.
- Areas experiencing poor ground cover growth should receive supplemental seeding and mulching at the appropriate time of year. In rock, steep and poor soil cover areas, re-seeding and re-mulching may be required over a period of several years before adequate ground cover is established.

## **5.5 NIAGARA ESCARPMENT PLAN AREA GLOSSARY OF TERMS**

The following definitions are to be used in interpreting the Niagara Escarpment Plan Area policies and development criteria in Sections 5.1, 5.2 and 5.3.

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

**Accessory Use** means the use of any land, building or structure which is subordinate to and exclusively devoted to the principal use located on the same lot.

**After Uses** means the changed use of any land, building or structure within a Mineral Resource Extraction Area to a use other than that which is permitted under the Permitted Uses.

**Aggregate** means gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite, rock, other than metallic ores, or other prescribed material under the Aggregate Resources Act.

**Agricultural Areas** means areas where the following lands predominate:

- Specialty crop areas; and/or
- Areas where soil Classes 1, 2 and 3 predominate as defined in the Canada Land Inventory of Soil Capability for Agriculture; and/or
- Small pockets of marginal agricultural land within or associated with the above.

**Agriculture Operation** means the carrying out of an agricultural use.

**Agricultural use** means the lands, buildings or structures used for the purpose of animal husbandry, horticulture, beekeeping, dairying, fallow-field crops, fruit farming, fur farming, market gardening, pasturage, poultry keeping, mushroom farming or any other farming use and may include growing, raising, small-scale packing and storing of produce on the premises and other similar uses customarily carried out in the field of general agriculture.

**Animal Kennel** means a building structure or premises used for the raising or boarding of dogs, cats or other household pets.

**Annually** means the calendar year from January 1 to December 31.

**Areas of Natural and Scientific Interest (ANSI)** means areas of land and water containing natural landscape features which have been identified as having values related to natural heritage protection, scientific study, or education. Depending upon the features of particular areas, they may be referred to as life science or earth science sites. These areas vary in their level of significance and their vulnerability to environmental impacts.

**Bed and Breakfast Home** means sleeping accommodation for the travelling or vacationing public within a single dwelling which is owned by and is the principal residence of the proprietor, to a maximum of three guest rooms, and may include the provision of breakfast and other meals and services, facilities or amenities for the exclusive use of the occupants.

**Biosphere Reserve** means the international designation of recognition from the United Nations Educational Scientific and Cultural Organization (UNESCO) under the "Man and Biosphere Program (MAB)" that recognizes the unique natural features and ecological importance of the area regulated by the Niagara Escarpment Plan.

**Bruce Trail** means the continuous footpath from Queenston to Tobermory on which users can experience on foot the scenic, natural, wooded, pastoral and culturally significant areas of the Niagara Escarpment.

**Bruce Trail Access Points** means property managed and/or acquired in whole or in part for the purpose of providing public access to the Bruce Trail (e.g., parking areas).

**Bruce Trail Corridor** means property managed and/or acquired in whole or in part under Part 3 of the Niagara Escarpment Plan or by other means for the purpose of securing the Bruce Trail and facilitating the establishment of Overnight Rest Areas and Bruce Trail Access Points.

**Campground** means an area used for a range of overnight camping experiences, from tenting to serviced trailer sites, including accessory facilities which support the use, such as administration offices, laundry facilities, but not including the use of mobile homes or trailers on a permanent year-round basis.

**Carrying Capacity** means the capacity of a site to support a use without substantial negative impact on environment features such as water quality, natural vegetation, soil, wildlife population and visual attractiveness.

**Compatible** means where a building, structure, activity or use blends, conforms or is harmonious with the Escarpment's ecological, physical, visual or cultural environment.

**Conservation** means the wise management of the environment in a way which will maintain, restore, enhance and protect its quality and quantity for sustained benefit to humans and the environment.

**Cottage Industry** means an occupation conducted as an accessory use within a single-family dwelling or in an addition to the dwelling or in an accessory building performed by one or more of the residents of the household on the same property. A cottage industry may include occupations such as dressmaking, upholstering, weaving, baking, ceramic making, painting, sculpting and the repair of personal effects.

**Cultural Heritage Features** means human-made features of the landscape (see also Heritage Property).

**Cultural Landscape** means a landscape which is the product of human activity over time in modifying the landscape for their own purpose, and is an aggregation of human-made features such as a village, farmland, waterways, transportation corridors, and other artifacts.

**Cumulative Effect** means the effect on the Escarpment environment as a result of the incremental impacts of development when considered in conjunction with other past, present and possible future actions, occurring over a period of time and area.

**Deeryard** means areas where deer concentrate during the winter months.

**Designated** means heritage property in respect of which a designation has been carried out under the Ontario Heritage Act when reference is made to the Ontario Heritage Act.

**Domestic Purposes** means those purposes for the property owner's use and not for sale to the public.



**Dwelling Unit** means one or more habitable rooms designed for the use of one family in which sanitary and kitchen facilities are provided for the exclusive use of such family, and having a private entrance.

**Easement** means a negotiated interest in the land of another which allows the easement holder specified uses or rights without actual ownership of the land.

**Easement Agreement** means an easement agreement under Section 37 of the Ontario Heritage Act guaranteeing the maintenance and protection of designated heritage property when reference is made to the Ontario Heritage Act.

**Ecological(ly)(ally)** means the sum total of all the natural and cultural conditions which influence and act upon all life forms including man.

**Endangered Species** means any indigenous species of fauna or flora that, on the basis of best available scientific evidence, is indicated to be threatened with immediate extinction throughout all or a significant portion of its Ontario range. Endangered species are identified in regulations under the Endangered Species Act.

**Escarpment** - See definition of Niagara Escarpment. The single word “Escarpment” means the Niagara Escarpment.

**Escarpment Brow (Edge)** means the uppermost point of the Escarpment slope or face. It may be the top of a rock cliff, or where the bedrock is buried, the most obvious break in slope associated with the underlying bedrock.

**Escarpment Environment** means the physical, natural, visual and cultural heritage features associated with the Escarpment landscape.

**Escarpment Related Landforms** means the physical features of the land associated with the Escarpment and created by erosion, sedimentation and glaciation, often including such features as moraines, lakes, river valleys, beach ridges, drumlins and kames.

**Escarpment Slope (Face)** means the area between the brow and toe of the Escarpment usually characterized by a steep gradient. Where the rise occurs in the form of a series of steps, the slope also includes the terraces between the steps.

**Escarpment Toe (Base)** means the lowest point on the Escarpment slope or face determined by the most obvious break in slope associated with the bedrock or landforms overlying the bedrock.

**Essential** means that which is deemed necessary to the public interest after all alternatives have been considered.

**Existing Lot of Record** means a lot held under distinct and separate ownership from all abutting lots as shown by a registered conveyance in the records of the Land Registry Office at the time of the approval of the Niagara Escarpment Plan by the Government of Ontario or lots created in conformity with the provisions of the Niagara Escarpment Plan since June 12, 1985.

**Existing Uses** means the use of any land building or structure legally existing on the day of approval of the Niagara Escarpment Plan (i.e., June 12, 1985).

**Existing Waste Disposal Sites** means a waste disposal site legally existing on the day of approval of the Niagara Escarpment Plan (June 12, 1985) or subsequently approved under the

Niagara Escarpment Planning and Development Act; and the Environmental Assessment Act and/or the Environmental Protection Act.

**Farm Cluster** means a group of farm buildings, which includes the farm dwelling, on a property actively involved in agricultural use.

**Farm Pond** means a pond which is considered by the implementing authority to be necessary to an active and viable farm operation, and no feasible water supply alternative exists.

**Farm Vacation Home** means sleeping accommodation for the travelling or vacationing public within a single dwelling which is owned by and is the principal farm residence, to a maximum of three guest rooms and may include participation in farm activities and the provision of meals and other services, facilities or amenities for the exclusive use of the occupants.

**Fish Habitat** means the 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.

**Fisheries Management** means the management of fish habitat and fish population for the purpose of sustaining and improving the quality and quantity of fish.

**Fishery Resource** means any body of water sustaining or having potential to sustain healthy game, forage or fish populations including bait fish, as identified by the Ministry of Natural Resources.

**Flood Plain** means the area, usually lowlands, adjoining a watercourse which has been or may be covered by flood water.

**Forest Management** means the management of forests for the production of wood and wood products and to provide outdoor recreation, to maintain, restore or enhance environmental conditions for wildlife, and for the protection and production of water supplies.

**Full-time Bona Fide Farmer** means a farmer who owns, lives on and has been continuously farming the property for a period of 20 years prior to making application, and whose main occupation is farming.

**Groundwater Infiltration Area** means an area where the porous nature of the surficial materials allows significant percolation of water into the groundwater system.

**Group Home** means a residence that is licensed or funded by a Public Agency for the accommodation of three to ten persons, exclusive of staff, living under supervision in a single housekeeping unit and who, by reason of their emotional, mental, social or physical condition or legal status, require a group living arrangement for their well being.

**Headwaters** means the source area of a stream.

**Heritage Property** means features in or on the land or underwater and considered to be a consultable record of past human activities, endeavours or events (e.g. buildings, street furniture, engineering works, plantings and archaeological sites) (also see Cultural Heritage Features).

**Highwater Mark** means the mark made by the action of water under natural conditions on the shore or bank of a body of water which action has been so common and usual that it has created a difference between the character of the vegetation or soil on one side of the mark and the character of the vegetation and soil on the other side of the mark.

**Home Business** means a cottage industry, home industry or home occupation as defined in this Section 5.5 of this Plan.

**Home Industry** means a small-scale use providing a service primarily to the rural or farming community and which is accessory to a single-detached dwelling or agricultural operation, performed by one or more residents of the household on the same property. A home industry may be conducted in whole or in part in an accessory building and may include a carpentry shop, a metal working shop, a welding shop, and electrical shop or blacksmith's shop, etc., but does not include an auto repair or paint shop, or furniture stripping establishment.

**Home Occupation** means an occupation which provides a service as an accessory use within a single-detached dwelling or in an addition to the dwelling or in an accessory building, performed by one or more residents of the household on the same property. Such occupations may include services performed by an accountant, architect, auditor, dentist, medical practitioner, engineer, insurance agent, land surveyor, lawyer, realtor, planner or hairdresser, desk top publisher or word processor, computer processing provider, teacher or day care provider.

**Household** means one or more persons living as a single housekeeping unit in one dwelling.

**Implementing Authority/Body** means the body/bodies responsible for the administration of this Plan and the Niagara Escarpment Plan.

**Incidental Use** means a use (e.g. swimming pool) normally accessory to but not an essential part of an existing use.

**Institutional Use** means the use of land, buildings or structures for some public or social purpose, but not for commercial purposes, and may include governmental, religious, educational, charitable, philanthropic, hospital or other similar, non-commercial use which serves the immediate community.

**Lot** means a parcel of land;

- described in a deed or other document legally capable of conveying an interest in land, or
- shown as a lot or block on a registered plan of subdivision.

**Mineral Resources** means sand, gravel, shale, limestone, dolostone, sandstone, and other mineral materials suitable for construction, industrial, manufacturing and maintenance purposes, but does not include metalliferous minerals, fossil fuels, or non-aggregate industrial minerals such as asbestos, gypsum, nepheline syenite, peat, salt and talc or mine tailings.

**Municipality** means a city, county, region, town, village and township.

**Municipal Park or Open Space** means any park or open space area owned and managed by a local, regional or county government.

**National Heritage Value or Interest** means status accorded to properties recognized as national historic sites on a list compiled by the Historic Sites and Monuments Board of Canada, an agency of the Department of Canadian Heritage – Parks Canada. Natural Environment means the air, land and water or any combination or part thereof, of the Province of Ontario.

**New Lots** means lots registered in the Land Registry Office after the approval of the Niagara Escarpment Plan (i.e., June 12, 1985).

**Niagara Escarpment** includes a variety of topographic features and land uses extending 725 kilometres (450 miles) from Queenston on the Niagara River to the island off Tobermory on the Bruce Peninsula.

The particular combination of geological and ecological features along the Niagara Escarpment results in a landscape unequaled in Canada. It is also a source of some of southern Ontario's prime rivers and streams and one of the Province's principal outdoor recreation areas.

Man's impact on this environment is reflected in a variety of ways. The Escarpment area is the site of a large mineral aggregate extraction industry. Demand for permanent and seasonal residences in many areas is intense. Farming ranges from the cultivation of tender fruit and specialty crops in the Niagara Peninsula to the raising of beef cattle in Bruce County while the proximity of Ontario's largest population centres makes the Escarpment a popular tourist destination.

The single word "Escarpment" means the Niagara Escarpment.

**Official Plan** means a document approved under the Planning Act for the Township of Clearview, containing objectives and policies established primarily to provide guidance for the physical development of the municipality or a part thereof, while having regard to relevant social, economic and environmental matters.

**Open Landscape Character** means the system of rural features, both natural and man-made which makes up the rural environment, including forests, slopes, streams and stream valleys, hedgerows, agricultural fields, etc.

**Original Township Half Lot** means half of an original township lot where the township was originally surveyed into 80 hectare (200 acre) lots.

**Original Township Lot** means the township lot as shown on an original plan where an original plan is a plan certified by the Surveyor General as being the original plan of an original survey. Generally, in Ontario original township lots are 40 hectares (100 acres). However, larger and smaller original township lots exist.

**Overnight Rest Areas** means property managed and/or acquired by the Bruce Trail Association or through agreements with landowners or public agencies for the purpose of allowing small basic unserviced camping sites for Bruce Trail users.

**Park Plans** means Master or Management Plans for parks prepared by the public agencies listed in Part 3 of the Niagara Escarpment Plan.

**Pit** means land or land under water from which unconsolidated aggregate is being or has been excavated, and that has not been rehabilitated, but does not mean land or land under water excavated for a building or other work on the excavation site or in relation to which an order has been made under Subsection 1(3) of the Aggregate Resources Act.

**Preservation** means the maintenance of natural or cultural heritage features in their current or original form, and the maintenance of the natural environment to allow natural processes to continue undisturbed by human intervention.

**Protection** means ensuring the human activities are not allowed to occur which will result in the unacceptable degradation of the quality of the environment.

**Provincial Heritage Value or Interest** means status accorded properties for which provincial heritage plaques have been erected, or otherwise which have been declared to be provincially significant by the Ontario Heritage Foundation, an agency of the Ministry of Citizenship, Culture and Recreation.

**Public Agency/Body** means any Federal, Provincial, County or Municipal agency and includes any commission, board, authority or department, including Ontario Hydro, established by such power or authority under a Statute of Canada or Ontario. The Bruce Trail Association shall be treated as if it were a public agency/body with respect to the role of the Association in securing and managing the Bruce Trail Corridor.

**Quarry** means land or land under water from which consolidated aggregate is being or has been excavated, and that has not been rehabilitated, but does not mean land or land under water excavated for a building or other work on the excavation site or in relation to which an order has been made under Subsection 1(3) of the Aggregates Resources Act.

**Rare Species** means any indigenous species of flora or fauna that is represented in Ontario by small but relatively stable populations, and/or that occurs sporadically or in a very restricted area of Ontario or at the fringe of its range, and that should be monitored periodically for evidence of a possible decline.

**Recreational Development** means those activities and associated tourism facilities designed to provide recreational and tourism opportunities for the use of local residents and the traveling public.

**Regionally Significant Areas of Natural and Scientific Interest** means ANSIs that are non-essential to achievement of provincial objectives. They may coincide with areas designated as environmentally sensitive by regional and local municipalities, and conservation authorities.

**Rehabilitation** means after extraction, to treat land so that the use or condition of the land is restored to its former use or condition, or is changed to another use or condition which is compatible with adjacent uses and the objectives and policies of this Official Plan and the Niagara Escarpment Plan (e.g., restoration of land from which aggregate has been extracted).

**Remnant Lot (Parcel)** means the lot remaining after a severance has been taken.

**Secondary Plan** means a plan for a specific geographic area of the Township of Clearview which has been approved as an amendment to the Official Plan. Such a plan is prepared when there is a need for more specific policies to guide future development approved in the Official Plan.

**Sediment Control Device** means a structure which traps and filters sediments.

**Single-Detached Dwelling** means a separate building containing not more than one dwelling unit and may include a chalet, cottage, mobile home or group home.

**Source Area** means an area of obvious groundwater discharge (e.g. springs, and prominent seeps), recharge areas and wetlands which serve as the origin or source of surface or ground water systems.

**Stream/Watercourse** means a feature having defined bed and banks, through which water flows at least part of the year.

**Talus Slope** means the slope created by the mass of broken rock which accumulates at the base of a cliff face along the Escarpment.

**Threatened Species** means any indigenous species of fauna or flora that on the basis of the best available scientific evidence, is indicated to be experiencing a definite non-cyclical decline throughout all or a major portion of its Ontario range, and that is likely to become an endangered species if the factors responsible for the decline continue unabated.

**Tonne** means a metric measurement, 1,000 kilograms (or 2,205 pounds).

**Top of Streambank** means the upper edge of the slope of the stream valley where the land levels off or where there is a floodplain, the top of slope above the floodplain.

**Trail Activities** means recreation oriented to trails (e.g. horseback riding, cross-country skiing, hiking, snowmobiling).

**Transfer Station** means a waste disposal site used for the purpose of transferring waste from one vehicle to another for transportation to another waste disposal site.

**Unserviced Campsites** means campsites which are not individually provided with water, sewer or electrical services.

**Unstable Slopes** means slopes which are or may be subject to erosion such as mass movement, slumping, landslides, mud flows or rock falls.

**Utility** means a water supply, storm or sanitary sewage, gas or oil pipeline, the generation, transmission and distribution of electric power, steam or hot water, towers, telegraph and telephone lines and other cabled services, a public transportation system, licensed broadcasting receiving and transmitting facilities or any other similar works or systems necessary to the public interest, but does not include:

- the establishment of a new waste disposal site;
- any expansion or alteration to an existing waste disposal site from what has been approved under the applicable legislation (including any expansion in area or height of a landfill or any change in the type of waste material being disposed);
- incineration facilities (including energy from waste facilities);
- large-scale packer and/or recycling plants or similar uses.

**Veterinary Clinic** means the office of a veterinary surgeon and premises for the treatment of animals.

**Vulnerable Species** means any indigenous species of fauna or flora that is particularly at risk because of low or declining numbers, occurrence at the fringe of its range or in restricted areas or for some other reason, but is not a threatened species.

**Waste** means ashes, garbage, refuse, domestic waste, industrial solid waste, municipal wastes, hazardous waste and such other wastes as are designated in the regulations under the Environmental Protection Act, as amended, but does not include:

- agricultural waste,
- inert fill,
- inert rock fill,

- condemned animals or parts thereof at a plant licensed under the Meat Inspection Act (Ontario) or an establishment operating under the Meat Inspection Act (Canada),
- dead animals to which the Dead Animals Disposal Act applies, or
- hauled sewage for disposal on farmland.

**Waste Disposal Site** means any land or land covered by water upon, into or through which, or building or structure in which waste is deposited, stored and processed and includes such sites defined and classified in Regulation 309 under the Environmental Protection Act, as amended, including derelict motor vehicles sites, transfer or container stations or incineration sites, but does not include:

- a structure which is wholly utilized for the temporary collection of waste, (e.g. commercial and industrial dumpsters associated with an existing use);
- domestic storage and composting of waste sites;
- existing hospital incinerators;
- agricultural waste sites, (e.g. agricultural manure and disposal);
- on-site incinerators at the site of a crematorium within the meaning of the Cemeteries Act;
- on-site incinerators at the site of a veterinary hospital/clinic;
- small-scale recycling depots for paper, glass and cans etc., serving the local community, and
- disposal of domestic sewage sludge on farmland.

**Watershed Management means** the analysis, protection, development, operation and maintenance of the land, vegetation and water resources of a drainage basin.

**Wayside Pit or Quarry** means a temporary pit or quarry opened and used by or for a public road authority solely for the purpose of a particular project or contract of road construction and not located on the road right-of-way, but does not include a licensed pit or quarry.

**Wetlands** means lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic or water tolerant plants. The four major types of Wetlands are swamps, marshes, bogs, and fens. Lands being used for agricultural purposes, that are periodically "soaked" or "wet", are not considered to be wetlands in this definition. Such lands, whether or not they were wetlands at one time are considered to have been converted to alternate uses.

**Wildlife Habitat** means areas of the natural environment where plants, animals, and other organisms, excluding fish, survive in self-sustaining populations, and from which they derive services such as cover, protection, or food.

**Wildlife Management** means the management of wildlife habitats for the purpose of sustaining the quantity and quality of wildlife.

## **6.0 TRANSPORTATION POLICIES**

The policies of this section concern the movement of vehicular and pedestrian traffic within the Township of Clearview. The policies are intended to enable vehicles and pedestrians to move safely and efficiently within a rational system of routes which, wherever possible, shall be separated.

### **6.1 ROAD CLASSIFICATION**

A functional classification of roads within the Township of Clearview, both existing and proposed, is delineated on Schedules A through A14 according to their ultimate desired function. Where additional land is required for widenings, extensions and/or intersection improvements, such lands shall be obtained, wherever possible, in the course of approving new development under the authority of the Planning Act.

The roads on Schedules A through A14 are classified as Provincial Highways, Arterial Roads, Collector Roads and Local Roads. Provincial Highways and Arterial Roads are intended to carry large volumes of through-traffic, Collector Roads are intended to carry moderate volumes of traffic between Provincial Highways/Arterial Roads and Local Roads, and Local Roads are intended to carry low volumes of traffic and provide access to abutting property. Provincial Highways/Arterial Roads shall have priority over Collector Roads and Local Roads, and Collector Roads shall have priority over Local Roads in terms of access restrictions, road improvements, intersection improvements and maintenance.

The following policies shall apply to Clearview's roads.

#### **1. Provincial Highways**

Provincial Highway No. 26 is designated as a "Provincial Highway" on Schedules A and A3 and except in Stayner, is under the jurisdiction of the Ministry of Transportation. Provincial Highways are designed to carry large volumes of traffic at high operating speeds between major traffic generating areas and/or other Provincial Highways or Arterial Roads.

Access to a Provincial Highway from abutting properties shall require the approval of the Ministry of Transportation and shall only be permitted where alternate access to Arterial, Collector or Local Roads is not possible. No access shall be permitted where a traffic hazard will be created. Provincial Highways shall be located according to the road pattern shown on Schedules A and A3, but variations in alignment will be permitted without the need for an amendment to this Official Plan provided the general intent of the Plan is maintained.

#### **2. Arterial Roads**

Arterial Roads are existing and proposed roads of two to four traffic lanes which are designed to carry large volumes of traffic at relatively high operating speeds between major traffic-generating areas and/or other Arterial Roads. Arterial Roads shall have a minimum right-of-way width of 26 to 40 metres (85 to 131.2 feet). Access to Arterial Roads from abutting properties shall be discouraged and shall only be considered where alternate access to Collector or Local Roads is not possible. No access shall be permitted where a traffic hazard will be created. Arterial Roads shall be located according to the road pattern shown on Schedules A through A14. Variations in alignment or the establishment of new Arterial Roads will be permitted without the need for an amendment to this Official Plan provided the general intent of the Plan is maintained.



The Arterial Road designation applies to roads under the jurisdiction of the County of Simcoe and Township of Clearview and presently includes County Road No.'s 7, 9, 10, 42, 91 and 124 as well as Centreline Road and (local) Airport Road (Sideroad 33/34) between Highway 26 and County Road 124.

### **3. Collector Roads**

Collector Roads are existing and proposed roads of two to four traffic lanes which are designed to collect and carry local traffic to Provincial Highways and Arterial Roads and/or to distribute traffic to Local Roads. Collector Roads shall have a minimum right-of-way width of 20 to 26 metres (66 to 85 feet).

Access to Collector Roads from abutting properties shall be kept to a minimum and shall only be considered where alternate access to Local Roads is not possible. No access will be permitted where a traffic hazard would be created.

Collector Roads shall be located according to the pattern shown on Schedules A through A14. Variations in alignment or the establishment of additional roads will be permitted without the need for an amendment to this Official Plan provided the general intent of the Plan is maintained.

Collector Roads are under the jurisdiction of the Township of Clearview and presently include Batteaux Road (Nottawa), Collingwood Street (Creemore), George Street (Creemore), Mary Street (Creemore), Mill Street (Creemore), Hog Back Road (New Lowell), Switzer Road (New Lowell), Locke Avenue (Stayner), Scott Street (Stayner), North Street (Stayner), Industrial Road (Stayner), Margaret Street (Stayner), Warrington Road (Stayner), Superior Street (Stayner), Huron Street (Stayner) and Oak Street (Stayner).

### **4. Local Roads**

Local Roads are existing and proposed roads of two traffic lanes which are intended to primarily provide access to abutting properties. Local Roads shall have a minimum right-of-way width of 20 metres and should be designed to discourage the movement of through traffic and generally function as distributor roads.

### **5. Existing Roads**

It is not the intent of this Plan that Provincial Highways, Arterial Roads or Collector Roads that are existing in built-up areas necessarily be widened or that direct access be eliminated or restricted, except where redevelopment may be taking place.

### **6.2 PROVINCIAL HIGHWAYS/COUNTY ROADS**

Notwithstanding any provisions of this Official Plan to the contrary, all development abutting Provincial Highway No. 26 or County Road No.'s 7, 9, 10, 32, 42, 64, 91 or 124 shall comply with the standards and requirements of the Ministry of Transportation and/or the County of Simcoe and no development shall be permitted unless an access/entrance permit has been obtained from the Ministry or County. Entrance permits to roads under the jurisdiction of the County of Simcoe may only be obtained for farm retirement lots, new municipal roads, existing lots of record or approved uses.

Where new entrances are proposed onto a County Road, the applicant shall demonstrate that no safety hazard will be created by the new entrance, and that drainage is adequately addressed.

No new direct entrance to a County Road shall be permitted for new residential lots created after June 30, 1996, except for farm retirement lots in areas within the Rural and Greenland - Natural Heritage Areas designations of this Official Plan or lots within defined urban settlement areas.

### **6.3 TRANSPORTATION IMPROVEMENTS**

It is the intent of this Official Plan that, as traffic conditions warrant, road, bridge, intersection and railway crossing improvements be undertaken. Among other things, this may include jog eliminations, regulation of turning movements, proper signage, installation of traffic signals, marking of traffic lanes and channelization.

In undertaking the necessary improvements, the municipality shall, wherever possible, endeavour:

- To acquire lands needed for road widening or intersection improvement purposes.
- To ensure that future improvements to bridges are designed to accommodate projected traffic volumes.
- To keep the number of intersections created by plans of subdivision and/or other development to a minimum, and where new development does occur, ensure the establishment of "T" intersections.

### **6.4 PARKING, ACCESS AND LOADING FACILITIES**

All uses shall be supplied with adequate off-street parking and, in the case of institutional, commercial and industrial uses, adequate off-street loading facilities. Access points to off-street parking or loading areas shall be limited in number and designed in a manner that provides for the adequate and safe movement of vehicular or pedestrian traffic.

While it is the general intent of this Plan that development or redevelopment satisfy the minimum parking standards of the municipality; where this is not possible, and the Township still is in support of the proposed development, Council may allow a parking exemption pursuant to Section 40 of the Planning Act and in accordance with the development policies of Section 11.7 of this Official Plan.

Provision for a cash-in-lieu of parking payment to the municipality may be particularly relevant in ensuring the provision of adequate parking in the commercial cores of Creemore and Stayner.

### **6.5 REGIONAL ROAD UPGRADES**

At the time of the preparation of this Official Plan, planning was proceeding on the realignment and reconstruction of Provincial Highway 26 between Wasaga Beach and Collingwood. Furthermore, a comprehensive assessment of transportation needs within the Georgian Triangle had been initiated by the Towns of Collingwood, Wasaga Beach and The Blue Mountains and the Township of Clearview. It is expected that the conclusions of the Georgian Triangle analysis, particularly as they might relate to regional transportation improvements to facilitate more direct access to resort areas to the west, could influence future land use activity in northwest Clearview, (i.e., increase the pressure for new development on roads expected to accommodate higher traffic volumes). Recognizing this situation, when/if deemed necessary by Council, it is the intent of this Official Plan that a planning study be initiated to assess the potential need for adjustments to the Official Plan in relation to preferred land uses, future development opportunities and/or related municipal transportation improvements.

Maintaining the functional integrity of the rights-of-way of new major roads is a primary municipal objective.

### **6.6 RAILWAY**

The Barrie-Collingwood rail line, which is recognized by the Railway classification on Schedules A through A14, diagonally traverses the Township in a southeast to northwest direction passing directly through New Lowell and Stayner. Noise and vibration generated by trains, as well as safety concerns has the potential to act as a constraint on development. Accordingly, where deemed necessary by the Township and/or Ministry of Environment, prior to development occurring in areas which may be affected by the operation of the rail line, a noise and vibration analysis may be required as per Section 8.16 of this Plan. Issues of safety including fencing and berming may also be required to be studied. Mitigative measures recommended through such studies may be incorporated into applicable development agreements and may require securities.

### **6.7 SPECIAL DEVELOPMENT AREA - COLLINGWOOD AIRPORT**

The Collingwood Airport is located in Lots 31, 32 and 33, Concessions V and VI, formerly Nottawasaga of the Township of Clearview. The airport, owned and operated by the Town of Collingwood, is a major transportation asset which offers both a useful transportation link for traditional industry, and the prospect of increased tourism opportunities in relation to area resorts, etc. The airport also is a potential economic attractor unto itself, which could provide the catalyst for the establishment of ancillary industrial/commercial development in the surrounding area. Recognizing this potential, lands in the vicinity of the Collingwood Airport have been included within a Special Development Area - Collingwood Airport boundary and overlay classification on Schedule A, and it is the intent of the municipality that the economic potential of the area be explored through the preparation of a comprehensive planning study which will establish preferred land uses in relation to both their environmental/social suitability and economic viability, and a land use, transportation and servicing policy framework for their establishment. Where appropriate, the policy recommendations of the study will be incorporated through Council's adoption of an amendment to this Official Plan and the passage of implementing zoning criteria.

In the interim period leading up to completion of a comprehensive planning study, development shall be permitted within the Special Development Area in accordance with the permitted use and development criteria of the land use designations on Schedules A.

### **6.8 TRAIL SYSTEMS**

The Township of Clearview supports the establishment of an interconnected system of non-motorized (walking/jogging/bicycling/cross-country skiing) and motorized (snowmobile) trails linking the Township's urban settlements, major development areas and community services within its settlement areas and regional destinations such as area resorts, beaches, golf courses, ski hills, Provincial parks and other tourist attractions. It is the Council's intent that long-range trail opportunities be explored through the preparation of a Trails Master Plan, where appropriate, in consultation with neighbouring municipalities and the Niagara Escarpment Commission. In the interim, lands already owned by the municipality and those obtained by donation, dedication and/or direct purchase shall be developed as they become available at the direction of Council. The municipality also may obtain easements and/or enter into agreements with landowners for the use of lands for temporary or permanent trail purposes prior to and following the preparation

of a Trails Master Plan and may make provision for such uses or requirements in the review and approval of development applications.

Lands obtained by parkland dedication shall be improved by the developer to the satisfaction of the Township of Clearview. The precise nature of these improvements shall be included as part of the applicable development agreement.

The following principles shall be used as a guide in the design and construction of trails within the Township of Clearview.

1. Wherever possible, trails should incorporate junctions or points of interest, such as nature observation areas, along their routes.
2. Road crossings should be kept to a minimum and, where viable, pedestrian overpasses/underpasses constructed where trails intersect major roads.
3. The trails should be in harmony with the natural environment and compatible with adjacent uses.
4. The trails should incorporate changes in elevation and direction. However, steep grades should be avoided.
5. Travel surfaces should be suitable for the intended type of traffic (pedestrian/bicycle/snowmobiles, etc.), and be of a material that requires little maintenance.
6. Where trails parallel area roads, they should, as far as possible, be separated from the traveled surface of the road. For example, the space between the trail and the road might retain its natural vegetation or be replanted by trees or shrubs if no buffer exists.

#### **6.9 TRAFFIC IMPACT STUDIES**

Where new development is proposed, the development application, when deemed necessary by the Ministry of Transportation, County of Simcoe and/or the Township of Clearview, shall be accompanied by a report which establishes, to the satisfaction of the appropriate approval authority, that no undue transportation difficulties or hazards will ensue from the proposed use.

#### **6.10 ZONING**

Provision should be made in the implementing Zoning By-law for adequate setbacks from Provincial, County and Township roads in order to minimize the disruption to adjacent land uses and to facilitate the efficient and safe movement of vehicular traffic.

## **7.0 MUNICIPAL SERVICING POLICIES**

All development within the Township of Clearview shall proceed in accordance with the following policies.

### **7.1 SERVICING OVERVIEW**

It is a primary goal of this Official Plan to preserve the environmental integrity of all lands within the Township of Clearview, and to protect the health and safety of municipal residents by preventing illness and the loss of life and minimizing property damage due to flooding and erosion. To this end, it is the broad intent of the municipality:

- that new development be serviced by water supply and sanitary sewage disposal systems which comply with the standards and regulations of the Ministry of Environment and the Township of Clearview. The servicing of all future growth areas shall occur in accordance with the criteria in the following sections, with the preferred water supply and sanitary sewage disposal servicing approach being determined on the basis of a hierarchical review favouring the use of full municipal services, and, where this is not possible, full communal services or private servicing systems on the basis of appropriate justification studies. The use of partial servicing systems (water or sewer only) may only be considered in areas already equipped with such services (e.g. New Lowell and Nottawa), and only on the basis of the criteria in Section 7.2.1 and 7.2.4 below;
- that the potential for surface water run-off, groundwater contamination and thermal impact on cold water streams from new development be minimized through hydrogeological investigation and careful site design; and
- that development only be permitted upon the completion of, or entering into of agreements for the construction of, necessary public utilities/facilities, (e.g. water/sanitary sewer/stormwater management).

Notwithstanding the above, the municipality discourages the creation of multiple communal servicing systems within one settlement area, or a particular portion of the municipality, and may therefore deny development; encourage amalgamations of systems; or, require full servicing, to ensure that development and resulting maintenance and operation expenditures do not pose a financial liability to the Township.

### **7.2 WATER SUPPLY AND SANITARY SEWAGE DISPOSAL**

It is a primary objective of this Official Plan to ensure that existing and newly proposed development within Clearview has an adequate supply of potable water and is serviced by proven sanitary sewage disposal systems. Accordingly, development shall proceed in accordance with the following policies:

#### **7.2.1 GENERAL**

For the purposes of this Official Plan, a Servicing Feasibility Study and Settlement Capability Study are defined as follows:

- A Servicing Feasibility Study refers to a preliminary examination and determination of the costs and feasibility of servicing new or expanded settlement in alternate locations and

directions. Such studies examine water, sewer, transportation, and other infrastructure needs, and may consider alternate forms of providing these services. A Servicing Feasibility Study is not to be considered a Class Environmental Assessment under the Environmental Assessment Act or its successors.

- A Settlement Capability Study is a comprehensive technical study of a settlement area designed to identify the capability of the area to safely accommodate future growth and development on individual water and sewer systems or partial water and sewer systems, in this way establishing a technical foundation for evaluating secondary plans and applications for development. A Settlement Capability Study examines the ability of the soils and groundwater to assimilate the effluent from new development, identifies appropriate limits on the extent and timing of expansion, and appropriate density and/or design parameters, all of which is to ensure there will be no negative impact on ground on surface water quality, soils, and other natural heritage features and functions of the settlement area.

### **1. Creemore/Stayner**

During the planning period of this Official Plan, it is expected that development within Creemore and Stayner will predominantly occur on full municipal water supply and sanitary sewage disposal services. In circumstances where the use of the municipal servicing infrastructure is not possible, the use of full, site-specific communal water supply and sanitary sewage services may be considered on the basis of studies, completed to the satisfaction of the Township of Clearview and/or other responsible approval authority(s), which establish the technical and environmental suitability of the services to support the level of growth proposed.

New development on the basis of partial (water or sewer only) or private servicing systems shall only be permitted in or as an extension of areas already equipped with such services, (e.g. Sidell Estates Subdivision (Stayner)).

Notwithstanding the above paragraphs, where the provision of full municipal/communal services is not possible, consideration may be given to the use of private servicing systems to service "dry" commercial uses within those select parts of Stayner designated for "Commercial" use at the corners of Provincial Highway 26 and County Road 7/Centre Line Road, and Provincial Highway 26 and Buckingham Sideroad (27/28 Sideroad). The use of such services shall only be permitted on the basis of studies, completed to the satisfaction of the Township of Clearview and/or other responsible approval authority(s) establishing the technical and environmental suitability of the services to support the form of development proposed. Furthermore, these services shall be considered temporary, and, at such time as they may become available, shall be replaced by municipal services.

All development/servicing approvals obtained prior to the adoption of this Official Plan may be recognized provided the Township of Clearview and/or other responsible approval authority(s) is satisfied regarding the functional adequacy of the proposed water supply and/or sewage disposal system.

### **2. New Lowell**

During the planning period of this Official Plan, it is expected that new development within New Lowell will predominantly occur on full municipal or full site-specific communal water supply and sanitary sewage disposal services; the use of such services being entirely dependent on, (1), the

findings of technical studies and/or environmental assessments, completed to the satisfaction of the Township of Clearview and/or other responsible approval authority(s), demonstrating their technical and environmental adequacy to support the level of growth proposed, and on, (2), the Township's willingness to assume ownership of the facilities, especially proposed site-specific facilities.

Where full municipal or full site-specific communal services are not viable, consideration may be given to the use of private (individual) water and sewer systems or a partial (water or sewer only) servicing approach to service "dry" commercial and industrial uses or for purposes of the residential infilling, on the basis of hydrogeological studies, completed to the satisfaction of the Township of Clearview and/or other responsible approval authority(s), demonstrating their technical and environmental adequacy to support the level of growth proposed.

Notwithstanding the above policies, within the areas enclosed by the "Special Servicing Area" boundary classification on Schedules A and A2, Council may give consideration to the use of water only servicing, with private sewage disposal systems, on the basis that the development of these lands represents infilling relative to the longstanding development boundaries of the community and with regard to the existing extent of services in the community. The acceptability of such servicing proposals will however be subject to demonstrating to Council's satisfaction that there will be no negative impact on ground or surface water quality, that adequate and efficient expansion of the water system is possible, and that full servicing is not feasible. This option shall only be available on the basis of full development of the designated parcel(s) by plan of subdivision, in accordance with all of the applicable policies and requirements of this Official Plan.

New development on private (individual) or partial services in areas beyond the presently built up areas of New Lowell (i.e. development other than infilling) shall be discouraged and shall only be considered on the basis of a comprehensive community-wide Servicing Feasibility Study and Settlement Capability Study, completed to the satisfaction of the Township of Clearview and/or other responsible approval authority(s), demonstrating, among other things, that there will be no negative impact on ground and surface water quality or on other natural heritage features and functions and that the servicing proposal is safe, efficient and will not represent a financial burden to the municipality.

All development/servicing approvals (i.e. draft plan or final subdivision approvals) obtained prior to the adoption of this Official Plan, may, at Council's discretion, be recognized on the basis of acceptable hydrogeological studies and conclusions, and may not require the completion of either a Settlement Capability Study or Servicing Feasibility Study.

### **3. Recreational Districts**

During the planning period of this Official Plan, it is expected that "minor" development, as defined in Section 4.12.2, will occur on private water supply and sanitary sewage disposal systems established on the basis of studies, completed to the satisfaction of the Township of Clearview and/or other responsible approval authority(s), demonstrating their technical and environmental adequacy to support the proposed form of development.

Major development, as defined in Section 4.12.1, shall only be considered on the basis of a Servicing Feasibility Study, as defined in Section 7.2.1.2 above, which establishes, to the satisfaction of the Township of Clearview and/or other responsible approval authority(s), that the area proposed for major development is suitable for the installation of full municipal or full site-

specific communal water supply and sanitary sewage servicing systems in a manner which will facilitate a coordinated servicing approach throughout the Recreational District as a whole.

The Servicing Feasibility Study will be completed as a component of a secondary plan/comprehensive Official Plan amendment undertaken in accordance with the policies of Section 4.12.1 and 11.9, and shall include an assessment of the feasibility, including the financial feasibility, of extending municipal water and/or municipal sewage disposal services from the Town of Collingwood and/or the Town of The Blue Mountains.

#### **4. Secondary Urban Settlement Areas**

Except in Nottawa, where already approved development is proceeding on the basis of partial communal services (water only), during the planning period of this Official Plan, it is expected that new growth within the Township's secondary urban settlement areas (Avening/Batteaux/Brentwood/Dunedin/Duntroon/GlenHuron/Old Sunnidale/Singhampton/Sunnidale Corners) will occur on full site-specific communal or private water supply and sanitary sewage disposal services, subject to the preparation of studies, completed to the satisfaction of the Township of Clearview and/or other responsible approval authority(s), demonstrating their technical and environmental adequacy to support the level of growth proposed.

Development within secondary urban settlement areas generally will be limited to infilling and/or the minor extension of existing residential districts. Where major development is proposed, or the boundary of a secondary urban settlement area, as delineated on Schedules A through A14, is proposed to be expanded, such modification shall require an amendment to this Official Plan and shall only be considered on the basis of a Servicing Feasibility Study, as defined above, which establishes, to the satisfaction of the Township of Clearview and/or other responsible approval authority(s), that the area proposed for growth is suitable for the installation of full municipal or full site-specific communal water supply and sanitary sewage servicing systems, either in isolation or in conjunction with the remainder of the settlement area, and that the proposed expansion conforms with all other policies of this Official Plan.

Except where such systems currently exist (e.g. Nottawa), development on partial (water or sewer only) servicing systems shall not be permitted.

Notwithstanding the above, while presently categorized as secondary urban settlement areas, this Plan acknowledges that Brentwood's and Nottawa's locational attributes, (i.e., location on major roads/easy access to major urban centres (Collingwood/Barrie)), in combination with the availability of a reliable source of potable water via the Collingwood-New Tecumseth Water Pipeline (which is further discussed in Section 7.2.2. below), increase the prospects for future development. Accordingly, while over the planning period of this Official Plan, it is intended that major growth be directed to the Township's three primary urban settlement areas (Creemore/New Lowell/Stayner), it is the further intent of this Plan that, in the event of a major development application(s) consideration be given to assigning "primary" urban settlement area status to Nottawa and/or Brentwood if the magnitude and form of development is supported by the findings of a secondary plan/comprehensive Official Plan amendment completed in accordance with the policies of Section 11.9 and the other applicable policies of this Plan.



## **5. Rural Areas**

During the planning period of this Official Plan, it is expected that new development within Clearview's rural areas predominantly will occur on private water supply and sanitary sewage disposal systems established on the basis of studies, completed to the satisfaction of the Township of Clearview and/or other responsible approval authority(s), demonstrating their technical and environmental adequacy to support the proposed form of development.

Notwithstanding this expectation:

- Large-scale retail establishments and rural business parks shall only be permitted on the basis of the provision of full municipal or communal water supply and sanitary sewage disposal systems. Notwithstanding this requirement, retail uses that only sell merchandise produced on site or locally, and/or which are devoted to extensive outdoor storage may be permitted on the basis of private sewage disposal and water supply systems in accordance with Section 4.4.2.4.2.
- Estate residential subdivisions may be permitted on private or full communal servicing systems on the basis of studies, completed to the satisfaction of the Township of Clearview and/or other responsible approval authority(s), which demonstrate the technical and environmental adequacy of the proposed services in relation to the scale of development proposed and that, if communal services are proposed, such services will not represent a financial burden on the municipality.

### **7.2.2 COLLINGWOOD - NEW TECUMSETH WATER PIPELINE**

In the Spring of 2000, a new 57 kilometre water pipeline between the Town of Collingwood and the Town of New Tecumseth became operational. This pipeline, which was constructed to provide a reliable source of water to New Tecumseth from Georgian Bay, partially extends along the Barrie- Collingwood railway right-of-way, which passes diagonally through the Township of Clearview.

At the time of the pipeline's construction, provision was made for potential connections to the water utility to service lands in or in the vicinity of New Lowell, Stayner, Brentwood and Nottawa. The proximity of the pipeline to these communities provides a potential supply of potable water, and, as such, has the potential to influence the Township's pattern of growth. It is the intent of this Official Plan that the development possibilities afforded by the water utility be explored, in conjunction with the opportunities for the provision of new or expanded municipal sanitary sewage disposal services, as a component of a secondary plan(s) and/or servicing studies completed in accordance with this Plan.

### **7.2.3 PRIVATE SERVICES**

Where the use of private water supply and sanitary sewage disposal services is proposed, it is the intent of this Official Plan that site-specific development standards, including minimum lot size and density criteria, be formulated for the individual development proposal on the basis of hydrogeological studies prepared in accordance with the standards and requirements of the Ministry of Environment and the Township of Clearview.

While it is expected that private sanitary sewage disposal services primarily will consist of septic tanks and tile systems, the use of other proven Ministry of Environment approved sewage

systems may be permitted if also found acceptable for the particular proposal and site by the Township of Clearview.

#### **7.2.4 EXISTING SUBSTANDARD SERVICES**

It is the intent of this Official Plan that all existing substandard private sanitary sewage disposal systems within the municipality be raised to the minimum standards called for by the Ministry of Environment and the Township of Clearview.

#### **7.2.5 OWNERSHIP OF COMMUNAL SERVICING SYSTEMS**

All costs related to the approval and construction of communal site-specific water supply and sanitary sewage disposal services shall be the responsibility of the development proponent. The Township of Clearview shall assume ownership of a communal system once the system has operated for a period satisfactory to the Township, and agreements and financial assurances have been entered into with the developer with respect to the system's operation and maintenance.

For the purposes of this section, communal water supply and sanitary sewage services exclude facilities which service a commercial, industrial or condominium development under one ownership. The construction, maintenance and operation of such systems shall be at the sole responsibility and cost of the owner unless an agreement for maintenance and operation has been negotiated with the municipality to Council's satisfaction.

#### **7.2.6 VACANT LOTS OF RECORD**

Notwithstanding any servicing policies of this Official Plan to the contrary, where a vacant lot existed on or before the date of adoption of this Plan a building permit may be issued, subject to compliance with the permitted use provisions and standards of this Official Plan and the implementing Zoning By-law, for the erection of one single-detached dwelling or one non-residential building or structure provided the adequacy of the proposed method of water supply and sanitary sewage disposal is demonstrated to the satisfaction of the Township of Clearview and/or other responsible approval authority, and provided the lot has access to a public road.

### **7.3 STORMWATER MANAGEMENT**

#### **7.3.1 STUDY REQUIREMENTS FOR NEW DEVELOPMENT**

All applications for plans of subdivision and condominium, the creation of more than five new lots by consent, industrial, commercial, or institutional development, and major public works, shall be accompanied by a Stormwater Management (SWM) Report. The SWM Report shall be prepared by a qualified professional to the satisfaction of the Township of Clearview, Nottawasaga Valley Conservation Authority and/or other responsible approval authority(s) and shall be developed in a manner which ensures:

- A stormwater management system that adheres to the stormwater practices deemed appropriate by the Township of Clearview and the Nottawasaga Valley Conservation Authority.
- A stormwater quality system that meets the levels of protection established by the Township of Clearview, Ministry of Environment and/or Nottawasaga Valley Conservation Authority.

- A stormwater quantity system that ensures post-development runoff rates are no greater than pre-development runoff rates.
- A stormwater management system that identifies and minimizes the impacts of development on watershed flow regimes including the relationship between groundwater, infiltration, discharge and inflow.
- A stormwater management system that promotes the use of centralized facilities, wherever practical.
- A stormwater management system that locates facilities, such as detention ponds, outside defined flood plains.
- A stormwater management system that maximizes the retention of existing tree cover or natural vegetation, and encourages the provision of significant grassed and natural areas to facilitate the absorption of surface water into the ground.
- A stormwater management system which, although encouraging the use of storm sewers, may enable other methods of directing storm water flows in those circumstances where the provision of storm sewers is not physically viable, desirable or is prohibitively expensive (however, this option shall be at the sole discretion of the Township and/or other approval authorities).
- A stormwater management system which prevents drainage related impacts on any adjacent Provincial, County or Township roads.

Stormwater management studies shall explore the adequacy of the existing drainage system to handle flows (existing and post-development) and make recommendations with regard to required improvements in this regard. The proponent may be required to address and correct existing deficiencies as a condition of development or re-development.

### **7.3.2 SETBACK FROM WATERCOURSE**

Notwithstanding the above, and subject to confirmation by the Nottawasaga Valley Conservation Authority, new development generally shall be setback a minimum 30 metres (98.4 feet) from the highwater mark or the top of bank of a watercourse, whichever is greater, unless a greater setback requirement is identified or required by other policies and/ or development studies in which case the greater setback shall apply (also see Sections 4.1.1.7 and 4.1.2.6).

### **7.4 RIGHTS-OF-WAY/EASEMENTS**

It is the intent of this Official Plan that lands required for the location of water supply, sanitary sewage disposal, storm water management or for other public services or needs, either be acquired by the municipality or that easements be obtained to facilitate access to the facilities. Dedication of these lands or the granting of easements to the Township shall be a condition of development approval.

### **7.5 FINANCIAL CONSIDERATIONS**

It is the intent of this Official Plan that development not create a financial hardship for the taxpayers of the Township of Clearview. As such, the construction, maintenance and/or operation

of public services and facilities shall only proceed on the basis of cost sharing agreements with area developers or developers undertaking such work at no cost to the municipality.

## **7.6 WASTE MANAGEMENT**

The Township of Clearview accommodates fourteen (14) existing waste disposal sites, which include the following:

### **7.6.1 COUNTY OF SIMCOE SITES**

#### **Active Sites at the time of Adoption of this Plan**

1. County of Simcoe Landfill Site 10 (5715) - Located on the 30/31 Sideroad in Part of the West half of Lot 30, Concession 1 of former Nottawasaga Township.
2. County of Simcoe Landfill Site 12 (1379) - Located on the 12/13 Sideroad North, in the South Half of Lot 13, Concession 12 of former Sunnidale Township.

#### **Closed Sites**

3. (Former) Township of Nottawasaga Landfill Site (8512) - Located on County Road 9, in Part of Lot 8, Concession 8 of former Nottawasaga.
4. (Former) Township of Nottawasaga Landfill Site - Located in Part of Lot 6, Concession 1 of former Nottawasaga.
5. (Former) Township of Sunnidale Landfill Site (1443) - Located on 12/13 Sideroad, in the North half of Lot 13, Concession 12 of former Sunnidale.
6. (Former) Village of Creemore Landfill Site - Located at 90 Edward Street West, (north side) in Lot 34, Registered Plan 315.
7. (Former) Town of Stayner Landfill Site (260) - Located on Industrial Road, in Part of Lot 55, Registered Plan 196 and Lot 23, Concession 3 of former Nottawasaga.

### **7.6.2 PRIVATE SITES**

#### **Active Sites at the Time of Adoption of This Plan**

1. Loamcrafters Inc. Private Composting - Located in Part of Lot 15, Concession 10 of former Sunnidale.
2. Region of Huronia Septic Service Limited Sludge Transfer Station - Located in Part of Lot 12, Concession 4 of former Sunnidale.

#### **Closed Sites**

3. Creemore Transfer Station - Located at 64 Edward Street in Creemore.
4. Stayner Site (MOE 4120) - Located on William Street, in Lots 25, 26, 27 and 28, Registered Plan 68.

5. Stayner Site (MOE (4121) - Located on Warrington Road in Part of Lot 23, Concession 1, (50 metres to barn).
6. (Former) Sunnidale Site - Located in Part of the South Half of Lot 10, Concession 5 of former Sunnidale.
7. (Former) Sunnidale Site - Located in Part of the Southeast Quarter of Lot 8, Concession 3 of former Sunnidale.

In 1990, the County of Simcoe assumed responsibility for the disposal of solid waste throughout the County, including the operation and closure of waste disposal sites within the municipality. It is expected that the responsibility for the disposal of solid waste will remain with the County of Simcoe for the effective planning period of this Official Plan.

As per the policies of Section 12.4 - Public Uses of this Official Plan, the establishment of new waste disposal sites, or the expansion of existing sites onto lands not already designated/zoned for such use, shall require an amendment to this Official Plan and the implementing Zoning By-law in accordance with the provisions of Section 4.11 of this Official Plan.

#### **7.7 OTHER SERVICES**

Individuals proposing to develop lands within the Township of Clearview shall identify the nature and location of all services required by the proposed development and shall enter into agreements with the Township regarding the provision of such services. These services include, among others, transportation and pedestrian, electrical, natural gas and communication facilities.

## **8.0 GENERAL DEVELOPMENT POLICIES**

All development within the Township of Clearview shall proceed in accordance with the following development policies.

### **8.1 GENERAL**

To ensure orderly, financially sound, environmentally responsible and aesthetically pleasing development, Clearview has been divided into twelve (12) land use classifications in this way separating activities having conflicting requirements and functions. It is the intent of this Official Plan that all development in the Township occurs in accordance with the policies of these land use designations. Furthermore, this Plan intends that Council ensure:

- that all by-laws passed shall conform with the intent of this Plan,
- that new development does not compromise the Township's financial situation at the time of development or in the future,
- that all public works undertaken will comply with the intent of this Plan,
- that new development is serviced only with water supply and sanitary sewage disposal facilities which adhere to the standards of, and are approved by the Ministry of Environment, Township of Clearview and/or other responsible approval authority(s),
- that new development is protected from flooding and other environmental hazards, and
- that significant natural heritage resources are protected.

The majority of development expected to occur over the planning period should not require amendments to this Official Plan. Where site-specific amendments are proposed, the application shall be accompanied by plans, drawings and supporting documentation sufficient to clearly explain the nature of the proposed development and its consistency with the Official Plan's long-range land use intent for the municipality.

### **8.2 PUBLIC USES**

As per Section 12.4 of this Official Plan.

### **8.3 PLANS OF SUBDIVISION/CONDOMINIUM**

All residential development, except minor infilling and development by consent, shall take place by registered plan of subdivision/condominium. Council shall only recommend for approval, or approve, those plans which comply with the policies of this Official Plan and which can be supplied with adequate services including water supply, sanitary sewer and storm drainage facilities, public roads, schools, police and fire protection. Development approval may be phased, at Council's discretion, in accordance with the provision of such services.

Notwithstanding the above, a limited amount of residential development may be permitted, subject to compliance with all other relevant policies of this Plan, on a land lease basis designed and controlled through the consent and site plan agreement process. All such development shall occur only by an amendment to the comprehensive zoning by-law and shall only be considered where Council is satisfied that there is a need for this form of housing and that development will not detrimentally alter the character of the community or the area in which it is located. Council must also be satisfied that the proposal can be suitably integrated with the existing community and, where feasible, contributes to or creates community facilities.

#### **8.4 SUBDIVISION/CONDOMINIUM AGREEMENTS**

Development in the Township of Clearview shall not place a financial burden on the municipality. Individuals proposing to develop lands shall enter into a subdivision/condominium agreement with the municipality addressing, among other things, engineering design requirements, cost responsibilities, security bonds, staging and development timing.

#### **8.5 SITE PLAN CONTROL**

Section 41 of the Planning Act permits a municipality to require, as a condition of development or redevelopment, a site plan control agreement setting out the conditions of development. The Planning Act requires proposed site plan control areas to be shown or described in the Official Plan. The following subsections summarize the areas and uses within Clearview subject to site plan control (this is also described in relevant sections throughout the Plan), why it is required, its intent and the general objectives applicable to the areas or lands adjacent to the site plan control areas.

##### **8.5.1 PURPOSE OF SITE PLAN CONTROL**

1. Site plan control shall be used to protect existing adjacent uses from development or redevelopment where it is likely that, due to its nature, it could have a detrimental physical or visual impact.
2. Site plan control shall be used to ensure adherence to proper development standards, to minimize land use incompatibility between new development, redevelopment and existing uses, and to provide functional and attractive on-site facilities such as landscaping and lighting.
3. Site plan control shall be used to ensure the safe and efficient movement of both vehicular and pedestrian traffic as it relates to the development and surrounding area.
4. Site plan control shall be used to ensure the conveyance of any required easements to the municipality for maintenance or improvements of drainage works, watercourses, public utilities, roadways and similar undertakings.
5. Site plan control shall be used to ensure proper grading, storm drainage and maintenance in regard to surface water and erosion.
6. Site plan control shall be used to control the placement, massing and conceptual design of buildings, utilities and related facilities.

##### **8.5.2 PROPOSED SITE PLAN CONTROL AREAS**

Where in this Plan an area is designated or described as a proposed site plan control area, Council may pass a site plan control by-law pursuant to Section 41 of the Planning Act. Accordingly, the following areas, as well as those areas described in applicable sections throughout the Plan, are proposed site plan control areas pursuant to Section 41 of the Act. Lands within the Niagara Escarpment Plan Area are not covered by the site plan control provisions of this Section 8.5.

**1. Greenland**

All areas designated Greenland -Hazard Land Areas, Greenland - Wetland Areas or Greenland - Natural Heritage Areas.

**2. Open Space**

All areas designated Open Space.

**3. Agriculture**

All areas designated Agriculture, except for single-detached residential use areas.

Notwithstanding the limitations imposed by the above paragraph, all areas designated Agriculture which are subject to flood-proofing, as defined by the Nottawasaga Valley Conservation Authority and/or which have the potential for residential infilling, including single-detached dwelling, semi-detached dwelling, linked semi-detached dwelling and duplex dwelling use areas, and/or which are to be used for a home occupation or home industry, shall be subject to site plan control.

**4. Rural**

All areas designated Rural, except for single-detached residential use areas.

Notwithstanding the limitations imposed by the above paragraph, all areas designated Rural which are subject to flood-proofing, as defined by the Nottawasaga Valley Conservation Authority and/or which have the potential for residential infilling, including single-detached dwelling, semi-detached dwelling, linked semi-detached dwelling and duplex dwelling use areas, shall be subject to site plan control.

Notwithstanding the limitations imposed by the first paragraph above, agriculturally related industrial and commercial uses, as defined in Section 4.3.2.7, and/or home occupation and home industry uses shall be subject to site plan control.

**5. Residential**

All areas designated Residential, except for single-detached dwelling and duplex dwelling use areas. This includes all permitted uses including multiple dwelling use areas accommodating two or more dwelling units, and all local commercial use, home occupations and institutional use areas.

Notwithstanding the limitations imposed by the above paragraph, bed and breakfast accommodation, as defined in Section 4.6.4.3, and home occupations, shall be subject to site plan control.

Notwithstanding the limitations imposed by the above paragraph, all areas designated Residential which are subject to flood-proofing, as defined by the Nottawasaga Valley Conservation Authority, and/or which have the potential for residential infilling, including single-detached dwelling, semi-detached dwelling, linked semi-detached dwelling and duplex dwelling use areas, shall be subject to site plan control.

**6. Commercial**

All areas designated Commercial, being specifically, all permitted commercial use areas including Downtown Commercial and Arterial Commercial and Neighbourhood Commercial use areas.



**7. Industrial**

All areas designated Industrial, being specifically, all permitted industrial use areas including Restricted Industrial, General Industrial and Home Industrial, use areas.

**8. Extractive Industrial**

All areas designated Extractive Industrial, being specifically all use areas accommodating buildings or structures, or associated access, servicing, buffer and landscaping areas.

**9. Waste Disposal Industrial**

All areas designated Waste Disposal Industrial.

**10. Recreational District**

All areas contained within the Recreational District boundary classification, being specifically, all permitted use areas covered by one or more of the designations above.

**11. Niagara Escarpment Plan Area**

All areas contained within the Niagara Escarpment Plan Area boundary classification, being specifically, all permitted use areas covered by one or more of the Niagara Escarpment Plan Area designations.

**8.5.3 SITE PLAN CONTROL BY-LAWS**

Council may pass by-laws designating the whole or any part of an area referred to in Section 8.5.2 above, or in appropriate sections throughout the Plan, as a site plan control area.

**8.5.4 PLANS AND DRAWINGS**

Council may require drawings showing plans, elevations and cross-section views for each building to be erected, including, pursuant to Section 8.5.2 above, buildings to be used for residential purposes, which are sufficient to show the massing and conceptual design of the proposed building(s), the relationship of the proposed building(s) to adjacent buildings, streets, and exterior areas to which members of the public have access, and:

- The facilities to provide access to and from the lands, such as access ramps and curbing and traffic direction signs.
- Loading and off-street parking facilities, either covered or uncovered, access driveways, including driveways for emergency vehicles and the proposed surfacing of such areas and driveways.
- Walkways and walkway ramps, including their proposed surfacing, and all other means of pedestrian access.
- The proposed method of lighting.
- Signage, walls, fences, hedges, trees, shrubs or other groundcover or facilities for the landscaping of the lands or the protection of adjoining land.

- Vaults, central storage and collection areas and other facilities and enclosures for the storage of garbage and other waste material.
- Easements to be conveyed to the municipality for construction, maintenance or improvement of watercourses, ditches, land drainage works, sanitary sewage facilities and any other public utilities of the municipality or a local board thereof.
- Grading or other alteration in land elevation and the proposed method for the disposal of stormwater including any required flood-proofing techniques and waste water from the land and from any buildings or structures thereon.
- Other matters permitted by the Planning Act which the municipality deems necessary or appropriate.

### **8.5.5 ROAD WIDENINGS**

In an area where site plan control is in effect, a landowner may be required to dedicate land for the purposes of road widening or improvement subject to the following policies:

1. Section 41 of the Planning Act, regarding road widenings, will only apply where, in the case of roads designated on Schedules A through A14 and referred to in Section 6.0, a Provincial Highway has a right-of-way width less than that required by the Ministry of Transportation, an Arterial Road has a right-of-way width of less than 40 metres (118 feet), a Collector Road has a right-of-way width of less than 26 metres (85.3 feet) or a Local Road has a right-of-way width of less than 20 metres (65.6 feet).
2. The land dedicated for road widenings may be taken from either or both sides of a road.
3. Land dedication for road widenings taken through the use of site plan control may only be taken in those areas referred to in Sections 8.5.2.

### **8.5.6 SITE PLAN CONTROL AGREEMENTS**

In an area subject to a site plan control by-law, Council may require, as a condition of development or redevelopment, that an agreement be entered into between the municipality and an owner of land in the area. Such an agreement may stipulate, through the text of the agreement and/or through the use of plans and drawings, the location of buildings and structures to be erected and show or describe the location of all works and facilities provided for under Section 41 of the Planning Act, and may require securities therefore.

### **8.6 SERVICING**

Development and redevelopment within the Township of Clearview shall proceed in accordance with the servicing policies of Section 7.2, in addition to all other relevant policies of this Plan.

### **8.7 STORMWATER MANAGEMENT**

Development and redevelopment within the Township of Clearview shall proceed in accordance with the stormwater management policies of Section 7.3, in addition to all other relevant policies of this Plan.

**8.8 DEVELOPMENT STANDARDS**

Through the passage of amendments to the Zoning By-law, Council shall ensure that adequate standards are required for regulating the height, bulk, location, size, floor area and spacing of buildings, off-street parking and loading, and landscaping and buffering.

**8.9 DEVELOPMENT STAGING**

In order to protect taxpayers from undue financial burden, Council shall ensure that the timing, location and nature of all new development and redevelopment is such that the demand for municipal services, such as roads, sewers, water, schools, school buses, garbage collection, open space and recreational facilities, police and fire protection, is not excessive in relation to the taxable assessment provided and may deny or phase development accordingly. Impact on the community may also be a consideration in Council's decision to require phasing of major development proposals.

It shall be a general policy of the municipality to approve, or request the approval authority to approve, a draft plan (subdivision/condominium) on the basis that such approval lapses after three years. Extensions of up to 18 months may be granted where the applicant demonstrates a clear intention to proceed with final approvals in a reasonable time frame and Council is satisfied that the draft plan still represents good planning. Application for an extension shall be required to be submitted to the approval authority no later than 90 days prior to the date draft plan approval is to lapse.

Similarly it shall be a general policy of the municipality to require that works approved within a site plan and associated development agreement are carried out within an appropriate time frame specified in the agreement, and usually not exceeding a period of 18 months.

Notwithstanding this general policy, Council may elect to provide for a longer period of draft approval or site plan approval where it deems necessary to suit particular planning needs and where such an approval would, in Council's opinion, be appropriate relative to phasing of services or other municipal considerations.

Council will also specify similar lapse dates for municipal sewer and water servicing allocations associated with draft plan and site plan approvals.

**8.10 DEVELOPMENT CHARGES**

Council may levy development charges on new development and, where appropriate redevelopment, in order to finance municipal services.

Council may also enter into "front-end", "best efforts" and other servicing agreements in accordance with the applicable legislation and powers of the municipality to ensure that development or redevelopment occurs in a financially responsible manner.

**8.11 DESIGN CRITERIA FOR THE PHYSICALLY CHALLENGED**

Recognizing the unique concerns of the physically-challenged as they specifically pertain to building design, Council shall ensure that the construction of new buildings, structures and facilities and the reconstruction of existing buildings, structures and facilities occurs in a manner that is consistent with the needs of the physically-challenged. In pursuing this goal, the municipality shall:

1. Require building construction and reconstruction to occur in accordance with the regulations of the Building Code.
2. Encourage any relevant construction or reconstruction on public lands to occur in a manner consistent with the needs of the physically challenged.
3. Require the provision of handicapped parking, ramping and curbing associated with building construction and reconstruction.

### **8.12 DESIGN GUIDELINES**

It is a primary objective of this Official Plan to ensure a safe, functional and attractive built environment, sympathetic with the historical form and function of the Township's designated settlement areas and natural landscape. This objective is advanced by a series of development principles in Sections 4.2, 4.6, 4.7 and 4.8, governing the manner of future growth and redevelopment in areas designated for Estate Residential, Residential, Commercial and Industrial use, as well as by the policies for archeological and heritage conservation in Sections 8.13 and 8.14.

The following design guidelines, applicable at the discretion of the municipality to all new development and redevelopment in the municipality, supplement these criteria and are intended to provide additional guidance regarding the municipality's preferred form of future development.

The guidelines are intended to be flexible and to be applied, by the Township, with selective emphasis depending upon the land use circumstances under consideration, (i.e. not all guidelines will apply in every instance). The development process is viewed as a cooperative venture between the municipality, and the development industry. These guidelines shall be implemented through site planning and development agreements, conditional approvals and any other measures available to the municipality. Architectural control may be applied through various development agreements to achieve the municipality's objectives in accordance with the following guidelines.

#### **8.12.1 HERITAGE DESIGN**

In order to foster development of a type consistent with the historical form of the Township or a host community within the Township, in preparing a development concept the proponent shall endeavor to:

- 1) Conserve significant heritage resources including buildings, structures, streetscapes, and landscapes using strategies such as:
  - Preservation, meaning maintaining and/or restoring a heritage resource within the context of its established setting.
  - Adaptive Re-use, meaning rehabilitation of a heritage resource for a new function.
  - Incorporation, meaning integration of individual components of a heritage resource into a new development.
- 2) Incorporate existing characteristics and built and natural heritage features of the host community or setting into a development's or subdivision's design. This might include:
  - Maintaining architectural consistency with the historical built form of the host community or neighbourhood, (building type/scale).

- Maintaining consistency with the established street pattern of the host community or neighbourhood.
  - The protection of vegetation, woodlots or individual significant trees and the maintenance/restoration of linkages between natural areas.
  - Minimizing grading and hence, topographical changes to the existing site to avoid disruption to natural systems or adjacent lands/uses.
- 3) Identify significant architectural details and features of heritage resources and incorporate similar details and features into new building designs or redevelopment. Design strategies should be sensitive to existing heritage resources, providing for reproduction of character defining features while maintaining/defining some distinction between old and new. In implementing this design objective, the Township may be assisted by the preparation of Architectural Design Guidelines.
  - 4) Ensure that the design and location of lighting, streets, signage, parking, public works facilities, grading and other site features respect the integrity and character of the heritage resource and/or host community.
  - 5) Ensure that proper recognition is given to heritage resources that may be identified by a Local Architectural Conservation Advisory Committee (LACAC).
  - 6) Give special attention to heritage public spaces or public buildings that occupy prominent sites.

#### **8.12.2 NEIGHBOURHOOD / SUBDIVISION DESIGN**

In devising a development concept, the objective is to maintain consistency with the past community and/or neighbourhood in the context of current servicing requirements and planning policies. To do this, the developer shall endeavor to:

- 1) Incorporate the historical pattern of development in the host community into the subdivision design, (e.g. street pattern/landscaping). Where appropriate, the subdivision design should be coordinated with the heritage design guidelines of this section.
- 2) Provide consistent, or improved, street elements to complement and unify the built form, (e.g. streetlights, signage, trees, etc.)
- 3) Ensure the proposed street network accommodates all intended users, (e.g. automobiles, pedestrians, cyclists, and persons with disabilities, emergency vehicles).
- 4) Ensure the local street network is easy to navigate and well integrated with the arterial/collector road network.
- 5) Avoid reverse lotting of collector and arterial roads in favour of, wherever possible, a system of service roads or local roads located parallel to major roads. The use of rear access lanes is also discouraged.
- 6) Provide a variety of individual housing designs, setbacks or uneven lot sizes on a single street to create interesting streetscapes. Where appropriate, housing designs should be

coordinated with the heritage design guidelines of this section and, where available, any supplementary architectural design criteria.

- 7) Enhance streetscapes through tree planting undertaken in a manner consistent with the Landscape Design Guidelines of this section.
- 8) Ensure garages do not dominate the streetscape by considering the following design alternatives:
  - Limit the garage width and projection.
  - Construct garages flush with, or at angles to, the front of the dwelling.
  - Develop detached garages to the rear of the dwelling, subject to compatibility with adjacent uses.

### **8.12.3 SINGLE SITE DESIGN**

In preparing site-specific residential, commercial and industrial development concepts, the proponent shall endeavor to:

#### **Pedestrian Movement**

- 1) Locate buildings in downtown commercial areas close to or at the property line to facilitate pedestrian access.
- 2) Minimize walking distances between parking and primary activity areas.
- 3) Provide barrier free access throughout the site, avoiding drains, catchbasins and similar obstructions.
- 4) Provide attractive barrier free sidewalks leading directly from the public street and parking areas to principal building entrances.
- 5) Minimize pedestrian and vehicular crossings on site.
- 6) Identify and emphasize major pedestrian routes through use of signage, pavement markings, trees, appropriately scaled lighting, and continuous hard surfaces.

#### **Vehicular Movement**

- 7) Link parking areas on abutting commercial properties to provide for movement between lots.
- 8) Provide sufficient vehicle waiting spaces in commercial drive-through facilities.
- 9) Locate waiting lanes to avoid disruption of internal traffic flows, site access and pedestrian routes.
- 10) Clearly define primary vehicle routes on the site through the use of signage, curbing and line painting.
- 11) Avoid dead end parking aisles.

- 12) Maximize the distance between site access driveways as well as the distance between site access driveways and street intersections.
- 13) Provide mutual driveways where appropriate, especially along major collector and arterial roads, to minimize the number of driveways.
- 14) Eliminate conflict between storage/loading areas and vehicle/pedestrian routes.
- 15) Design on-site circulation to eliminate reversing or maneuvering on public streets.
- 16) Provide site directional signage to orient people within a development.
- 17) Ensure that emergency vehicles can gain easy access to, within and from the site.
- 18) Identify the location of hydrants and sprinkler connections through the use of signage.

### **Parking**

- 19) Locate parking areas in close proximity to residential building entrances.
- 20) Provide conveniently and easily visible locations for motorcycle and bicycle parking.
- 21) Provide well-drained areas, separated from parking spaces, to accommodate winter snow storage.

### **Screening**

- 22) Provide landscaping around the perimeter of the parking areas and laneways in accordance with the Landscape Design Guidelines of this section. Use low level screening adjacent to public streets and denser screening (solid fences, coniferous plant material) when adjacent to residential or other sensitive development.
- 23) Ensure loading bays and garbage storage facilities are located away from public streets or screened through the use of landscaping, walls and buildings.
- 24) Where outside storage is permitted, screen commercial outdoor storage from public streets and adjacent residential uses.
- 25) Screen parking areas to avoid illumination of adjacent properties by automobile headlights.
- 26) Orient continuous sources of noise, vibration, odour and other emissions away from sensitive adjacent uses. Use noise attenuation and other mitigation measures where necessary.

### **Lighting**

- 27) Provide adequate lighting materials and uniform coverage to parking areas.

- 28) Design site lighting that considers all building and user needs. Particular attention is to be paid to pedestrian areas, driveways, parking, service areas, and buildings.
- 29) Use lighting to accentuate historic buildings, landscape features and public monuments.
- 30) Coordinate lighting systems and landscaping to optimize site aesthetics and to ensure that plant materials or other landscape features do not obscure sight and street lighting.
- 31) Ensure that lighting is not directed to adjacent properties or create a nuisance for adjacent landowners.

### **Aesthetics**

- 32) Wherever possible, locate utilities underground to improve the appearance of the development. Where above ground utilities are necessary, ensure compatibility with other site features.
- 33) Provide a uniform height and location of fascia signs on multiple-tenancy buildings in order to portray a unified image.
- 34) Use signage to promote a particular image in neighborhoods with a distinctive character. Ensure that mature landscaping and signage work in harmony with each other.
- 35) Orient buildings, outdoor spaces and pedestrian activity areas to maximize sunlight exposure during the cooler months and shading during the warmer months. Consider the impact of winds and icing in the location of buildings relative to adjacent uses including areas of public access and parking.

### **8.12.4 LANDSCAPE DESIGN**

While accommodating an array of land uses, the Township of Clearview still retains a predominantly natural landscape. In built up areas existing vegetation adds to the character and aesthetic quality of neighborhoods and communities. It is a major objective of this Plan to retain as much of this natural landscape and aesthetic character as possible, and, to this end, in devising a development or redevelopment concept, the proponent shall endeavor to:

- 1) Select native plant materials, where appropriate, and avoid the use of invasive plant species.
- 2) Select plant materials which are ecologically sound, appropriate for existing and future site conditions and suitable for all seasons.
- 3) Maintain existing topography, vegetation and grades, within the constraints of sound engineering practice and good planning as established by the Township.
- 4) Use natural construction materials, such as wood, where fencing is required.
- 5) Install landscaped elements which provide structure, colour and decoration, having regard to seasonal changes.



- 6) Provide landscaping to screen and buffer parking areas, open storage and other site service elements.
- 7) Install plant material to soften building elevations, maintain a pedestrian scale and provide definition to public walkways and open spaces.
- 8) Group trees and shrubs to frame building elevations and to add visual interest to blank facades and open spaces.
- 9) Design new roads, buildings and utility installations to, as far as possible, blend with the natural or existing built landscape.
- 10) Provide landscaping at the street line which contributes to the continuity of, or improvement to, the landscaping between adjacent properties.
- 11) Provide protection from excessive sun, precipitation and cold winter winds, especially to outdoor areas where people congregate.
- 12) Locate plant material in a manner which provides adequate sight lines for both motorists and pedestrians.
- 13) Maintain unobstructed visibility to building entrances, key architectural features, and signage of public spaces.
- 14) Incorporate drought resistant material in order to reduce long-term maintenance requirements and conserve water.
- 15) Stabilize steep embankments through the use of soft and hard landscape material, such as retaining walls, ground cover and trees.

#### **8.12.5 PUBLIC ART**

Public art offers a valuable opportunity for aesthetic enhancement. Accordingly, it shall be an objective of the Township to encourage a reasonable contribution of public art as a component of major residential, commercial, industrial, institutional and public works projects.

Public art can take a wide range of art forms. Building or landscaped elements such as fountains, decorative doorways, signage, architectural features, lobby or other public areas, design elements, murals, sculpture or other graphic expressions composed of materials such as glass, metal, concrete, fabric, wood, neon, etc., all are considered public art.

The following principles may be utilized in determining the preferred setting/location for public art:

- Public art should be integrated into the development site and conceived with the site's historical and future context in mind.
- Public art, wherever possible, should be sited at the most publicly accessible parts of the site.
- Public art should be sited in a manner which does not jeopardize other design objectives such as providing clear sight lines, barrier free access and personal safety and security.

- Public art should be constructed and placed in such a manner that it does not create a maintenance or aesthetic liability to the municipality.

### **8.13 ARCHEOLOGICAL CONSERVATION**

Council acknowledges that parts of the Township of Clearview could be of special archeological significance. Accordingly, in areas which are of potential archeological value, it is the intent of this Official Plan that the consideration of major new public works and/or private development proposals be preceded by an archeological assessment. In the event such an investigation reveals that a site's cultural heritage resources warrant conservation, then appropriate mitigation techniques shall be devised and incorporated into the development process.

In the case of private development initiatives, the archeological assessment and any required mitigation shall be undertaken by the proponent of the development in consultation with the Township of Clearview and relevant support agencies.

### **8.14 HERITAGE CONSERVATION**

This Plan recognizes that the maintenance of Clearview's heritage resources will contribute to the municipality's rural character and tourist potential by balancing the potential impact of new development. Consequently, it is an objective of this Official Plan to, as far as possible, preserve the Township's heritage resources and to ensure that development occurs in a manner which respects Clearview's physical heritage.

The following policies provide a strategy for the sensitive management of the Township's heritage resources.

#### **8.14.1 HERITAGE INVENTORY**

The identification of the Township's heritage resources would comprise an important component of the heritage preservation process. Accordingly, Council may, at its discretion, arrange, or require a major development proponent to carry out for a defined area, the preparation and publication of an inventory of identified resources including buildings, structures, monuments or artifacts of historical and/or architectural value or interest, and areas of unique, rare or effective urban composition, streetscape, landscape or archeological value or interest, in which each resource is appropriately described, illustrated and evaluated in terms of:

1. The architectural and/or historical value or interest of the resource in accordance with the criteria outlined in Sections 8.14.2.1 and 8.14.2.2 below.
2. The contribution made by the resource to the effectiveness of the urban or rural composition, streetscape or landscape of which it may form part.
3. Where the information is available, the structural condition of the resource, including the need for and feasibility of undertaking its physical restoration or rehabilitation.
4. Where the information is available, the range of economic uses to which the resource might be put in accordance with the land use provisions of Section 4.0 of this Plan.

To assist in the preparation of the inventory and in the future identification of other heritage resources:

1. Council may establish a Local Architectural Conservation Advisory Committee (LACAC) by passing a by-law pursuant to Section 28 of the Ontario Heritage Act.
2. Council may encourage both the public and private sectors (Ministries, County, agencies, developers, etc.) to undertake analyses and/or surveys to identify sites of archeological significance.
3. Council may encourage the general public's involvement in the preparation of the inventory.

A heritage resource shall be deemed to have been published and included in the inventory when the required documentation describing, illustrating and evaluating the resource has been presented to Council and has been formally received and incorporated into the inventory by a resolution of Council, or when any such resource has been designated under the Ontario Heritage Act.

#### **8.14.2 EVALUATION CRITERIA**

The following criteria shall be used in determining the archeological, historical or architectural value and/or interest of heritage resources that are included or contemplated for inclusion in the heritage inventory.

##### **1. Archeological Value or Interest**

A heritage resource shall be considered to have archeological value and/or interest if it has been designated by the Minister of Citizenship, Culture and Recreation to be of archeological and historical significance pursuant to the Ontario Heritage Act, or if it is an archeological site registered with the Provincial Archeological Site's Data Base or, at Council's discretion, if the heritage resource satisfies at least two of the following criteria or one of the following criteria plus one of the criteria listed in Section 8.14.2.2 below, specifically:

- a) If the heritage resource dates from an early period in the development of the community historically and pre-historically.
- b) If the heritage resource is directly associated with an event which is recognized as having local, regional, Provincial, national or international heritage importance.
- c) If the heritage resource is representative and/or an illustration of the Township's social, cultural, political, economic or technological history.
- d) If the heritage resource, as a result of its use for a community purpose over a long period of time, is associated with the cultural heritage of the community.

##### **2. Architectural and/or Historical Value or Interest**

A heritage resource shall be considered to have architectural value or interest if, in the opinion of Council, it provides an open space required for a visual appreciation of a building or district of architectural value or interest, or if the heritage resource satisfies at least two of the following criteria or one of the following criteria plus one of the criteria listed in Section 8.14.2.1 above; specifically:

- a) If the heritage resource is a well-preserved, representative example of its architectural style or period of building.

- b) If the heritage resource is a good, well-preserved and representative example of a method of construction.
- c) If the heritage resource is a well-preserved and outstanding example of architectural design.
- d) If the heritage resource terminates a view or otherwise makes an important contribution to the urban or rural composition, streetscape or landscape of which it forms a part.
- e) If the heritage resource is generally recognized as an important Township landmark.
- f) If the heritage resource is a well-preserved example of outstanding interior design.
- g) If the heritage resource is an example of a rare or otherwise important feature of good urban or rural design, streetscaping or landscaping.
- h) If the heritage resource is a good representative example of the work of an outstanding local, national or international architect, engineer, builder, landscape architect, interior designer or sculptor.
- i) If the heritage resource associates with a person who is recognized as having made a significant contribution to the Township's social, cultural, political, economic, technological or physical development or who has materially influenced the course of local, regional, Provincial, national or international history.

### **8.14.3 DESIGNATION OF HERITAGE RESOURCES**

#### **1. Designation of Individual Heritage Structures**

In order to regulate the demolition, removal or inappropriate alteration of identified heritage resources of historical or architectural value or interest, Council may utilize the following procedures:

- a) Council may designate individual properties on the advice and recommendation of the LACAC, if one is established, by passing appropriate by-laws pursuant to Part IV of the Ontario Heritage Act.  
  
Once a property is designated, Council shall not permit the demolition, removal or inappropriate alteration of such buildings or structures, accept in accordance with the provisions of the Ontario Heritage Act or unless Council has repealed the designating by-law.
- b) Council may pass by-laws providing for the acquisition by purchase, lease or otherwise of any property or part thereof, including any interest therein, that is designated in accordance with Section 8.14.3.1a) above.
- c) Council may dispose by sale, lease or otherwise of any designated property, or interest therein, acquired in accordance with Section 8.14.3.1b) above, upon such terms and conditions as Council may consider appropriate.
- d) Council may enter into easement agreements or covenants with the owner of a designated property, register such easement or covenant against the real property affected in the land

registry office, enforce such registered easement or covenant against the owner or any subsequent owner of such real property and assign such easement or covenant to any person who, in the opinion of Council, will preserve and maintain the property to protect the heritage resource described in the heritage inventory.

## **2) Designation of Heritage Conservation Districts**

Areas or neighbourhoods may exist within the Township of Clearview which warrant preservation due to their heritage value, the downtown cores of Creemore and Stayner being two examples. Council may, at its sole discretion and in conjunction with the LACAC, pursue the designation of all or part of such areas as Heritage Conservation Districts under Part V of the Ontario Heritage Act.

Once an area for possible future designation as a Heritage Conservation District is identified by a by-law passed pursuant to the Ontario Heritage Act, a Heritage Conservation District Plan shall be prepared for inclusion in the Official Plan.

For the purposes of defining areas for possible future designation as Heritage Conservation Districts, regard shall be had for the urban or rural composition of the area, and the incidence therein of buildings or structures of historical or architectural value or interest identified in the heritage inventory.

The preparation of a Heritage Conservation District Plan will involve four primary phases.

### **a) Background Study**

Prior to the preparation of a Heritage Conservation District Plan a background study shall be undertaken which examines, the district's land use pattern; pedestrian and vehicular movements; the historical and/or architectural significance of individual buildings and sites; the physical condition of existing buildings, structures, roads and services etc.; ownership patterns; the socio-economic characteristics of the district's population; planning restrictions; the visual environment and methods of implementing and financing potential improvements.

### **b) Heritage Conservation District Plan**

On the basis of the background study a Heritage Conservation District Plan shall be prepared. The plan will define the special heritage characteristics of the district and provide recommendations regarding their preservation. The recommendations will relate to the physical, social and economic features of the district and provide a methodology for their implementation.

It is intended that the Heritage Conservation District Plan be incorporated into the Official Plan by amendment.

### **c) Public Participation**

Public involvement will be encouraged throughout the preparation of the Heritage Conservation District Plan, through the use of surveys, workshops and public meetings.

### **d) Implementation**

Council shall implement the Heritage Conservation District Plan by passing a by-law pursuant to Section 41 of the Ontario Heritage Act, by adopting an amendment to the Official Plan pursuant to Section 17 of the Planning Act and, if necessary, by passing an amendment to the comprehensive Zoning By-law pursuant to Section 34 of the Planning Act.

The provisions of Sections 8.14.3.1b), 8.14.3.1c) and 8.14.3.1d) of this Plan, shall apply with necessary changes, in respect to any building or structure and the land appurtenant thereto, that is situated within the area that has been designated as a Heritage Conservation District.

#### **8.14.4 IMPLEMENTATION**

In implementing the heritage conservation objectives of this Official Plan, Council shall have regard to the following:

##### **1. Development and/or Redevelopment**

It is the intent of this Plan to encourage the conservation of sites of historical, architectural and/or archaeological interest or value as may be identified from time-to-time, whether or not such sites are identified in the heritage inventory in the context of good planning and sound engineering practices as determined by the municipality. Accordingly, upon being advised or determining that lands proposed for development or redevelopment may constitute or include a heritage resource of potential or acknowledged historical, architectural and/or archaeological value, Council may require the owner of such lands to carry out studies, at the owners expense, to:

- survey and assess the value of the historical, architectural and/or archaeological heritage resource;
- assess the impact of the proposed development or redevelopment on the historical, architectural, and/or archaeological heritage resource; and,
- indicate the methods proposed to be used to mitigate any negative impact of the proposed development or redevelopment on the historical, architectural and/or archaeological resource.

Council may not pass by-laws or otherwise facilitate the development or redevelopment of lands accommodating an identified heritage resource, in accordance with the preceeding policies and its discretion, until the above studies are complete, and Council is satisfied that the proposed work can be undertaken in accordance with the municipality's heritage conservation objectives.

##### **2. Public Works**

In considering new public works such as road widenings or improvements, Council may assess the potential impact of the proposed works on identified heritage resources and shall endeavour to ensure that the design of such projects provides for the mitigation of any negative impacts.

##### **3. Integration of Heritage Resources**

In considering new development proposals, Council may encourage the integration of identified heritage resources into the design of the proposed development, including plans of subdivision.

##### **4. Temporary Easements**

Council may encourage the Committee of Adjustment to grant the severance of a lot occupied by a building included in the heritage inventory, without legal frontage on a public road, where such lot is included in a draft plan of subdivision sanctioned by the Township, and provision has been made for a temporary easement giving vehicular access to such lot from a public road pending registration of the approved draft plan and the lot achieving frontage on a public road.

#### **5. Public Open Spaces**

Where an identified heritage resource is located within a public open space, Council may encourage the restoration, rehabilitation, use and maintenance of the heritage resource for a purpose compatible with the existing or proposed function of the open space, provided such use is consistent with the other policies of this Plan, and in accordance with its financial resources and in consideration for public safety, sound engineering practice and good planning.

#### **6. By-laws**

Council may pass by-laws under the Planning Act and Ontario Heritage Act to regulate the height, bulk, location, size, floor area, use, type of construction, external design and character of identified heritage resources, or in heritage conservation districts.

#### **7. Heritage Fund**

It is the intent of this Plan to encourage the restoration or rehabilitation or privately owned heritage resources identified in the heritage inventory. Accordingly, Council may pass by-laws providing for the making of grants or loans to the owners of designated heritage resources for the purpose of paying for the whole or any part of the cost of the alteration of such designated resources, on such terms and conditions as Council may prescribe, where such alteration will serve to protect or enhance the heritage characteristics of the resource.

#### **8. Demolition Control**

Council shall, in conjunction with the LACAC, ensure that it has accurate and adequate architectural, structural and economic information to determine the feasibility of rehabilitation and reuse versus demolition, when considering applications to demolish designated heritage resources and may require the owner to provide such relevant information.

Council may exercise its legislative authority to control the demolition of residential heritage structures. Where Council has, through by-laws, established an area of Demolition Control under Section 33 of the Planning Act, no person shall demolish the whole or any part of a designated property or property in a designated area, without first receiving a demolition permit from Council.

Council shall ensure that all identified heritage resources, which are to be demolished or significantly altered, are documented for archival purposes with a history, photographic record and measured drawings prior to demolition or alteration, and that such documentation shall be the responsibility of the applicant in consultation with the LACAC (or the Ministry of Citizenship, Culture, and Recreation).

#### **9. Site Plan Control**

Pursuant to Section 8.5, site plan control by-laws may be utilized, where appropriate, for the protection of heritage resources by ensuring that new development or redevelopment is

compatible with identified resources. This may include requiring the owner of an identified resource to satisfy certain conditions as part of a site plan control agreement with the Township.

**10. Property Maintenance and Occupancy Standards By-law**

Property maintenance and occupancy standards by-law provisions may amongst other matters be utilized where appropriate for the protection of heritage resources. Furthermore, Council shall ensure that the application of such a by-law is not detrimental to the conservation of identified resources.

**11. Sign By-laws**

As per Section 11.2.7, Council may enact a Sign By-law pursuant to the Municipal Act to control the visual impact of advertising and sign design and/or the placement of signs on heritage resources. Where a sign by-law is in effect, the approval of Council shall be required before any sign is erected or altered.

**12. Subdivision Approval/Agreements**

Council may utilize conditions of consent and subdivision approval and agreements to provide for the conservation and protection of heritage resources or the mitigation of adverse effects on identified resources.

**13. Parkland Dedication Requirements**

Parkland dedication requirements, pursuant to the Planning Act, may be utilized for the conservation of identified heritage resources.

**14. Density Increases**

Council may, when appropriate for specific development proposals, consider increasing the minimum height and density criteria usually applicable to a specific property to facilitate the retention of a heritage resource. Accordingly, upon application by the owner of a lot accommodating a designated heritage building or structure, Council may pass by-laws whereby the gross floor area of the designated building or structure, is excluded from the calculation of the maximum permissible density of development on the said lot.

In considering an application for increased density, Council shall have regard to the following.

- a) In circumstances where only part of a designated building or structure is to be retained, Council, in consultation with the LACAC shall be satisfied that the part to be retained contains features of historical and/or architectural value or interest.
- b) Council shall be satisfied that the relationship between the designated building or structure or part thereof, and the overall development will be such that the quality and character of the designated building or structure or part thereof, will be respected.
- c) Where a lot is located in a mixed commercial/residential area, the gross floor area to be excluded from the calculation of the maximum permissible density shall not exceed fifty percent (50%) of the area of the lot.
- d) In circumstances where an increase in density is permitted, Council shall ensure, through an appropriate legal agreement and/or zoning criteria, that the designated



building or structure, or part thereof, is retained, maintained and used for purposes which best promote the heritage objectives of this Plan.

#### **8.14.5 PUBLIC AWARENESS**

Council may encourage measures which enhance public appreciation of heritage features, including the undertaking of studies to formulate and implement heritage plans and programs that promote public awareness of the Township's heritage resources.

#### **8.15 MINERAL AGGREGATE RESOURCES**

In considering applications for amendments to the Official Plan and/or Zoning Bylaw or for plans of subdivision/condominium or consent approval, the appropriate approval authority(s) shall give consideration to the proximity of the proposed development to existing pits and quarries and to areas identified to have significant potential for the extraction of mineral aggregate resources. Non-farm residential development shall not be permitted within approximately 250 metres (820 feet) of the property line of an area licenced under the Aggregate Resources Act for the removal of quarry stone, or within approximately 200 metres (656 feet) of an area so licenced for the extraction of sand or gravel or which is utilized in the processing of sand, gravel or stone.

#### **8.16 ATTENUATION OF NOISE, VIBRATION, ODOUR AND NOXIOUS EMISSIONS**

Where development is proposed which may adversely affect existing uses or be adversely affected by existing uses, the development application shall, when deemed necessary by the Ministry of Environment, County of Simcoe, Township of Clearview and/or other responsible approval authority, be accompanied by a feasibility study that assesses the impacts of odour, noise, vibration, particulate or other emissions in accordance with the relevant Provincial regulations and/or guidelines. Some uses, (e.g. residential, institutional, recreational, commercial) may be sensitive to the odour, noise, vibration or other emissions associated with facilities such as major roads, railway corridors, various types of industry and sewage treatment facilities. The feasibility study shall be prepared to the satisfaction of the Township of Clearview and/or other responsible approval authority and shall include recommendations on how impacts can be mitigated. The approval of a development proposal, where appropriate, shall be subject to appropriate separation distances between conflicting land uses and/or other mitigation recommendations.

Development adjacent to a railway corridor shall ensure that appropriate safety measures, such as setbacks, berms and security fencing are provided to the satisfaction of the Township of Clearview in consultation with the Barrie-Collingwood railway.

#### **8.17 FRONTAGE ON PUBLIC ROADS**

No building or structure shall be erected, extended or enlarged on any lot within the Township of Clearview unless such lot fronts on a public road, except minor extensions may be permitted to existing buildings or structures where such extensions comply with all other provisions of this Official Plan and the implementing of Zoning By-law. For the purposes of this Official Plan, a public road shall mean:

- a road which affords the principal means of access to an abutting lot, and which is dedicated, assumed and maintained by the municipality, the County or the Province, and

- a road within a registered plan of subdivision where a subdivision agreement has been entered into but the road(s) will not be assumed until the end of the maintenance period.

Council may utilize the policies and provisions of Section 8.5, Site Plan Control, and pass a site plan control by-law to control any permitted extension.

### **8.18 IMPACT ANALYSIS**

Before an amendment is made to this Official Plan and/or before an amendment is made to the implementing Zoning Plan (which may or may not require an amendment to this Official Plan) and prior to site plan approval, it shall be demonstrated to the satisfaction of Council:

1. that the proposed use will not have a deleterious impact on adjacent uses as a result of increased traffic, stormwater drainage, noise/vibration or other factors deemed significant by the municipality;
2. that the proposed use does not pose a danger to adjacent uses by virtue of its hazardous nature;
3. that the proposed use conforms to the environmental policies of this Plan and will not pollute air, water and/or soil;
4. that the proposed use conforms to the policies (including the servicing and transportation policies) and designations of this Official Plan and the provisions of the Planning Act,
5. that adequate municipal services, including recreational, social (library/police), cultural, educational and health services are available;
6. that the site of the proposed use is not contaminated and if it is that the requirements of Section 8.21 have been addressed; and
7. that the proposed use will not compromise existing or potential agricultural operations in the surrounding area.

### **8.19 BLACK ASH CREEK SUBWATERSHED**

The Nottawasaga Valley Conservation Authority has completed a comprehensive subwatershed plan for the Black Ash Creek designed to identify and protect the subwatershed's Natural Heritage System. This system, which is an integrated network of natural features including woodlands, valley lands, wetlands and other fish and wildlife habitats linked by natural corridors, is delineated on Schedule A15, together with the subwatershed's boundary.

It is the intent of this Official Plan that the recommendations of the subwatershed plan, as may be amended from time to time, be given due consideration in the review of future development applications within the Township of Clearview, and that development decisions within the Black Ash Creek Subwatershed contribute to the protection, maintenance and enhancement of water and related resources and aquatic ecosystems on an integrated watershed management basis. Accordingly, while the Greenland policies of Section 4.1 provide a level of protection, they are to be supplemented at the site development stage through the preparation of a Functional Servicing Plan (FSP) as a component of a site-specific development application. The FSP will produce

recommendations on measures to protect, enhance and restore natural features within the subwatershed in the context of new development, as well as to generally advance the environmental objectives of this Plan.

#### Functional Servicing Plan (FSP)

The preparation of a Functional Servicing Plan (FSP) may be required in conjunction with all future development submissions within the Black Ash Creek subwatershed as delineated on Schedule A15. The issues to be addressed and the complexity of an FSP will vary with the scale and type of development and shall be determined on a site-by-site basis by the Nottawasaga Valley Conservation Authority and the Township of Clearview prior to the FSP proceeding.

The FSP shall demonstrate that the proposed development is consistent with the general intent of the subwatershed plan and any other servicing requirements of the municipality with respect to the provision of water and sewage disposal facilities, grading and stormwater management. In addition, the FSP shall incorporate the findings/recommendations of any Environmental Impact Statement (EIS) which may be undertaken pursuant to Section 4.1.2.2, in this way further ensuring the integration of new development with the Black Ash Creek Natural Heritage System.

The approval of a development proposal shall be contingent upon the acceptability of the FSP to the Township and the NVCA.

### **8.20 TREE REMOVAL AND TREE CUTTING BY-LAWS**

The clearing of trees may only proceed in accordance with the County of Simcoe Tree Cutting By-law, or any applicable Township by-law or requirements, which regulate or control the cutting, burning, or removal of trees by any other means.

### **8.21 CONTAMINATED SITES**

Where development is proposed on a site known or suspected to be contaminated, the development application shall be accompanied by a report, prepared in accordance with Provincial guidelines, which determines the nature and extent of the contamination and the necessary methods of remediation, if required. Where the need for remediation is identified, the site shall be restored in accordance with the remedial plan before development occurs to ensure there will be no adverse effects on the proposed use or adjacent land uses.

### **8.22 FILLING, GRADING AND DRAINAGE WORKS**

The placement or removal of fill, the removal of topsoil, site grading and drainage works may only proceed in accordance permits issued in accordance with the regulations under the Conservation Authorities Act, and/or any applicable Township by-law or requirements, which regulate or control such activities.

### **8.23 ENVIRONMENTAL MANAGEMENT PLANS**

Council shall have regard to the findings and recommendations of various environmental management plans when considering land use proposals. Examples of Environmental

management Plans include the Fisheries Habitat management Plan, undertaken by the Nottawasaga Valley Conservation Authority, and the AEMOT Groundwater Management Plan.

#### **8.24 MINIMUM DISTANCE SEPARATION**

All new agricultural and non-agricultural development shall comply with the Minimum Distance Separation Formulae I or II. Additionally, it is the intent of this Official Plan that minimum separation distance limitations be imposed in the implementing Zoning By-law on the establishment of new intensive agricultural operations in proximity to urban settlement areas or other sensitive and potentially incompatible land uses.

Notwithstanding any policy in this Plan, Minimum Distance Separation Formulae shall not apply to non-agricultural development within the area enclosed by the "Urban Settlement Area Boundary".

#### **8.25 PONDS**

Ponds may have significant environmental and hydrogeological impacts. All new ponds or significant alterations to existing ponds will therefore require written approval from the Township. Such approvals shall be established through either a zoning process, applicable Township by-laws, and/or a co-operative process with the Nottawasaga Valley Conservation Authority. In determining whether or not a pond shall be approved, the Township shall have regard to each of the matters also outlined in Section 5.2.5 section 5 Ponds, and may require the proponent to submit studies in relation to any such considerations to be prepared and reviewed at the applicant's expense.

## **9.0 CONSENT POLICIES**

### **9.1 GENERAL**

This Official Plan intends that the creation of new lots primarily occur by plan of subdivision.

Accordingly, an application to the Committee of Adjustment for consent to sever a parcel of land will only be considered when it is clearly evident that a plan of subdivision is not necessary to ensure proper and orderly development.

In considering applications for consent, the Committee of Adjustment shall have regard for the policies of this section in addition to all other relevant provisions of this Plan and the Planning Act.

### **9.2 DEVELOPMENT OVERVIEW**

Within rural parts of the Township, it is a primary goal of this Official Plan to preserve agriculturally productive lands and promote the expansion of the agricultural industry by preventing the fragmentation of economically viable farm units and the encroachment of incompatible land uses. Furthermore, it is the intent of this Plan to limit the amount and type of non-farm development so as to preserve the agricultural community and rural landscape in general.

Within urban settlement areas, the municipality supports residential intensification, through the consent process, as a means of urban renewal, creating a plentiful and varied supply of housing, and ensuring the most efficient use of existing infrastructure and services.

The Committee of Adjustment shall be guided by these general planning principles in its consideration of future consent applications.

### **9.3 POLICIES APPLICABLE IN ALL LAND USE DESIGNATIONS**

#### **9.3.1 General**

A consent may be granted for any land use (e.g. residential, institutional, industrial, commercial) permitted in either the designation or zone covering the land in this Official Plan or in the implementing Zoning By-law, providing the policies of this Plan permit a severance for the proposed use, and the severance conforms with all relevant policies herein.

#### **9.3.2 Zoning**

The proposed lot and the lot to be retained shall be of an appropriate size and have adequate frontage for the existing and proposed uses, and the severed and retained lots must comply with the provisions of the implementing Zoning By-law. Where a zoning amendment is required to accommodate either a new land use or to revise a zoning provision the applicant may be directed to make an application to amend the By-law and obtain approval prior to further consideration of the consent or, it may be included as a condition of approval of the consent, if the Committee of Adjustment is satisfied that the zoning amendment is appropriate and Council has indicated that it is prepared to accept an application for an amendment to the Zoning By-law.

#### **9.3.3 Servicing**

Consents may only be considered when it has been established that the proposed and retained lots meet the servicing requirements of Section 7.0 of this Plan. In all cases it shall be demonstrated to the satisfaction of the appropriate approval authority that an adequate supply of

potable water and method of sanitary sewage disposal is available to service the proposed and retained lots.

Consents shall only be approved where development can be accommodated without the undue extension of municipal services, and where it is established that soil and drainage conditions are suitable to permit the siting of buildings.

#### **9.3.4 Waste Disposal Assessment Areas**

Active and closed solid, liquid and hazardous waste disposal sites are shown on the Schedules to this Plan. Applications for consent within an assessment area of approximately 500 metres from the property boundary of the open site or 500 metres from the fill area and/or boundaries of the closed site, unless otherwise specified in this Plan, may be considered subject to the considerations and policies of Section 4.11.4 of this Plan.

#### **9.3.5 Technical or Legal Consents**

A consent may be permitted for technical or legal reasons such as boundary adjustments, easements, rights-of-way or other similar purpose which does not result in the creation of a new lot.

#### **9.3.6 Environmental Preservation**

Consents shall not be permitted where they may have a negative impact on areas deemed to have special environmental significance due to their ecological function, attributes or linkages; nor shall they be permitted in areas unsuited to development due to inherent natural hazards such as their susceptibility to flooding or erosion.

In deliberating on these matters, the Committee of Adjustment shall be guided by the policies of Section 4.1 of this Official Plan.

#### **9.3.7 Mineral Aggregate Resource Areas**

Consents shall not be permitted where they may impede the future extraction of mineral aggregates from areas designated Extractive Industrial or Mineral Aggregate Resource Area on Schedules A through A14. Furthermore, non-farm residential development shall not be permitted within approximately 250 metres (820 feet) of the property line of an area licenced under the Aggregate Resources Act for the removal of quarry stone, or within approximately 200 metres (656 feet) of an area so licenced for the extraction of sand or gravel or which is utilized in the processing of sand, gravel or stone.

#### **9.3.8 Parkland Dedications**

In the case of a lot created for residential purposes, the Committee of Adjustment may require the conveyance of up to a 5% parkland dedication or a cash payment in lieu of land.

In the case of a lot created for industrial or commercial purposes, the Committee of Adjustment may require the conveyance of up to 2% parkland dedication or a cash payment in lieu of land.

In considering parkland requirements, the Committee of Adjustment also shall be guided by the provisions of Section 4.2.2 of this Official Plan.

### **9.3.9 Minimum Distance Separation**

Consents for agricultural and non-agricultural development shall comply with Minimum Distance Separation Formulae I or II, and any other minimum distance separation limitations contained in the implementing Zoning By-law as they may pertain to the establishment of new intensive agricultural operations in proximity to urban settlement areas, (also see Sections 4.3.2.3 and 4.4.2.1).

### **9.3.10 Transportation Impacts**

All lots created by consent shall front on and have access to a public road maintained in a good condition by the Township for year-round use. Consents shall not be permitted where a traffic hazard would be created due to the curve, grade and/or traffic volumes upon which the lot fronts. Consents shall only be granted in having full regard to the intent and policies of Section 6 of this Plan. The creation of lots onto the Provincial Highways or County roads shall only be approved in accordance with the policies of Section 6.2 of this Plan.

## **9.4 AGRICULTURAL CONSENTS**

The policies of this Section 9.4 shall apply to the areas designated Agriculture on Schedules A through A14 to this Official Plan. Where an application for consent is received in this area the policies of Sections 9.1, 9.2 and 9.3 shall apply, in addition to the following:

1. A consent may be granted where the parcel to be severed and the parcel to be retained are both to be used for agricultural purposes and the Committee of Adjustment is satisfied that the parcels are large enough for the proposed use and for a reasonable number of alternative agricultural uses, and that the agricultural use proposed for the site is suitable for the area.

New lots for agricultural use generally should encompass no less than 35 hectares (86.5 acres). Larger agricultural lots sizes, however, are encouraged as a means of ensuring the economic viability of single, stand alone agricultural operations.

2. A consent may be granted to dispose of a farmhouse rendered surplus through the consolidation and merging of two abutting farm holdings or farm holdings adjacent to one another but separated by a public road, provided that the separation distance between the farmhouse and any livestock operations complies with the Minimum Distance Separation Formulae I or II.

Consideration of the consent proposal will also involve a review of the existing associated agricultural buildings and accessory buildings. Where such buildings are capable of being utilized for agricultural purposes without significant conflict with the residential structure, they shall be located on the parcel to be utilized for agricultural purposes. Where the buildings represent a significant agricultural resource and cannot be utilized without conflicting with the creation of a lot for residential purposes, a consent may be denied. If it is demonstrated that the buildings are no longer viable for agricultural uses, the consent may be granted on the condition that the buildings be safely converted to an appropriate compatible use or be demolished.

Where the consolidation involves parcels separated by a public road the conditions of consent may require measures, deemed appropriate by Council or the Committee of

Adjustment, to ensure that the subsequent development of a new residential use does not occur.

Unless required for servicing purposes or reasons of environmental conservation, the area of the severed parcel should be limited to a maximum of approximately 1.0 hectare (2.47 acres).

3. A consent may be granted for an agriculturally related industrial or commercial use requiring proximity to agricultural operations and/or providing agricultural services and supplies to the agricultural community. Such consents shall be contingent upon it being demonstrated to the satisfaction of the Committee of Adjustment:
  - that suitable alternate locations, under the applicant's ownership, within the Rural designation on poorer quality agricultural lands are not available,
  - that the proposed use's location within the Township's prime agricultural area is indeed essential to properly service the agricultural community,
  - that the parcel to be severed encompasses the minimum area needed to accommodate the proposed use, and
  - that the parcel to be retained is large enough to support a viable agricultural operation, generally no less than 35 hectares (86.5 acres).
4. Where there is more than one use legally existing on a property prior to the approval of this Official Plan, a consent may be granted for the severance of such uses providing there is compliance with all other relevant policies of this Plan. This policy shall not apply to permit the severance of a second farm dwelling regardless of when the dwelling was erected.
5. As per Section 9.3.5, a consent may be granted for technical or legal reasons such as boundary adjustments, easements, rights-of-way or other similar purpose which does not result in the creation of a new lot.

### **9.5 RURAL CONSENTS**

The policies of this Section 9.5 shall apply to the areas designated Rural on Schedules A through A14 to this Official Plan. Where an application for consent is received in this area, the policies of Sections 9.1, 9.2 and 9.3 shall apply in addition to the following:

1. Consents may be granted for non-farm rural residential uses provided there is compliance with all relevant policies of this Plan and that there is no adverse impact on existing agricultural uses.
2. Where there is more than one use legally existing on a property prior to the approval of this Official Plan, a consent may be granted for the severance of such uses providing there is compliance with all other relevant policies of this Plan. This policy shall not apply to permit the severance of a second farm dwelling regardless of when the dwelling was erected.
3. Except where larger lot sizes may be suitable because of environmental constraints or design considerations, the area of any severed lot shall be kept to a minimum, generally a maximum of 1 hectare (2.47 acres) in the case of rural residential lots, and a size



consistent with the nature of the proposed non-residential use in the case of other severance applications.

4. The creation of strip or linear rural residential development shall be prevented, particularly along major arterial or collector roads. Notwithstanding this broad intent, however, residential infilling will be permitted between two residences, existing on the date of adoption of this updated Official Plan, where the distance between the residences, located on the same side of the road, is 100 metres (328 feet) or less. Also, existing strip or linear residential areas may be extended to a physical feature such as a river, sideroad, or major slope, where such feature is approximately 100 metres (328 feet) or less from the established residential area.
5. No parcel of land shall receive consent for the severance of more than two new lots. For purposes of this Plan, a "parcel of land" is defined as a lot that was in existence on or before January 1, 1998.

To ensure absolute clarity, the creation of more than two new lots from any one parcel of land will only be permitted by plan of subdivision. This Plan does not intend for lots created by severance (from the original parcel of land) to, in turn, be severed.

Notwithstanding the above, within established rural business parks there shall be no limit on the number of consent approvals, provided all other policies of the Plan are satisfied.

6. Notwithstanding the limitations imposed by Section 9.5.5 above, for the purposes of this Plan, consents granted to facilitate lot additions or for technical or legal reasons need not be included in the calculation of the maximum number of consents.

#### **9.6 CONSENTS IN URBAN SETTLEMENT AREAS**

Where an application is received in relation to land located within primary or secondary urban settlement areas, the policies of Sections 9.1, 9.2 and 9.3 shall apply, in addition to the following:

1. Consents which inhibit or limit the potential for future planned development shall not be permitted.
2. Consents within primary urban settlement areas (Creemore/New Lowell/Stayner) generally shall be limited to areas where full municipal services are available. In circumstances where the use of full municipal services is not possible or viable, development on existing partial or site-specific communal or private services may be considered, but only in accordance with the provisions of Section 7.0.
3. Consents should only be considered for the purposes of the logical infilling of built-up areas. Consent applications which contemplate the extension of built-up parts of the community and/or the expansion of the settlement area in general shall be discouraged.

**10.0 COMMUNITY IMPROVEMENT POLICIES****10.1 GENERAL**

Council recognizes the need to maintain and rehabilitate Clearview's physical environment, infrastructure, buildings, recreational facilities and arrangement of existing land uses, and therefore is committed to ongoing improvement where deficiencies and/or opportunities exist. The following explains the municipality's goals and objectives for community improvement and provides criteria for the selection of community improvement areas, the prioritization of community improvement projects and the implementation of community improvement plans and programs.

**10.2 GOALS**

Future community improvement initiatives in Clearview shall be directed toward obtaining the following goals:

- It is a community improvement goal to stabilize and enhance existing development by providing a safe, convenient and attractive environment for Township residents.
- It is a community improvement goal to provide for and encourage the ongoing maintenance, improvement, rehabilitation (particularly heritage restoration) and renewal of the Township's residential, commercial and industrial areas.
- It is a community improvement goal to maintain and improve the economic base of the Township.

**10.3 OBJECTIVES**

As a means of advancing the community improvement goals of this Plan, Council adopts the following objectives:

- To encourage the maintenance and improvement of Clearview's existing housing stock in a safe and attractive form and in compliance with the provisions of a maintenance and occupancy standards by-law.
- To encourage the provision, maintenance and upgrading of Clearview's physical infrastructure, public services, transportation facilities and utilities.
- To alleviate or eliminate any problems resulting from existing incompatible land uses.
- To improve and upgrade Clearview's living environment by improving and enhancing the visual and environmental characteristics of the Township (i.e. the aesthetic quality of the municipality).
- To encourage and support efforts by the private sector to maintain and improve existing buildings and structures.
- To undertake community improvement projects in a manner that is fiscally responsible.

- To ensure that municipal residents are served by adequate community and recreational services by improving and upgrading facilities serving institutional, recreational, cultural, social and community related functions.
- To enhance the Township's attractiveness to new development (economic growth) and to foster a favourable climate for private investment.
- To ensure that buildings and properties are maintained to acceptable standards.
- To develop a framework for monitoring improvement expenditures to ensure the improvement program is advancing the municipality's specific community improvement goals and objectives.

#### **10.4 CRITERIA FOR SELECTION OF COMMUNITY IMPROVEMENT AREAS**

In order to determine the areas needing community improvement, the foregoing goals and objectives shall be analyzed on a geographic basis and shall be evaluated against one or more, at the discretion of Council, of the following selection criteria:

- sanitary sewage disposal and water systems in need of upgrading or construction;
- roads in need of improvement;
- a need for new or the replacement of existing sidewalks;
- a need for new or the replacement of existing stormwater drainage systems and/or a need for improved drainage in relation to particular properties;
- a need for new or the replacement of existing street lighting;
- a need for new or the replacement of outdated traffic signals or traffic directional information signs;
- a need for new or the upgrading of existing recreational facilities or lands;
- a need for new or the upgrading of existing institutional and community facilities or lands;
- a need for new or the upgrading of existing cultural and social facilities or lands;
- a deficiency in the amount, variety and/or quality of housing to meet the needs of the Township's residents;
- a deficiency in the aesthetic, historical or structural quality of streetscapes, particularly in existing commercial areas;
- adequacy, in amount and location, of parking;
- a deficiency in traffic circulation or access; and,
- opportunities to enhance tourism and public education.

In addition to the above criteria, consideration for the selection and designation of community improvement areas may also be given on the basis of circumstances where:

- conflicts exist between existing land uses;
- environmental problems such as flood susceptibility, noise or odour are apparent;
- man made hazards such as level crossings, abandoned buildings etc. are in evidence; and/or
- vacant or under utilized lots or blocks with good potential for development or redevelopment exist.

### **10.5 IDENTIFIED COMMUNITY IMPROVEMENT AREAS**

The areas within the Township of Clearview currently identified to be in need of community improvement are outlined below. These areas were chosen on the basis of the criteria outlined in Section 10.4 and exhibit deficiencies noted in that section. It is the intent of this Plan that community improvement projects be undertaken in these areas as needed. However, prior to approving any improvement plans, Council must be satisfied that it can reasonably finance and afford the Township's share of any costs.

Four community improvement areas are currently identified: Creemore, New Lowell, Nottawa and Stayner, as delineated on Schedules A1, A2, A3 and A10.

Additional areas may be identified without an amendment to this Plan but in accordance with the requirements of the Planning Act for preparing and enacting a community improvement plan.

### **10.6 PHASING OF COMMUNITY IMPROVEMENT PROJECTS**

Following the selection of areas deemed to warrant community improvement, they shall be prioritized on the basis of the Official Plan's community improvement goals and objectives and on the basis of improvements to "hard" municipal services, such as sewers, water supply, streets, sidewalks having first priority; improvements to buildings having second priority and improvements to "soft" municipal services, such as those serving recreational, cultural and social functions having third priority.

Notwithstanding, this method of prioritization however, it is the Plan's broader intent that community improvement projects be undertaken in identified areas as needed, whenever funds are available providing Council is satisfied that the municipality can reasonably finance and afford its share of any costs.

### **10.7 IMPLEMENTATION OF COMMUNITY IMPROVEMENT**

Council shall implement the Official Plan's community improvement goals and objectives:

- by designating, by by-law, the whole or part of any community improvement area for the purpose of preparing and implementing "Community Improvement Plans" pursuant to Section 28 of the Planning Act;
- by participating in Federal or Provincial funding programs offering assistance in the implementation of a community improvement plan;
- by encouraging the participation of the private sector in the implementation of a community improvement plan including redevelopment plans;
- by supporting and encouraging the participation of local community groups, service clubs and other public organizations in the implementation of a community improvement plan, particularly as their assistance might relate to recreational uses and community facilities and services;
- by improving, acquiring or disposing of land and/or buildings in a designated area in accordance with a community improvement plan;
- by developing and enforcing a maintenance and occupancy standards by-law;
- by upgrading utilities, municipal services and recreational and community facilities; and/or,
- through the application of the Ontario Heritage Act, to support the preservation of historic or architecturally significant buildings and the use of funding programs under the Act.

## **11.0 IMPLEMENTATION**

The Official Plan shall be implemented by various means available under applicable legislation, including the following:

### **11.1 PROVINCIAL ACTS**

Council shall implement this Official Plan by utilizing the power conferred upon it by the Planning Act, the Municipal Act and such other statutes as may be applicable.

### **11.2 MUNICIPAL BY-LAWS**

#### **11.2.1 ZONING BY-LAW**

##### **1. General**

It is the intent of this Official Plan that a comprehensive amendment to the Township's Zoning By-law be brought into effect by Council in accordance with the policies and land use designations of the Official Plan, which will establish regulations to control the use of land and the character, location and use of buildings and structures in Clearview.

Although the Zoning By-law shall zone land in accordance with the land use designations and policies of this Plan, it is not intended that all areas designated for a particular land use necessarily be zoned immediately for such use. The policies of this Plan in many instances require that a proposed use for a specific parcel of land be demonstrated to be appropriate through compliance with policies as demonstrated through various studies and investigations and development plans. The Plan in such cases also indicates that approval for a specific use on a specific property may require a zoning by-law amendment in addition to other approvals, and that such approvals may be modified or denied where compliance with the policies of this Plan cannot be demonstrated. The comprehensive zoning by-law may therefore place certain lands in a holding zone or may recognize only existing uses or a limited range of uses until such time as a proponent meets the requirements of the Plan and a zoning amendment is deemed to be appropriate by Council.

Holding zones, established pursuant to Section 34 of the Planning Act, may be utilized to time, control, limit or phase development pending the passage of an amendment to the Zoning By-law undertaken in full accordance with the requirements of Section 34 of the Act including those dealing with the Act's notice and appeal procedures. Holding zones established pursuant to Section 36 of the Planning Act may be utilized to time, control, limit or phase development in the manner described in Section 11.2.2. below.

##### **2. Zoning Amendments**

Amendments to the Zoning By-law may be permitted when Council is satisfied that the impact criteria in Section 8.18 have been addressed, and that the proposed use conforms to all other provisions and policies, including other amendment criteria, of this Official Plan, and the applicant has met all other requirements of the municipality including any agreements pursuant to land division approvals, site planning or other applicable matters.

##### **3. Existing Uses**

Uses of land which legally exist at the date of adoption of this Official Plan may be recognized by an appropriate zoning category in the implementing Zoning By-law and extensions and/or the

construction of accessory buildings may be permitted in accordance with any other applicable policies of this Plan.

### **11.2.2 HOLDING BY-LAWS**

#### **1. General**

Pursuant to Section 36 of the Planning Act, Council may pass a holding by-law for the purpose of timing, controlling, limiting, or phasing development within specific areas until the development criteria contained in the policies of the various land use designations in addition to all other relevant policies and requirements of the municipality, County and Province have been satisfied. For example, a holding by-law could be used to enable the phasing of development and the provision of municipal services.

Without limiting the generality of the foregoing, it is the intent of this Official Plan that holding provisions may be applied in circumstances where Council is satisfied regarding the anticipated use of a parcel of land as designated in this Plan, but considers the actual development of the lands for the intended use to be premature pending the requirements and/or conditions of development. Such municipal requirements and/or conditions of development may include, but shall not be limited to, the following:

- that adequate municipal services, including water and sewer services, are available to service the proposed development,
- that development or redevelopment is appropriately phased,
- that a secondary plan or a comprehensive development plan for one or more parcels of land has been prepared,
- that site plans/site plan agreements have been approved,
- that draft/final plans of subdivision/condominium, where deemed appropriate, have been approved,
- that necessary transportation facilities are available to service the proposed development, and
- that necessary studies, as required by Council, regarding the timeliness of development, such as market impact studies, have been prepared.

#### **2. Implementation**

Land subject to holding provisions shall be identified within the implementing Zoning By-law by the placement of an “H” immediately following the relevant zone symbol. Permitted uses within areas subject to holding provisions shall be limited to the uses existing at the time of the passing of the by-law, and the holding by-law may be utilized to restrict the expansion of existing uses. Notwithstanding these limitations, Council may permit development which it deems to be similar to or compatible with the designated land use, as delineated on Schedules A through A14.

#### **3. Removal of the Holding Symbol**

The holding symbol shall be removed from the lands so zoned by an amendment to the Zoning By-law once Council is satisfied that development can proceed in accordance with the policies of this Plan and is satisfied that all of its requirements have been met.

### **11.2.3 INTERIM CONTROL BY-LAWS**

Where Council, by by-law or resolution, directs that a review or a study be undertaken with respect to land uses in the Township or in defined areas of the Township, Council may pass an interim control by-law, pursuant to Section 38 of the Planning Act, which serves to control the use of land, buildings or structures within the municipality or within the defined areas of the municipality that are subject to review and study.

An interim control by-law may remain in effect for a period of time specified in the by-law but shall not be in effect for longer than two years from the date of the passing of the by-law.

### **11.2.4 TEMPORARY USE BY-LAWS**

Pursuant to Section 39 of the Planning Act, and notwithstanding the other policies of this Plan, temporary uses may be permitted in any land use designation. Before passing a by-law to permit a temporary use, Council shall be satisfied that those of the following requirements which are relevant to the specific application are, or will be fulfilled in order to safeguard the wider interests of the general public:

- 1) that the proposed development or redevelopment is consistent with the temporary nature of the proposal,
- 2) that the proposed use will be compatible with adjacent uses,
- 3) that the size of the parcel of land and the building to be used is appropriate for the proposed use,
- 4) that services such as water, sewage disposal and roads are sufficient,
- 5) that matters such as noise, vibration, fumes, smoke, dust, odour, lighting and traffic generating capacity are considered to ensure that the impact of a temporary use will not be detrimental to adjacent uses or the wider community,
- 6) where necessary, neighbouring uses will be protected by the provision of areas for landscaping, buffering or screening, appropriate setbacks for buildings, structures or uses, devices or measures to reduce nuisances, regulations for alleviating adverse effects caused by outside storage, lighting, advertising signs, etc., and
- 7) that the by-law has suitable regulations in regard to setbacks, lot coverage, parking and other such items as may be required either through the text of the by-law or by reference to the municipality's Zoning By-law.

### **11.2.5 MAINTENANCE AND OCCUPANCY BY-LAW**

Council may pass by-laws, pursuant to Section 15.1 of the Building Code Act, 1992, to prescribe minimum standards of maintenance and occupancy for properties within the Township or a defined area or areas of the municipality, and for prohibiting the occupancy or use of such property where it does not meet the standards, and for requiring property that does not conform to the standards to be repaired and maintained to conform with the standards or the site to be cleared of all buildings, debris or refuse and left in a graded and leveled condition. The municipality may undertake enforcement and rely on remedies established in the Building Code Act, 1992, in

enforcing such a by-law or by-laws. Such a maintenance and occupancy by-law may contain requirements with respect to:

- garbage disposal,
- pest prevention,
- the structural maintenance of buildings,
- the safety of buildings,
- the cleanliness of buildings,
- the services to buildings such as plumbing, heating, electricity,
- keeping lands and waterfronts free from rubbish, debris, weeds, abandoned or unlicensed/unroadworthy vehicles or equipment,
- maintaining yards, lands, parking and storage areas,
- maintaining fences, swimming pools, accessory buildings and signs,
- occupancy standards, and
- other standards or requirements Council deems appropriate or necessary.

**1. Appointment of an Officer**

Council may appoint an officer who will be responsible for administering and enforcing the maintenance and occupancy by-law.

**2. Appointment of a Committee**

Council may appoint an officer who will be responsible for administering and enforcing the maintenance and occupancy by-law.

Council may appoint a Committee, as provided for in the Building Code Act, 1992, to hear appeals against an Order of the officer.

**3. Public Land**

Complementary to the enforcement of minimum standards on private property, Council shall undertake to keep in a fit and well-maintained condition all municipally-owned properties and structures and to provide or maintain in good repair roads and sidewalks, etc.

**11.2.6 TRAILER BY-LAWS**

Pursuant to the Municipal Act, Council may pass trailer by-laws to regulate the use of trailers within the Township.

**11.2.7 SIGN BY-LAWS**

Pursuant to the Municipal Act, Council may enact a sign by-law to control the visual impact of advertising and sign design and/or the placement of signs on heritage resources. Where a sign by-law is in effect, the approval of Council shall be required before any sign is erected or altered.

**11.3 ONTARIO BUILDING CODE**

All construction shall adhere to the regulations of the Ontario Building Code.

**11.4 PUBLIC USES**

As per Section 12.4.



### **11.5 PARKLAND DEDICATIONS**

To ensure that adequate lands are available to meet the open space and recreational needs of the residents of the Township, Council shall require the conveyance of the maximum available parkland dedication in the case of new residential, commercial or industrial development. In addition, Council may accept a cash-in-lieu of parkland payment when deemed appropriate.

All lands dedicated for parkland purposes must be in a satisfactory physical condition and be located in a manner which provides for their use by the general public. Where a proposed development abuts a body of water, Council shall endeavour to require that the lands dedicated for parkland be located adjacent to the body of water.

Lands subject to flooding or other environmental hazards may not be accepted as part of the parkland dedication.

Council also shall be guided by the provisions of Section 4.2.2.4.

### **11.6 CAPITAL WORKS PROGRAM AND BUDGET**

It is the intent of this Official Plan that, wherever possible, Council, on the basis of the policies contained within this Plan, establish a staged program for the implementation of community facility-related works, public works and/or any other municipally-assisted projects within the Township. A five-year capital improvement program may be developed to systematically implement it. This program may be reviewed annually as part of the capital budget procedure.

### **11.7 PARKING EXEMPTION**

It is the general intent of this Official Plan that development or redevelopment meet the requirements of the parking regulations contained within the Township's Zoning By-law. However, where circumstances dictate, and notwithstanding anything to the contrary in this Official Plan or the implementing Zoning By-law, Council may, pursuant to Section 40 of the Planning Act, enter into agreements with an owner(s) of land, buildings or structures, whereby the owner(s) may be exempted from providing or maintaining parking facilities as may otherwise be required, in exchange for the payment of money to the municipality.

All money received by the Township under an agreement entered into pursuant to this section shall be paid into a special account, which may be used to offset municipal expenses related to the provision of parking.

Where an agreement has been entered into pursuant to Section 40 of the Planning Act, amendments shall be required to neither the Official Plan nor the Zoning-By-law to give effect to the agreement and/or to facilitate the issuance of a building permit.

### **11.8 LEGAL NON-CONFORMING USES**

Land uses which legally existed on the date of the approval of this Official Plan that are neither designated in this Plan nor zoned in the implementing Zoning By-law as a permitted use are termed legal non-conforming uses and, in the long-run, should cease to exist. In some instances, however, it may be desirable to permit the extension or enlargement of such a legal non-

conforming use in order to avoid unnecessary hardship. It is the intent of this Official Plan that any such extensions or enlargements be processed under the authority of Section 34(10) or Section 45(2) of the Planning Act as follows:

### **11.8.1 SECTION 34(10) OF THE PLANNING ACT (ZONING)**

Any application for the extension or enlargement of a use which is not permitted in the implementing Zoning By-law but which legally existed at the time of the passing of such a by-law shall be dealt with in the following manner:

#### **1. Land Acquisition**

Pursuant to Section 34(8) of the Planning Act, Council shall evaluate the possibility and feasibility of acquiring the property concerned at the time of the submission of an application or possibly at some future date and of holding, selling, leasing or redeveloping the property. At the same time, consideration shall be given to the possibility of relocating the use under consideration to a designated and zoned location where it would be able to function and produce under improved conditions in accordance with the policies of this Plan.

#### **2. Amendment Criteria**

Pursuant to Section 34(10) of the Planning Act, if Council considers the purchase of the property to be unrealistic but nevertheless finds that the merits of the application deem it desirable to grant permission for the proposed extension or enlargement, the municipality may pass an amendment to the Zoning By-law. Such a by-law may be passed without amending the Official Plan providing that:

- a) The proposed extension or enlargement of the established, non-conforming use shall not unduly aggravate the situation created by the existence of the use, especially in regard to the policies of the Official Plan and the requirements of the implementing Zoning By-law applying to the area.
- b) The proposed extension or enlargement shall be in appropriate proportion to the size of the existing use established prior to the date of the passing of the implementing Zoning By-law.
- c) The characteristics of the existing use and the proposed extension or enlargement shall be examined with regard to noise, vibration, fumes, smoke, dust, odours, lighting and traffic-generating capacity. If one or more of the above nuisance factors will be created or increased so as to add significantly to the incompatibility of the use with the surrounding area, then no amendment to the implementing Zoning By-law shall be undertaken. The County of Simcoe, Ministry of Environment, or another applicable approval or review authority may be consulted in dealing with extensions to non-conforming uses which may produce pollution or health and safety related problems.
- d) The neighbouring conforming uses will be protected by the provision of areas for landscaping, buffering or screening, or appropriate setbacks for buildings and structures, devices and measures to reduce nuisances and/or, where necessary, by regulations for alleviating adverse effects caused by outside storage, lighting, advertising signs, etc. The above measures shall be applied to the proposed extension or enlargement and, wherever

feasible, also be applied to the established use in order to improve its compatibility with the surrounding area.

- e) Traffic generation and parking conditions in the vicinity will not be adversely affected and traffic hazards will be kept to a minimum by appropriately-designed ingress and egress points to and from the site and improvements to site conditions especially in proximity to intersections, so as to provide maximum safety for pedestrian or vehicular traffic.
- f) Adequate provision has been, or will be made for off-street parking, loading and unloading facilities.
- g) Necessary municipal services such as storm drainage, water supply, sanitary sewage disposal facilities and roads are available or can be made available.

### **11.8.3 SECTION 45(2) OF THE PLANNING ACT (COMMITTEE OF ADJUSTMENT)**

Pursuant to Section 45(2) of the Planning Act, the Committee of Adjustment may permit the enlargement or extension of legally-conforming buildings or structures, with or without conditions to address the considerations listed in the above section, but no permission may be given to enlarge or extend the building and structure beyond the limits of the land owned and used in connection therewith on the date the by-law was passed.

### **11.9 SECONDARY PLANS**

Prior to the occurrence of major development on lands within the Future Development Area, Special Development Area and Recreational District boundary classifications on Schedules A through A14, and prior to the expansion of primary or secondary urban settlement areas beyond the boundaries delineated on Schedules A through A14, it is the intent of this Official Plan that secondary plans/comprehensive Official Plan amendments be undertaken which address the potential environmental/economic/social impact of future growth, and provide a rational policy framework for its occurrence. This detailed planning will establish the preferred land use pattern, road network, servicing approach and method of stormwater management for the area, and provide a framework which minimizes potential impacts on natural heritage resources and maintains consistency with the character of the surrounding urban or rural landscape.

The preparation of secondary plans/comprehensive Official Plan amendments shall be guided by the intent and purpose of the policies of this Plan and shall be developed having regard for surrounding land uses; environmental constraints; the physical suitability of the land in relation to the contemplated servicing approach; public utilities, schools, parks and other community facility uses; major road systems particularly as they relate to accessibility and safety; housing types and projected population growth.

During the planning for future development, the Township shall give full consideration to the adequacy of existing schools and the need for the expansion of existing education facilities and/or the identification of new school sites, in consultation with the public and separate school boards.

### **11.10 AMENDMENTS TO THE OFFICIAL PLAN**

Should changing conditions necessitate amendments to the Official Plan, such amendments shall be processed in full accordance with the provisions of the Planning Act, most particularly as they pertain to ensuring proper public notification. Such amendments shall also occur in keeping with

the intent and policies of this Plan and in consultation with applicable approval agencies and on the basis of good planning.

### **11.11 PUBLIC INFORMATION**

In order to adequately inform the general public as to the policies and proposals contained herein, Council shall, upon receiving the County of Simcoe's approval of the Official Plan, reproduce the Plan and make it available to the general public.

### **11.12 NIAGARA ESCARPMENT DEVELOPMENT CONTROL**

The majority of the area identified as Niagara Escarpment Plan Area in this Official Plan is subject to Niagara Escarpment Development Control pursuant to regulations passed under the Niagara Escarpment Planning and Development Act. Permits for developing land are required from the Niagara Escarpment Commission.

Section 24(3) of the Niagara Escarpment Planning and Development Act states, "No building permit, work order, certificate or licence that relates to development shall be issued, and no approval, consent, permission or decision that is authorized or required by an Act that relates to development shall be made, in respect of any land, building or structure within an area of development control, unless the development is exempt or a development permit relating to the land, building or structure has been issued and the building permit, work order, certificate, licence, approval, consent, permission or decision is consistent with the development permit".

Where the policies of the Official Plans of the County of Simcoe or the Township of Clearview are more restrictive than the Niagara Escarpment Plan, the provisions of the County or Township Plan shall prevail. Similarly, where the conditions or requirements of a municipal by-law, permit, approval or permission are more restrictive than an approval or permit issued under the Niagara Escarpment Plan, the provisions or requirements of the municipality shall prevail.

### **11.13 FOLLOW-UP STUDIES**

To assist in future decision making, Council may choose to expand Clearview's land use database through the preparation of and/or participation in studies/reports focused specifically on the heritage, recreational, cultural, transportation, servicing and industrial/commercial needs of the municipality. Such studies may be undertaken for all or part of the municipality, and may be undertaken solely by the Township, or in partnership with public or private sector interests. These studies might include the completion of:

- A Heritage Inventory or Heritage Conservation District Plan and/or Architectural Design Guidelines
- A Natural Heritage Inventory and Management Plan
- A Recreational and/or Cultural Master Plan
- A (Regional) Trails Study
- A (Regional) Airport Study
- A Master Servicing Study(s)
- A Transportation Master Plan
- A Municipal Housing Statement
- An Industrial/Commercial Growth Strategy

Where appropriate, Council may incorporate the recommendations of such studies shall be incorporated by amendment into the Official Plan or as a component of the Township's regular updating program pursuant to Section 1.6 of the document and Section 26.(1) of the Planning Act. The municipality may however have regard to the outcome of such studies in considering development applications in the interim and/or require incorporation of such recommendations in an amendment requested by an applicant.

**12.0 INTERPRETATION****12.1 LAND USE BOUNDARIES AND ROADS**

It is intended that the boundaries of the land use classifications and the location of roads, as shown on Schedules A through A14 attached hereto, be considered as approximate and absolute only where bounded by roads, railways, shorelines, rivers, canals or other similar geographical barriers. It is also intended that the location of roads, as delineated on Schedules A through A14, be considered as approximate not absolute. Therefore, amendments to be Official Plan will not be required in order to make minor adjustments to the location of land use boundaries or roads provided that the general intent of the Official Plan is preserved. Such minor deviations need not be reflected on the attached Schedules A through A14. The determination of what constitutes a minor variation shall be at the sole discretion of the municipality.

**12.2 NUMERIC STANDARDS**

It is intended that all numeric standards herein, including any in relation to minimum lot areas, or frontages population or housing projections, be considered approximate and not absolute. Amendments to this Official Plan shall not be required for minor variations from the criteria providing the general intent of the Plan is maintained. The determination of what constitutes a minor variation shall be at the sole discretion of the municipality.

**12.3 ACCESSORY USES**

Wherever a use is permitted in a land use designation, it is intended that uses, buildings or structures normally incidental, accessory and essential to that use also be permitted, (e.g. parking lots). The determination of what constitutes an accessory use shall be at the sole discretion of the municipality and will be further defined in the implementing zoning by-law.

**12.4 PUBLIC USES**

Except as specifically precluded by the policies of this Official Plan, such as in the case of waste disposal sites, it is intended that publicly owned institutional/community, utility, communication and publicly-owned transportation, park and, playground facilities, including pedestrian and snowmobile trails and other uses deemed to serve a similar public function, be permitted in all land use designations without the need for an Official Plan amendment, providing that their design, particularly the design of any new buildings or structures, maintains general harmony with the uses permitted in the specific land use designation, the intent of the Plan is maintained, and the applicable policies complied with.

Public uses within Greenland- Hazard Land Areas, Greenland -Wetland Areas and Greenland - Natural Heritage Areas only shall be permitted if supported by the conclusions of an Environmental Impact Statement (EIS) undertaken in accordance with Section 4.1.2.2 of this Plan.

For the purposes of this section "utility" means any hard public service such as, but not limited to, water and sewer, stormwater management, electric, natural gas and communication services, owned and/or operated by the Township of Clearview, County of Simcoe, Nottawasaga Valley Conservation Authority, Ontario Hydro, Enbridge Consumers Gas, Bell Canada, Roger's Cable, any agency department or ministry of the Government of Ontario or Canada or other similar public authority. The definition of a "utility" does not encompass a waste disposal site (landfill site) within the meaning of Section 4.11.

### **12.5 SUBSEQUENT LEGISLATION, DELEGATION OF AUTHORITY AND APPROVAL AUTHORITY**

Where a Provincial or Federal Act, regulation or guideline, or section thereof, is referred to in this Official Plan, it is intended that such reference be interpreted to include any subsequent legislation, regulation or guideline that may replace the specified criteria. Similarly, where reference is made to County, Provincial ministries or agencies, it is intended that such reference be intended to include any ministry, agency or government branch which may assume responsibility for a particular policy/regulation currently administered by the referenced organization.

Where approval authority for any matter is granted or delegated to the Township, it is intended that the reference to the prior authority be intended to include the Township when such a transfer in responsibility occurs.

Where this Plan refers to a discretionary decision concerning the requirements of the municipality through such references as "the municipality", "Council" or "the Township", Council may formally (where required by legislation or not) or informally delegate such powers of discretion to municipal staff entirely, or on an application by application, or issue by issue basis.

### **12.6 AMENDMENTS TO THE NIAGARA ESCARPMENT PLAN**

Subject to the adoption of a public resolution by Township Council, and consultation with and approval by the Niagara Escarpment Commission, an Official Plan amendment may not be required to incorporate relevant amendments to the Niagara Escarpment Plan into the Township Official Plan where such amendments have undergone the public consultation and approval process required under the Niagara Escarpment Planning and Development Act.

### **12.7 OTHER BY-LAWS**

Council may from time to time adopt various by-laws which may facilitate the implementation of the Official Plan and its related objectives and vision for the municipality. Where applicable, decisions regarding amendments to this Plan shall have regard to any related implications or requirements of such by-laws and/or other development approvals shall also adhere to the requirements of such by-laws.

## **INDEX OF MAP SCHEDULES**

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SCHEDULE A3-1 -Development Concept - Stayner Missionary Church Camp

SCHEDULE A4 -Land Use and Transportation Plan - Avening

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SCHEDULE A14 -Land Use Plan - Devil's Glen Country Club Recreational District

SCHEDULE A15 -Black Ash Creek - Subwatershed Boundary and Natural Heritage System