



**Official Plan For The Urban Areas Of**

**Chesley, Paisley & Tara/Invermay**

**Municipality Of Arran Elderslie**

## **Office Consolidations**

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# The Official Plan For The Urban Areas Of Chesley, Paisley, Tara / Invermay

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## **Section 1 - Introduction**

### **1.1 General**

This plan is entitled “The Official Plan for the Urban Areas of Chesley, Paisley, Tara/Invermay”. The following text and maps noted as Schedules “A”, “B”, “C”, and “D” constitute the Official Plan for the Urban Areas of Chesley, Paisley, Tara/Invermay.

### **1.2 Planning Act, R.S.O. 1990 (as amended)**

Section 17 of the Planning Act, 1990, enables the council of a municipality to provide for the preparation of a plan suitable for adoption as the official plan of the municipality. The Act requires council to ensure that in the course of the preparation of the plan adequate information is made available to the public, and that at least one public meeting shall be held not sooner than twenty (20) days after the requirements for the giving of notice have been complied with and shall be open to the public, and any person who attends the meeting shall be afforded an opportunity to make representation in respect of the proposed plan.

Section 24(1) of the Planning Act further provides that where an Official Plan is in effect, no public works shall be undertaken and no by-law shall be passed for any purpose that does not conform to the plan except as provided for in subsections 24(2) and 24(4).

### **1.3 Municipal Setting**

Chesley, Paisley and Tara/Invermay are located in the east central part of the County of Bruce and form the three main settlement areas of the Municipality of Arran-Elderslie.

This plan is based on the results of planning studies undertaken for previous plans of Chesley, Paisley and Tara/Invermay as well as a Background study completed in 2000 with contributions from public meetings and policy decisions made by the Council of Arran-Elderslie. The results of some of the planning studies which form the basis of this plan are summarized in the subsections below.

The planning period for this Official Plan is from 2003 to 2021. On the basis of recent trends, the population of Chesley, Paisley, Tara/Invermay is anticipated to fluctuate slightly during the planning period but with a small gain in total population between the three urban areas. Population growth could be substantially increased by the establishment of a new industry in the Municipality. Additionally, population growth in the settlement areas could increase at a substantially higher rate if local retirees re-locate into the urban areas.

There is an adequate supply of undeveloped land within the proposed urban boundaries for Chesley, Paisley, Tara/Invermay to provide for the anticipated growth over the planning period. This plan designates lands for residential, commercial, open space, and industrial uses in order to protect it for future growth.

## 1.4 Purpose Of The Plan

The purpose of the Official Plan is to set forth the general policies concerned with the shaping and guiding of the physical growth and composition of Chesley, Paisley and Tara/Invermay. Development that does take place must be in harmony with the social and economic needs of the communities and their abilities to provide necessary services. The Plan contains policies regarding the distribution of land uses, the provision of community services, and the classification of the road pattern.

The Plan contains goals, actions and policies intended to assist Municipal Council, municipal staff, developers, government agencies and the public in their efforts to strengthen the economic, environmental and social fabric of each community. The plan will guide private business and citizens when making decisions concerning future land use, development and investment.

The Official Plan is intended to function as a major policy document to the year 2021.

## 1.5 Community Goals

Although specific goals are stated in this Plan for each of the various types of land use and development, there are a number of overall goals and objectives that this plan hopes to achieve.

The goals of the Official Plan for the Urban Areas of Chesley, Paisley and Tara/Invermay are:

- (1) That Chesley, Paisley and Tara/Invermay remain viable and pleasant residential, commercial, industrial and social focal points and service centres - with particular emphasis on agriculture and tourism - for the surrounding population.
- (2) That the commercial/industrial assessment base of Chesley, Paisley and Tara/Invermay is improved to provide for a sound assessment balance for municipal capital and administrative expenditures. In doing so, that the central business area of each community shall remain the major foci of commercial activity in the plan area.
- (3) That the range of permanent employment opportunities in Chesley, Paisley and Tara/Invermay be expanded.
- (4) That land be made available as required for highway commercial and industrial uses.
- (5) That a carefully balanced range of housing types, including affordable housing, be provided that meets the needs of Chesley, Paisley and Tara/Invermay residents.
- (6) That the rate of development and pattern thereof will not impose unnecessary costs for services and facilities on the community as a whole
- (7) That the natural environment of Chesley, Paisley and Tara/Invermay be preserved and protected. Particular attention will be paid to the Teeswater, Main Saugeen, North Saugeen and Sauble Rivers and Willow Creek to prevent encroachment while recreation activities consistent with their natural characteristics should be encouraged.
- (8) That the preservation and restoration of historic or older buildings is encouraged.

- (9) That a development rate and pattern is established which will not impose unnecessary costs for services and facilities on the community as a whole.

## 1.6 Planning History

Previous to municipal amalgamation in 1999 and the creation of the Municipality of Arran-Elderslie, the Town of Chesley and the Villages of Paisley and Tara were separate communities with separate and distinct local planning documents.

The first land use policies for the Town of Chesley were included in the Official Plan for the East Bruce Planning Area (Chesley and Elderslie), approved by the Minister of Municipal Affairs on May 14, 1971. This original plan was replaced in 1982 and, following a review and some administrative modifications, was re-approved in 1993.

The first Secondary Plan for the Village of Paisley was adopted by Village Council in 1981 and was adopted as an amendment to the Official Plan for the Bruce County South Planning Area by Bruce County Council in December 1981. The original Secondary Plan was intended to provide development guidance for a period ending in 1998.

The first Secondary Plan for the Village of Tara was adopted by Village Council in 1981 and was adopted as an amendment to the Official Plan for the Bruce County South Planning Area by Bruce County Council in May 1981. The original Secondary Plan was intended to provide development guidance for a period ending in 1996.

## 1.7 Planning Period And Population Forecasts

The Official Plan is based on a planning period to the year 2021. The designation of lands in this Plan should allow an ample surplus to provide for effective market operation, competition and choice. Population projections were obtained from the Bluewater District School Board for the period 1996-2016. The projections were produced for the Board by Statistics Canada and are based on demographic information (cohort calculations) with the incorporation of a "in/out migration" component. Projections for the year 2021 were calculated using the 5 year average change for the previous period.

The population forecast for Chesley, Paisley and Tara/Invermay are set out as follows:

<b>YEAR</b>	<b>Chesley</b>	<b>Paisley</b>	<b>Tara/Invermay</b>	<b>Total</b>
<b>1991</b>	1852	1102	848	3802
<b>1996</b>	1943	1127	920	3990
<b>2001</b>	1971	1122	920	4013
<b>2011</b>	2092	1101	928	4121
<b>2016</b>	2188	1094	945	4227
<b>2021</b>	2288	1089	962	4339

Population growth will be monitored regularly. Periodic updates to the above population forecasts may occur without amendment to this plan.

If major variances emerge between observed growth rates and the population forecasts, a review of this plan may be initiated by Council.



## Section 2 - Interpretation Of The Plan

### 2.1 Relationship To The County Plan

The Bruce County Official Plan, adopted by County Council in 1997, provides County-wide land use, social, economic and necessary planning policies. The County Plan contains broad policies involving County responsibilities, and provincial interests, and deals with planning matters affecting two or more local municipalities. The Official Plan for the Urban Areas of Chesley, Paisley and Tara/Invermay conforms to the Bruce County Official Plan.

The Official Plan for Urban Areas of Chesley, Paisley and Tara/Invermay addresses the unique characteristics, special needs and social and economic aspirations and goals of the local municipality. The Official Plan provides the needed additional policy detail to ensure effective and practical application of the broad County policies.

### 2.2 Interpretation

The boundaries between land use designations on Schedule "A", "B", "C" & "D" are to be considered approximate, except where they coincide with property lines, roads, railways, rivers or streams, or other similar geographic barriers. Amendments to this Plan will not be required to make minor adjustments to these land use designations, within the urban boundaries, provided the general intent of the Plan is maintained.

Minor and/or major expansions to the urban boundaries on Schedule "A", "B" & "C" Land Use Plans shall not be permitted without an amendment to this Plan. The amendment must demonstrate that there is no available land within the existing urban area to satisfy the desired land use needs.

It is intended that all figures and quantities contained within this Plan be considered as approximate only. Amendments to this Plan will not be required to permit any reasonable deviation from any of the figures and quantities, provided the general intent of the Plan is maintained.

Specific policies of this Plan should not be viewed in isolation but rather should be interpreted along with the intent of the Municipality of Arran-Elderslie Community Goals, and relevant actions and policies contained within the Plan. When determining whether a development proposal conforms to the Plan, the Community Goals and all other relevant policies of this Plan must be reviewed.

### 2.3 Monitoring And Review

Chesley, Paisley and Tara/Invermay will continue to change. As a result, this Plan should be seen as an evolving document, requiring regular review and revision to ensure the policies reflect changing economic, social and financial circumstances.

- a) The Municipality shall carry out a formal public review of the Official Plan at least every 5 years. This review may include an assessment of:
  - i) The adequacy of lands available to support anticipated development;

- ii) Demographic, social and physical changes to the community;
  - iii) Effectiveness of the community improvement, land use and servicing policies of the Plan;
  - iv) Changes in County or Provincial policies which impact upon the relevance of the Plan;
  - v) The quality of the community's environment; and
  - vi) The capacity and operational efficiency of municipal water supply and sewage treatment facilities to accommodate anticipated growth.
- b) As part of the "Five Year Review", the Municipality may hold at least one public meeting to obtain the public's views on the need to update or revise the Official Plan.
- c) The Municipality may notify all agencies and ministries involved in the review of planning decisions of its intent to conduct a Five Year Review.

## Section 3 - Land Use Policies

The land resources of Chesley, Paisley and Tara/Invermay shall be developed in accordance with the land use pattern shown on 'Schedule A: Chesley Land Use Plan', 'Schedule B: Paisley Land Use Plan', 'Schedule C: Tara/Invermay Land Use Plan' and 'Schedule D.1/D.2/D.3: Phasing Plan'.

The land resources in each community are divided into eight basic land use designations: Residential, Central Business District, Commercial, Industrial, Recreation and Open Space, Natural Environment & Hazard, Institutional and Community Facilities, and Future Development.

The provisions governing the use of the lands within the designations shown on Schedule "A", Schedule "B" and Schedule "C" are described in the following subsections.

### 3.1 Residential

This Plan forecasts a total population for Chesley, Paisley and Tara/Invermay of approximately 4,339 by the year 2021. Approximately 142 new housing units are required to accommodate this growth. An inventory of available lands in the Municipality indicates that no additional residential lands will be required to accommodate this growth.

It is the intent of the Municipality to satisfy a range of market needs ranging from accommodating the young to the elderly. Chesley, Paisley and Tara/Invermay have a plentiful residential land supply, and a good existing housing mix. Previously approved plans of subdivision and future development areas should be reviewed to ensure lot sizes and housing mix reflect market demand.

#### 3.1.1 Goals

**Promote a mixed and affordable supply of housing to meet the present and future needs of all segments of the Communities, while at the same time ensuring that new residential development and redevelopment is in keeping with the character of the individual neighbourhood.**

#### 3.1.2 Actions

- a) Ensure a reasonable supply of building lots and blocks for future residential development.
- b) Encourage a wide range of housing types and designs and promote a range of single detached residential lot sizes.
- c) Encourage the infill of existing residential areas in character with the built form of the community.
- d) Co-ordinate the provision of parks and open space and pedestrian connections to promote liveable neighbourhoods.
- e) Permit bed and breakfast operations and home occupations which maintain the residential character of the neighbourhood.

#### 3.1.3 Permitted Uses

Lands designated "Residential" shall be predominantly used for 'Low Density Residential' and "Medium Density Residential" uses.

Other uses compatible with residential neighbourhoods may also be permitted including such uses as playgrounds, sports fields, walking trails, public parks, seniors/retirement homes, nursing homes, bed and breakfast, home occupations, group homes, garden suites, day nurseries, day schools and local commercial uses.

'Institutional and Community Facilities' may be permitted in the Residential designation without amendment to this Plan subject to the policies of Section 3.7 'Institutional and Community Facility Policies'.

### 3.1.4 Residential Policies

- a) The Municipality shall strive to maintain at all times a 3 year supply of serviceable draft approved and registered lots to accommodate residential demand **and** maintain a ten (10) year supply of lands designated for residential development.
- b) The Municipality shall encourage housing forms and densities designed to be affordable to moderate and low income households.
- c) The Municipality shall support a wide range of housing types, zoning standards and subdivision design standards to provide a full range of housing types and opportunities.
- d) The Municipality may consider cost effective development standards for new residential development and redevelopment.
- e) The Municipality shall seek to improve access to housing for people with special needs, including assisted housing, seniors housing and housing for physically and developmentally challenged individuals.
- f) Ministry of Environment Guidelines on “Compatibility between Sewage Treatment Facilities and Sensitive Land Uses” and “Land Use on or Near Landfills” shall be consulted when new or expanded residential development is proposed in proximity to these types of facilities.
- g) Adequate physical buffers and/or distance separation from adjacent industrial uses shall be provided. Required distance separations shall be established in the zoning by-law with regard to the Guidelines of the Ministry of Environment.
- h) Applications to redevelop/convert existing or previously used industrial lands shall include documentation of the present and past use(s) of the property and surrounding properties sufficient to provide initial information about the likelihood of site contamination.  
  
Where this preliminary analysis indicates the likelihood of contamination, further detailed site investigation will be required to determine the nature, extent and levels of contamination and appropriate clean-up measures, consistent with the requirements of the appropriate provincial ministry.
- i) A process shall be established whereby a commitment to sewage treatment and water supply capacity only occurs upon registration of plans of subdivision.
- j) Water supply and sewage disposal services shall be provided in accordance with Section 5.4.1.
- k) The creation of new ‘low density’ residential lots or residential development shall not be permitted along arterial or collector roadways as identified on Schedules “A”, “B” or “C” except on existing lots of record which are suitably zoned and designated.

### 3.1.5 Range of Housing Types

- 1) The Municipality shall support a wide range of housing types consistent with the needs of residents with this range being reflected in zoning standards and subdivision design standards.
- 2) The Municipality shall strive toward the following target relating to housing mixture over the planning period:
 

2001 to 2021	Low density	-	70%
	Medium	-	30%
- 3) The Municipality shall strive toward the following target relating to housing tenure over the planning period:
 

2001 to 2021	Ownership	-	70%
	Rental	-	30%

### 3.1.6 Low Density Residential

The Municipality shall classify single detached, semi-detached, duplex, and converted buildings or structures with no more than three units, as 'Low Density Residential' development.

- a) Low Density Residential shall not exceed a Gross Density of 27 units per Gross Hectare for new residential development created by Plan of Subdivision.
 

"Gross Density/Gross Hectare" is the ratio between the number of dwelling units proposed to be located on a lot and the 'area of the lot' before subdivision. The 'area of the lot' shall include those lands area which are to be given over to streets, public parks, easements, utilities, flood control ditches and other lands which are to be publicly owned or owned in common.
- b) The Comprehensive Zoning By-law shall place single detached dwellings, semi-detached, duplex and converted dwellings in a single 'Low Density Residential' zone.
- c) In order to ensure that new developments are compatible with the existing residential development pattern, the Comprehensive Zoning By-law may include a number of 'Low Density Residential' subzones, recognizing "residential neighbourhoods". Such subzones may differentiate 'Low Density Residential' zones with provisions for, but not limited to lot frontage, lot area, yard requirements and lot coverage.
- d) In order to implement the policies of this Plan and other design criteria applicable to development within Chesley, Paisley and Tara/Invermay, a Plan of Subdivision and/or Subdividers Agreement may be required for Low Density development.

### 3.1.7 Medium Density Residential

The Municipality shall classify buildings or structures with four or more dwelling units, such as townhouses, rowhouses, apartment buildings and other similar multi-unit forms of housing as 'Medium Density Residential'.

- a) 'Medium Density Residential' development shall not exceed a Gross Density of 48 units per Gross Hectare and shall not be less than 24 units per gross hectare. While recognizing the municipality's inability to establish occupancy restrictions, units that are designed and expected to accommodate senior citizens in a government sponsored development may be permitted at a density not to exceed 100 units per gross hectare.

"Gross Density/Gross Hectare" is the ratio between the number of dwelling units proposed to be located on a lot and the 'area of the lot' before subdivision. The 'area of the lot' shall include those lands area which are to be given over to streets, public parks, easements, utilities, flood control ditches and other lands which are to be publicly owned or owned in common.

- b) When the Municipality is considering the establishment of 'Medium Density Residential' development, the following development criteria shall be used:
- i) \*removed by AEOPA 2-09.41 HSKP August 7<sup>th</sup>, 2009
  - ii) The development shall be compatible with existing land uses in the immediate area and the general built form of surrounding buildings;
  - iii) Adequate off-street parking and appropriate access and circulation for vehicular traffic, including emergency vehicles shall be required;
  - iv) Adequate buffering from abutting uses shall be provided;
  - v) Suitable landscaping, lot grading, and storm water management/drainage shall be provided;
  - vi) Suitable on-site open space shall be provided in relation to the size and nature of the development;
  - vii) Water supply and sewage disposal services shall be provided in accordance with Section 5.4.1.
- c) Medium density residential development shall be placed in a separate zone in the Comprehensive Zoning By-law.
- d) In order to implement the policies of this Plan and other design criteria applicable to development within Chesley, Paisley and Tara/Invermay, a Plan of Subdivision and/or Subdividers' Agreement may be required for Medium Density development.

- e) Medium density residential development may be subject to Site Plan Control under Section 7.11 of this Plan.

### **3.1.8 Residential Infill Policy**

It shall be the policy of the Municipality to give fair consideration to proposals to infill in existing residential areas when such infilling is found to be compatible with the character of the surrounding residential neighbourhood. Infilling shall be considered as the creation of a new vacant lot(s) of record when the new lot is to be created between two existing dwellings, such dwellings being separated by not more than 30 metres (100 feet), on the same side of the road. Infilling through the consent process shall be considered when a Plan of Subdivision is determined not be required as per Section 7.12 Subdivision and Consent Policies.

An application for consent for infilling purposes shall be reviewed with regard to the following policies and the policies of Section 7.12 Subdivision and Consent Policies:

- a) To determine to what extent infilling is compatible with the character of the surrounding neighbourhood, it shall be demonstrated that the proposed development is in keeping with the traditional development pattern in the immediate area.
- b) Factors such as lot sizes, lot frontage, lot coverage and density, streetscapes, building form and typical building setbacks shall be taken into consideration in determining the compatibility of proposed infilling developments with the character of the surrounding residential neighbourhood.
- c) Infill proposals may be required to provide a 'lot grading and drainage plan' that addresses potential impacts on abutting properties.

The above policies shall also be considered when reviewing applications for an increase in residential density i.e., a rezoning from low density residential to medium density residential when the proposed use is to be located between two existing low density dwellings on the same side of the road.

### **3.1.9 Home Occupation Policy**

The Municipality recognizes home occupations as an important economic component of Chesley, Paisley and Tara/Invermay, but also wish to ensure that the development of such businesses are compatible with the residential character of the neighbourhoods within which they may be established. Home occupations shall be permitted in the Residential designation subject to the requirements of the Comprehensive Zoning By-law.

- a) The Comprehensive Zoning By-law shall provide home occupation regulations which:
  - i) Establish standards related to the intensity and types of uses permitted. These standards may include a detailed list of permitted home occupation uses and their location on a lot, standards related to the emission of noise



- dust or other items that are inconsistent with the neighbourhood in which the home occupation is located;
- ii) Restrict the number of people which may be employed in the home occupation;
  - iii) Provide a maximum percentage of the floor area of a residence or accessory building which may be used for the home occupation;
  - iv) Ensure the maintenance of the external appearance of the residence, control exterior signs, regulate outside storage and ensure that the residential character of the property is maintained; and
  - v) Limit traffic impact by ensuring the provision of adequate parking spaces.

### 3.1.10 Residential Conversion Policy

The conversion of existing single detached residential dwellings into a four (4) or more unit dwelling is a means of providing affordable housing. Conversion may also offer opportunities to rehabilitate Chesley, Paisley and Tara's older and larger buildings with historic character into multiple unit structures.

- a) Residential conversion that is consistent with the surrounding neighbourhood character is permitted in the Residential designation subject to the requirements of the Comprehensive Zoning By-law and the following development criteria:
  - i) The exterior renovations of the building, if any, must have specific regard for the relationship of the building to adjacent structures and be compatible with the overall character of the immediate neighbourhood;
  - ii) The dwelling must be structurally sound and of sufficient size to allow the creation of one or more additional dwelling units;
  - iii) The lot must be of sufficient size to allow the required off-street parking at the side and rear of the principal building only and allow for any proposed additions to the residential structure;
  - iv) Adequate open space must be retained on the lot;
  - v) Required fire escapes should be located at the side or rear of the building;
  - vi) Adequate access and circulation for vehicular traffic, including emergency vehicles shall be provided; and,
  - vii) Suitable landscaping, lot grading and lot drainage shall be provided or undertaken.
- b) Residential conversions proposing the creation of more than one additional unit may be subject to Site Plan Control under Section 7.11 of this Plan.

**3.1.11 Bed and Breakfast Policy**

Bed and Breakfast operations shall be permitted only within single detached homes in the Residential designation subject to the requirements of the Comprehensive Zoning By-law.

- a) The Comprehensive Zoning By-law shall provide Bed and Breakfast regulations that ensure:
  - i) That the establishment of such uses shall not negatively effect the residential character of the area;
  - ii) Adequate offstreet parking, a minimum floor area for guest rooms, and a maximum number of guest rooms;
  - iii) Such uses shall only be permitted in buildings which constitute the principal residence of the operator;
  - iv) Any other regulation deemed necessary for the orderly development of such uses.
- b) Bed and Breakfast operations may be subject to Site Plan Control under Section 7.11 of this Plan.

**3.1.12 Special Needs Housing**

- a) The Municipality shall seek to improve access to housing for people with special needs, including assisted housing for low income earners, seniors housing, supportive housing (housing for developmentally disabled) etc.
- b) The Municipality may work with local groups to determine special housing needs and support local efforts for appropriate applications and proposals for special needs housing.
- c) The Municipality shall consider alternative approaches to providing housing specifically targeted to the future senior population.

**3.1.13 Group Home Policy**

The term 'group home' is used to describe a wide range of residential care facilities. Group homes shall be permitted within the Residential designation subject to the requirements of the Comprehensive Zoning By-law.

- a) The Comprehensive Zoning By-law may provide regulations which recognize group homes offering supportive housing to five (5) or fewer persons such as seniors, developmentally or physically challenged individuals and/or mentally challenged individuals as a permitted use in all residential zones provided the following criteria are satisfied:
  - i) The housing is within a single detached dwelling;

- ii) The unit houses five or fewer individuals, not including live-in supervisory staff or receiving family; and
  - iii) That no physical alterations be made to change the function of the structure as a single detached dwelling unit.
- b) Group homes offering supportive housing to six (6) or more persons such as seniors, developmentally or physically challenged individuals, and/or mentally challenged individuals shall be permitted within a special residential zone of the Comprehensive Zoning By-law, provided the following criteria are satisfied:
- i) The facility is licensed, regulated, financed and/or approved by a government regulatory body;
  - ii) The sponsoring body demonstrates that a need exists for the facility within the community;
  - iii) Necessary supportive services are readily available for the residents;
  - iv) The building, in form and exterior amenities, is in keeping with the surrounding residential neighbourhood;
  - v) The building meets all health, fire, safety and building code standards; and
  - vi) The facility may be subject to Site Plan Control under Section 7.11 of this Plan.
- c) 'Halfway homes' offering supportive housing for persons such as ex-offenders, young offenders, or individuals undergoing substance abuse rehabilitation may be permitted within a special residential zone of the Comprehensive Zoning By-law, provided the following criteria are satisfied:
- i) The housing is within a single detached dwelling;
  - ii) The dwelling houses six (6) or fewer individuals, including live-in supervisory staff or receiving family;
  - iii) The facility is licensed, regulated, financed and/or approved by a government regulatory body;
  - iv) The sponsoring body demonstrates that a need exists for the facility within the community;
  - v) Necessary support services are readily available for the residents;
  - vi) Responsible supervision, consistent with the requirements of the resident is provided;
  - vii) The building, in form and exterior amenities, is in keeping with the surrounding residential neighbourhood;

- viii) No other group home is located within close proximity to the proposed site;
- ix) The building meets all health, fire, safety and building code standards; and
- x) The facility shall be subject to Site Plan Control under Section 7.11 of this Plan.

### 3.1.14 Garden Suites

The term 'Garden Suite' means a one-unit detached residential structure containing bedroom and kitchen facilities that is ancillary to an existing residential structure and that is designed to be portable. A 'Garden Suite' is intended to meet the temporary housing needs of elderly parents or family members with special needs on the same lot as the caregivers. The Municipality shall encourage property owners to undertake renovations and/or enlargements to an existing structure to address the need for temporary housing prior to reviewing an application for a garden suite.

Garden suites may be permitted within the Residential designation subject to the requirements of the Comprehensive Zoning By-law.

- a) The Comprehensive Zoning By-law may provide garden suite regulations which:
  - i) Require the garden suite to be detached and accessory to a primary dwelling unit;
  - ii) Restrict any business or commercial enterprise from taking place within the garden suite;
  - iii) Set out the lot line setbacks and/or other restrictions i.e. minimum lot size, regulating the location of the garden suite on any lot;
  - iv) Permit the use of a mobile home or park model trailer provided the proposed unit is suitable for four (4) season use; and
  - v) Require the garden suite to be connected to municipal water and sewer services.
- b) As a condition to passing a by-law authorizing the temporary use of a 'Garden Suite', the Municipality under the powers of the Municipal Act, may enter into an agreement with the property owner, occupant and/or Canada Mortgage and Housing, or similar government agencies or private sector providers to cover issues such as:
  - i) Conditions for removal of the garden suite from the property;
  - ii) The garden suite shall not be used as a rental dwelling unit for profit or gain;
  - iii) The garden suite meets all health, safety, servicing, fire and building code standards;

- iv) The need for bonding of security to ensure that certain conditions of the agreement are met; and,
- v) Other issues deemed important by the Municipality.
- c) Garden suites may be subject to Site Plan Control under Section 7.11 of this Plan.

### **3.1.15 Child Care**

(revised AEOPA 10-16.39)

The term “Child Care” is used to describe a facility that receives children, primarily for the purpose of providing temporary care or guidance for children for a continuous period not exceeding 24 hours.

Child Care premises may be defined within the Comprehensive Zoning By-Law to reflect different types of premises that are outlined in provincial legislation, and may be permitted within residential, commercial, and institutional designations subject to the requirements of the Comprehensive Zoning By-law. Home-based Child care may be permitted in any zone where a dwelling is a permitted use. Child care premises and/or providers shall be licensed by a government regulatory body where applicable.

Child care premises which are not located within a dwelling may be subject to Site Plan Control. Matters to be addressed through site plan control include:

- a) that the establishment of the facility does not change the character of the neighbourhood.
- b) a safe area for the drop-off and pick-up of the children; and
- c) The facility shall meet all health, fire safety and building code standards.

### **3.1.16 Day School**

The term ‘Day School’ is used to describe a facility that receives no more than ten (10) students for the purpose of providing educational instruction for children over the age of 5 years and under the age of 18 years.

Day Schools may be permitted within the Residential designation subject to the requirements of the Comprehensive Zoning By-law.

- a) The Comprehensive Zoning By-law may provide Day School regulations that require:
  - i) A demonstrated community need for the facility;
  - ii) The establishment of the facility does not negatively impact upon the residential character of the neighbourhood;
  - iii) A safe area for the drop-off and pick-up of children; and,
  - iv) Appropriate yard setbacks, outdoor recreational space, signage and parking.

- b) The facility shall be licensed by the Ministry of Education.
- c) The facility shall meet all health, safety and building and fire code standards.
- d) Day Schools may be subject to Site Plan Control under Section 7.11 of this Plan.

### **3.1.17 Lands Designated But Not Required Immediately**

Not all lands within the Residential designation will necessarily be zoned in a corresponding residential zone in the Comprehensive Zoning By-law. Some lands may be left in a zone recognizing their existing use, to be rezoned in accordance with the policies of the plan when a specific development is proposed.

Larger blocks of vacant lands within the "Residential" designation may also be placed within a special zone. This is to ensure a full Council, agency and public review of any proposed developments on such lands, and to review their conformity with the policies of the designation within which said lands are located.

It is the policy of Council to permit the continued use of lands and buildings within this special zone, that existed prior to passage of this Plan and the Comprehensive Zoning By-law.

**3.1.18 Exceptions****.1 AEOPA 6-13.51 Plan M-89 Blocks 55 to 58 (Tara) (Clancy)**

Notwithstanding the policies of Section 3.1.7 (a) Medium Density Residential the lands identified as subject to Special Policy Area 3.1.18.1 on 'Schedule C: Tara' to the Municipality of Arran Elderslie Official Plan may be developed with a medium density of 19.8 units per gross hectare. All other policies of this plan shall apply.

**.2 AEOPA 7-14.49 Concession 8 Part Lot 29 (Arran) (Healy / Cobean)**

Notwithstanding the Residential Policies of this plan, the lands described as Concession 8 Part Lot 29 (Arran) may be severed to yield a minimum lot area of 6.35 hectares. Future land division shall proceed by plan of subdivision in accordance with the policies of this plan and the lot area requirements of the zoning by-law.

## **3.2 Central Business District**

The retention and attraction of commercial businesses is important to the long term economic health of Chesley, Paisley and Tara. The Municipality recognizes that to a great degree the social and economic well being of the Municipality is dependent upon a diverse and balanced commercial base focussed on the downtown commercial cores of Chesley, Paisley and Tara.

The 'Central Business District' designation represents the traditional downtown areas of Chesley, Paisley and Tara. These areas contain the majority of the retail and service activities within the Municipality. However there are limits to further business expansion within these areas.

### **3.2.1 Goals**

To promote Chesley, Paisley and Tara/Invermay as the commercial and service centres of the Municipality.

To ensure that sufficient lands are available for a range of commercial uses and provide a balanced commercial base that serves the needs of area residents and visitors.

To enhance the viability of the respective downtown core areas of Chesley, Paisley and Tara.

To develop policies for new or redeveloping commercial uses that respect neighbouring land uses.

### **3.2.2 Actions**

- a) Provide opportunities to develop a range of commercial uses in Chesley, Paisley and Tara.
- b) Develop policies which recognize the unique aspects of parking in downtown areas and which address the long term supply and location of public and private parking in these areas.
- c) Encourage infill on vacant or under utilized sites within the downtown in a manner which is compatible with the existing built form.
- d) Provide opportunities for accessory residential uses in conjunction with commercial uses where appropriate.
- e) Provide policy direction on the expansion of the downtown areas.
- f) Prohibit the establishment of small scale commercial/retail uses in, or relocation from the 'Central Business District' designation, to the 'Commercial' designation.



### **3.2.3 Permitted Uses – Central Business District**

The predominant use of lands within the 'Central Business District' designation shall be for a wide variety of retail, artisan, office, service, administrative, cultural, institutional, medical and entertainment uses.

Uses oriented to vehicular traffic, such as automobile dealerships, service stations and truck depots, shall be encouraged to relocate to lands within the 'Commercial' designation.

Residential uses shall also be permitted within the 'Central Business District' designation provided they are in the form of apartments above or behind the commercial use of the building. Existing residential dwellings in the 'Central Business District' designation shall be subject to the policies of Section 7.5 "Legal Non-Conforming Uses".

'Institutional and Community Facilities' may be permitted in the 'Central Business District' designation without amendment to this Plan subject to the policies of Section 3.7 'Institutional and Community Facility Policies'.

### **3.2.4 Policies – Central Business District**

- a) Intensification within the 'Central Business District' designation will be encouraged to create a compact downtown core.
- b) Development and redevelopment within the 'Central Business District' designation shall be compatible with cultural heritage resources, which include significant buildings, structures, landscapes, vistas and/or archaeological sites of historic value and shall be assessed based on Section 4.2 'Heritage Conservation' of this Plan.
- c) The Municipality will co-ordinate, with the owners and/or operators of businesses, the improvement of the streetscape including public lanes, provision of street furniture and rest areas, the identification of pedestrian crossings, the planting of trees, the improvement of facades, and the regulation of signage.
- d) The Municipality will encourage owners and operators of businesses in the core to work towards a consistent and co-ordinated theme or image for the 'Central Business District' designation.
- e) The Municipality will encourage the location of offstreet parking facilities to the rear and side of buildings.
- f) Offstreet parking, driveways and/or loading areas adjacent to areas zoned Residential shall be suitably screened or buffered through the use of fences, berms or other appropriate landscape treatment as detailed in the Comprehensive Zoning By-law.
- g) New 'Central Business District' development should be planned as orderly extensions of the existing business area.

- h) The effects of new 'Central Business District' development on adjacent residential or institutional uses will be minimized by:
  - i) Planting trees, shrubs and grasses and/or building fences adequate to create a buffer or screen.
  - ii) Arranging lighting and sign facilities on the commercial site so that no nuisance is caused.
- i) All 'Central Business District' uses shall be provided with full municipal water supply and municipal sewage disposal services.

### **3.2.5 Off-Street Parking – Central Business District**

- a) The Municipality, in conjunction with a Chamber of Commerce and/or downtown merchants, shall strive to improve the management and supply of public parking within the 'Central Business District' designation where required.
- b) The Municipality may enter into an agreement with an owner of a building that is being developed or redeveloped within the 'Central Business District' designation, to provide for the payment of cash-in-lieu of parking as per Section 7.10.
- c) The Municipality may waive the off-street parking requirements for all new or expanding uses within the 'Central Business District' designation on a site by site basis if satisfied that sufficient alternative parking areas are available.
- d) It is intended that whenever it is economically feasible adequate additional off-street parking space will be acquired by the Municipality. The Municipality and the 'Central Business District' business owners should work together to improve the use of parking facilities by improving access, lighting and convenience of use of the parking lots.

### **3.2.6 Expansion Policy – Central Business District**

Expansions of the 'Central Business District' designation should be planned as orderly extensions of the existing business area. The Municipality shall give fair consideration to proposals to expand the 'Central Business District' designation when:

- i) Such expansion is found to be compatible with the character of the surrounding neighbourhood;
- ii) Expansion shall be considered small scale commercial development;
- iii) Factors such as lot sizes, lot frontage, lot coverage and density, parking requirements, building form and typical building setbacks shall be taken into consideration in determining the compatibility of the proposed development with the character of the surrounding neighbourhood;
- iv) Expansion proposals may be required to provide a 'lot grading and drainage plan' that addresses potential impacts on abutting properties.

### **3.2.7 Exceptions – Central Business District**

.1 AEOPA 8-14.39 Plan 73 Part Lots 28 and Lot 35 (Chesley) (Geertsma)

Notwithstanding the policies of Section 3.2.3 Permitted Uses – Central Business District, the lands identified as subject to Special Policy Area 3.2.7.1 on ‘Schedule C: Chesley’ to the Municipality of Arran Elderslie Official Plan may be used for primary Residential Uses in addition to the uses of Section 3.2.3. All other policies of this plan shall apply.

### 3.3 Commercial

The 'Commercial' designation represents the areas outside of the traditional downtown core areas of Chesley, Paisley and Tara. Lands designated 'Commercial' may be suitable for a range of commercial uses dependent upon the nature of the proposed commercial activity, the size and location of the lands and the compatibility of the proposed commercial use with neighbouring properties.

It is the intent of the Municipality that the downtown core areas within Chesley, Paisley and Tara/Invermay shall continue to remain the primary focus for retail, office, service, administrative and cultural activities. However there are limits to further business expansion within these areas. It is the intention of the Municipality to provide opportunities for commercial activities outside of the respective cores while promoting and enhancing the viability of the downtown core of each Urban Area.

#### 3.3.1 Goals

To promote Chesley, Paisley and Tara/Invermay as the commercial and service centre of the Municipality.

To ensure that sufficient lands are available for a range of commercial uses and provide a balanced commercial base that serves the needs of area residents and visitors.

To protect the integrity of the road network by restricting where appropriate entrances or access onto the roadways.

To protect high visibility lands by restricting the range of uses to those commercial businesses that are dependent upon 'highway access' for economic existence.

To develop policies for new or redeveloping commercial uses that respect neighbouring land uses.

#### 3.3.2 Actions

- a) Provide opportunities to develop a range of commercial uses in Chesley, Paisley and Tara.
- b) Limit strip development on major roadways outside of the traditional downtown areas by restricting new lands uses to those that rely on vehicular traffic for their economic existence.
- c) Provide opportunities for accessory residential uses in conjunction with commercial uses where appropriate.
- d) Require all 'Commercial' uses to provide suitable landscaping, lighting, parking facilities, etc. to improve the visual impact of these land uses.
- e) Prohibit the establishment of small scale commercial/retail uses in, or relocation from the 'Central Business District' designation, to the 'Commercial' designation.

### 3.3A Mixed Use

(AEOPA 2-09.49 HSKP August 7<sup>th</sup>, 2009) The Mixed Use designation applies to lands in Paisley located on the west side of Queen Street south of Balaclava Street. Existing uses on the site include a medical centre, a townhouse development, and vacant land.

It is the intent of this Plan to permit a mix of multiple family residential uses and restricted commercial uses. Residential Uses shall be subject to a Holding “H” zone that requires the filing of a Record of Site Condition pursuant to Ontario Regulation 153/04 or its successor in law. The preparation of an Environmental Site Assessment may also be required for a residential use, depending on the results the Record of Site Conditions.

Limited individual commercial uses may be permitted independently of the holding “H” status provided that they are not

- Small commercial uses that are better suited to the core
- In commercial plazas
- Conflict with the provisions of section 3.3.3.4 of this Plan.

Those commercial uses shall not exceed the minimum size of large format commercial uses specified in section 3.3.3.2.2 of this Plan.

Outside storage is not permitted.

Required parking shall be located on the same lot as the commercial use.

Uses shall be subject to site plan control.

Adequate landscaping, fencing and buffering shall be provided on site.

Residential uses shall be appropriately set back from existing industrial uses, in accordance with the land use guidelines of the Ministry of the Environment.”

### 3.3.3 Commercial

Separate zones shall be provided for in the Comprehensive Zoning By-law and shall include as a minimum a ‘Highway Commercial’, ‘Large Format Commercial’, and a ‘Transition Commercial’ zone. A Residential use accessory to ‘Transition Commercial’ and ‘Highway Commercial’ uses may also be permitted in certain locations, subject to the provisions of the Zoning By-law.

#### 3.3.3.1 Highway Commercial

‘Highway Commercial’ uses shall be limited to those uses catering to the travelling public.

**3.3.3.1.1 Permitted Uses – Highway Commercial**

'Highway Commercial' uses are not intended to compete with uses permitted in the Central Business District, but rather to provide for those commercial uses which, in order to serve the motoring public, must be located on streets with heavy traffic volumes which cannot be accommodated in the 'Central Business District' designation.

'Highway Commercial' uses are those uses which are dependant upon a high degree of access and visibility to passing vehicular traffic. These uses include motels, drive-in restaurants, restaurants, automobile sales and service establishments, general convenience stores, and other similar uses such as a tourist information centre and farmers market.

A residential use accessory to a 'Highway Commercial' use may also be permitted in certain locations, subject to the policies of Section 3.3.3.1.2.

**3.3.3.1.2 Policies – Highway Commercial**

- a) 'Highway Commercial' uses shall be located on arterial or collector roadways.
- b) 'Highway Commercial' uses may permit a residence for the owner/manager or a caretaker provided it is in the form of an apartment above or behind the 'Highway Commercial' use.
- c) To ensure 'Highway Commercial' lands develop as attractive entrances to the community, the following site development standards shall apply;
  - i) Landscaping, as detailed in the Comprehensive Zoning By-law, shall be provided along the road frontage of the proposal;
  - ii) All outdoor storage for uses other than automotive and recreational vehicle dealerships shall be located to the rear or side of the main building on the lot and shall be fenced or suitably screened from all adjacent uses;
  - iii) Signs shall be limited in number and designed to be functional and avoid visual clutter and distraction, and where possible, should be consolidated on shared sign structures;
  - iv) Access points to off-street vehicular parking area shall be limited in number and designed in a manner that will minimize danger to both vehicular and pedestrian traffic;
  - v) Off-street vehicular parking shall be screened from any adjacent residential and/or institutional use as detailed in the Comprehensive Zoning By-law; and
  - vi) Potential adverse effects of new 'Highway Commercial' development on adjacent residential land and/or institutional uses will be minimized by providing buffer planting strips or screening as detailed in the Comprehensive Zoning By-law.

- d) 'Highway Commercial' uses may be subject to Site Plan Control under Section 7.11 of this Plan.

### **3.3.3.2 Large Format Commercial**

'Large Format Commercial' uses are not intended to compete with uses permitted in the 'Central Business District', but rather to provide for those commercial uses that require parcels of land larger than what may be accommodated in the 'Central Business District'.

The 'Large Format Commercial' zone shall accommodate the needs of commercial/retail uses that are space extensive such that they require large single purpose buildings or large parking and/or storage requirements.

'Large Format Commercial' uses by way of their large lot area requirements cannot be reasonably located within the downtown area.

#### **3.3.3.2.1 Permitted Uses – Large Format Commercial**

'Large Format Commercial' uses are those uses that require large enclosed or open storage areas such as building supply outlets, major furniture/appliance stores, grocery stores, department stores, hardware stores or similar uses in addition to offices that are accessory to a permitted use. Tourist information centres, farmers market, fraternal association halls and similar places of assembly shall also be permitted.

A residential use accessory to a 'Large Format Commercial' use may also be permitted in certain locations, subject to the policies of Section 3.3.3.2.2.

#### **3.3.3.2.2 Policies - Large Format Commercial**

- a) A 'Large Format Commercial' use must:
- i) be located in a single use, self contained building, in excess of 278.7 square meters (3000 square feet); and
  - ii) require large parking and/or outdoor storage or display requirements; and
  - iii) represent a use not consistent with the nature of the 'Central Business District' designation.
- b) A 'Large Format Commercial' use shall only be located on collector or local roads.
- c) 'Large Format Commercial' uses may permit a residence for the owner/manager or a caretaker provided it is in the form of an apartment above or behind the 'Large Format Commercial' use.
- d) To ensure 'Large Format Commercial' lands develop as attractive entrances to the community, the following site development standards shall apply;
- i) Landscaping, as detailed in the Comprehensive Zoning By-law, shall be provided along the road frontage of the proposal;

- ii) All outdoor storage for uses other than automotive and recreational vehicle dealerships shall be located to the rear or side of the main building on the lot and shall be fenced or suitably screened from all adjacent uses;
  - iii) Signs shall be limited in number and designed to be functional and avoid visual clutter and distraction, and where possible, should be consolidated on shared sign structures;
  - iv) Access points to off-street vehicular parking area shall be limited in number and designed in a manner that will minimize danger to both vehicular and pedestrian traffic;
  - v) Off-street vehicular parking shall be screened from any adjacent residential and/or institutional use as detailed in the Comprehensive Zoning By-law; and
  - vi) Potential adverse effects of new 'Large Format Commercial' development on adjacent residential land and/or institutional uses will be minimized by providing buffer planting strips or screening as detailed in the Comprehensive Zoning By-law.
- e) 'Large Format Commercial' uses may be subject to Site Plan Control under Section 7.11 of this Plan.

### **3.3.3.3 Transition Commercial**

The 'Transition Commercial' zone shall be used for those areas undergoing a transition from residential to commercial based on their location on an arterial or collector roadway.

The 'Transition Commercial' zone shall provide an opportunity for non-retail commercial uses as well as other community services. The area is not intended to accommodate intensive commercial development as is intended for other areas within the Commercial designation.

A residential use accessory to a 'Transition Commercial' use may also be permitted in certain locations, subject to the policies of provisions of the Zoning By-law.

#### **3.3.3.3.1 Permitted Uses – Transition Commercial**

Being a transition area, the types of commercial uses shall be limited to those which are compatible with the existing residential character of the area. Examples of such intended uses are: business or professional offices, studios, medical clinics, personal service shops, child care centres, and nursing homes. (Revised AEOPA10-16.39)

A residential use accessory to a 'Transition Commercial' use may also be permitted in certain locations, subject to the policies of Section 3.3.3.3.2.

#### **3.3.3.3.2 Policies – Transition Commercial**



- a) Additions to the list of permitted uses for this Zone may be considered by an amendment to the Comprehensive Zoning By-Law, provided the following criteria are satisfied:
  - i) The proposed use maintains the intent of the 'Commercial' policies;
  - ii) The proposed use is suitable for the subject property with regard to the shape of the lands and the intensity of the use proposed. Consideration shall be given to the scale and layout of the buildings, landscaping, parking, etc.;
  - iii) The proposed use is compatible with adjacent land uses, with consideration given to the height, location and spacing of any buildings involved in the property development, lighting, signage, noise and odour emitted from the proposed use, potential loss of privacy for neighbours, and effect on heritage resources;
  - iv) The existing traffic patterns are not significantly impacted and potential conflicts with pedestrians are avoided;
  - v) Adequate measures are taken to mitigate potential adverse impacts on surrounding land uses;
  - vi) Other relevant matters of concern identified by Council are addressed.
- b) 'Transition Commercial' uses may permit a residence for the owner/manager or a caretaker provided it is in the form of an apartment above or behind the 'Transition Commercial' use.
- c) 'Transition Commercial' uses may be subject to Site Plan Control under Section 7.11 of this Plan.

#### **3.3.3.4 Commercial – Expansion Policy**

The Municipality shall give fair consideration to proposals to either expand the 'Commercial' designation or designate new 'Commercial' lands when:

- a) The expansion and/or new lands are found to be compatible with the character of the surrounding land uses. Factors such as lot sizes, lot frontage, lot coverage and density, parking requirements, building form and typical building setbacks shall be taken into consideration in determining the compatibility of the proposed development with the character of the surrounding land uses.
- b) It has been demonstrated that the existing supply of 'Commercial' lands is inadequate to accommodate a new or expanding use;
- c) Proposals for expansions and/or new lands may be required to provide a 'lot grading and drainage plan' that addresses potential impacts on abutting properties;

- d) Council may require an analysis of the impact the expansion and/or designation of new lands may have on the 'Central Business District' or on surrounding land uses.

### 3.4 Industrial

The Industrial classification of land shall mean that the predominant use of land in the area so designated shall be for both “light” and “heavy” industrial uses.

Lands for Industrial uses have been designated on Schedules “A”, “B”, and “C”. The main objective is the establishment of additional industrial operations in Chesley, Paisley and Tara/Invermay in appropriate locations to expand the range of employment opportunities for the residents, and increase the industrial assessment base of the municipality.

#### 3.4.1 Goals

To provide a suitable range of sizes and types of industrial sites that are well situated with good access to municipal services and road facilities.

To promote the available industrial sites by placing an emphasis on their cost advantage and location in a pleasant community.

#### 3.4.2 Permitted Uses – Industrial

The Industrial designation shall be further divided into Light Industrial uses and Heavy Industrial uses in the implementing Comprehensive Zoning By-law.

##### 3.4.2.1 Permitted Uses – Light Industrial

Light Industrial uses are those uses which are conducted and wholly contained within an enclosed building and which are not, nor will become, obnoxious, offensive or dangerous by reason of the presence, emission and/or production of odour, dust, noise, smoke, fumes, glare, radiation and/or corrosive gases and/or which are not detrimental in appearance or effect to surrounding uses.

These may include manufacturing, processing, assembling, communication, public utility uses, warehousing, servicing, municipal garages, and veterinary clinics.

Other uses which are complimentary and/or accessory to the Light Industrial uses may also be permitted within the Industrial designation such as:

- < fire, police and ambulance services;
- < fraternal associations;
- < banquet halls;
- < commercial uses accessory and ancillary to a permitted light Industrial use.

##### 3.4.2.2 Permitted Uses – Heavy Industrial

On lands which do not abut residential and/or institutional uses Heavy Industrial uses may also be permitted. These are industries that use exposed storage on large lots and have some visual, noise or odour effects which extend beyond the site. These include redi-mix plants, bulk feed/fertilizer plants, construction yards, truck or transportation terminals, open storage of goods or materials, bulk fuel/chemical storage and commercial uses accessory to the permitted Industrial use.

### 3.4.3 Industrial Policies

Development of industrial lands will be in accordance with the following policies:

- a) The implementing Comprehensive Zoning By-law shall provide separate zones for Light and Heavy industrial uses and implement the policies of this section.
- b) All new Industrial uses shall comply with the relevant guidelines and standards of the Ministry of the Environment and other agencies.
- c) The type of industry permitted in close proximity to residential and/or institutional uses shall be such that there are no adverse effects on the residential and/or institutional uses resulting from the emission of odour, dust, noise, smoke, fumes, glare, radiation or other noxious emissions and which is not detrimental in appearance or effect to surrounding uses.
- d) Industrial uses located in proximity to a solid waste and sanitary sewage disposal site should be of a type not affected by adverse odours from these sites.
- e) Water supply and sewage disposal services shall be provided in accordance with Section 5.4.1.
- f) Where land designated for long term Industrial use is presently used for agricultural purposes, those agricultural uses and accessory uses and buildings shall be restricted to uses which will not adversely affect the existing or future development viability of the municipality.
- g) Industrial development may be subject to Site Plan Control under Section 7.11 of this Plan.
- h) The following site development standards shall be satisfactorily addressed by all proposed uses:
  - i) Landscaping shall be provided along all road frontages of the proposed use. A "Planting Area", as defined in the Comprehensive Zoning By-law, shall be established between all Residential uses and/or Institutional uses and new or expanding Industrial uses;
  - ii) Outdoor storage shall be located to the rear or side of the main building on the lot and shall be fenced or suitably screened from adjacent uses;
  - iii) Signs shall be limited in number and designed to be functional and avoid visual clutter and distraction, and where possible, should be consolidated on shared sign structures.

#### 3.4.3.4 Industrial Policies - Exceptions

- .1 AEOPA 4-11.39 229 4<sup>th</sup> St WE; Plan 213 Pt Lots 201 & 202; Plan 236 Pt Lot 6; RP 3R5579; Parts 1 to 6 (Chesley), Albright et al.

Notwithstanding the policies of this plan, the lands identified as Special Policy Area 3.4.3.4.1 on 'Schedule A: Chesley' to the Municipality of Arran Elderslie Official Plan may include an accessory detached dwelling as a permitted use. All other policies of this plan shall apply.

### **3.5 Recreation And Open Space**

The Municipality of Arran-Elderslie is fortunate to have a range of neighbourhood, community and regional scale parks in each of the urban areas. As each community grows, the quantity and quality of parks and open spaces should continue to improve.

Recreation facilities are also provided at school sites. The Main Saugeen, North Saugeen, Teeswater and Sauble rivers and Willow Creek provide a major open space/recreation feature through Chesley, Paisley and Tara/Invermay.

#### **3.5.1 Goals**

To ensure a broad range of recreation and open space opportunities are available for all residents and visitors.

#### **3.5.2 Actions:**

- a) Encourage the use of the Main Saugeen, North Saugeen, Teeswater and Sauble rivers for the recreational and passive enjoyment of area residents and visitors. This should include trail linkages, functional links between the river and the downtown, and accessibility for canoeing, fishing and passive recreation.
- b) Establish a diverse range of recreation opportunities for individuals and groups of all ages, lifestyles and abilities.
- c) Locate new parkland within or adjacent to new residential areas and create pedestrian linkages to the open space system.
- d) Promote the protection of lands that are important scenic vistas, possess important natural qualities, or are needed for public works.
- e) Encourage the co-ordination and provision of recreation facilities between the Community and other agencies such as school boards.

#### **3.5.3 Permitted Uses**

In areas designated 'Recreation and Open Space', the predominant use of land shall be oriented towards active and passive recreation and conservation activities. Permitted uses shall include public parks, pedestrian walkways and bicycle paths, playgrounds, picnic areas, swimming pools, sport fields, and other similar public or private recreation uses. Municipal services, community centres, arenas, farmers market, tourist information centre, cemeteries, golf courses and municipally owned and operated campgrounds may also be permitted within the 'Recreation and Open Space' designation.

#### **3.5.4 Recreation and Open Space Policies**

- a) It will be a policy of the Municipality to develop and maintain a system of parkland and recreation facilities to meet the needs of the community.

- b) The establishment of future parkland areas should be co-ordinated with the school boards to achieve the integration of facilities and to maximize recreation opportunities and the use of the facility.
- c) Proposals for new parkland shall be evaluated relative to the following criteria:
  - i) The site shall be of sufficient size and planned for appropriate facilities to meet the needs of the service area.
  - ii) Neighbourhood and community parks should be located adjacent to, or near, school sites where possible.
  - iii) Parks shall be centrally located to the neighbourhood being served to minimize walking distance to the parks and maximize potential use of the park.
  - iv) The design of new development areas should promote pedestrian linkages by means of walking trails and drainage systems.
- d) No Official Plan Amendment will be required for the conversion of lands in any other land use designation to Recreation and Open Space.

### **3.5.5 Parkland Provision Policy**

The total amount of space required for recreational or open space use in Chesley, Paisley and Tara/Invermay will be based on a standard of providing a total of 4 hectares of open space for every 1,000 persons. This is generally divided so as to provide adequate areas in the proper locations for neighbourhood playground, and community playfield needs and more passive neighbourhood and community parks.

- a) "Neighbourhood Parks" should be provided on the basis of 2 hectares of tableland for every 1,000 population and include facilities for active recreation of all age groups but special emphasis is placed on family groups and children. These parks should be adjacent or near elementary schools. Park areas for quiet relaxation may be joined to playgrounds.
- b) "Community Parks" should be provided on the basis of 1.5 hectares for every 1,000 population in a park area associated with a secondary school. These parks provide active sports and recreational facilities and fields.

#### **3.5.5.1 Parkland Dedication**

- a) The Municipality may require the dedication of parkland, in accordance with the Planning Act, for all developments, redevelopments and plans of subdivision. Lands to be dedicated shall be suitable for use as municipal parkland and shall be assessed on the following criteria:
  - i) The lands are located near or adjacent to established parks, school yards, natural areas, or storm water management areas;

- ii) The lands are within easy walking distance of the residential neighbourhood to be served;
  - iii) The lands have adequate street frontage, where applicable, to provide for visibility and safety;
  - iv) The lands are relatively level, regularly shaped and not susceptible to major flooding, poor drainage, or other environmental or physical conditions which would interfere with their development or use for public recreation; and,
  - v) The lands provide for scenic vistas or possess unique natural qualities.
- b) The Municipality may require cash-in-lieu of parkland as provided for in the Planning Act, under the following circumstances:
- i) The amount of parkland to be dedicated is not of sufficient size to be usable for normal public recreation activities;
  - ii) The neighbourhood is adequately serviced by existing municipal parks or open space;
  - iii) The Municipality wishes to combine the parkland dedications of a number of small developments in order to provide one large park; and,
  - iv) The required dedication would render the remainder of the site unsuitable or impractical for development.
- c) Cash-in-lieu payments shall be placed in a separate account and used for the acquisition or development of parkland within the community.



### **3.6 Natural Environment & Hazard**

The Natural Environment & Hazard designation includes lands which are classified as “natural hazards”. These are lands that are susceptible to flooding, erosion, instability and other physical conditions which may pose a risk to occupants of loss of life, property damage or social disruption. It is the intent of the Municipality to protect life and property by respecting these natural hazards by placing constraints on development.

In addition, the Natural Environment & Hazard designation also includes lands which can be described as “natural environment” which may include adjacent valley slopes of the Main Saugeen, North Saugeen, Teeswater and Sauble Rivers and Willow Creek, and tributaries to these rivers which contain locally significant natural features, including fish and wildlife habitat and vegetation communities. These lands should be left in a natural state where possible.

#### **3.6.1 Goals**

To protect and preserve lands having inherent physical and environmental constraints to development, in order to avoid potential danger to life or property from the use of such lands.

To protect and preserve lands that contain provincially or locally significant natural features, including fish and wildlife habitat and vegetation communities.

#### **3.6.2 Actions:**

- a) Prohibit or limit the development of lands with the potential for flooding and/or erosion, poor drainage, steep slopes, unstable soils, or other physical limitations which could endanger human life, cause property damage and/or social disruption.

#### **3.6.3 Boundaries**

Boundaries of the Natural Environment & Hazard may be flexible to a certain degree, depending upon the type of feature, and subject to revision through consultation with the Municipality and Saugeen Conservation or Grey Sauble Conservation Authority.

Minor adjustments to the boundaries, when agreed to by the Municipality and appropriate Conservation Authority, shall not require an amendment to this Plan.

Should more detailed mapping become available, or should flood control or other works be undertaken which result in changes in any area designated Natural Environment & Hazard boundaries, this Plan will be amended as required to incorporate such information.

#### **3.6.4 Permitted Uses**

On lands designated Natural Environment & Hazard, permitted uses shall be limited to essential flood, erosion and sediment control structures undertaken by a public authority, and passive and active outdoor recreation uses not requiring enclosed buildings. Buildings or structures for essential municipal services such as water and sewer pumping stations etc, may be permitted when approved by the appropriate Conservation Authority.

Nonetheless, any building or structure for essential municipal services which could be located outside the Natural Environment & Hazard designation is not permitted.

### **3.6.5 General Policies**

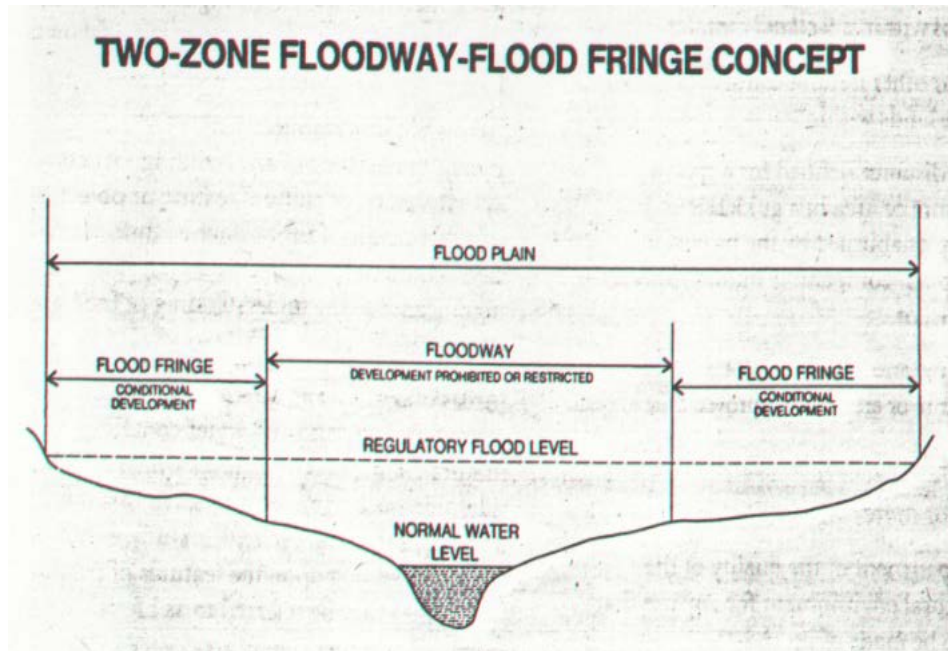
- a) No new development, structures, including enlargements or additions shall be permitted within the Natural Environment & Hazard designation or permitted within 6 metres (20 feet) of the top of stable slope of the Sauble River.
- b) The placing or removal of fill of any kind, whether originating on the site or elsewhere, within a Natural Environment & Hazard designation is prohibited unless approved by the appropriate Conservation Authority.
- c) "Permitted Uses" that require site modifications, such as parking lots, ball diamonds, sports fields etc., are not permitted in areas of environmental sensitivity or significance as determined by the appropriate Conservation Authority.
- d) Where any land designated as Natural Environment & Hazard is held under private ownership, this Plan shall not be construed as implying that such areas are free and open to the general public nor that the lands will be purchased by the Municipality or other public agency. There is no public obligation to either redesignate or to purchase any such lands if there is an existing or potential hazard that would be difficult or costly to overcome.
- e) Where development or site alteration within or adjacent to the Natural Environment & Hazard designation is proposed and detailed mapping is not available, the proponent shall be required to produce the necessary mapping.
- f) It shall be the policy of this Plan that the areas designated Natural Environment & Hazard shall be zoned in a separate and restrictive classification in the Comprehensive Zoning By-Law and/or appropriately protected through the use of Saugeen Conservation or Grey Sauble Conservation Authority Regulations.

#### **3.6.5.1 Flood Plain Policies**

A flood plain is an area, usually the low land along a watercourse, which has been or may be subject to flooding. These are lands that are not normally covered by water.

The flood plains in Chesley, Paisley and Tara/Invermay are defined in different ways. In Tara/Invermay the flood plain is based on the "100 Year Flood" event for the Sauble River. In Chesley, the flood plain is based on the "Regional Storm" (Hazel Storm), for the North Saugeen River. In Chesley and Tara/Invermay a 'One Zone Flood Plain' policy is used.

In Paisley the flood plain is also based on the “Regional Storm” but a “Two Zone Flood Plain” policy is used for most of the community. The flood plain is divided into two “zones”: the **FLOOD FRINGE**, which means the outer portion of the flood plain between the floodway and the outer limit of the flood plain (Figure 1). The **FLOODWAY** typically means



the central portion of the flood plain where development and site alteration would cause an unacceptable danger to public health and safety or property damage. In Paisley, development in the floodway is not permitted except for uses which by their nature must be located in the floodway such as flood and/or erosion control works. Additional guidelines and policies for lands which fall within the Paisley Flood Fringe Regulated Area are found in Section 3.6.5.2.

### 3.6.5.2 Paisley Flood Fringe Regulated Area

The Flood Fringe Regulated Area shown on Schedule “B” Paisley Land Use Plan, applies to all lands within the Regional Storm Floodplain between the limit of the Natural Environment & Hazard designation and the Regional Storm Floodline for the Teeswater and Saugeen rivers and Willow Creek.

Development in the flood fringe may be permitted by this Plan but does not imply that the flood risk is completely absent. Development could still experience flood damage and disruption from major flood events despite flood control dykes and flood proofing measures, with resulting consequences for landowners.

In the Flood Fringe Regulated Area the following policies apply:

- a) Within the Regulated Area, lands may be used according to their underlying land use designation including development such as expansion, conversion or reconstruction of existing uses and structures, or new development, provided that sufficient flood proofing measures and/or flood damage reduction measures, are

incorporated into the building or structure to the satisfaction and approval of Saugeen Conservation.

- b) Notwithstanding the policies of subsection a) above, some types of new development or expansions of existing uses may not be permitted within the Regulated Area due to the increased risk to life and/or property damage or risk of pollution. Such land uses which may not be permitted can include: industrial uses which manufacture, store, treat, dispose, or utilize hazardous substances; sewage treatment plants; institutional uses; and emergency services. If after careful consideration the use is to be allowed in the Regulated Area, then a higher level of flood protection and/or additional flood proofing precautions may be required.
- c) Lands designated within the Regulated Area will be zoned according to their underlying land use designation, except that every zone shall include a reference to the flood fringe constraint with the appropriate zone symbol.
- d) New development, or redevelopment, within the Regulated Area may be subject to the Site Plan Control requirements of Section 7.11.
- e) New development and construction must receive the permission of Saugeen Conservation in accordance with its regulations.

### **3.6.6 Paisley Fill Regulated Area**

The Fill Regulated Area designation shown on Schedule "B" Paisley Land Use Plan, applies to all lands situated between the Regional Storm Floodline and the Fill and Construction Limit as shown on the Fill Line Mapping of Saugeen Conservation. No placing or removal of fill or construction of buildings and structures are permitted without the issuance of a "Fill and Construction Permit" by Saugeen Conservation.

In the Fill Regulated Area no development shall be permitted unless in conformity with the following policies:

- a) The development proposal is in conformity with the policies pertaining to the underlying land use designation;
- b) The development proposal complies with the provisions of the zoning by-law;
- c) A 'Fill and Construction Permit' has been issued by Saugeen Conservation.

### **3.6.7 Redesignation / Development of Land**

It shall be the policy of this Plan that in considering an application for the redesignation of lands designated Natural Environment & Hazard for other purposes **or** an application for new development/redevelopment, Council will consider redesignation or the development/redevelopment, if the following can be satisfied:

- i) An Environmental Impact Study, prepared in accordance with Appendix "A", Environmental Impact Study Guidelines, indicates that impacts from the proposed use or re-use are minor and can be successfully mitigated. It is the policy of Council to allow for the waiving of the requirement for the preparation of an EIS upon

recommendation of the appropriate Conservation Authority if the proposal is of such a minor nature or site conditions are such that the preparation of an EIS would serve no useful purpose for the protection of the significant environmental features; and

- ii) The hazards can be safely addressed and new hazards are not created or existing ones aggravated. This may include preparation of an engineering study to the satisfaction of Council and Saugeen Conservation or Grey Sauble Conservation Authority; and
- iii) Vehicles and people have a way of safely entering and exiting at all times; and
- iv) The development does not include institutional uses or essential emergency services or involve hazardous substances; and
- v) The approval where required, of Saugeen Conservation or Grey Sauble Conservation Authority has been obtained.

### **3.7 Institutional And Community Facilities**

The wide range of institutional and community facilities located in Chesley, Paisley and Tara/Invermay help define each community's role as a local service centre. Not only do these facilities draw people into each community because of their various functions, they also provide a number and wide range of employment opportunities.

Within Chesley, Paisley and Tara/Invermay, institutional and community facilities are located throughout the communities because they have traditionally been permitted within residential neighbourhoods and commercial areas.

#### **3.7.1 Goals**

Maintain and enhance the existing local and community Institutional and Community facilities for their economic, social and cultural importance.

#### **3.7.2 Actions**

- a) Promote the use of schools and community institutions as community centres.
- b) Encourage the establishment of regional and community institutions and programs which address the changing needs of the community.
- c) Promote the location of special need housing complexes close to community facilities and support services.

#### **3.7.3 Permitted Uses**

'Institutional and Community Facilities' include educational facilities, places of worship, cemeteries, and other civic and institutional uses such as hospitals, medical clinics, fire halls, police stations, ambulance stations, public libraries, child care facilities, museums, fraternal association halls and similar places of assembly. (revised AEOPA10-16.38)

#### **3.7.4 Institutional and Community Facility Policies**

The following policies shall apply to all Institutional and Community Facilities within Chesley, Paisley and Tara:

- a) The Comprehensive Zoning By-law shall endeavour to place all Institutional & Community Facilities in a separate zone.
- b) It shall be the policy of the Municipality to ensure that new Institutional and Community Facilities are located so as to allow for a broad, shared use of the facility when possible.
- c) It shall be the policy of the Municipality that the following locational criteria be satisfactorily addressed by all new Institutional and Community Facility proposals:

- i) that the proposal is of a scale which is compatible with surrounding uses and should be able to function as a focal point for the neighbourhood or community;
  - ii) the proposed site shall be located on an arterial or collector road and that an adequate level of both vehicular and pedestrian access is available;
  - iii) the site area shall be adequate to accommodate buildings, future expansions, accessory off-street parking and landscaping;
  - iv) the proposed site may be adjacent or near Open Space or other institutional or community facilities;
  - v) the proposed site is strategically located in order to minimize travel time for the existing and anticipated service area population.
- d) Adequate buffer planting or fencing shall be established between the 'Institutional and Community Facility' land use and adjacent residential uses in accordance with the standards established in the Comprehensive Zoning By-law.
- e) Adequate off-street parking facilities shall be provided and shall be encouraged to be located to the rear and side yards. Development wishing parking in the front yard must demonstrate that no other feasible option exists for accommodating the needed parking.
- f) 'Institutional and Community Facility' development may be subject to Site Plan Control under Section 7.11 of this Plan.

### **3.8 Future Development**

Certain lands within Chesley, Paisley and Tara/Invermay may be designated Future Development. This designation recognizes that the lands are required in order to meet the overall land use requirements of the community over the planning period but that their intended final use has not been determined at this time.

#### **3.8.1 Goals**

To preserve the status quo of lands designated for Future Development purposes until such time as there is a demonstrated need for the urban use of such lands.

#### **3.8.2 Actions**

- a) Limit the fragmentation of existing parcels of land.
- b) Prohibit the establishment of new animal agricultural operations or the expansion of existing animal agricultural operations.

#### **3.8.3 Permitted Uses**

The use of lands designated Future Development shall be limited to non-animal agricultural uses, Natural Environment & Hazard uses, and forestry. A single family residential dwelling on an existing lot of record shall also be permitted. New animal agricultural operations shall not be permitted.

#### **3.8.4 Policies**

- a) Existing animal agricultural operations will be permitted to continue operation but shall not be permitted to expand or enlarge.
- b) Lands designated Future Development shall come into full urban use by an amendment to this Plan if and when development in other land use areas is reaching its full capacity and when basic service extensions of water, roads, sanitary sewers and storm sewers/drainage become economically feasible.
- c) Consents shall be limited to: the creation of parcels for uses permitted in the Recreation and Open Space or Natural Environment & Hazard designations; lot enlargements; adjustment to existing lot lines; and the creation of parcels for the provision of essential public services.



### 3.9 All Designations

In all land use designations on Schedule “A”, Schedule “B” and Schedule “C”, it shall be the policy of this Plan that infrastructure required for municipal water supply and distribution, sewage collection and treatment, public roads and trails supportive of the land use policies of this Plan, facilities required for telecommunications, data transmission, and electrical distribution shall be permitted, provided that such use is necessary in the designation, that it can be made compatible with its surroundings, and that adequate measures are taken to ensure this compatibility.

Administrative offices, maintenance buildings or yards for regulated services or utility companies, the Municipality, County of Bruce or any federal or provincial ministry or agency shall conform to the appropriate land use designation and policies of this Plan.

Notwithstanding the above, in the ‘Natural Environment & Hazard’ designation, only those buildings and structures intended for flood or erosion control shall be permitted.

### **3.10 Special Policy Areas**

The policies in the following subsections apply to those areas having corresponding subsection numbers on the Land Use Plan.

#### **3.10.1 Bruce Packers Treatment Ponds**

Notwithstanding the "Industrial" policies of this Plan, for those lands identified as Special Policy Area 3.10.1, described as Part Lot 16, Concession A [former Township of Elderslie] the permitted uses shall be limited to two sewage treatment lagoons. The sewage treatment lagoons have a 'buffer zone' of 200 metres to the north, south, east and west.

Development of new residential and institutional land uses will not be permitted in the 'buffer zone'.

#### **3.10.2 Chesley OPA #10**

Notwithstanding the "Residential" and "Natural Environment & Hazard" policies of this Plan, for those lands identified as Special Policy Area 3.10.2, described as Part of Park Lots M and N, Registered Plan 149, [former Town of Chesley], the following uses may be permitted within the existing principle building and minor expansion thereto: existing commercial uses; business office; residential apartment units to a maximum of eight (8); and, an electrical generating facility. In addition, a 12' x 25' utility room may be constructed and attached to the south side of the existing main building and a 12' x 16' addition in the form of an enclosed loading dock may be constructed along the east side of the existing main building. Furthermore the existing frame shed located on the northerly portion of the subject lands may be replaced and used as a greenhouse provided the new shed is situated in the same location and is constructed of a size (ground floor area) no larger than the existing building.

#### **3.10.3 Chesley Landfill & Sewage Lagoons**

Notwithstanding the "Industrial" policies of this Plan, for those lands identified as Special Policy Area 3.10.3, described as Lot 27, Concession 3, Plan 236 Lot 5 [former Town of Chesley] the permitted uses shall be limited to a solid waste disposal site and sewage treatment lagoons. The solid waste disposal site and sewage lagoons have a "buffer zone" of 200 metres to the north, south, east and west. Development of new residential and/or institutional land uses will not be permitted in the "buffer zone".

#### **3.10.4 Tara OPA #40**

Notwithstanding the "Industrial" policies of this Plan, for those lands identified as Special Policy Area 3.10.4, described as Part Lot 7 and Part Lot 8, North of Brook Street, Registered Plan 21 [former Village of Tara] the permitted uses shall be limited to a retail wholesale establishment with a small area used for related retail sales to the general public and a printing shop within the structure existing on the date of the adoption of this Official Plan.

#### **3.10.5 Chesley OPA #13**

Notwithstanding the “Commercial” policies of this Plan, for those lands identified as Special Policy Area 3.10.5, described as Part Park Lot ‘0’, Registered Plan 149 [Part 3 on Plan 3R-7226] [former Town of Chesley] may be used for ‘Large Format Commercial’ uses excepting however, that no use which manufactures, or stores in bulk, hazardous substances including fuels, gases, lubricants, oils, etc. shall be permitted. All other policies of Section 3.3 “Commercial” and Section 3.3.3.2 ‘Large Format Commercial’ shall apply with the exception of the Section 3.3.3.2.2a)i).

## Section 4 - General Community Policies

### 4.1 Economy

The economic policies of this Official Plan encourage industrial retention and attraction, home occupations, commercial and service employment opportunities, tourism, and support for the municipality's institutional employment base.

As local service centres, the economic health of Chesley, Paisley and Tara/Invermay is very important to those living within these communities, as well as those living in the remainder of the Municipality. A healthy, growing economy allows for improvements in the services available, attracts new residents and provides jobs for the young people growing up in these communities.

#### 4.1.1 Goal:

To provide a positive economic climate to attract industry, encourage private investment, create a wide range of employment opportunities, and enhance a balanced municipal assessment base

#### 4.1.2 Actions:

- a) Promote Chesley, Paisley and Tara/Invermay as local service centres and tourist destinations within an agricultural setting.
- b) Provide sufficient suitable lands and necessary municipal services for a broad range of economic activities.
- c) Strengthen the respective downtown cores as the commercial focal point of each community.
- d) Advocate municipal co-operation with private enterprises.
- e) Participate with the Chamber of Commerce, Business Improvement Area, tourism organizations and service groups in the co-ordinated promotion of Arran- Elderslie.
- f) Participate with local agencies in providing retraining and continuing education opportunities for the local labour force.
- g) Recognize home occupations as an important economic activity.
- h) Promote Arran-Elderslie in terms of its tourism potential and access to the North Saugeen and Teeswater Rivers.
- i) Promote a co-ordinated and co-operative approach to regional economic development initiatives.
- j) Continue to support the many institutions and public agencies which diversify the local economy.

## 4.2 Heritage Conservation

Council recognizes that there are features of historic, archaeological or architectural significance within the municipality. Where possible, Council will attempt to preserve them. The following policies may be used in guiding such attempts:

### 4.2.1 Policies

- a) New development permitted by the land use policies and designations of this plan should have regard for heritage resources and should wherever possible, incorporate these resources into any plan that may be prepared for such new development within the municipality;
- b) Within the “Recreation and Open Space” and “Natural Environment & Hazard” designations recognized in this Plan, Council should encourage measures which enhance public appreciation and visibility of interesting industrial operations, buildings, structures, or landscapes of historic, archaeological or scenic value;
- c) Council may use all relevant legislation to encourage the preservation and enhancement of heritage resources and should attempt to increase awareness of the value of heritage conservation in the community;
- d) Council may investigate and initiate various methods to provide planning incentives such as bonusing provisions, transfer of density, special zoning by-laws, site plan control provisions, etc. for the purposes of cultural heritage conservation.
- e) The Municipality recognizes that there may be archaeological remains of prehistoric and historic habitation, or areas containing archaeological potential within the boundaries of each Urban Area. Council may therefore require Archaeological Assessments conducted by archaeologists licensed under the Ontario Heritage Act, as a condition of any development proposal affecting these resources. Archaeological assessment reports conducted by licensed archaeologists are to be in compliance with licensing requirements established under the Ontario Heritage Act.
- f) When an identified human cemetery, marked or unmarked human burial is affected by land use development, the Municipality shall consult appropriate government agencies, including the Ministry of Citizenship, Culture and Recreation (MCzCR) and the Ministry of Consumer and Commercial Relations (MCCR). The provisions under the Heritage Act and the Cemeteries Act shall apply.
- g) The Ontario Heritage Act may be utilized to conserve, protect and enhance the heritage of the Municipality through the designation of individual properties as areas of architectural and historical significance.

To this end, the Municipality may establish a Local Architectural Advisory Committee in accordance with provisions of The Ontario Heritage Act to advise Council on heritage conservation matters.

#### **4.2.2 Criteria for identification of Heritage properties**

The significance of the property in illustrating or interpreting the heritage of the property should be judged by the basic criteria of architectural merit and historical association. In general, the property should illustrate effectively the broad architectural, cultural, social, political and economic patterns of the municipality's history or should be associated or identified with events or persons that have shaped that history in a significant way.

#### **4.2.3 Criteria for identification of Heritage Conservation Districts**

An area identified as a potential Heritage Conservation District should contain a number of properties of architectural and historical value which when seen together form a unit that reflects an aspect of the municipality's historical or cultural development or that contains important aesthetic or environmental characteristics, which warrant that the area be protected in its entirety.

A plan may be prepared to examine those aspects of the study area that contribute to its special character and contain recommendations as to what actions or policy directions should be initiated to conserve the heritage of the district.

Council may seek endorsement by the Ministry of Citizenship and Culture of its Heritage Conservation District Plan.

### **4.3 Community Improvement**

Community improvements are defined as public and private sector activities which maintain, rehabilitate and redevelop the existing physical environment of the Community.

Community Improvement Areas for Chesley, Paisley and Tara/Invermay may be selected from any area within the municipality subject to the criteria set out in this Section.

#### **4.3.1 Goals and Objectives**

The principal Community Improvement Goals for Chesley, Paisley and Tara/Invermay are:

- a) To protect and enhance the quality of areas which the residents value highly;
- b) To eliminate the deficiencies in municipal services and recreational facilities wherever it is economically and physically possible;
- c) To assist the community in improving the overall appearance of residential, commercial and industrial structures and to act as a catalyst for individual improvement by acquiring properties that are beyond rehabilitation and improving their blighting influence from the area;
- d) To urge and assist owners of commercial, industrial and residential property to rehabilitate premises where necessary in order to eliminate deterioration and improve community pride in ownership or occupancy.

The specific Objectives for the Community Improvement Areas for Chesley, Paisley and Tara/Invermay are:

- i) To provide for the maximum feasible amount of rehabilitation of existing housing and commercial and industrial premises by making use of any government programs for financial assistance;
- ii) To establish an active program for informing the property owners of various available forms of housing, commercial and industrial rehabilitation assistance;
- iii) To enforce the Property Standards and Zoning By-law and any controls which will contribute to the visual attractiveness of the community and the health and safety of the occupants;
- iv) To improve the safety and visual appearance of the community by installing new sidewalks, improved street lighting, power lines, curbs and gutters and resurfacing selected streets within the areas identified as in need of community improvement on a phased program;
- v) To improve the water distribution, storm sewer and sanitary sewer systems within the areas identified as in need of community improvement on a phased program;
- vi) To improve the visual appearance of the community by encouraging the relocation of non-conforming land uses and incompatible land uses;

- vii) To ensure that the residents of Chesley, Paisley and Tara/Invermay have a full range of community, social and recreational facilities by further developing or improving existing parks in the community;
- viii) To encourage the residents and ratepayers to participate in the implementation of Community Improvement Plans and other programs aimed at improving the community either by service clubs or individual actions or concerns.
- ix) To encourage the residents and rate-payers in the business community to participate in the implementation of a Business Improvement Area to preserve and enhance the viability of existing commercial and employment areas.

#### **4.3.2 Criteria for Selecting Community Improvement Areas**

Criteria for the selection of areas eligible for community improvement will include, among other items deemed appropriate by the municipality, the following:

##### **4.3.2.1 Residential Areas**

- a) That a portion of the housing stock is in need of rehabilitation, whether interior or exterior;
- b) There is a deficiency or deterioration in one or more of the following municipal services or community facilities:
  - i) sewer and watermains;
  - ii) roads and streets;
  - iii) curbs and sidewalks;
  - iv) street lighting and utilities;
  - v) public indoor/outdoor leisure and recreational facilities;
  - vi) public parkland;
  - vii) public social facilities such as community centres, libraries, clinics, child care facilities, youth centres; (Revised AEOPA10-16.38)
- c) The area is potentially stable in terms of land use and densities and there are no indications of major redevelopment plans other than those in the form of improvements;
- d) That the area is in part residential and appropriately zoned.

##### **4.3.2.2 Commercial and Industrial Areas**

- a) There is a deficiency or deterioration in one or more of the municipal services;
- b) The area exhibits problems with traffic circulation and/or parking deficiencies;
- c) The area contains land use conflicts between non-compatible uses or under-utilization of land which may detract from the viability of the area;
- d) The area is an older predominantly commercial or industrial area which is stable in terms of land use and viable economically;



- e) The area exhibits symptoms of physical, functional and/or economic decline in the form of, for example, buildings in need of rehabilitation, decrease in retail sales, high vacancy rate or declining tax base.

#### **4.3.3 Phasing of Improvements**

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

From time to time, as Council proceeds to carry out improvements, it may, by By-law, designate areas in Chesley, Paisley or Tara/Invermay as Community Improvement Project Areas based on the criteria set out in Section 4.3.2 and prepare a Community Improvement Plan for that area.

The designation of a Community Improvement Project Area will be influenced by the availability of government assistance to help implement the necessary improvements.

#### **4.3.4 Implementation**

The following measures may be implemented by Council to help achieve the municipality's goals and objectives pertaining to community improvement:

- a) Designate a "Community Improvement Project Area" by By-law pursuant to Section 28(2) of the Planning Act, R.S.O. 1990, as amended.
- b) Provide for the preparation of a "Community Improvement Plan" for a Community Improvement Project Area pursuant to Section 28(4) of the Planning Act, R.S.O. 1990, as amended.
- c) Acquire land within a Community Improvement Project Area and clear, grade or otherwise prepare the land for community improvement.
- d) Construct, repair, rehabilitate or improve buildings or land acquired or held by the municipality in Community Improvement Project Areas in conformity with Community Improvement Plans.
- e) Evaluate development and redevelopment applications within Community Improvement Project Areas having regard for the objectives of community improvement in that area.
- f) Enforce the Property Standards By-law to avoid seriously sub-standard properties.
- g) Utilize Federal and Provincial government programs when available to assist with community improvement and property rehabilitation where appropriate.
- h) Consider the need for community improvement in the preparation of capital and current budgets.

## 4.4 Environment

The natural features of the three communities are centred around the Main Saugeen, North Saugeen, Teeswater and Sauble Rivers and their tributaries. The rivers have shaped the location of land uses as well as the topography and layout of the Municipality.

The public has noted a desire over the years to protect the environment in numerous ways, including protecting and improving the features of the River systems and ensuring tree planting in the various downtown cores as well as in new subdivisions.

### 4.4.1 Goal:

To protect and enhance the environment by minimizing air, water and land pollution, and through the wise use of the area's natural resources.

### 4.4.2 Actions:

- a) Review all development proposals to ensure that environmental concerns are addressed, including land use compatibility between sensitive land uses and transportation, utility and industrial facilities.
- b) Improve the water quality of the various rivers and tributaries through wise land use practises and the efficient treatment of sewage and the management of storm water.
- c) Protect the rivers for their ecological, visual, recreational, and economic importance to each community.
- d) Review all development proposals to minimize flooding potential and ensure no net loss of fish habitat.
- e) Promote the conservation of energy, water and other natural resources.
- f) Ensure the orderly development, use and closure of all solid waste landfill sites to ensure protection of surrounding land uses.
- g) Encourage reduction, re-use and recycling of waste materials.
- h) Initiate a municipal urban tree policy for the removal and planting of trees on municipal property
- i) Promote the retention and implementation of natural buffer areas adjacent to watercourses.

### 4.4.3 Environmental Review Policies

- a) Depending on the scale, intensity and type of development being proposed, environmental studies, as determined by the Municipality or various government agencies, may be required prior to the Municipality making a decision on development proposals.

- b) The environmental review of all development proposals shall assist in determining whether the development should be endorsed by the Municipality and if so, what environmental safe-guards shall be required.

#### **4.4.3.1 Land Use Compatibility and Sensitive Land Uses**

- a) The Municipality shall consider the land use compatibility between sensitive land uses such as residential, and transportation, utility and industrial facilities.
- b) Land uses which are incompatible because of noise, dust, odour, vibration and other adverse environmental impacts should generally be kept separate from sensitive land uses.
- c) The Municipality shall strive to maintain compatibility between sensitive land uses and industrial facilities. Measures including land use separation, buffering, screening and site design measures shall be provided between incompatible land uses in accordance with the guidelines of the Ministry of the Environment. Distances shall vary depending on the nature of the industrial facility and the intervening land use.

#### **4.4.3.2 Water Quality and Quantity**

- a) The Municipality shall consider the potential impact a development may have on the quality and quantity of the Community's water resources. Such an assessment should not only involve the individual development but should also take into account the cumulative effects that such a development may create.
- b) Development shall be assessed based on:
  - i) protection, maintenance and restoration of water resources;
  - ii) impact on the quality and quantity of surface and groundwater resources; and,
  - iii) promotion of water conservation and the efficient use of water resources.

#### **4.4.3.3 Municipal Wellhead Protection (MWHP)**

(revised by AEOPA11-17.49)

The Province of Ontario has established the Drinking Water Source Protection (DWSP) program that is guided by the Clean Water Act, 2006. The purpose of this Act is to protect existing and future sources of drinking water. Under this program, it is the responsibility of a Source Protection Committee to develop Assessment Reports and a Source Protection Plan for the Source Protection Region.

The water supply for Chesley, Paisley and Tara/Invermay is derived from municipal wells and groundwater sources located inside of the urban boundaries of Chesley and Tara/Invermay. The aquifers supplying water to these wells may be vulnerable to contamination from land-use activities. Protection of the groundwater resource is therefore vital to ensure an adequate supply of safe, potable water.

The delineation of WHPAs is an important means for directly and immediately safeguarding the public water supply. A WHPA is defined as "the surface and underground area surrounding a water well or well field that supplies a municipal residential system or other designated system through which contaminants are reasonably likely to move so as to eventually reach the water well or wells." Wellhead Protection Areas for the Municipal wells in Chesley and Tara/Invermay are illustrated in Schedules 'E.1,' 'E.2,' and 'E.3' to this plan. Policies within the Source Protection Plan may apply to activities in these mapped areas.

The Source Protection Plan identifies that Municipalities are responsible for, among other things, using planning tools to prohibit and/or manage risks from significant drinking water threats. Policies that reflect this responsibility are identified below, insofar as they relate to the settlement areas of Chesley and Tara/Invermay. Portions of the WHPAs which are located outside of the settlement areas of Chesley and Tara/Invermay are subject to the Bruce County Official Plan.

1. Waste Disposal Sites shall not be permitted in Vulnerable Areas including the Wellhead Protection Area 'A', 'B', 'C' or 'E' where the vulnerability- score is greater than "8."
2. In addition to the policies of Section 7.12 Subdivision and Consent Policies Lot creation within the Chesley and Tara/Invermay Wellhead Protection Areas 'A' and 'B' with a Vulnerability Score of "10" shall only be permitted if the lots will be serviced by a municipal sewage system or where an on-site septic system could be located outside of the Wellhead Protection Area 'A' or 'B' where the Vulnerability Score is "10." The implementing zoning by-law may be used to establish the appropriate location of the sewage disposal system.
3. Stormwater Management Facilities should be avoided within Wellhead Protection Areas. If Stormwater management facilities are required within the Wellhead Protection Area, such facilities should be designed to minimize infiltration to groundwater from ponds, constructed wetlands, swales, and other similar components. Infiltration trenches, galleries, and other similar sub-surface components that allow for direct infiltration of collected stormwater to groundwater should not be employed.
4. Land uses and activities identified as being Restricted Land Uses within the Source Protection Plan within the Vulnerable Areas identified above may be prohibited or may require approval of a risk management plan. Consultation with the Risk Management Office and a notice from the Risk Management Office shall be required as part of a complete application to establish any use or activity which is restricted by the Source Protection Plan.

#### 4.4.3.4 Site Re-Use - Soil Quality Assessment

- a) All persons acquiring land for any purpose are expected to satisfy themselves with respect to any potential hazardous waste.
- b) The Municipality may require residential and commercial development proposals involving the redevelopment of industrial, transportation or utility sites to include investigations into the potential contamination of the site as a result of the previous use. When required, the studies and investigations shall be completed pursuant to established standards and policies of the Ministry of the Environment.
- c) Contaminated sites must be thoroughly investigated and a clean-up plan prepared in accordance with Ministry of the Environment guidelines, prior to the Municipality's consideration of the re-development proposal.

#### 4.4.3.5 Fish Habitat

- a) It shall be a policy of the Municipality to permit development that has regards to the standards established by the Ministry of Natural Resources and the Conservation Authorities with respect to preserving fish habitat. It shall be a goal of the Municipality to have no net loss of fish habitat and to promote development options that create a net gain in fish habitat.

#### 4.4.4 Water Conservation Policies

- a) The Municipality shall encourage water conservation by the residents, businesses and industry connected to the each municipal water system. This may include the promotion of water conservation practices such as, water meters, changes in daily habits and retrofits to plumbing fixtures.
- b) The Municipality may promote a water conservation educational program to assist users in undertaking reasonable steps to reduce water consumption. Such a program may include the following:
  - i) Water conservation products and techniques that are effective and available for households, businesses and industries;
  - ii) Distribution of information on products and techniques to households;
  - iii) Periodic presentations on water conservation so that residents can learn about water conservation techniques.

#### 4.4.5 Energy Conservation Policy

- a) The Municipality shall encourage measures to conserve energy resources in new development. These measures may include:
  - i) Maintaining a compact urban form;
  - ii) Establishing an efficient transportation network;

- iii) Providing neighbourhood services and facilities in close proximity to residential development to reduce vehicular travel;
- iv) Avoiding the extensive loss of sunlight to adjacent land uses;
- v) Encouraging the energy efficient design of buildings and the installation of energy conserving appliances, fixtures and systems; and
- vi) Encouraging the proper siting of buildings and appropriate landscaping for wind shelter in the winter and the prevention of overheating in the summer.

#### **4.4.6 Waste Management Policies**

- a) The Municipality shall endorse and implement reasonable waste diversion strategies, including reduce, reuse and recycle techniques from the Bruce County Waste Management Master Plan Study.

## Section 5 - Municipal Services

Services and utilities such as the provision of a potable water supply, disposal of wastes and energy supply, are essentials of life. The provision of such utilities is often an important means of implementing, planning and directing urban growth and economic development.

### 5.1 Goal

**To provide a full range of affordable municipal services to meet the economic, social and environmental needs of the community.**

### 5.2 Actions

- a) Continue the efficient use of municipal solid waste disposal, sewer and water services through the appropriate prioritization and upgrading of municipal service improvements.
- b) Provide sufficient sewage treatment and water reserve capacity and adequate collection and distribution facilities to accommodate future growth.
- c) Consider a wide range of options for paying for municipal services such as taxes, user fees, front ending, privatization, and prioritizing service delivery.
- d) Ensure new development incorporates storm water management principles.
- e) Establish a process whereby a commitment to sewage treatment and water supply capacity occurs upon Draft Approval of a Plan of Subdivision / Condominium.

### 5.3 Solid Waste Services

The present solid waste disposal sites at Chesley and (former Township of ) Arran have adequate disposal capacity for the projected growth of both the urban areas and rural areas of the Municipality.

### 5.4 Water Supply and Sewage Disposal Policies

The majority of households and businesses in Chesley, Tara and Paisley receive municipally treated water and sewer services. In order to plan for future residential, commercial or industrial growth, the 'uncommitted hydraulic reserve capacity' of both the water and the sewage disposal systems must be known.

Calculations based on available information indicate that after accounting for development that has already been approved, there may or may not be sufficient capacity in the water and sewer systems to accommodate future development. As development occurs, a 'running tally' of the uncommitted capacity should be kept by the Municipality.

It shall be a general goal of the municipality to ensure the efficient use of municipal sewer and water services and to maintain sufficient sewage treatment and water supply capacity for future growth. In order to meet this goal, the Municipality adopts the following policies:

- a) Decisions regarding water supply and sewage disposal services shall be consistent with intent and policies of the land use designation included within this Plan.
- b) The Municipality shall demonstrate that adequate reserve capacity in the Municipality's water/sewage works is available to accommodate a proposed development. Limitations in the operating performance of the water/sewage works shall be recognized as a constraint to the timing of new development.
- c) The Municipality shall pass by-laws and enter into agreements, including financial arrangements, with property owners for the installation of municipal services.
- d) The Municipality shall require development and redevelopment projects to demonstrate that storm water originating from the site is not entering the sanitary sewer system.

#### **5.4.1 Provision of Municipal Services, Partial Services and Phasing**

This Plan is based on the philosophy that growth should be planned and implemented in a manner that is environmentally and economically sound, and that does not create an undue burden on the taxpayers of the Municipality.

It is the intent of this Plan that all lands within the urban boundaries of Chesley, Paisley and Tara/Invermay shall ultimately be serviced with full municipal sewage and water services.

However, development on *partial services* may be permitted in certain situations as outlined in Section 5.4.1.1. *Partial services* means connection to one full municipal service where the other connection will be to an individual on-site system.

All Plans of Subdivision, or development classified by the County of Bruce as a major new development or redevelopment, shall be serviced by full municipal sewage and water service, unless the Municipality has undertaken a 'Settlement Capacity Study' in accordance with the requirements of the County of Bruce Official Plan.

A Phasing Plan (Schedule "D") has been prepared to direct short term growth to areas of Chesley, Paisley and Tara/Invermay where municipal sewer and water services are currently available or can be made available economically.

##### **5.4.1.1 Partial Servicing**

Development may be permitted on partial services provided all of the following criteria has been met:

- a) Development on *partial services* may be permitted on an existing 'lot of record' in accordance with the following policies **or** on a new lot created in accordance with Section 7.12.2 Consent Policies and the following policies:



An existing 'lot of record' may be developed on partial services provided it is 930 square metres (10,010 ft<sup>2</sup>) in total lot area or larger. The implementing zoning by-law shall contain provisions prohibiting construction based on partial services on lots less than 930 square metres (10,010 ft<sup>2</sup>).

A new lot created in accordance with Section 7.12.2 Consent Policies shall be a minimum of 930 square metres (10,010 ft<sup>2</sup>) in total lot area. New lots shall be of a dimension that will permit the lot to be divided to create two or more suitably sized and zoned lots when ultimately serviced with full municipal sewage & water services.

- b) Full municipal sewage and water services are either 'not available' **or** are 'not feasible'.

A municipal service shall be considered 'not available' when the 'end of the municipal sewer or municipal water pipe' is more than 150 metres from the closest edge of the proposed/existing lot.

A municipal service shall be considered 'not feasible' when the cost of construction and installation of the municipal sewer or municipal water service exceeds three (3) times the cost of an equivalent individual on-site system **or** sufficient water pressure/capacity or pumping capacity is not available at the end of the service pipe.

- c) The development and/or lot creation shall be placed in a special zone in the implementing zoning by-law that recognizes the partial servicing and the implementing zoning by-law shall require all buildings and structures to be constructed to one side of the lot in order to facilitate future severance.
- d) The development will not require an excessive amount of water or dispose an excessive volume of wastewater. Excessive is defined as requiring more, or disposing of more, than 2200 litres (580 gallons) per day.
- e) The proposed individual on-site system does not require approval under the Ontario Water Resources Act.
- f) The proposed individual on-site system complies with the standards, policies and procedures of the approval authority and/or the Ministry of the Environment.
- g) The owner shall sign a mandatory sewer or water service connection agreement with the Municipality that shall be binding on all future owners.

#### **5.4.1.2 Full Municipal Services and Phasing**

The Municipality's Phasing Plan represents the ideal strategy given the servicing capabilities of the Municipality at the time of adoption of this Plan. The Phasing Plan recognizes that there are significant undeveloped lands within the urban boundaries to which the provision of municipal sewer and water can be costly. The Plan therefore directs short term growth to certain areas within the urban boundaries until such time as the

existing municipal sewer and water infrastructure can be expanded to include all of the urban area.

Minor adjustment to the boundaries of the Phased Areas shall be permitted without an amendment to this plan.

Development shall proceed in accordance with the following Phasing policies:

a) Phase One Area

The Phase One area has top priority for municipal service allocation. This area represents the area of Chesley, Paisley and Tara/Invermay which is currently designated for development and provided with municipal water and sewer, and can reasonably be provided with continued service in the future.

Prior to development of any areas outside of the Phase One Area, the Municipality shall be satisfied that adequate capacity shall be available to Area One. Additionally, the Municipality shall be assured that enough capacity exists to permit infilling and intensification within Phase One Area.

b) Phase Two Area

The Phase Two Area represents the area designated for Future Development, but which is not yet serviced by municipal sewer and water services. It is intended that municipal services shall not be extended to the Phase Two Areas unless it can be shown that sufficient capacity exists to service the phase One area well into the future (including opportunities for infilling and intensification in Phase One Area).

#### **5.4.2 Well Drilling Policies**

Well drilling, and/or the extraction of groundwater for any purpose, shall not be permitted within the urban boundaries of this Plan unless such well or extraction is constructed or undertaken on behalf of the Corporation, any agency authorized by the Corporation, the County of Bruce or the Province of Ontario. "Well drilling" shall mean any of the following:

- (a) Constructing, reconstructing or repairing a well.
- (b) Operating a well drilling machine.
- (c) Installing or removing casing or a well screen.
- (d) Well grouting.
- (e) Well development.
- (f) Well rehabilitation.
- (g) Hydrofracturing.
- (h) Chemical treatment of a well.

The Implementing Comprehensive Zoning By-law shall include regulations that implement the policies of this section.

## 5.5 Storm Water Management Policies

In order to control flooding, ponding, erosion and sedimentation, and to protect as much as possible water quality and aquatic or other natural habitat which depend upon watercourses and other water bodies for their existence, storm water management plans shall be required to be prepared and implemented for some forms of new development in accordance with the following policies:

- a) The Municipality shall require at source best management practices and techniques to maintain storm water quality and manage storm water quantity when possible.
- b) Proposed Draft Plan of Subdivision applications shall be required to prepare and implement a storm water management plan which meets the quality and quantity requirements of the Municipality of Arran-Elderslie, Saugeen Conservation or the Grey Sauble Conservation Authority.
- c) Proposed commercial or industrial developments with large amounts of impervious area may be required to prepare and implement a storm water management plan as determined on a site-by-site basis in consultation with the Municipality and the Conservation Authority.
- d) Storm water management plans shall utilize the 'major-minor' system concept and:
  - i) The storm water management system shall be designed to control run-off from the site to predevelopment levels, up to and including the Regional Storm event or 100 year storm event as applicable, and where necessary, shall require detention or storage facilities to control discharge rates. Where feasible, detention must be provided onsite.
  - ii) The minor system shall accommodate run-off from more frequent storms up to the design capacity of the existing receiving system and, where necessary, shall require detention or storage facilities. New collection systems shall be designed in accordance with the Municipality's municipal servicing standards.
- d) As determined by the Municipality in consultation with the Conservation Authority, other proposed new development or redevelopment may be required to prepare and implement a storm water management plan, if the area to be developed/redeveloped has existing drainage problems or if runoff could significantly affect adjacent lands or water quality.
- e) Natural drainage systems used in the design of new subdivisions and major watercourses should be left in their natural state, including existing vegetative buffers. Channelization shall be discouraged. Detention and retention facilities may be permitted on lands designated Recreation and Open Space to ensure controlled run-off to receiving streams.

- f) Any modification to an existing natural watercourse shall preserve floodplain storage capacity and shall require approval from Saugeen Conservation or the Grey Sauble Conservation Authority.
- g) The Municipality may assume ownership and/or maintenance responsibilities for new storm water management facilities and structures.

## Section 6 - Transportation

### 6.1 General

The roads plan is based on the inter-relationship of land use and transportation. The road pattern is designed to facilitate the satisfactory movement of both people and goods to and from the various land use areas within the municipality as well as through traffic movement.

The overall road pattern should be in harmony with the proposed road pattern of the adjoining municipalities and the county road system. The Roads Plan is in conformity with the Transportation Plan as set out in the Bruce County Official Plan.

### 6.2 Road Classification

The existing roads in Chesley, Paisley and Tara/Invermay are classified on Schedules "A", "B", and "C", according to their intended function. The roads within the Municipality shall be classified according to the following descriptions:

#### 6.2.1 Arterial Roads

Roads of this classification fall principally within the jurisdiction of the County of Bruce. The function of these roads is to carry large volumes of long and medium range traffic moving to points within or through the Municipality. The Arterial road network is further divided into "Arterial – Urban" and "Arterial - Semi-Urban" on Schedules "A", "B", and "C".

##### 6.2.1.1 Arterial - Urban

The right-of-way width for "Arterial – Urban" shall be a minimum of 20 metres.

Properties which abut an "Arterial-Urban" shall have one access point. Additional access points shall be based on assessed need and only be located in such a manner as to comply with generally accepted engineering standards.

Where it is determined that additional access points are appropriate, no amendment to this Plan will be required.

##### 6.2.1.2 Arterial - Semi-Urban

'Arterial- Semi-Urban' roadways are typically associated with existing County Roads on the fringe of the communities.

The right-of-way width for "Arterial - Semi-Urban" shall be a minimum of 30 metres.

The creation of new direct access points to abutting properties will be restricted unless it is absolutely necessary to provide such access. Access points to abutting properties along "Arterial-Semi-Urban" roads shall be grouped in order to reduce the number of ingress/egress points which could hinder the movement of traffic.

### 6.2.2 Collector Roads

Roads of this classification fall within the jurisdiction of both the County of Bruce and the Municipality. Collector roads permit the movement of medium volumes of traffic to arterial roads or distribute traffic to and from local roads. Collector roads also provide access to abutting properties. The Collector road network will be identified on Schedules "A", "B", and "C" as required.

The right-of-way width for "Collector" roads shall be a minimum of 20 metres.

### 6.2.3 Local Roads

All other roads in Chesley, Paisley and Tara/Invermay are classified as local roads which provide access to abutting properties and carry light traffic volumes. Local roads created by Plan of Subdivision or consent may have a right-of-way width of less than 20 metres if it can be proven that all public utilities, snow removal and all municipal road maintenance and emergency vehicles can be adequately handled.

## 6.3 Road Network Policies

- a) The Municipality shall integrate the planning of all new municipal roads with the existing road networks under the jurisdiction of the Municipality, County of Bruce and surrounding municipalities.
- b) No new development and/or redevelopment shall be permitted unless such lands are accessible by an improved public road, maintained year round and which is of an acceptable standard of construction to accommodate the traffic to be generated. For the purposes of this Plan, laneways shall not be considered to be a public road.
- c) The Municipality may require, as traffic conditions warrant, improvements in the form of jog eliminations, geometric improvements to recognized standards, regulation of turning movements, proper signing, installation of traffic signals, marking of traffic lanes and channelization to be undertaken.
- d) In considering development proposals, the Municipality shall ensure that new intersections are properly located and designed to ensure traffic safety. Where existing intersections are significantly affected by new development, the Municipality may require improvements to such intersections.
- e) In considering development proposals adjacent to arterial, collector or local roads, the Municipality may regulate the number, location and design of entrances.

## 6.4 Road Widening Policies

- a) Road widening shall take place in conformity with the standards outlined in Section 6.2 - Road Classification. Privately owned land required for road allowance widening may be acquired by the appropriate road authority through purchase or

by dedication as a condition of subdivision, severance, minor variance, zoning by-law amendment, site plan approval, or other appropriate means.

- b) Road widening and greater road allowance requirements may be required at any intersection for the purpose of providing daylight triangles, lane channelization, and locations for traffic control devices. They may also be required along any arterial road to accommodate auxiliary turning lanes intended to provide better access to land uses that are major traffic generators.
- c) Generally, road widenings shall be taken equally on both sides of a road as measured from the centre line of the road allowance. Where physical or other conditions necessitate a widening on one side in excess of an equal amount, only that portion of the widening that represents an equal amount shall be required as dedication under the Planning Act.
- d) The Comprehensive Zoning By-law shall establish setback requirements from the centre line or the limit of the required road allowance. The Comprehensive Zoning By-law shall also recognize, as legal uses, properties that do not conform to lot area or setback requirements due to road widening.

## 6.5 Traffic Impact Assessment Policy

- a) Where development will add significant volumes of traffic to the road system or where it is proposed in an area with recognized road deficiencies, the Municipality shall require a traffic impact assessment. This assessment may include a review of the following:
  - i) Traffic generation rates;
  - ii) Traffic patterns;
  - iii) Impacts on individual roads and intersections;
  - iv) Impacts on existing development;
  - v) Conflicts with pedestrian traffic;
  - vi) Corrective measures including improvements; and,
  - vii) Other matters as determined by the Municipality.

## **Section 7 - Implementation**

### **7.1 Introduction**

This Section provides a guide to those who wish to participate in the planning process or who propose developments within Chesley, Paisley or Tara. The following policies explain the various planning tools available to the Municipality, when they may be used, and the type of issues they can address.

### **7.2 Amendments To The Official Plan**

Circumstances may arise where a proposed development will not conform to the policies or land use designations of this Official Plan. The Municipality shall give consideration to all applications to amend the Official Plan, and notify the general public and government agencies and ministries of the nature of the proposed amendment, in accordance with the requirements of the Planning Act.

An amendment to this Plan is required to permit the establishment of uses other than those provided for. In considering an amendment to this Plan, Council shall have due regard to the following in order of priority.

1. The desirability and appropriateness of changing the official plan to accommodate the proposed uses in light of the basic objectives of the official plan.
2. The goals and policies of this plan.
3. The need for the proposed use.
4. The effect on the economy and financial position of the municipality.
5. The compatibility of the proposed use with uses in adjoining areas and the effect of such use on the surrounding area including the natural environment.
6. The location of the site with respect to the transportation system, the adequacy of the potable water supply, sewage disposal facilities, solid waste disposal, and other municipal services as required.
7. The physical suitability of the land for the proposed use.

### **7.3 The Comprehensive Zoning By-Law**

- a) The Municipality shall amend the Comprehensive Zoning By-law to bring it into compliance with this Official Plan.
- b) It is the policy of the Municipality to refuse amendments to the Comprehensive Zoning By-law which do not conform to the Official Plan.
- c) Existing legal non-conforming land uses may be zoned in the Comprehensive Zoning By-law in zones that do not correspond with the Land Use designation of the Official Plan.



The Comprehensive Zoning By-law may recognize existing uses, provided the following criteria are met:

- i) The zone does not permit significant negative changes in the use of the property or impacts on adjacent uses;
  - ii) The recognition of the legal non-conforming use does not represent a danger to surrounding uses and/or persons; and,
  - iii) The legal non-conforming use does not interfere with the desirable development or enjoyment of the adjacent area.
- d) Vacant land within Chesley, Paisley or Tara/Invermay may be placed in a 'Planned Development' zone. A 'Planned Development' zone restricts the use and development of vacant land until an appropriate development proposal is submitted. A 'Planned Development' zone may permit the continued use of existing buildings and structures. All new uses shall require an amendment to the Zoning By-law.
- e) Notwithstanding any other provisions of this document or documents empowered by this document and pursuant to the Planning Act, it shall be a policy of Council that any land use already legally existing at the time this Plan is approved that does not conform to the land use designations shown on the Official Plan and which subsequently becomes non-conforming in the Zoning By-law, will be permitted to continue.

## 7.4 Minor Variances To The Comprehensive Zoning By-Law

In certain instances, a proposal to construct a new structure or expand an existing structure may not be able to meet one or more of the provisions of the Comprehensive Zoning By-law (e.g. an addition to a house cannot meet the side yard requirements). In such cases, the individual may request the Committee of Adjustment to grant a 'minor variance' from one or more of the requirements of the Zoning By-law to permit the development to proceed.

- a) The Committee of Adjustment may consider granting a minor variance to a proposed development which cannot reasonably meet one or more of the provisions of the Zoning By-law, provided the development meets sound planning principles.
- b) Prior to considering a minor variance application, the Committee of Adjustment shall require the applicant to demonstrate that the development is:
  - i) In keeping with the character and environment of the surrounding neighbourhood;
  - ii) In keeping with the intent of the Comprehensive Zoning By-law;
  - iii) In keeping with the intent of the Official Plan;
  - iv) An appropriate and desirable use of land; and,
  - v) Minor in nature.
- c) If a minor variance application is approved, the Committee of Adjustment may impose conditions which shall ensure the development has minimal impact on surrounding uses and satisfies reasonable planning criteria.
- d) removed by AEOPA 2-09.49 HSKP August 7<sup>th</sup>, 2009

## 7.5 Legal Non-Conforming Uses

Certain uses, which legally existed prior to the passage of the Comprehensive Zoning By-law but are not permitted by this Official Plan or in the Comprehensive Zoning By-law are referred to as “legal non-conforming uses”.

Legal non-conforming uses are allowed to continue to exist, provided no alterations, expansions or changes of use are made. The Municipality recognizes that circumstances may exist where changes to legal non-conforming uses may be desirable given their economic, cultural, social or historical importance to the Community.

It is the intention of this Plan that any application for extension, enlargement or change in use to an existing legal non-conforming use shall be handled by Council under Section 34(10) of the Planning Act **or** by a Committee of Adjustment under Section 44 of the Planning Act. Council shall act in accordance with the policies of this Plan and shall have regard to the following principles:

- a) The feasibility of acquiring the property for holding, selling, leasing or developing it by the municipality for an appropriate permitted use; or
- b) The possibility of re-locating the non-conforming use;
- c) An extension/enlargement/change of use shall not be permitted for a legal non-conforming use located in a floodway;
- d) Reconstruction of a legal non-conforming use, destroyed or substantially damaged by an act of nature shall not be permitted.

If the above principles cannot be met, Council or the Committee of Adjustment shall require a report from the appropriate body or bodies commenting where appropriate on the following matters relating to the non-conforming use:

- i) the size of the extension/enlargement/change of use related to the existing operation;
- ii) whether the proposed extension/enlargement/change of use can be considered ‘minor’;
- iii) whether the proposed extension/enlargement/change of use increases or aggravates an existing nuisance or creates a potential nuisance [noise, vibration, fumes, smoke, dust, odours, lighting, traffic generation, etc.];
- iv) the possibilities of reducing existing/potential nuisances through landscaping, buffering, building setbacks, sign control etc., to improve the existing situation as well as minimizing problems from any extension/enlargement/change of use;
- v) the implication of the proposed extension/enlargement/change of use on general traffic safety and the needs of adequate parking and loading facilities;

- vi) the potential hazard risk from flood or environmental damage due to the nature or location of the non-conforming use;
- vii) the adequacy and availability of municipal services.

Applications for a change in permitted use, extensions, or enlargements of existing buildings or structures may be subject to the requirements of Section 3.6 'Natural Environment & Hazard' and/or Section 4.4 Environment.

Council or the Committee of Adjustment may place conditions on the approval for the addition, expansion or change in use of non-conforming uses. These conditions may include, but are not limited to, application of Site Plan Control, floodproofing, cash-in-lieu of parking, the installation of services and bonding.

## 7.6 Legal Non-Complying Uses

Situations may exist where the present use of a parcel of land is permitted in the zone in which it is located, but the buildings located on the property do not meet one or more of the provisions of the zone (e.g. a house located too close to the lot line). These situations are known as legal non-complying uses.

- a) It is the policy of the Municipality to permit the expansion, alteration and addition to a legal non-complying use, without Committee of Adjustment approval, provided that:
  - i) the expansion, alteration or addition does not further aggravate the existing non-compliance of the use; and,
  - ii) the expansion, alteration or addition does not create another non-compliance with the By-law.
- b) It is the policy of the Municipality to permit the reconstruction of a legal non-complying use, destroyed or substantially damaged by an act of nature, without Committee of Adjustment approval, provided that:
  - i) the reconstruction does not further expand the prior non-compliance of the use;
  - ii) the reconstruction does not create another non-compliance with the By-law;
  - iii) the reconstruction shall be subject to the flood-proofing requirements of the Conservation Authority where applicable; and
  - iv) the reconstruction may be subject to the requirements of Section 3.6 Natural Environment & Hazard and/or Section 4.4 Environment.

## 7.7 Increased Height & Density Provisions

The Municipality has the authority to pass a By-law which authorizes increases in the height and/or density of a specific development proposal permitted under the Comprehensive Zoning By-law, in return for the developer providing facilities, services or other matters which are deemed beneficial to the community.

- a) Increased height and density provisions shall only be awarded to developments where adequate municipal services are available and such increased height and density does not have a negative impact on surrounding uses or places a financial burden on the Municipality and where one or more of the following criteria are fulfilled:
- i) The development provides for assisted housing, seniors housing or special need housing in accordance with identified needs in the community;
  - ii) The development incorporates the preservation and restoration of buildings of historic or architectural value that will serve to meet the heritage resource goals and actions of this Plan;
  - iii) The development incorporates a comprehensive redevelopment plan for lands within the Commercial area, which provide for intensification of land use and serves to reinforce the economic viability of the downtown commercial core;
  - iv) The development includes the provision of significant community amenities and recreational facilities in locations that serve the identified needs of the community as a whole.

## 7.8 Interim Control By-Laws

The Municipality has the authority to place a freeze on development, as permitted under the Comprehensive Zoning By-law, where they have serious concerns with allowing development to continue.

In such cases, the Municipality may put a hold on development permitted under the Comprehensive By-law, for a maximum period of two years through an "Interim Control By-law". The initial Interim Control By-law can be in effect for a one year period, with a one year extension if required.

This hold on development allows the Municipality to undertake a thorough review of its policies and take the necessary action to address the problem.

The Municipality should only use Interim Control in limited circumstances, where the development of certain lands pose serious problems and requires study.

- a) It is the policy of the Municipality to use Interim Control in circumstances where an immediate policy review of specific issues is required.
- b) The Municipality shall by By-Law or resolution direct that a review or study be undertaken forthwith in respect of the issues associated with the lands under question.
- c) After directing that a review or study be undertaken, Council may pass a by-law for a period not exceeding one year from the date of the passing, prohibiting the use of land, buildings or structures within the defined area or areas thereof.
- d) Upon final expiry of the Interim Control By-law, if Council has not passed a By-law under Section 34 consequent to the completion of the review or study, the provisions of any By-

law passed under Section 34 that applied to the subject lands immediately prior to the coming into force of the Interim Control By-law shall again come into force and effect.

- e) Where an Interim Control By-law ceases to be in effect, the Council may not for a period of three years pass a further Interim Control By-law that applies to any lands to which the original Interim Control By-law applied.

## 7.9 Holding Provisions

Where the use of land has been established through the Comprehensive Zoning By-law, but certain details of a development have yet to be determined, the Municipality may place a Holding Symbol on the development that prevents changes from taking place until the Municipality is satisfied that all conditions have been met. In such instances, the Municipality can indicate its support for the principle of the development but also identify the need for additional actions prior to development proceeding.

The use of a Holding Symbol is seen as an effective tool in the streamlining of the approval process. Following proper notice, the Municipality may pass a by-law to remove the Holding Symbol if satisfied that the conditions have been met. There is no appeal period with such by-laws, thereby allowing development to proceed quickly once the conditions have been satisfied.

- a) The Municipality may utilize the Holding Symbol “H” or “h” for all zones in the Comprehensive Zoning By-law as a means of ensuring that certain conditions have been met prior to development proceeding.
- b) When lands are placed under the Holding Symbol, the use of the lands and buildings shall be limited to those that existed prior to the Holding Symbol being placed on the property.
- c) The Municipality shall pass a by-law removing the Holding Symbol from the property when satisfied that conditions are met and/or agreements entered into which ensure the orderly development of the lands.

Conditions to be imposed by the Municipality may include among other matters that:

- i) The owner/developer entering into a Site Plan Control or Subdivider’s Agreement to the satisfaction of the Municipality;
- ii) The owner/developer making satisfactory arrangements for the installation of sanitary or storm sewer, water and road services;
- iii) The owner/developer receiving final approval for a plan of subdivision or condominium, and that all the conditions have been met such that the lots or units are ready for release;
- iv) The owner/developer making satisfactory arrangements for parking;
- v) The development/redevelopment within commercial and industrial lands is in accordance with the design and site criteria established by the Municipality.

## 7.10 Parking, Cash-In-Lieu Requirements

The Comprehensive Zoning By-law shall contain provisions prescribing a minimum number of parking spaces for specific land uses. In some circumstances, a development proposal is unable to accommodate the required number of parking spaces.

If a development is unable to provide enough parking spaces, the Municipality has the authority to offer an exemption from the parking requirements of the Comprehensive Zoning By-law, and accept a cash payment in-lieu of each parking space not provided.

- a) The Municipality may adopt a Cash-in-Lieu By-law enabling it to accept cash payments in compensation for insufficient parking spaces involving development/ redevelopment proposals.
- b) The Municipality considers the payment of cash-in-lieu of parking as an effective mechanism for encouraging a compact, efficient and viable downtown core.
- c) Monies raised through cash-in-lieu shall be placed in a special reserve fund, separate from general revenues, dedicated to managing existing public parking resources and/or establishing new parking facilities.
- d) In order to determine the actual costs of providing a parking space, and the appropriate fee to be charged for each space levied, the Municipality may undertake a parking study.
- e) In order to encourage development/redevelopment within the downtown core, the Municipality may wish to have a cash-in-lieu fee which is less than the true cost of providing new parking spaces.

## 7.11 Site Plan Control

Site Plan Control is a mechanism used typically to control the design features of commercial, industrial and institutional developments. Provisions for such features as off-street loading and parking, walkways, lighting, buffering, garbage storage and collection, grading, stormwater easements and others can be addressed and controlled.

The Municipality has the authority, under Site Plan Control, to require development proposals to include a site plan which identifies such things as finished elevations, site landscaping, lot grading and drainage, etc.. The Municipality can also require that an individual/ developer enter into an agreement to ensure that work is carried out in accordance with the site plan.

- a) Pursuant to Section 41(2) of the Planning Act, R.S.O 1990 as amended, all lands within the limits of the "Official Plan for the Urban Areas of Chesley, Paisley and Tara" as delineated on Schedules "A", "B" and "C" are proposed as a Site Plan Control Area.
- b) Within the proposed Site Plan Control Area, Council may pass by-laws designating the site of any proposed development as a Site Plan Control Area.
- c) Within the Site Plan Control Area, the Municipality may require plans and/or drawings in accordance with Section 41(4) and 41(5) of the Planning Act, R.S.O. 1990. Residential buildings containing up to two dwelling units, shall be exempt from this requirement except for dwelling units on lands designated or formerly designated, Natural Environment & Hazard or shown as a Flood Fringe Constraint Area.
- d) As a condition of the approval of the plans and drawings referred to in Section 41(4) and 41(5) of the Planning Act R.S.O. 1990, the Municipality may require the owner of the land to enter into a Site Plan Agreement to provide to the satisfaction of, and at no expense to the municipality, any or all of the provisions of Section 41(7) and/or 41(8) of the Planning Act.
- e) Any agreement entered into under Section 41(7) and/or 41(8) Planning Act R.S.O. 1990 shall be registered against the land to which it applies and shall be binding against the owner and all future land owners.
- f) A Site Plan Agreement may be required prior to the issuance of a building permit.

## 7.12 Subdivision & Consent Policies

Lot creation by way of Plan of Subdivision, Consent or Part Lot Control will only be granted when the application is in accordance with the following general policies:

- a) New lots shall be created either by the registered Plan of Subdivision process as outlined in Section 7.12.1; by the consent of the Bruce County Land Division Committee as outlined in Section 7.12.2; or through Part Lot Control as outlined in Section 7.12.3.
- b) Development shall be in accordance with the designated uses on the Land Use Schedules and the provisions of the Zoning By-law.

- c) Minor and/or major expansions to the urban boundaries on Schedule “A”, “B” & “C” Land Use Plans shall not be permitted without an amendment to this Plan. The amendment must demonstrate that there is no land within the existing urban boundaries that can accommodate the desired land use needs.
- d) The creation of new ‘low density’ residential lots or residential development shall not be permitted along arterial or collector roadways as identified on Schedules “A”, “B” or “C” except on existing lots of record which are suitably zoned and designated.

### 7.12.1 Plan of Subdivision

A Plan of Subdivision shall generally be required when a parcel of land has the potential for four (4) or more lots [including a retained portion] unless the proposed lots meet the requirements as outlined in Section 7.12.2 Consent to Sever Land or Section 7.12.3 Part Lot Control. When considering a Plan of Subdivision, it is the policy of the Municipality that:

- a) The Municipality shall not support Plans of Subdivision that do not conform to the policies of this Plan and/or the provisions of the Comprehensive Zoning By-law.
- b) Prior to permitting the development of a Plan of Subdivision, the Municipality shall be satisfied that the development can be adequately supplied with municipal services such as schools, fire protection, water supply, storm drainage, sewage disposal facilities and road maintenance. Such development should not adversely affect the finances of the Municipality.
- c) The Municipality shall enter into a Subdivision Agreement as a condition of the approval of a Plan of Subdivision. Such agreements shall ensure that the necessary internal or external services will be provided by the developer to the specifications established by the Municipality.
- d) Where new development is proposed on a site, part of which has physical or environmental hazards, then such land will not necessarily be acceptable as part of the dedication for open space purposes required under the Planning Act. All lands dedicated to the Municipality shall be conveyed in a physical condition satisfactory to the Municipality. Where an open watercourse is dedicated to the Municipality, adequate space shall be provided for maintenance operations. If necessary, the Municipality may request a maintenance easement, at no cost to the corporation, in its favour.
- e) The road pattern for new subdivisions shall be fully integrated into the roads network of the Municipality by providing for more than one roadway outlet except for cul-de-sacs of six or fewer homes.
- f) All Plans of Subdivision shall be developed in conformity with the policies of Section 4: General Community Policies; Section 5: Municipal Services; Section 6: Transportation & Section 7: Implementation.



### 7.12.2 Consent to Sever Land

The Bruce County Land Division Committee is the appointed authority for creating lots by consent, in addition to the granting of a 'right-of-way' or an easement within Chesley, Paisley and Tara. However, the Municipality has a large degree of control over the creation of lots by consent and may request that conditions be placed on the approval of such lots, similar to the conditions it may ask for with a Plan of Subdivision.

- a) It is the intent of this Plan that new building lots will be created by consent only when a Plan of Subdivision is clearly not necessary for the orderly and efficient development of the lands.
- b) The Municipality shall support an application to create a lot by consent when:
  - i) the lot(s) fronts onto an existing open municipally owned road of a standard of construction acceptable to the Municipality;
  - ii) access to the lot(s) would not create or add to an existing traffic hazard due to limited sight lines on curves or grades or proximity to intersections. Access to Arterial and/or Collector Roads may be restricted;
  - iii) the lot(s) has full municipal services available or the lot conforms to the policies of Section 5.4.1 Provision of Municipal Services, Partial Services and Phasing;
  - iv) it has been established that for all lots involved, the soil and drainage conditions are suitable to permit the proper siting of any building(s);
  - v) if the application is for lands within a 'Residential' designation, the proposed lot must also conform with Section 3.1.8 "Residential Infill Policies".
- c) Consents shall be allowed for mortgage discharge purposes if the use of the land does not change as a result of the mortgage discharge.
- d) Consents shall be allowed for lot enlargement purposes provided the retained parcel maintains the intent and purpose of this Plan and will be in conformity with the Zoning By-law.
- e) Consents shall be allowed for assembling land for a future subdivision, but no construction will be permitted on lands so severed until after the subdivision receives final approval.
- f) The Municipality may enter into a Subdivider's Agreement as a condition of the approval of consent applications. Such agreements may cover matters such as servicing, lot grading and drainage, requirements for engineered drawing, bonding or any other matter that Council may typically consider in the design of a plan of subdivision.
- g) In areas designated Natural Environment & Hazard, consents for conveyance may be permitted when in accordance with the additional following policies:

- i) for the conveyance of land to public bodies or agencies engaged in the protection, re-establishment and management of the natural environment;  
**or**
  - ii) for protection, re-establishment and management of the natural environment where no permanent structures are anticipated and only after a zoning by-law has been adopted governing the range of uses permitted in the area; **or**
  - iii) for lot enlargement purposes provided there is a suitable building envelope outside of the lands designated Natural Environment & Hazard which can be accessed without intruding upon the Natural Environment & Hazard lands.
- h) All Consent shall be in conformity with the policies of Section 4: General Community Policies; Section 5: Municipal Services; Section 6: Transportation & Section 7: Implementation.

### 7.12.3 Part Lot Control By-law

Council may pass a By-law(s) to exempt all, or parts of registered plans of subdivision from Part Lot Control. In accordance with the provisions of the Planning Act, the County of Bruce Council is the approval authority for all such Part Lot Control By-laws. Such approval will only be granted by the County of Bruce when:

- i) no Municipal and/or County conditions for development are required;
- ii) the policies and objectives of this Plan and the regulations of the zoning by-law have been met prior to the approval of the By-law;
- iii) municipal sewer **and** municipal water services are available to all the lots;
- iv) for lands within a 'Residential' designation, the proposed lots and development must conform to Section 3.1.8 "Residential Infill Policies". Structural and elevation plans must be submitted;
- v) the policies and objectives of this Plan and the regulations of the zoning by-law are met.

Part Lot Control shall not be used when it will have the effect of creating additional lots within existing subdivisions unless the additional lots proposed have been subject to a previous planning application, which clearly indicated the proposed changes to the lot configuration and which involved public review/participation. The exemption from Part Lot Control will not be used to re-align lots within existing residential plans of subdivision to create additional building lots.

## 7.13 Temporary Use By-Laws

The Council may, in a by-law passed under Section 34 of the Planning Act, 1990, authorize the temporary use of lands, buildings or structures for any purpose set out therein that is otherwise prohibited by this Plan or by the Zoning By-law. A by-law authorizing a temporary use shall define

the area to which it applies and the period for which it shall be in effect, not to exceed three years from the date of passing of the by-law. The three year time period may be extended for an additional three year term. The temporary use shall not become a legal non-conforming use at the date of expiry of the by-law. The type of uses for which Council may use a temporary use by-law include, but are not limited to, parking lots, fairs, carnivals and markets.

### **7.14 Public Consultation**

It is the policy of the Municipality that all development applications be dealt with in a fair and expedient manner without undue time delays.

### **7.15 Lands Adjacent To The Urban Areas**

The development and activities on lands adjacent to the urban areas may have impacts on the long term planning goals of the Municipality for Chesley, Paisley and Tara.

- a) The Municipality shall adopt a process for reviewing all commercial, industrial, institutional or residential development applications on other lands within the Municipality that may have an impact on the long term viability of the urban area.
- b) The Municipality shall discourage the fragmentation of lands adjacent to the urban area boundaries that may have a negative impact on the development of existing lands within Chesley, Paisley or Tara.
- c) The Municipality shall only provide hard and soft services to lands outside of the Planning Areas when the service capacity is clearly surplus and when it is assured that the long term servicing commitment to current residents can be met. The provision of services to residents outside of the Planning Areas may be based on a user pay system.
- d) In order to ensure appropriate services to residents living within Chesley, Paisley and Tara/Invermay, the Municipality may enter into agreements that it finds advisable, relating to the sharing of community services. Such agreements may deal with road servicing, recreation, fire protection, garbage disposal and recycling.

## 7.16 Finance

This Plan makes reference to a number of community initiatives under the responsibility of the Municipality. However, the Municipality should provide and improve services in a fiscally responsible manner.

It must be understood that the Official Plan has a life expectancy of 15 to 20 years and that all of the projects and priorities referred to in the Plan cannot be initiated or implemented as soon as the Plan is adopted.

It is the intention of the Municipality, therefore, to only carry out those expenditures and public works that are affordable, given the Municipality's financial abilities.

- a) The Municipality shall not grant approval to any development unless it is in a financial position to provide the services required by such development.
- b) The Municipality shall promote the establishment of a diverse and stable economic base both in terms of job opportunities and tax revenue.
- c) The Municipality may undertake a Development Charges Study to determine the cost of providing services to new developments, and may implement a Development Charges By-law enabling the recovery of the costs of servicing new development.
- d) The Municipality may use the following guidelines in making financial decisions:
  - i) Capital expenditures shall be guided by a Five Year Capital Forecast, reviewed annually;
  - ii) Outstanding debenture debt shall be limited to a percentage of taxable assessment and assessment eligible for grants-in-lieu of taxes - this percentage figure shall be reviewed annually in light of changing circumstances and responsibilities; and,
  - iii) Capital expenditures from current funds may be limited to a predetermined tax rate for each year.

## Appendix "A"

### Environmental Impact Study Guidelines

#### A.1 Scoped Site EIS versus Full Site EIS

- i) The type of Environmental Impact Study will vary with the scale and type of development proposed.
- ii) A Scoped Site EIS is generally required in situations where the nature of the natural feature or hazard is well documented, similar development has been previously proposed, modeled and analyzed, impacts are not expected due to the location or nature of a proposed development, and mitigation options have been developed.
- iii) A Full Site EIS is generally required in situations which are more complex, where information is lacking, or where the risk or significance of the impact is high.
- iv) The type of EIS and parameters of the Study shall be determined in pre-consultation with the Municipality and Saugeen Conservation or Grey Sauble Conservation Authority prior to the EIS proceeding.

#### A.2 EIS Review and Approval Process

- 1) An Environmental Impact Study shall be completed by a qualified professional with expertise in the appropriate environmental sciences.
- ii) All EIS's will be subject to peer review by Saugeen Conservation or Grey Sauble Conservation Authority and/or other outside parties, at the applicants expense.
- iii) The EIS must be completed and approved before the principle of development is established, either through an official plan amendment, a rezoning, or by draft approval of development.

#### A.3 Minimum EIS Requirements

An EIS shall include, as a minimum, the following:

##### Section A: Description of Existing Natural Environment

###### i) Site Description and Landscape Context

A general description of the existing natural environment. This includes the specific biological and terrain characteristics and ecological and physical functions and processes occurring on and through the site.

Environmental impacts also include off-site effects. A similar, but more general description of the landscape context of the site or planning area is required.

###### ii) Summary of Development Proposal

A concise summary of the development proposal or application.

## **Section B: Anticipated Environmental Effects**

### **i) Characteristics of the Features and Functions Affected by the Proposal**

Central to an EIS is the assessment of whether a development proposal negatively impacts the features or the ecological functions of an area. The broad scope of the assessment is balanced by the requirement that the EIS deal with the impacts that might 'reasonably be expected to occur'.

Because of this, an initial focus is necessary, to outline the key features or ecological functions of the specific natural heritage feature and area identified at the site. These key functions and features constitute the functions and features of concern to the EIS.

The EIS, should also assess the environmental impacts of development in relation to the 'system', in this case of natural heritage features and areas.

### **ii) Sensitivity Assessment (Degrees and Extent of Impacts on Feature or Function)**

The sensitivity of the features and functions to the development proposal should be assessed as a method of focusing on the extent and degree of environmental effects that might reasonably be expected to occur.

### **iii) Predicted Effects (Direct and Indirect)**

The specific environmental effects that are expected to occur on the key features and functions of areas are to be documented in the EIS. These include both direct and indirect impacts.

## **Section C: Proposed Mitigation**

### **i) Mitigation Methods Proposed**

The identification of alternative methods and measures that would mitigate any predicted environmental impacts must be identified.

Where mitigation through avoidance is not possible, alternative methods must include measures to minimize impacts, conditional on subsequent monitoring of effects to ensure successful implementation. Restoration, remediation, and improvement are also encouraged.

If mitigation methods or measures cannot be designed to ensure the proposal does not negatively impact the features, or the ecological functions for which the area is identified, the no-development option should be considered.

**ii) Mitigation Methods Selected**

The development alternative that is selected should be the alternative that does not negatively impact the features or the functions of the particular areas, or which appropriately mitigates the potential environmental effects.

**Section D: Monitoring Plan**

The purpose of the monitoring plan is to measure effects over time. In some situations, this will require subsequent changes to site conditions if the environmental effects are found to exceed predicted effects or targets, or if there are identifiable negative effects.

Where mitigation is achieved through avoidance of negative impacts, a simplified monitoring plan to ascertain the success of the project is all that is required.

Where mitigation is achieved by methods or measures to minimize but not eliminate environmental effects, the predicted net effects after mitigation will be described, and a monitoring plan designed to measure those effects will be implemented.