



MORRIS-TURNBERRY OFFICIAL PLAN

Adopted August 22, 2006

Prepared by the Municipality of Morris-Turnberry with the assistance of the Huron County
Planning and Development Department

MORRIS-TURNBERRY
OFFICIAL PLAN CONSOLIDATION

This document is a consolidated copy of the Morris-Turnberry Official Plan and subsequent amendments. This compilation is for administrative purposes and does not represent true copies of the amendments it contains. Any legal interpretation of this document should be verified with the Clerk.

This consolidated Official Plan contains the following amendments:

OPA	Purpose	Local Adoption	County Approval
	Original Official Plan	August 22, 2006	January 3, 2007 (deferring Highway Commercial policy and designation) and November 5, 2008 (approving Highway Commercial policy and designation)
	Original Official Plan – with modification from the OMB to Schedule B – East of Wingham (mapping)	N/A	OMB Approval (PL081567) – November 16, 2009
2	Designation change for ANSI's from Natural Environment Full Protection to Natural Environment Limited Protection. Text changes to Section 4.3.6 and addition of consent policies to Section 4.4	April 14, 2009	June 10, 2009

Morris-Turnberry Official Plan

TABLE OF CONTENTS

Section 1: The Plan and its Purpose..... Page 1

1.1 The Official Plan..... Page 1

1.2 Relationship with County Plan..... Page 1

1.3 Purpose of The Plan Page 1

1.4 Plan Review..... Page 1

Section 2: Basic Principles of the Plan..... Page 2

2.1 Goals..... Page 2

 1. Agriculture..... Page 2

 2. Natural Environment..... Page 2

 3. Mineral Aggregates Page 3

 4. Settlement Areas..... Page 3

 5. Community Economic Development and Municipal Infrastructure..... Page 3

Section 3: Agriculture Page 4

3.1 Definitions and Location Page 4

3.2 Goals Page 4

3.3 Policies..... Page 4

 1. Farm Unit Page 4

 2. Farming Practices..... Page 5

 3. Lot Size Page 5

 4. Nutrient management Page 5

 5. Agricultural Protection..... Page 5

 6. Agricultural Commercial and Industrial Uses Page 5

 7. Home Occupations & Home Industries Page 5

 8. Natural Environment..... Page 5

 9. Minimum distance separation Page 5

 10. Surplus Dwellings..... Page 6

 11. Lots of Record..... Page 6

 12. Mineral Aggregates Page 6

 13. Community Facilities..... Page 6

 14. Infrastructure and Public Utilities..... Page 6

 15. Development of Non-Prime Lands Page 7

 16. Greenhouses..... Page 7

 17. south of Wingham..... Page 7

 18. Site Plan Control Page 7

 19. Part Lot 1, Conc. 2, Ward T..... Page 7

3.4 Land Division Page 7

Section 4: Natural Environment..... Page 9

4.1 Definitions and Location Page 10

4.2 Goals Page 10

4.3 Policies..... Page 10

 1. Designations Page 10

 2. Watershed Planning Page 10

 3. Community Stewardship..... Page 11

 4. Groundwater Protection..... Page 11

 5. Protection of Natural Environment Features..... Page 11

 6. Use of Existing Natural Lots..... Page 12

 7. Adjacent Lands..... Page 12

 8. Watercourses and Fish Habitat..... Page 12

 9. Natural Hazards Page 12

 10. Flood Prone Lands Page 12

 11. Environmental Impact Study Page 13

4.4 Land Division Page 13

Morris-Turnberry Official Plan

Section 5: Mineral Aggregate Page 14

5.1 Definitions and Location Page 14

5.2 Goals Page 15

5.3 Policies and Actions..... Page 15

 1. Mineral Aggregate License Page 15

 2. Existing Licensed Operations..... Page 15

 3. Agriculture and Natural Environmental Uses Page 16

 4. Proposed Operations in Designated Mineral Aggregate Deposits..... Page 16

 5. Proposed Operations Outside Designated Mineral aggregate Deposits..... Page 16

 6. Review of required Plans Under the Aggregate Resources Act Page 16

 7. Development Adjacent to Lands in Mineral Aggregate Designation..... Page 16

 8. Rehabilitation..... Page 17

 9. Other Extractive Activities..... Page 17

Section 6: Settlement Areas..... Page 18

6.1 Settlement Area Goals..... Page 18

6.2 Hamlet Location..... Page 18

6.3 Hamlet Policies Page 19

 1. Residential (Hamlet)..... Page 19

 2. Commercial (Hamlet)..... Page 19

 3. Industrial (Hamlet) Page 19

 4. Community Facilities and Infrastructure (Hamlet) Page 19

 5. Infrastructure and Public Utilities..... Page 19

 6. Hamlet Development Standards Page 20

6.4 Urban Location Page 20

 1. Residential (Urban)..... Page 21

 2. Commercial (Urban) Page 22

 3. Industrial (Urban)..... Page 22

 4. Community Facilities (Urban)..... Page 22

 5. Infrastructure and Public Utilities..... Page 23

 6. North of Wingham and East of Wingham Development Standards Page 23

 7. Lower Town Development Standards Page 23

6.5 Urban Natural Environment and Open Space Page 25

 1. Definition and Location Page 25

 2. Goals Page 25

 3. Urban Natural Environment and Open Space Policies Page 25

 4. Flood Plain management..... Page 26

6.6 RESIDENTIAL PARK..... Page 26

 1. Definition and Location Page 26

 2. Residential Park Goals Page 26

 3. Residential Park Policies Page 26

6.7 AIRPORT Page 27

 1. Definition and Location Page 27

 2. Goals Page 27

 3. Policies..... Page 27

6.8 LAND DIVISION IN SETTLEMENT AREAS Page 27

Morris-Turnberry Official Plan

Section 7: Community Economic Development & Municipal Infrastructure Page 28

- 7.1 Definitions**..... Page 28
- 7.2 Goals**..... Page 28
- 7.3 Policies**..... Page 28
 - 1. Economic Development..... Page 28
 - 2. Alternative Energy Page 28
 - 3. Land Services Page 28
 - 4. Community Improvement Projects Page 28
 - 5. Heritage Page 28
 - 6. Roads Page 29
 - 7. Waste Management Page 30
 - 8. Municipal Drains..... Page 30

Section 8: Implementation & Interpretation..... Page 30

- 8.1 General Land Division Policies** Page 30
- 8.2 Implementation** Page 30
- 8.3 Interpretation** Page 30
- 8.4 Non-Conforming Uses**..... Page 30
- 8.5 Status Zone**..... Page 31
- 8.6 Accessory Uses** Page 31
- 8.7 Site Plan Control**..... Page 31
- 8.8 Holding Symbol** Page 31
 - 1. Implementation of Holding Zone Page 31
 - 2. Removal of Holding Zone Page 31
- 8.9 Temporary use By-Laws**..... Page 31
- 8.10 Interim Control By-Laws**..... Page 32
- 8.11 Conflict Resolution**..... Page 32
- 8.12 Application Review – Contaminated Sites**..... Page 32
- 8.13 Public Participation** Page 32

Morris Turnberry Official Plan Schedules

- Schedule A - Morris Turnberry Location Map
- Schedule B - Morris-Turnberry
 - Belgrave
 - Belmore
 - Bluevale
 - Adjacent to Brussels
 - Walton
 - East of Wingham and Junctionville
 - Lower Town and North of Wingham

Appendices to the Official Plan (Copies are available for review at the Municipal Office)

- 1. Agricultural Minimum Distance Separation Example
- 2. Environmental Impact Study
- 3. Technical Studies Required for New or Expanding Aggregate Operations
- 4. Sterilized and Constrained Aggregate Resources

Background Maps to the Official Plan (Copies are available for review at the Municipal Office)

- 1. Wetlands (Provincially and Locally Significant)
- 2. Significant Woodlands
- 3. Significant Wildlife Habitat
- 4. Significant Areas of Natural and Scientific Interest (ANSIs)
- 5. Morris-Turnberry Subwatersheds

Morris-Turnberry Official Plan

1. THE PLAN AND ITS PURPOSE

1.1. THE OFFICIAL PLAN

This document is the Official Plan for the Municipality of Morris-Turnberry. The following text and maps, noted as Schedules “A to B” shall constitute the Official Plan for the Municipality of Morris-Turnberry. A series of maps in the Appendix are provided for information and interpretative purposes but are not considered part of the Official Plan.

The Plan applies to all lands within the corporate boundaries of the Municipality of Morris-Turnberry.

1.2. RELATIONSHIP WITH COUNTY PLAN

This Plan adopts certain basic principles under the direction of the Huron County Official Plan. Sections 1.2 and 8.0 of the County Official Plan state that “the County Plan provides guidelines to local municipalities for the development of local Official Plans”, and “the County is the approval authority for local plans.”

The land use categories and definitions used in the County Plan are general. While the basic distinction between rural and urban land uses of the County Plan is maintained, this Plan develops more specific land use categories.

An Official Plan created by a Municipality must conform to the County Official Plan and must be consistent with the *Provincial Policy Statement*, as prescribed by the *Planning Act (RSO 1990)*. This Official Plan of the Municipality of Morris-Turnberry conforms with the County of Huron Official Plan and is consistent with the *Provincial Policy Statement*.

1.3. PURPOSE OF THE PLAN

The purpose of this Plan is to identify the resources, capabilities and constraints of the land and community, and to enhance the stewardship of the Municipality’s environment. This Plan provides the legislative basis to implement the community’s vision and goals.

The Municipality of Morris-Turnberry was formed on January 1, 2001 by the amalgamation of the Townships of Morris and Turnberry. The two former Townships each had Secondary Plans under the County Official Plan of 1973. This document replaces those Plans with one Official Plan approved in accordance with the County Official Plan of 1999. Upon County approval of this Plan, the local Secondary Plans are repealed.

The following factors support the need for a new land use plan:

- the formation of the new Municipality;
- to anticipate and reflect change;
- to develop local Official Plans using community-based processes;
- to update existing documents in order to address new pressures and issues as required by the County Official Plan;
- to build consensus on the desired future of the Municipality.

The Schedule B maps identify areas for both development and resource protection. The corresponding policies direct proposed development to the appropriate land use designations. All development will be in keeping with the overall context of building and promoting a strong and vibrant community while enhancing community health and well being. Specifically, the purposes of this Plan are:

- to create a planning environment that addresses the needs and aspirations of the community;
- to create a forum for community-based dialogue in the design, implementation and review of the Plan;
- to develop a land use planning program that maximizes compatibility and minimizes conflict between different land uses;
- to support development that is environmentally sound;
- to ensure that future development and decisions in the municipality are in keeping with the vision, goals and policies of this Plan;
- to provide for capital works programs;
- to provide for the implementation of provincial legislation.

1.4. PLAN REVIEW

The Municipality recognizes that planning is an on-going process. Once the Official Plan is adopted, amendments to the Official Plan may be considered from time to time. Such amendments must be in accordance with the Official Plan’s basic goals and objectives as well as those of the County Plan and provincial policy.

Every five years, the Municipality of Morris-Turnberry will consider the need for a major review of the Official Plan.

2. BASIC PRINCIPLES OF THE PLAN

Morris-Turnberry is a rural community with productive agricultural lands and a network of important natural systems and resources. Hamlets and urban settlements provide areas for community facilities, residential, commercial and industrial development. The visions, goals and policies of the Morris-Turnberry Official Plan intend to protect and enhance the agricultural, ecological and aggregate resources while pursuing economic activity.

The four general principles below serve as a framework for the land use policies.

- To achieve a level of growth that sustains a vibrant community, that offers economic opportunities and a variety of lifestyles, and that meets the social and recreational needs of the residents.
- To promote the long-term future of agriculture by protecting the land base and promoting an environment conducive to an integrated agricultural community and economy.
- To manage growth and land use in a manner that makes efficient use of infrastructure and other services, and makes efficient use of the taxpayers' investment in public projects and services.
- To manage growth and land use in a manner that protects and enhances the environment, landscape, and cultural heritage which characterizes Morris-Turnberry.

2.1. GOALS

The following identifies goals for the specific land uses in the Municipality: Agriculture, Natural Environment, Settlement Areas, Mineral Aggregates, Community Facilities and Infrastructure, and Community Economic Development.

For every area of the Municipality of Morris-Turnberry, the definition of "Development" shall be as provided by the *Provincial Policy Statement*.

Development means the creation of a new lot, a change in land use, or the construction of buildings and structures, requiring approval under the *Planning Act*; but does not include activities that create or maintain infrastructure authorized under an environmental assessment process; or works subject to the *Drainage Act*.

1. Agriculture

The goals for Agricultural areas are:

- **to ensure the viability of all farm types through flexibility and protection of the agricultural land base;**
- **to support agricultural practices that protect resources and maintain strong environmental standards; and**
- **to limit non-farm development in support of a strong agricultural sector.**

The land base of Morris-Turnberry supports a strong agricultural sector with approximately 74% of the Municipality being classified as prime land (Class 1, 2 and 3) in the Canada Land Inventory of agricultural capability. The skill and innovation of the community has resulted in a strong agricultural economy.

The long-term future of agriculture is to be protected in a manner that does not compromise environmental and human health. The objective of this Plan is to develop land use policies that support the principle of promoting the long-term future and flexibility of agriculture, the land resource, the economy, the natural environment and the community.

The land use plan is a key tool to achieve and secure the long-term future of agriculture. Actions by a wide array of government ministries and agencies, private groups and organizations, and decisions of the private sector must also support the Plan.

In the rural areas, protecting the long-term future and flexibility of agriculture is a fundamental principle of the Plan and the one to which the Plan's goals and policies are directed.

2. Natural Environment

The goals for Natural Environment areas are:

- **to protect natural areas from development;**
- **to improve the quality of water in groundwater, streams and rivers;**
- **to ensure a healthy environment and improved quality of life through the protection and enhancement of natural areas and resources; and**
- **to encourage compatible development in keeping with environmental, social and economic goals.**

Morris-Turnberry's natural environment consists of watercourses, valleylands, wetlands, woodlots, Areas of Natural and Scientific Interest (ANSIs), and other environmentally sensitive areas. Over time, land use activities and clearing practices have resulted in natural environment areas that are often of poor health and lacking integrity and linkages.

Morris-Turnberry Official Plan

In 2002, approximately 20% of the Municipality was forested or some type of natural area. This Plan establishes a target forest and natural environment coverage of 25% as a direction towards improved environmental health.

Protecting remaining natural areas and re-establishing vegetation corridors along major watercourses is necessary to limit erosion by wind and water, to provide water retention and recharge areas, to provide wildlife habitat, and to create an aesthetic and functional balance between agricultural uses and natural ecosystems.

A basic principle of this Plan is to support protection, restoration and enhancement of ecosystems in Morris-Turnberry.

3. Mineral Aggregates

The goals for Mineral Aggregates areas are:

- **to protect primary and secondary mineral aggregate deposits with limited constraints, from incompatible development;**
- **to allow for oil and gas exploration and extraction**
- **to ensure that new or expanding mineral aggregate operations occur with minimal impact on significant social and environmental features;**
- **to minimize conflict with adjacent land uses;**
- **to ensure all mineral aggregate operations meet the requirements of the Aggregate Resources Act; and**
- **to ensure that mineral aggregate operations are progressively rehabilitated.**

Mineral aggregates are important resource in Morris-Turnberry. This resource is non-renewable; therefore it is a priority to ensure its protection.

The extraction of sand and gravel can have social and environmental impacts. Hence, such operations should be developed in such a way so as to minimize these impacts and be progressively rehabilitated.

A basic principle of this plan is to ensure that sand and gravel deposits are protected for future use. They should be developed in an appropriate manner which limits their impact on surrounding areas. Areas of extraction shall be progressively rehabilitated and returned to its former use, either agriculture or natural environment.

4. Settlement Areas

The goals for the Settlement Areas are:

- **to ensure appropriate and adequate services are provided within settlement areas;**

- **to direct development to designated areas; and**
- **to provide sufficient land for growth within settlement areas.**

The hamlets and settlement areas vary in scale and character, but all urban areas within Morris-Turnberry have a primarily rural quality and provide a range of community services.

Continuous pressure exists for rural non-farm residential development within the Municipality. The goals and policies of this Plan aim to protect agriculture and areas of natural environment by directing development to settlement areas. Sufficient land is available within the designated settlement boundaries for development.

5. Community Economic Development and Municipal Infrastructure

The goals for the economy and municipal infrastructure are:

- **to protect and enhance all economic sectors;**
- **to encourage the growth of new and innovative pursuits;**
- **to provide appropriate services which improve the health, well being and enjoyment of residents in the community;**
- **to ensure appropriate and adequate services and facilities are provided; and**
- **to direct new community facilities to settlement areas.**

Morris-Turnberry's economic foundation is agriculture, and to a lesser extent, manufacturing. This Plan supports the future of these economic activities with the aim of sustainable development.

This Plan recognizes the importance of community services to the quality of life for residents of Morris-Turnberry.

Community facilities are used for social, administrative and recreational purposes, such as churches, schools and sports facilities. These uses should be located in settlement areas. In some cases, community facilities may be permitted in the Agricultural Designation.

Public infrastructure uses are required throughout the Municipality. These uses include roads, electricity and transmission lines and have limited locational flexibility.

3. AGRICULTURE

As the Municipality of Morris-Turnberry contains highly productive soils for agriculture, a fundamental principle of this Plan is to promote and protect the long-term future of agriculture. Approximately 74% of the land in the Municipality is rated Class 1, 2, or 3, in the Canada Land Inventory of agricultural capability. Also, the community has developed a high degree of skill, innovation and leadership in farming. The policies of this Plan aim to protect the agricultural land base while sustaining a strong economy, promoting a healthy environment and building strong communities.

To achieve these goals, most of the Municipality has been designated 'Agriculture'.

3.1. DEFINITIONS AND LOCATION

In the agriculture designation the predominant use of land will be:

- farming of all types;
- industrial and commercial activities which are primarily related to agriculture;
- residential uses directly related to agriculture;
- natural features that enhance the area for agriculture and ecosystem health; and
- sustainable agricultural practices that promote a healthy environment.

Prime agricultural land means Class 1, 2 or 3 soils, or specialty crop lands as identified in the Canada Land Inventory.

Non-prime agricultural land means Class 4, 5 or 6 soils as identified in the Canada Land Inventory.

LOCATION: The location of lands designated 'Prime Agriculture' and 'Non-Prime Agriculture' to which the agricultural policies apply is shown on the land use map (Schedule B) of this Official Plan. Specific locations of different types of uses are shown in the Zoning By-law.

3.2. GOALS

The Agricultural goals adopted by this Plan are:

- to ensure the feasibility of all farm types through flexibility and protection of the agricultural land base;
- to support agricultural practices that protect resources and maintain strong environmental standards; and
- to limit non-farm development in support of a strong agricultural sector.

These goals will be supported by the following directions:

- to ensure maximum flexibility for farm operators to engage in differing types and sizes of agricultural operations;
- to encourage farm operators to use best management practices that protect and enhance the environment;
- to relate development in agricultural areas to the needs of agriculture and respect the farmer's ability to farm;
- to prevent Class 1, 2 and 3 soils from being used for non-agricultural purposes;
- to encourage the retention and reestablishment of woodlots, wetlands and other natural areas recognizing their benefits for agriculture and the natural environment; and
- to prohibit uses which are not primarily related to agriculture from establishing in the agricultural area.

3.3. POLICIES

To achieve these goals, the following policies are adopted.

1. Farm Unit

In areas designated agriculture, the predominant use of land will be for farming and the predominant type of development will be the "farm unit." The farm unit consists of the:

- land base;
- barns and other buildings that support the farm operation;
- a farm dwelling; and
- a temporary dwelling required for additional labour or for a retiring farmer (garden suite).

The structures which make up the farm unit will be part of the farm and not on separately titled lots.

Farm operations of varying types and sizes will be allowed. Commercial scale farming means that the residents of the property will be directly involved in farming with a clear intent to produce crops/livestock, with substantial interest in generating products for off farm sale. Having a "Farm Business Registration Number" would assist in demonstrating commercial scale agriculture.

One residence may be built in conjunction with a farm where it is accessory to a commercial scale farming operation. A mobile home (approved by CSA standards, minimum of 14 feet wide) may be considered a principle residence as established in the Zoning By-law.

A second permanent dwelling on a farm or on a separated lot will not be permitted.

A farm dwelling may be converted or enlarged to accommodate not more than two dwelling units.

Morris-Turnberry Official Plan

2. Farming Practices

Normal farm practices, as defined in the *Farming and Food Production and Protection Act*, as amended, will be recognized and protected. Through the Zoning By-law or under other legislation, Council may establish regulations to minimize the impact of agriculture on the environment and to encourage good environmental farming practices.

3. Lot Size

Lot sizes shall support the long-term needs of agriculture and shall ensure that land parcels remain flexible for all forms of agriculture as promoted by this Plan. Lands must be used for the production of food, fibre or livestock. A minimum lot size of 38 hectares shall apply to all new lots being created.

Notwithstanding the 38 ha minimum, there may be instances where a smaller lot size may be permitted; refer to Section 3.4.2. Land Division Policy.

4. Nutrient Management

Farm operators will complete nutrient management plans and other environmental studies according to best management practices as required by either the municipality or by relevant provincial legislation for certain types and sizes of operations.

All animal operations shall have a sufficient land base available on which to properly apply all manure generated by the operation. Adequate arrangements for manure disposal will be required to the satisfaction of the Municipality of Morris-Turnberry.

5. Agricultural Protection

Agricultural lands as designated on Schedule B shall be protected. Non-agricultural development, other than those uses permitted specifically by this Plan, shall locate in settlement areas.

6. Agricultural Commercial and Industrial Uses

Small-scale commercial and industrial uses that process agricultural products or service farms may be permitted in the agriculture designation by rezoning provided:

- the use relates to commercial scale agriculture and not to goods or services that are normally required by the general public;
- the use is required in proximity to farms;
- where possible, the use locates in or near settlement areas, locates in groups, and avoids prime agricultural land;
- any accessory residence remains part of the use and not on a separately titled lot;
- applicable Provincial requirements are met (e.g., certificate of approval); and
- additional requirements are addressed through site plan control.

7. Home Occupations & Home Industries

On-farm business activities that are secondary to the farm and compatible with neighbouring uses are encouraged. Home occupations and small-scale home industries are permitted in the agricultural designation provided they:

- are compatible with surrounding uses;
- do not remove large amounts of farmland from production;
- do not cause traffic or safety concerns; and
- comply with the zoning by-law which may regulate these uses.

“Bed and Breakfasts” are considered home occupations and are regulated in the Zoning By-law. Bed and Breakfasts must demonstrate that a potable water supply and adequate sewage disposal are available and adhere to relevant provincial regulations.

8. Natural Environment

Within the agricultural area, natural features and ecosystem functions will be protected. Wise stewardship practices shall be used to protect and enhance the natural environment. Farm woodlots and other natural features will remain part of the farm holding. Further direction is contained in the Natural Environment policies in Section 4 of this Plan.

9. Minimum Distance Separation

All farm operations and buildings, and all non-farm uses and structures permitted by the agricultural policies of this Plan will comply with the Minimum Distance Separation (MDS) I and II formulae and other provincial regulations.

The MDS varies according to the type and size of livestock operation. Around settlement areas and other uses (such as recreational or institutional uses), the MDS calculations result in larger separation distance requirements.

The Appendix 1 to this Plan contains a map showing sample areas of increased separation distances around settlement areas and other uses. This map is for illustrative purposes only. Specific separation distances are calculated using the MDS formulae in the zoning by-law.

Morris-Turnberry Official Plan

10. Surplus Dwellings

Where possible, residences which become surplus to a farm operator should be held with the farm land as a complete farm unit. However, under certain circumstances, farm residences that become surplus to a farm operator may be severed according to the consent policies in Section 3.4.9. of this Plan.

11. Lots of Record

Lots of record are separate properties that existed on the date of adoption of this Plan and are smaller than the minimum lot size requirements of the Plan. These lots should be used for farming or for other uses permitted in the agricultural designation, and may contain a farm dwelling subject to Section 3.4.1. Farm Unit.

There are several lots of record in the agricultural designation that contain no buildings and that are smaller than the lot area requirements of this Plan. Residences in agricultural areas are permitted according to the following policies:

a. Residence Accessory to Agriculture on lots greater than 38 hectares

- all existing lots greater than 38 hectares shall be entitled to a residence without a rezoning;
- shall meet the requirements of (d) below.

b. Residences Accessory to Agriculture on lots between 4 and 38 hectares will be permitted if:

- an agricultural operation is demonstrated or rezoning is obtained;
- the requirements of (d) below are met.

c. Existing Lots less than 4 hectares

Where agricultural uses or other permitted uses are not possible and the vacant existing lot of record is 4 hectares or less, it may be used for a single detached dwelling through a Zoning By-law amendment. Prior to such a rezoning, Council shall be satisfied that the requirements of (d) are met.

d. Requirements for a Residence

- comply with either a) b) or c) above;
- any proposed residence complies with Minimum Distance Separation requirements;
- the soil is suitable for an approved sewage disposal system and an adequate supply of potable water is available. The suitability of the soils and the adequacy of the water supply shall be in accordance with Section 8 of the Ontario Building Code, as amended;
- the site is suitable for residential construction;
- the site satisfies all requirements of the Conservation Authority;

- the site satisfies the adjacent land requirements of Natural Environment policies;
- the lot abuts a fully maintained public road.

12. Mineral Aggregates

The establishment of new sand and gravel pits in the agricultural designation requires an amendment to this Plan and the Zoning By-law and is subject to the Mineral Aggregates policies in Section 5 of this Plan. The protection of prime agricultural land and the natural environment is a high priority.

See Section 5.3.11. for commercial scale water-taking uses.

13. Community Facilities

Community facilities for social, recreational, administrative or other purposes (such as community centres, sports facilities or government offices) will locate in hamlets and settlement areas to avoid conflicts with agriculture and to enhance urban areas. Existing uses and their expansion will be permitted in the agricultural designation.

Community facilities or public uses which are small in scale and serve the immediate needs of the local community will be permitted in agricultural areas provided there is demonstrated need and there are no reasonable alternative locations that avoid prime agricultural lands. These uses will locate on existing lots and will not be permitted to be severed. The MDS formula may be tailored to accommodate these uses on the host farm. The exact location will be controlled through the Zoning By-law. When locating in areas other than those designated for Urban or Hamlet use, these uses shall be encouraged to locate in groups to provide better service, and should avoid Class 1 or 2 land except where natural features or parcel shape render the parcel unsuitable for agricultural production.

14. Infrastructure and Public Utilities

Infrastructure uses deemed to be public uses will be permitted in the agricultural area. These uses are required throughout the countryside and include:

- facilities and corridors for utilities such as water, sewage, electricity, communications, and oil/gas wells and transmission;
- roads, railways and trails; and
- flooding and erosion control works.

Commercial scale infrastructure uses, such as wind energy facilities, may be permitted in the agricultural area subject to a rezoning to address compatibility with surrounding uses and to establish siting regulations. Wind energy facilities will not be severed from the farm land. Policies for wind energy are found in the Community Economic Development in Section 7.3.2. of this Plan.

Morris-Turnberry Official Plan

Existing transportation and utility corridors including abandoned rail lines shall be encouraged as the location for new or expanding transportation, utility, environmental, recreational or cultural uses. Utility corridors within designated settlement areas may be used for activities such as recreational trails and pedestrian movement.

15. Development of Non-Prime Lands

Schedule B identifies non-prime agricultural land (Class 4, 5 and 6 in the Canada Land Inventory). The preferred use for these lands is for agriculture and supportive uses. In some situations, an Official Plan Amendment may be considered for development not related to agriculture (tourism and recreation, natural environment protection and development).

Such development may only be permitted by amendment, where the development does not impact the agricultural community, complies with Minimum Distance Separation requirements, is low density in nature, protects the natural environment and can be adequately serviced.

The accuracy of the Canada Land Inventory mapping can be confirmed by a professional engineer in accordance with the Terms of Reference for such a review, as prepared by the Ministry of Agriculture and Food.

16. Greenhouses

Agricultural production in greenhouses is increasing in Huron County. Greenhouse development is a permitted agricultural activity. The Municipality may establish development standards in the Zoning By-law to address maximum lot coverage and minimum distance to neighbouring residences. The Zoning By-law may establish the requirement for a rezoning for a greenhouse greater than a certain size. New large development shall be compatible with the surrounding area, and shall ensure minimal impact on ground and surface water quality and quantity. As greenhouses use fertilizer supplements for greenhouse crops, they may be subject to the regulations of the *Nutrient Management Act* and municipal nutrient management regulations. Additional dwellings for seasonal labour are considered an accessory use for greenhouse operations.

17. South of Wingham

The settlement area policies in Section 6 of this Plan direct urban development to Urban and Hamlet designations in Morris-Turnberry. As one exception to this policy, this Plan recognizes three existing residential lots and one existing commercial lot (The Wingham Motel) within the Agricultural designation on Highway 4 South of Wingham, Part Lot 1,

Concession 1, Ward M. These lots are zoned to recognize the existing uses in the Zoning By-law.

One infill lot is permitted in the Agricultural designation between the existing residential lots (Assessment Map 40-54-000-001-025-00, Roll Numbers 1-2, 1-2-05, 1-2-15) and the existing commercial lot (Assessment Map 40-54-000-001-025-00, Roll Number 1-3) and will require a special zone. Further extension of this strip development will not be permitted.

18. Site Plan Control

Pursuant to Section 41(2) of the Planning Act (RSO 1990), any lands within the Agriculture designation are hereby established as proposed site plan control area within which Council can pass site plan control by-laws.

19. Part Lot 1, Concession 2, Ward T

The Plan recognizes an existing commercial lot on Part Lot 1, Concession 2, Ward T (Roll Number 2-1-05).

3.4 LAND DIVISION IN AGRICULTURAL AREAS

In areas designated Agriculture on the Land Use Plan, consents for conveyance may be granted in accordance with the following policies:

All consents must conform with the general land division requirements of section 8.1.

1. Where the parcels being conveyed and retained are for agricultural purposes, a consent may be granted, provided that both the severed and retained parcels:
 - constitute suitable agricultural operations either by themselves or in conjunction with other lands owned by the operator;
 - contain sufficient area for long term agricultural flexibility for future changes in the type or scale of operation; and
 - are a minimum of 38 hectares.
2. Where the land being conveyed or retained is for agricultural purposes, a consent may be granted where both the severed and retained parcels respect the need for long term agricultural flexibility. In determining if the land is to be used for agricultural purposes, the following criteria will be met:
 - agriculture must be the intended use of the land being retained and severed;
 - notwithstanding the minimum lot area requirement of 38 ha, if the present owner purchased two or more parcels of 20 ha or more in the same ownership, at separate

Morris-Turnberry Official Plan

times, and they have since merged on title, severances may be considered to recreate the same previous farm parcels provided that each parcel has a minimum lot area of 20 ha.

3. Where the land being conveyed or retained is for an agricultural commercial or industrial use, a consent may be granted subject to the requirements of section 3.3.6.
 4. Where the land being conveyed is to be added to an abutting, existing non-farm use, a consent may be granted provided that a minimum amount of productive agricultural land is involved and the conveyance is for convenience or servicing purposes.
 5. All consents will be subject to the minimum distance separation requirements.
 6. Provincial approvals for nutrient management may be required prior to severance.
 7. Consents will not be allowed which have the effect of creating lots for non-farm uses. Non-farm rural residential lots will not be allowed with the exception of the following subsection 9.
 8. Consents may be granted for title correction purposes and for minor lot boundary adjustments.
 9. Where a dwelling is acquired through farm consolidation and is surplus to the needs of the farm operation consents may be considered provided that:
 - the residence is surplus to the farmer;
 - the residence was constructed prior to the adoption of the County Plan, June 28, 1973 or is a residence built after 1973 but replaces a habitable residence built before June 28, 1973;
 - the residence is habitable and it is the intention to use the residence;
 - the total parcel subject to consent is a minimum of 38 hectares in size, and no other residence exists on this parcel and there have been no previous separations for residential purposes from this 38 hectare parcel.
 - where a barn exists close to the surplus residence, Council may require the demolition of the barn prior to approving the severance or the barn can be included with the residential lot. A rezoning will be required to limit the total livestock permitted in the barn on the severed lot. One livestock unit will be permitted for each 0.4 hectare to a maximum of 10 livestock units. Adequate arrangements for manure disposal will be required;
- the area to be severed be rezoned to a special agricultural category;
 - the area to be retained be rezoned to prohibit the construction of a residence;
 - the separated parcel will not include any more prime agricultural land than is required to support the residence, but will be a minimum of 1 acre in size to accommodate the residence, septic system and well. The parcel will be regular in shape (i.e. rectangular or square), if possible.

4. NATURAL ENVIRONMENT

Natural Environment areas consist of:

- wetlands;
- woodlands;
- rivers, streams and fish habitat;
- valleys;
- groundwater;
- significant life science areas of natural and scientific interest (ANSIs);
- significant earth science areas of natural and scientific interest (ANSIs);
- significant habitat for threatened and endangered species;
- wildlife habitat.

Since settlement in the 1800s, extensive areas of natural environment have been diminished through clearing, drainage and development. The remaining natural environment areas take on a greater significance for the health and integrity of the ecosystem. The intent of this Plan is to protect these areas to ensure healthy ecosystems.

Forests cover about 20% of Morris-Turnberry's land base and provide many benefits for the natural and human environment. A forest cover target of 25% has been established for all Morris-Turnberry sub-watersheds. This amount of forest cover is achievable without removing any land from agricultural production. A map of sub-watersheds and forest cover targets is included in the background maps.

These natural features are part of a larger system, and should be protected with a view to enhancing the entire ecosystem. Watershed planning is supported as a comprehensive and integrated approach for conservation.

4.1. DEFINITIONS AND LOCATION

The natural environment features are listed below and are further explained in the background maps to this Plan.

Adjacent lands: means lands contiguous to a specific natural heritage feature or area where it is likely that development or site alteration would have a negative impact on the feature or area.

Areas of natural and scientific interest (ANSI): means areas of land and water containing natural landscapes or features that have been identified as having life science or earth science values related to protection, scientific study or education.

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

Significant woodlands are areas which are ecologically important in terms of features such as species composition, age of trees and stand history; functionally important due to its contribution to the broader landscape because of its location, size or due to the amount of forest cover in the area; or economically important due to site quality, species composition or past management history.

Significant means it is ecologically important in terms of features, functions, representation or amount and contribution to the quality and diversity of an identifiable geographic area or natural heritage system.

Threatened species: means a species that is listed as 'Threatened Species' on the Ontario Ministry of Natural Resources' official species at risk list.

Valleylands: means a natural area that occurs in a valley or other landform depression that has water flowing through or standing for some period of time.

Wetlands: means lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic plants or water tolerant plants.

Wildlife habitat: means areas where plants, animals and other organisms live, and find adequate amounts of food, water, shelter and space needed to sustain their populations. Specific wildlife habitats of concern may include areas where species concentrate at a vulnerable point in their annual or life cycle; and areas which are important to migratory or non-migratory species.

Woodlands: means treed areas that provided environmental and economic benefits to both the private landowner and the general public, such as erosion prevention, hydrological and nutrient cycling, provision of clean air and the long-term storage of carbon, provision of wildlife habitat, outdoor recreational opportunities, and the sustainable harvest of a wide range of woodland products. .

LOCATION: The location of the lands designated Natural Environment are shown on Schedule B. Specific locations of different types of Natural

Morris-Turnberry Official Plan

Environment are shown in the background maps of the Official Plan (see Table of Contents for list).

The Natural Environment designation shown on Schedule B is subdivided into two categories:

Natural Environment - Full Protection designation includes provincially significant wetlands, fish habitat, and significant habitat for threatened and endangered species.

Natural Environment - Limited Development includes significant woodlands, significant wildlife habitat, significant valleylands, locally significant wetlands and significant areas of natural and scientific interest.

4.2. GOALS

The Natural Environment goals adopted by this Plan are:

- to protect natural areas from development;
- to improve the quality and quantity of both surface and ground water;
- to ensure a healthy environment and improved quality of life through the protection and enhancement of natural areas and resources; and
- to encourage compatible development in keeping with environmental, social and economic goals.

These goals will be supported by the following directions:

- to identify and protect areas of natural environment which are of provincial and local significance;
- to conserve, protect and re-establish natural environment areas, recognizing the diversity of natural features and the connections between them;
- to maintain the landscape for maximum biodiversity, beauty, and its inherent value;
- to heighten public awareness, increase stewardship and enhance community cooperation for protection of the natural environment;
- to use innovative tools and landowner incentives which further the natural environment goals of this Plan; and
- to participate in community-based watershed planning.

4.3. POLICIES

1. Designations

Natural environment features are designated and must be protected, restored, and enhanced for the benefit of present and future generations. Uses such as conservation, forestry, wildlife areas, and passive recreation are permitted. Specific policies dealing with the various components of the Natural Environment designation will identify any additional uses and constraints that apply.

The Municipality of Morris-Turnberry recognizes the dynamic nature of natural features, especially provincially significant wetlands and areas of natural and scientific interest. Boundary confirmation and feature evaluation can be included as requirements of any environmental impact study (EIS) that may be required in support of a proposed land use change or development application. From time to time, it may be necessary to update the designations of the Natural Environment areas to recognize changes in the Natural Environment areas.

2. Watershed Planning

The integrity and function of the ecosystem will be protected, restored and enhanced. Watershed or sub-watershed planning integrates water management, environmental management and land use planning on an ecosystem basis. The Municipality of Morris-Turnberry consists of 6 sub-watersheds:

- the Little Maitland;
- Lower Maitland;
- Middle Maitland;
- North Maitland;
- Saugeen; and
- South Maitland.

The boundaries of watersheds and sub-watersheds provide natural limits for managing the relationships between human activities and the environment.

The Municipality will participate in watershed and sub-watershed studies in cooperation with the Conservation Authority, adjacent municipalities, community groups and other agencies. Relevant findings of watershed planning may be implemented through amendment to this Plan and/or the Zoning By-law.

The provincial government is in the process of developing Source Water Protection legislation. This Plan may be revised to incorporate new policies through the source water planning process.

Morris-Turnberry Official Plan

3. Community Stewardship

To become environmental leaders and to create a healthy ecosystem, the efforts and stewardship of the whole community are essential. Numerous individual and community initiatives are necessary for a healthy environment. Initiatives include awareness, water management, septic system maintenance, sustainable agricultural practices and forestry management. The Municipality will work with the Conservation Authorities, the Stewardship Council, the Planning Department, the Huron County Health Unit and other community groups to promote a healthy environment. The County 'State of the Environment Report' will monitor and evaluate the natural environment and the Municipality will provide information to the County when available.

4. Groundwater Protection

Groundwater plays an essential role in maintaining ecosystem health, including aquatic and terrestrial ecosystems and human health. Water in the ground recharges aquifers and provides base flow to rivers and streams. Land use planning must consider the protection and enhancement of water and related resources and aquatic ecosystems on a watershed basis. Development will protect water quality and quantity.

Local groundwater conditions must be considered within the context of the larger, regional groundwater flow systems to maintain a sustainable water source. Groundwater provides water for residents and livestock or other uses. Water is provided through individual private wells, communal water systems and municipal water systems in the Municipality. To ensure a secure supply of clean water, groundwater must be considered and protected. These functions include recharging, transmitting, attenuating contaminants, and storing and discharging water.

This Plan implements the recommendations of the Huron County Groundwater Study, 2003, by identifying and protecting sensitive areas such as groundwater recharge areas, municipal well source areas, and groundwater areas susceptible to surface impacts. The Zoning By-law may restrict permitted uses in the Wellhead Protection Areas shown on Schedule B. A Hydro-geological Study, Environmental Impact Study, Nutrient Management Plan or other appropriate study may be required for development in sensitive areas.

Proponents may be required to demonstrate that water supply meets or exceeds the provincial drinking water regulations, without adversely affecting the quality or quantity of water in nearby wells. Any abandoned wells are to be decommissioned in accordance with Ministry of Environment guidelines.

Additional studies may be required to identify recharge and discharge areas.

5. Areas of Natural Environment—Full Protection: Provincially Significant Wetlands, Significant Habitat for Threatened or Endangered Species, and Fish Habitat

Natural Environment areas identified as provincially significant wetlands, significant habitat for threatened or endangered species and fish habitat are considered no development zones and are designated as Natural Environment—Full Protection. Adjacent lands and the remainder of the Natural Environment areas may permit limited development in accordance with Section 6.

Wetland areas that have been identified as provincially significant shall be protected from development and site alteration. Where additional provincially significant wetland areas are identified, the background maps shall be updated.

Planning applications will be screened against known/probable locations of species at risk and rare species. Applications will be reviewed against the Natural Heritage Information Centre database and Species at Risk mapping provided by the Ministry of Natural Resources. Where a known or probable location of Species at Risk and/or rare species is identified, at or in close proximity to the subject lands, the Municipality will consult with MNR staff to confirm the identification and determine if specific technical or information requirements may be required.

All permanent and intermittent streams, watercourses, lakes, wetlands and ponds (other than man-made off-stream ponds) are deemed to be fish habitat and are mapped as Natural Environment—Full Protection on Schedule B. It may be possible to revise the Schedule B mapping if it can be demonstrated to the satisfaction of the Conservation Authority (e.g. through an EIS) that the feature does not constitute fish habitat.

6. Areas of Limited Protection – Locally Significant Wetlands, Significant ANSIs, Significant Wildlife Habitat, Significant Valleylands, Significant Woodlands, Adjacent Lands

Development shall be directed away from forested and other natural areas where an alternative location exists on the property. However in some cases, Natural Environment areas identified as locally significant wetlands, significant ANSIs, significant wildlife habitat, significant valleylands, significant

Morris-Turnberry Official Plan

woodlands, may contain a residence and/or accessory buildings without detrimentally affecting the natural environment goals of this Plan. These properties may be rezoned to a special natural environment zone provided:

- no alternative location exists on the property that is outside the Natural Environment designation;
- the affected area is not a wetland, floodplain, a hazard area (unstable slopes, soils or sinkholes);
- development in an Area of Natural and Scientific Interest will require demonstration that there will be no negative impacts on the natural features or their ecological functions through and Environmental Impact Study to the satisfaction of the Conservation Authority;
- on valleyland properties, no alternative building site exists outside of the valley land;
- the development results in minimal effects on the ecological features and functions of the area;
- groundwater will be protected, particularly in vulnerable areas;
- the local Conservation Authority or other appropriate agencies shall be consulted;
- the residence may not be severed from the holding on which it is located;
- the proposed dwelling complies with the MDS I formula;
- the site is suitable for construction, the soil is suitable for sewage disposal and an adequate supply of potable water is available;
- development is in accordance with the County Forest Conservation By-law;
- the site is serviced by a fully maintained municipal road (alternative standards may apply to existing developed areas);
- development is in compliance with applicable Conservation Authority regulations; and
- development may be conditional on natural environment enhancements, such as forest improvements, linkages, stewardship agreements and conservation easements.

7. Lands Adjacent to Natural Features

Provincial policies require that lands adjacent to significant natural features will be protected from incompatible development within:

- 120 metres of provincially significant wetlands
- 50 metres of significant woodlands, significant wildlife habitat, significant valleylands, locally significant wetlands, earth and life science ANSIs.

Prior to issuing a building permit or approving a planning application with the adjacent lands of a Natural Environment area, the Municipality will consult with the Conservation Authority to determine if an Environmental Impact Study is required in order to assess the impact of a proposed development application.

An Environmental Impact Study is required where development or site alteration may cause degradation that threatens the health and integrity of the natural features of ecological functions of the area. Section 11 outlines the Environmental Impact Study requirements in more detail.

Development on adjacent lands will only be approved where the ecological functions of the adjacent lands have been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

The Zoning By-law may use an overlay, setbacks, and/or a holding symbol (H) in these areas.

8. Watercourses and Fish Habitat

Development and site alteration shall not adversely affect watercourses. The Zoning By-law shall establish setbacks from watercourses to minimize the effect of development and site alteration. The Ministry of Natural Resources and Department of Fisheries and Oceans may be consulted when a proposal potentially affects fish habitat.

The protection and establishment of naturally vegetated buffer strips along water bodies and headwater areas are encouraged. Storm water management and drainage activities shall be evaluated to minimize negative effects on watercourses and to preserve water quality and quantity.

9. Natural Hazards

Natural hazards include:

- flooding;
- erosion;
- unstable slopes;
- sinkholes;
- lands adjacent to ravines, river valleys and streams.

Development shall avoid areas of natural hazards. Setbacks for buildings and structures from the top-of-bank of watercourses and from sinkholes will be established in the Zoning By-law. Studies and mitigation measures may be required to overcome hazards to development.

10. Flood Prone Lands

Flood prone lands are wetlands and organic soils that are regulated by the Conservation Authorities Act and

Morris-Turnberry Official Plan

corresponding regulations. No buildings or structures are permitted in the flood plain, unless required for flood protection or erosion measures, habitat improvement or are necessary for essential public services. A Conservation Authority permit is required for construction and alteration in flood prone areas. Permitted buildings and structures should be constructed to minimize damage in the event of flooding.

Flood plain policies for hamlets and urban areas are in Section 6.6. of this Plan.

4. Consents may be granted where both the severed and retained parcels:
 - Have a minimum lot size of 38 hectares;
 - Are eligible for rezoning under Section 4.3.6

11. Environmental Impact Study

Environmental Impact Studies, where required, should be conducted in two phases.

Phase I evaluates the suitability of the site for the proposed development, including an inventory of the natural features and functions present on the site.

Phase II should identify conditions for development and any potential mitigation measures. The Phase I report must be reviewed and approved by the appropriate agencies before Phase II is initiated.

A pre-consultation will establish the scope of the development proposal, identify the natural heritage and hazard issues to be addressed, detail the accepted methods of evaluating potential impacts, and specify the qualifications of personnel required to carry out these evaluations.

Completion of an EIS does not guarantee a development application will be approved.

Specific guidelines for an EIS are provided in Appendix 2 of this Plan.

4.4. LAND DIVISION IN NATURAL ENVIRONMENT AREAS

In areas designated Natural Environment on the Land Use Plan, consents for conveyance may be granted in accordance with the following policies.

1. All consents must conform with the general requirements of section 8.1.
2. Consents may be granted for the conveyance of land to public bodies or agencies engaged in the protection, reestablishment and management of the natural environment.
3. Consents may be granted for title correction purposes and for minor lot boundary adjustments.

5. MINERAL AGGREGATES

Mineral aggregates are an important resource in Morris-Turnberry with the most sizable aggregate deposits being located in Turnberry Ward. This resource is non-renewable. Therefore, proper conservation and management is essential.

In 2005, Huron County completed an Aggregate Resource Strategy to balance the future demand for aggregate with environmental, social and economic features. The Aggregate Resource Strategy identified resource areas that are suitable for extraction. In order to identify these areas the land use and environmental features that sterilize or constrain the extraction of aggregate were mapped. These features were used to determine land that would be suitable for extraction and have minimal environmental, social and economic impact.

Identifying these areas helps ensure that Council, residents, prospective landowners and developers know these areas are planned for future extraction.

One of the recommendations of the Aggregate Resource Strategy is to designate primary and secondary areas of the resource with no (0) constraints or one (1) constraint as “Mineral Aggregate” in order to protect the aggregate for future extraction.

These areas are designated “Mineral Aggregates” on Schedule ‘B’. Areas of primary and secondary aggregate with more than one (1) constraint are shown on Appendix Map. These are important resource areas which may also potentially be suitable for extraction and will be evaluated on an individual basis in accordance with the policies.

5.1 DEFINITIONS and LOCATION

Mineral Aggregate Deposits: are areas of identified minerals that have sufficient quantity and quality based on specific geological evidence to warrant present or future extraction.

Mineral Aggregate Resources: are gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite, rock or other material prescribed under the *Aggregate Resources Act* suitable for construction, industrial, manufacturing and maintenance purposes but does not include metallic ores, asbestos, graphite, kyanite, mica, nepheline syenite, salt, talc, wollastonite, mine tailings or other material prescribed under the *Mining Act*.

Mineral Aggregate Operation: are lands under license or permit, other than for a wayside pit, issued in accordance with the *Aggregate Resources Act*. A mineral aggregate operation includes: associated facilities used in extraction, transport, beneficiation, processing or recycling of mineral aggregates and derived products such as asphalt and concrete, or the production of secondary related products.

Constrained Deposits: are those areas of primary and secondary mineral aggregate deposits where social or environmental features may be impacted by the extraction. Constraints include: locally significant wetlands, locally significant areas of natural and scientific interest, significant woodlands, sinkholes, significant valley lands, floodplains, and their associated buffers.

Constraints	Buffer Zones
Locally significant wetlands	120 meters
Locally significant life science A.N.S.I's	50 meters
Significant woodlands	50 meters
Sinkholes	30 meters
Significant valley lands	50 meters
Floodplains	50 meters

Sterilized Deposits: are areas of primary and secondary mineral aggregate deposits that are not recommended for extraction and include: aggregate under areas designated urban, cemeteries, landfills, provincially significant wetlands, provincially significant areas of natural and scientific interest (life science), and municipal well-head capture zones and their associated buffers.

Sterile Constraints	Buffer Zones
Urban areas and uses	0 meters
Cemeteries	0 meters
Landfills	0 meters
Provincially significant wetlands	120 meters
Provincially significant life science A.N.S.I's	50 meters
Elementary, secondary and private schools	30 meters
Municipal wellhead capture zones	0 meters

Primary Mineral Aggregate Deposits: are areas in which a major resource is known to exist and should be considered as part of the aggregate supply of the area. These deposits are of the highest quality and quantity within the area.

Morris-Turnberry Official Plan

Secondary Mineral Aggregate Deposits: are deposits not considered to be the best resources in the County. They contain large quantities of sand and gravel and are an important part of the aggregate supply of the area. These areas are viable for commercial extraction.

Tertiary Mineral Aggregate Deposits: are deposits considered to have the lowest quality and quantity of sand and gravel resource in the County and is only viable for commercial extraction in limited circumstances.

Progressive Rehabilitation: is sequential rehabilitation, completed during the period that aggregate is being extracted, in accordance with the *Aggregate Resources Act*, and its regulations. The site plan and the conditions of the license are approved by the Ministry of Natural Resources.

Sensitive Receptor: includes buildings and land uses such as day care centers, schools and buildings/facilities where people sleep, (e.g. a residence, nursing home, hospital, trailer park, campground).

LOCATION: Primary and secondary mineral aggregate deposits with no constraints and one constraint as identified in the Aggregate Resource Strategy are designated Mineral Aggregate on Schedule B. Existing mineral aggregate operations, licensed in accordance with the *Aggregate Resources Act*, are also designated Mineral Aggregate on Schedule B. Sterilized and constrained mineral aggregate deposits are shown as on the Appendix 2 map for information purposes only.

5.2 GOALS

The goals of the Mineral Aggregate designation are to:

- utilize the mineral aggregate resource in an efficient and environmentally sustainable manner;
- make as much of the mineral aggregate resource available as close as possible to the market;
- recognize existing mineral aggregate operations and protect them from activities that would preclude or hinder their continued use or expansion;
- protect primary and secondary mineral aggregate deposits with limited constraints, from incompatible development, since these areas have high potential for future mineral aggregate extraction;
- protect primary and secondary mineral aggregate deposits from incompatible development, even though they may not be designated mineral

aggregates, as these areas are considered an important provincial resource.

- ensure that new or expanding mineral aggregate operations are sited in locations that will have minimal impact on significant social and environmental features;
- ensure that the activities of mineral aggregate operations are carried out with minimal environmental and social impacts;
- minimize conflicts between incompatible land uses;
- require that all mineral aggregate operations meet the licensing requirements and standards of the *Aggregate Resources Act*;
- encourage consultation between relevant agencies and the proponent to ensure that new or expanding mineral aggregate operations meet the requirements of this Plan;
- ensure that areas of mineral aggregate extraction are progressively rehabilitated as aggregate is exhausted, in conjunction with the policies of this Plan;
- implement the recommendations of the *Aggregate Resource Strategy Report*, as endorsed by Huron County Council.

5.3 POLICIES AND ACTIONS

The following policies and actions apply to areas designated *Mineral Aggregate*:

1. Mineral Aggregate License

In addition to obtaining approvals under the *Planning Act*, new mineral aggregate operations, and expansions of existing operations, will require approval under the *Aggregate Resources Act*. An application for license shall be submitted to the Ministry of Natural Resources. Prior to issuing a license, the Ministry of Natural Resources will require a site plan, confirmation of proper designation and zoning, a rehabilitation plan and supporting studies as outlined in the *Aggregate Resources Act* and applicable regulations.

2. Existing Licensed Operations

Existing licensed mineral aggregate operations and associated uses designated Mineral Aggregate will be allowed to continue to operate. Expansions of existing licensed operations within designated Mineral Aggregate deposits may be permitted to expand according to the policies of Section 5.3.4.

Expansions of existing licensed operations onto adjacent lands not designated Mineral Aggregate may only be permitted where the policies of Section 5.3.5., are satisfied.

Morris-Turnberry Official Plan

All aggregate operations must be licensed under the *Aggregate Resources Act* and applicable regulations.

3. Agriculture and Natural Environment Uses

Before and after mineral aggregate extractions, agriculture and natural environment uses, buildings and structures and accessory uses are encouraged, and shall be permitted on lands designated Mineral Aggregate in accordance with the appropriate policies of this Plan.

4. Proposed Operations in Designated Mineral Aggregate Deposits

a. Proposed new mineral aggregate operations and the expansion of existing mineral aggregate operations will be permitted in areas designated Mineral Aggregate without the need for an official plan amendment. These areas are designated Mineral Aggregates in accordance with the recommendations of the Aggregate Resources Strategy Report.

b. Applicants are encouraged to obtain approvals through the Aggregate Resources Act and the Planning Act concurrently.

c. The opening of a new mineral aggregate operation or expansion of an existing mineral aggregate operation in an area designated Mineral Aggregate will require Aggregate Resources Act approval and an amendment to the Zoning By-law.

A number of studies shall be completed to the satisfaction of the Municipality, the Ministry of Natural Resources, and other applicable ministries or agencies before approvals are obtained under the Planning Act (re-zoning) or the Aggregate Resources Act (aggregate license). The required studies are outlined in Appendix 2.

5. Proposed Operations Outside Designated Mineral Aggregate Deposits

a. Proposed mineral aggregate operations or the expansion of existing mineral aggregate operations in areas not currently designated Mineral Aggregate on Schedule B, will be evaluated on an individual basis.

The Aggregate Resource Strategy Report, 2005 recognizes that additional mineral aggregate deposits exist. Areas identified as having 2 or 3 constraints that may be impacted by mineral aggregate extraction were not designated because extraction in these areas may have an increased impact on the social or environmental features in the area.

However, in certain circumstances it may be necessary and appropriate to permit a new operation

or expansion in these areas. Where a license for a new or expanding mineral aggregate operation is proposed in one of these areas, an amendment to this Plan and the Zoning By-law will be required.

Prior to approval of these amendments, the following studies or documents may be required.

- i) All studies required under Section 5.3.4. c) and outlined in Appendix 2
- ii) The following additional Impact Assessment requirements
 - Potential impacts of the aggregate operation on existing land uses within 300 metres;
 - Impact on the character of the area, including built resources
 - Impacts of odour, dust, particulate emissions and vibration from the proposed use on adjacent land uses.
 - If any adverse impacts are identified, describe how these impacts will be minimized.

6. Review of Required Plans under the Aggregate Resources Act

All plans meeting the requirements of the *Aggregate Resources Act* licensing process, will be circulated to the County, Municipality and the local conservation authority for review.

All extraction, processing and associated activities shall be located, designed and operated so as to minimize environmental and social impacts and ensure no negative impacts on surrounding properties. The Municipality may request that specific conditions be attached to the license.

7. Development Adjacent to Lands in Mineral Aggregate Designation

When new development (through a *Planning Act* application) is proposed within 300 metres of lands that are protected for future mineral aggregate operations either designated for Mineral Aggregates or as shown on Appendix Maps, and implemented by Sections 5.3.4. and 5.3.5., Council shall be satisfied that the proposed use is compatible with the current or future use as a mineral aggregate operation.

In some cases, setbacks and other mitigation measures may be required to minimize conflicts between uses.

Land uses permitted within the agricultural and natural environment designation are compatible uses on and within 300 metres of lands designated Mineral Aggregate.

Morris-Turnberry Official Plan

8. Rehabilitation

The policies of the plan require that all mineral aggregate operations shall be progressively rehabilitated. The Municipality will work with operators and the Ministry of Natural Resources to ensure that all licenses have appropriate progressive rehabilitation plans.

Where, prior to extraction, a site was considered prime (Class 1-3) agricultural land, the aggregate operation will be required to rehabilitate to its former use. Rehabilitation to an agricultural use shall be in accordance with section 8.1.

Where, prior to extraction, a site was considered as non-prime (Class 4-6) agricultural land, or where a site is within 100 metres of an existing natural feature, the aggregate operation may be rehabilitated to either agriculture (in accordance with 8.1.) or to natural environment. Rehabilitation to a natural environment use shall be in accordance with section 8.2. and the Natural Environment policies of this plan.

The Municipality shall encourage the Ministry of Natural Resources to provide notice when an aggregate license is surrendered.

8.1. Rehabilitation to Agriculture

A site being rehabilitated to an agricultural use must restore approximately the same land area and soil capability that existed prior to extraction.

Plans submitted in accordance with the Aggregate Resources Act shall that ensure the most efficient and effective use of overburden, topsoil and other non-product material.

On prime agricultural lands, complete agricultural rehabilitation is not required if:

1. there is a substantial quantity of mineral aggregate resource below the water table warranting extraction; or
2. agricultural rehabilitation in remaining areas is maximized; or
3. other alternatives have been considered by the applicant and found unsuitable.

8.2. Rehabilitation to Natural Environment

A site being rehabilitated to a natural environment use must restore no less than the same land area that existed prior to extraction, native self-sustaining vegetation should be established.

Rehabilitation to Natural Environment will be encouraged in order to assist with the implementation of the goals of the Natural Environment policies of this plan. The operator is encouraged to consult with the local Conservation Authority when designing the

operational plans and progressive rehabilitation plans.

9. Other Extractive Activities

9.1. Wayside Pits, Portable Asphalt Plants and Portable Concrete Plants

Wayside pits, portable asphalt plants and portable concrete plants for public authority contracts that meet the requirements of all applicable provincial legislation and regulations will be permitted in all areas except those areas of existing urban development or particular environmental sensitivity which have been determined to be incompatible with extraction and associated activities. Wayside pits, portable asphalt plants and portable concrete plants for public authority contracts will be permitted in appropriate areas without an amendment to this plan or Zoning By-law.

9.2. Mineral & Petroleum Resources

The Plan encourages the protection of petroleum resources for long-term use, and from incompatible land uses. Exploration of petroleum resources is permitted in all land use designations except urban and hamlet settlement areas and natural environment-full protection areas. The extraction of mineral and petroleum resources may be permitted subject to compliance with applicable regulations.

The extraction of mineral and petroleum resources are permitted in agricultural areas subject to the site being rehabilitated to its former use.

6. SETTLEMENT AREAS

This Plan deals with various types of urban development based on function and size with definitions, goals, policies, locations and implementation criteria established for each. Settlement Area Policies address 4 types of development including:

Settlement Areas

- Hamlet (Section 6.3)
- Urban Area Adjacent to Wingham (Section 6.5)

Urban Natural Environment and Open Space (Section 6.6)

Residential Parks (Section 6.7)

Airport (Section 6.8)

Morris-Turnberry has several hamlets that are small residential communities. They provide limited commercial, social and institutional needs, ranging from general stores and churches to community centres. These settlements are designated **Hamlet** and include:

- part of Belgrave;
- Bluevale;
- part of Belmore;
- part of Walton;
- Settlement area adjacent to the village of Brussels.

Urban development in Morris-Turnberry is also located in settlement areas adjacent to Wingham in the Township of North Huron. These areas are designated **Urban** and include:

- Lower Town (west of Wingham);
- North of Wingham;
- East of Wingham and Junctionville.

Land in the Municipality of Morris-Turnberry abuts several settlement areas outside the municipality's boundaries. These neighbouring settlements areas are: Blyth, Wingham, Wroxeter, and Brussels.

There is sufficient land in Morris-Turnberry designated Hamlet and Urban to accommodate growth. Expanding a Hamlet or Urban designation will require a comprehensive review consistent with the Provincial Policy Statement.

6.1. SETTLEMENT AREA GOALS

The goals adopted by this Plan for the Hamlets and the Urban areas adjacent to Wingham are:

- to protect and enhance the character and aesthetic qualities of the settlement areas;
- to provide sufficient land for growth within settlement areas;

- to direct development to designated areas;
- to prevent the intrusion of non-farm development in agriculture areas;
- to protect natural features and functions from incompatible development;
- to develop an educational program for residents about the proper design, use and maintenance of septic systems, the importance of well inspections, procedures for abandoning wells and water saving measures;
- to develop a regular maintenance and monitoring program for all on-site sewage disposal systems and ensure that this program is carried out by all property owners in the urban areas of the Municipality;
- to ensure appropriate and adequate services are provided within settlement areas;
- to allow development as a residential, commercial and social focal point for the surrounding community in keeping with the setting, character and aesthetic quality of the urban area.
- to establish affordable housing targets as required by the Provincial Policy Statement.

6.2. HAMLET LOCATION

In Morris-Turnberry, the hamlets of Bluevale, Belgrave, part of Belmore and part of Walton function as centralized locations for residential, commercial and social activities. These areas are designated Hamlet. In this Plan, the area adjacent to Brussels is included in the Hamlet designation. There is no development adjacent to Blyth. All of these areas are described below.

Belgrave

Belgrave is on County Road 4 in Ward M, and straddles the municipal boundary of the Township of North Huron. While the hamlet is primarily residential, Belgrave also provides social, commercial and service functions for the surrounding area. There is land available in the Hamlet designation of Belgrave to accommodate development.

Belmore

Belmore is in the north of the Ward T at the junction of County Road 12 in Ward M and the Huron-Bruce Road. The hamlet straddles the municipal boundaries of the Township of Howick and the Municipality of South Bruce in Bruce County.

Bluevale

Bluevale is a small residential community at the intersection of County Road 87 and County Road 86. The hamlet provides a rural setting as an alternative to urban areas, and a sense of community to a scattered rural population. There is sufficient land in

Morris-Turnberry Official Plan

the Hamlet designation of Bluevale to meet the needs of future development.

Adjacent to Brussels

The settlement of Brussels is located at the intersection of County Road 12 and 16. Brussels is in the Municipality of Huron East, and abuts land in Ward M of Morris-Turnberry.

Development has established to the north and south of Brussels along County Road 12. The former Fairgrounds are to the north-west of Brussels. Future development of these lands shall occur in conjunction with development in the village of Brussels.

Development outside the Hamlet designation adjacent to Brussels will occur by Official Plan Amendment on full municipal services in co-operation with the Municipality of Huron East, and will require a comprehensive review consistent with the Provincial Policy Statement.

Walton

The hamlet of Walton is at the corner of County Road 25 and County Road 12. It is a small community that is mostly residential. Part of Walton is in the Municipality of Huron East.

East of Blyth

The settlement of Blyth is located at the intersection of County Roads 4 and 25. Blyth is in the Township of North Huron, and abuts land in Ward M of Morris-Turnberry.

LOCATION: The location of the lands designated Hamlet are shown on Schedule B. Additional Schedules (Schedule B—Belgrave, Schedule B—Belmore, Schedule B—Bluevale, Schedule B—Walton, Schedule B—Adjacent to Brussels) provide detailed schedules of each hamlet.

6.3. HAMLET POLICIES

To achieve the settlement area goals, the following policies are adopted.

1. Residential (Hamlet)

The primary use of land in the Hamlet designation is residential in the form of single detached dwellings. Other types of dwellings may be permitted subject to compatibility with the surrounding area, adequate services and rezoning.

Home occupations will be allowed in residential areas subject to the provisions of the implementing Zoning By-law. Bed and Breakfast establishments are allowed in the residential areas where permitted by and in accordance with the Zoning By-law.

2. Commercial (Hamlet)

In the Hamlet designation, commercial uses may be permitted by rezoning, provided:

- the use is compatible with the character of the area;
- adequate services are available; and
- site plan control may be implemented to regulate the details of development.

3. Industrial (Hamlet)

In the Hamlet designation, industrial uses may be permitted by rezoning subject to the following:

- the use is compatible with the character of the area;
- industrial development will comply with Provincial air and water emission standards as well as noise standards;
- where industrial uses abut residential areas, the type of industry may be restricted to ensure a compatible mix of land uses, and the responsibility will be on the industrial use through the site plan control process to attain compatibility;
- adequate services are available; and
- site plan control may be implemented to regulate the details of development.

4. Community Facilities and Infrastructure (Hamlet)

Community facilities for social, recreational, administrative or other purposes, such as community centres, sports facilities or government offices, will locate in Settlement Areas to avoid conflicts with agriculture and to enhance urban areas.

Community facilities in the Hamlet designation may be permitted by rezoning, provided:

- the proposed location is suitable for the use and compatible with the surrounding uses;
- adequate services are available; and
- site plan control may be implemented to regulate the details of development.

Policies regarding the development of Community Facilities in Agricultural areas are included in Section 3.3.13.

5. Infrastructure and Public Utilities

Public infrastructure uses are permitted in any land use designation. These uses are required throughout the Municipality and include:

- facilities and corridors for utilities such as water, sewage, electricity, communications, and oil/gas wells and transmission;
- roads, railways and trails;
- flooding and erosion control works.

Infrastructure uses will be located to effectively provide community functions, while minimizing disruption to surrounding land uses and the natural environment. Infrastructure developments may be made conditional upon public meetings and

Morris-Turnberry Official Plan

agreements at the discretion of the Municipality, unless they are subject to the *Environmental Assessment Act* review process.

Commercial scale wind turbines are directed outside Hamlet designations. Policies regarding alternative energy land uses including wind turbines are included in Section 7.3.2.

6. Hamlet Development Standards

The following development standards shall apply to all development in the Hamlet designation.

- a. Development must be compatible with surrounding uses.
- b. Development may take place either by registered plan of subdivision or consent/severance. Severances will be used to infill and to develop small holdings as a logical extension of existing development. When severances are used to develop small holdings they will be based on a pre-design approved by the Municipality and will indicate how the proposed lots fit into the existing development pattern.
- c. Natural features and functions will be protected. The design will be harmonized with natural features, including topography and woodlands.
- d. Lot sizes will be sufficient to accommodate the proposed method of servicing over the long term. Where septic systems are proposed, developments will comply with the provincial groundwater protection criteria for nitrates, and lots will contain a contingency tile bed area.
- e. New developments, including the opening up of new areas, will be required to connect to an existing municipal water supply or establish a new municipal water supply. Infilling and small-scale developments may be serviced by individual wells where municipal water is not available to a maximum of five lots. Developments larger than five lots require municipal or communal water systems.
- f. For new developments, including the opening up of new areas, the Municipality may require a study on the need for a piped sewage system and treatment facility. Where full services are not required, individual septic systems may be used as permitted by the Provincial Policy Statement.
- g. Water supply and sewage disposal are subject to approvals from the appropriate authority before development occurs.
- h. Open space areas, natural areas and parkland will be conveyed to the municipality or owned in common by the subdivision residents. Council may

accept payment in lieu of parkland where appropriate.

- i. Vehicle access will be provided by a public road developed to municipal standards.
- j. Adequate lot grading and drainage, and storm water management are required.
- k. A development agreement will be signed and registered on title to the satisfaction of the municipality.
- l. The appropriate zoning is in force.
- m. Livestock units are not permitted in the Hamlet designation.

6.4. URBAN LOCATION

The area adjacent to Wingham is designated Urban on Schedule B. This includes East of Wingham, North of Wingham and Lower Town as described in more detail below. These Urban areas incorporate a variety of residential and commercial uses. These uses are recognized with Residential, Commercial and Industrial designations as shown on Schedule B—East of Wingham and Schedule B—Lower Town and North of Wingham.

• East of Wingham and Junctionville

Mixed strip development has occurred along the north side of Highway No. 86 between McLean Line and Wingham. This includes Junctionville, which was created by Registered Plan 278 in 1877. New development is permitted in this area through infilling or by registered plan of subdivision on full municipal services, if possible, in co-operation with the Township of North Huron. Development will proceed by Official Plan and Zoning By-law amendment.

• North of Wingham

North of Wingham is an area of urban development which is half of the original Wingham Town Plot that remained in the former Township of Turnberry when Wingham was incorporated in 1874. This area consists of Plan 432 of Turnberry, as well as the area bounded by Wingham, Highway No. 4, the Canadian Pacific Rail Line and Concession Road 8-9.

It is the intention that development in this area complement development in Wingham. New development is permitted through infilling or by registered plan of subdivision on full municipal services, if possible, in co-operation with the Township of North Huron. Development will proceed by Official Plan and Zoning By-law amendment.

• Lower Town

Registered Plans 410, 425, 427 and 610 are locally known as 'Lower Town', Wingham. This area exists

Morris-Turnberry Official Plan

as a historic Plan of Subdivision, Registered Plan 410, 425 and 427 were established in 1865 west of Wingham. Plan 610 is to the immediate west of Lower Town and was established in 1992. Lower Town was never incorporated into the Town of Wingham and the land in Lower Town has developed in a random manner because there is a large area that is subject to flooding.

The Township of Turnberry's Secondary Plan, adopted in 1983 designated Lower Town Urban (Residential, Commercial and Industrial). In 1987, by-law 14-1987 rezoned many of these lots to Developmental, which were then rezoned to Village Residential (Low Density) - Holding (VR1-H) by by-law 16-1990.

The enactment of by-law 16-1990 drew the attention of several agencies with an interest in the hydro-geological sensitivity in Lower Town. As a result, an environmental audit of the status of private water and sewage disposal systems in Lower Town was completed¹.

It is the intention of the Plan to develop a land use pattern that permits small-scale and infilling as a complement to Wingham. Because of sensitive hydro-geological features in this area large scale development is restricted. Special policies for Lower Town are incorporated into the Development Standards policies (see Section 6.5.7).

1. Residential (Urban)

Two types of residential development are recognized:

- Low Density Residential
- Medium and High Density Residential

Home occupations will be allowed in residential areas subject to the provisions of the implementing Zoning By-law. Bed and Breakfast establishments are allowed in the residential areas where permitted by and in accordance with the Zoning By-law.

Low Density Residential

The primary use of land designated Residential is low density residential development. Other types of dwellings may be permitted subject to compatibility with the surrounding area, adequate services and rezoning.

Medium and High Density Residential

Medium and high density residential development may be permitted subject to the following:

- a. Medium density includes triplexes, four-plexes, and townhouses, which do not exceed four units per building.
- b. High density includes apartments and townhouses, which exceed four units per building.
- c. Medium and high density uses will be permitted in limited numbers throughout the residential designation of land use, subject to compatibility with the surrounding area, adequate services, and the appropriate zoning.
- d. New development will come under the site plan controls of Section 41 of the *Planning Act*, (RSO 1990), and applicants shall be required to enter into registered agreements with the Municipality prior to the enactment of an amendment to the Zoning By-law and/or the issuance of building permits.
- e. Medium and high density housing proposal will be considered individually on their merits and prior to rezoning shall meet the following criteria:
 - medium and high density housing shall maintain a low building profile in relation to the residential area and their design should maintain the low density character of the residential area;
 - all parking to be off-street;
 - attractive landscaping and adequate on-site amenities will be provided;
 - the siting, design and coloration of buildings and structures should be used to create a harmonious blending with the surrounding residential area.
- f. Where a conflicting land use exists near a developing residential area, the residential development will incorporate appropriate measures to prevent or alleviate any adverse effect on the residential use.
- g. Medium and high density sites shall be located in a manner which minimizes traffic movement through low density residential areas.

¹ Township of Turnberry and the Huron County Planning and Development Department, (Summer 1993), Hydrogeological Sensitivity Evaluation Phase 1 For the Area of Lower Town (R.P. 410)

Township of Turnberry and the Huron County Planning and Development Department, (November 1994), Hydrogeological Sensitivity Evaluation Phase 2 For the Area of Lower Town (R.P. 410)

Morris-Turnberry Official Plan

2. Commercial (Urban)

Two types of commercial development are recognized:

- Commercial
- Highway Commercial

Commercial

Commercial designations are located in Lower Town and North of Wingham as shown on Schedule B—Lower Town and North of Wingham. Commercial uses may be permitted in areas designated Commercial, or by Official Plan amendment and rezoning, provided:

- the use is compatible with the character of the area;
- adequate services are available; and
- site plan control is implemented to regulate the details of development.

Highway Commercial

Highway commercial uses will be permitted in areas designated as Highway Commercial on the Land Use Plans. Highway Commercial designations are located in Lower Town and East of Wingham as shown on Schedule B—Lower Town and North of Wingham and Schedule B—East of Wingham.

Highway Commercial uses are oriented to highway related functions and are typically single-purpose establishments. They take on a variety of forms and share characteristics such as being essential to the operation of the highway system, are oriented to or economically reliant on serving vehicular traffic and the travelling public, they require large tracts of land for large buildings, extensive parking and loading operations, require access to a major road, and provide neighbourhood convenience goods or services.

Highway Commercial development will proceed according to the following policies:

- highway commercial uses shall be confined to designated areas on arterial roads and will be grouped for design and service reasons;
- highway commercial areas will be developed to complement and not compete with or undermine the core area commercial functions;
- large space users such as grocery, furniture and department stores which are not of a highway commercial nature may be permitted in this designation subject to rezoning provided that insufficient space is available in the core, a market need can be identified, and it does not undermine the planned function of the core;
- site plan control is implemented to regulate the details of development.

Commercial development in Lower Town must meet the requirements in Section 6.4.7 (Lower Town Development Standards).

Commercial development East of Wingham and North of Wingham must meet the requirements of Section 6.4.6. (North of Wingham and East of Wingham Development Standards).

3. Industrial (Urban)

Industrial uses North of Wingham and East of Wingham will be permitted in the areas designated Industrial or by Official Plan amendment and rezoning.

In Lower Town industrial uses will be permitted in areas designated Industrial or by Official Plan amendment and rezoning. Industrial development in Lower Town is limited to dry industries. Dry industry is defined as industry that does not use water in its processing, or discharge water-based effluent other than the normal sanitary and eating facilities required for employees.

Industrial development in Lower Town must meet the requirements in Section 6.5.7 (Lower Town Development Standards).

Industrial development East of Wingham and North of Wingham must meet the requirements of Section 6.5.6. (North of Wingham and East of Wingham Development Standards).

In all areas, Industrial development will occur subject to the following:

- the use is compatible with the character of the area;
- industrial development will comply with Provincial air and water emission standards as well as noise standards;
- where industrial uses abut residential areas, the type of industry may be restricted to ensure a compatible mix of land uses, and the responsibility will be on the industrial use through the site plan control process to attain compatibility;
- adequate services are available; and
- site plan control is implemented to regulate the details of development.

4. Community Facilities (Urban)

Community facilities for social, recreational, administrative or other purposes, such as community centres, sports facilities or government offices, will locate in Settlement Areas to avoid conflicts with agriculture and to enhance urban areas.

Schedule B—Lower Town and North of Wingham and Schedule B—East of Wingham includes Community Facility designations for community

Morris-Turnberry Official Plan

facilities that were established at the time this Plan was passed.

Community facilities proposed after the passing of this Plan may be permitted by rezoning, provided:

- the proposed location is suitable for the use and compatible with the surrounding uses;
- adequate services are available; and
- site plan control is implemented to regulate the details of development.

Community facilities in Lower Town must meet the requirements of Section 6.5.7. (Lower Town Development Standards)

Community facilities East of Wingham and North of Wingham must meet the requirements of Section 6.5.6. (North of Wingham and East of Wingham Development Standards). Policies regarding the development of Community Facilities in Agricultural areas are included in Section 3.3.13.

5. Infrastructure and Public Utilities

Public infrastructure uses are permitted in any land use designation. These uses are required throughout the Municipality and include:

- facilities and corridors for utilities such as water, sewage, electricity, communications, and oil/gas wells and transmission;
- roads, railways and trails;
- flooding and erosion control works.

Infrastructure uses will be located to effectively provide their community functions, while minimizing disruption to surrounding land uses and the natural environment. Infrastructure developments may be made conditional upon public meetings and agreements at the discretion of the Municipality, unless they are subject to the *Environmental Assessment Act* review process.

Commercial scale wind turbines are directed outside Urban designations. Policies regarding alternative energy including wind turbines are included in Section 7.3.2.

6. North of Wingham and East of Wingham Development Standards

The following development standards shall apply to all development North of Wingham and East of Wingham.

- a. Development must be compatible with surrounding uses.
- b. Development may take place either by registered plan of subdivision or consent/severance. Severances will be used to infill and to develop small holdings as a logical extension of existing

development. When consents are used to develop small holdings they will be based on a pre-design approved by the Municipality and will indicate how the proposed lots fit into the existing development pattern.

c. Natural features and functions will be protected. The design will be harmonized with natural features, including topography and woodlands.

d. Lot sizes will be sufficient to accommodate the proposed method of servicing over the long term. Where septic systems are proposed, developments will comply with the provincial groundwater protection criteria for nitrates, and lots will contain a contingency tile bed area.

e. New developments, including the opening up of new areas, will be required to connect to an existing municipal water supply or establish a new municipal water supply. Infilling and small-scale developments may be serviced by individual wells as permitted by the Provincial Policy Statement.

f. Water supply and sewage disposal are subject to approvals from the appropriate authority before development occurs.

g. Open space areas, natural areas and parkland will be conveyed to the municipality or owned in common by the subdivision residents. Council may accept payment in lieu of parkland where appropriate.

h. Vehicle access will be provided by a public road developed to municipal standards.

i. Adequate lot grading and drainage, and storm water management are required.

j. A development agreement will be signed and registered on title to the satisfaction of the municipality.

k. The appropriate zoning is in force.

l. Development east of Wingham will occur on full Municipal services in co-operation with the Township of North Huron.

7. Lower Town Development Standards

The following development standards applies to development in Lower Town (Registered Plans 410, 425, 427 and 610) and are divided into three subsections:

- i **General Lower Town Development Standards** applies to all development in Lower Town;

Morris-Turnberry Official Plan

ii Requirement for Lifting Holding Zone on Existing Undeveloped Lots in Lower Town

applies to areas where lots exist, but a Holding Zone has been placed on the lots in the Zoning By-law;

iii Requirements for Creating New Lots in Lower Town

applies to multiple lot developments in Lower Town, including creating new lots by consent, plan of subdivision, or lifting a deeming by-law.

i General Lower Town Development Standards

a. Development must be compatible with surrounding uses.

b. Development may take place either by registered plan of subdivision or consent/severance. Further policy direction on lot creation including lifting a deeming by-law is included in Section 6.4.7. iii.

c. Natural features and functions will be protected. The design will be harmonized with natural features, including topography and woodlands.

d. Dug wells are not permitted for any new development.

e. Vehicle access will be provided by a public road developed to municipal standards.

f. The appropriate zoning is in force.

g. Open space areas, natural areas and parkland will be conveyed to the municipality or owned in common by the subdivision residents. Council may accept payment in lieu of parkland where appropriate.

h. Lot sizes will be sufficient to accommodate the proposed method of servicing over the long term. Because of the high water table and sensitive soils in a large part of Lower Town, the Zoning By-law may contain specific lot size requirements.

i. Schedule B—Lower Town and North of Wingham identifies lands located between the 1 in 100 year and regulatory flood plain lines as a special constraint area. Development in this area will proceed according to the underlying designations and respective policies provided that flood proofing is provided to the regulatory flood elevation. Issuing a building permit in this area will be conditional on prior written permission from the Maitland Valley Conservation Authority.

j. Livestock units are not permitted in the Urban settlement area.

ii Requirement for Lifting Holding Zone on Existing Undeveloped Lots in Lower Town

A Holding Zone has been placed in the Zoning By-law for undeveloped land in Lower Town, and must be lifted prior to a building permit being issued. The Holding Zone on existing vacant lots held under distinct and separate ownership will be lifted when Council has been satisfied that the following conditions have been met.

a. Approval from the appropriate authority for water supply and sewage disposal. Technical studies may be required, including:

- Nitrate study (can include a proposal to use a septic system that reduces nitrate loading);
- Demonstration of percolation rates within acceptable limits in accordance with the Building Code;
- Acceptable water quality in sufficient quantities within acceptable limits;
- Identification of a contingency tile bed area.

b. A lot grading and drainage plan to the satisfaction of the Municipality's engineer. The plan shall be prepared in accordance with the Maitland Valley Conservation Authority's storm water management guidelines, and shall be in conformity with the Municipality of Morris-Turnberry Master Drainage Plan.

c. A flood fringe area is identified on Schedule B—Lower Town and North of Wingham as a special constraint area. For land within the flood fringe constraint area, written approval from the Maitland Valley Conservation Authority indicating that flood proofing is intended to the regulatory flood elevation.

iii. Requirements for Creating New Lots in Lower Town

For multiple lot developments in Lower Town, including creating new lots by consent, plan of subdivision, or lifting a deeming by-law, the following development standards apply.

a. The Municipality may require a study on the need for a piped sewage system and treatment facility. Where full services are not required, limited development may be permitted on private septic systems where it has been demonstrated that impacts to ground and surface water will be within acceptable limits as per standards established by the appropriate authority.

b. New developments, including the opening up of new areas, will be required to connect to an existing municipal water supply or establish a new municipal water supply. Infilling and small-scale developments may be serviced by individual wells as permitted by the Provincial Policy Statement.

Morris-Turnberry Official Plan

c. Applications for planning approval will be accompanied by the appropriate hydro-geological studies which assess the potential impacts to ground water from proposed septic systems. Technical studies may be required, including (but not limited to):

- Identification of a contingency tile bed area;
- Nitrate study (can include a proposal to use a septic system that reduces nitrate loading);
- Demonstration of percolation rates within acceptable limits;
- Acceptable water quality in sufficient quantities in the area.

Studies will be to the satisfaction of relevant regulations and provincial legislation.

d. New developments serviced by individual septic systems will proceed according to the Ministry of Environment's Procedure D-5-4 Technical Guideline for Individual On-Site Sewage Systems: Water Quality Impact Risk Assessment. Residents will be subject to a Quality Assurance Program for the monitoring and maintenance of septic systems to the satisfaction of the Municipality of Morris-Turnberry.

e. All multiple lot development will require a comprehensive storm water management plan to be prepared by a qualified engineer. The plan will be reviewed and approved by the Municipality's engineer prior to development being authorized. The plan shall be prepared in accordance with the Maitland Valley Conservation Authority's storm water management guidelines.

f. The storm water management plan shall include a detailed lot grading and drainage plan for each parcel of land proposed in the development, including a recommended lot elevation at the building site. In addition, the plan shall consider upgrading of culverts on Municipal road allowances and existing storage ponds. The storm water management plan shall be in conformity with the Municipality of Morris-Turnberry's Master Drainage Plan.

g. Complete sediment control measures shall be implemented for all new development such that limited erosion occurs on the site of the development and no sediment is carried off the site and onto a neighbouring property or into any watercourse. The sediment control measures shall be subject to the approval of the Municipality's engineer prior to development.

h. A development agreement will be signed and registered on title to the satisfaction of the municipality.

i. All associated costs for the development of multiple lots in Lower Town will be the responsibility of the developer.

j. Livestock units are not permitted in the Urban settlement area.

6.5 URBAN NATURAL ENVIRONMENT AND OPEN SPACE

Urban Natural Environment and Open Spaces serve important functions in urban areas including:

- recreation, tourism and beautification
- protection of unique or sensitive natural features
- shaping and guiding urban development, and
- providing buffers between conflicting land uses.

1. Definition and Location

The predominant use of land designated Urban Natural Environment and Open Spaces shall be for conservation, recreation and park purposes. This designation covers the broad spectrum of open space and recreational areas in the settlement area from the grassy areas and treescape along roadside boulevards to the continuous open space along water courses. Flood plain policies apply to water courses susceptible to flooding.

LOCATION: The general location of lands designated Urban Natural Environment and Open Space, and the limits of the flood plain area are shown on Schedule B—Area Adjacent to Wingham and Schedule B—Belgrave, Belmore, Bluevale, Walton, Adjacent to Brussels. Specific locations for types of open space uses are shown in the Zoning By-law.

2. Goals

The Urban Natural Environment and Open Space planning goals are as follows:

- to provide the widest possible choice of recreational opportunities;
- to beautify and enhance the quality of the urban environment;
- to promote tourism in the settlement areas;
- to protect unique and fragile natural landscapes and environments such as aquifers, woodlots, floodplains, and fish and wildlife habitats;
- to creatively use natural environment, parks and open spaces to shape and guide urban development;
- to work with neighbourhood residents, service clubs and interested groups, and government agencies in meeting the parks and open space needs of the community;
- to undertake a flood plain management program to ensure proper land use, and to minimize the level of risk to life, property damage and social

Morris-Turnberry Official Plan

disruption from flooding and the need for large capital expenditures for flood protection purposes.

3. Urban Natural Environment & Open Space Policies

1. Zoning

Parks, open spaces and natural environment areas, both public and private, will be placed under the Urban Natural Environment and Open Space designation in the Official Plan and zoned to their specific use in the Zoning By-law.

The establishment of new parks and open spaces will proceed by amendment to the Zoning By-law.

2. Privately-Owned Urban Natural Environment and Open Space

Proposals to develop privately-owned Urban Natural Environment and Open Space land will proceed by Official Plan amendment. Land designated Urban Natural Environment and Open Space is only open to the public where it is in public ownership.

3. Development and Maintenance of Open Space

The Municipality supports the development and maintenance of Urban Natural Environment and Open Space areas and recreational facilities in accordance with community needs and availability of resources.

4. Flood Plain Management

There are 3 flood plain approaches in Lower Town:

- Floodway
- Flood fringe
- Flood prone Lands (flood prone areas outside the urban and hamlet designations)

The **floodway** is the area of the flood plain required for deep, fast flowing flood water. In the floodway, potential flood depths and velocities pose a threat to property and human safety. Fill and construction is prohibited. Permitted land uses include: parks and open space, forestry, public works and utilities.

The **flood fringe** is the peripheral area of the flood plain. This land is between the outer boundary of the flood way and the outer boundary of the regulatory flooding hazard limit. This area is susceptible to low velocity shallow flooding. In the flood fringe, controlled filling, development and redevelopment is permitted with approval from the Municipality of Morris-Turnberry and the Maitland Valley Conservation Authority. An engineer's report and flood damage reduction measures may be required by the Maitland Valley Conservation Authority.

Flood prone areas are areas within the flood plain outside urban and hamlet designations. Policies for

flood prone are in the Natural Environment Section 4.3.10.

The Schedule B maps identifies flood way and the flood fringe areas.

6.6 RESIDENTIAL PARK

There is one permanent mobile home park west of Wingham and adjacent to Highway 86 known as 'Turnberry Estates'.

Residential parks are not permitted to be scattered throughout the municipality. Additional Residential Parks will only be permitted within settlement areas and will require an Official Plan amendment. Proposals shall meet the policies of this Section and shall address issues of compatibility with neighbouring land uses.

1. Definition and Location

Residential parks are year-round housing developments consisting of single-detached dwellings in the form of mobile homes, modular homes, or built-on-site dwellings. The land is held under single ownership as one title, and individual dwellings are owned or leased by their occupants. The park is serviced by a communal water system and a communal sewer system. Accessory commercial and recreational uses are permitted.

LOCATION: The location of land designated Residential Park is shown on Schedule 'B'—the Land Use Plan.

2. Residential Park Goals

The goals adopted by this plan are:

- the goals contained in section 6.3;
- to ensure the orderly development of the existing Residential Park; and
- to limit the development of additional Residential Parks in the Municipality;

3. Residential Park Policies

The following development standards shall apply to residential parks:

- Development must be compatible with surrounding uses;
- Development will proceed in accordance with a detailed site plan and development agreement addressing design, site pattern, phasing, services, landscaping, communal areas and community facilities;
- Setbacks from slopes will be determined with input from the conservation authority;
- Natural features and functions will be protected. The design will be harmonized with natural features, including topography and woodlands;

Morris-Turnberry Official Plan

- The overall density of development will not exceed 15 dwellings per gross hectare. Areas of natural environment included in the design may be used in calculating density;
- Communal open space, which may include natural areas, shall occupy at least 25% of the area to be developed;
- Potable water will be supplied by a communal water system to the satisfaction of the Ministry of the Environment;
- Sewage disposal will be provided by a communal sewage system to the satisfaction of the Ministry of the Environment. Individual septic systems for dwellings will not be permitted;
- Vehicle access to the Residential Park will be provided by a public road developed to municipal standards. Vehicle access within the Residential Park will be provided by internal roads developed to appropriate standards;
- Adequate lot grading and drainage, and storm water management are required;
- The appropriate zoning is in force;
- Individual dwelling sites within Residential Parks shall not be converted to separately titled holdings.

6.7 AIRPORT

The Richard LeVan Airport- Wingham is located on Lots 7 to 14, North Part of Concession 1, Morris Ward. This facility, which includes the hangar and terminal buildings, is owned and maintained by the Township of North Huron. A number of airport-related commercial and industrial uses are also on the airport lands.

1. Definition and Location

The airport includes land owned by Township of North Huron as well as privately owned properties which contain airport-related uses. The location of land designated Airport is shown on Schedule B.

2. Goals

The goals identified by the community and adopted by this Plan are:

- To protect the airport from incompatible development; and
- To encourage the establishment of airport-related services on airport lands.

3. Policies

Jurisdiction

The Federal Government has exclusive constitutional jurisdiction over aeronautics, which includes those areas designated Airport and used for airport-related uses. Airport uses and buildings are exempt from Municipal Official Plan policies and Zoning By-law

regulations, but proponents will be asked to consider local requirements in their decisions.

Airport Related Uses

Airport related services, including commercial and industrial uses, are permitted on airport lands.

Compatibility

Airport and related uses must be protected from incompatible uses. Any proposed development shall not result in conflict with the airport use.

6.8 LAND DIVISION IN SETTLEMENT AREAS

In areas designated Hamlet, Urban (Residential, Commercial, Industrial), Residential Park, Commercial Facility or Open Space on the Land Use Plan, consents for conveyance may be granted in accordance with the following policies:

1. All consents must conform with the general requirements of section 8.1.
2. For residential development only when the area is not large enough or suited to development by a registered plan of subdivision.
3. Infilling and small-scale developments for areas that are already substantially developed.
4. For commercial, industrial or community facility uses in Hamlet and Urban designations.
5. For assembling of land for future development.
6. For lot enlargement, lot boundary adjustments and title correction purposes.

7. COMMUNITY ECONOMIC DEVELOPMENT and MUNICIPAL INFRASTRUCTURE

Agriculture, manufacturing, and small business form the foundation of Morris-Turnberry's economy. Economic activity provides jobs and builds wealth, contributing to a viable community and a quality of life that is valued by local residents.

The community is concerned with stimulating employment for all existing and future residents in the Municipality. This Plan supports the continuation of existing economic activities and the creation of new businesses, including service-oriented businesses, with the aim of sustainable development.

7.1 DEFINITIONS

Community improvement identifies any deficiencies in the Municipality relating to hard and soft services and seeks means of improvement.

Economic development includes any efforts that benefit the community as a whole, which contribute to community identity, quality of life and economic stability.

Heritage resources are cultural features which represent past human activities, events or achievements, and are designated by Council under the *Ontario Heritage Act*. Heritage resources are located in both urban and rural areas and include buildings and structures of historical significance, archaeological sites, and human-made landscapes.

Quality of Life includes:

- accessibility of employment, health care, education, recreation, culture and heritage;
- the provision of hard services such as roads, water, sewage and waste disposal; and
- a healthy environment and clean water.

A healthy local economy and quality of life are interdependent.

7.2 GOALS

- The goals identified by the community and adopted by this Plan are:
- to protect and enhance all economic sectors;
- to encourage new and innovative pursuits; and
- to provide appropriate services which improve the health, well being and enjoyment of residents in the community.

7.3 POLICIES

1. Economic Development

All economic development activities shall be in keeping with the land use policies of this Plan. The Municipality will consider innovative activities or land uses which:

- promote sustainable economic development;
- protect and enhance the natural environment; and
- are compatible with surrounding land uses.

2. Alternative Energy

The Municipality recognizes alternative energy production as an evolving industry and supports the development of alternative energy facilities such as: wind energy, solar energy, ethanol facilities and biogas generation.

Alternative energy facilities can occur at small or large scale throughout the Municipality subject to the following policies:

A **Small Scale System** primarily generates electricity for only the use of the property owner where it is located and has the capacity to produce less than 0.5 megawatts of energy. Establishing a small scale alternative energy facility such as a wind generator or solar system is permitted under the Zoning By-law as an accessory structure to the principle use of the property.

A **Commercial Scale Alternative Energy Facility** has the capacity to produce greater than or equal to 0.5 megawatts of energy. Commercial scale alternative energy facilities (such as wind turbines, ethanol facilities, solar systems or biogas generation plants) are permitted outside settlement areas. Commercial scale alternative energy facilities are subject to site plan control under Section 41(2) of the *Planning Act* and require an amendment to the Zoning By-law. Commercial scale alternative energy facilities shall satisfy Provincial and Federal requirements.

3. Land and Services

A sufficient supply of land is available in the settlement areas to allow for growth of the various economic sectors. Servicing requirements are contained in the land use policies. The Municipality encourages improvements to information and communication technologies.

4. Community Improvement Projects

Community improvement projects that enhance the economic and social well being of the community are encouraged.

Morris-Turnberry Official Plan

Morris-Turnberry may designate, by by-law, the whole or part of the Municipality as a Community Improvement Project Area in accordance with Section 28 of the Planning Act. The Municipality may apply for financial assistance from the Province for community improvement projects if funding is available.

5. Heritage

Heritage resources and archaeological sites will be identified and protected through the development review process under the *Ontario Heritage Act and the Provincial Policy Statement*. Morris-Turnberry may participate in any funding programs that assist residents in conserving heritage resources.

6. Roads

Schedule C (Roads Plan) identifies the jurisdiction and status of roads in the Municipality as arterial, collector, local and private roads. Roads will be developed in accordance with this Plan and the Municipality's Roads policy.

Arterial Roads:

County Roads #4, #7 and #86 are Arterial Roads. All development located adjacent to a County Road will be subject County Highway Department requirements. Permits must be obtained from the County Highway Department prior to any grading and/or construction being undertaken.

The minimum right-of-way width for Arterial Roads will generally be 30 metres (100 feet). A greater right-of-way width will be provided for turning lanes at road intersections where required.

In areas which are already developed, existing Arterial Road intersections will be improved as required.

The Zoning By-law will establish minimum setbacks for buildings along Arterial Roads to ensure room for future road widening and installation of additional traffic lanes, if required.

Local Roads:

Local Roads provide localized access and minimize through traffic. Local Roads will generally have a minimum right of way width as established by local requirements. In Morris-Turnberry, all Municipal roads are local roads.

Private Roads:

New private roads will be permitted for mobile home parks, trailer parks and condominium developments which are registered as private roads under the *Condominium Act*.

All development must front on a public road constructed to the appropriate county or municipal standard. Preference for road access for development is: first municipal, then county.

Road construction standards will be determined by the road classification, projected traffic volumes, prevailing design and safety standards. New roads will be constructed to minimum standards required by the Municipality prior to being assumed as a public road.

7. Waste Management

The Municipality will manage solid waste and recycling in accordance with best management practices and provincial regulations. To optimize the capacity of its existing landfill sites, the residents are encouraged to adopt and practice waste diversion initiatives; reduction, reuse, recycling, and composting.

The active and closed landfill sites in the municipality are shown on the land use plan. Proposed development within 500 metres of an active or closed landfill site will require verification from a qualified professional that the site is not affected by the migration of contaminants.

8. Municipal Drains

Morris-Turnberry Council may pass by-laws to establish minimum setback requirements for buildings located in proximity to watercourses and municipal drains.

8. IMPLEMENTATION and INTERPRETATION

This section outlines the process by which the Plan is put into effect.

8.1 GENERAL LAND DIVISION POLICIES

The creation of all new lots by plan of subdivision or by consent shall comply with the following general requirements and the specific requirements of the land use designation.

- Development shall conform with the land use policies for the designations shown on the land use plan schedules.
- Development shall comply with the provisions of the zoning by-law. Where a zoning by-law amendment is required, such amendment shall be in force before the consent/subdivision is finalized.
- Lots must abut a public road developed to municipal standards.
- Development shall not result in traffic hazards from limited site lines on curves, grades or near intersections.
- Adequate services shall be available or made available including water supply, sewage disposal, lot grading and drainage, and storm water management.
- A development agreement may be required as a condition of approval of severance or plan of subdivision. If required, the development agreement will address servicing issues (roads, water, sewers, storm water management).
- No consent will be granted which does not conform to the provisions of the Minimum Distance Separation formulae.

8.2 IMPLEMENTATION

This Plan will be put into action mainly through the many individual and collective decisions of the residents of Morris-Turnberry.

All decisions and actions, including those of the following individuals, groups and agencies, must conform with and fulfill the principles, goals and policies of this Plan. This Plan will be implemented by:

- Residents, individuals, organizations, agencies and community groups;
- Municipal Council and its committees, including by passing a zoning by-law, building by-law and other appropriate by-laws, and development / subdivision agreements;

- Through municipal activities such as capital works, and the acquisition, development and sale of land;
- County Council and its committees, including the control of lot and subdivision creation;
- The Ontario Municipal Board, other tribunals and the courts;
- Senior levels of government who, while not bound by the plan, will be asked to consider the Plan's policies in their decisions.

8.3 INTERPRETATION

The boundaries of land use designations on Schedule B are general and approximate, although they generally coincide with defined features such as roads, lot lines, or physical features. Where the general intent of this Plan is maintained, minor adjustments to the boundaries of land use designations will not require an amendment to this Plan.

The numerical figures in this Plan provide direction, but should not be interpreted as absolute and rigid. Where the general intent of this Plan is maintained, minor variations of numbers are permitted without amendment to this Plan.

Where an Act is referred to in this Plan, it will be interpreted as applying to the applicable Act as consolidated or amended from time to time.

8.4 NON-CONFORMING USES

A non-conforming use is a use of land that:

- lawfully existed on the date of adoption of this Plan and/or the zoning by-law;
- has not ceased; and
- does not conform with the land use designation/zone applying to the land.

Non-conforming uses may be zoned to permit the use, subject to regard for its compatibility with surrounding uses, and limits to expansion.

Over time, non-conforming uses should cease so that the land affected may revert to a conforming use.

In the interim, non-conforming uses may be extended or enlarged, or changed to a similar or more compatible use under the respective sections 34(10) or 45(2) of the Planning Act provided that:

- it is not reasonable or feasible to cease or relocate the use;
- any incompatibilities with surrounding uses are not aggravated;
- surrounding uses are protected by appropriate buffers, setbacks and other measures to improve the compatibility of the use;

Morris-Turnberry Official Plan

- adequate services, access and parking are provided;
- natural hazards are addressed; and
- development details may be regulated by site plan control.

8.5. STATUS ZONE

Land uses that legally existed at the date this Official Plan was adopted may be deemed to conform. These uses may be zoned to reflect their present use provided:

- the zoning will not permit any significant change of use or zone provisions that will aggravate any situation detrimental to adjacent conforming uses;
- any significant enlargement, expansion or change of use will require an amendment to the Zoning By-law.

8.6 ACCESSORY USES

Where a use of land is permitted by this Plan, such use shall also include uses that are normally and naturally incidental to, associated with, and subordinate to such use.

8.7 SITE PLAN CONTROL

The site plan control provisions of section 41 of the Planning Act will be used to:

- maximize compatibility between new and existing development and between different land uses;
- improve the efficiency, safety, and appearance of land uses;
- ensure the provision of services and facilities;
- widen County highways for a 30 metre wide road allowance; and
- implement development agreements.

All land use designations are proposed site plan control areas, except for lands used primarily for one- and two-unit dwellings. Within proposed site plan control areas, Council may pass by-laws designating all or part of the areas as site plan control areas.

Guidelines for site plans, development requirements and standards may be established by the municipality.

8.8 HOLDING SYMBOL (H)

A holding symbol (H) may be used in the Zoning By-law in connection with any land use zone, in accordance with section 36 of the *Planning Act*. The

Zoning By-law will allow existing uses to continue in areas covered by a holding symbol and will specify the uses to be permitted at such time as the holding symbol is removed by amendment to the by-law.

1. Implementation of Holding Zone

The holding provisions are implemented through the Zoning By-law. Properties may be zoned for their intended use and the holding symbol (H) will be added to indicate that the development of the site cannot proceed until the holding symbol is removed.

The Holding Zone may include provisions for interim permitted uses to be allowed on lands with a holding zone, such as open space, existing use of land, and other uses which are compatible with surrounding land uses and would not adversely affect the future development potential of the land.

2. Removal of Holding Zone

Removal of the (H) zone would be conditional on satisfying certain requirements of the Municipality regarding development of the land. Such conditions may be, but are not limited to, the satisfaction of certain financial and servicing requirements specified in a subdivision or development agreement between the land developer and the Municipality. The agreement may specify a time limit that the holding zone can remain in effect and may contain provisions for repeal of the zoning and the adoption of a 'future development' zone should the owner not proceed expeditiously with the development project.

Prior to removal of the (H) zone, Council will be satisfied by the developer that all conditions of any agreement have been met or will be met and that the policies of this Plan have been fulfilled.

The holding symbol shall be removed by by-law passed under Section 36 of the Planning Act. Notice will be given by council when a holding symbol is to be removed by by-law, and there can be no objection or appeal to the Ontario Municipal Board; however, should Council refuse to pass an amending by-law to remove the holding symbol, because it is the opinion that the development is premature due to demand or failure to meet a requirement of this Plan, the applicant may appeal the decision to the Ontario Municipal Board.

8.9 TEMPORARY USE BY-LAWS

An amendment to the Zoning By-law may be passed permitting a temporary use of land or buildings that is otherwise prohibited by the Zoning By-law, in accordance with section 39 of the Planning Act. A temporary use by-law shall be deemed to conform with this Plan, and an amendment to this Plan is not required for a temporary use.

8.10 INTERIM CONTROL BY-LAWS

Where Council determines that further development should cease for a period of time while a review or study is undertaken in respect of land use planning policies in the municipality, an interim control by-law may be passed in accordance with section 38 of the Planning Act.

8.11 CONFLICT RESOLUTION

Land use issues can be contentious, with the potential for conflict arising over existing land uses or proposals to change policy or land uses. If properly managed, conflict can be a catalyst for positive change. This Plan encourages certain basic principles related to conflict management:

- planning issues should be fully discussed to ensure a complete exchange of information;
- public participation beyond the requirements of the Planning Act may be beneficial with particularly contentious applications;
- informal processes of conflict resolution will be encouraged under the direction of Council;
- formal conflict resolution, for example the Ontario Municipal Board (OMB) can be expensive and leave unresolved issues. The Municipality encourages discussion prior to formal hearings.

8.12 APPLICATION REVIEW - CONTAMINATED SITES

Industrial and commercial practices which pre-date current waste disposal requirements may have contaminated land, and may pose a public health hazard.

Before adopting any Official Plan or Zoning By-law amendments, Council may require background research of sites where contamination is suspected. If a site is contaminated, the owner shall comply with provincial requirements for assessment, decommissioning and remediation of the site.

Council will defer proposed amendments where the contamination and feasibility of corrective measures has not been established.

8.13 PUBLIC PARTICIPATION

Public participation in developing, implementing and evaluating this Official Plan is very important. Dialogue on planning and municipal issues will continue to be encouraged among residents, community groups and the municipality.

Formal discussions on this Plan, such as a five-year review under section 26 of the *Planning Act*, will include community-based processes for input where possible.

Amendments to the Plan and the Zoning By-law will follow the public notice and public meeting requirements of the *Planning Act*.