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CHAPTER 1: PLAN FRAMEWORK

FOREWORD

The Official Plan provides a policy framework intended primarily to manage and direct physical development and its effects on the social, economic and natural environment of the Township of Wellesley until the year 2016. This Plan has been prepared in keeping with the intent of the Provincial Smart Growth Initiative and the Regional Municipality of Waterloo's Growth Management Strategy.

1.1 INTRODUCTION

The Township of Wellesley is located in south-western Ontario and is one of seven municipalities which comprise the Regional Municipality of Waterloo. While rural in character, the Township's 27,186 hectares also embrace a variety of urban and rural environments, including the Wellesley Urban Area, ten Rural Settlement Areas, two Industrial/Commercial Settlement Areas and one Rural Mixed Use/Agricultural Cluster.

The Township contains an abundance of significant natural areas including the Conestoga River, the Nith River, numerous Provincially Significant Wetlands and Regionally designated Environmentally Sensitive Policy Areas. In addition, the Township contains a variety of natural resources, including prime agricultural lands and aggregate resources.

1.2 PURPOSE

This document consisting of text and maps constitutes the Official Plan for the Township of Wellesley. This Official Plan replaces the Official Plan of the Wellesley Planning Area, adopted by Township Council November 6th, 1980 and approved by Regional Council on July 14th, 1981. All of the approved Official Plan amendments, where appropriate, are incorporated into this Official Plan.

The Official Plan outlines Council's long-term policy direction to guide the future development within the Township. This Plan has been prepared and enacted in accordance with the provisions set forth in the *Planning Act*.

The Plan establishes the direction for development initiated by both the public and private sectors. The land use strategies and policies of this Plan are the tools that allow the Township to manage change towards a desired future. To be effective, it is incumbent on Council to ensure that development proceeds in accordance with the objectives of this Plan. It is intended that this Plan will ensure that adequate public services are available for the health, safety and convenience of the residents of the Township and will encourage the development of a desirable community that is efficient and economical for all Wellesley residents.

Planning a community is an ongoing process. Objectives and policies must be subject to periodic review to make the Plan an effective and meaningful instrument. Consistent with the requirements of the *Planning Act*, Council shall, not less than once every five years, convene a public meeting to determine the need to revise this Official Plan.

Although the policies adopted are to guide changes in the physical structure of the Township, such changes should be in harmony with social needs, economic needs, municipal financial capabilities, environmental considerations and the management of natural resources. The Official Plan, therefore, contains much more than a set of land use controls.

The main purposes of the Plan are to:

- i) Provide a formal statement of the Township's intentions relating to growth management until the year 2016 and beyond;
- ii) Establish a policy framework for maintaining and enhancing the long term physical, agricultural, environmental, social, economic, natural and heritage resources while promoting the sustainable growth of the Township;
- iii) Provide a legal framework to guide public and private decisions relating to development and the provision of infrastructure and community services within the Township; and,
- iv) Reflect local initiatives and circumstances unique to Wellesley Township as a whole and of specific areas within the Township in particular.

1.3 RELATIONSHIP BETWEEN WELLESLEY OFFICIAL PLAN AND REGIONAL OFFICIAL POLICIES PLAN

The Township of Wellesley is a municipality within the Regional Municipality of Waterloo as created by the *Regional Municipality of Waterloo Act 1972*.

On December 19, 1995 the Minister of Municipal Affairs and Housing granted approval to the Regional Official Policies Plan for the Regional Municipality of Waterloo. The Regional Official Policies Plan forms the framework within which the Township of Wellesley Official Plan was prepared. The Township's Plan must conform to the Regional Official Policies Plan; however, the policies in it can be more restrictive.

The Official Plan of the Township of Wellesley was prepared pursuant to the provisions of the *Planning Act* and the Regional Official Policies Plan.

1.4 OTHER STATUTORY APPROVALS

In situations where statutory approvals may be required under provincial legislation other than the *Planning Act* (e.g., *Ontario Water Resources Act*, *Environmental Protection Act*, etc.), consultations directly with the responsible Ministry to determine any necessary requirements and/or conditions are encouraged. Compliance with such conditions, however, does not mean acceptance or approval of a land use issue governed by this Official Plan. All applicable policies and/or tests of this Plan must be met.

The *Planning Act* further provides that where an Official Plan is in effect, no public work shall be undertaken and no By-law passed for any purpose unless it is in conformity with the Official Plan.

The Township will, wherever feasible, fulfill the requirements of the *Environmental Assessment Act* and other associated *Planning Act* processes concurrent with the processing of development applications to avoid delays in development approvals.

1.5 GOALS

The following Goals reflect the values and principles of the residents of the Township of Wellesley and are consistent with the vision and objectives contained in the Regional Official Policies Plan. These Goals form the basis for the formulation of the policies contained in this Plan.

A. Agriculture

To preserve and protect the vital rural/agricultural area in the Township of Wellesley not only for the production of food and other products, but also as an important component of the Township's economic base, a source of employment and as a basis for the Township's rural community.

B. Settlements

To provide for a variety of communities which satisfy people's settlement and employment needs based on appropriate levels of servicing and provide for a range of housing types which are accessible, affordable, and appropriate to the needs of the residents.

C. Environment

To enhance, protect and where feasible, rehabilitate the quality of the environment and the long-term health of the ecosystems represented in the Township while providing for the changing needs of the population. All other goals should attempt to satisfy the requirements of the environmental goal so as to improve the quality of life for residents.

D. Transportation

To promote the continued development and coordination of a safe integrated and efficient transportation network for the safe and efficient movement of all people and goods to meet the needs of pedestrians, cyclists, horse-drawn vehicles, farm vehicles and motor vehicles.

E. Services

To provide and maintain, in co-operation with the Regional Municipality of Waterloo, a level of municipal services to the various areas of the Township in accordance with economic, social, and environmental considerations.

F. Heritage Resources

To encourage the recognition and retention of buildings, structures and other cultural heritage features having historical and architectural significance and to perpetuate their value and benefit to the community.

G. Community Improvement

To promote the implementation of community improvement by way of the maintenance, rehabilitation, and redevelopment of the physical environment in a coordinated and fiscally prudent manner while having regard to improvements to the economic potential and social environment.

H. Economic Development and Financial Stability

To promote the development of the Township's economic potential by ensuring the continuing expansion of the economic opportunities and diversification of the economic base, in accordance with the policies of this Plan.

I. Community and Culture

To maximize the use of existing facilities and to encourage their upkeep by providing for a range of community, institutional and cultural services and facilities.

J. Commercial and Industrial

To provide for a broad range of commercial and industrial activities and services to meet the diverse needs of Wellesley's residents and businesses, as well as those from the surrounding areas and to generate employment opportunities, within a strong commercial structure focused on the Core Areas and other appropriately located major commercial and industrial areas.

K. Natural Resources

To optimize the use of the Township's natural resources through management based on sound economic, social and environmental guidelines.

L. Parkland, Open Space and Recreation

To meet the present and future recreational needs of Township residents by maximizing recreation opportunities on existing open space areas and facilities, while planning for an integrated parkland and trail system.

M. Governance

To support the two-tier system of government and the municipal boundaries established through the Regional Municipality of Waterloo Act. To work with all levels of government to ensure effective, efficient and responsible decision making and service delivery on behalf of the residents of the Township of Wellesley.

N. Fringe Areas

To maintain distinct boundaries between urban and rural areas within the Township by ensuring efficient use

of urban lands and restricting inappropriate uses within the rural area.

O. Community Health

To strive to provide access to primary health care and associated services through partnerships with groups such as the Ministry of Health and Long Term Care.

P. Community Initiatives

To promote the enhancement of the Township's quality of life through the development of appropriate partnerships with non-profit organizations and community groups.

1.6 POPULATION

The Township population and household forecasts contained in Table 1 of this Plan are taken from Regional Forecasts contained in the Regional Official Policies Plan. These population and household forecasts will be used in all planning, infrastructure, and other studies undertaken by or for the Township. Longer term forecasts may be used if based on the Regional Population and Household Forecast.

Table 1: Township Population and Household Forecast

	2016
Population Forecast	10,100
Household Forecast	3,200

1.7 RESIDENTIAL GROWTH STRATEGY

1.7.1 In conjunction with the approval of this Plan, and any future reviews of the policies and mapping in accordance with the provisions of Policies 10.3.4 and 10.3.5 of this Plan, Township Council will adopt by resolution, a Township Growth Strategy which will be used in determining the need for expansion of Rural Settlement Areas.

1.7.2 The purpose of the Township of Wellesley Growth Strategy is to:

- a) Update the inventory of existing vacant residential land in the Township based on current planning commitments;
- b) Project future land requirements to accommodate projected household growth in the Township; and,
- c) Determine if the designation of additional lands is justified based on this inventory.

- 1.7.3 The household projections for each of the Wellesley Urban Area, the Rural Settlement Areas and the Rural Area to the year 2016 are as summarized on Table 2 of this Plan.
- 1.7.4 In the future, should the population forecast in the Regional Official Policies Plan be amended to allocate significant additional population to the Township Wellesley, it is the intention of Council that consideration be given to accommodating such growth through the expansion of the Hawkesville Rural Settlement Area on full municipal or communal services.

Table 2: Household Projections

	Existing Units (Sept 30, 2001)	Total Projected Units 2016	Projected New Units Sept 30, 2001 - 2016
Wellesley	2691	3200	509
Wellesley Urban Area	593	905	312
Rural Settlement Areas	2098 (combined Rural Settlement Areas and Agricultural Resource Area)	2295 (combined Rural Settlement Areas and Agricultural Resource Area)	174
Agricultural Resource Area			23

CHAPTER 2: URBAN AND RURAL SETTLEMENT AREA POLICIES

The Township has three distinct types of settlement areas. These include the Wellesley Urban Area, Rural Settlement Areas, and Industrial/Commercial Areas. This section establishes the general land uses that will be permitted within each of these areas. Policies relating to Open Space Uses and Environmental Constraints associated with these settlement areas are contained in Chapters 6 and 8, respectively.

2.1 Wellesley Urban Area**2.1.1 General Policies – Wellesley Urban Area**

- 2.1.1.1 The Wellesley Urban Area is identified on Maps 2 and 4 of this Plan and is serviced by full municipal water and wastewater services. The Wellesley Urban Area provides employment opportunities and is intended to accommodate the majority of future residential growth within the Township.
- 2.1.1.2 The Wellesley Urban Area will primarily include residential, commercial, industrial, institutional, recreational and open space land uses.
- 2.1.1.3 Expansions to the Wellesley Urban Area require an amendment to both the Regional Official Policies Plan and this Plan. Any expansions to the Wellesley Urban Area will be subject to the provisions in Section 7.3.2 in the Regional Official Policies Plan.

2.1.2 Urban Core Area Designation– Wellesley Urban Area

- 2.1.2.1 The Urban Core Area designation will be the primary focal point of the Wellesley Urban Area. The purpose of the Urban Core Area designation is to provide for a full range of residential, commercial, institutional and other service uses in the Wellesley Urban Area.
- 2.1.2.2 Future commercial development in the Wellesley Urban Area will be encouraged to locate within the Urban Core Area designation. Minor service commercial or convenience commercial land uses may be permitted in other land use designations.
- 2.1.2.3 Expansions to the Wellesley Urban Core Area designation may be permitted through an amendment to this Plan. Any development that proposes to expand the Wellesley Urban Core Area will:
- a) Be accompanied by a justification analysis which provides the need for the expansion;
 - b) Be compatible with the surrounding land uses;
 - c) Prevent, or minimize potential negative impacts on Environmental Areas and Heritage Resources in accordance with the policies of this Plan; and
 - d) Be accompanied by detailed environmental and servicing studies as required by the

policies of this Plan.

2.1.2.4 The Township Zoning By-law will regulate specific uses in the Urban Core Area designation.

2.1.3 Urban Residential Designation – Wellesley Urban Area

2.1.3.1 The Urban Residential designation applies to areas within the Wellesley Urban Area where the predominant use of land is for housing and related land uses. The purpose of the Urban Residential designation is to provide for a range of residential and accessory uses in order to accommodate current and future residential demands.

2.1.3.2 Accessory uses are intended to allow consideration in the Township's Zoning By-law for those types of related or accessory uses which normally form part of a residential neighbourhood which may include uses such as home occupations and neighbourhood commercial uses.

2.1.3.3 A mix of housing types and densities will be encouraged in this designation in accordance with Section 4.2 and 4.3 of this Plan.

2.1.3.4 The Township Zoning By-law will regulate the type and density of residential development and specific accessory uses in the Urban Residential designation.

2.1.4 General Industrial Designation – Wellesley Urban Area

2.1.4.1 The Township recognizes the need to immediately proceed to increase the inventory of serviced industrial land within the Township. The predominant use of this land which would be designated General Industrial through future amendment to this Plan would be to provide for industrial uses that require open storage of goods and materials, such as manufacturing, processing, assembly, repair, wholesaling warehousing, trucking and storage. This inventory is a necessary component of the Township's efforts to increase its assessment base in order to maintain the level of services it provides.

2.1.4.2 The Township will, immediately upon budget approval of the required funding, undertake a study in cooperation with other appropriate agencies to determine the quantity and appropriate location for such lands within the Township. The primary location to be reviewed is the parcels of land bounded on the east by the existing Wellesley Urban Area, on the south by Gerber Road, on the west by Hutchison Road and on the north by Queen's Bush Road. This study shall include:

- a) A justification analysis for the inclusion of General Industrial lands;
- b) Review of the potential for inclusion of a by-pass from Hutchison Road to Gerber Road to reduce truck traffic within the Core Area;

- c) Review of the servicing issues relating to the subject lands including supply of municipal water and wastewater servicing, storm water management, internal and external access to the site; and
- d) Review of land use compatibility issues, including determination of appropriate buffers for sensitive uses, environmental features and Sensitive Groundwater Areas on or adjacent to the subject lands and potential uses within these buffers.

2.1.4.3 The results of this study will be implemented by amendments to this Plan and the Regional Official Policies Plan. The Township will endeavor to ensure that any Environmental Assessments required to support the proposed development are completed as appropriate to ensure timely consideration of such future amendments. If following completion of the above noted study it is determined that subject lands are not appropriate for General Industrial type uses, the Township shall review the potential for the provision of lands for such purposes in other locations throughout the Township, and in particular, lands on the west side of the Hawkesville Rural Settlement Area.

2.1.5 Light Industrial Designation – Wellesley Urban Area

2.1.5.1 The Light Industrial designation applies only to lands located within the Wellesley Urban Areas which have municipal water and wastewater servicing and are compatible with surrounding sensitive land uses.

2.1.5.2 Permitted light industrial uses include: office uses and small-scale, self-contained industrial uses that produce and/or store a product where there is a low probability of fugitive emissions.

2.1.5.3 Commercial uses to be permitted within Light Industrial areas shall not include retail outlets, which provide for day-to-day retail shopping needs normally found in the Core Area nor for the location of larger retail uses such as shopping centres.

2.1.5.4 The Township Zoning By-law will regulate specific uses in the Light Industrial designation.

2.1.6 Special Policy Areas – Wellesley Urban Area

2.1.6.1 Notwithstanding any policies of this Plan to the contrary, the area shown as “Special Policy Area 2.1.6.1” on Map 4 – Wellesley Urban Area, may be developed with individual water and wastewater treatment systems subject to Policies 6.9.1.1 b) and 6.9.2.1 a) of this Plan.

2.1.6.2 Notwithstanding the Urban Residential Designation applicable to the areas shown as “Special Policy 2.1.6.2” on Map 4 – Wellesley Urban Area, the development density on these lands shall not exceed the available wastewater treatment plant capacity, taking into account the development potential of any vacant residential lands or infilling opportunities within the settlement area. The allocation of wastewater servicing capacity on these lands will be determined by the Township of Wellesley and the Regional Municipality of Waterloo as part of the development approval process.

2.2 Rural Settlement Areas

2.2.1 General Policies – Rural Settlement Areas

2.2.1.1 This Plan recognizes two classifications of Rural Settlement Areas, which, for the purpose of this Plan, are defined as follows:

a) **Residential Settlement:**

A Residential Settlement is an area containing a small concentration of predominantly rural non-farm related single detached dwellings on large lots at low density serving the function of a residential subdivision only and without accompanying service, commercial or industrial facilities.

b) **Service Settlement:**

A Service Settlement is an area containing a small concentration of predominantly rural non-farm related single family dwellings on large lots at low density but which also provides limited commercial, industrial and service facilities to a surrounding rural area as well as to the immediate residents, subject to the controls and regulations imposed this Plan and the Zoning By-law.

2.2.1.2 The identified Residential Settlements within the Township are designated as shown on Maps 5.1, 5.3, 5.6 and 5.8 of this Plan and are as follows:

- a) Bamberg Settlement Area
- b) Dorking Settlement Area
- c) Kingwood Settlement Area
- d) Paradise Lake Settlement Area

2.2.1.3 The identified Service Settlements within the Township are designated as shown on Maps 5.2, 5.4, 5.5, 5.7, 5.9, and 5.10 of this Plan and are as follows:

- a) Crosshill Settlement Area
- b) Hawkesville Settlement Area
- c) Heidelberg Settlement Area
- d) Linwood Settlement Area
- e) St. Clements Settlement Area
- f) Wallenstein Settlement Area

2.2.1.4 Within a Rural Settlement Area, proposed development will:

- a) Conform to the Policies of Section 2.2.2 of this Plan;
- b) Be compatible with the surrounding land uses; and
- c) Be accompanied by detailed environmental and servicing studies as required by the policies of this Plan.

-
- 2.2.1.5 Development applications that propose to expand Rural Settlement Areas for residential purposes will:
- a) Conform to Chapter 4 of this Plan;
 - b) Conform to the Township Growth Strategy;
 - c) Consider existing property configurations, patterns of existing land use, and natural and constructed features in the Rural Settlement Area;
 - d) Consider the impact of the proposed development on the adjacent agricultural operations including any reductions in tillable soils or pasture land, or alterations to the configuration of tillable lands that negatively impact the long term viability of the agricultural operations;
 - e) Conform to the Minimum Distance Separation;
 - f) Consider the impact of the proposed development on Environmental Areas and Heritage Resources in accordance with the policies of this Plan;
 - g) Will not be permitted utilizing individual wastewater treatment systems and private wells; and;
 - h) Be accompanied by detailed environmental and servicing studies as required by the policies of this Plan.
- 2.2.1.6 Expansions to Rural Settlement Areas for non-residential purposes will require an amendment to this Plan and will only be permitted provided that the proposed amendment:
- a) Be accompanied by a justification analysis which gives consideration to the amount of land in Industrial/Commercial Areas, Rural Settlement Areas and the Wellesley Urban Area available to accommodate the proposed non-residential development in relation to the anticipated land requirements;
 - b) Evaluates and gives consideration to the suitability of the area for the expansion in comparison to other reasonable alternatives available elsewhere in the Township;
 - c) Conforms to the Minimum Distance Separation;
 - d) Considers the impact of the proposed expansion on the Environmental Areas and Agricultural Resource Areas in accordance with the policies of this Plan; and,
 - e) Be accompanied by detailed environmental and servicing studies as required by the policies of this Plan.

2.2.2 Settlement Residential Designation – Rural Settlement Areas

- 2.2.2.1 The Settlement Residential designation is applied to areas where the predominant use of land is for housing and related residential land uses such as home occupations and neighbourhood commercial uses within Rural Settlement Areas identified in this Plan. The purpose of the Settlement Residential designation is to provide for current and future housing demands in Rural Settlement Areas through mixed forms of residential development.
- 2.2.2.2 The Township Zoning By-law will regulate the specific type and density of residential development and specific secondary uses in the Settlement Residential designation.

2.2.3 Settlement Core Area Designation – Rural Settlement Areas

- 2.2.3.1 The purpose of the Settlement Core Area designation is to provide for a mix of residential, commercial, institutional and, limited dry industrial uses in Service Settlements. This Plan encourages a range of housing types, commercial and compatible uses in Settlement Core Areas.
- 2.2.3.2 Proposed development for the purposes of commercial and service uses will locate within the Settlement Core Area designation of Rural Settlement Areas.
- 2.2.3.3 The Township Zoning By-law will regulate specific uses in the Settlement Core Area designation.
- 2.2.3.4 Expansions to the Settlement Core Area designation may be permitted through an amendment to this Plan. Any development that proposes to expand a Settlement Core Area will:
- a) Be accompanied by a justification analysis which determines the need for the expansion and considers the amount of land in other locations within the Wellesley Urban Area and Rural Settlement Areas available for development;
 - b) Prevent or minimize the potential negative impacts of the expansion on Environmental Areas, Agricultural Resource Areas and Heritage Resources in accordance with the policies of this Plan; and
 - c) Be accompanied by detailed environmental and servicing studies as required by the policies of this Plan.

2.2.4 Dry Industrial/Commercial Designation – Rural Settlement Areas

- 2.2.4.1 The Dry Industrial/Commercial designations are only permitted within Service Settlements and Industrial/Commercial Areas listed in Policies 2.2.1.3 and 2.3.1.2 of this Plan.
- 2.2.4.2 The Dry Industrial/Commercial designation provides for a range of light industrial and secondary uses that do not require significant quantities of water or generate significant

quantities of wastewater within their processes and are deemed not to be obnoxious uses.

- 2.2.4.3 Dry Industrial/Commercial uses will only be permitted utilizing private water and individual wastewater treatment systems.
- 2.2.4.4 Obnoxious uses shall not be permitted in Industrial/Commercial Areas. An obnoxious use is any use which is or may become obnoxious, offensive or dangerous by reasons of the presence, emission or production in any manner of odour, dust, smoke, noise, fumes, vibration, refuse matter or water-carried wastes.
- 2.2.4.5 Commercial uses permitted within Dry Industrial/Commercial areas shall not include retail outlets, which provide for day-to-day retail shopping needs normally found in the Settlement Core Area or Urban Core Areas nor for the location of larger retail uses such as shopping centres.
- 2.2.4.6 The recycling of animal and/or food and/or waste products or a rendering plant will not be permitted.
- 2.2.4.7 The Township Zoning By-law will regulate specific uses in the Dry Industrial/Commercial designation.

2.2.5 Special Policy Areas – Rural Settlement Areas

- 2.2.5.1 Notwithstanding any policies of this Plan to the contrary, the area shown as “Special Policy Area 2.2.5.1” on Map 5.2 – Crosshill Settlement Area, will be subject to the policies of Chapter 3 – Agricultural Resource Areas.
- 2.2.5.2 Notwithstanding any policies of this Plan to the contrary, the area shown as “Special Policy 2.2.5.2” on Map 5.7 – Linwood Settlement Area, must be developed comprehensively utilizing communal water and wastewater treatment systems.
- 2.2.5.3 Notwithstanding any policies of this Plan to the contrary, the area shown as “Special Policy 2.2.5.3” on Map 5.9 – St. Clements Settlement Area, may be developed for a maximum of twelve (12) dwellings utilizing communal water and individual wastewater treatment systems.
- 2.2.5.4 Notwithstanding Policy 2.2.1.5 b) and g), consideration may be given to the expansion of the Bamberg Rural Settlement Area on lands identified on Map 5.1 as being subject to Policy 2.2.5.4. Any expansion of the Bamberg Rural Settlement onto these lands shall comply with the provisions of Policy 7.5.1.5 h) of the Regional Official Policies Plan and the other applicable policies of this Plan.” **DEFERAL**
- 2.2.5.5 Notwithstanding any policies in this Plan to the contrary, the area shown as “Special Policy 2.2.5.5” on Map 5.4 - Hawkesville Rural Settlement Area, may be developed on individual water and wastewater services for a maximum of two (2) residential lots and six (6) lot additions to adjoining lands currently within the settlement area in accordance with Policy 7.5.1.5 h) of the Regional Official Policies Plan and any other applicable policies in this Plan.

2.2.5.6 Development on the lands designated as Dry Industrial/Commercial identified on Map 5.9 as being subject to Policy 2.2.5.6, shall only be permitted following the completion of appropriate environmental, servicing and land use compatibility studies in accordance with the policies of this Plan.”

2.3 Industrial/Commercial Areas

2.3.1 General Policies – Industrial Commercial Areas

2.3.1.1 An Industrial/Commercial Area is an area containing a small concentration of light industrial and secondary land uses serviced by individual water and wastewater treatment systems. The predominant land uses within this designation will be for light industrial and secondary uses as noted in Section 2.2.4 of this Plan.

2.3.1.2 The identified Industrial / Commercial Areas within the Township are designated as shown on Maps 12 and 13 of this Plan and are as follows:

- a) Schneider Industrial/Commercial Area
- b) M.K. Martin Industrial/Commercial Area

2.3.1.3 Sensitive uses are not permitted within Industrial/Commercial Areas.

2.3.1.4 Existing legal uses within Industrial/Commercial Areas identified in this Plan will be recognized as permitted uses in the Township Zoning By-law.

2.3.1.5 An amendment to this Plan will be required for any proposal to create or expand an Industrial/Commercial Area. Proposed development will:

- a) Be accompanied by a justification analysis which gives consideration to the amount of land in Industrial/Commercial Areas, Rural Settlement Areas and the Wellesley Urban Area available for development;
- b) Consider the suitability for the expansion in comparison to other reasonable alternatives available elsewhere in the Township;
- c) Conform to the Minimum Distance Separation;
- d) Consider the impact of the proposed expansion on the Environmental Areas and Agricultural Resource Areas in accordance with the policies of this Plan; and
- e) Be accompanied by detailed environmental and servicing studies as required by the policies of this Plan.

2.3.1.6 The Township will encourage industrial development and operation practices which minimize negative impacts on the surrounding environment through compliance with Provincial

environmental regulations, Regional water resources protection policies, emissions and sound vibration standards, and air contaminants standards related to dust, smoke, odour, fumes and particulate, other water quality and groundwater recharge area standards, and wastewater discharge regulations.

- 2.3.1.7 All lands within an Industrial/Commercial Area will be designated Dry Industrial/Commercial and will be subject to the provisions of Policies 2.2.4.2 to 2.2.4.6 above.

2.4 Institutional Areas Designation

- 2.4.1 The Institutional designation of lands shall mean that the uses of land in the areas so designated shall be for various forms of public and private schools, places of worship, community centres, libraries, museums, cemeteries, cultural facilities and similar community oriented uses providing a public or quasi-public service.
- 2.4.2 It is a policy of this plan to promote the location and development of such uses within the Wellesley Urban Area or the Rural Settlement Areas.
- 2.4.3 Some Institutional uses may be permitted within the Agricultural Resource Area designation in accordance with Policies 3.6.3 and 3.6.5 in this Plan and implemented through the Township Zoning By-law.
- 2.4.4 Institutional uses should be located to minimize potential conflict with adjacent uses, particularly residential areas. Screening, planting, fencing and other methods will be provided between Institutional uses and adjacent residential uses so as to establish an adequate buffer.
- 2.4.5 Approval of Institutional uses will be subject to the availability of required services including water supply and sewage disposal facilities and the provision of adequate vehicular access and off street parking and loading facilities. Access points to parking areas should be limited in number and designed in such a manner so as to minimize the danger to vehicular and pedestrian traffic.
- 2.4.6 The joint planning for and the joint use of facilities provided by different public agencies is encouraged with particular emphasis on community and educational facilities.
- 2.4.7 All areas designated Institutional on Maps 2, 4 and 5.1 through 5.11 may be also designated by By-law as Site Plan Control areas.

CHAPTER 3: AGRICULTURAL RESOURCE AREAS

The Township contains significant areas of land which have historically been, and remain, devoted primarily to agriculture. Policies relating to agricultural lands are based on the recognition that agriculture is important to the Township's economy. The Township also recognizes that the nature of farming is changing and that additional activities, such as on-farm business activities can be carried out within the Agricultural Resource Area designation that would not have a negative impact on the preservation of agricultural land and/or interfere with agricultural land use practices.

3.1 General Policies

- 3.1.1 Agricultural Resources Areas are classified as prime and non-prime as shown on Map 10 of this Plan. Notwithstanding the above, the Agricultural Resource Area designations will not apply to lands designated for non-farm uses in this Plan.
- 3.1.2 Non-prime agricultural areas are also productive for the agricultural economy and should be protected. However, where appropriate, proposed recreational, institutional, or farm-related non-residential uses and expansion of settlements may utilize non-prime agricultural areas subject to the policies in this Plan.
- 3.1.3 Farming, small scale on-farm business activities, farm-related non-residential uses mineral aggregate extraction and forestry will be the primary activities permitted in Agricultural Resource Area.
- 3.1.4 Where lands are designated as Agricultural Resource Area on Maps 2 and 10 and Environmentally Constrained Lands on Map 3, uses permitted within the Agricultural Resource Area designation will be subject to the restrictions as established through the policies contained in Sections 8.1 and 8.2 of this Plan.
- 3.1.5 The Township may permit the creation of one (1) or more new lots for the purposes of infilling non-farm-related residential units within any existing settlement which has not been designated as a Rural Settlement Area by this Plan, provided that:
- a) non-farm-related residential lots are only created between two (2) existing non-farm-related residential units or lots that are separated by a distance of not more than 100 metres on the same side of an open public road. The measurement of the 100 metres shall be as determined according to the following:
 - i) measurement is established between two points located along the centre-line of the existing right-of-way of an open public road and which points are determined by a line drawn from the centre of such unit and perpendicular to the public road;
 - ii) The distance between the two points is measured along the public road through

intersecting public roads;

iii) The point of reference on an adjoining and undeveloped non-farm-related residential lot is determined by the mid-point along the public road; and

b) The units or lots conform to the Minimum Distance Separation.

3.1.6 The construction of new farm-related residential and new/expanded livestock barns or manure storage facilities will conform to the Minimum Distance Separation (MDS) Formulae and the *Nutrient Management Act*. A livestock or poultry operation shall have sufficient land base available on which to properly spread all manure generated by the operation. The completion of Nutrient Management Plans according to Best Management Practices shall be required by either the Township or by relevant Provincial Legislation prior to the issuance of building permits for certain types and sizes of operation. Where provincial legislation permits, the Township may pass a by-law to encourage higher standards of environmental responsibility.

3.1.7 Notwithstanding the provisions of Policies 5.1.1.6 and 5.1.3.2 of the Regional Official Policies Plan, a new farm or new lot shall not be deemed to have been created where consent is given for the following purposes:

- a) to create or alter any easement or right-of-way;
- b) to correct or confirm valid title for a lot which has been previously recognized and held in distinct and separate ownership;
- c) to make a minor adjustment to the legal boundaries of lots so as to conform to existing patterns of exclusive use and occupancy, or to rectify problems created by the encroachment of buildings, structures, private water supply or private sewage disposal facilities on abutting lots;
- d) to make a lot boundary adjustment between two abutting non-farm lots recognized by the Township Zoning By-Law that does not result in the creation of any additional lot held, or capable of being held, in distinct and separate ownership pursuant to the Planning Act; or,
- e) to make a lot boundary adjustment between an abutting farm and non-farm lot which results in a substantial increase in the long term agricultural viability of the farm operation, and does not result in the creation of any additional lot held, or capable of being held, in distinct and separate ownership pursuant to the *Planning Act*.

3.1.8 The planning and location of utility corridors, lines, towers and associated uses shall, wherever possible, respect the intent of this Plan which is to protect and preserve existing and potentially productive agricultural land to the greatest extent possible. Such uses should be encouraged to locate in areas having poorer soils and should be located and designed so as to minimize disturbance to existing farm operations. Such uses shall not require an amendment to the implementing Zoning By-law.

3.2 Farm Parcel Creation/Alteration

3.2.1 Where a new farm is proposed to be created, or where part of an adjoining farm is to be severed and merged in title with an existing farm, the development application will comply with the following:

- a) Each resultant farm that is created must have a minimum area of 40 hectares; or
- b) Resultant farms having less than a minimum of 40 hectares will:
 - i) Be of a size appropriate for the type of agricultural use(s) proposed. Such development applications will be evaluated by the Ministry of Agriculture and Food, or other professional(s) knowledgeable in farm economics and management to determine if the proposed farm is of sufficient size and nature to be reasonably expected to sustain a commercially viable operation as an independent farm unit, and for flexible re-use for agricultural purposes in the event of business failure; and,
 - ii) Be permitted by a site specific zoning by-law amendment.

3.3 On-farm Business Activities

On-Farm Businesses may be permitted on farm parcels within the Agriculture Resource Area designation subject to provisions in the Zoning By-law to regulate the nature and scale of the operations. On-Farm Businesses are dry industrial or farm-related commercial activities located on a farm to supplement farm income and it is intended that they shall be minor activities relative to the farm operation, such that the farm remains valued for its agricultural capability and not for its industrial or commercial business potential.

3.3.1 Where an on-farm business activity is proposed to be established, the development application will comply with the following:

- a) It must be demonstrated that the proposed on-farm business activity will remain secondary to the farm operation and that the cumulative effect of on-farm business activities does not undermine the agricultural nature of the area. Determination of whether a proposed activity is secondary to the farm operation must include an evaluation of the relationship between the existing agricultural operation and the proposed on-farm business. This will include the financial investment, the number of employees, the type of operation for both the agricultural operation and the proposed on-farm business and any other factors as may be deemed appropriate;
- b) Be permitted by a site specific zoning by-law amendment which:
 - i) identifies the area of the operation including all buildings and storage areas;

- ii) wherever feasible, the area of operation is to be part of the farm cluster; and,
- iii) considers any impacts such as noise, dust, vibration, visibility to the adjacent agricultural operations. Mitigation of impacts may require screening or fencing, as determined by Council;
- c) The subject property will remain zoned for agricultural purposes;
- d) No new lot will be created;
- e) The proposed on-farm business activity will not be detrimental to the environment;
- f) Shall not include any use which is or may become obnoxious, offensive or dangerous by reasons of the presence, emission or production in any manner of odour, dust, smoke, noise, fumes, vibration, refuse matter or water carried wastes;
- g) Shall be limited to dry manufacturing and/or repair, with ancillary retail;
- h) Shall not include automotive sales and/or repair.
- i) The owner/operator must obtain a Township Certificate of Occupancy.

3.3.2 The range of on-farm business activities permitted and the standards applying to them shall be set out in the Zoning By-law. On-farm business activities may be subject to site plan control.

3.3.3 Consents shall not be granted for any on-farm business activity created in accordance with this policy.

3.4 Farm-Related Residential Development

To accommodate full-time farm employees, including members of the farm household, or to aid retiring farmers, the construction of a second permanent or temporary farm-related residential unit, or the conversion of an existing farm-related residential unit, to create a second unit may be permitted on a farm by site-specific zoning by-law amendment. Consents will not be granted for any farm-related residential units created in accordance with this policy. It is an objective of this Plan that second farm-related residential units will be clustered with the farmstead.

3.5 Farm-Related Non-Residential Development

Development applications for farm-related non-residential uses in the Agricultural Resource Area designation will require an amendment to the Township Zoning By-law and comply

with the following:

- a) Will conform to the Zoning By-law and policies of this Plan;
- b) Where feasible, not be located on Prime Agricultural Lands as defined in the Glossary to this plan;
- c) Be prohibited in a woodlot except where an exception from the Regional Tree By-law has been obtained;
- d) Prevent or minimize impacts on Environmental Areas in accordance with policies in Chapter 8 of this Plan; and
- e) The use does not impact any adjacent agricultural operations and/or sensitive land uses including consideration of the Ministry of Environmental Land Use Compatibility Guidelines.

3.5.1 The creation of lots for farm-related non-residential uses created in accordance with this section will be permitted in Prime Agricultural Areas only if the use has been established.

3.6 Non-farm-related Residential Development

3.6.1 The creation of lots for non-farm-related residential uses will not be permitted within the Agricultural Resource Area except in accordance with Policy 3.1.5.

3.6.2 The creation of lots for non-farm-related residential uses, or lot additions from a farm to an abutting non-farm-related residential lot, will not be permitted within the Agricultural Resource Area designation except in accordance with Policy 3.1.7.

3.7 Non-farm-related Non-residential Development

3.7.1 General Policies

3.7.2 The creation of lots for non-farm-related non-residential uses will not be permitted within the Agricultural Resource Area except in accordance with Policies 3.6.3 and 3.6.5. For the purpose of determining whether a new lot is being created through a development proposal, regard will be had to the provisions of Policy 3.1.7.

3.7.3 The designation of new, or expansions to existing, recreational and/or institutional uses may be permitted in the Agricultural Resource Area, subject to a site-specific amendment to this Plan. Such development applications will comply with the following:

- a) The proposed use will not be located within a Prime Agricultural Areas;
- b) The need for the proposed use to be located in the Agricultural Resource Area is justified

taking into consideration the nature of the proposed use and the availability of lands designated within the Wellesley Urban Area, Rural Settlement Areas, and the Agricultural Resource Area for such uses;

- c) The amount of land proposed to be designated and zoned is the minimum appropriate for the requirements of the proposed use based on the nature of the proposed use;
- d) Conformity with the Minimum Distance Separation Formulae;
- e) The use is clearly demonstrated to be compatible with the adjacent agricultural operations; and,
- f) The submission of environmental and servicing studies as required by the policies of this Plan.

3.7.4 Minor additions to, or intensification of existing industrial, commercial, recreational and/or institutional uses located outside of a Rural Settlement Area, or minor changes in use thereof, may be permitted. Minor expansions to lot areas may be permitted where:

- a) Consideration is given to both the size of the lot addition and the impact of the proposed development on surrounding agricultural uses; and
- b) The lot addition does not result in the creation of any additional lot held, or capable of being held, in distinct and separate ownership pursuant to the *Planning Act*.

3.7.5 In order to preserve and support the historic social and cultural needs of a unique segment of the Region's existing rural community which rely on horse-drawn vehicles as their sole means of transportation, the Township may, by an amendment to the Zoning By-law, permit the establishment of small-scale schools, churches and associated cemeteries where their location in the Agricultural Resource Area can be justified.

3.7.6 The creation of lots specifically for the purpose of conserving woodlands or Environmental Areas as designated on Map 7 of this Plan, may be permitted only where such lands are designated as Open Space in this Plan and zoned to prohibit any use not related to conservation. The creation of such lots will not be permitted where the configuration of the remnant parcels will create the potential for new non-farm uses or lots, or result in farms which may not be commercially viable in accordance with Policy 3.2 of this Plan.

3.8 Rural Mixed Use/ Agricultural Clusters

3.8.1 A Cluster consists of lots ranging from approximately two hectares in size to a maximum of four hectares on which a combination of residential, dry industrial and limited non-commercial agricultural uses may be permitted.

3.8.2 A Cluster may also contain lots for small-scale schools, churches and associated cemeteries to

support this segment of the rural community.

- 3.8.3 The identified Rural Mixed Use/Agricultural Clusters are designated as shown on Maps 2 and 11 of this Plan. An amendment to this Plan is required to establish a new Cluster.
- 3.8.4 Each Cluster shall be separated from another Cluster, a designated settlement area, an industrial/commercial area, or a Township Urban Area by a minimum distance of one kilometre as measured along public roads.
- 3.8.5 In accordance with the application of the MDS I and II Guidelines approved by the Ontario Ministry of Agriculture and Food for Clusters:
- a) MDS I for Type 'A' Land Uses shall apply between agricultural facilities external to the Cluster and the residential and industrial uses within Clusters;
 - b) MDS does not apply between lots within a Cluster;
 - c) MDS I for Type 'B' Land Uses shall apply between agricultural facilities external to the Cluster and institutional type uses within the Cluster; and
 - d) Lots within clusters shall be considered as agricultural uses in the calculation of MDS II for future construction or expansion of agricultural facilities external to the Clusters.
- 3.8.6 In considering the creation of a Cluster, the Township will require the submission of studies to determine:
- a) The suitability of the lots for servicing by private wells;
 - b) The suitability of the lots for servicing by individual wastewater treatment systems, and for disposal of manure that could reasonably be anticipated to be generated by the limited agricultural uses; and
 - c) The impact on Natural Habitat Network and Natural Resources identified in the Regional Official Policies Plan.
- 3.8.7 The Township may adopt "Rural Mixed Use/Agricultural Cluster Planning Guidelines" (Guidelines) for the purposes of considering proposed zoning By-law amendments, subdivision plans and severances. Planning Guidelines may contain requirements for land use, site planning, environmental protection, design features for buildings, and any other matter that will assist the Township and landowners in creating a Cluster that satisfies the objectives of this Policy and maintains the integrity of the rural character of the Township.
- 3.8.8 Each Cluster shall be regulated by a Zoning By-law amendment, in conformity with the policies of this Subsection of the Official Plan, that contains provisions for: permitted uses; lot areas and frontages; required yards; floor areas of buildings; building heights; number of animal units; accessory retail sales; number of employees; off-street parking and loading;

accessory signs; accessory buildings and structures; and 'Building Areas'.

- 3.8.9 A minimum of 3 lots and a maximum of 7 lots are permitted within each Cluster.
- 3.8.10 A subdivision plan or simultaneous consents to sever shall be used to create lots in a Cluster.
- 3.8.11 The Cluster policies contained in this Plan and the associated Guidelines shall be reviewed by Council two years after the occupancy of the fifth residential building within the first Cluster approved in accordance with these policies. Such review shall include an evaluation of the monitoring of the following matters undertaken during the two years noted above:
- a) Groundwater quality;
 - b) Traffic generated by the cluster;
 - c) Impact on the condition of public roads utilized by cluster traffic;
 - d) Appropriateness of the size of industrial and agricultural buildings and structures for the permitted uses;
 - e) Appropriateness of the number and type of animal units;
 - f) Appropriateness of lot areas;
 - g) Compatibility between land uses within the cluster;
 - h) Appropriateness of on-site parking; and
 - i) Compliance with Township By-laws and standards, and other applicable legislation within the jurisdiction of the Township.
- 3.8.12 If, after three years following the coming into effect of the "Cluster" policies of this Plan, there has not been occupancy of five residential buildings within the first Cluster approved in accordance with these policies, Council shall consider revisions to this Plan as necessary to address the appropriateness of Clusters as a land use within the Township of Wellesley.
- 3.8.13 Applications for any additional "Clusters" shall not be considered by Council until such time as Council has either completed the review noted in Policy 3.7.11 or has considered revisions to this Plan in accordance with Policy 3.7.12.

CHAPTER 4: HOUSING POLICIES**4.1 General Policies**

- 4.1.1 The Township will maintain a ten year supply of land designated and available for new residential development and residential intensification.
- 4.1.2 The Township will maintain, where new development is to occur consistent with the goals of the Plan and the Regional Official Policies Plan, at least a three year supply of residential units with servicing capacity in draft approved or registered plans.
- 4.1.3 The Township will give priority to the approval of development applications which provide housing types that are needed in the community.
- 4.1.4 The Township will encourage a high level of repair and maintenance in the existing housing stock by taking advantage of Federal, Provincial and Regional housing programs, adopting and implementing community improvement plans, and by enforcing occupancy standards by-laws and in accordance with Section 5.
- 4.1.5 The Township Zoning By-law will be amended as necessary to implement the policies of this Section.

4.2 Range and Mix of Housing Types

- 4.2.1 The Township will encourage a full range of housing types, tenures and densities in all designations where residential land uses are permitted in order to accommodate the needs of current and future residents. The Township will:
- a) Provide opportunities for residential intensification and redevelopment through conversion or infill, except where infrastructure is inadequate or there are significant physical constraints;
 - b) Promote the efficient use of land in new residential developments and in redeveloping areas; and,
 - c) Support and encourage innovative lot configurations and housing designs.
- 4.2.2 The Township will provide opportunities for affordable ownership and rental housing by:
- a) Providing opportunities through the designation and appropriate zoning of land for a minimum of 30% of new housing to be smaller-lot single detached units, semi-detached units, plexes, townhouses and apartments;
 - b) Providing opportunities for mixed uses in new residential developments and in redeveloping areas;

- c) Encouraging the conversion of single detached units to plexes, the provision of housing above commercial and office space in Core Areas, and the use of accessory apartments and garden suites; and,
- d) Supporting the development of private and public non-profit housing and private sector residential units.

4.3 Density Targets

4.3.1 The following definitions shall apply for the purpose of calculating residential density in the Wellesley Urban Area:

a) Gross Residential Hectare

Means the area of land, measured in hectares, utilized for residential dwelling units including the lot areas, local residential streets, local parks including walkways and bicycle ways, public and separate elementary schools, places of worship and other institutions such as day care centres and nursing homes, convenience commercial facilities and local municipal facilities such as hydro substations. This area excludes boundary roads (defined herein to mean roads forming the boundary of a residential area) and widenings, Environmentally Constrained Lands and other major existing uses unrelated to the community such as cemeteries.

b) Net Residential Hectare:

Means the area of land, measured in hectares, utilized for residential building lots. Net Residential density for multiple unit dwellings shall be calculated on the basis of land used for the buildings, private roads and driveways, parking areas and landscaping and amenity areas related to the specific development.

c) Floor Area shall be defined through the Zoning By-law.

4.3.2 The gross residential density for the Wellesley Urban Area will be approximately 12.5 units per gross residential hectare (approximately 5 units per gross residential acre). Net residential density on a particular site may be permitted to a maximum of 60 units per net residential hectares (24.3 units per acre) provided sufficient services are available, the development is compatible with proposed or existing surrounding land uses and is consistent with the objectives and policies of this Plan. Higher density development may be considered by site-specific amendment to the Township Official Plan.

4.3.3 Amendments to this Plan or to the Township Zoning By-law to reduce the net residential density in areas planned for medium or high density housing in the Wellesley Urban Area will not be approved or supported if the reduction in density will have significant impacts on the ability of the Township to meet the density and housing targets for the Wellesley Urban Area.

4.3.4 The Township will encourage the development of new housing units in existing built up

areas, specifically in the Wellesley Urban Area and the Rural Settlement Areas. Development in existing built up areas will be supported through infill, conversion, intensification or redevelopment that is compatible with surrounding uses.

4.4 Barrier-Free Housing and Group Homes

- 4.4.1 The Township will encourage and support housing for people with disabilities, such as barrier-free housing, group homes and other types. The Township will encourage housing for people with disabilities to locate in close proximity to employment nodes, services and other amenities.
- 4.4.2 Proposed residential development in the Wellesley Urban Area will include a portion of ownership and rental dwellings that provide barrier-free access to people with mobility limitations.
- 4.4.3 Group homes will be permitted in all designations where residential uses are permitted. The Township Zoning By-law may incorporate a minimum distance separation between group homes in order to prevent the concentration of homes in one specific area of the Township.

4.5 Seniors' Housing

- 4.5.1 The Township will encourage and support seniors' housing projects that allow seniors to "age-in-place" and remain active in the community for as long as possible. Any form of seniors' housing will be encouraged to locate in close proximity to commercial and retail areas, community and recreational facilities, institutional uses and parks/open space areas.
- 4.5.2 The Township will support other forms of housing for seniors such as homes for the aged, rest homes, nursing homes, long-term care facilities and other seniors housing complexes.
- 4.5.3 Proposed development for the purposes of retirement, lifestyle or leisure communities will be required to locate in the Wellesley Urban Area or in Rural Settlement Areas.

4.6 Condominium Conversion

- 4.6.1 The Township will discourage the conversion of rental housing to condominium ownership where it is determined that the conversion is likely to have significant impacts on the affordable rental housing supply.

4.7 Bed and Breakfast Establishments

- 4.7.1 Bed and breakfast operations will be permitted within the Wellesley Urban Area, the Agricultural Resource Area and in Rural Settlement Areas, within the "principal" single-family dwelling, provided the character of the dwelling is not substantially altered and all compatibility, safety and servicing requirements are met including the provision of adequate parking. The Zoning By-law shall define a bed and breakfast operation use as distinct from a guesthouse and establish regulations addressing their establishment and operation.

CHAPTER 5: COMMUNITY IMPROVEMENT POLICIES**5.1 General Policies**

- 5.1.1 Council may establish community improvement project areas in accordance with the *Planning Act*, in order to provide for the ongoing rehabilitation and maintenance of specific areas of the Township.
- 5.1.2 Council will consider the characteristics of an area to be designated for community improvement. A community improvement project area will have one or more of the following characteristics:
- a) The presence of conflicting land uses;
 - b) The presence of buildings in need of renovation, rehabilitation, improvement or replacement;
 - c) Deficiencies in terms of open spaces, parks, community facilities or landscaping;
 - d) A significant deterioration of infrastructure; and/or,
 - e) Deficiencies in terms of flood protection.
- 5.1.3 In order to provide for the rehabilitation of a community improvement project area, Council may:
- a) Provide for the preparation of a community improvement plan for the area;
 - b) Acquire land within the community improvement project area and clear, grade or otherwise prepare the land for community improvement;
 - c) Construct, repair, rehabilitate or improve buildings on land that has been acquired by Council;
 - d) Sell, lease or otherwise dispose of land that has been acquired by Council;
 - e) Provide grants or loans to property and building owners within the community improvement project area;
 - f) Enforce by-laws and policies dealing with property maintenance; and,
 - g) Encourage the private sector and the public to become involved with initiatives in community improvement project areas.

CHAPTER 6: GENERAL LAND USE POLICIES**6.1 Land Use Compatibility**

- 6.1.1 The Township will encourage development that is compatible with the location, density and other characteristics of surrounding land uses. Compatibility will address both the impacts of surrounding land uses on the proposed development, as well as impacts of the proposed development on surrounding land uses. Factors that will be used to assess the compatibility of a proposed development include:
- a) The density, scale, height, massing and visual impact of surrounding buildings and the proposed development;
 - b) The preservation of the natural environment and built heritage resources;
 - c) The continued visibility and viability of adjacent land uses;
 - d) Pedestrian, cyclists, horse-drawn vehicles and other vehicular movements and linkages, and parking requirements;
 - e) Landscaping, setbacks, sun and shadow effects, wind effects, signage, lighting and buffering of proposed and existing developments;
 - f) Noise, dust, odours or vibrations generated by surrounding land uses as well as the proposed development; and
 - g) Traffic generated by surrounding land uses and the proposed development.
- 6.1.2 The Township will minimize the impacts on and by new and existing industrial facilities by restricting sensitive land uses in industrial areas. Compatible uses may be encouraged as a buffer between sensitive land uses and industrial areas, where the intervening use is compatible within both industry and the sensitive land use.
- 6.1.3 Effective separation distances for preventing or minimizing the potential negative impacts of industrial and/or commercial activities on surrounding sensitive land uses will be established by the Township in consultation with the applicant and the Ministry of Environment or its delegated authority.
- 6.1.4 The proponent of a development proposed within 300 metres of an aggregate operation will be required to undertake an impact assessment to determine the impacts due to noise, dust, odour and possible effects to water resources.
- 6.1.5 Pursuant to the *Environmental Protection Act*, the Township will require written approval from the Ministry of the Environment prior to consideration of a development application within areas formerly used as waste management facilities.

6.1.6 The Township, in consultation with the Region and the Ministry of Environment, will consider the adverse effects associated with the operation of wastewater treatment facilities or systems on sensitive land uses during the development approval process and may require the appropriate use of separation distances or other mitigation measures.

6.1.7 The Township may require separation distances in consultation with the Region and the Ministry of Environment, berming, screening, fencing, and/or other appropriate buffers to minimize both visual and noise impacts of a proposed development.

6.2 Contaminated Sites

6.2.1. Where a development application is submitted on or adjacent to lands which are identified by the Ministry of the Environment, or its delegate, as a known, suspected or potentially contaminated site, approval of the application or the issuance of draft approval or provisional consent, as the case may be, will comply with the Regional Municipality of Waterloo's Protocol for the Review of Development Applications on or Adjacent to Lands which are Known, Suspected or Potentially Contaminated Sites, as amended."

6.2.2 The closure of landfill sites and other facilities identified under the *Environmental Protection Act* are subject to the closure conditions of a Certificate of Approval.

6.3 Decommissioning of Sites

6.3.1 Contaminated sites may include buildings, lands or structures which, for reasons of public health and safety or environmental quality, may have the potential for adverse effects to human health or the natural environment. Their rehabilitation is encouraged as part of this Plan.

6.4 Decommissioning of Wells

6.4.1 Any abandoned wells are to be decommissioned in accordance with Ministry of Environment guidelines.

6.5 Minimum Distance Separation I and II

6.5.1 All farm operations and buildings and all non-farm uses and structures permitted by the Agricultural Resource Area policies of this Plan will comply with the Minimum Distance Separation (MDS) I and II formulae or other Provincial regulations. The MDS varies according to the type and size of livestock operation. Around settlement areas and other uses (such as active recreational or institutional uses), the MDS calculations result in larger separation distance requirements.

6.6 Noise

6.6.1 Prior to the approval of development applications in any area with the potential to be adversely affected by traffic and stationary noise, the Township shall require a noise feasibility study be undertaken to the satisfaction of the Region and the Township by a qualified professional which demonstrates that appropriate abatement measures will be provided as set out in Section 11.9 of the Regional Official Policies Plan and the Region's Implementation Guidelines for Noise Policies.

6.6.2 The Township will encourage the use of passive noise mitigation measures, wherever possible, as a means of reducing the use of structural measures such as noise barriers.

6.7 Parking, Access and Loading Facilities

6.7.1 All uses shall be supplied with adequate off-street parking and, in the case of institutional, commercial and industrial uses, adequate off-street loading facilities. Access points to off-street parking or loading areas shall be limited in number and designed in a manner that provides for the adequate and safe movement of vehicular or pedestrian traffic.

6.7.2 While it is the general intent of this Plan that development or redevelopment satisfy the minimum parking standards of the Township, where this is not possible and the Township still is in support of the proposed development, Council may allow a parking exemption pursuant to Section 40 of the *Planning Act*.

6.7.3 Access for all new habitable buildings shall be designed so that emergency vehicles and pedestrian movement is not prevented during a flood in order that safe access/evacuation is ensured.

6.8 Transportation Planning

This section establishes the general transportation policies for the Township of Wellesley. A convenient, safe and functional road network is the key element in facilitating the movement of both people and goods to and from the various areas within the Township and neighbouring municipalities. The Township will provide and maintain a road network that is integrated with Provincial and Regional roads, to accommodate current and anticipated traffic volumes so as to ensure the efficient movement of people and goods throughout the Township.

6.8.1 Road Hierarchy

6.8.1.1 The Township will recognize a hierarchy of roads of the following systems:

- a) Regional Roads - All development applications which impact an existing or proposed Regional Road as designated on Map 6 of this Plan, are subject to the policies of the Regional Official Policies Plan and appropriate Regional implementation guidelines.
- b) Township Roads - All development applications which impact an existing or proposed

Township Road as designated on Map 6 of this Plan, or proposing the development of a new Township Road are subject to the policies of this Plan, and appropriate Township Development Standards.

6.8.2 General Policies

6.8.2.1 To minimize the impact of development on Regional Road systems, the Township will:

- a) Apply Regional conditions on development applications with respect to the operation of the respective road networks as part of development approvals under the Township's jurisdiction;
- b) Require site plan designs to have regard for the needs cyclists, pedestrians, horse-drawn vehicles and future transit for access to the site; and,
- c) Provide for the design and construction of an integrated road system.

6.8.2.2 The Township will encourage the use of Regional Roads for long range or through traffic movement.

6.8.2.3 Where a development application impacts the Proposed Township Road Corridor shown on Map 6 of this Plan, the Township will:

- a) Consider the proposed development as premature until transportation planning and environmental assessment studies are completed by the Township;
- b) Require the proponent to undertake planning and environmental assessment studies for the transportation corridor, to the satisfaction of the Township, in conjunction with the processing of the development application; or,
- c) Not approve the development application until the environmental assessment requirements have been completed to the extent required.

6.8.2.4 The following changes to the classification or jurisdiction of roads shown on Map 6 may be made without amendment to this Plan:

- a) Minor modification to the designations, such as a change in classification which does not significantly change the function of the road;
- b) Temporary changes to the designations, such as a change in jurisdiction for the purpose of land dedication or road construction; and,
- c) Selection of the alignment of the Proposed Township Road Corridor consistent with the corridor shown on Map 6 of this Plan.

6.8.2.5 The Township will endeavour to ensure that wherever and whenever possible, roads within

the Township will be properly designed and constructed to provide for the safe integration of horse-drawn and motorized vehicles with the road right-of-way.

6.8.3 Township Roads

6.8.3.1 The Township will develop and maintain an on-going program of maintenance and improvement of the Township Road System taking into consideration both the function of the roadway and its impact on the surrounding environment.

6.8.3.2 The Township recognizes that some Township roads have a traffic carrying function beyond the immediate area, and will protect this function by:

- a) Giving preference to traffic movement on paved roads;
- b) Limiting the number and location of accesses to locations where adequate sight distances are achievable in accordance with Township Standards. Access design will be in accordance with Township Road Entrance Guidelines;
- c) Requiring, where necessary, the dedication of land to provide for future road expansions; and,
- d) Requiring appropriate building set backs in the Township Zoning By-Law.

6.8.3.3 Any new roads created through the development approval process must meet Township standards, and will be assumed by the Township, where appropriate, once constructed in accordance with these standards. As part of the construction of any new roads, consideration must be given to accommodate horse-drawn vehicles within the design of the road.

6.8.4 Traffic Study Requirements

6.8.4.1 Where a development application or site plan is likely to generate significant traffic volumes on a Township Road, or where the application is proposing the creation of new Township Roads, traffic impact analyses, land dedications, and other measures may be required as a condition of approval to the satisfaction of the Township to mitigate the impact of the proposed development on the Township's road system.

6.8.4.2 Where a development application is likely to generate significant traffic volumes on Regional Roads, the applicant will be required to submit a study to the satisfaction of the Region, in accordance with the Regional Implementation Guideline relating to the preparation of traffic impact studies and Policy 11.5.6 of the Regional Official Policies Plan.

6.8.4.3 Where a development application will impact upon existing or planned Regional roads, traffic impact analyses, land dedications, noise attenuation and other measures will be required in accordance with Policy 11.4.3 of the Regional Official Policies Plan.

6.8.4.4 Where a development application is affected by road improvements which are subject to a Municipal Class Environmental Assessment, the Environmental Assessment will be completed to the extent required before approval of the development application by the Township or the Region.

6.8.5 Road Design and Construction

6.8.5.1 The construction of any new Township roads will conform to recommended standards outlined in the Township Construction Guidelines, and will be subject to the approval of the Township. Where Township roads intersect Regional roadways, the Township will cooperate with the Region to ensure that the design of the Township road complements the design of the intersecting roadway.

6.8.5.2 Any costs associated with road design, construction and/or transportation improvements resulting from a proposed development which has not been provided for in the Township's Development Charges By-Law, will be the responsibility of the applicant.

6.8.5.3 Where a development application is affected by road improvements requiring land acquisition, the acquisition of this land must be secured prior to, or as a condition of, the approval of the development application by the Township or the Region.

6.8.5.4 As part of the completion of a Community Plan or review of development applications adjacent to Regional and Township roads, the Township will request consideration of the needs of horse-drawn vehicles, cyclists, pedestrians and future transit access, where appropriate.

6.8.6 Emergency Access

6.8.6.1 The Township will require all development applications to be in accordance with the Regional Municipality of Waterloo's Emergency Access Guidelines.

6.8.6.2 The Township will require as a condition of development or site plan approval, the submission of detailed drawings indicating the emergency access to be provided at all phases of the development for review and approval by the Township. Emergency accesses will be provided at the expense of the developer at no cost to the Township.

6.8.7 Public Transit

6.8.7.1 The Township supports planning for the future extension of transit services to accommodate its growing population and as such will cooperate with the Region in reviewing the feasibility of extending transit services to the Township.

6.8.7.2 The Regional Municipality of Waterloo will, from time to time, review the economic feasibility and demand for a public transit service. If this review determines the issue warrants additional consideration, the Regional Municipality of Waterloo will undertake an appropriate transit study. Where appropriate, policy changes resulting from the study may be

incorporated by amendment to this Plan.

6.8.8 Bicycle Routes and Pedestrian Paths

6.8.8.1 The development of bicycle routes and pedestrian paths will be encouraged where practical and safe. The Township will cooperate with the Region on the implementation of the Regional Cycling Master Plan.

6.8.8.2 The Township will encourage the development of a system of bicycle routes and pedestrian paths to link major public open space, schools, areas of employment, and activity centres, and to provide for recreational needs of Township residents.

6.8.8.3 Draft Plan of Subdivision or other development applications will provide for pedestrian paths and/or bicycle routes connecting open space areas where appropriate.

6.8.9 Truck Routes

6.8.9.1 To provide for the safe and efficient movement of trucks through and within the Township, and to minimize the impact of heavy trucks on residential areas, the Township may:

- a) Encourage heavy truck traffic to utilize Regional Roads and Township Roads that have a higher traffic carrying function;
- b) Restrict truck traffic on all Township Roads within the Wellesley Urban Area and Rural Settlement Areas, except in cases of local delivery and only in the absence of alternative acceptable routing.

6.8.9.2 The Township supports the establishment of a truck by-pass route around the Wellesley Urban Area. This route is shown as a “Proposed Township Road Corridor” on Map 6.

6.8.10 Scenic Roads

6.8.10.1 The Township may identify Scenic Road Corridors through amendment to this Plan where:

- a) They have unique structural, topographic and visual features;
- b) They are adjacent to an area containing unique vegetation or species, including mature tree cover or enclosure;
- c) Contiguous lands function as a wildlife corridor;
- d) The adjacent landscape or built structures have been identified as heritage features of historical or architectural significance; or,
- e) The road is located within an approved or proposed Heritage Conservation District.

- 6.8.10.2 Where necessary, prior to designating a Scenic Road Corridor, the Township will undertake necessary planning, transportation and traffic studies to identify alternative routes for existing or future high volume and high speed traffic.
- 6.8.10.3 The scenic values including the view from Township or Regional Roads to prominent heritage buildings or natural landscape features will be preserved where feasible.
- 6.8.10.4 Where feasible, the scenic values of designated Scenic Road Corridors will be maintained and preserved by the Township when undertaking road improvements.
- 6.8.10.5 Proposed Scenic Road Corridors are identified for information purposes on Map 6 of this Plan.

6.9 Infrastructure and Servicing Planning

The Township, in conjunction with the Region, will ensure that all new development is provided with adequate and effective water, wastewater and storm water facilities designed and constructed in accordance with sound engineering and environmental practices.

6.9.1 Wastewater Servicing

- 6.9.1.1 Wastewater treatment for any development proposed within the Township will be in accordance with the policies contained in Section 10.2.1 of the Regional Official Policies Plan, with the following exception:
- a) Development proposing infill within Rural Settlement Areas which are not serviced by communal water supply systems will need to demonstrate to the satisfaction of the Township and the Regional Municipality of Waterloo that a private wastewater system can operate satisfactorily on the site; and
 - b) Notwithstanding any policies in this Plan to the contrary, the creation of new lots in the Wellesley Urban Area serviced on individual wastewater services may be permitted only in the following circumstances:
 - i. The proposed lots are located within the areas illustrated as Special Policy 2.1.6.1 on Map 4 of this Plan;
 - ii. It is not feasible to service the proposed lots on full municipal wastewater services in accordance with Policy 10.2.1.3 of the Regional Official Policies Plan; and
 - iii. The suitability of the proposed lots for development on individual wastewater treatment systems is demonstrated through the submission of geotechnical and/or hydrogeological studies to the satisfaction of the Township and Regional Municipality of Waterloo.
- 6.9.1.2 The Township, when considering development proposals in areas where municipal

wastewater supply is provided, will assure that no such development is recommended for approval if the Region determines that there is insufficient reserve capacity in the wastewater servicing system.

6.9.2 Water Supply

6.9.2.1 Water servicing for any development will be in accordance with the servicing hierarchy policies contained in Section 10.3.1 of the Regional Official Policies Plan, with the following exceptions:

- a) Notwithstanding any policies in this Plan to the contrary, the creation of new lots in the Wellesley Urban Area serviced on individual water services may be permitted only in the following circumstances:
 - i. The proposed lots are located within the areas illustrated as Special Policy 2.1.6.1 on Map 4 of this plan; and
 - ii. It is not feasible to service the proposed lots on full municipal water services in accordance with Policy 10.3.1.3 of the Regional Official Policies Plan.

6.9.2.2 The Township will discourage non-residential development which requires significantly large quantities of water for its current or future operation.

6.9.2.3 The Township will encourage and support water conservation practices particularly in the fields of reduction of consumption, avoidance of wasteful practices and water recycling.

6.9.2.4 The Township recognizes that the provision of an adequate and assured supply of potable water is a basic necessity to all residents of the Township and the Region, and that although supply of water is a Regional responsibility, the Township will, through its representatives at the Regional level, strive to assure such supply.

6.9.2.5 The Township will encourage Regional authorities to study and consider the possible effect of lowering water tables on the agricultural economy prior to developing new sources of ground water taking in the Township.

6.9.2.6 The Township, when considering development proposals in areas where municipal water supply is provided, will assure that no such development is recommended for approval if the Region determines that there is insufficient capacity in the water supply system.

6.10 Stormwater Management

6.10.1 The submission of Stormwater Management Plans may be required as a condition of development or Site Plan approval. All Stormwater Management Plans shall be prepared by a professional engineer and submitted to the Township, the Grand River Conservation Authority, and where lands drain to a Regional facility, the Region for approval in accordance with the Township Stormwater Management Guidelines, approved Master Drainage Plans and

Watershed Studies, and any applicable current best management practices.

- 6.10.2 A landscaping plan approved by the Township will be required for all stormwater retention and detention facilities. All required landscaping will be installed in accordance with the approved plan, at the cost of proponent.
- 6.10.3 The Township may require stormwater management facilities to be dedicated to the Township as a condition of development or site plan approval. Stormwater management facilities conveyed to the Township must be designed, constructed and maintained in accordance with the approved Stormwater Management Plan.
- 6.10.4 The Township may, where appropriate, require fencing around stormwater management facilities as a condition of development or site plan approval. Notwithstanding the above, the Township strongly encourages the development of stormwater management facilities which can serve as natural amenities and will discourage the development of stormwater management facilities which require fencing.
- 6.10.5 The Township will ensure insofar as possible that storm water run-off from both urban and rural areas and the discharge from municipal drains, tile drains and joint farm drains will be managed to reduce the possibility of down stream flooding or flooding of adjacent lands, and to ensure that the discharge of storm water into existing water courses, streams or rivers will not add substantially to the pollution or channel degradation of these water courses.

6.11 Major Utility Corridors or Rights-Of-Way

- 6.11.1 The Township adopts the following policies relative to the construction or creation of major utilities, communication or service corridors proposed to cross the Township:
- a) All public utility, road, communication or service corridors, rights-of-way or installations that legally exist at the time of the approval of this Official Plan shall be considered to be in conformity therewith.
 - b) The construction or creation of any new or additional major utility, road, communication or service corridors, rights-of-way or installations which include transforming distributing and regulatory facilities (with the exception of minor expansions) through, under or upon lands within the Township and the construction of major water control structures shall be considered to be in contravention of this Official Plan unless and until such project has been approved pursuant to the provisions of the *Ontario Environmental Assessment Act*.

6.12 Parks, Open Space and Recreation Facilities

Open space, recreational facilities and parks have been recognized by the Township as essential for its residents and their quality of life. Through the combined provision and maintenance of sufficient parkland, natural areas, community facilities and sports fields, the Township will endeavour to achieve the following, in accordance with the Township's economic and growth objectives:

- i) Provide a range of leisure activities for all ages, lifestyles, and interest groups;
- ii) Preserve and improve the natural features of the Township; and,
- iii) Maintain and enhance scenic vistas.

6.12.1 General Policies

- 6.12.1.1 The Township will actively seek to provide a balanced system of recreational and leisure opportunities through the development of parks, open space and recreational facilities that provide opportunities for physical recreation, socialization, cultural pursuits, community identification, nature appreciation and education.
- 6.12.1.2 Where feasible, the Township will facilitate partnership arrangements, joint ventures and facility sharing with the school boards, other institutions and community groups to maintain, enhance and expand the supply of parks, open space, and recreational facilities.
- 6.12.1.3 The Township may undertake a Parks and Recreation Master Plan on a township wide basis to inventory existing parkland, open space, and recreational facilities, identify deficiencies, and provide recommendations for future acquisition/development of parkland, open space and facilities.
- 6.12.1.4 The Township will encourage the development of a system of linked green space, open space and trails throughout the township relying on existing parklands, watercourses, utilities corridors, conservation areas, schools and the co-operation of private landowners.
- 6.12.1.5 The Township will support the maintenance and continued viability of the Kissing Bridge Trail, to ensure continued access and enjoyment by Township residents.
- 6.12.1.6 The Township will encourage the development of a system of bicycle routes and pedestrian paths to link major public open space, schools and activity centres, and to provide for recreational needs of Township residents in accordance with Section 6.8.8 of this Plan.
- 6.12.1.7 The Township will encourage and work with the Grand River Conservation Authority, the Region, other agencies and the public to make lands available for recreational purposes such as cross-country skiing and hiking trails.

6.12.2 Parkland and Open Space Acquisition

- 6.12.2.1 The Township may acquire and/or protect Parkland and Open Space Areas as follows:
 - a) Lease or purchase land at an appropriately negotiated price;
 - b) Enter into any agreements, or enact a zoning by-law to preserve Open Space in accordance with the policies contained in Section 6.1 of this Plan;
 - c) Require in accordance with the provisions of the Planning Act, the dedication of land for parkland purposes of up to 2 percent of the land proposed for commercial or industrial

development as a condition of draft approval of Plan of Subdivision or the granting of a consent to sever;

- d) Require in accordance with the provisions of the *Planning Act*, the dedication of land for parkland purposes of up to 5 percent of the land proposed for all other forms of development as a condition of draft approval of Plan of Subdivision or the granting of a consent to sever; or
- e) The Township may require cash-in-lieu of all or part of the required parkland dedication where:
 - i) The required land dedication fails to provide an area of suitable shape, size or location for development of public parkland;
 - ii) The required dedication of land would render the remainder of the site unsuitable or impractical for development;
 - iii) It is determined that existing park and recreational facilities in the immediate area of the proposed development are adequate to serve the projected increase in population; or,
 - iv) Funds are required to acquire, upgrade or expand land, parks or recreational facilities elsewhere in the Township to meet the needs of the projected population.

6.12.2.2 The amount paid for cash-in-lieu of parkland dedication will be in accordance with provisions of the *Planning Act*, and be placed in a fund to be expended solely for the purchase of additional parkland, open space or recreational lands and/or facilities.

6.12.2.3 Environmentally Constrained Lands will not be accepted as part of a dedication for parkland pursuant to the *Planning Act*.

6.12.2.4 The Township may accept ownership of woodlots and other Environmentally Constrained Lands for protecting the natural area for passive recreation and education uses.

6.12.2.5 Lands conveyed to the Township for active parkland and other recreational facilities shall be required to meet minimum standards to the satisfaction of the Township in terms of drainage, grading and site condition.

6.13 Fire Prevention and Suppression Services

6.13.1 The Township will not approve any development application which cannot be provided with adequate fire protection services. At the time of the adoption of this plan, fire protection and suppression services in the Township are provided by a volunteer fire service.

6.13.2 The Township will consider, where appropriate, entering into agreements with adjacent

municipalities for providing fire prevention and suppression services.

- 6.13.3 The Township will undertake fire prevention and safety programs in an effort to reduce fatalities, injuries and property damage.
- 6.13.4 The Township may require the provision of fire reservoirs as a condition of development or site plan approval, where such facilities are warranted to provide adequate fire protection.
- 6.13.5 Where the provision of a fire reservoir is required in accordance with Policy 6.13.4, the developer will submit detailed drawings illustrating the siting, design and access provisions to the satisfaction of the Township prior to the approval of the proposed development.

6.14 Commercial Wind Generation Systems

- 6.14.1 Commercial wind generation systems (wind farms) are defined as one or more wind generating devices (turbines) which collectively produce more than nameplate rating capacity of 2 MW (Megawatts) and are connected to the provincial transmission grid of Hydro One and Waterloo North Hydro.
- 6.14.2 Commercial wind generating systems are permitted in the Agricultural Resource Area designation of this Plan subject to the requirements of this Plan and an amendment to the Zoning By-law.
- 6.14.3 Small scale systems defined as one wind generating device of nameplate rating capacity of less than 2 MW are permitted as an accessory structure in the Agricultural Resource Area without amendment to the Zoning By-law.
- 6.14.4 The Zoning By-law will provide regulations for all wind generating devices governing the maximum height and setbacks to public roads and adjoining lots. Council will evaluate the suitability of the location and land use compatibility of proposed commercial wind generating systems and require the following:
- a) A Site Plan shall be provided illustrating the location of the proposed turbines, as well as the location and height of all existing buildings and structures on the subject property and the location and height of all existing buildings and structures within 500 metres of the subject property.
 - b) A professional engineer shall approve the base and tower design of the turbines.
 - c) The development shall be subject to Site Plan Control under the *Planning Act*, and an appropriate agreement may be required.
 - d) The applicant shall review their approach with the Ministry of Environment concerning noise attenuation, to ensure that the proposal will comply with the Ministry's requirements.

- e) Commercial Wind Generation Systems constructed within 10km of an airport reference point will require the written approval of Transport Canada. Such approval will provide assurance that there will be no adverse effect on the instrument approaches to the airport.
- f) Commercial Wind Generation Systems are permitted in the Agricultural Resource Area where they can be located on land of lower agricultural capability or ensure the continued use of prime agricultural land for farm use and minimize the loss of production farm land. All sites shall be separated from urban areas by a minimum of 1,200 metres and comply with the regulations of the Zoning By-law.
- g) Wind farms which generate in excess of 2 MW of energy are subject to an Environmental Screening Process as set out in the *Ontario Environmental Assessment Act*.

CHAPTER 7: MINERAL AGGREGATE RESOURCE AREAS

7.1 Purpose

The purpose of this designation is to identify and protect mineral aggregate resources within the Township, where possible, from any development which would prevent the future recovery of mineral aggregate supplies. The policies outlined below are designed to ensure the future supply of these materials to the general area, ensure the correct and orderly extraction of deposits, encourage efficient land management practices, minimize disruption and ensure rehabilitation of exhausted sites.

7.1.1 Designation and Protection

7.1.1.1 Mineral Aggregate Resource Areas are designated as shown on Map 9 of this Plan. Mineral Aggregate extraction is a permitted use both within and outside the Mineral Aggregate Resource Area, subject to the policies of this Plan.

7.1.1.2 The Township will protect Mineral Aggregate Resource Areas from land uses which are incompatible with future extraction except where it is shown that:

- a) Extraction would not be feasible;
- b) The proposed land use or development serves a greater long term interest of the general public than does extraction; or,
- c) The proposed land use or development would not significantly preclude or hinder future extraction.

7.1.1.3 The Township will regulate uses associated with aggregate extraction through the Zoning By-law as follows:

- a) Permit accessory uses associated with aggregate extraction operations and processing activities such as crushing, screening, washing, stockpiling, blending with recycled asphalt or concrete materials, storage, weigh scales, parking and office facilities;
- b) Require site specific zoning to permit ancillary land uses such as asphalt plants, concrete plants and aggregate transfer stations subject to:
 - i) The protection of adjoining lands from the negative effects of a reduced water supply, noise, dust, odour, lighting and outdoor storage;
 - ii) The protection of the environment from negative effects of dust, chemical spills, run-off, or contamination of surface or groundwater;
 - iii) Access being obtained directly to a road capable of carrying the anticipated

truck traffic; and,

- c) Notwithstanding b) above, ancillary land uses will be prohibited in Wellhead Protection Sensitivity Areas as described in Section 5.2.1.1 of the Regional Official Policies Plan.

- 7.1.1.4 The Township encourages the extraction of the mineral aggregate resource prior to, and during the development of land.
- 7.1.1.5 The Township recognizes all existing licensed pits and quarries as legal uses of land and will endeavour through the policies of this Plan to ensure their continued viability and use for extractive purposes in accordance with license requirements established under the *Aggregate Resources Act*. The Township will ensure that appropriate zoning is maintained to recognize licensed mineral aggregate extraction operations as a permitted use.
- 7.1.1.6 No new pits or quarries will be permitted in Environmental Preservation Areas or Environmentally Sensitive Policy Areas.
- 7.1.1.7 New mineral aggregate extraction below the water table will only be permitted in accordance with Regional Official Policies Plan Policies 5.3.8 and 5.3.10.
- 7.1.1.8 New mineral aggregate extraction on Prime Agricultural Lands as defined in the Glossary in this Plan may be permitted as an interim use provided that for areas remaining above the water table agricultural rehabilitation is maximized.
- 7.1.1.9 Notwithstanding Policy 7.1.1.8 of this Plan, new mineral aggregate extraction on Prime Agricultural Lands may be permitted without rehabilitation to an agricultural use subject to the provisions of Policy 5.3.12 of the Regional Official Policies Plan.
- 7.1.1.10 The Township will co-operate with the Ministry of Natural Resources and the Region to ensure that all appropriate conditions resulting from the review of the studies required in accordance with Policy 7.1.3.3 are imposed and enforced as:
 - a) Conditions on the license or notes on the site plan required under the *Aggregate Resources Act*; and/or
 - b) Conditions of development application approval under the *Planning Act*.
- 7.1.1.11 The Township will encourage and co-operate with the owners of licensed extractive operations to achieve orderly phased extraction of licensed areas based on practices that promote minimal active mining areas and progressive rehabilitation.
- 7.1.1.12 The Township will encourage the construction of intra-pit road systems and new roads intended for aggregate traffic so as to lessen the impact of aggregate traffic on local residents and sensitive land uses.

7.1.2 Aggregate Inventory

7.1.2.1 The Township will cooperate with the aggregate industry in the development and maintenance of an inventory of all existing and abandoned mineral aggregate operations within the Township. This inventory should be updated annually to provide progress on the operation, monitoring of the conditions in accordance with the approved License and the identification of any outstanding issues that need to be addressed.

7.1.3 New Mineral Aggregate Applications

7.1.3.1 Where the approval of a development application is required prior to the establishment of a new aggregate extraction operation, or expansion to an existing operation, the applicant shall erect a sign satisfactory to the Township on the subject lands advising of the nature of the application, including area of the application, facilities to be located on the site, and where additional information may be obtained.

7.1.3.2 Where the approval of a development application is required prior to the establishment of a new aggregate extraction operation or expansion to an existing operation, the Township will organize a pre-submission consultation meeting with the Region, the Grand River Conservation Authority, and the applicant to identify the study requirements necessary for the appropriate evaluation of the application and the process to be followed.

7.1.3.3 Where the approval of a development application is required prior to the establishment of a new aggregate extraction operation or expansion to an existing operation, Township support for the zone change application will be subject to the following:

- a) Submission of a study approved by the Township indicating potential transportation impacts from the proposed extraction operation on the Township Road system;
- b) If required, the submission of an Environmental Impact Statement in accordance with Chapter 8 of this Plan;
- c) Demonstration that the proposed rehabilitation is consistent with the policies of the Regional Official Policies Plan and this Plan; and
- d) Submission of all reports required by the Ministry of Natural Resources in accordance with the *Aggregate Resources Act*, and the Region in accordance with the policies of the Regional Official Policies Plan;
- e) Such other relevant matters as Council deems necessary; and,
- f) the Township being satisfied that the following conditions will be dealt with through the site plan approved under the *Aggregates Resources Act*, or other appropriate means:
 - i) To ensure adequate buffers and/or screenings along road right-of-ways, or adjacent to any existing or proposed residences or as determined through the approval of

required studies, adjacent to sensitive land uses to the satisfaction of the Township;

- ii) That no new excavation or processing will take place until all required buffers and/or screenings have been constructed;
- iii) That no water or washing or screening operations will be discharged into any water course;
- iv) The applicant in cooperation with the Township will establish all haul routes for truck traffic;
- v) That required road improvements identified through the transportation study noted in a) above are in place and the Township is satisfied that any road improvements are in place prior to the removal of aggregates from the site; and,
- vi) That no new excavation or processing will take place until all required fencing and/or security measures have been put in place.

7.1.3.4 Where a development application is not required to permit a new aggregate extraction operation or expansion to an existing operation, the Township will ask the Ministry of Natural Resources to request the submission of the appropriate studies noted in Policy 7.1.3.3 as part of the aggregate license and site plan approval process.

7.1.4 Wayside Pits

7.1.4.1 New wayside pits for public authority contracts will be permitted in all land use designations without amendment to the Zoning By-law, with the exception of those areas immediately adjacent to the Wellesley Urban Area, Rural Settlement Areas and Industrial/Commercial Settlement Areas or within Environmental Areas as described in Section 8.1.1 of this Plan.

7.1.4.2 The removal or leveling of a hill containing aggregate for the purpose of increasing or improving lands for agricultural uses will be permitted in any land use designation without the need for a Zoning By-law amendment provided that no excavation occurs below the average grade of land surrounding the hill. Such extraction is subject to support of the Region, the Township and the issuance of a wayside permit by the Ministry of Natural Resources.

7.1.4.3 Portable asphalt plants for the exclusive temporary use of a road authority operating under an approved wayside pit permit will be permitted in all land use designations, without amendment to the Zoning By-law, with the exception of the Wellesley Urban Area, Rural Settlement Areas or within Environmental Areas described in Section 8.1.1 of this Plan.

7.1.4.4 The Township will request the Ministry of Natural Resources to include a notification on wayside permits for lands adjacent to Locally Significant Natural Areas that the Township should be contacted prior to excavation to obtain information on how to mitigate impacts on the Locally Significant Natural Areas.

7.1.5 Rehabilitation of Existing or Abandoned Aggregate Pits

- 7.1.5.1 The Township will cooperate with land owners, the Region, pit operators, the Ministry of Natural Resources in efforts to rehabilitate existing and/or abandoned pits and quarries to reduce or eliminate dangerous or hazardous conditions and return the pit site to a suitable land use as determined by the Township in conformity with the policies of this Plan and Policies 5.3.11 and 5.3.12 of the Regional Official Policies Plan.

CHAPTER 8: ENVIRONMENTAL MANAGEMENT POLICIES

Jurisdiction over environmental matters is divided among the federal, provincial and municipal levels of government. To ensure that effective environmental planning and stewardship is practiced, cooperation between various agencies, including Federal and Provincial Ministries, the Region, Area Municipalities, and the Grand River Conservation Authority is essential. Policies related to environmental areas, environmentally constrained lands, watershed planning, and environmental impact statements are encompassed in this section.

The Township will attempt to adhere to the following principles when practicing environmental management:

- 1) Environmental awareness is essential to the development and maintenance of a sustainable community.
- 2) Environmental standards for development must be established not only to prevent or minimize negative environmental impacts, but also where feasible, to enhance environmental features and functions.
- 3) Watershed and subwatershed planning is an effective tool for establishing policies in advance of urban development to protect the environmental features and functions of a watershed.
- 4) The rich native biodiversity of the Township must actively be conserved and enhanced.

8.1 Environmental Areas

Environmentally significant areas provide economic, ecological and social benefits and contribute to overall quality of life by maintaining air, land and water quality, as well as by providing biological diversity. The maintenance and enhancement of the ecological integrity of any landscape is therefore vital. The ecological functions and interconnections that occur in significant environmental areas should be preserved to maintain the integrity of the landscape. Furthermore, development in these areas must be compatible to ensure natural features and functions are conserved and enhanced.

8.1.1 General Policies

8.1.1.1 Environmental Areas include:

- Environmental Preservation Areas,
- Environmentally Sensitive Policy Areas,
- Provincially Significant Wetlands;
- Fish habitat;
- Wellhead Protection Sensitivity Areas, Sensitive Groundwater Recharge Areas, Discharge Areas, Headwaters and Aquifers;
- Locally Significant Natural Areas;
- Significant Woodlands;
- Significant Valleylands;
- Significant Natural Corridors; and
- Significant Wildlife Habitat Areas.

8.1.1.2 Where development is proposed on lands that have not been adequately evaluated or classified to identify Environmental Areas, a Natural Habitat Network Inventory will be prepared by the applicant, in accordance with Regional Official Policies Plan Policy 4.1.1 and 4.1.12.

8.1.1.3 The acquisition of Environmental Areas by the Township or other public agencies will be promoted wherever feasible.

8.1.2 Environmental Preservation Areas, Provincially Significant Wetlands and Environmentally Sensitive Policy Areas

8.1.2.1 Environmental Preservation Areas, Provincially Significant Wetlands, and Environmentally Sensitive Policy Areas are designated as illustrated on Map 1 and 2 of the Regional Official Policies Plan, and identified for information purposes on Map 7 of this Plan. The boundaries of Environmental Preservation Areas, Provincially Significant Wetlands, and Environmentally Sensitive Policy Areas may be refined, and areas added or deleted within the Regional Official Policy Plan, without amendment to this Plan.

8.1.2.2 Map 7 will be updated periodically to reflect changes in Environmental Preservation Areas, Provincially Significant Wetlands, and Environmentally Sensitive Policy Areas boundaries, however, the boundaries set in the Regional Official Policies Plan will be used to interpret the policies of this plan.

8.1.2.3 Environmental Preservation Areas, Provincially Significant Wetlands, and Environmentally Sensitive Policy Areas will be designated as Environmentally Constrained Lands in accordance with Section 8.2 of this Plan and are illustrated for land use purposes on Maps 3,4 and 5.1 to 5.10 inclusive of this Plan.

8.1.2.4 Development is not permitted within Environmental Preservation Areas, Provincially Significant Wetlands, or Environmentally Sensitive Policy Areas. Development proposed contiguous to an Environmental Preservation Areas, Provincially Significant Wetlands, or Environmentally Sensitive Policy Areas is subject to the provisions of Section 4.2, Section 4.4, and Section 4.3 respectively of the Regional Official Policies Plan, including the submission of an Environmental Impact Statement for review by the Region.

8.1.2.5 Except at the discretion of the owner, Environmental Preservation Areas, Provincially Significant Wetlands, and Environmentally Sensitive Policy Areas which are privately owned are not for use by the public.

8.1.2.6 Proposed Environmentally Sensitive Policies Areas are illustrated for information purposes on Map 7 of this Plan.

8.1.3 Fish Habitat

8.1.3.1 The Federal Department of Fisheries and Oceans or its delegate will identify Fish Habitat.

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- 8.1.3.2 Any development proposed contiguous to designated fish habitat area will require the preparation and submission of an Environmental Impact Statement, in accordance with the Policy 8.4 of this Plan and shall identify opportunities for compensation for loss of fish habitat through near site replacement of habitat, off-site replacement of habitat or on-site increase in habitat capacity the satisfaction of the Federal Ministry of Fisheries and Oceans or its delegate.
- 8.1.3.3 The Township may permit development contiguous to designated fish habitat where it is demonstrated to the satisfaction of the Federal Ministry of Fisheries and Oceans or its delegate, through the submission of an Environmental Impact Statement, that the proposed development will not harmfully alter, disrupt or destroy fish habitat.
- 8.1.3.4 If an Environmental Impact Statement demonstrates that any development could result in negative impacts to fish habitat or in a net loss of the productive capacity of fish habitats, such development will be prohibited, unless it can be compensated for, with such compensation being authorized, by the Federal Ministry of Fisheries and Oceans or its delegate.
- 8.1.3.5 The Township will support a net gain in the productive capacity of fish habitats through such measures as enhancing or rehabilitating watercourses and creating or recreating fish habitat.
- 8.1.3.6 Watershed studies will be used to provide guidance as to appropriate means to implement fishery policy and the specification of protective mitigation measures.
- 8.1.3.7 Any requirements imposed through an Environmental Impact Statement must be implemented by the proponent to the satisfaction of the Federal Ministry of Fisheries and Oceans or its delegate.
- 8.1.4 Wellhead Protection Sensitivity Areas, Sensitive Groundwater Recharge Areas, Discharge Areas, Headwaters, and Aquifers**
- 8.1.4.1 Wellhead Protection Sensitivity Areas related to potable water supply are designated as illustrated on Map 4 of the Regional Official Policies Plan and illustrated for information purposes on Map 9 of this Plan. Wellhead Protection Sensitivity Areas are subject to the provisions of Section 5.2 of the Regional Official Policies Plan.
- 8.1.4.2 Where sensitive groundwater recharge areas, discharge areas, headwaters, or aquifers not fulfilling the criteria for designation Wellhead Protection Sensitivity Areas in accordance with Section 5.2 of the Regional Official Policies Plan, are identified through the completion of a watershed study or other appropriate study, consideration will be given to protecting such areas from development in accordance with the recommendations contained in the approved watershed study (see Section 8.3 of this Plan for watershed study requirements).
- 8.1.4.3 Where sensitive groundwater recharge areas, discharge areas, headwaters, or aquifers not fulfilling the criteria for designation as Wellhead Protection Sensitivity Areas in accordance with Section 5.2 of the Regional Official Policies Plan, are identified through the completion

of an appropriate field or watershed study as required by Policy 4.1.12 of the Regional Official Policies Plan, the submission of an Environmental Impact Statement to the satisfaction of the Regional Municipality of Waterloo and the Grand River Conservation Authority will be necessary to determine areas where no development will be permitted, and areas where development may be permitted subject to appropriate mitigation measures.

8.1.5 Locally Significant Natural Areas

8.1.5.1 It is the intent of the Township to preserve, protect and, where appropriate, enhance Locally Significant Natural Areas. Any development within or adjacent to a Locally Significant Natural Area must have regard for the conservation and enhancement of the significant features and functions of the Locally Significant Natural Area in accordance with the policies of this Plan.

8.1.5.2 A Locally Significant Natural Area is a natural area not warranting designation as an Environmental Protection Area, Environmentally Sensitive Policy Area or Provincially Significant Wetland and which:

- a) Is identified by the Ministry of Natural Resources as a locally significant wetland, including all non-provincially significant wetlands identified by the Ministry of Natural Resources and Grand River Conservation Authority; or
- b) Is identified as a locally significant woodland in the woodland strategy to be completed pursuant to Policy 8.1.6 of this Plan and Policy 4.1.8 of the Regional Official Policies Plan; or
- c) Is identified as a locally significant natural corridor by a study completed in accordance with Policy 8.1.8 of this Plan; or
- d) Is identified as a locally significant valleyland by a study completed in accordance with Section 8.1.7 of this Plan; or
- e) Is identified as a locally significant wildlife habitat area by a study completed in accordance with Section 8.1.9 of this Plan; or
- f) Is identified by the Grand River Conservation Authority as a cold or warm water fishery or is identified as a wetland; or
- g) Provides a connection or acts as a buffer or supporting area to other designated natural areas, thus maintaining ecological connection between communities; or
- h) Performs vital hydrogeological functions, such as serving as headwaters of a stream, groundwater recharge and discharge areas; or
- i) Fulfils at least three of the following criteria:

- i) Is a good quality, representative example of a particular type of ecosystem native to the Township;
- ii) Contains uncommon or rare ecological communities such as old growth forests, savannas, prairies, bogs, fens, meadows and so on;
- iii) Is a natural area of over 1.0 hectare (2.5 acres);
- iv) Supports a moderate to high diversity of native species and ecological communities due to varied topography, microclimates, soils, and/or drainage;
- v) Contains nationally, provincially, or regionally significant species;
- vi) Contains “special” physical features (e.g. landforms, springs, fossils);
- vii) Is important or has the potential for ecological research, education and/or passive recreation due to location or features; or
- viii) Has a high aesthetic or scenic value in the Township.

8.1.5.3 The submission of an Environmental Impact Statement in accordance with Section 8.4, for review by the Township in consultation with the Region and the Grand River Conservation Authority will be required for all development proposed within or adjacent to a Locally Significant Natural Area. For the purposes of interpretation of this policy, adjacent will be defined as lands within 50 metres of the boundary of the Locally Significant Natural Area.

8.1.5.4 Where an Environmental Impact Statement submitted in accordance with Section 8.4 demonstrates that the proposed development will not have significant negative impacts upon the significant features and functions of the Locally Significant Natural Area, the Township may, subject to appropriate conditions, approve or recommend approval of the application without amendment to this Plan.

8.1.5.5 Where an Environmental Impact Statement, submitted in accordance with Section 8.4, demonstrates that a development may have an adverse environmental impact upon the environmentally significant features and functions of the Locally Significant Natural Area, the Township will undertake one of the following:

- a) Negotiate an agreement with the owner of the land to implement conditions of approval, or requiring the dedication of land to protect lands supporting the environmentally significant features and functions of the Locally Significant Natural Area;
- b) Request the Province, the Regional Municipality of Waterloo, and/ or the Grand River Conservation Authority to use powers within their jurisdiction to enable acquisition or protection of the Locally Significant Natural Area;
- c) Encourage public and/or private agencies to acquire by purchase all or the affected

portion of the Locally Significant Natural Area;

- d) Require the owner of the land to grant a Conservation Easement in favour of the Township which provides for the protection of the Locally Significant Natural Area; or
- e) Refuse the application.

8.1.5.6 The interpretation and definition of the limits of a Locally Significant Natural Area and adjacent lands will be the responsibility of the Township in consultation with the Region and the Grand River Conservation Authority.

8.1.5.7 Locally Significant Natural Areas which are privately owned are not for use by the public, except at the discretion of the owner.

8.1.5.8 Where a Locally Significant Natural Area is subsequently designated by the Region as an Environmental Preservation Area, Environmentally Sensitive Policy Area, Provincially Significant Wetland, or Regionally Significant Natural Corridor, the provisions of Policy 8.1.2 and Policy 8.1.8 will apply, respectively.

8.1.5.9 Where lands are identified through a watershed or other appropriate field study as fulfilling the criteria for a Locally Significant Natural Area designation in accordance with Policy 8.1.5, an amendment to this Plan will be considered to designate such lands as a Locally Significant Natural Area.

8.1.5.10 Where the Township, in consultation with Region and/ or the Grand River Conservation Authority determines that the preparation of an Environmental Impact Statement, for development proposed in or adjacent to a Locally Significant Natural Area, would serve no useful purpose, it may waive the requirement to complete such a study, subject to terms and conditions of approval that the Township may deem appropriate to conserve natural features.

8.1.6 Significant Woodlands

8.1.6.1 The Township will participate in a study with the Region, the Ministry of Natural Resources, the Grand River Conservation Authority, and other Area Municipalities, and in consultation with affected landowners, to address the following:

- a) The establishment of a definition for "significant woodlands";
- b) The identification of significant woodlands;
- c) Recommendation of significant woodlands fulfilling the criteria of Environmentally Sensitive Policy Areas for designation as Environmentally Sensitive Policy Areas by amendment to the Regional Official Policies Plan; and,
- d) Recognition of significant woodlands not fulfilling the criteria of Environmentally Sensitive Policy Areas in accordance with c) above for designation as Locally Significant

Natural Areas and Environmentally Constrained Land by amendment to this Plan.

8.1.7 Significant Valleylands

8.1.7.1 The Township will participate in a study with the Regional Municipality of Waterloo, the Ministry of Natural Resources, the Grand River Conservation Authority, and other Area Municipalities, and in consultation with affected landowners which address the definition, identification and protection of significant valleylands.

8.1.7.2 Locally significant valleylands identified through the study noted in Policy 8.1.7.1 or other appropriate study will be designated as a Locally Significant Natural Areas and Environmentally Constrained Lands by amendment to this Plan.

8.1.8 Significant Natural Corridors

8.1.8.1 The Township will participate in a study with the Region, the Ministry of Natural Resources, the Grand River Conservation Authority, and other Area Municipalities, and in consultation with affected landowners, to address the following:

- a) The establishment of a definition of "significant natural corridors"; and
- b) The identification of Significant Natural Corridors.

8.1.8.2 Locally significant natural corridors identified in accordance with the provisions of Policy 8.1.8.1 b) above or other appropriate studies will be designated as Locally Significant Natural Areas by amendment to Map 7 of this Plan and will be designated as an Environmentally Constrained Lands on Maps 3 and 5.1 through 5.10 inclusive.

8.1.9 Significant Wildlife Habitat Areas

8.1.9.1 The Township will participate in a study with the Regional Municipality of Waterloo, the Ministry of Natural Resources, the Grand River Conservation Authority, and other Area Municipalities, and in consultation with affected landowners, to identify and protect, conserve or enhance the features and functions of significant wildlife habitat areas.

8.1.9.2 Significant wildlife habitat areas identified in accordance with Policy 8.1.9.1 or other appropriate studies, not fulfilling the criteria for designation as Environmental Preservation Areas, Environmentally Sensitive Policy Area, or Provincially Significant Wetlands under the Regional Official Policies Plan, will be designated as Locally Significant Natural Areas and Environmentally Constrained Lands by amendment to this Plan.

8.2 Environmentally Constrained Lands

Environmentally Constrained Lands consist of hazard lands and lands with higher order environmental significance (e.g. ESPAs). Hazard lands are characterized by physical and environmental constraints such as

steep slopes, organic soils, erosion susceptibility, floodplains, other geophysical limitations and their associated buffers and setbacks. This section is intended to prevent the loss of life and minimize property damage and social disruption through the restriction of land use activities on lands susceptible to erosion or flooding, while permitting limited development on lands where it is determined to be appropriate and safe. Lands identified as Environmentally Constrained Lands are intended primarily for the preservation and conservation of the land and environment.

- 8.2.1 Environmentally Constrained Lands are designated as illustrated on Map 3 of this Plan. This designation also applies to the Environmental Areas identified on Map 7 as being of Provincial or Regional significance, or as a Locally Significant Natural Area. The Environmentally Constrained Lands designation also applies to all lands with potential hazards to urban related development as identified on Maps 3 and 5.1 through 5.10 inclusive, of this Plan.
- 8.2.2 Uses within Environmentally Constrained Lands designation may include agriculture, conservation, passive recreational uses, and forestry and wildlife management. Additional uses may be permitted within the buffer and setback areas subject to such uses conforming to the policies contained in Sections 8.1 and 8.2 of this Plan.
- 8.2.3 Lands identified on Map 3 as being within Environmentally Constrained Lands will be zoned in the Township Zoning By-Law to prohibit buildings or structures. Building setbacks from lands shown as Environmentally Constrained Lands will be established and/or modified where appropriate, in consultation with the Grand River Conservation Authority.
- 8.2.4 Where Environmentally Constrained Lands contain all or a portion of an Environmental Area identified in Section 8.1.1.1, the more restrictive policies will apply.
- 8.2.5 Within Environmentally Constrained Lands, no development will be permitted except:
- a) where development is proposed through a Township Zoning By-law amendment within the buffer or setback area and a study of the hazard has demonstrated to the satisfaction of the Grand River Conservation Authority that the hazardous condition for which the land has been designated can be mitigated through accepted engineering practices;
 - b) buildings or structures intended for erosion control, normally associated with management of the natural environment, or operated by a public authority. All such buildings and structures must be approved by the Grand River Conservation Authority, the Township and where appropriate, the Region; and,
 - c) the creation of lots which extend into Environmentally Constrained Lands provided that the Township Zoning By-law prohibits the establishment of structures or outdoor storage on that portion of the lot located within the Environmentally Constrained Area, provided that the lot creation will not result in subsequent demand for development which would negatively impact the Environmentally Constrained Area.

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- 8.2.6 Where development is proposed that would result in a change in use or expansion of an existing building or structure within an Environmentally Constrained Area, the following uses will not be permitted:
- a) institutional uses such as hospitals, nursing homes, senior citizens residences, schools for the education of children or persons with physical/mental challenges, day care centres, residential care facilities or other similar uses which would pose a threat to the safety of the inhabitants in an emergency situation;
 - b) the provision of essential services such as police, fire, ambulance, major electrical substations, or telephone substations;
 - c) the manufacture, use or storage of substances of a chemical, hazardous or toxic nature, which could pose a threat to public safety if damaged as a result of flooding or failure of flood protection measures;
 - d) fully enclosed underground parking facilities; and,
 - e) private sewage disposal systems.
- 8.2.7 Structures which are replaced or reconstructed as a result of fire or other unusual loss will be constructed and/or flood proofed to the satisfaction of the Grand River Conservation Authority.
- 8.2.8 Subject to Policy 8.2.5, minor expansions and alterations may be made to existing buildings and structures located within that portion of the Environmentally Constrained Lands identified by the Grand River Conservation Authority as Regulatory Flood Plain, provided that:
- a) it is approved by the Grand River Conservation Authority;
 - b) it has received appropriate fill permits;
 - c) no new dwelling units or buildings are constructed or created;
 - d) no new floor space is created below the elevation of the first floor, including new basements; and,
 - e) the renovations, additions, and/or alterations are flood proofed in accordance with the requirements of the Grand River Conservation Authority.
- 8.2.9 Outdoor industrial storage is prohibited within that portion of the Environmentally Constrained Areas identified by the Grand River Conservation Authority as Regulatory Flood Plain.
- 8.2.10 The placing or removing of fill of any kind, whether originating on the site or elsewhere, will

not be permitted within lands defined by schedule under the *Conservation Authorities Act*, unless approved by the Grand River Conservation Authority.

8.2.11 An application to amend this Plan to remove or revise the Environmentally Constrained Lands designation will be given due consideration by the Township in consultation with the public, the Grand River Conservation Authority, the Region and other relevant agencies, taking into account:

- a) existing environmental and/or physical hazards;
- b) potential impacts of these hazards on existing and proposed development;
- c) proposed methods by which these impacts will be overcome in a manner consistent with accepted engineering techniques and resource management practices; and,
- d) the monetary, social, and biological costs and benefits of proposed engineering work and/or resource management practices needed to overcome these impacts.

8.2.12 The acquisition of Environmentally Constrained Lands by the Township or other public agencies will be promoted wherever feasible.

8.3 Watershed Planning

A component of environmental management is Watershed Planning for drainage basins. This provides a unique opportunity to understand the characteristics of ground and surface water resources, evaluate interrelated natural habitats, identify appropriate locations for development, and establish measures to prevent adverse impacts on natural systems. Watershed planning also recognizes that the Region and Township are part of a larger natural system.

The Township recognizes the direct relationship between human activities and impacts on water and other natural resources. Planning from a watershed perspective allows recommendations to be made concerning land use planning actions and conditions of development approval the Township can implement to prevent or minimize those impacts.

8.3.1 General policies

8.3.1.1 The Township will participate in co-operation with other municipalities, the public, landowners, the Grand River Conservation Authority, the Region, Provincial Ministries and other interested agencies in the completion of watershed studies for watersheds within the Township.

8.3.1.2 Priorities and guidelines for the completion of publicly funded watershed studies will be determined in accordance with Section 3.1 of the Regional Official Policies Plan.

- 8.3.1.3 The Township will consider amendments to this Plan to implement appropriate recommendations from watershed studies.
- 8.3.1.4 The Township will consider applicable recommendations of watershed studies not implemented through amendment to this Plan, during the development approval process.
- 8.3.1.5 Watershed studies will be used to identify potential impacts of change on water budget, peak run off flows, run off volumes, time distribution of stormwater run off, flood levels and velocities, floodplain storage, existing storm water management facilities, capacities of existing downstream works, floodplain buildings and structures, erosion and sedimentation of stream systems, surface water quality, groundwater quantity and quality, water supply aquifer, infiltration, recharge, discharge, baseflow, wetlands, significant woodlands and other ecosystems, significant flora and fauna, including rare, endangered, and threatened species and associated habitat, aquatic habitat and fisheries, recreation, consideration and recommendation of rehabilitation measures for a system which is already impacted; and other environmental aspects determined as part of the terms of reference for the watershed study.
- 8.3.1.6 Terms of reference for watershed studies will include the delineation of detailed targets and objectives for resource management, environmental protection, stormwater management practices, and monitoring, and identification of significant natural features, including identification of Environmental Areas, and the determination of areas where no development will be permitted or where more detailed Environmental Impact Statements may be required to assess development proposals.

8.3.2 Watershed Studies

Policies relating to specific watershed studies will be considered by future amendment to this Plan.

8.3.2.1 Firella Watershed

Policies relating to this watershed study will be considered by future amendment to this Plan.

8.4 Environmental Impact Statements

An Environmental Impact Statement is a document describing the effects for proposed activities on the environment. "Environment," in this case, is defined as the natural and physical environment and the relationship of people with that environment. This means that the "environment" considered in an Environmental Impact Statement includes land, water, air, structures, living organisms, environmental values at the site, and the social, cultural, and economic aspects. An "impact" is a change in consequence that results from an activity. Impacts can be positive or negative or both. An Environmental Impact Statement describes impacts, as well as ways to "mitigate" impacts. To "mitigate" means to lessen or remove negative impacts. Therefore, an Environmental Impact Statement is a document that describes the impacts on the environment as a result of a proposed action. It also describes impacts of alternatives as well as plans to mitigate the impacts.

8.4.1 General Policies

- 8.4.1.1 Environmental Impact Statements will be required in accordance with the policies of this Plan and the Regional Official Policies Plan, to identify and evaluate the potential effects of proposed development on Environmental Areas. An Environmental Impact Statement will identify the nature and extent of potential impacts; recommend methods for preventing, minimizing or mitigating impacts; opportunities for enhancing Environmental Areas; specify required modifications to a proposal; and determine appropriate buffer zones. The need for, scope and adequacy of Environmental Impact Statements will be determined by:
- a) The Ministry of Natural Resources for development applications potentially affecting the habitat of endangered species,
 - b) The Grand River Conservation Authority for development applications potentially affecting Provincially Significant Wetlands which are not ESPAs;
 - c) The Region, for development applications potentially affecting Environmental Preservation Areas, Environmentally Sensitive Policy Areas, or Regionally Significant Natural Corridors; and,
 - d) The Township in consultation with the Grand River Conservation Authority and the Region for development applications potentially affecting other Environmental Areas identified as Locally Significant Natural Areas including Locally Significant Wetlands, Locally Significant Woodlands, Locally Significant Valleylands, Locally Significant Natural Corridors and areas of significant wildlife habitat.
- 8.4.1.2 The Township may require the submission of a Comprehensive Environmental Impact Statement where:
- a) The proposed development may affect a variety of Environmental Areas as described in Section 8.1;
 - b) Multiple contiguous properties containing Environmental Areas are proposed for development;
 - c) A Community Plan is being undertaken; or,
 - d) Environmental studies are required to support the expansion of the Wellesley Urban Area, Rural Settlement Areas, or Industrial/Commercial Areas.
- 8.4.1.3 Where an Environmental Impact Statement is required, it will be prepared by a qualified professional and submitted with the development application for review in accordance with Policy 8.4.1.1 of this Plan and with the current Regional Implementation Guidelines for the preparation of Environmental Impact Statements.
- 8.4.1.4 A reduction in the scope and/or content of the Environmental Impact Statement may be

authorized by Regional Council, where the impacts of a development application are expected to be limited in area and/or scope, or where other environmental studies fulfilling the requirements of an Environmental Impact Statement have previously been prepared.

- 8.4.1.5 The submission of an Environmental Impact Statement will not be required by the Township where an Environmental Assessment or alternative environmental review is being undertaken as part of a comprehensive planning process, provided the Environmental Assessment or alternative environmental review fulfils the requirements of an Environmental Impact Statement.

CHAPTER 9: HERITAGE RESOURCE MANAGEMENT

Built heritage resources consist of historic buildings, structures, artifacts, rivers, roads, districts and sites including streetscapes, landscapes, cemeteries, and burial places. Cultural heritage landscapes are geographic areas which have been created or modified through human activity and include such features as scenic vistas and lookouts. The Township recognizes the importance of these built heritage resources and cultural heritage landscapes and the roles that they play in making the Township a place of historic and cultural interest to both local residents and visitors to the area. The Township supports the identification and sensitive management of local heritage resources, by encouraging the restoration, protection, maintenance and enhancement of heritage resources, including natural and made features which have historic, cultural, architectural, archeological, palaeotological, or natural significance.

9.1 General Policies

- 9.1.1 Where economically feasible, the Township will set an example to the community by promoting the preservation and enhancement of heritage resources by regulating the demolition, removal or inappropriate alteration of historic features including natural and made features which have historic, cultural, architectural, archeological, palaeotological, or natural significance. These features may include properties, buildings, structures, monuments, artifacts, rivers, roads, districts and sites including streetscapes, landscapes cemeteries and burial places.
- 9.1.2 The Township Council will establish and maintain a Municipal Heritage Committee to provide consultation regarding the designation, demolition, or alteration of buildings, structures and sites of architectural or historic interest or significance.

9.2 Inventory of Heritage Resources

- 9.2.1 The Township shall seek the advice of the Municipal Heritage Committee to assist and advise Council on heritage resource management issues and in the preparation and publication of an Inventory of Heritage Resources including: heritage resources of Federal, Provincial and Regional interest, archaeological areas, properties which have been designated pursuant to the *Ontario Heritage Act*; historic sites, cemeteries, properties, buildings, structures or elements of these with archaeological, historic or architectural value or interest, which in the opinion of the Township, satisfies at least two of the following criteria:

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- a) It dates from an early time period in the development of the Township;
 - b) It is a good, representative example of the work of an outstanding local, regional, provincial, national or international architect, engineer, builder, designer, landscape architect, interior designer or sculptor and is well preserved;
 - c) It is associated with a person who is recognized as having made a significant contribution to the Township's social, cultural, political, economic, technological or physical development or as having materially influenced the course of local, regional, provincial, national or international history;
 - d) It is directly associated with an historic event which is recognized as having local, regional, provincial, national or international importance;
 - e) It is a well preserved example and illustration of the Township's social, cultural, political, economic or technological development history;
 - f) It is a well preserved, representation of construction methods now rarely used;
 - g) It is a well preserved and representative example of its architectural style or period of building;
 - h) It is a well preserved and outstanding example of architectural design;
 - i) It terminates a view or otherwise makes an important contribution to the landscape or street scape of which it forms a part;
 - j) It is generally well recognized as an historic Township landmark;
 - k) It is a well preserved example of outstanding historic interior design;
 - l) It is an example of a rare or otherwise important historic feature of good urban design or landscaping, or street scaping; or,
 - m) It makes an important contribution to the urban/rural composition given its unique aesthetic or picturesque qualities.

9.2.2 The Township will encourage the preservation, restoration and integration of heritage resources into the design of new developments.

9.3 Designation of Heritage Properties

9.3.1 The Township will regulate the demolition, removal or alteration of buildings of historic and architectural interest or value included in the Inventory of Heritage Resources. For these purposes Council may:

- a) Pass by-laws to designate properties including buildings or structures of historic and architectural interest or value; and will not permit the demolition, removal or alteration of these buildings or structures, pursuant to the Ontario *Heritage Act*;
- b) Pass by-laws providing for the acquisition by purchase, lease or otherwise of any property or part thereof, designated in accordance with Policy 9.2.1, or for the expropriation of any such property;
- c) Protect the heritage resource by entering into any easement agreement or covenant with the owner of a designated property, or register and enforce any easement or covenant with the land registry office against a designated property, in accordance with Policy 9.2.1; or,
- d) Designate areas of architectural and historic significance as Heritage Conservation Districts, pursuant to the *Ontario Heritage Act*. The features that give the area its distinctive character and contribute to the area's merit as a Heritage Conservation District shall be preserved. These may include the placement and relationship of buildings, the scale and character of the building groups, the architectural details of the buildings, natural areas, vistas and streetscapes and the unique historical, social or cultural association of the area.

9.3.2 Heritage Conservation Districts may include, but are not limited to areas where:

- a) A significant number of the buildings reflect an aspect of the history of the community by nature of location and historical significance of setting;
- b) A significant number of the buildings are of a style or architecture or a method of construction to be significant historically or architecturally at a local, regional, provincial, national or international level;
- c) The district contains other important physical, archaeological, environmental, cultural or aesthetic characteristics that in themselves do not constitute sufficient grounds for the designation of a Heritage Conservation District, but which lend support in evaluating the criteria for designation; or
- d) The district is an area of special association that is distinctive within the Township and, as a result, contributes to the character of the entire community.

9.4 Statements of Impact

9.4.1 A Heritage Impact Statement will be required by the Township for any proposed development that includes or is contiguous to a heritage resource identified in the Inventory of Heritage Resources. The Township, in consultation with the Ministry of Culture may scope or waive the requirement for a Heritage Impact Statement where the scale and nature of the proposed development is such that no useful purpose would be served by the completion of the Heritage Impact Statement. The Township will consider conservation alternatives for any proposed development in the following order of preference:

- a) Rehabilitate and incorporate the heritage resource(s) and its surrounding context into the proposed development;
- b) Recognize and incorporate the heritage resource(s) and its surrounding context into development applications in a manner which does not conflict with the heritage resource;
- c) Promote the use of scale and design in new developments which blends harmoniously with existing heritage resources;
- d) Promote the re-use of the resource, building, or building elements where the heritage resource cannot be conserved intact; and,
- e) Require, prior to approving a development application that would result in the destruction of a heritage resource, that the applicant provide measured drawings, a land use history, photographs and other available documentation of the heritage feature in its surrounding context and, if feasible, relocate the heritage resource.

9.4.2 The Township will encourage measures which enhance public appreciation and visibility of heritage features.

9.4.3 The Township, where feasible, will facilitate the restoration, rehabilitation, use and maintenance of heritage resources located within public open space for any purpose compatible with the existing or proposed function of the public space.

9.4.4 The Township will assess the impact of proposed road construction, improvements and other public works abutting heritage resources identified in the Inventory of Heritage Resources, and provide in the project design for the mitigation of any negative impacts.

9.5 Archaeological Resources

9.5.1 The Township will include archaeological areas identified in Federal, Provincial and Regional inventories in the Inventory of Heritage Resources.

9.5.2 The Township will designate sites that are identified as having significant archaeological resources as Open Space in this Plan.

9.5.3 In the approval of development applications, the Township will consider the potential presence of archaeological resources in consultation with the Region and in accordance with Regional Official Policies Plan Policies 6.2.10 and 6.2.11.

9.6 Cemeteries and Burial Places

9.6.1 All licensed, private, abandoned or legally closed cemeteries will be designated in the

township Inventory of Heritage Resources and will be encouraged to be retained in their original condition and location.

- 9.6.2 Where burial places are encountered during any excavation activity, the provisions of the *Cemeteries Act* and its regulations will apply.

CHAPTER 10: IMPLEMENTATION AND INTERPRETATION

Implementation and interpretation is the part of the planning process which involves putting the plan into effect by allocating resources such as staff, public works and capital budget programming.

10.1 Local/ Regional Jurisdiction

- 10.1.2 This Plan is a legal document prepared in accordance with the statutory powers and responsibilities vested in the Township by the Province and the Region. All public works carried out in the Township must conform to this Plan.
- 10.1.3 This Plan will be used as the basis for actions on planning matters within Township jurisdiction.
- 10.1.4 The effect of Federal and Provincial legislation in granting exemptions from compliance under this Plan for specified undertakings is acknowledged. However, the Township will strive through consultation to gain the full support of Federal and Provincial and Regional agencies in attaining the objectives of this Plan.
- 10.1.5 Other government agencies will have regard to this Plan in preparing and administering plans and programs which may affect the Township.
- 10.1.6 The private sector is encouraged to refer to this Plan when developing plans and programs which affect areas of Township interest.
- 10.1.7 The Township considers the policies of this Plan, as approved by the Region, to be appropriate Township interpretations consistent with policies adopted by the Region, and having regard for Provincial Policy Statements adopted by the Province under the authority of the *Planning Act*.
- 10.1.8 References to specific sections within the Regional Official Policies Plan are made within this Plan. These references, if amended, deleted or renumbered, shall not create the need to amend this Plan. The reference shall be interpreted to incorporate the relevant changes to the Regional Official Policies Plan.

10.2 Interpretation

- 10.2.1 This Plan was prepared by the Township of Wellesley in accordance with *the Planning Act*, and is to be read in conjunction with the Regional Official Policies Plan.
- 10.2.2 Maps 1, 2, 3, 4, 5.1 through 5.10 inclusive, 6, 7, 8, 9, 10, 11, 12 and 13 are Schedules to this Plan and constitute part of this Plan. These maps must be read in conjunction with each other and the policies of this Plan. For the purposes of interpretation of the policies of this Plan relating to Environmental Preservation Areas, Provincially Significant Wetlands,

Environmentally Sensitive Policy Areas, and Wellhead Protection Sensitivity Areas regard must be had to Maps 1, 2 and 4 of the Regional Official Policies Plan.

- 10.2.3 The policies contained in this Plan are intended to provide a statement of the intentions of Township Council. If clarification of any policy is necessary, reference should be made to the preambles and goals of this Plan.
- 10.2.4 Where differences of opinion arise as to the meaning of any part of this Plan, an interpretation may be made by Township Council after hearing all interested parties. Where such interpretation is not accepted by any interested corporation or person, such corporation or person is free to apply to the Courts or other body having jurisdiction for a judicial interpretation.
- 10.2.5 Where a parcel of land is subject to one or more designations on a map in this Plan, development proposals will be reviewed in accordance with all the policies of the applicable designation, but where conflict exists between these policies, the more restrictive policies will prevail to the extent of the conflict.
- 10.2.6 Where boundaries of any designation on Maps 2, 3, 4 and 5.1 to 5.10 inclusive coincide with physical features, roadways, property boundaries and other defined geographical features, the boundary will be deemed to be the centre line of that feature.
- 10.2.7 Where any *Act* or portion of an *Act* is referred to in the Plan, such references shall be interpreted to refer to any subsequent renumbering of the sections in the *Act* and/or changes in the date of the *Act*.

10.3 Amendments to this Plan

- 10.3.1 Notice of amendments to this Plan will be given in accordance with the procedures as provided for in the *Planning Act*.
- 10.3.2 In considering amendments to this Plan, the Township will be guided by the following:
- a) Need for the proposed change;
 - b) Effect of the proposed change on the demand for Township services and facilities;
 - c) Implications the amendment may have on other policies of the Plan;
 - d) Impact of the proposed change on the Township's ability to achieve the goals and policies expressed in this Plan, or on other Township policies, programs or interests; and,
 - e) Impact of the proposed change on the Region's ability to achieve the principles and policies expressed in the Regional Official Policies Plan, or on other Regional policies, programs or interests.

- 10.3.3 The Township will undertake a review of the policies of this Plan where judicial decisions, Ontario Municipal Board decisions, and/or changes to legislation or Provincial Policy Statements warrant such a review. The Township will consider amendments to this Plan as appropriate to implement the results of this review.
- 10.3.4 The Township will, not less than every five years, convene a public meeting to determine the need to revise this Plan in accordance with the provisions of the *Planning Act*.
- 10.3.5 A comprehensive review of the fundamental principles of this Plan will be conducted following the comprehensive review of the Regional Official Policies Plan.

10.4 Zoning By-law

- 10.4.1 It is intended that the Council of the Township shall bring a comprehensive Zoning By-law into effect in accordance with the provisions of the *Planning Act*. Such by-law shall zone land in accordance with the proposals contained within this Plan and will establish regulations to control the use of land and the character, location, and use of buildings and structures.

10.5 Monitoring and Review

- 10.5.1 It is the intent of this Plan to provide for continuous monitoring and review to ensure that this Plan remains current and addresses significant issues or changes in planning thought, to ensure the effectiveness, viability and relevance of the objectives and policies of this Plan.
- 10.5.2 To provide information for the on-going evaluation of policies, and comprehensive reviews of this Plan, the Township will assist where feasible, in the Region's efforts to carry out a program of research to identify the changing social, economic and physical needs of the residents of the region and the consequences of technological improvements that may affect the programs and policies of the Region.
- 10.5.3 This information will be used in the review of this Plan as provided for in Policy 10.3.4 and 10.3.5. If a review of this Plan identifies appropriate changes to the Plan, then amendments will be brought forward for Council consideration in accordance with the provisions of the *Planning Act*.

10.6 Financial Management

- 10.6.1 The implementation of this Plan must be financially viable. This Plan shall be managed to ensure that the required capital expenditures to provide the services for development and improvement are paid in an equitable and appropriate manner. The Township plays a role in ensuring optimal service delivery and in implementing the Plan. The following policies shall apply to financial management and implementation of this Plan:
- i) The Township shall recover all eligible growth-related capital costs through development charges, in accordance with Provincial legislation.

- ii) The Township may pass development charges by-laws that apply to the Township, as a whole and/or that apply to specific geographic areas within the Township.

10.7 Public Participation

- 10.7.1 The Township will provide opportunities for public participation in the development, implementation and monitoring of Township planning policies in accordance with this Plan, the *Planning Act*, the *Environmental Assessment Act* and other relevant legislation.
- 10.7.2 In public participation programs associated with a comprehensive review of this Plan, or major amendments hereto, the Township will endeavour to:
 - a) Solicit public input through a public participation program;
 - b) Demonstrate how comments from the public have been considered in the development of planning policy and decisions; and,
 - c) Ensure that the public participation process is flexible to allow for changes as necessary.

10.8 Implementation Plans

- 10.8.1 Implementation Plans are recognized as statements adopted by resolution of Council which detail the manner in which policies established in this Plan will be implemented. The content and scope of these Implementation Plans are determined by the Township, and will be in conformity with the provisions of this Plan and the Regional Official Policies Plan and amendments thereto and will be prepared in consultation with the Region, appropriate agencies and the public.
- 10.8.2 Implementation Plans will not be used to introduce new policy directions, which could be used for the basis for denying applications under the *Planning Act*, or for interfering with the natural justice rights of landowners or the public.
- 10.8.3 Implementation Plans may include, but are not limited to:
 - a) Strategic plans;
 - b) Watershed and master drainage plans;
 - c) Results of a community planning process not adopted by amendment to this Plan.
 - d) Staging programs for public works;
 - e) Servicing design criteria;
 - f) Transportation standards and priorities; and,

g) Technical documentation.

- 10.8.4 An opportunity will be provided to all persons having an interest in a proposed Implementation Plans to make representations to Council or to a Committee of Council.
- 10.8.5 Prior to the adoption of any specific Implementation Plans in accordance with the provisions of this Section, any actions taken by the Township relating to such matters will be in accordance with existing practices previously approved by Council.
- 10.8.6 Implementation Plans are subject to the approval of the Region where they are deemed by the Region to affect matters of Provincial or Regional significance.

10.9 Development Application Review

- 10.9.1 The Township will provide comments to the Region, adjacent Municipalities or other applicable agencies with respect to matters of Township significance or interest relating to development applications submitted in accordance with the *Planning Act* or other Provincial or Federal legislation. These comments will be provided in accordance with the procedures established by the Province, the Ontario Municipal Board or other legal authority.
- 10.9.2 Preliminary Official Plan Amendments and Zone Change Applications will not be accepted for circulation by the Township in the absence of a complete application satisfying the requirements of all applicable legislation, and will not be approved prior to the completion of appropriate environmental assessments in accordance with the *Environmental Assessment Act*.
- 10.9.3 The Township will encourage in consultation with the Region and other appropriate agencies, the review of draft approved subdivisions every three years to determine if the draft approval should be maintained, and as a result of this review, modify the conditions of draft approval as required.
- 10.9.4 The Township Council may consider delegating, where appropriate, approval authority and the ability to recommend conditions of approval to appropriate delegates as a means to streamline the development approvals process.
- 10.9.5 The Township will require pre-submission consultation between the applicant, the Township, the Region and other appropriate agencies prior to submission of a development application in accordance with the *Planning Act*.
- 10.9.6 The Township may deem applications to amend this Plan and amendments to the Township Zoning By-law premature for acceptance for processing under the *Planning Act* in the absence of demonstrated pre-consultation between the applicant, the Township, the Region and other appropriate agencies.
- 10.9.8 The Township encourages the concurrent submission and processing of related development applications.

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- 10.9.9 The Township, in consultation with the Region and other appropriate agencies, will develop guidelines for the review of development applications which:
- a) Establish and monitor general time frames and procedures for development approvals;
 - b) Identify means of increasing the efficiency and effectiveness of the planning approval process;
 - c) Update approval procedures based on the review; and,
 - d) Annually prepare a report to Council on the results of the review.
- 10.9.10 The Township will maintain a Development Applications in Process Status Report and report to Council annually with the results.
- 10.10 Site Plan Control**
- 10.10.1 All lands within the Township shall be deemed to be a Site Plan Control Area and shall be applicable to all development excluding:
- a) Development proposed in conjunction with farm operations, farm buildings and the residence of the farm operator for agricultural purposes;
 - b) Single detached, semi-detached, and duplex dwellings, except where such dwellings are:
 - i. Proposed within or contiguous to any Environmental Areas identified in Section 8.1.1 of this Plan; or
 - ii. Included in a draft plan of condominium application, or forming part of a zero lot line, linked housing, or other similar innovation in housing developments.
- 10.10.2 Drawings showing plan, elevation and cross-section views may be required for all buildings to be erected, including all buildings to be used for residential purposes regardless of the number of units within the Site Plan Control Area outlined in Policy 10.10.1 above.
- 10.10.3 Widening of highways may be required as a condition of site plan approval for all development within the Site Plan Control Area abutting a Regional Road described in Schedule 'A' (Designated Road Allowances) of the Regional Official Policies Plan.
- 10.10.4 The Township may enter into such agreements as may be necessary to secure appropriate conditions of Site Plan approval pursuant to the provisions of the *Planning Act*.
- 10.10.5 The Township Council shall consult with the Region when considering applications for Site Plan approval to ensure that Regional conditions requested pursuant to the provisions of the *Planning Act* are appropriately satisfied.

10.11 Holding Provisions

- 10.11.1 Holding provisions may be utilized by the Township for those situations where it is necessary or desirable to zone lands for development in advance of the fulfillment of specific requirements and conditions, and where the details of the development have not yet been fully resolved. These details include:
- a) Environmental contamination clean-up;
 - b) Environmental impact analysis;
 - c) Phasing of development or future subdivision of lands;
 - d) The provision of school sites;
 - e) The provision of water and wastewater services and road works;
 - f) The completion of archaeological assessments; or
 - g) The completion and implementation of noise studies.
- 10.11.2 Holding provisions will be applicable to all land use categories in this Plan and may be applied through the Township Zoning By-Law to any zoning category or specific land use within a zoning category.
- 10.11.3 Holding provisions may be applied Township wide, to portions of the Township such as lands within a specific service area, drainage shed, Rural Settlement Area, the Wellesley Urban Areas, or on a site specific basis.
- 10.11.4 Implementation of Township-wide holding provisions may be by way of both general Township Zoning By-Law and/or site specific Zoning By-Laws, and do not require amendment to this Plan to enact a holding by-law or remove the holding symbol.
- 10.11.5 Interim uses permitted while the holding provision is in place shall include:
- a) Existing uses; and,
 - b) Other uses deemed appropriate by Township Council which do not adversely affect the future development potential of the lands consistent with the rationale for which the holding provision has been applied.
- 10.11.6 In order to use the holding symbol under these policies, the following requirements will be clearly outlined in the implementing Zoning By-Law:
- a) Conditions that must be met before the holding symbol is removed; and,

- b) Applicable criteria for assessing that a requirement or condition has been met.

10.12 Property Standards By-law

10.12.1 Township Council may pass a by-law to establish minimum property standards to conserve sustain and protect existing and future development of the Township. The Property Standards By-law, applicable to all properties, shall contain requirements with respect to:

- a) Garbage disposal;
- b) Pest prevention;
- c) Structural maintenance of buildings;
- d) Safety of buildings;
- e) Cleanliness of buildings;
- f) Services to buildings - plumbing, heating, and electricity;
- g) Maintenance of yards, lands, parking, storage, loading and unloading areas, including the removal of rubbish, debris, weeds, abandoned or used vehicles, trailers, boats, barges, mechanical equipment or material;
- h) Maintaining fences, swimming pools, accessory buildings, and signs; and,
- i) Occupancy standards.

10.12.2 If a Property Standards By-law is passed, the Council shall appoint a Property Standards Officer who will be responsible for administering and enforcing the Property Standards By-law. The Township shall appoint a property standards committee, in accordance with the *Planning Act*, for the purpose of hearing appeals against orders of the Property Standards Officer.

10.12.3 The measures to be used generally in achieving the property maintenance program would include an education and public relations program to show people the benefits of continued property maintenance, together with information showing what improvements can be made without increasing assessment.

10.12.4 Complementary to the enforcement of standards on private properties, the Township will undertake to keep in a fit and well-mannered condition all municipally owned properties and structures.

10.13 Interim Control By-law

- 10.13.1 Interim Control By-laws may be used by the Township to restrict development in areas subject to certain studies such as servicing feasibility studies, parkland feasibility studies, etc.
- 10.13.2 In accordance with the *Planning Act*, where the Council has, by by-law or resolution, directed that a review or study be undertaken in respect of land use planning policies in the Township, or any defined area or areas, the Council may pass an Interim Control By-law.
- 10.13.3 The By-law may prohibit the use of land, buildings or structures for, or except for such purposes as set out in the By-law.

10.14 Bonusing

- 10.14.1 Council may pass a by-law in accordance the *Planning Act*, to authorize increases in height and density of development in return for the provisions of certain facilities, services or other matters outlined in the by-law.
- 10.14.2 Such a by-law shall identify areas or Zone categories where the bonus provisions would apply, and shall specify the amount by which the height or density of the development would be permitted to increase. Council will give consideration to proposals to increase the height and/or density for a specific site, but such proposals may not necessarily be granted.
- 10.14.4 When considering such proposals, Council shall have due regard to the compatibility and scale of the proposed development in relation to the existing land uses, and to the cumulative impact resulting from granting bonuses in the general area.
- 10.14.5 The facilities, services, or other matters that are required in the by-law may include, but shall not be limited to, the provisions of affordable housing units to meet established housing targets, day care centres/facilities, parkland beyond the legislated requirements, hard servicing facilities (sanitary and storm sewers and watermains) above and beyond those required to service the development, increased buffering or landscaping, the use or re-use of vacant land and/or buildings (particularly in the Urban/ Settlement Core Areas), the preservation of heritage buildings and/or cultural heritage landscapes, the provisions of community or recreational facilities, open space, and the redevelopment of lands.
- 10.14.6 Generally, the use of this Section shall only be considered in conjunction with medium and/or high density residential developments, and/or mixed-use commercial/residential projects.

10.15 Enactment of Miscellaneous By-laws

Council will review legislation pertaining to or affecting the use or redevelopment of land and, where necessary, amend existing by-laws or pass new by-laws to ensure that such matters are properly regulated and controlled.

10.16 Construction of Public Works

The construction of public works within the Township shall be carried out in accordance with the policies of this Plan.

10.17 Uses Permitted In All Designations

10.17.1 The following uses will be permitted in all designations within the Township except where they are expressly prohibited or precluded by any other policy of this Plan or the Regional Official Policies Plan:

- a) Public roads, public parks and other non-intensive recreational facilities, public utilities such as local water supply, sewage, and drainage facilities, gas, telephone and cable television transmission utility services, subject to any regulatory requirements such as the provisions of the *Environmental Assessment Act*. The location of such uses should be justified and the use should be compatible with the surrounding uses.
- b) Electric Power Facilities
The development of electric power facilities shall occur in an orderly manner to facilitate the efficient and reliable provision of adequate electric power. Such facilities are permitted provided that:
 - i) the provisions of the *Environmental Assessment Act*, including regulations made under the *Act*, and any other relevant statute are satisfied;
 - ii) the relevant Hydro utility takes into account the Township's Official Plan policies in developing their own programs;
 - iii) Township Council is consulted prior to conducting any undertaking.
- c) Telecommunications Facilities
In locating new telecommunications facilities and transmission towers and related above-ground infrastructure, the locational and design requirements of the facility shall be balanced with the need to preserve the natural and cultural landscape and minimize the impact on the community. Such facilities may be permitted provided that:
 - i) an adequate public consultation process has been followed;
 - ii) municipalities within 500 metres of the proposed facility site have been consulted;
 - iii) a site selection/justification report has been prepared;
 - iv) the structures have been designed to minimize visual impact and to avoid disturbance of significant natural features;
 - v) appropriate approvals have been obtained from the relevant public agencies.

- d) **Accessory Uses, Buildings and Structures**
Any use, building or structure which is normally incidental and subordinate to a permitted use shall be permitted on the same lot as the permitted use, subject to the regulations of the Zoning By-law, and provided adequate water supply and waste disposal facilities are available.

10.17.2 Uses permitted in all designations will be regulated through the Township Zoning By-law.

10.18 Land Uses Prohibited In All Designations

10.18.1 The following uses are prohibited in all designations in this Official Plan:

- a) Uses that are noxious, polluting either directly or indirectly, or, produce or store hazardous substances;
- b) Recycling and/or the storage of contaminated materials;
- c) Uses that are prohibited pursuant to the provisions of the *Environmental Protection Act*.

10.18.2 The Zoning By-law shall incorporate provisions setting out those uses which are prohibited in all zone categories.

10.19 Existing Uses

10.19.1 Notwithstanding the provisions of this Plan, it is the policy of the Township that any lands used for any legally existing purpose in any designation for which no provision is made by this Plan for such activity to be undertaken, may continue to be used for such purpose.

10.19.2 Subject to the provisions of Chapters 2 to 10 inclusive of this Plan, Council may pass by-laws or otherwise facilitate the continuation, extension or enlargement of such uses within the confines of the lands on which the activity is located without amendment to this Plan, provided that:

- a) The existing use is an appropriate use of such lands and its continuation, enlargement or extension will not have a detrimental impact on the surrounding land uses; and
- b) Such actions by Council do not provide for the expansion of the existing use onto adjoining lands.

10.19.3 Notwithstanding Policy 10.19.1, Council may pass by-laws or otherwise facilitate or encourage the relocation of an existing use where any of the following conditions exist:

- a) The use is located within lands designated as Environmentally Constrained Lands within this Plan and the continuation of this use poses a threat to the health and safety of residents or users of the property;

- b) The existing use is incompatible with existing or proposed uses on the surrounding lands;
- c) The buildings, facilities or infrastructure of the existing use are inadequate, obsolete, or structurally unsound;
- d) The existing use would benefit from relocation; or,
- e) The site or facilities of the existing use are required for public purposes.

10.20 Temporary Uses

10.20.1 The Municipality may pass a temporary use by-law to allow a use otherwise prohibited by the Zoning By-law. A temporary use by-law will define the land or lands to which it applies, and shall prescribe the period of time during which it is effect, which shall not exceed three years from the day of the passing of the by-law. Council may extend this period by passing further by-laws. Temporary use by-laws shall not be passed for the purpose of permitting uses that are not in conformity with this Plan. In enacting a temporary use by-law, Council shall consider the following:

- a) The compatibility of the proposed use with the surrounding land uses;
- b) The adequacy of any services that may be required for the proposed use;
- c) Access and parking requirements;
- d) Traffic impacts; and,
- e) The conformity of the proposed use with the policies of this Plan.

10.20.2 Notwithstanding Policy 10.20.1, the initial by-law authorizing the temporary use of a garden suite may be approved for a period of up to ten years.

10.20.3 The Township may enter into an agreement with a property owner and/or other parties concerning the temporary use.

10.20.4 Where an authorized temporary use is discontinued prior to the expiry of the authorizing by-law, the use will not be resumed.

10.21 Special Policy Areas

10.21.1 Special Policy Areas may be established by Council to designate areas subject to specific constraints to development, policy exceptions, or which would require the submission of specific studies prior to consideration of a development approval.

GLOSSARY

Abutting – parcels of land have a common boundary or that a lot borders on a public road.

Accessory Use – any land, building or structure that is subordinate to and exclusively devoted to the principal use that is permitted and that is located on the same lot.

Adjacent Lands – lands within 120 metres of a Provincially Significant Wetland, or all lands connecting individual wetland areas within a wetland complex as determined by the Ministry of Natural Resources, or its delegate.

Archaeological Resource – the remains of any building, structure, activity, place or cultural feature or object that, because of the passage of time, is on or below the surface of the land or water and is of significance to the understanding of the history of a people or place.

Contiguous – lands adjoining an Environmental Preservation Area or Environmentally Sensitive Policy Area which are situated in sufficiently close proximity that development could reasonably be expected to produce one or more of the following impacts: alterations to existing hydrological or hydrogeological regimes; clearing of existing vegetation; erosion and sedimentation into the Environmental Preservation Area or Environmentally Sensitive Policy Area; or producing a substantial disruption of existing natural linkages or the habitat of a significant species known to inhabit the Environmental Preservation Area or Environmentally Sensitive Policy Area.

Community Planning Process – a comprehensive planning exercise for a large area of new development which involves consultation with various agencies and the public. Some elements resulting from a community planning process must be designated in the Official Plan. The results of a community planning process may include the adoption of implementation plans (also referred to as “Community Plans” or “District Plans”) by Township Council.

Development Application – in the context of this Plan, development application means an application for approval under the *Planning Act*. Development applications may include applications for approval of the following: Plans of Subdivision; Plans of Condominium; Consent; Part Lot Control Exemption By-Laws; Official Plan Amendments; and Zone Change Applications. Development applications do not include Site Plans submitted in accordance with Section 41 of the *Planning Act*.

Environmental Assessment – a process for the authorization of an undertaking under legislation such as the *Environmental Assessment Act* and the *Ontario Energy Board Act*.

Environmental Impact Statement – a study in accordance with established procedures to refine the boundaries of elements of the Natural Habitat Network, identify the potential impacts of a development application on such elements, and recommend a means of preventing or minimizing these impacts through avoidance or mitigation.

Existing Build Up Area – an area where development has occurred, but excluding areas of vacant registered

or draft approved lots.

Existing Settlement – a grouping of four or more non-farm related units or lots not designated as a Rural Settlement Area in this Plan, with each such unit or lot separated from each other by a distance of not more than 100 metres on the same side of an open public road. The measurements of such 100 metres will be as determined according to the following:

- a) measurement is established between two points located the centre-line of the existing right-of-way of an open public road and which points are determined by a line drawn from the centre of such unit and perpendicular to the public road;
- b) the distance between the two points is measured along the public road through intersecting public roads; and
- c) the point of reference on an adjoining and undeveloped non-farm-related residential lot is determined by the mid-point along the public road.

Farm – a parcel of land on which the predominant activity is farming.

Farming – includes the growing of crops, and the raising of livestock. Notwithstanding the generality of the foregoing, farming may include fur farming, fruit growing, the keeping of bees, fish farming, poultry farming, vegetable growing, and non-retail greenhouses.

Farm-Related Non-Residential Use – an industrial or commercial use which supports agriculture and needs to be located in proximity to farms, such as farm implement dealerships, grain drying and storage operations, feed mills, abattoirs, non-retail greenhouses, and similar uses which provide a direct service to agricultural operations as an exclusive or primary activity.

Farm-Related Residential Unit – a dwelling on a farm used as the primary residence for an active and operating farmer, or a dwelling for a full-time employee of an active farm on which the dwelling is located.

Fish Habitat – the spawning ground and nursery, rearing, food supply and migration area upon which fish depend to carry out their life processes.

Floodplain – the land area next to a watercourse that is subject to flooding that results from the rainfall during a major storm transposed over a watershed or subwatershed.

Groundwater – the water that moves down into the soil and the underlying strata from the upper layers of soil following rainfall or snow melt. Groundwater is stored in aquifers. The boundary between aquifers and the overlying unsaturated soils is the water table level. Groundwater moves underground in streams or by seepage.

Groundwater Discharge – occurs where groundwater seeps into a watercourse, lake or pond through springs or areas.

Groundwater Recharge – is the addition of water by natural or artificial processes to the groundwater.

Heritage Conservation – any activity undertaken for the purposes of:

- a) identifying heritage resources by finding, selecting and documenting significant attributes and features; or
- b) protecting heritage resources from destruction and loss through legal and other means; or
- c) interpreting heritage resources by revealing and communicating their meaning and value; or
- d) using and managing heritage resources in responsible ways.

Heritage Resources – expressions of living heritage, and real and movable property of cultural or natural heritage importance, where:

- a) expressions of living heritage mean the intangible expressions of the traditional culture of a community;
- b) real property means natural and cultural lands, areas and corridors and the features thereof, including buildings and other structures, archaeological and paleontological sites, cemeteries and other burial places, areas of natural and scientific interest, landscapes and vistas; and
- c) movable property means documents and natural and cultural objects.

Individual Wastewater Treatment Systems – autonomous sewage disposal systems, that are owned, operated and managed by the owner of the property upon which the system is located.

Infill – development on vacant lots or underdeveloped lots within a built up area

Justification Analysis – a planning report that demonstrates the need and appropriateness of a proposed land use change or development. Key components of this report generally include, but are not limited to: 1) the purpose of the application; 2) description of lands; 3) population and/or employment growth projections; 4) review of Current Official Plan and Zoning designations; 5) analysis and discussion of location suitability and type of development; 6) historic land consumption rates for the type of development proposed; and 7) other employment or economic data as may be applicable.

Minimum Distance Separation – the separation distance as determined through the Province’s Minimum Distance Separation Formulae I and II to separate uses so as to reduce incompatibility concerns, odour, from livestock facilities.

Natural Corridor – a linking physical feature such as a wetland, watercourse, valleyland, woodland used as passageways for native plant and animal species and communities and may serve as buffers to protect the integrity of an ecosystem feature and function. The corridor functions as a migratory route, passage between different habitats for animals, pathway for different populations of the same plant or animal species.

Noise Sensitive Land Uses – uses which may be adversely impacted by noise from transportation sources, including residential developments, seasonal residential developments, hospitals, nursing / retirement homes,

schools, and day-care centres.

Non-Farm-Related Residential Unit – any dwelling unit that does not conform to the definition of a farm-related unit.

Prime Agricultural Area – an area where prime agricultural land predominates.

Prime Agricultural Lands – lands that include specialty crop lands and / or lands of predominately Classes 1, 2, and 3 agricultural soils as defines in the Canada Land Inventory or as determined in consultation with the Ministry of Agriculture, Food and Rural Affairs, or its delegate.

Provincial Policy Statements – statements of provincial interest under Section 3 of the *Planning Act*.

Provincially Significant Wetlands – wetlands determined to be Class 1, 2 or 3 in a seven-class system by the Ministry of Natural Resources.

Region – the corporate entity of the Regional Municipality of Waterloo.

Site Plan – applicable to all chapters except Chapter 7 (Mineral Aggregate Resources) – an application under Section 41 of the *Planning Act* which details building location and design as well as other site specific considerations such as walkways, landscaping, lighting and storage areas.

Site Plan – applicable to Chapter 7 (Mineral Aggregate Resources) only – a site plan is defined in the licensing process for aggregate extraction operations in accordance with the provisions of the *Aggregate Resources Act*.

Township – the corporate entity of the Township of Wellesley.

Watershed – for the purposes of this Plan the term watershed also includes subwatersheds.

Watershed Studies – comprehensive scientific studies of rivers and streams and the lands draining into them. These investigations result in recommendations as to where and how development activity can safely occur so as to minimize flood risks, stream erosion, degradation of water quality, and negative impacts on natural systems. Recommendations may also identify opportunities for ecological enhancement and recreation.

Wellhead Protection Sensitivity Area – area of land contributing water to a municipal well as identified by the Region.

Woodlands – complex ecosystems of different tree species, shrubs, ground vegetation and soil complexes that provide habitat for many plants and animals. Woodlands is a general term which collectively refers to areas occupied by trees, treed areas, woodlots and forested areas.

Woodlot – as defined by the Regional Tree By-Law, wooded areas over two acres (approximately 0.8 hectares) in size with a specified number of trees of a certain size per acre.