The Corporation of the Town of South Bruce Peninsula

By-Law Number 61-2016

A By-Law to Adopt Official Plan Amendment
No. 30 to the Town of South Bruce Peninsula
Official Plan

Whereas the Planning Act, RSO 1990, as amended, Section 18 provides for the passing of official plan documents;

And whereas the Planning Act, RSO 1990, as amended, Section 22 provides for making amendments to Official Plans;

And whereas in accordance with the Planning Act RSO 1990, as amended, application has been received to change the South Bruce Peninsula Official Plan designation for Lot 1 to 3 Concession 21.

Now therefore the Corporation of the Town of South Bruce Peninsula enacts as follows:

1. That Amendment No. 30 to the Town of South Bruce Peninsula Official Plan, a copy of which is attached to and forms part of this by-law, is hereby adopted.

2. That the Clerk is hereby authorized to forward the amendment to the County of Bruce for approval as provided for under Section 17 of the Planning Act, R.S.O. 1990, as amended.

3. That this by-law shall come into force and effect pursuant to the provisions and regulations of the Planning Act, R.S.O. 1990, c.P.13, as amended and subject to Bruce County Official Plan Amendment 157 coming into force and effect.

Read a first and second time this 19th day of July, 2016.

[Signatures]

Read a third time and finally passed this 19th day of July, 2016.

[Signatures]
Part B - Amendment No. 30

Introductory Statement
This amendment document contains the following text and Schedule "A" which amends Schedule "B" of the Town of South Bruce Peninsula Official Plan. The addition of Special Policy Area No. 3 will be referred to as the Wiarton South Policy Area and applies to approximately 95 hectares (235 acres) within Lots 1, 2 and 3, Concession 21 in the geographic former Township of Amabel.

Purpose of the Amendment
The following amendment modifies certain provisions of Section 11 of the Town of South Bruce Peninsula Official Plan (Wiarton Community Plan). Schedule "A" to this amendment will modify Schedule "B" to the Town of South Bruce Peninsula Official Plan. The amendment adds a Special Policy Area which will reduce the amount of land presently shown as employment lands and provide for the staged development of a new residential community. The amendment also revises the settlement area boundary including a minor extension to the west. This adjustment is required in order to accommodate a storm water management system for Special Policy Area No. 3. Unless amended by this subject amendment, all other provisions of Section 11 of the Official Plan apply.

This amendment is based on the findings of a comprehensive Background Study prepared by Cuesta Planning Consultants Inc. as well as comments received from the public, Town and County staff, agencies and municipal Council.

The Background Study assessed the historic and projected growth rate, corresponding land use requirements, environmental constraints and municipal servicing and infrastructure capability.

The background material and consultation process generated a need to assess various components of the previous growth management strategy, in particular, the allocation of employment lands within the Wiarton South Study Area. The reconsideration of the land use policies in the Wiarton South area was also influenced by a large residential community development proposal which could not be accommodated within the existing residential designations of the settlement area. Any type of development of significant proportion proposed for small rural urban centres generally encounters difficulties because of the stringent settlement area boundaries imposed by the Provincial Policy Statement. The lack of development over the past three decades in the southern section of the settlement area suggests merit in an assessment of the need for the large areas of industrial and commercial lands.

The Background Study determined that the employment needs of the Town for the 20-year planning period require approximately 12.5 hectares of land. The study area contains 137.7 hectares of vacant employment land rendering a surplus of approximately 125 hectares over the planning period.
The surplus of employment lands would permit the municipality to consider other land use options for a portion of the study area. The re-designation of the northern portion of the study area for a residential community is reasonable and would represent a natural southward extension of the residential area north of Elm Street.

**Details of the Amendment**

The Town of South Bruce Peninsula Official Plan is proposed to be amended by adding the following section:

11.3.1.18  **Special Policy Area No. 3 — Wiarton South Special Policy Area**

Special Policy Area No. 3 covers approximately 95 hectares of land south of Elm Street and west of Highway 6, to the revised western boundary of the Wiarton Settlement Area as shown on Schedule "A". It is intended that this area be developed as a new residential neighbourhood within the Wiarton Community. A general land use configuration with a village centre area and residential lands are shown within Special Policy Area No. 3 on Schedule "A". The following policies will implement the direction of Council to set out the objectives, development criteria and provisions to facilitate the orderly progression of growth and development within this area.

The low historical growth rate for the Wiarton Settlement area requires that a staged growth management policy approach be established in Special Policy Area No. 3 in order to avoid scattered uneconomical development and to encourage a natural expansion of the existing urban area. The development of this area will occur through a staged growth management approach subject to the following:

1) All development will occur on full municipal services. Notwithstanding the provisions of Section 11.5.22, development phasing within Special Policy Area No. 3 on Schedule "B" may proceed in accordance with a Master Development Agreement, including an approved servicing and phasing plan, as further provided under paragraph 4.

2) Lands designated "Residential" within Special Policy Area No. 3 on Schedule "B" shall provide for the development of low density and medium density residential uses which may include single-detached, semi-detached low-rise apartment, townhouse or other similar forms of housing, and any other uses permitted in the Residential designation, subject to the Residential policies of the Town's Official Plan. A range of ownership and tenure options may be considered through each development phase.

3) Lands designated "Village Centre" within Special Policy Area No. 3 on Schedule "B" are intended to facilitate a mixed-use neighbourhood which is conveniently located in the community. In some cases, multiple uses may be located in the same building. Permitted uses within this area may include:

- Commercial uses, including retail, restaurant, accommodations, medical, financial and entertainment uses but not including single-use alcohol sales
establishments.

- Multiple-family residential.
- Assisted living accommodations and associated facilities, including retirement home, nursing home, hospice and other similar uses.
- Professional and personal service uses including ATMs, with a maximum of one deposit-taking financial institution (bank).
- Institutional uses.
- Community facilities, including recreation centre, administration, meeting space, and maintenance.
- Open space, walkways, plazas, active or passive recreational uses and associated buildings or structures.

Development in the "Village Centre" designation shall not affect the economic viability of other commercial areas in the Town, with particular regard for commercial uses. Phasing of commercial uses within the Village Centre shall be subject to a market analysis to determine that any proposed retail uses will not adversely impact the plan function of the Highway Commercial area and/or the Downtown area of the Town. It is intended that all three of these commercial areas should develop to their maximum potential, including competitive and complementary uses, while maintaining a healthy community balance.

4) Prior to commencement of development, a **Master Plan** shall be prepared by the developer and will form the basis of an overall site plan approval. The Master Plan will provide the following:

i) A detailed land use pattern, including a transportation plan depicting primary and secondary roads, traffic and pedestrian circulation. The land use pattern shall also provide information relating to the design and location of various housing types proposed, and exterior design elements.

ii) Development staging details, including population and dwelling unit growth and commercial space needs anticipated for each development phase. Subsequent development stages will be determined based on the extent of completion of the previous stage, or a reasonable anticipated growth rate. The municipality may use holding provisions to regulate staging of the development. For this purpose, the municipality may also require the developer to provide relevant market analysis to address the scale of development and appropriate phasing parameters for various stages.

iii) A demonstration of the land use compatibility between the proposed residential neighbourhood community and surrounding lands within the commercial and industrial designations.

iv) Areas identified for the following land use purposes:
   - Residential
   - Open Space and Recreation, including areas/blocks for stormwater
management purposes
Environmental Protection
Village Centre

v) Land use patterns, residential densities and building forms that efficiently utilize resources, energy and infrastructure shall be encouraged.

vi) A passive surface water management system that is integrated with an open space network.

vii) A parkland system that is convenient and accessible to community residents.

viii) An integrated trail system that enhances access to significant environmental areas as well as active and passive recreation areas.

ix) The main roads within Special Policy Area No. 3 will tie into existing municipal roads and provide connections to adjacent lands, where appropriate.

x) A Master Development Agreement will be entered into between the municipality and the developer to ensure that all applicable development related matters are addressed to the satisfaction of the Town, including staging, zoning, servicing and financing. All costs of preparing, reviewing, and registration of the agreement shall be borne by the developer.

5) Subject to Municipal Servicing capacity at the time of development, Phase One of development may include a maximum of 150 residential dwelling units, a maximum gross floor area of 1,000 square metres for retail commercial uses, and a maximum gross floor area of 2,000 square metres for non-retail-commercial uses, as well as any other permitted uses. Requirements for a market analysis shall apply to any commercial development above these thresholds in any phase.

6) Constraints identified on Schedule "A" are subject to TSSA and/or MOE regulations and guidelines which shall be addressed through zoning and site plan control.
SCHEDULE 'A' to Amendment No. 30
TOWN OF SOUTH BRUCE PENINSULA OFFICIAL PLAN

Lot 1 to 3 Concession 21
Town of South Bruce Peninsula (Wiarton)
COUNTY OF BRUCE

FILE: SBPDP 30
APPLICANT: SOUTH BRUCE PENINSULA
DATE: July, 2015
Ontario Municipal Board
Commission des affaires municipales
de l'Ontario

ISSUE DATE: March 08, 2018
CASE NO(S.): PL161287

PROCEEDING COMMENCED UNDER subsection 17(36) of the Planning Act, R.S.O. 1990, c. P.13, as amended
Appellant: Parkland Industries Ltd.
Subject: Proposed Official Plan Amendment No. OP No. 30
Municipality: South Bruce Peninsula
OMB Case No.: PL161287
OMB File No.: PL161287
OMB Case Name: Parkland Industries Ltd. v. Bruce (County)

PROCEEDING COMMENCED UNDER section 14 of the Development Charges Act, 1997, S.O. 1997, c. 27
Appellant: Parkland Industries Ltd.
Subject: Development Charges By-law No. 75-2016
Municipality: South Bruce Peninsula
OMB Case No.: PL161287
OMB File No.: DC160015

Heard: February 23, 2018 by telephone conference call

APPEARANCES:

Parties
Parkland Fuel Corporation
("Appellant")

Town of South Bruce Peninsula
("Town") and Wiarton Meadows Inc.

Counsel
Marc Kemerer
Paul Shaw
MEMORANDUM OF ORAL DECISION DELIVERED BY S. TOUSAウ ON FEBRUARY 23, 2018 AND ORDER OF THE BOARD

[1] This Telephone Conference Call ("TCC") was a settlement hearing to resolve the appeals in accordance with an agreement reached by the parties in their Minutes of Settlement ("MOS").

[2] The Town adopted Official Plan Amendment ("OPA") 30 under the Planning Act and passed By-law No. 75-2016 under the Development Charges Act ("DCA") in connection with proposed development on the southwest side of Wiarton. The Appellant operates a propane facility to the south of Wiarton and appealed the Town's instruments out of concern for potentially sensitive uses locating within the hazard radius of the propane facility.

[3] On consent, counsel requested the Board to modify, and approve as modified, OPA 30 in the form of Schedule A attached to the MOS. The modified OPA 30 addresses certain sensitive institutional uses within proximity of the propane facility. John Tennant, Registered Professional Planner, attended the TCC and had provided a sworn affidavit confirming that OPA 30, as modified, is consistent with the Provincial Policy Statement, conforms with the County of Bruce Official Plan and represents good planning.

[4] In accordance with the MOS, the Appellant confirmed that its appeal to By-law No. 75-2016 under the DCA will be withdrawn upon the Board's approval of OPA 30 as modified. The receipt by the Case Coordinator of the Appellant's withdrawal of the DCA appeal will close that file.

[5] The Board accepted the uncontradicted affidavit evidence of Mr. Tennant.
ORDER

[6] The Board ordered that the appeal is allowed and OPA 30 is modified and approved as modified in the form of Schedule A to the MOS as contained in Attachment 1 to this Decision.

[7] The Board ordered that upon receipt of the Appellant’s withdrawal of appeal to By-law No. 75-2016 under the DCA, the Board’s file will be closed.

“S. Tousaw”

S. TOUSAWS
MEMBER

If there is an attachment referred to in this document please visit www.elto.gov.on.ca to view the attachment in PDF format.

Ontario Municipal Board
A constituent tribunal of Environment and Land Tribunals Ontario
Website: www.elto.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248
ATTACHMENT 1

MINUTES OF SETTLEMENT
Schedule "A"
Modified OPA 30

11.3.18 Special Policy Area No. 3 — Wiarton South Special Policy Area
Special Policy Area No. 3 covers approximately 95 hectares of land south of Elm Street and west of Highway 6, to the revised western boundary of the Wiarton Settlement Area as shown on Schedule "A". It is intended that this area be developed as a new residential neighbourhood within the Wiarton Community. A general land use configuration with a village centre area and residential lands are shown within Special Policy Area No. 3 on Schedule "A". The following policies will implement the direction of Council to set out the objectives, development criteria and provisions to facilitate the orderly progression of growth and development within this area.

The low historical growth rate for the Wiarton Settlement area requires that a staged growth management policy approach be established in Special Policy Area No. 3 in order to avoid scattered uneconomical development and to encourage a natural expansion of the existing urban area. The development of this area will occur through a staged growth management approach subject to the following:

1) All development will occur on full municipal services. Notwithstanding the provisions of Section 11.5.22, development phasing within Special Policy Area No. 3 on Schedule "B" may proceed in accordance with a Master Development Agreement, including an approved servicing and phasing plan, as further provided under paragraph 4.

2) Lands designated "Residential" within Special Policy Area No. 3 on Schedule "B" shall provide for the development of low density and medium density residential uses which may include single-detached, semi-detached low-rise apartment, townhouse or other similar forms of housing, and any other uses permitted in the Residential designation, subject to the Residential policies of the Town's Official Plan. Subject to paragraph 6), sensitive institutional uses shall also be permitted within the Residential designation. A range of ownership and tenure options may be considered through each development phase.

3) Lands designated "Village Centre" within Special Policy Area No. 3 on Schedule "B" are intended to facilitate a mixed-use neighbourhood which is conveniently located in the community. In some cases, multiple uses may be located in the same building. Permitted uses within this area may include:

- Commercial uses, including retail, restaurant, accommodations, medical, financial and entertainment uses but not including single-use alcohol sales establishments.
- Multiple-family residential.
- Assisted living accommodations and associated facilities, including retirement home, nursing home, hospice and other similar uses.
- Professional and personal service uses including ATMs, with a maximum of one deposit-taking financial institution (bank).
- Institutional uses.
- Community facilities, including recreation centre, administration, meeting space, and maintenance.
- Open space, walkways, plazas, active or passive recreational uses and associated buildings or structures.

Notwithstanding the foregoing, sensitive institutional uses are further subject to the provisions of paragraph 6).

Development in the "Village Centre" designation shall not affect the economic viability of other commercial areas in the Town, with particular regard for commercial uses. Phasing of commercial uses within the Village Centre shall be subject to a market analysis to determine that any proposed retail uses will not adversely impact the plan function of the Highway Commercial area and/ or the Downtown area of the Town. It is intended that all three of these commercial areas should develop to their maximum potential, including competitive and complementary uses, while maintaining a healthy community balance.

4) Prior to commencement of development, a Master Plan shall be prepared by the developer and will form the basis of an overall site plan approval. The Master Plan will provide the following:

i) A detailed land use pattern, including a transportation plan depicting primary and secondary roads, traffic and pedestrian circulation. The land use pattern shall also provide information relating to the design and location of various housing types proposed, and exterior design elements.

ii) Development staging details, including population and dwelling unit growth and commercial space needs anticipated for each development phase. Subsequent development stages will be determined based on the extent of completion of the previous stage, or a reasonable anticipated growth rate. The municipality may use holding provisions to regulate staging of the development. For this purpose, the municipality may also require the developer to provide relevant market analysis to address the scale of development and appropriate phasing parameters for various stages.

iii) A demonstration of the land use compatibility between the proposed community development and surrounding lands within the residential, commercial and industrial designations.

iv) Areas identified for the following land use purposes:
Residential
Open Space and Recreation, including areas/blocks for stormwater management purposes
Environmental Protection
Village Centre

v) Land use patterns, residential densities and building forms that efficiently utilize resources, energy and infrastructure shall be encouraged.

vi) A passive surface water management system that is integrated with an open space network.

vii) A parkland system that is convenient and accessible to community residents.

viii) An integrated trail system that enhances access to significant environmental areas as well as active and passive recreation areas.

ix) The main roads within Special Policy Area No. 3 will tie into existing municipal roads and provide connections to adjacent lands, where appropriate.

x) A Master Development Agreement will be entered into between the municipality and the developer to ensure that all applicable development related matters are addressed to the satisfaction of the Town, including staging, zoning, servicing and financing. All costs of preparing, reviewing, and registration of the agreement shall be borne by the developer.

5) Subject to Municipal Servicing capacity at the time of development, Phase One of development may include a maximum of 150 residential dwelling units, a maximum gross floor area of 1,000 square metres for retail commercial uses, and a maximum gross floor area of 2,000 square metres for non-retail-commercial uses, as well as any other permitted uses. Requirements for a market analysis shall apply to any commercial development above these thresholds in any phase.

6) Constraints identified on Schedule "A" are subject to the Ontario Technical Standards and Safety Authority ("TSSA") and/or Ministry of the Environment and Climate Change regulations and guidelines and shall be addressed through zoning and site plan control.

For the purpose of certainty, reference to "sensitive institutions" under the TSSA shall be defined herein as:

- Child care facility regulated under the Child Care and Early Years Act, 2014
- Hospice
- Hospital
- Long Term Care Home regulated under the Long Term Care Homes Act, 2007
- Special Care Home regulated under the Homes for Special Care Act
- Retirement Home regulated under the Retirement Homes Act, 2010
- Group living residences and intensive support residences regulated under the Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008
- Care facilities which meet the definition of "care occupancy" under the Ontario Building Code (Ontario Regulation 332/12)
- School regulated under the Education Act or the Early Childhood Educators Act, 2007
- College or University

The above defined sensitive institutional uses shall be permitted within the Residential or Village Centre designations but shall be prohibited within the 794.0 metre Hazard Distance shown on Schedule "A". Notwithstanding the foregoing, a "care occupancy" shall be permitted in a residential dwelling unit within the Hazard Distance if it meets the criteria for a Group C residential occupancy under the Ontario Building Code (Ontario Regulation 332/12).
SCHEDULE 'A'

to Amendment NO. 30
TOWN OF SOUTH BRUCE PENINSULA
OFFICIAL PLAN

Lot 1 to 3 Concession 21
Town of South Bruce Peninsula (Waparten)
COUNTY OF BRUCE