

APPENDIX E – Official Plan Amendment (DRAFT)

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**AMENDMENT NO. xxx
TO THE OFFICIAL PLAN FOR
THE TOWN OF CALEDON PLANNING AREA**

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**THE CORPORATION OF THE TOWN OF CALEDON
BY-LAW NO. xxxx- xx**

A By-law to adopt Amendment No. xxx to the Official Plan for the Town of Caledon

WHEREAS the Council of the Corporation of the Town of Caledon, in accordance with the provisions of the Planning Act, R.S.O. 1990, as amended, HEREBY ENACTS AS FOLLOWS:

1. Amendment No. xxx to the Official Plan for the Town of Caledon Planning Area shall be and is hereby adopted.

Read three times and finally passed in open Council this xxth day of xxxx, xxxx

Mayor

Clerk

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THE CONSTITUTIONAL STATEMENT

PART A - THE PREAMBLE - does not constitute part of this amendment.

PART B - THE AMENDMENT - consisting of the following text constitutes Amendment No. xxx of the
Town of Caledon Official Plan.

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AMENDMENT NO. xxx

OF THE TOWN OF CALEDON OFFICIAL PLAN

PART A - THE PREAMBLE

Purpose of the Amendment:

The purpose of this Amendment is to amend Section xxx and Schedule "x" Bolton Land Use Plan and add Schedule "H3" Downtown Bolton Land Use Designations to the Town of Caledon Official Plan to implement the review and update to the Bolton Special Policy Area (SPA).

Location:

The lands subject to this Amendment are generally located within the Bolton Core, and are indicated on the attached Schedule "A".

Basis:

The basis for this Amendment is contained in Planning Report PD xxxx-xx, as adopted by Council on xxxxx. The Town, in consultation with the Toronto and Region Conservation Authority (TRCA) has initiated an amendment to the Town of Caledon Official Plan to update the policies pertaining to the Bolton Special Policy Area, to reflect recent flood plain mapping and reduce health and safety risks resulting from potential flooding within the Bolton Core, while allowing for development/redevelopment to proceed where appropriate mitigation measures have been applied. In support of the application, the Town has undertaken the following supporting reports:

1. Flood Risk Assessment – Existing Conditions Report; and
2. Bolton Special Policy Area Planning Justification Report.

PART B - THE AMENDMENT

This part of the document, entitled "Part B - The Amendment", and consisting of the following text constitutes Amendment No. xxx of the Town of Caledon Official Plan.

Details of the Amendment

The Town of Caledon Official Plan is amended as follows:

1. Section 5.10.4.5.13 Bolton Special Policy Area is amended by deleting Section 5.10.4.5.13 in its entirety and replacing it with the following:

X.X Bolton Special Policy Area

The Province's floodplain management policies do not normally permit development or redevelopment in areas below the Regulatory Flood elevation, as defined by the applicable Conservation Authority. However, those same policies provide for flexible floodplain management through a Special Policy Area designation where the economic and social viability of a previously developed floodplain area would otherwise be threatened.

As shown on Schedule H3, the Bolton Special Policy Area designation applies to the historic Village of Bolton, which is almost entirely below the Regulatory Flood elevation of the Humber River as defined by the Toronto and Region Conservation Authority.

Where there are feasible opportunities for development outside of the floodplain, as in the case in Caledon, a Special Policy Area designation is not intended to allow intensified development and site alteration or reduced flood storage capacity. The intent of the Bolton Special Policy Area designation and policies is to support the continued viability of existing uses and allow for some development/redevelopment that would manage or minimize flood risk to the satisfaction of the Town and the Toronto and Region Conservation Authority.

The Town's Community Emergency Response Plan includes a flood response plan for the Bolton Special Policy Area. The Town also supports the Toronto and Region Conservation Authority's Flood Forecasting and Warning Program, emergency planning and public outreach initiatives.

X.X.1 General Policies

- a) The policies of section X.X, Bolton Special Policy Area, apply to the Bolton Special Policy Area identified on Schedule H3.
- b) In the event of a conflict between a Bolton Special Policy Area policy and another policy in this Plan, the Bolton Special Policy Area policy will prevail.
- c) No new development, redevelopment or site alteration will be permitted where it has been identified by the Town or the Toronto and Region Conservation Authority that:
 - i) the development would be subjected to flood velocities and/or depths that would create an unacceptable risk to life or property;
 - ii) the development would be susceptible to major structural damage due to a flood less than or equal to the Regulatory Flood elevation;
 - iii) the necessary flood protection measures would have a negative impact on adjacent developments; or,
 - iv) adverse downstream and/or upstream impacts would be created or exacerbated, and/or an increase in risk to life or property would occur, as a result of flooding.

- d) The Town will support the acquisition of natural hazard lands by the Toronto and Region Conservation Authority.
- e) The Land Acquisition and Parkland Dedication policies of the Town Official Plan apply to the acquisition of hazard lands and parkland by the Town.

X.X.2 Official Plan Amendments

- a) The Town will not support an Official Plan Amendment that would allow intensification within the Bolton Special Policy Area that is beyond what is currently permitted by this Plan.
- b) The boundary of the Bolton Special Policy Area may be changed through an amendment to this Plan as a result of floodplain remediation works and/or technical analysis completed to the satisfaction of the Town and the Toronto and Region Conservation Authority and subject to approval of the applicable Minister (s) prior to approval of an amendment to the boundary.
- c) Any proposed change to the boundary, land use designations or policies applying to the Bolton Special Policy Area must be approved by the applicable Provincial Minister(s) prior to the approval of an amendment to this Plan.

X.X.3 Land Uses

- a) Properties within the Bolton Special Policy Area are also subject to the land use designations of the Bolton Secondary Plan.
- b) Land use designations and policies applied through the Bolton Secondary Plan will conform with the Bolton Special Policy Area designation and policies.
- c) The following uses are prohibited within the Bolton Special Policy Area:
 - i) new or expanded institutional uses including hospitals, long-term care homes, retirement homes, special needs housing, day nurseries, day cares or schools;
 - ii) emergency service facilities such as fire, police or ambulance stations;
 - iii) electrical substations; and,
 - iv) uses associated with the disposal, manufacture, treatment or storage of hazardous substances.
- d) The Non-conforming Uses policies of the Town Official Plan, as found in Section 25.1.9 apply to non-conforming uses within the Bolton Special Policy Area.

X.X.4 Development or Redevelopment within the Bolton Special Policy Area

- a) Development or redevelopment will be:
 - i) in accordance with the Bolton Secondary Plan, and the policies of this Plan; and,
 - ii) subject to the pre-consultation and development application submission requirements of this Plan.
 - iii) subject to site plan control
- b) Development or redevelopment within the Village of Bolton Heritage Conservation District will also be subject to the Town's heritage permit approval process and the Village of Bolton Heritage Conservation District Plan.
- c) The Town will not support development or redevelopment proposals to enable intensification beyond what is currently permitted by this Plan, including:
 - i) increases in the number of dwelling units, including additional residential units within detached, semi-detached or multiple-attached dwellings or accessory buildings thereto;
 - ii) new overnight accommodations, including hotels; and,
 - iii) the creation of new lots.
- d) Consents to sever lands may be permitted for public infrastructure, public works or minor lot line adjustments.
- e) Where development is permitted by the policies of this Plan, the following will be located above the Regulatory Flood elevation as established by the Toronto and Region Conservation Authority:
 - i) any habitable space, including overnight accommodations; and,
 - ii) primary building system controls, such as service units and panels.
- f) Proponents of development and/or redevelopment will be required to submit an environmental impact study and management plan, prepared to the satisfaction of the Town and the Toronto and Region Conservation Authority, that:
 - i) identifies proposed measures or elements that would mitigate risks due to flooding; and,

- ii) confirms that the proposal would not directly contribute to an increased risk of flooding to life or property and other existing development within the Bolton Special Policy Area.
- g) New multi-unit developments shall require the preparation of an Emergency Response Plan to the satisfaction of the Town and the Toronto and Region Conservation Authority. Emergency Response Plans are to be developed in accordance with existing provincial legislation and regulations, standards and protocols that may be applicable to emergency conditions and will be implemented by all parties involved.

X.X.5 Safe Access and Egress

- a) Pedestrian and vehicular access and egress to new buildings with habitable space, including overnight accommodations, will:
 - i) be safe, to the extent technically feasible, pursuant to the Provincial Planning Statement and the Province's Natural Hazard Technical Guide; or,
 - ii) achieve the maximum level of flood protection determined by the Town and the Toronto and Region Conservation Authority to be practical and feasible.
- b) Underground parking is discouraged.

X.X.6 Floodproofing

- a) Floodproofing in accordance with the policies of this Plan, the requirements of the TRCA and other applicable agencies will be required as a condition of site plan.
- b) All new buildings and structures, including parking structures, will be floodproofed to the satisfaction of the Town and the Toronto and Region Conservation Authority to:
 - i) the level of the Regulatory Flood elevation; or,
 - ii) where it has been demonstrated that the above is technically impractical, the highest level technically feasible, which must be no less than the level of the one in 500-year flood.
- c) Floodproofing measures will be prioritized as follows:
 - i) Dry passive floodproofing measures to the extent technically feasible;

- ii) Wet floodproofing measures for non-habitable portions of new buildings to minimize flood risk and/or to meet the required level of flood protection; or,
- iii) Dry active floodproofing measure, in combination with subsections i) and ii), to minimize flood risk.

X.X.7 Implementing Zoning

- a) The implementing zoning by-law will include a zone classification to identify the intended use of each property. It will also include a zone suffix to identify that each property is located within the Bolton Special Policy Area and, as such, at least partially within a flooding hazard.
- b) The implementing zoning by-law will contain provisions related to , floodproofing including, minimum height of openings, and other such matters as determined by the Town.

X.X.8 Buyer and Tenant Notification .

The Town shall impose a condition on applications for all new development within the Bolton Special Policy Area, except single detached dwellings, requiring the developer to provide prospective owners and tenants of the building with notification of the flooding hazard and details of the Building Safety Plan and emergency notification and protocol that has been prepared to the satisfaction of the Town of Caledon Emergency Management Office and Toronto and Region Conservation Authority. These clauses shall also be included on any Community Information Map required for development by the Town.

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Schedule "A"

