

**OFFICIAL PLAN**  
*of the*  
**TOWNSHIP OF FRONT OF YONGE**

**Adopted by Council on January 15, 2018**

**Approved by the United Counties of Leeds & Grenville on March 22, 2018,  
without modifications**

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## SECTION 1 INTRODUCTION

### 1.1 PLANNING ACT CONTEXT

1. Pursuant to Section 17 of the *Planning Act*, R.S.O., 1990, Chapter P.13, as amended, Council is charged with responsibility for preparing and adopting an Official Plan for the Township of Front of Yonge. Pursuant to Section 26 of the *Planning Act*, Council is required to review its Official Plan from time to time, but not less than once every ten years, to determine the need to revise the document. This Official Plan, which constitutes a major update to the 2006 Official Plan, has been prepared in response to these requirements.
2. Pursuant to Section 26 of the *Planning Act*, as amended, Council shall adopt an implementing Zoning By-law no later than three years after the approval of the Official Plan. Such Zoning By-law shall be adopted no later than three years after any comprehensive update to this Plan that comes into effect.
3. The *Planning Act* also provides that, where an Official Plan is in effect, no public work shall be undertaken and no by-law shall be passed for any purpose that does not conform to the Official Plan, with certain exceptions as provided by Section 24 of the *Planning Act*. This Plan will guide Council in its future decision-making pursuant to this requirement.
4. In exercising its planning authority, Council shall address matters of Provincial Interest set out in Section 2 of the *Planning Act*. From a policy perspective, this Plan contains policies and terminology which are intended to be consistent with Provincial planning interest as expressed in the 2014 *Provincial Policy Statement* issued under the authority of the *Planning Act*. Where any term used in this Plan is meant to address matters of provincial interest, the definition in the 2014 *Provincial Policy Statement* shall be consulted.
5. The *Planning Act* also provides that an Official Plan for a lower-tier municipality shall conform to the Official Plan for any upper-tier municipality. This Plan contains policies which are intended to conform to the policies of the Official Plan for the United Counties of Leeds & Grenville. The reader is encouraged to also refer to the Counties Official Plan.
6. Section 17 of the *Planning Act* sets out required processes and procedures for amendments to Official Plans. Council shall be guided by these requirements in dealing with applications for Official Plan amendments from the public, as well as those amendments initiated by Council.

## **1.2 INTRODUCTORY STATEMENTS**

### **1.2.1 Title and Components**

1. This Plan shall be known as the:

Official Plan of the Township of Front of Yonge.

2. The Plan consists of six Sections and two Schedules:

Section 1	Introduction
Section 2	General Development Policies
Section 3	Land Use Policies
Section 4	Transportation
Section 5	Implementation and Administration
Section 6	Interpretation
Schedule	A – Land Use & Roads
Schedule	B – Development Constraints

3. Section 1 is informative in nature and primarily describes the context, general purpose and objectives of the Plan.

Section 2 sets out various general policies which apply to development, regardless of the land use designation in which it is situated. Among other matters, a number of the policies in this section relate to considerations that must be addressed in undertaking development or site alteration due to the existence of various on-site or adjacent area features, constraints, existing uses or land use designations.

Section 3 contains policies for various land uses that are specific to the land use designations shown on Schedule A.

Section 4 deals with transportation-related policies.

Section 5 states the policies for the implementation and administration of the Plan. Among other matters, the section sets out the policies applicable to the division of land.

Section 6 provides guidance with respect to the interpretation of the Plan.

4. Schedule A sets out the land use designations and road status.
5. Schedule B identifies various features and development constraints referred to throughout this Plan and should be considered in the planning process.

6. Appendices that are used for screening purposes by the Township in relation to planning applications are attached to this Plan or available for viewing at the Township municipal offices. Any attached appendices do not form part of this Plan.

### **1.2.2 Application**

This Official Plan applies to the entirety of the Township of Front of Yonge.

### **1.2.3 Intent**

1. This Plan is intended to support several broad land use planning goals aimed at supporting and enhancing the quality of life for those who live and work in, or visit, the Township. These goals include:
  1. To continue to wisely manage change and accommodate a modest quantity of growth and development in an efficient manner in response to anticipated needs, having regard to economic, social, cultural, environmental and other considerations;
  2. To preserve and enhance the natural and cultural heritage resources of the Township, and minimize development-related impacts in recognition of the long-term environmental, economic and other values of these resources;
  3. To take a proactive approach to potential health, safety, environmental and property damage concerns through either directing development away from areas associated with risks or requiring appropriate measures to reduce or eliminate risks;
  4. While pursuing the foregoing goals, the Township seeks to:
    1. Focus population and employment growth to settlement areas;
    2. Maintain the Township's character as a scenic rural community, complemented by one village and several hamlets, as well as pockets of recreational, water-oriented residential development;
    3. Foster environmentally-sustainable housing and employment opportunities in the Township;
    4. Ensure the continued financial health of the Township through responsible land use and other public policy decisions.
2. The Official Plan is intended to be of use to both private and public interests. Through the Plan, private interests will have a clearer understanding of Council's policies for future development and, hence, be able to plan accordingly. Public interests will benefit by possessing a documented policy framework by which to prepare comprehensive Zoning By-laws and other tools of implementation, make planning and

land use decisions, as well as identify and program the delivery of needed services and facilities in a cost-effective way.

#### **1.2.4 Scope**

The Official Plan is a legal document but does not, by itself, control or regulate the development of land by private interests. Rather, detailed control and regulation is accomplished primarily through various implementation tools such as comprehensive Zoning By-laws and Site Plan Control By-laws.

The Official Plan contains policies which are intended to guide public and private interests in such a way as to ensure the best form of development under the most desirable conditions. In addition, the Official Plan sets out guidelines for the preparation of municipal regulations which implement the Plan, establishes policies to govern both the division and development of land and, finally, identifies public actions which need to be taken to support community development.

#### **1.2.5 Planning Period**

This Official Plan is intended to guide the future development of the Township to the year 2031. The reader is cautioned, however, that the Plan has been prepared on the basis of existing conditions and information available at the time of the Plan's preparation. An Official Plan should be viewed as a work in progress and it is intended that as conditions change, as new information becomes available, and as our understanding of issues and priorities changes, there will be a need to review various policies from time to time. Pursuant to Section 26 of the *Planning Act*, Council intends to hold a public meeting not less than once every ten years to determine the need to review the Plan.

### **1.3 BASIS AND OBJECTIVES**

#### **1.3.1 General**

The Township of Front of Yonge is a lower-tier municipality within the United Counties of Leeds and Grenville. The United Counties' first Official Plan was adopted in July 2015 and approved by the Ministry of Municipal Affairs with modifications in February 2016. While the intent of this Official Plan is to conform to the policies of the upper-tier United Counties' Official Plan, the reader is cautioned that there may be a need to also make reference to the Counties' Plan.

Many of the policies in this Plan have been determined by historical development patterns, existing circumstances and present trends, as well as certain fundamental principles that were identified in the preparation of earlier versions of the Township's Plan. Although the philosophy and locally-oriented policy directions of the Township's Plan continue to be



regarded as relevant by Council, this Plan has been updated to ensure that current Provincial and County interests are addressed and that growth-dependent planning policies remain appropriate.

### **1.3.2 Basis of the Plan**

The Township of Front of Yonge extends northward from the St. Lawrence River – including forty-six island properties - to the southern limit of the Township of Athens, and is bounded by the Townships of Elizabethtown-Kitley and Leeds and the Thousand Islands to the east and west, respectively. Relatively small in terms of both population and land area in comparison to almost all other municipalities in the United Counties of Leeds and Grenville, the Township had a 2016 census population of 2607 and a land area of approximately 131 square kilometres. The closest serviced urban area is the City of Brockville, which is located approximately 20 kilometres to the east.

The documented history of the Township dates back to approximately 1790, when United Empire Loyalist Nathaniel Mallory arrived in what is known today as Mallorytown Landing. He subsequently moved northward in search of more productive farmland and settled the Village of Mallorytown – the largest community in the Township today and currently home to about 350 people.

Chimney Island provides an enduring reminder of the Township's strategic position on the St. Lawrence River during the War of 1812. This island, which contained a blockhouse and served as a base for British gunboats, can be viewed by both recreational boaters on the St. Lawrence as well as the many tourists driving and cycling along the scenic 1000 Islands Parkway.

Just as farming the Canadian Shield lands that predominate in the Township has proved challenging, industrial activities have also been limited in nature. This is in contrast to some other municipalities fronting onto the St. Lawrence River, particularly those to the east. The only industrial development of historical note in Front of Yonge was the Mallorytown Glassworks (established in approximately 1825) which relied on local sandstone deposits. After only a relatively short period of operation, the glassworks closed in 1840.

While the rugged topography, exposed rock, heavy tree cover and marginal agricultural soils have acted to limit the extent of farming – or for that matter, any development – activity, the physical beauty of the Township is readily apparent, even to those only briefly passing through the municipality along Highway No. 401 or scenic roadways such as the 1000 Islands Parkway, County Road No. 2 and County Road No. 5. Economic development based on the scenic qualities of the Township has not occurred on any scale, although both Parks Canada and the St. Lawrence Parks Commission play a significant role in attracting visitors and tourists to the riverfront area through amenities such as picnic grounds and boat launching facilities, many of which are directly connected to each other through a bikeway system. These facilities are complemented by various privately-owned

and operated businesses. The Township recognizes the contributions made by these businesses and seeks to provide a supportive land use planning environment.

In 2002, the Thousand Islands – Frontenac Arch Biosphere Reserve was designated by the United Nations Educational, Scientific and Cultural Organization (UNESCO). The entirety of the Township of Front of Yonge is included in the Biosphere Reserve. The Township supports the philosophy that this internationally-recognized area, as well as the Township as a whole, is an ecosystem in which promoting and demonstrating a balanced relationship between people and nature is an important goal.

Historically, the Township of Front of Yonge has attempted to preserve its rural and recreational flavour while accommodating a modest amount of growth and development, consistent with the abilities of the Municipality to provide an appropriate range and level of services to its ratepayers. The Township will, in relation to matters of local interest and control, continue to position the Township as a vibrant community that values its historical past and seeks to seize opportunities for its future.

On a basis consistent with the United Counties' Official Plan, this Plan focusses growth in the Township in the existing traditional settlement areas of Mallorytown, Yonge Mills, Caintown, Sherwood Springs and McIntosh Mills. The policies of this Plan are designed to support this initiative, although it is recognized that increased concerns with the sustainability of development on private services for reasons related to water quality, findings from the 2001 United Counties of Leeds and Grenville *Groundwater Management Study* and Provincial policy direction on servicing issues could have a profound effect on the form and extent of development within these settlement areas. Despite the impact of these considerations on more intense forms of development within historical settlements, this Plan must provide sufficient development lands to meet current and future demands. It is also recognized that the traditional rural areas of the Township contribute to the unique character and landscape of the Township and enhance the quality of life of its residents. By leveraging rural assets and amenities and protecting the environment, the rural area provides a foundation for a sustainable local economy.

Front of Yonge is essentially composed of several distinct population groupings, the largest of which are as follows. First, there exists a predominantly rural and small-scale agricultural community with longstanding, historical connections to the Township. Second, there is a residential commuter population which makes its home on rural lots or in settlement areas. A number of this population work in Brockville or are employed in large industrial operations located outside the Municipality. The third readily-identifiable group of ratepayers are recreational property owners, the bulk of whom own seasonally-occupied cottages on Graham Lake in the northeast corner of the Township or island or waterfront lands along the St. Lawrence River. It is noted that many seasonally-occupied cottages are becoming occupied on a year-round basis, particularly along Graham Lake.

Unlike many neighbouring municipalities with frontage on the St. Lawrence River, Front of Yonge's river frontage is largely undeveloped. This is because the vast majority of lands along the St. Lawrence are in the control of the St. Lawrence Parks Commission or Parks

Canada. These agencies operate passive parks, picnic grounds, boat launching facilities and historic sites which serve as significant recreational and tourism attractions. These amenities are complemented by a small number of local, privately operated businesses providing accommodations and recreational facilities.

The basis of this Plan is to continue to maintain the rural character, scenic qualities and rich natural and cultural heritage amenities of the Township while providing a modest amount of additional housing and employment generating opportunities. In relation to the latter, this is most likely to be achieved through actively building upon the Municipality's role as a tourist and recreational waypoint and encouraging visitors to stay awhile – to do things such as hiking, cycling, boating, fishing, cross-country skiing, bird watching and sightseeing - rather than simply passing through the Township. This may be fostered through renewing the economic vitality of settlement areas, as well as through encouraging service and accommodation uses, particularly in the south portion of the Township along or adjacent to County Road No. 2 and the 1000 Islands Parkway and the Highway No. 401 interchange at Mallorytown.

Some observations and considerations in the development of policies to support the foregoing directions follow:

1. By the end of this Official Plan's planning period in 2031, the Front of Yonge population will be approximately 3,000 permanent residents, in keeping with the Township's growth allocation as set out in the Counties' Official Plan. Nonetheless, this Plan accommodates higher growth rates in both the settlement areas and rural areas without the need for increased infrastructure investment. It is, however, recognized that numerous variables outside the Municipality's control can influence population and household growth. Some of these are dependent on policies and trends in other jurisdictions that could have a significant impact on land use needs and requirements as set out in the Plan. These factors shall be considered when evaluating the need to revise the Plan, pursuant to the "ten-year review" requirement of the *Planning Act*.
2. Residential development activity has remained both stable and modest in amount over the past decade. The net increase in new dwellings is anticipated to continue at about six or seven dwellings per year, while lot creation will continue to average approximately four or five lots per year.
3. The Township of Front of Yonge has historically exhibited no indication of significant development pressures emanating from urban areas such as Brockville that might require the imposition of growth management policies.
4. There are excellent east-west connections via Highway No. 401 (with an interchange at Mallorytown) and County Road No. 2, as well as the scenic 1000 Islands Parkway.
5. The area to the south of the Highway No. 401 is a significant draw for recreational and tourism activities, and offers some potential to provide limited support services and other amenities. No significant additional residential development is foreseen in this

- area, however, due to a combination of existing development patterns, topographic and access constraints, and extensive governmental land ownership and control.
6. The historical role of the Township's various villages and hamlets as residential communities and local service and social-cultural centres will be supported and encouraged, while recognizing that Brockville and other urban centres will continue in their present role as the major providers of goods, services and employment opportunities.
  7. The Township lacks significant commercial or industrial enterprises within its borders, however, the Township recognizes the importance of economic activities in terms of contributions to the tax base, providing local employment and enhancing the tourism and recreational sectors of the economy. Although cognizant of the need to maintain the aesthetic and environmental quality of the municipality for the enjoyment of residents and visitors alike, the Township seeks to balance this with a need to assure its continued economic viability, as well as the creation of opportunities for its residents – and particularly its youth – to continue to make the Township their home.
  8. Land and resource-based economic activities such as agriculture and mineral or mineral aggregate extraction are likely to remain limited in importance and scale, given the combination of limited natural resources, historical development patterns and other factors.

### **1.3.3 Objectives of the Plan**

The objectives set forth in this Plan have evolved from the historical development and character of the Township's natural, economic, social and cultural environments. These objectives reflect Council's vision for the Township's development in the coming years and shall be used to guide Council's decisions.

1. To preserve and enhance the rural character and natural beauty of the Township through regulating the nature and form of new development and focussing growth in or near existing built-up areas, wherever feasible and appropriate.
2. To protect existing land uses from the impacts of incompatible development and to ensure that new or expanding uses are well integrated into existing developed areas.
3. To establish detailed land use policies to be used as the basis for evaluating development proposals, particularly in those instances where such proposals may be in keeping with some objectives but in conflict with others.
4. To conduct planning with an open process, producing policies which are fair in their distribution of benefits and influences.

5. To strengthen the role of settlement areas as local commercial, residential, social, and cultural centres for the Township, as well as to enhance their function in providing services and facilities that cater to local residents, travellers and tourists.
6. To promote development patterns in settlement areas that efficiently use land, resources, infrastructure, and public service facilities, through compact urban forms, a mix of land uses, and appropriate densities.
7. To encourage steady, diversified and balanced economic growth that strengthens the non-residential component of the assessment base and provides a range of employment opportunities so that young people will choose to stay in the Township, or return to it after pursuing educational opportunities in larger urban centres.
8. To ensure that land use designations and related policies foster economic growth and diversification, including, but not limited to, opportunities for home-based and tourism-based businesses.
9. To support existing local businesses, including agri-tourism and agricultural-related uses, in recognition of their important role as an economic driver in providing employment opportunities and locally-available goods and services.
10. To continue to provide a range of opportunities for living in the rural area and settlement areas in an environmentally-sustainable manner.
11. To preserve the historical sense of community in the small settlement areas of the Township, the rural area and the Township as a whole.
12. To encourage, within the constraints imposed by reliance on private individual sewage and water services, and opportunities presented by newer technologies, the provision of an adequate supply and range of housing types and supporting amenities to satisfy the needs of existing and future residents, including those with special needs.
13. To identify and protect environmentally-sensitive areas and to ensure that development is compatible with such areas.
14. To provide for the wise use and protection of natural resources, such as agricultural lands, wooded areas, ground and surface water and mineral aggregates.
15. To conserve and protect cultural heritage resources, including historic areas, buildings, sites, landmarks, landscapes and archaeological sites.
16. To protect significant natural heritage features such as wetlands and areas of natural and scientific interest from development-related impacts.
17. To promote environmentally-sound development and energy conservation practices through the planning and development approval processes.

18. To minimize risks to persons and property arising from natural hazards such as flooding, organic soils and steep or unstable slopes.
19. To ensure that, in reviewing development proposals, adequate attention is paid to human-made hazards such as contaminated sites or abandoned mine sites.
20. To provide municipal services at a level consistent with the expectations of Township residents and the capacity of the Township to provide such services.
21. To ensure the continued sound financial and administrative management of the Township.
22. To promote a safe, efficient and well-maintained road network, including the provision of facilities to accommodate active transportation, where appropriate.
23. Cooperatively with other public and private bodies, to develop and maintain sufficient parkland, open space and community facilities to meet the needs of various age and socio-economic groups.

## **SECTION 2 GENERAL DEVELOPMENT POLICIES**

### **2.1 INTRODUCTION**

The policies of this section deal with development considerations that are generally applicable to various land uses within the Township and should be read in conjunction with the specific land use policies contained in the **Land Use Policies** section of this Plan.

### **2.2 ECONOMIC POLICIES**

Residential assessment makes up almost nine-tenths of the Municipality's tax base. The balance is composed of governmental grants in lieu of taxes, farm taxation and commercial/industry assessment. Remarkably, commercial/industrial assessment represents only approximately 4.1% of the total tax base. This Plan contains policies that support economic development based on the increased support to its existing commercial, industrial, tourism, agriculture, and recreation base, on a basis consistent with the Township's growth management policies.

The importance of economic enterprises in terms of contributions to the tax base, providing local employment and enhancing the tourism and recreational sectors of the economy is readily understood. While cognizant of the need to maintain the superb, tranquil local landscapes for the enjoyment of residents and visitors alike, the Township seeks to assure its continued economic viability and augment opportunities for its residents – and particularly its youth – to continue to make the Township their home.

Given the Township's need to promote growth in commercial and industrial assessment, this Plan contains policies that support economic development based on the encouragement of increased support to its existing tourism and recreation base, enhanced services and accommodations for travellers using both Highway No. 401 and other major east-west secondary roadways.

Other components of the Township's economic policy include the provision of a supportive policy environment for businesses that have their genesis in dwellings. These economic enterprises include home-based businesses and bed and breakfast establishments.

Council regards itself as historically having exhibited a balanced posture towards development – balancing growth with the environment and the financial ability of the Township to provide services to support that growth. This philosophical direction is continued under this Plan. When considering proposed development, and particularly when considering development applications for new residential development, the Township will bear in mind the financial position of the Municipality. If required, Council may deem applications for further residential development as premature until such time

as it is satisfied that it has the financial resources to continue to supply needed municipal services and community facilities. Where Council has concerns in this regard, it may request the proponents of proposed developments to undertake studies which examine these issues to Council's satisfaction.

From time to time, in consultation with the appropriate agencies, Council shall review any increase in municipal costs which is associated with the provision of services and which is attributed to development activity. The results of these reviews shall serve, in part, as the basis for Council's decisions and recommendations regarding the approval of development proposals. Where appropriate, Council may impose such conditions as it regards necessary to minimize or eliminate such costs, including the adoption of a Development Charges By-law, pursuant to the provisions of the *Development Charges Act*.

## **2.3 ENERGY, AIR QUALITY AND CLIMATE CHANGE ADAPTATION POLICIES**

1. This Plan supports and encourages alternative and renewable energy systems. The use of alternative energy systems that reduce harmful emissions, as well as renewable energy systems such as wind, water, biomass, solar, and geothermal shall be supported, provided that such systems comply with all applicable governmental requirements.
2. In reviewing planning applications such as site plans and plans of subdivision, Council shall encourage the development of plans that support energy conservation and efficiency through techniques such as green building design or orientation, lot orientation, and the use of vegetation.
3. Alternative energy projects will require the necessary approvals as per the *Green Energy and Green Economy Act*.
4. The Township will consider LEED (Leadership in Energy and Environmental Design) certification for all new municipal buildings and for major renovations/expansions to existing municipal buildings.
5. The Township will promote approaches to low impact development when considering development and redevelopment proposals.
6. In reviewing planning applications, the Township will consider the potential impacts of climate change that may increase the risk associated with development near natural hazards.



## **2.4 HOUSING AND AFFORDABILITY POLICIES**

1. Policies have been included in this Plan to ensure that:
  1. There is at least a ten-year supply of land designated and available for future residential development;
  2. A variety of housing options, including additional residential units, are accommodated to meet the needs of present and future residents, including those that require special needs housing for persons with physical, sensory or mental health disabilities, and housing for older persons, subject to the limitations imposed by servicing and environmental considerations;
  3. Priority is given to the provision of new housing, as well as housing intensification and redevelopment, where feasible, in the more built-up areas of the Township such as communities designated Settlement Area.
2. The Township intends to review the comprehensive Zoning By-law to implement the housing policies referred to above.
3. The Township intends to monitor the residential land supply and the type and density of housing approved and constructed pursuant to this Plan. Particular regard shall be had to the distribution of development between designated settlement areas and the rural area.
4. It is acknowledged that the Township is only one municipality within a wider regional market area and is unable to accommodate all forms of residential development. Higher density, multiple-unit residential developments are generally better suited to urban, municipally-serviced communities outside the Township, but within the regional market area.
5. The Township will endeavour to achieve an overall minimum affordable housing target of 25% for all new residential development. It is recognized that the target may not be achievable on a yearly basis; therefore, a five-year average shall be used to evaluate the Township's success in meeting its affordable housing objective.
6. The Township may consider alternative design standards in the development of new subdivisions.
7. The Township shall ensure that the Zoning By-law does not require standards which preclude the development of affordable housing, especially as it relates to house and lot sizes.
8. The Township may use incentives such as grants or loans through community improvement plans or other tools permitted by the *Planning Act* or *Municipal Act* in order to achieve the affordable housing policies in this Plan.

## **2.5 EDUCATIONAL FACILITIES**

It is the intention of the Township to work closely with the relevant school boards in determining the need and location for future educational facilities, and in integrating educational facilities with the Township's other community facilities. Where development applications could significantly affect present or future educational facilities, the school boards will be consulted.

## **2.6 COMMUNITY IMPROVEMENT**

1. It is Council's goal to maintain, rehabilitate and upgrade the physical environment in order to enhance the Township as an attractive place in which to live and work, as well as visit as a tourist or business traveler.
2. In order to achieve this goal, it is Council's intention to implement a program of community improvements, as defined in the *Planning Act*, which will fulfill the following objectives.
  1. Throughout the Township, to foster improvements by:
    1. Establishing and maintaining the physical infrastructure which is necessary and appropriate for the various areas and land uses, including storm drainage, roads, lighting, community facilities, etc. In relation to roadway and parking lot lighting, this may include 'dark skies' lighting initiatives on both public and private property in order to avoid light pollution and maintain the natural beauty of the Township's night sky;
    2. Encouraging property owners to take pride in the appearance of their own property and Township lands in general;
    3. Promoting the remediation of former industrial, commercial and institutional lands that are contaminated;
    4. Encouraging tree-planting initiatives for aesthetic, environmental, solar protection and other benefits;
    5. Supporting and encouraging preservation, rehabilitation, and enhancement of cultural heritage features as spark plugs for the revitalization of their environs; and,
    6. Fostering the improvement of business and public spaces to remove barriers which may restrict accessibility.

2. In traditional settlement areas, to foster improvements by:

1. Striving for an equitable distribution of social amenities to serve various parts of the Township in facilities which are well maintained, well located, and easily accessible;
2. Ensuring the maintenance of the existing housing stock and encouraging the rehabilitation, renovation and repair of older dwellings;
3. Maintaining attractive communities with the necessary physical attributes to create pleasant, easily accessible local service areas;
4. Providing incentives to foster a healthy local economy for area businesspersons;
5. Ensuring that proposed changes (additions, alterations, etc.) to existing businesses enhance the area and are compatible with adjacent land uses;
6. Encouraging the participation of the private sector in community improvement initiatives by involving local merchants, businesspersons, residents, and civic leaders;
7. Ensuring that the undertaking of specific community improvement projects does not unduly burden the financial capability of the Township; and
8. Ensuring that when undertaking community improvement projects due regard is given to compatibility with neighbouring land uses.

3. This Plan designates the entire Township of Front of Yonge as a Community Improvement Policy Area.

Council will undertake various improvement programs throughout the Township, as financial resources permit and as local support of residents and the business community dictate.

4. Council may establish community improvement project areas, as local municipal resources allow and as government funding becomes available. Council recognizes that improvements will be undertaken gradually and that it will be necessary to select project areas on a priority basis. The following considerations shall be taken into account in determining high priority areas for community improvement:

1. The level of deterioration of municipal infrastructure;
2. The function of the settlement area to the Township in terms of serving local shopping, employment and social and cultural needs;

3. The existing or potential significance of the settlement area in relation to serving tourism-based economic development objectives.
5. In order to achieve the objectives for community improvement, Council intends to use a variety of implementation techniques and to choose the appropriate technique(s) for each improvement initiative. Such techniques may include, but are not limited to, the following:
  1. Preparation and adoption of community improvement plans;
  2. Designation of community improvement project areas by by-law;
  3. Application to the appropriate government agencies for funds to support the Township's programs;
  4. Municipal acquisition of land within the community improvement project area(s) and the clearing, grading or preparing of the land for community improvement;
  5. Enforcement of by-laws dealing with property maintenance and enforcing the Township's policies for property maintenance and occupancy;
  6. Preparation and adoption of an appropriate comprehensive Zoning By-law;
  7. Encouraging private sector rehabilitation by providing residents and the business community with information on available government subsidies and programs;
  8. Utilization of financial tools to encourage the remediation of contaminated former industrial, commercial and institutional lands, as contemplated in the *Brownfields Statute Law Amendment Act, S.O., 2001*;
  9. Providing the framework for more flexible planning decisions by establishing zoning regulations which encourage both residential and commercial infill and a broad range of land uses within settlement areas;
  10. Designation of buildings or sites under the *Ontario Heritage Act*.

## **2.7 ACCESSORY USES**

### **2.7.1 General**

Wherever a use is permitted in a land use designation, it is intended that uses, buildings or structures normally incidental, accessory or essential to that use shall also be permitted. The comprehensive Zoning By-law that implements this Plan shall provide zone standards applicable to the location and use of accessory structures.

Certain structures, such as docks, boathouses and other marine structures are only permitted subject to permit requirements of approval authorities such as the St. Lawrence Parks Commission (if adjacent to St. Lawrence River), Fisheries and Oceans Canada, the Ministry of Natural Resources and Forestry and the Cataraqui Region Conservation Authority. Such accessory structures shall be designed and located in a manner which addresses the provisions of the **Natural Heritage Features and System** section of this Plan, as well as matters such as non-interference with navigation, fish and wildlife habitat, the natural flow of the water, potential damage from water levels and ice, narrow water body constraints, access from land and water and privacy impacts. Where structures extend beyond the high water mark so that they are located partly or entirely in the beds of water bodies, they shall be constructed and maintained in accordance with the regulations and conditions of the Federal or Provincial authority having jurisdiction.

No boathouse or other marine structure shall contain a dwelling unit or any facilities for human habitation.

Where a non-residential use is permitted as a principal use by the implementing Zoning By-law, permitted accessory uses may include a dwelling which is accessory to such non-residential use, except where incompatible for reasons of public health, public safety or environmental impact.

In addition to the generality of the foregoing, the following specific policies shall apply to uses which are accessory to a principal residential use.

### **2.7.2 Home-Based Businesses**

Home-based businesses are small-scale economic activities conducted on the site of a residential dwelling by the occupants. It is recognized that home-based businesses, including on-farm diversified uses, play an important function in the provision of local employment opportunities to Township residents.

It is the policy of this Plan to permit home-based businesses wherever residential uses are permitted. The type and scale of home-based businesses shall be appropriately regulated in the implementing Zoning By-law to ensure that such uses are clearly ancillary to the main residential use, do not detract from the residential character of the property on which they are located and are compatible with surrounding uses. To this end, the implementing Zoning By-law may restrict various types of home-based businesses such that in certain areas they shall be conducted entirely within the dwelling and only those uses with which there is no associated noise, odour, smoke, significant outdoor display or other potential nuisances shall be permitted. Traffic, parking, heavy vehicle storage and operation and road access may also be regulated, having particular regard to potential impacts on adjacent residential uses.

Private home daycare facilities shall be permitted as a home-based business.

### **2.7.3 Bed and Breakfast Establishments**

Bed and breakfast establishments are small-scale temporary lodging facilities typically conducted within the operator's dwelling. Bed and breakfasts are an important component of the Township's tourism strategy and are consistent with a low key, small-is-beautiful approach to tourism that emphasizes development that is compatible with, and complementary to, the picturesque landscapes and other natural and cultural heritage resources found throughout the Municipality.

A bed and breakfast establishment shall generally be permitted in land use designations that permit single-detached dwellings, provided that the physical character of such dwellings is not substantially altered. Pursuant to this policy, the implementing Zoning By-law shall define a bed and breakfast use, as distinct from a rooming or boarding house, and shall establish zone provisions which restrict the bed and breakfast use so that it is clearly an accessory use to the single-detached dwelling.

## **2.8 SPECIAL RESIDENTIAL USES**

### **2.8.1 Garden Suites**

Garden suites are single dwellings that are designed to be portable in nature and ancillary to a principal residential dwelling. Garden suites are intended to provide an affordable housing option to support changing demographics and to support aging in place.

This Plan shall allow the establishment of a garden suite on any lot upon which a single-detached dwelling is a permitted use, subject to the adoption of a site-specific temporary use Zoning By-law amendment in accordance with the relevant provisions of the *Planning Act*. In considering a request for a Zoning By-law amendment, the Township shall consider whether or not the increased intensity of use that would result from the garden suite can be adequately addressed in the proposal. In this regard, the applicant shall be required to demonstrate that the garden suite can be sited in accordance with applicable zoning standards, that sewage and water services will be adequate and that there will be no unacceptable impacts on adjacent land uses.

It is the intent of this Plan that a garden suite shall be removed from a lot at such time as it is no longer required to accommodate the occupant for whom it was originally erected. Pursuant to the provisions of the *Municipal Act*, an agreement between the owner of the lands and the Township may be used to address this and other matters.

### **2.8.2 Additional Residential Units**

Additional residential units are self-contained dwelling units located within an existing dwelling or located in a detached building accessory to a residential use. Additional

residential units are considered to be an efficient and cost-effective means of increasing the supply of housing options and affordable housing in the Township.

Except in relation to residential uses located on island lots, or on lands that are affected by natural hazards, one additional residential unit shall be permitted within a single dwelling, semi-detached dwelling, or townhouse dwelling (rowhouse). In addition, one additional residential unit shall also be permitted in a detached accessory building or structure associated with a single dwelling, semi-detached dwelling, or townhouse dwelling (rowhouse).

Where an additional residential unit is legally established, such unit shall not be permitted to be severed through a consent application from the property containing the principal dwelling.

Standards shall be established in the Zoning By-law to govern compatibility with both the main dwelling and with surrounding land uses, address matters relating to parking and servicing, as well as to ensure a secondary relationship to the main dwelling.

The Township may require that additional residential units be registered with the Building Department.

### **2.8.3 Group Homes**

A group home is defined as a single housekeeping unit in a residential dwelling, in which three to ten or more residents (excluding staff or receiving family) live together under responsible supervision consistent with the requirements of its residents. The group home shall typically be licensed or approved under Provincial Statute and shall be in compliance with Municipal by-laws. The following policies shall apply to the establishment of group homes:

1. Group homes shall be permitted in single-detached dwellings in any designation in which a single-detached dwelling is permitted.
2. No person shall operate, or permit to operate, a group home without registering the group home with the Township Clerk in accordance with the Township's Group Home Registration By-law, if any.
3. When reviewing any proposal for establishing a group home through new construction or conversion of an existing building, the Township will be satisfied that the built form and site design is compatible with adjacent uses and adequate infrastructure and services are available to accommodate the use.
4. Group homes existing on the date that the Zoning By-law comes into effect but which do not comply with the requirements of the By-law will be allowed to continue their operations but will not be permitted to expand unless such expansion complies with the provisions of the Zoning By-law.

## **2.9 PUBLIC AND INSTITUTIONAL USES**

1. Except as provided elsewhere in this Plan, public utilities and other public, community, institutional or quasi-institutional uses which provide services such as education, government, hospitals, protection to persons or property, electricity, roads, airports, railways, wired and wireless telephone, gas, cable, but excluding waste disposal, to the general public shall be permitted in all land use designations on Schedule A provided that:
  1. Such use is necessary in the area, that it can be made compatible with its surroundings, and that adequate measures are taken to ensure that proposed sensitive land uses such as residences, day care centres and educational and health facilities satisfy the policies of the **Land Use Compatibility** section of this Plan;
  2. Such use shall not be permitted within the significant portions of the habitat of endangered or threatened species, except in accordance with provincial and federal requirements;
  3. The construction of permanent buildings and structures shall be prohibited in any areas which are designated Natural Heritage A. The construction of permanent buildings and structures may be permitted within the Natural Heritage B designation subject to the provisions of the **Environmental Impact Study** section of this Plan.
  4. In the case of the Natural Hazard designation, the construction of buildings and structures associated with public and institutional uses which by their nature must be located on hazardous lands shall only be permitted in consultation with the Cataraqui Region Conservation Authority;
  5. Development that includes institutional uses (including hospitals, long-term care homes, pre-schools, school nurseries, day cares and schools) or essential emergency services or the disposal or manufacture, treatment or storage of hazardous substances shall not be permitted in the Natural Hazard designation;
  6. The general intent of the policies of this Plan, as well as its Site Plan Control requirements, shall be satisfied;
  7. The requirements of applicable legislation such as the *Environmental Assessment Act* shall be satisfied.



8. The development of new communications towers should be undertaken in accordance with Industry Canada's *Radio Communication and Broadcasting Antenna Systems* protocol, or an alternative Township-initiated protocol.
2. Notwithstanding the power of Federal, Provincial and County agencies or local Boards as defined in the *Planning Act* to undertake public works by authority granted under other statutes, Council shall endeavour to ensure that such development will follow the general intent of this Plan and will be compatible with the type, quality and character of the development in the area in which it is proposed.
3. Public and institutional uses shall be encouraged to locate within or near lands designated Settlement Area, except where the characteristics of such uses would clearly be incompatible with surrounding land uses.
4. Where development is proposed adjacent to major public facilities and utilities such as pipelines and hydro or communications infrastructure, proponents shall be encouraged to undertake early consultation with the relevant operating authority to ensure compliance with applicable regulatory requirements.

## **2.10 PARKS, TRAILS AND RECREATIONAL FACILITIES**

1. Parks, trails, bikeways and recreational facilities shall generally be permitted in all land use designations. Where such amenities are to be provided in the Natural Heritage A, Natural Heritage B or Natural Hazard designation, they shall be subject to all applicable policies and regulations.
2. It is the Township's intention to provide park and recreation facilities on a basis consistent with the needs of the Municipality and to cooperate with other public, quasi-public and private agencies in the provision of parks, trails, bikeways and recreational facilities.
3. The Township may request the dedication of parkland or cash-in-lieu thereof as a condition of the approval of planning applications, pursuant to the provisions of the *Planning Act*. Where the opportunity exists, such parkland dedications shall be designed to optimize linkages to existing public parks, trails, bikeways or other recreational facilities, as well as to provide for the conservation of significant cultural heritage resources.
4. In the development of parks, trails and recreational facilities by the Township or other public agencies, adequate parking areas shall be provided and facilities such as ramps and walkways to enable persons with disabilities to reach amenities and facilities shall be provided where possible.

5. The Township views the development of park and recreational trail systems as an important resource providing opportunities for active transportation, outdoor leisure and recreation, tourism and interpretation of the natural environment.
6. The Township shall investigate the public acquisition of abandoned railway rights-of-way, or sections thereof, for alternate uses by the public. Acquisition of such lands will be based upon the availability of public monies.
7. The Township supports the provision of public access to water bodies, where appropriate by reason of need, location, accessibility, proposed amenities and adjacent land uses.
8. In reviewing development applications for lands abutting or adjacent to parks, trails, bikeways and recreational facilities, the approval authority shall have regard to proposed land uses and their physical relationship. The Township shall encourage uses that are complementary and shall attempt to ensure that site layout and design is appropriate to the preservation and enhancement of the park, trail or recreational facility. Parks Canada, the St. Lawrence Parks Commission and the Cataraqui Region Conservation Authority shall be consulted, as appropriate.
9. When developing, maintaining and improving parks, trails and recreational facilities, consideration shall be given to the protection and enhancement of cultural heritage resources, including potential impacts on archaeological sites and areas of archaeological potential.

## **2.11 CROWN AND CONSERVATION LANDS**

1. Crown and conservation lands include lands under Federal or Provincial jurisdiction and managed by agencies such as the St. Lawrence Parks Commission, Parks Canada, the Ministry of Natural Resources and Forestry and the Cataraqui Region Conservation Authority. In addition, some conservation lands are owned and managed by private not-for-profit organizations. Crown and conservation lands are of major importance to the Township for their value as natural and cultural heritage resources, as well as recreational and tourist resources that generate significant economic benefits. Crown lands are identified on Schedule A.
2. In all cases where Parks Canada, the St. Lawrence Parks Commission, or similar public agencies are contemplating changes to either the type or intensity of land use on crown or conservation lands, consultation with the Township is encouraged. Similarly, where any consideration is given to the possibility of disposing of significant holdings of crown or conservation lands, consultation with the Township at the outset is seen as an important initiative that will enable the Municipality to respond proactively, rather than reactively, to changes.

3. Where development or site alteration is proposed adjacent to crown or conservation lands, the Township shall consult with the St. Lawrence Parks Commission, Parks Canada, the Ministry of Natural Resources and Forestry or the Cataraqui Region Conservation Authority, as applicable.

## **2.12 WAYSIDE PITS, WAYSIDE QUARRIES, PORTABLE CONCRETE PLANTS AND PORTABLE ASPHALT PLANTS**

1. A wayside pit or wayside quarry is a temporary pit or quarry opened and used, by or for, a public authority solely for the purpose of a particular project or contract of road construction or maintenance.

A portable asphalt plant is an asphalt plant which is not of permanent construction, but which is to be dismantled at the completion of a construction project and moved to another location at the conclusion of the project for which it was constructed. These facilities include equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material, and also include the stockpiling and storage of bulk materials used in the process.

A portable concrete plant is a concrete plant which is not of permanent construction, but which is to be dismantled at the completion of a construction project and moved to another location at the conclusion of the project for which it was constructed. These facilities include equipment designed to mix cementing materials, aggregate, water and admixtures to produce concrete, and also include the stockpiling and storage of bulk materials used in the process.

2. Wayside pits, wayside quarries, portable concrete plants and portable asphalt plants used on public authority contracts are permitted throughout the Township without amendments to the Plan or the Zoning By-law or development permits under the *Planning Act*, except in those areas designated as Natural Heritage A, Natural Heritage B, Natural Hazard or Settlement Area, or other areas characterized by concentrated existing development or environmental sensitivity that is incompatible with extraction and associated activities.
3. Lands used for the purposes of wayside pits, wayside quarries, portable concrete plants and portable asphalt plants shall be rehabilitated upon the completion of the project for which they were required.

## **2.13 USES NOT CONTEMPLATED BY PLAN**

1. It shall be a policy of this Plan that any proposed new development which would introduce a land use, different from those uses described in this Plan in terms of scale,

purpose or nature, and neither envisioned nor contemplated by Council, shall be subject to detailed land use and environmental impact studies, and any other studies deemed necessary by Council. Such studies will be conducted at the proponent's expense. The intent of this policy is to place the onus on the proponent to demonstrate that the introduction of a new use into the community would not be to the detriment of the Township's economic, social, cultural, environmental and financial base, would not have an adverse impact on municipal services, and would not require additional municipal or community services.

2. In addition, Council will encourage the proponent of such a use to consult informally with the public to provide information concerning the proposed development, as well as to obtain public input, prior to the submission of a formal application.
3. Any new use not contemplated by this Plan shall only be permitted through an Official Plan amendment.

## **2.14 EXISTING LAND USES**

There are a number of existing land uses which are non-conforming or non-complying. A non-conforming land use is a use which is not included as a permitted use for the zone in which the use is located, pursuant to the Zoning By-law that implements this Plan.

A non-complying use is a use which is included in the permitted uses for the zone in which the use is located, pursuant to the Zoning By-law that implements this Plan, but which does not meet one or more performance standards of the zone such as those relating to required yards (building setbacks) or water setbacks.

### **2.14.1 Changes to Non-Conforming Uses and Extensions or Enlargements**

While the Township supports initiatives by property owners to replace non-conforming uses with uses that conform to the Zoning By-law that implements this Plan, it is recognized that Section 34(9) of the Planning Act accords non-conforming uses certain rights to continue. In addition, the Township recognizes that it may be desirable to permit changes to non-conforming uses or extensions or enlargements of non-conforming uses in order to avoid unnecessary hardship.

Applications for changes to non-conforming uses or enlargements or extensions to such uses shall only be considered where the use was: legally-established prior to the adoption of the Zoning By-law which rendered it non-conforming; continuous in nature since the use's establishment; and, located on lands owned and used in connection with the use on the day the Zoning By-law was passed. In considering applications, the following criteria shall be applied:

1. Any proposed change of use or extension or enlargement of the existing non-conforming use shall not aggravate the situation created by the existence of the use, especially in regard to the policies of this Plan and the requirements of the Zoning By-law applying to the area.
2. Any proposed extension or enlargement shall be in an appropriate proportion to the existing size of the non-conforming use.
3. The characteristics of the proposed non-conforming use or any proposed extension or enlargement of the existing non-conforming use shall be examined with regard to noise, vibration, fumes, smoke, dust, odours, lighting and traffic generation. Applications which would create or aggravate land use incompatibilities shall not be approved.
4. Neighbouring conforming uses shall be protected, where necessary, by the provision of areas for landscaping, buffering or screening, appropriate setbacks for buildings and structures, devices and measures to reduce nuisances and, where necessary, by regulations for alleviating adverse effects caused by outside storage, lighting, advertising signs, etc.
5. Traffic and parking conditions in the vicinity shall not be adversely affected by the proposal and traffic hazards will be kept to a minimum by appropriate design of ingress and egress points to and from the site and by improvement of sight lines especially in proximity to intersections.
6. Adequate provisions have been, or will be, made for off-street parking and loading facilities.
7. Services such as storm drainage, roads and private sewer and water services are adequate or can be made adequate.
8. Applications for changes to non-conforming uses or enlargements or extensions to such use within hazardous lands will only be considered where the change results in development in an area of no or lowest risk, and in consultation with the Cataraqui Region Conservation Authority.

#### **2.14.2 Minor Variances**

Where existing or proposed uses that conform to the use provisions of the Zoning By-law implementing this Plan are non-complying with respect to performance standards, the Committee of Adjustment may authorize minor variances from the provisions of the implementing Zoning By-law provided that the general intent and purpose of the Official Plan and Zoning By-law are maintained and that the variances are minor and desirable for the appropriate development of the lands. The Township may, by by-law, establish additional criteria to be considered in the review of minor variance applications.

## **2.15 EXISTING UNDERSIZED LOTS**

1. The Zoning By-law which implements this Plan may include provisions to permit the development of existing lots of record that do not meet the minimum size requirements of this Plan, provided that zoning provisions such as yards, water setbacks and lot coverage can generally be met.
2. In the case of existing undeveloped islands or island lots that have a lot area of less than 0.8 hectares, no development shall be permitted by the Zoning By-law that implements this Plan. However, development may be permitted pursuant to a site-specific amendment to the Zoning By-law, subject to the following:
  1. The terrain and vegetation is such that buildings and structures can be located in an unobtrusive manner, with minimal visual and environmental impact;
  2. Buildings and structures shall be located outside areas subject to flooding, steep slope and erosion hazards;
  3. A floor space index provision shall be included in the zoning by-law amendment for the purpose of regulating the scale of development relative to the size of the island or island lot;
  4. A sewage system shall be provided to the satisfaction of the relevant approval authority;
  5. A suitable location for water access and docking facilities shall be provided; and
  6. Measures for the control of storm water shall be provided in accordance with the principles of the **Storm Water Management** section of this Plan.
3. In the case of existing undersized waterfront lots of record, the Zoning By-law which implements this Plan may include a floor space index provision that limits the maximum floor area of buildings in relation to the size of the lot.
4. Lot additions or enlargements to existing undersized lots of record, shall be encouraged even though the enlarged lot may not comply with the minimum size requirements of this Plan and the implementing Zoning By-law.

## **2.16 ROAD ACCESS**

A year-round, publicly-maintained road represents the optimal means of providing access to properties from the perspective of convenience, safety and general welfare of users. Historically, some development, mostly in relation to waterfront areas, has occurred with private road access. Additionally, some island and remote waterfront properties have been developed on the basis of water access only. Finally, some isolated non-waterfront uses related to agriculture, forestry, conservation and mineral resource exploitation have obtained access by private roads.

The Township views public road access as the preferred form of access to properties and it will normally be required in order for development to proceed except in relation to agriculture, forestry, mineral resource and conservation uses not having an accessory dwelling or any building or structure to which the public has access.

## **2.17 LAND USE COMPATIBILITY**

### **2.17.1 Development Adjacent to the Mineral Resource Designation and/or Existing Operations**

1. It is a policy of this Plan that existing or potential mining operations and mineral aggregate operations will be protected from activities that would preclude or hinder their establishment, expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact. For this reason, the development of sensitive land uses such as residences, day care centres and educational and health facilities within the influence area of existing pits and quarries, and lands that are designated Mineral Resource shall be permitted only if it can be demonstrated to the satisfaction of the approval authority that all issues relating to public health, public safety and environmental impacts can be addressed through setbacks or other mitigation measures without precluding or hindering the use of, or access to, the mineral resource.
2. The concept of an influence area is recognized as a means of protecting against the establishment of incompatible land uses in the vicinity of a Mineral Resource designation and to protect existing pits and quarries from the encroachment of incompatible land uses. Although an influence area is that area where impacts may occur or be experienced, it is not a strict buffer or setback area where development adjacent to the Mineral Resource designation or operations is automatically prohibited. The proponent of a mineral or mineral aggregate operation, or the proponent of a proposed encroaching incompatible land use, as applicable, shall be required to identify the potential impacts and to assess whether they can be mitigated to an

appropriate level when measured against Provincial standards. The influence area applies between a sensitive land use and extractive operations and vice versa.

For policy purposes, the influence area in relation to pits is 300 metres, except in the case of Class B pits where excavation is above the water table, in which case the influence area is 150 metres. The influence area in relation to quarries is 500 metres.

3. The influence areas for resource lands designated Mineral Resource but which are not licensed for pits or quarries shall be dependent upon the nature of the resource. The influence area shall be 300 metres or 500 metres for lands designated on the basis of surficial or bedrock resources, respectively.
4. Development and activities which would preclude or hinder the establishment of new operations or access to mineral or mineral aggregate resources will only be permitted if:
  1. Resource use would not be feasible; or
  2. The proposed land uses or development serves a greater long term public interest; and
  3. Issues of public health, public safety and environmental impact can be addressed.
5. Land use compatibility studies, prepared by a qualified professional, shall be required in accordance with Provincial standards in relation to any proposal to develop lands within the influence area of an existing pit or quarry and lands that are designated Mineral Resource. Land use compatibility studies may be required to address such matters as hydrogeological, noise, and blast impacts. Mineral or mineral aggregate quality and quantity assessments may also be required to determine the extent of the resource.

#### **2.17.2 Development Where Agricultural and Non-Agricultural Uses are Adjacent**

1. It is a policy of this Plan to address land use compatibility issues related to non-agricultural and agricultural uses through the application of the Minimum Distance Separation I (MDSI) and Minimum Distance Separation II (MDSII) formulae, as may be amended from time to time, to new non-agricultural uses and agricultural uses, respectively.
2. The implementing Zoning By-law may include provisions exempting properties from the application of MDS I and MDS II, as applicable, under certain situations such as when rebuilding after non-voluntary building destruction, development within settlement areas, development in proximity to cemeteries, and development on existing lots of record. The Municipality may require that restrictive covenants and/or



notices be registered on title as a condition of an approval of a planning application, where deemed appropriate.

### **2.17.3 Development Adjacent to Open or Closed Waste Disposal Sites and Sewage Treatment Facilities**

1. The approximate locations of all known open and closed waste disposal sites and sewage treatment facilities are identified on Schedule B to this Plan.
2. Waste disposal sites, whether open or closed, have the potential to generate impacts on the surrounding area related to such issues as air and water quality, aesthetics, noise and traffic. For policy purposes, the influence area of a waste disposal site is 500 metres. Noise, hydrogeological and other environmental studies shall be required in relation to any proposal to develop new sensitive land uses such as residences, day care centres, educational and health facilities and other uses requiring potable water within the influence area. Required studies shall be prepared in accordance with the relevant Ministry of the Environment and Climate Change guidelines in order to address contamination by leachate, surface runoff, ground settlement, visual impact, soils contamination, and hazardous waste and landfill-generated gases.
3. Sewage treatment facilities such as waste stabilization ponds and sewage treatment plants have the potential to generate impacts on the surrounding area related to such issues as air and water quality, aesthetics, noise and traffic. Consequently, separation distances between sewage treatment facilities and new sensitive land uses such as residences, day care centres, educational and health facilities and other uses relying on private individual wells for potable water are normally required. The minimum separation distance for a sewage treatment plant shall be 100 metres, however, this distance may be increased or decreased as a consequence of site-specific investigations and conditions, as well as the application of the relevant Ministry of the Environment and Climate Change guidelines. For waste stabilization ponds, the recommended separation distance varies from 100 to 400 metres or more, depending upon the type and size of pond and characteristics of the waste.
4. The implementing Zoning By-law shall include provisions to prohibit the establishment of new incompatible uses within the influence area of waste disposal sites or within the recommended separation distance for sewage treatment facilities.

### **2.17.4 Other Land Use Compatibility Policies**

1. It is a policy of this Plan to minimize conflicts between incompatible land uses. To this end, distance separations and buffering will be provided for the purpose of mitigating the adverse effects of one land use upon the other. A buffer may be a simple horizontal separation, a berm, a wall, a fence, planting materials, a land use different from the conflicting uses, but compatible with both, or any combination of the aforementioned sufficient to accomplish the intended purpose. This policy shall be implemented

through various provisions in the implementing Zoning By-law, as well as the mechanism of Site Plan Control, as appropriate.

2. In addition, certain land uses such as residences, day care centres and educational and health facilities may be particularly sensitive to the effects of odour, noise, vibration and other emissions associated with facilities such as rail and road transportation corridors and various classes of industries. Recommended separation distances for these classes of industries are included in the relevant Ministry of the Environment and Climate Change D-series land use compatibility guideline, as may be updated by the Province. Where proposed development is likely either to have, or to be subject to, a significant influence relating to an adjacent incompatible land use, a feasibility study, prepared by a qualified professional, which includes mitigation measures shall be undertaken in accordance with the relevant provincial guideline and to the satisfaction of the Township. Where required, a legally-binding commitment to implement mitigation measures shall be secured.

## **2.18 CULTURAL HERITAGE AND ARCHAEOLOGICAL RESOURCES**

### **2.18.1 Cultural Heritage Resources**

1. Cultural heritage resources consist of built heritage resources such as historic buildings, structures and other human-made features, as well as cultural heritage landscapes, all of which have importance to the Township. The Township possesses many examples of important sites and features. Some of these, like the Mallorytown Glassworks site, are located in larger settlement areas. Others are located elsewhere, such as in Mallorytown Landing and on Chimney Island along the St. Lawrence River. The Township recognizes the importance of these built heritage resources, together with cultural heritage landscapes (i.e. scenic vistas), and the role that they play in making the Township a place of historic and cultural interest, both to local residents and visitors to the area. The Township shall conserve significant cultural heritage resources by encouraging the identification, protection, maintenance, restoration and enhancement of these features.
2. In reviewing development applications, the Township will consider the relationship of proposed development to the contextual environment of existing buildings and landscapes having cultural heritage interest. The Ministry of Tourism, Culture and Sport, as well as other agencies with specific interests, such as Parks Canada and the St. Lawrence Parks Commission will be consulted, as appropriate. New development will be planned so as to preserve, complement and enhance cultural heritage resources.
3. Development and site alteration shall not be permitted on lands adjacent to protected heritage properties except where the proposed development and site alteration has

- been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.
4. In the context of site planning, the Township shall consider the massing of buildings and structures so as not to conflict with existing built heritage resources, particularly in areas such as villages and hamlets. New development and redevelopment should complement the character of existing buildings, structures and the surrounding landscape.
  5. Council may, by by-law adopted pursuant to the *Ontario Heritage Act*, undertake the following:
    1. Designate properties for the conservation of heritage attributes that are of cultural heritage value or interest;
    2. Define parts of the Township as areas to be studied for designation as heritage conservation districts;
    3. Designate areas of the Township as heritage conservation districts in order to control any development that may adversely affect the heritage features of the area;
    4. Develop a municipal register of all properties of cultural heritage value or interest designated under the *Ontario Heritage Act*.
  6. The Township shall seek the advice of the Municipal Heritage Committee pursuant to the *Ontario Heritage Act*, if such Committee is formed, to assist and advise Council on matters related to Parts IV and V of the *Ontario Heritage Act* and on cultural heritage matters.
  7. It is recognized that elements such as architectural style and building cladding and colour are important components in the design of development that is sensitive to and reinforces the contextual environment. To the extent that the legislation provides for controls such as those pursuant to the *Ontario Heritage Act*, as well as through the Township's support for the development and distribution of appropriate design guidelines by relevant agencies and organizations, the Township will endeavour to encourage development that is contextually supportive. Where appropriate, the Township will ensure cultural landscape conservation and sympathetic design through the policies of the **Site Planning and Design Guidelines** section of this Plan.
  8. Where economically feasible, Council intends to set an example to the community by maintaining Township-owned buildings and properties of cultural heritage value or interest in accordance with the intent of the policies of this section, whether or not such buildings or properties have been designated.
  9. Council shall identify, and where feasible, conserve cultural heritage resources when undertaking municipal public works projects.

10. Council, in co-operation with the Municipal Heritage Committee, may also implement a program to recognize outstanding achievements in the preservation of buildings and properties of cultural heritage value or interest.
11. The Township shall require the preparation of a Heritage Impact Assessment, by a qualified professional, for a development proposal on lands adjacent to significant cultural heritage resources.
12. The interests of Aboriginal communities will be considered in conserving cultural heritage resources.

### **2.18.2 Archaeological Resources**

1. It is recognized that there are known archaeological resources in the Township, and certain areas of the Township have the potential to contain significant archaeological resources. These resources may include the remains of buildings, structures, activities, places or cultural features which, due to the passage of time, are on or below the surface of land or water and are significant to the understanding of a people or place. Some of these resources are of particular interest as they may provide an enhanced understanding of the history of First Nations peoples and the early settlement of the Township.
2. Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved. It is a policy of the Plan that Council will require the preparation and undertaking of an archaeological assessment for properties with known archaeological sites and/or potential for archaeological resources which may be affected by a development proposal. An archaeologist licensed by the Ministry of Tourism, Culture and Sport must perform all archaeological work according to the terms and conditions of their licence to the satisfaction of the Ministry of Tourism, Culture and Sport. Archaeological resources identified through such work must be preserved in situ or conserved through removal and documentation to the satisfaction of the Township and the Ministry of Tourism, Culture and Sport.
3. Applications for Official Plan and Zoning By-law amendments, plan of subdivisions, plan of condominium or consent, as well as for the undertaking of new infrastructure works (i.e. new road, road widening, municipal or communal water or sewage systems, waste disposal sites) will be screened for their archaeological potential, using the criteria established by the Ministry of Tourism, Culture and Sport. At the time of adoption of this Plan, the criteria have been set out in the document entitled "*Criteria for Evaluating Archaeological Potential: A Checklist for the Non-Specialist*" which identifies a site as having archaeological potential when one of the following are present:
  1. A known archaeological site on or within 300 metres of the property or project area;

2. Aboriginal or local knowledge of archaeological sites on or within 300 metres of the property or project area;
3. Aboriginal knowledge or historically documented evidence of past Aboriginal use on or within 300 metres of the property or project area;
4. A known burial site or cemetery on the property or adjacent to the property or project area;
5. The property or project has been recognized for its cultural heritage value;
6. A past or present water source within 300 metres of the property or project area;
7. Evidence of two or more of the following on the property or project area:
  - Elevated topography
  - Pockets of well-drained sandy soils
  - Distinctive land formations
  - Resource extraction areas
  - Early historic settlement
  - Early historic transportation routes

The Township will endeavour to evaluate for the presence of archaeological potential on the basis of the current provincial screening criteria established by the Province, and may consult with the Ministry and/or a licensed archaeologist from time to time in making such determination. Development proponents are encouraged to consult the Ministry checklist to screen for archaeological potential.

4. In considering applications for shoreline or waterfront development, Council shall ensure that cultural heritage resources, both onshore and in the water, where within their jurisdiction, are not adversely affected. Council may require an archaeological assessment and satisfactory measures to mitigate negative impacts on significant cultural heritage. Council may require a marine archaeological assessment if partially or fully submerged marine features of cultural heritage value are identified and may be impacted by shoreline and waterfront developments.
5. Where significant archaeological resources are found, the evaluation must contain mitigation measures relating to their preservation or removal. Where archaeological resources must be preserved in situ, only development and site alterations which maintain the heritage integrity of the site will be permitted.

6. Pursuant to the relevant provisions of the *Planning Act*, sites containing archaeological resources may be zoned to restrict or prohibit uses, buildings or structures which might conflict with the preservation of such resources.
7. When an identified marked or unmarked cemetery is affected by development, the Township shall ensure that adequate archaeological site assessment is undertaken, in consultation with the Ministry of Tourism, Culture and Sport and the Ministry of Consumer and Business Services. The provisions of the *Funerals, Burials and Cremation Services Act* and *Ontario Heritage Act* shall apply, as appropriate.
8. Pursuant to the provisions of a municipal-provincial data sharing agreement, the Township shall update municipal mapping for new archaeological sites as they are identified through land development and on the Provincial archaeological sites database.
9. The interests of Aboriginal communities will be considered in conserving archaeological resources.

## **2.19 NATURAL HAZARD FEATURES**

### **2.19.1 Flood Plains**

Flooding is a natural occurrence along all water bodies and watercourses in the Township. It becomes a hazard when buildings and structures are placed where there is a risk of inundation. Minor flooding occurs on a seasonal basis. The 1:100 year flood elevation, plus an allowance for wave uprush and other water-related hazards, is used for planning purposes in this area of the Province. Flood plain management policies are intended to prevent the loss of life, to minimize property damage and social disruption, and to encourage a coordinated approach to the use of land and the management of water.

1. The areas within existing mapped 1:100 year flood lines, as well as within defined portions of the 1:100 year water level along the St. Lawrence River, are designated as Natural Hazard on Schedule A and are subject to the policies of the associated **Natural Hazard** section of this Plan. In Front of Yonge, the 1:100 year water level along the St. Lawrence depends on location and is defined as follows:
  - Lot 1 to the east half of Lot 14, Broken Front Concession 75.8m
  - West half of Lot 14 to Lot 26, Broken Front Concession 75.9m
2. Lands within and adjacent to lands subject to flood plain natural hazards are subject to the Section 28 Regulation made pursuant to the *Conservation Authorities Act* and administered by the Cataraqui Region Conservation Authority. While adjacent lands are designated for various land uses, no buildings or structures shall be constructed

or enlarged, and no development or site alteration such as filling, grading and excavating shall occur without the written permission of the Cataraqui Region Conservation Authority in accordance with the Section 28 Regulation.

3. The regulatory flood plain along the St. Lawrence River is based on a 1:100 year water level, plus a factor to account for wave uprush. New development and site alteration in the regulatory floodplain is prohibited, except for those uses that by their nature must be located within the regulatory floodplain. Setbacks will be imposed from the regulatory floodplain relative to the extent or severity of the hazard and in consultation with the Cataraqui Region Conservation Authority. Where such setbacks are required, they shall typically range from 6 metres to 15 metres.
4. Development that includes hospitals, long-term care homes, retirement homes, pre-schools, school nurseries, day cares and schools, essential emergency services such as those provided by fire, police, ambulance stations and electrical substations and uses associated with the disposal, manufacture, treatment or storage of hazardous substances shall not be permitted.
5. For existing lots of record and where no reasonable alternatives exist, development and site alteration in the wave uprush portion of the flood plain along the St. Lawrence River shall only be permitted where the effects and risk to public safety are minor so as to be managed or mitigated in accordance with Provincial standards, as determined by the demonstration and achievement of all of the following:
  1. Such development and site alteration is carried out in accordance with floodproofing standards, protection works standards and access standards;
  2. New hazards are not created and existing hazards are not aggravated;
  3. No adverse environmental impacts will result; and
  4. Vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies.

#### **2.19.2 Unstable Organic Soils and Unstable Bedrock**

1. Lands with the potential for unstable soils include those lands identified as possessing organic soils from the Canada Land Inventory for Agricultural Capability, as well as permanently wet areas as identified on Ontario Base Mapping sheets. Organic soils are shown on Schedule B to the Plan. Where lands that are the subject of development proposals have been identified as potentially possessing organic soils, the approval authority may request sufficient soils and geotechnical engineering information to indicate that the lands are either suitable or can be made suitable for development.

2. Lands with the potential for unstable bedrock (i.e. karst topography) are not shown on Schedule B as there are no known areas of karst topography in the Township. Where lands that are the subject of development proposals have been identified as possessing unstable bedrock, the approval authority may request sufficient geotechnical engineering information to indicate that the lands are either suitable or can be made suitable for development.
3. Development that includes hospitals, long-term care homes, retirement homes, pre-schools, school nurseries, day cares and schools, essential emergency services such as those provided by fire, police, ambulance stations and electrical substations and uses associated with the disposal, manufacture, treatment or storage of hazardous substances shall not be permitted.
4. Development and site alteration in areas containing unstable soils and/or unstable bedrock shall only be permitted where the effects and risk to public safety are minor so as to be managed or mitigated in accordance with Provincial standards, as determined by the demonstration and achievement of all of the following:
  1. Development and site alteration is carried out in accordance with floodproofing standards, protection works standards and access standards;
  2. New hazards are not created and existing hazards are not aggravated;
  3. No adverse environmental impacts will result; and
  4. Vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies.

### **2.19.3 Steep Slopes and Erosion Hazards**

1. Lands characterized by steep slopes can pose risks to persons and property as a result of potential slope instability or erosion. A comprehensive evaluation of the St. Lawrence River shoreline in Front of Yonge has been undertaken, but other areas of the Township require further research.
2. Steep slopes along portions of the St. Lawrence River are of some concern, as are considerations related to the protection of matters addressed in the **Natural Heritage Features and System** and **Surface Water Quality and Quantity** sections of this Plan. In addition to the obvious potential dangers to persons and property, development on steep slopes or erosion-prone lands can have significant negative impacts on features such as fish and wildlife habitat, soils and vegetation, surface water quantity and quality, wetlands and ANSIs, and other resources discussed in the **Natural Heritage Features and System** section of the Plan.
3. Lands within and adjacent to lands subject to steep slopes and erosion hazards are subject to the Section 28 Regulation made pursuant to the *Conservation Authorities*



Act and administered by the Cataraqui Region Conservation Authority. While adjacent lands are designated for various land uses, no buildings or structures shall be constructed or enlarged, and no development or site alteration such as filling, grading and excavating shall occur without the written permission of the Cataraqui Region Conservation Authority in accordance with the Section 28 Regulation.

4. Development that includes hospitals, long-term care homes, retirement homes, pre-schools, school nurseries, day cares and schools, essential emergency services such as those provided by fire, police, ambulance stations and electrical substations and uses associated with the disposal, manufacture, treatment or storage of hazardous substances shall not be permitted.
5. Appropriate setbacks from steep slopes and erosion-prone lands are important to minimizing risks to persons and property. Setbacks will be imposed from steep slopes and erosion hazards relative to the extent of severity of the hazard and in consultation with the Cataraqui Conservation Authority. In considering development and/or planning applications, the approval authority will ensure that erosion potential is included in the issues to be considered and may require a geotechnical analysis by a qualified expert.
6. Sites possessing steep slopes represent a challenge, since they are often regarded as desirable for development, particularly where they abut water bodies. Lot creation or development on a portion of a site where the applicable stable slope and erosion allowances are not met shall require the submission of a geotechnical report prepared by a qualified expert to ensure that the property is suitable for development. Such report shall be prepared to the satisfaction of the approval authority and the Cataraqui Region Conservation Authority. Development and site alteration shall only be permitted on lands affected by steep slopes or erosion hazards where the effects and risk to public safety are minor so as to be managed or mitigated in accordance with Provincial standards, as determined by the demonstration and achievement of all of the following:
  1. Development and site alteration is carried out in accordance with floodproofing standards, protection works standards and access standards;
  2. New hazards are not created and existing hazards are not aggravated;
  3. No adverse environmental impacts will result; and
  4. Vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies.
7. It is a policy of this Plan that lot creation and development and site alteration shall be undertaken so that a fit into the natural contours of the land is achieved. This will affect the massing and location of buildings, structures, driveways and other features, limit the extent of alteration to the landscape and natural vegetation, and necessitate more complex storm water management techniques than might ordinarily be required. In

general, the greater the slope, the more emphasis shall be placed on these elements of site development.

#### **2.19.4 Wildland Fire Hazards**

1. Certain lands within the Township have been identified as areas that may be unsafe for development due to the presence of hazardous forest types for wildland fire. Wildland fire hazard lands identified by the Counties are shown on Appendix A of this Plan. Wildland fire hazard lands are categorized according to the degree of risk, and are provided as a screening tool for identifying areas potentially at risk for wildland fire in the Township. In the absence of detailed mapping, not all lands identified on Appendix A will represent wildland fire hazards. Where updated mapping becomes available, Appendix A may be revised without requiring an amendment to this Plan.
2. Development shall generally be directed to areas outside of lands that are unsafe for development due the presence of hazardous forest types for wildland fire. Accordingly, development will generally be directed to areas on Appendix A that are outside of those identified as a high to extreme risk for wildland fire. Development may be permitted on lands identified as wildland fire hazard areas where risk is mitigated in accordance with wildland fire assessment and mitigation standards as identified by the Province.
3. Proponents of development applications within lands shown as wildland fire hazard lands shall undertake an assessment of the presence of high to extreme risk for wildland fire on the subject lands and on adjacent properties. In some cases, a site assessment for wildland fire risk may be completed in conjunction with the requirements for an environmental impact study. Where a site has been assessed as possessing potential for wildland fire risk, the assessment shall identify the measures to be implemented to mitigate the risk of wildland fire. Prior to approving development, the Township may consult with the Ministry of Natural Resources and Forestry regarding the proposed mitigation and management approaches to mitigate risk.
4. Wildland fire mitigation shall not be permitted in significant wildlife habitat unless it has been demonstrated that there will be no negative impacts on the natural features or ecological functions.

## **2.20 HUMAN-MADE HAZARD FEATURES**

### **2.20.1 Contaminated Sites**

1. Where a planning application for a change of use from industrial or commercial to residential or parkland is made in relation to a known, suspected or potentially contaminated site or on property adjacent to such site, the approval authority shall not grant any planning approvals until:

1. A Record of Site Condition signed by a certified engineer has been filed in the Provincial Registry;
  2. A Phase 1 Environmental Site Assessment (ESA) shall be carried out at any site which may be contaminated and a Phase 2 ESA shall be completed, if required; and
  3. Clean-up of contaminated sites shall be done in accordance with the Record of Site Condition Regulation (O. Reg. 153/04) and the Ministry of the Environment and Climate Change guideline Records of Site Condition – A Guide on Site Assessment, the Cleanup of Brownfield Sites and the Filing of Records of Site Condition, dated October, 2004 and associated guidelines.
2. The Township may develop an inventory of sites where current or past uses may have, or are known to have, contributed to the presence of contaminants.
  3. The Township will encourage owners of potentially contaminated sites to remediate their sites so that they may be reintegrated in to the community.
  4. Development may only be permitted on, abutting or adjacent to contaminated sites if rehabilitation or other measures to address and to mitigate known or suspected hazards are underway or have been completed such that there will be no adverse effects.

#### **2.20.2 Abandoned Mines, Mineral Resource Operations and Petroleum Wells**

1. Abandoned mine sites and mineral resource operations can vary widely in nature, from little more than minor ground disturbances to major excavations and/or shafts. In the case of more major disturbances, a risk to public safety may exist. At the time of adoption of this Plan, there are no known abandoned mine hazards in the Township. Known abandoned mineral resource operation hazards associated with former quarries in the Township are identified on Schedule B. If such additional hazards are identified in the future, they shall be identified on Schedule B. There are no known petroleum wells in the Township.
2. In reviewing development applications, the Township shall attempt to ensure that development on or adjacent to lands affected by potentially hazardous abandoned mines or mineral resource operations will be permitted only if rehabilitation or other measures to address and mitigate known or suspected hazards are underway or have been completed. The Ministry of Northern Development and Mines shall be consulted in relation to any new development within a one kilometre radius of an abandoned mine site, if identified. The Ministry of Natural Resources and Forestry shall be consulted in relation to development on or adjacent to abandoned pits and quarries.

## **2.21 NATURAL HERITAGE FEATURES AND SYSTEM**

Natural heritage features include wetlands, areas of natural and scientific interest (ANSIs), fish habitat, wildlife habitat, woodlands, valleylands and portions of the habitat of endangered and threatened species. While all natural heritage features are important to the Township, some have been identified as having provincial significance.

This Plan recognizes that these features should not be viewed in isolation, but rather, they form part of a natural heritage system that is linked by natural corridors and that they are an essential part of the maintenance of biological and geological diversity, natural functions, and viable populations of indigenous species and ecosystems. These features are important to the unique rural character and diversity of the natural environment found in the Township and possess or perform ecological functions. Since all natural heritage features possess and perform important ecological functions, the Township will promote the enhancement, restoration, or, where possible, the improvement of these natural features and their linkages between surface and groundwater features.

Some of these natural heritage features and areas are identified through natural heritage land use designations indicated on Schedule A, while other features and areas are indicated using a constraints overlay approach on Schedule B. In some cases, such as endangered species and significant wildlife habitat, locational information is not indicated in order to protect the species. In addition to the natural heritage features and areas identified on Schedule A and B of this Plan, the Township's natural heritage system also includes natural heritage corridors, linkages, and surface and groundwater features found throughout the Township. Collectively, and through policy protection afforded to these natural heritage components, these natural features and areas comprise the key components of the Township's natural heritage system.

Accordingly, this Plan recognizes that natural corridors such as hedgerows and watercourses are integral components in maintaining connectivity and ecosystem diversity over the broader landscape scale. While many of these natural corridor features are not specifically identified on Schedule B as natural heritage features, these features are afforded policy protection through policies contained in this section of the Plan and the **Development Adjacent to Water Bodies** section of the Plan. It is the intent of this Plan to recognize the importance and significance of natural corridors and linkages between natural heritage features and areas.

Where development is proposed within or adjacent to lands within the natural heritage system, the Township will require an environmental impact study prepared in accordance with the **Environmental Impact Study** section of this Plan. Depending upon the nature of the development and site alteration, and in circumstances where there is a low likelihood of negative impact on the natural heritage system, the Township, in consultation with the Conservation Authority, may waive the requirement for an Environmental Impact Study.

The Counties-wide Natural Heritage System Strategy is intended to reinforce the conservation, restoration, and enhancement of identified natural heritage features and

areas and to promote the overall diversity and interconnectivity of natural heritage features and areas. Until such time that the Counties prepares a refined Natural Heritage System Strategy, the natural heritage features and areas identified in this Plan shall comprise the key components of the natural heritage system for the Township. The Township will endeavour to contribute in the development of the Counties-wide Natural Heritage System Strategy.

The policies of this Plan are intended to address the requirements which must be met in order to ensure that natural heritage features and areas are adequately protected. These policies may be amended from time to time as additional information is gathered with respect to the significance or sensitivity of various natural heritage features.

As a general policy, established agricultural uses ongoing at the date of adoption of this Plan are permitted to continue in or adjacent to all natural heritage features and areas, but new or expanded agricultural buildings or structures or the clearing or draining of additional lands are only permitted subject to addressing the requirements of the **Environmental Impact Study** section of this Plan.

#### **2.21.1 Wetlands and Adjacent Lands**

1. Provincially-significant wetlands, including significant coastal wetlands, have been designated as Natural Heritage A on Schedule A and are subject to the policies of the associated **Natural Heritage A** section of this Plan, which effectively prohibits development and site alteration within the designation.
2. There are currently no mapped locally-significant wetlands identified in the Township. If and when locally-significant wetlands are evaluated and mapped, they shall be designated as Natural Heritage B on Schedule A and be subject to the policies of the associated **Natural Heritage B** section of this Plan. Despite the fact that such wetlands are not presently identified and designated, this Plan contains a number of generally-applicable policies that provide a significant measure of environmental protection to wetlands and other sensitive areas.
3. Development and site alteration such as filling, grading and excavating on lands adjacent to the Natural Heritage A and Natural Heritage B designations shall not be permitted unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the wetland's natural features or their ecological functions. An environmental impact study will be required in accordance with the requirements of the **Environmental Impact Study** section of this Plan.
4. Development or site alteration within or adjacent to wetland areas is subject to the Section 28 Regulation made pursuant to the *Conservation Authorities Act* and administered by the Cataraqui Region Conservation Authority.

5. For the purposes of determining adjacent lands, they shall be those lands lying within 120 metres of any Provincially-significant wetland, including coastal wetlands, and within 50 metres of any locally-significant wetland.

### **2.21.2 Areas of Natural and Scientific Interest (ANSIs) and Adjacent Lands**

1. ANSIs represent areas of land and water containing natural landscapes or features that have been identified as having life science or earth science values related to protection, scientific study or education. ANSIs are categorized as being either Life Science ANSIs or Earth Science ANSIs. In addition, ANSIs are further categorized by the Province as being provincially significant or as being a candidate for future consideration as a significant ANSI.
2. At the time of adoption of this Plan, only Life Science ANSIs have been identified in the Township. The Blue Mountain ANSI and the Grenadier Island ANSI have been confirmed as being significant ANSIs, while the Jones Creek ANSI has been identified as being a candidate ANSI. For the purpose of this Plan, the policies for significant ANSIs in this Plan also apply to candidate ANSIs and all have been designated as Natural Heritage B on Schedule A. If further ANSIs are subsequently identified, they shall also be designated as Natural Heritage B on Schedule A and be subject to the policies of the associated **Natural Heritage B** section of this Plan.
3. Development and site alteration such as filling, grading and excavating on lands within or adjacent to the Natural Heritage B designation shall not be permitted unless the ecological function of the lands has been evaluated and it has been demonstrated that there will be no negative impacts on the ANSI's natural features or their ecological functions. An environmental impact study will be required in accordance with the requirements of the **Environmental Impact Study** section of this Plan.
4. For the purposes of determining adjacent lands, they shall be those lands lying within 120 metres of any ANSI – Life Science, and 50 metres of any ANSI – Earth Science.

### **2.21.3 Fish Habitat and Adjacent Lands**

1. The spawning grounds and nursery, rearing, food supply and migration areas on which fish depend directly or indirectly in order to carry out their life processes constitute fish habitat. Fish resources have large value to the Township for their vital role in the food chain, their contribution to the diversity of species, their function as a natural water quality indicator, as well as for commercial and sport fishing activities. The Township has considerable interest in protecting fish habitat from harmful alteration, disruption and destruction.
2. Most of the Township lakes, rivers, streams, ponds, watercourses and wetlands that provide fish habitat have been identified by the Ministry of Natural Resources and Forestry. Fish habitat has not been identified on Schedule B. Consequently, all applications for development or site alteration such as filling, grading and excavating

- adjacent to any water body will be screened by the approval authority for the presence of fish habitat. Where such fish habitat is identified, no development or site alteration shall be permitted within 120 metres of the habitat, except in accordance with Provincial or Federal requirements. An environmental impact study will be required in accordance with the requirements of the **Environmental Impact Study** section of this Plan to identify the appropriate measures to be undertaken and to ensure that there will be no negative impacts on the natural features or the ecological functions of the habitat they support.
3. Where development or site alteration may potentially affect fish habitat, the Department of Fisheries and Oceans or the Cataraqui Region Conservation Authority, as applicable, shall be consulted and the required approvals obtained.
  4. It is recognized that storm water management and drainage measures, although frequently located some distance from fish habitat, have significant potential to affect it. When evaluating storm water and drainage activities, consideration shall be given to potential impacts upon fish habitat.
  5. Storm water management approaches that maximize natural infiltration and minimize runoff, both during and after construction will be utilized. The Cataraqui Region Conservation Authority shall be consulted in this regard.

#### **2.21.4 Significant Wildlife Habitat and Adjacent Lands**

1. The Township recognizes the importance of conserving wildlife habitat, including corridors, for the purposes of maintaining the ecosystem and its diversity. Additionally, many social and economic benefits accrue from maintaining habitat, related to tourism, nature observation and education, hunting and trapping.
2. Wildlife habitat includes areas where flora and fauna live and the latter find food, shelter and physical space sufficient to sustain their population, particularly at times during their annual life cycle when they may be more vulnerable. Human activities such as clearing of wooded areas, drainage works, filling, forestry operations, introduction of non-native species and road construction are examples of activities that can have a detrimental effect on wildlife habitat.
3. The Significant Wildlife Habitat Technical Guide prepared by the Ministry of Natural Resources and Forestry provides detailed technical information on the identification, description, and prioritization of significant wildlife habitat. Significant wildlife habitat may include areas where there are seasonal concentrations of animals, rare vegetation communities and specialized habitats for wildlife, habitats of species of 'special concern' and animal movement corridors.
4. Significant wildlife habitat areas have not been mapped on Schedule B of this Plan, however, it is recognized that significant wildlife habitat may exist within any of the natural heritage features and areas described in this Plan, as well as outside of the

identified natural heritage features and areas. In view of the limitations with respect to information availability concerning significant wildlife habitat, as well as the acknowledged strong ecological linkages between natural feature areas and wildlife habitat, this Plan assumes that all natural heritage features may contain potentially significant wildlife habitat. In determining the significance of wildlife habitat within these features and areas, the process for identifying and confirming significant wildlife habitat shall follow the process as set out in the “Natural Heritage Reference Manual for Natural Heritage Policies of the Provincial Policy Statement”. In the interim, the Township will endeavour to contribute to the Counties-wide Natural Heritage System Strategy review which will establish the criteria for determining significance.

5. The Township seeks to preserve the function of significant wildlife habitat without unduly restricting development. Accordingly, prior to permitting any development or site alteration such as filling, grading and excavating within a significant wildlife habitat area or on adjacent lands within 120 metres where there is a reasonable potential for negative impacts upon the natural features or ecological functions of the habitat area, the approval authority shall require an environmental impact study demonstrating that there will be no negative impacts on the habitat’s natural features or their ecological functions. Without limiting the generality of the foregoing, the preparation of an environmental impact study shall be a prerequisite to the consideration of any planning application. The study required pursuant to this policy will be completed in accordance with the requirements of the **Environmental Impact Study** section of this Plan.

#### **2.21.5 Endangered and Threatened Species Habitat and Adjacent Lands**

1. Endangered and threatened species are those species listed as such in the Species at Risk in Ontario list under the *Endangered Species Act, 2007*. The purpose of the Act is to identify species at risk, to protect such species and their habitats, to promote species recovery and to foster stewardship activities to assist in the protection and recovery of species at risk. Endangered species and the significant habitat of these species is protected through the *Endangered Species Act, 2007* and through this land use policy.
2. The Township encourages property owners to consult the *Endangered Species Act* and related O.Reg 230/08 as well as consult the Natural Heritage Information Centre database prior to undertaking development or site alterations. The Centre makes data available to the public on the Province’s rare species, vegetation communities, and natural areas. The database includes information on the occurrence of endangered and threatened species and is an important screening tool for assessing the likelihood of the presence of endangered and threatened species habitat.
3. This Plan recognizes that endangered and threatened species may exist throughout the Township, and the Township’s policy with respect to endangered or threatened species is as follows:



1. This Plan recognizes that endangered and threatened species may exist throughout the Township, however, the habitat of such species shall not be identified on Schedule B to this Plan in order to protect the species. The environmental impact study process associated with natural heritage features may identify the presence of endangered or threatened species habitat. In other cases, a screening map showing areas of documented occurrences of endangered and threatened species and their related habitats provided to the Township by the Ministry of Natural Resources and Forestry, will be used as a screening tool for reviewing planning applications.
2. Where endangered or threatened species habitat has been identified through an environmental impact study or screening process, the proponent shall retain a qualified professional to conduct a preliminary ecological site assessment to delineate the significant habitat within or adjacent to the area of proposed development. The Township may consult with the Ministry of Natural Resources and Forestry on the findings of the report as to the extent of significant habitat present. If significant habitat of endangered and threatened species is identified, no development or site alterations shall be permitted within the significant habitat, except in accordance with provincial and federal requirements.
3. A site inventory for butternut, an endangered tree species, will be required prior to disturbance or removal of trees. Where harm to (cutting branches, root disturbance, etc.) or removal of butternut is proposed, prior assessment of the health of the species by a qualified Butternut Health Assessor is required. If the butternut is determined to be “not retainable”, a certificate from the assessor indicating that the tree(s) can be removed will be required. If, however, the butternut is ‘retainable’ a permit will be required for its removal pursuant to the *Endangered Species Act, 2007*.

#### **2.21.6 Significant Woodlands and Adjacent Lands**

1. The Township possesses many large, contiguous woodland areas, scattered throughout the Township. These areas provide many environmental and economic benefits. Ecological functions include contributions to water quality and quantity by decreasing storm water runoff, soil erosion, flooding, and also removing nutrients, sediments and toxins. Woodlands provide important habitat that is essential to the survival of many species of flora and fauna, including certain endangered or threatened species, as well as contributing to improved fish habitat. Woodland areas also contribute to the forest-covered character of portions of the Township and enhance the scenic and recreational qualities of the area to the benefit of residents, local businesses and visitors alike.
2. Significant woodland areas are important ecologically, in terms of species composition, age and stand history, functionally, in terms of their broader landscape function due to location, size and linkage to other woodlands, and economically, due

- to their quality, species composition and past management history. Potentially significant woodlands have been identified on Schedule B to this Plan, using the criteria and methodology found in the “Natural Heritage Reference Manual for Natural Heritage Policies of the Provincial Policy Statement”. The criteria include woodland size, woodland interior (core habitat that is 100 metres from a woodland edge), proximity to other significant woodlands, linkages, uncommon woodland characteristics and woodland age.
3. The boundaries of significant woodlands as shown on Schedule B were not field checked for accuracy. In this regard, site assessments will be an integral part of environmental impact studies to verify the presence of significant woodlands.
  4. Development and site alteration such as filling, grading and excavating on lands within or adjacent to significant woodlands shall not be permitted unless the ecological function of the lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions. An environmental impact study will be required in accordance with the requirements of the **Environmental Impact Study** section of this Plan.
  5. For the purposes of this Plan, adjacent lands are those lands lying within 120 metres of any significant woodland identified on Schedule B.

#### **2.21.7 Significant Valleylands and Adjacent Lands**

1. A valleyland is a natural area that occurs in a valley or other landform depression that has water flowing through it for some period of the year. For the most part, the Township does not contain vast areas of valleylands, with the exception of the valley areas associated with Jones Creek and its tributaries located south of Highway 401. Characterized by a low gradient channel with direct connection to the St. Lawrence River, this area is notable for its qualities as a unique landscape feature and for containing important natural heritage features including significant wetlands, ANSI, and woodlands areas. In addition, this area is notable for its vast area of crown lands associated with the Thousand Islands National Park. This area has been designated as a potentially significant valleyland on Schedule B.
2. Until such time that the Counties establishes the criteria for determining significance in relation to valleylands, the valleylands identified on Schedule B shall be considered potentially significant. Potentially significant valleylands would only be considered significant if they are considered to be ecologically important in terms of features, functions, representation or amount, and contributing to the quality and diversity of an identifiable geographic area or natural heritage system, using the criteria set out in the “Natural Heritage Reference Manual for Natural Heritage Policies of the Provincial Policy Statement”. As new detailed mapping of significant valleylands is completed by the Counties, this Plan may need to be amended to identify it on Schedule B.

3. Development and site alteration will not be permitted within or adjacent to potentially significant valleylands unless the ecological functions of the land has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions. An environmental impact study will be required in accordance with the requirements of the **Environmental Impact Study** section of this Plan.
4. For the purposes of this Plan, adjacent lands are those lands lying within 120 metres of any potentially significant valleyland identified on Schedule B.

#### **2.21.8 Environmental Impact Study**

An environmental impact study (EIS) may be required, in accordance with the relevant policies of this Plan, for any site alteration or development proposal which requires the approval of a planning application under the *Planning Act*. Where required, an EIS shall be undertaken by a qualified professional to the satisfaction of the Township and the Cataraqui Region Conservation Authority. The EIS must demonstrate that the relevant policies of the Plan are met and that the proposal will not have a negative impact on the natural heritage features, areas or their ecological functions. Depending on the type, scale, and location of a development proposal, the Township may require either a Scoped EIS or a Full EIS.

##### **2.21.8.1 Scoped Environmental Impact Study**

An EIS may be scoped, in consultation with the Township, Cataraqui Region Conservation Authority, or Ministry of Natural Resources and Forestry, as the case may be, taking into account the type and scale of the proposal and the nature and sensitivity of the natural heritage features that may be impacted. In some cases, the requirement for an EIS may be satisfied through the completion of an environmental screening checklist submitted to the approval authority as part of a planning application. The purpose of the checklist will be to provide a screening of the likelihood of negative impacts. Notwithstanding the foregoing, depending upon the nature of the development and site alteration, and in circumstances where there is a known low likelihood of negative impact on the natural heritage system, the Township, in consultation with the Cataraqui Region Conservation Authority, may waive the requirement for an Environmental Impact Study. In such cases, special zoning provisions and/or site plan approval conditions may be implemented to mitigate potential negative impacts.

##### **2.21.8.2 Full Environmental Impact Study**

A full EIS will be required, in consultation with the Township, Cataraqui Region Conservation Authority or the Ministry of Natural Resources and Forestry, as the case may be, where it is determined to be necessary based on the type and scale of the proposal and the nature and sensitivity of the natural heritage features that may be impacted. In such circumstances the developer shall be fully responsible for

implementing all of the recommendations of the full EIS as a condition of development approval.

Where required, a full EIS shall:

1. research, identify and map the natural heritage feature(s), values and functions that are potentially affected and describe the existing site conditions;
2. describe and map the proposed development activities, including building location, excavation, site grading, landscaping, drainage works, roadway construction, paving, and sewer and water services (if any) in relation to the natural feature(s);
3. predict the effects of the proposed development on the various components of the environment on the site such as wildlife, fish, vegetation, soil, surface water, groundwater, air and any other relevant factors, taking into consideration effects during and after site alteration;
4. evaluating the significance of all predicted negative and positive effects on the various environmental considerations;
5. itemize and recommend all measures that can be taken to reduce or mitigate the predicted negative effects, including a timetable for implementation;
6. evaluate the cumulative effect that the project (and any other known projects or activities) may have following implementation of any mitigation measures on the natural resource values and functions which make the natural feature(s) significant; and,
7. conclude with a professional opinion on whether negative effects will occur, the significance of such effects, and whether ongoing monitoring is required.

The Township may retain a qualified professional to undertake an independent peer review of the full EIS, at the expense of the applicant. Council may also consult with the relevant public agencies prior to accepting the Environmental Impact Study.

## **2.22 GROUND WATER SUPPLY, SEWAGE DISPOSAL AND OTHER SERVICES**

### **2.22.1 Ground Water Supply and Sewage Disposal**

1. There are no full municipal water or sewage services available in the Township and it is unlikely that such services will be available in the foreseeable future, unless required on an isolated remedial basis for health and safety reasons. Communal water and sewage servicing options are of some interest to the Township, as they would accommodate certain more intense forms of development that place heavier demands

- on sewage and water services, such as residential projects consisting of more than five units or lots served by common sewage and/or water systems. Communal services are of particular interest to the Township in relation to accommodating growth within the village of Mallorytown.
2. It is recognized that current technologies and implications for municipal responsibility for communal systems resulting from Provincial policy requirements render this servicing option somewhat problematic for both land owners and the Municipality. As a consequence, it is anticipated that new development will continue to occur on the basis of private on-site water supply and sewage disposal services in accordance with the requirements of the approval authority having jurisdiction. In addition, a small quantity of residential development utilizing shared or common services involving five or less residential units or lots may be permitted. Finally, the Township may consider the approval of residential development proposals of more than five residential units or lots serviced with communal services, subject to the proponent fully satisfying all financial, technical, and other requirements of the Township and other relevant approval authorities. These requirements shall include a responsibility agreement with the Township or other public body, as well as financial security to ensure that all capital and operational costs associated with the communal services will not create a financial burden for the Township in the event of default by the owner-operator of the services.
  3. The protection of ground water quality and quantity is of major interest to the Township, given the importance of ground water source potable water to permanent residential development, as well as all commercial and industrial uses and institutions. In 2001, the United Counties of Leeds and Grenville completed the *Groundwater Management Study* to assess existing ground water conditions and recommend management and protection practices to maintain the quantity and quality of the ground water resource in order to protect it as a safe supply of potable water for current and future generations. It is notable that the study identified high nitrate concentrations in certain wells in the vicinity of Mallorytown.
  4. Highly vulnerable aquifers and significant groundwater recharge areas shall be protected so that there is sufficient quantity and quality of water to meet existing and future uses on a sustainable basis.
  5. The determination of site suitability for proposed sewage disposal systems and the environmental sustainability of development (i.e. long term protection of ground water) are important considerations in development. Servicing reports such as hydrogeological investigations, terrain analyses, impact assessments and servicing options reports shall be provided to the satisfaction of the approval authority, including the relevant approval authority for water supply and sewage disposal systems.
  6. Throughout the Municipality, high water users which would be best served by municipal water and sanitary sewers or communal systems requiring municipal responsibility agreements will not be permitted. In addition, uses with significant

potential to contaminate ground water sources should be discouraged, particularly where they would be adjacent to residential areas and other sensitive uses.

In reviewing development applications, the cumulative impacts of private services shall be monitored to ensure sustainability of development.

7. The minimum lot size for development shall be in accordance with the requirements of this Plan and the implementing Zoning By-law, although the approval authority may require larger lots or impose special conditions or restrictions on development where deemed necessary to address health, safety or other issues related to the proper functioning of water and sewage services. Smaller lots may also be permitted where the use of alternative sewage system technologies, such as private communal sewage services, are used to accommodate residential intensification in a settlement area.
8. The Township will encourage the regular maintenance of sewage disposal systems and the upgrading or replacement of substandard systems. Where the upgrading or replacement of an existing system cannot reasonably be undertaken in compliance with the policies of this Plan with respect to water setbacks due to site-specific constraints, such sewage system improvements may be permitted with reduced setbacks, subject to meeting the requirements of the *Building Code Act*.
9. The Township supports initiatives of both public and private interests to encourage the efficient and sustainable use of water resources, including water conservation practices.
10. The Township may consider the establishment of an on-site sewage disposal system inspection program and/or septic system education and awareness program throughout the Township.
11. The Township will monitor the development of alternative sewage system technologies. Individual treatment systems designed to improve effluent quality, as well as small shared systems, may have significant implications for retrofit situations on existing single lots and more intense cluster development forms, respectively. The Township will review its servicing and development policies as required to accommodate new technologies and development forms.
12. It is anticipated that the Ministry of the Environment and Climate Change (MOECC) will release guidelines with regard to sufficient treatment capacity for hauled sewage from private communal sewage services and individual on-site sewage services. Once these guidelines are released, it shall be the intent of the Township to consider amendments to the Official Plan to be consistent with the Sewage and Water policies of the *Provincial Policy Statement*.

### **2.22.2 Other Services**

1. Development shall be encouraged to take place in settlement areas where other services are either already available or can be readily provided. Among others, such services may include but are not limited to public roads, waste collection, disposal and recycling, fire protection, police protection, ambulance service, education, school bussing and parks and other recreational facilities.

## **2.23 SOURCE WATER PROTECTION**

Uncontaminated and plentiful surface and groundwater resources are essential to the safe and adequate provision of drinking water. In order to meet the present and future needs of residents, businesses and the natural environment, it is the policy of this Plan to ensure sustainable surface and groundwater resources through the protection, conservation and careful management of the quality and quantity of drinking water sources.

As water contamination is extremely difficult, costly and sometimes impossible to rectify, prevention of contamination is the most appropriate strategy. Surface and groundwater sources shall be protected from a full range of drinking water threats.

Source water protection policies in this Official Plan are consistent with the intent of policies included in the Cataraqui Source Protection Plan (2014) made under the *Clean Water Act*. For clarification and policy detail, the Cataraqui Source Protection Plan must be referenced. The terms used in this section carry the same meaning as those in the Cataraqui Source Protection Plan and the *Clean Water Act*.

In the event of conflict between long-term protection of drinking water sources and other considerations, drinking water shall take priority. The Cataraqui Source Protection Plan applies to the Cataraqui Source Protection Area. It is intended to protect vulnerable areas including wellhead protection areas and intake protection zones around municipal drinking water supplies, as well as significant groundwater recharge areas and highly vulnerable aquifers from activities identified as drinking water threats, per the *Clean Water Act*.

As an implementation body identified in the Cataraqui Source Protection Plan, the Township will comply with significant drinking water threat land use planning policies, have regard for all other land use planning policies and provide due consideration for other non-binding recommendations in the Cataraqui Source Protection Plan to realize source water protection.

Monitoring and reporting consistent with requirements and/or recommendations in the Cataraqui Source Protection Plan and in a format specified by the Cataraqui Source Protection Authority and the Province of Ontario will be completed by the Township.

### **2.23.1 Vulnerable Areas**

The Provincial Policy Statement accounts for municipal drinking water supplies and designated vulnerable areas. Accordingly, the Township will adapt municipal operations, consider program development, and work in partnership with the Cataraqui Source Protection Authority and others to comply with or support source water protection within vulnerable areas, as per the details and timeframes included in the Cataraqui Source Protection Plan.

The *Clean Water Act* defines a vulnerable area as a wellhead protection area, an intake protection zone, a significant groundwater recharge area, or a highly vulnerable aquifer. In the Township of Front of Yonge, the Cataraqui Source Protection Plan identifies one wellhead protection area, which is associated with Miller Manor located in the village of Mallorytown. There are no intake protection zones identified in the Township. Virtually the entire Township is considered to be a highly vulnerable aquifer and significant groundwater recharge area.

Particular activities that have the potential to contaminate sources of drinking water are called “drinking water threats”. The policies of this Plan take into account drinking water threats that must or should be considered if they were to become established. Depending on their scale, the type of activity and their proximity to the source of drinking water, drinking water threats are ranked as significant, moderate and low.

#### **2.23.1.1 Miller Manor Wellhead Protection Area**

The Miller Manor Wellhead Protection Area is located in the village of Mallorytown. Miller Manor is a 17-unit apartment building, serviced with a treated water supply from a communal well. Schedule B identifies the Miller Manor wellhead protection area which includes vulnerability scores ranging from 4 to 10, as identified in the Cataraqui Source Protection Plan Assessment Report. The wellhead protection area shown on Schedule B is intended to be used as an overlay to Schedule A, where the following policies shall apply:

1. New development and/or expansions to existing development that involve waste disposal sites and waste water treatment facilities (excluding the replacement, expansion or upgrade of existing facilities), including related infrastructure within wellhead protection areas A, B and C, are prohibited where they would constitute a significant drinking water threat.
2. New development and/or expansions to existing development within Wellhead Protection Areas B, C and D, that involve the storage or manufacture of potential contaminants (that could include organic solvents, commercial fertilizer, pesticides, liquid fuel, road salt, snow storage, Polychlorinated Biphenyls (PCBs) and Dense Non-Aqueous Liquids (DNAPLs)) where they would constitute a moderate or low drinking water threat may be subject to the implementation of risk management measures to protect the drinking water supply.



3. New development and/or expansions to existing development within wellhead protection areas where the discharge of stormwater from a stormwater retention pond would constitute a drinking water threat should incorporate low impact development techniques into stormwater management considerations to improve the quality of discharge from a stormwater retention pond.
4. New development and/or expansions, alterations or redevelopment of existing development for land uses within wellhead protection areas A, B and C where significant drinking water threats can occur, may be permitted, if the Risk Management Official (RMO) is satisfied that the proposal will be carried out in accordance with policies in the Cataraqui Source Protection Plan (i.e. the significant drinking water ceases to exist). Submission of correspondence from the RMO under Section 59 of the *Clean Water Act*, is required, as per the Restricted Land Use Referral Process.
5. The Zoning By-law shall prohibit or restrict land uses that constitute drinking water threats, as applicable in wellhead protection areas.
6. New development and/or expansions to existing development associated with non-residential planning applications located within vulnerable areas may be subject to Site Plan Control. Requirements may include a risk reduction plan to identify measures to be incorporated into the development for land uses that involve the storage of manufacture of potential contaminants (that could include DNAPLs, organic solvents, commercial fertilizer, pesticides, liquid fuel, road salt, snow storage, mine tailings and PCBs) where it would constitute a drinking water threat. The risk reduction plan must be completed to the satisfaction of the Township.

#### **2.23.1.2 Highly Vulnerable Aquifers and Significant Groundwater Recharge Areas**

As with many areas throughout eastern Ontario, thin soils and fractured bedrock dominate the majority of the landscape within the Township of Front of Yonge. These conditions result in widespread recharge and high groundwater vulnerability. For the purpose of this Plan, the entire Township is considered to be a highly vulnerable aquifer and significant groundwater recharge area. Throughout the Township, the following policies shall apply:

1. New development and/or expansions to existing developments within significant groundwater recharge areas and/or highly vulnerable aquifers that involve the storage or manufacture of potential contaminants (that could include DNAPLs, organic solvents, commercial fertilizer, pesticides, liquid fuel, road salt, snow storage, mine tailings and PCBs) where they would constitute a drinking water threat may be subject to risk management measures to protect the groundwater.
2. The Zoning By-law should restrict land uses, as applicable, in highly vulnerable aquifers and significant groundwater recharge areas.
3. New development and/or expansions to existing development associated with non-residential planning applications located within vulnerable areas may be subject to

Site Plan Control. Requirements may include a risk reduction plan to identify measures to be incorporated into the development for land uses that involve the storage of manufacture of potential contaminants (that could include DNAPLs, organic solvents, commercial fertilizer, pesticides, liquid fuel, road salt, snow storage, mine tailings and PCBs) where it would constitute a drinking water threat. The risk reduction plan must be completed to the satisfaction of the Township.

4. The risk reduction plan may be waived if a hydrogeological sensitivity study, prepared by a qualified professional, demonstrates that the subject lands do not exhibit the characteristics of a highly vulnerable aquifer or a significant groundwater recharge area.

## **2.24 SURFACE WATER QUALITY AND QUANTITY**

### **2.24.1 Development Adjacent to Water Bodies**

1. In addition to the policies of the **Fish Habitat and Adjacent Lands** section of this Plan, which are aimed at protecting fish habitat, the Township has a direct concern with the issue of surface water quality impacts related to water-oriented development, whether located directly on the waterfront of the Township's lakes, creeks or rivers, or adjacent to these water bodies. Further, it is recognized that there is a relationship between surface water and ground water quality.
2. Over the years, various research has been undertaken with respect to the issue of surface water quality and lake capacity. Policies to address water setback and water frontage follow:

#### **1. Water Setback**

1. An adequate water setback serves an important function in relation to the protection of the natural and cultural heritage characteristics and water quality of the lakes and rivers of the Township. The intent of a water setback is to prevent the disturbance of the shoreline area as a result of the placement of buildings and structures, including sewage systems, or the removal of the soil mantle and natural vegetation. In addition to preserving the natural aesthetic qualities of the shoreline as viewed from the water, an appropriate water setback can reduce phosphorus and other nutrient loads to the lake and, in combination with vegetation, prevent erosion and sedimentation. Development or site alteration such as filling, grading and excavating shall generally occur a minimum distance of 30 metres from the normal high water mark of any water body, with minimal disturbance of the native soils and very limited removal of shoreline vegetation. The quantitative element of this setback shall be implemented through the

comprehensive Zoning By-law, while the qualitative elements shall be addressed through the Site Plan Control process.

2. Where lake-specific or site-specific conditions suggest that it would be appropriate, the minimum water setback may be increased. Examples of the latter would include sites with steep slopes, limited soil depth, sub-optimal (i.e. very high or very low) soil percolation rates, large landward presence of the 1:100 year floodplain or limited vegetative cover.
3. Development or site alteration may be permitted less than 30 metres from a water body in situations where existing lots or existing developments preclude the reasonable possibility of achieving the setback. In such cases, proponents will be required to achieve the greatest possible/feasible setback for all development and site alteration, including septic systems, given existing site constraints such as lot size, lot shape and terrain. Extensions and enlargements to existing structures within the 30 metre water setback will be regulated through the Zoning By-law and shall not have the effect of further reducing a deficient waterbody setback. Any proposal for development or site alteration proposed to occur less than 30 metres from a water body shall be subject to the policies of the **Fish Habitat and Adjacent Lands** and **Environmental Impact Study** sections of this Plan.
4. Applications to further reduce an existing water setback of less than 30 metres will not be permitted. In order to achieve the greatest setback possible, proponents will be encouraged to seek variances to reduce minimum yards not adjacent to water rather than reducing existing water setbacks. Consideration shall also be given to maximizing the setback through building design and orientation, and the siting of the septic system.
5. New lots shall be capable of accommodating the 30 metre water setback for all new development, including septic systems, except for those proposed lots where the presence of an existing building means that the 30 metre setback cannot be achieved. In these instances, the policies of this Plan shall apply to ensure that any subsequent development does not further reduce the deficient setback and that the greatest possible setback is achieved. The creation of a new lot with an existing dwelling should be large enough, where possible, to accommodate redevelopment of the lot at a location that achieves the 30 metre setback.
6. It is the intention of this Plan to encourage increased water setbacks for replacement septic systems, where they are less than 30 metres from a water body.
7. Water setback requirements shall not apply to permitted encroachments, docks, boathouses situated partially or entirely below the high water mark,

pump houses and other marine facilities accessory to permitted uses. Depending upon their location in relation to the water, such structures may require permits from approval authorities such as Fisheries and Oceans Canada, the Ministry of Natural Resources and Forestry and the Cataraqui Region Conservation Authority in addition to, or instead of, approvals from the Township.

8. It is the policy of this Plan to encourage the protection of existing natural vegetation from disturbance and the revegetation or naturalization of altered or disturbed shoreline areas through the development approval process. Among other tools, tree cutting or forest conservation by-laws, site alteration by-laws and Site Plan Control may be utilized by the Township for this purpose.
9. Through the mechanism of Site Plan Control, the Township shall attempt to ensure the provision of a buffer of substantially undisturbed and naturally-vegetated area abutting the length of the shoreline on waterfront properties, interrupted only by required water-related structures such as docks, pump houses and boathouses. This buffer will contribute to protecting the riparian and littoral zones and their associated habitat, prevent erosion, siltation and nutrient migration, and assist in maintaining the natural appearance of the shoreline area. This buffer will form part of the 30-metre minimum water setback required pursuant to this section and is intended to ensure the protection of the most environmentally-sensitive portion of the setback area. The St. Lawrence Parks Commission and the Cataraqui Region Conservation Authority shall be circulated development applications, as applicable.

## **2. Water Frontage**

1. As a general rule, the minimum water frontage for any new waterfront lot shall be 60 metres. This requirement may be increased where water body-specific or site-specific conditions suggest that it would be appropriate.

### **2.24.2 Storm Water Management**

1. Storm water management is an important part of the Township's broader interest in protecting water quality. Storm water management is also important for flood control, maintaining baseflow in water courses, water temperature regulation, erosion and sediment control, limiting nutrient and bacteria loading, maintaining fish habitat, providing groundwater recharge and preventing groundwater contamination. Due to the fact that development affects the quality and quantity of storm run-off, the Township will ensure that adequate consideration is given to storm water management, including off-site impacts.

2. The impacts from storm water runoff should be considered at the highest level possible. Therefore, the Township encourages and supports the preparation of watershed plans and master drainage plans. A watershed plan provides overall management objectives and targets for a watershed, whereas a master drainage plan identifies the necessary storm water management approach to meet targets and specifies methods of storm water control, and outlines the general location and size of storm water facilities at the sub-watershed level. In the absence of a watershed plan or master drainage plan, the Township will rely on input from the Conservation Authority in response to the circulation of planning applications, as well as on relevant guidelines of the Ministry of the Environment and Climate Change, in establishing and revising storm water design criteria and standards.
3. Prior to recommending plans of subdivision for draft approval, the Township may request that conceptual storm water management plans be prepared for review by the Cataraqui Region Conservation Authority and approval authorities. The conceptual plan will include a statement of the design objectives to be applied and a description of the storm water management practices to be applied, in accordance with the relevant Provincial policies. Applicants are encouraged to consult with the approval authority and the Cataraqui Region Conservation Authority prior to submitting a draft plan of subdivision.
4. Prior to final approval of plans of subdivision, detailed storm water management plans will be required. Such plans will be prepared in accordance with the requirements of the Cataraqui Region Conservation Authority and approval authorities. Design criteria will be based upon methods and procedures contained in the relevant Provincial planning and design manuals used by these agencies.
5. The Township shall encourage storm water management practices that:
  1. Minimize or, where possible, prevent increases in contaminant loads;
  2. Minimize changes in water balance and erosion;
  3. Not increase risks to human health and safety and property damage;
  4. Maximize the extent and function of vegetative and pervious surfaces; and
  5. Promote storm water management best practices, including storm water attenuation and re-use, and low impact development.
6. The Township will evaluate site plans according to an approved storm water management plan, or where no such plan exists, may request the following:
  1. A design for the provision of storm water management facilities;

2. A determination of the impact of the development and associated storm water management facilities on the receiving water body, both during and after construction, in respect of flooding, pollution, erosion, and sedimentation; and
  3. Measures for mitigating any adverse impacts on a receiving water body, if such are likely to result from the proposed development.
7. Development applications having potential impacts on the storm drainage system along County roads shall be circulated to the County Engineer.
  8. Where a proposed development is within the Ministry of Transportation's permit control area as defined by the *Public Transportation and Highway Improvement Act*, storm water management reports must follow the Ministry of Transportation requirements.

## **SECTION 3 LAND USE POLICIES**

### **3.1 INTRODUCTION**

The Township of Front of Yonge shall be developed in accordance with the land use pattern shown on the Land Use and Roads Plan, attached as Schedule A to this Plan. The Schedule establishes the pattern of development in general terms by dividing the Township into six land use designations:

Mineral Resource  
Natural Heritage A  
Natural Heritage B  
Natural Hazard  
Rural  
Settlement Area

The policies governing the use of the lands within these designations, as shown on Schedule A, are contained in this section of the Plan, but should be read in conjunction with all other sections of the Plan. Particular regard should be had to the **General Development Policies** section of this Plan which sets out various policies which apply to development, regardless of the land use designation in which it is situated. Among other matters, a number of the policies contained in the **General Development Policies** section relate to considerations that must be addressed in undertaking development or site alteration due to the existence of various on-site or adjacent area features, constraints, existing uses or land use designations.

In addition, certain Public and Institutional uses may be permitted in land use designations, in accordance with the policies of this Plan dealing with **Public and Institutional Uses**.

### **3.2 MINERAL RESOURCE**

#### **3.2.1 Intent of the Designation**

The importance of mineral aggregates and minerals and their protection for long term use is recognized through the Mineral Resource designation. This designation is intended to be assigned to lands occupied by licensed pits or quarries, as well as lands containing deposits of mineral aggregates or minerals. Lands have been designated on the basis of information on the extent of resources and existing operations supplied by the Ministry of Natural Resources and Forestry and the Ministry of Northern Development and Mines.

Lands designated on the basis of existing licensed pits, existing licensed quarries or mineral aggregate deposits are designated as Mineral Resource – Aggregates on Schedule A, while lands designated on the basis of metallic or non-metallic mineral deposits are designated Mineral Resource – Minerals.

In general, the Township's natural granular material is virtually depleted. Portions of the remaining surficial reserves are limited in quality and quantity, and are inaccessible due to contextual considerations such as existing incompatible land uses that would make extraction problematic. As a consequence, surficial mineral aggregate deposits, designated as Mineral Resource – Aggregate, are in limited supply throughout the Township. It is recognized, however, that due to a lack of adequate mapping, the Township's relatively significant bedrock resources of aggregate are not shown on Schedule A. Accordingly, as surficial aggregate resources within and adjacent to the Township are exhausted, bedrock sources may become of interest. In the meantime, Official Plan Amendment applications to develop these bedrock aggregate resources may, therefore, be expected. This Plan may also be amended to identify additional mineral aggregate areas upon completion of the Counties' Aggregate Resources Master Plan.

At the time of adoption of this Plan, no lands have been designated Mineral Resource on the basis of minerals. Should minerals be identified in the future that should be protected by a Mineral Resource designation, they shall be identified through an amendment to this Plan which designates them as Mineral Resource – Minerals in order that they are protected for long term use. Any non-mineral development proposed in areas designated on the basis of minerals would only be permitted to occur if the Ministry of Northern Development and Mines and the Township determined that such development would not compromise objectives with respect to the protection of minerals for extraction.

### **3.2.2 Permitted Uses**

The aggregate-related uses permitted include pits and quarries, as well as all associated facilities used in extraction, transport, beneficiation, processing or recycling of mineral aggregate, or the production of secondary related products. These uses include extractive operations, crushing facilities, stockpiles, washing and screening operations, asphalt plants, concrete plants and aggregate transfer stations, as well as accessory uses to extractive operations including asphalt plants, concrete batch plants, recycle stockpile areas for glass, asphalt and concrete and aggregate transfer stations.

The mineral-related uses permitted include open pit and underground mining operations and associated facilities such as milling operations.

Land uses such as agriculture, forestry, conservation and outdoor recreation uses shall be permitted, provided that such uses shall not generally include buildings or activities that would preclude or hinder the establishment of new mineral mining or mineral aggregate operations or access to mineral resources.



Should lands be designated Mineral Resource – Minerals, on the basis of potential minerals, development proposals for other land uses may be permitted in accordance with the **Rural** section of this Plan, subject to the agreement of the Ministry of Northern Development and Mines and the Township.

### **3.2.3 Policies**

1. On lands designated Mineral Resource, the area to be zoned and licensed under the *Aggregate Resources Act* for a pit or quarry must be located within the limits of the designated area. Any expansion proposal involving lands beyond the limits of the designated area will require an amendment to this Plan.
2. Existing licensed pits and quarries and other existing mineral resource operations will be zoned in the Zoning By-law to permit such uses. New operations, as well as expansions to existing operations will be established through an amendment to the Zoning By-law. In evaluating the application, the Township shall review studies submitted by the applicant in support of the related license application pursuant to the *Aggregate Resources Act*.
3. Lands within the Mineral Resource designation and on adjacent lands that are not zoned for mineral aggregate or mineral mining operations shall be placed in an appropriate zoning category in the Zoning By-law which will allow rurally-oriented uses, but which will not allow sensitive land uses such as residences, day care centres and educational and health facilities. Notwithstanding the foregoing, sensitive uses may be permitted, subject to the agreement of the Ministry of Northern Development and Mines or Ministry of Natural Resources and Forestry, as applicable, and the Township and the policies of the **Land Use Compatibility** section of this Plan.
4. On lands designated Mineral Resource and on adjacent lands, development and activities which would preclude or hinder the establishment of new operations or access to the resource shall only be permitted if:
  1. A mineral resource use would not be feasible; or
  2. The proposed land use or development serves a greater long term public interest; and
  3. All issues related to public health, safety and environmental impact are addressed.
5. All pit and quarry operations shall be licensed by the Ministry of Natural Resources and Forestry under the *Aggregate Resources Act*.
6. Aggregate extraction shall be undertaken in a manner which minimizes social, economic, and environmental impacts.

7. Access to mineral aggregate or mineral mining operations shall be encouraged to locate on County roads, wherever possible. Where access is to be obtained from a Township road, it must be of an adequate standard of construction to support the anticipated truck traffic.
8. New mineral aggregate resource operations or any expansions to an existing mineral aggregate resource operation that extends beyond a licensed boundary identified in this Plan will require an amendment to the Official Plan.
9. An application for an amendment to the Official Plan to change the designation from Mineral Resource to another designation shall be supported by reports which demonstrate that:
  1. A mineral resource use would not be feasible; or
  2. The proposed land use or development serves a greater long term public interest; and
  3. All issues related to public health, safety and environmental impact are addressed; and
  4. The proposed redesignation shall not preclude the potential to use adjacent lands designated Mineral Resource for mineral or mineral aggregate extraction; and
  5. The existing aggregate operation has ceased and the aggregate license has been surrendered.
10. Mineral aggregate operations shall be required to undertake progressive rehabilitation to accommodate subsequent land uses. Comprehensive and coordinated rehabilitation planning is encouraged where there is a concentration of mineral aggregate operations.
11. Mineral resource operations, including associated processing facilities, shall undertake rehabilitation, including progressive rehabilitation where feasible, to accommodate subsequent land uses, promote land use compatibility, recognize the interim nature of extraction and to minimize impacts, to the extent possible. Final rehabilitation shall take surrounding land uses and approved land use designation into consideration.
12. In evaluating an amendment to the Official Plan to change the designation of lands to Mineral Resource from another designation, the Township shall require the provision of sufficient information to evaluate the application, including the following:
  1. The quality and quantity of mineral resource;

2. The type and location of neighbouring land uses, having regard to land use compatibility with the rural character and landscape, including visual impacts;
3. The location and adequacy of proposed access routes, any proposed improvements and the traffic flow and volume;
4. Proposed operational plans and site plans for extraction activities;
5. Potential sources and sensitive receptors of noise, dust and vibration;
6. Hydrogeology and surface water quality and quantity, predicted changes and sensitivity to such changes;
7. The location of natural heritage features and ecological functions, their type, value and sensitivity to change;
8. The appropriateness of the progressive and final rehabilitation plan;
9. The presence of archaeological remains or cultural heritage resources;
10. The adequacy of proposed screening, buffering and other mitigation measures; and
11. Requirements under the *Aggregate Resources Act*.

Information that may be required shall not include any demonstration of need for mineral aggregates (i.e. any type of supply and demand analysis).

13. It is a policy of this Plan that existing sensitive land uses such as residences, day care centres and educational and health facilities shall be protected from the establishment of new mineral aggregate and mining operations or expansions where such establishment or expansion would be incompatible for reasons of public health, public safety or environmental impact. Similarly, established pits and quarries and resource areas are the beneficiaries of reciprocal policies contained in the **Land Use Compatibility** section of this Plan intended to protect them from encroachment by sensitive land uses. Influence areas in relation to pits are 300 metres, except in the case of Class B pits where excavation is above the water table, in which case the influence area is 150 metres. The influence area in relation to quarries is 500 metres.
14. On lands designated Mineral Resource on the basis of minerals rather than mineral aggregates, all planning applications shall be circulated to the Ministry of Northern Development and Mines. Subject to the agreement of the Ministry and the Township, development for purposes not related to mineral resources may be permitted in accordance with the provisions of the Rural designation, provided that such lands are not licensed for a pit or quarry under the *Aggregate Resources Act* and provided further that:

1. A mineral resource use would not be feasible; or
2. The proposed land use or development serves a greater long term public interest; and
3. All issues related to public health, safety and environmental impact are addressed.

### **3.2.4 Special Exception Areas**

*(Reserved)*

## **3.3 NATURAL HERITAGE A**

### **3.3.1 Intent of the Designation**

Our natural heritage consists of a variety of features and areas which are important for their environmental, economic and social value. These features and areas include wetlands, areas of natural and scientific interest (ANSIs), fish habitat, woodlands, valleylands, wildlife habitat and the habitat of endangered and threatened species. Some of these features and areas are considered particularly significant by the Province of Ontario and/or the Township. The Natural Heritage A designation is assigned to Provincially-significant wetlands and significant coastal wetlands in order to protect them from any development or site alteration.

Wetlands are those lands which are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. (Periodically saturated or inundated lands used for agricultural purposes and which do not meet established criteria for wetland definition are not considered to be wetlands for the purposes of these policies.) In either case, the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic plants or water-tolerant plants. The four major types of wetlands are swamps, marshes, bogs and fens. Wetlands are important for their role in the recharge and discharge of groundwater, water quality improvement, flood and erosion damage reduction, wildlife habitat and recreational and tourism opportunities such as hunting, fishing, bird watching, hiking and boating.

Although not the case at the time of adoption of this Plan, certain portions of Provincially-significant wetlands designated as Natural Heritage A could include lands which are also areas of natural and scientific interest (ANSIs). ANSIs are areas of land and water with natural landscapes or features that have been identified as having scientific value worthy of protection or study or related to education. ANSIs are important since they represent the full spectrum of biological communities and natural landforms and environments across the Province. In general, ANSIs are designated Natural Heritage B by this Plan,

except where they are geographically coincident with Provincially-significant wetlands, in which case they are designated Natural Heritage A in recognition of the more restrictive policies of the latter designation.

Similarly, other portions of Provincially-significant wetlands and significant coastal wetlands designated as Natural Heritage A in this Plan include lands within 1:100 year flood lines, as mapped by the Cataraqui Region Conservation Authority. While, in general, flood plain lands are designated Natural Hazard by this Plan, where they are geographically coincident with Provincially-significant wetlands, they are designated Natural Heritage A to reflect the more restrictive policy environment of the latter designation.

Locally-significant wetlands are not included in the Natural Heritage A designation, but rather are designated Natural Heritage B. At the time of adoption of this Plan, there are no mapped locally-significant wetlands.

Other natural heritage features such as fish habitat, wildlife habitat, endangered and threatened species habitat and woodlands are discussed in the section of this Plan dealing with **Natural Heritage Features and System**. While not included in the Natural Heritage A designation for policy or practical reasons, such features are nevertheless considered significant. Policies relating to fish habitat, wildlife habitat and endangered and threatened species habitat, valleylands and woodlands are included in the **Natural Heritage Features and System** section, as are policies relating to development on lands adjacent to wetlands and ANSIs which are designated either Natural Heritage A or Natural Heritage B.

### **3.3.2 Permitted Uses**

The permitted uses include only those related to conservation, wildlife management and passive outdoor recreation activities that do not require alteration to the natural features. Minor accessory structures relating to these uses, such as nesting platforms, which are designed to minimize impacts on the natural features and functions of the area may be permitted subject to the provisions of the **Environmental Impact Study** section of this Plan.

### **3.3.3 Policies**

1. Development or site alteration such as filling, grading and excavating shall be prohibited within the Natural Heritage A designation.
2. Development or site alteration such as filling, grading and excavating shall not be permitted on lands adjacent to the Natural Heritage A designation unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions, as set out in the **Natural Heritage Features and System** section

of this Plan and **Environmental Impact Study** section of this Plan. Adjacent lands means those lands within 120 metres of the Natural Heritage A designation.

3. Development or site alteration within or adjacent to wetland areas is subject to the Section 28 Regulation made pursuant to the *Conservation Authorities Act* and administered by the Cataraqui Region Conservation Authority.
4. Where land designated as Natural Heritage A is held under private ownership, there is no implication that the land is open to the general public or that it will be acquired by any public agency.
5. Established agricultural uses ongoing at the date of adoption of this Plan are permitted to continue in or adjacent to the Natural Heritage A designation, but the expansion of agricultural buildings or structures or the clearing or draining of additional lands are only permitted subject to the **Environmental Impact Study** section of this Plan. In no case shall new agricultural buildings or structures be permitted within the Natural Heritage A designation.

#### **3.3.4 Special Exception Areas**

*(Reserved)*

### **3.4 NATURAL HERITAGE B**

#### **3.4.1 Intent of the Designation**

Our natural heritage consists of a variety of features and areas which are important for their environmental, economic and social value. These features and areas include wetlands, areas of natural and scientific interest (ANSIs), fish habitat, woodlands, valleylands, wildlife habitat and the habitat of endangered and threatened species. Some of these features and areas are considered particularly significant by the Province of Ontario and/or the Township. The Natural Heritage B designation is assigned to areas of natural and scientific interest (ANSIs) and locally-significant wetlands in order to protect them from development or site alteration, unless it can be demonstrated that there will be no negative impacts on the natural features or ecological functions for which the area is identified.

ANSIs are areas of land and water with natural landscapes or features that have been identified as having scientific value worthy of protection or study or related to education. ANSIs are important since they represent the full spectrum of biological communities and natural landforms and environments across the Province.

All ANSIs in the Township are included in the Natural Heritage B designation regardless of whether they have been deemed Provincially-significant by the Ministry of Natural Resources and Forestry or are identified as being a candidate ANSI.

In addition to ANSIs, locally-significant wetlands are included in the Natural Heritage B designation. At the time of adoption of this Plan, no locally-significant wetlands have been identified. As locally-significant wetlands are identified in the future, this Plan may be amended to designate them as Natural Heritage B.

Other natural heritage features such as fish habitat, wildlife habitat, endangered and threatened species habitat and woodlands are discussed in the section of this Plan dealing with **Natural Heritage Features and System**. While not included in either Natural Heritage designation for policy or practical reasons, such features are nevertheless considered significant. Policies relating to fish habitat, wildlife habitat and endangered and threatened species habitat are included in the **Natural Heritage Features and System** section, as are policies relating to development on lands adjacent to wetlands and ANSIs which are designated either Natural Heritage A or Natural Heritage B.

### **3.4.2 Permitted Uses**

The permitted uses shall generally include only those related to conservation, wildlife management and passive outdoor recreation activities that do not require alteration to the natural features. Development and site alteration relating to these uses may be permitted subject to the provisions of the **Environmental Impact Study** section of this Plan.

Uses permitted in the Rural designation may also be permitted subject to the provisions of the **Environmental Impact Study** section of this Plan.

### **3.4.3 Policies**

1. Development or site alteration such as filling, grading and excavating shall not generally be permitted within the Natural Heritage B designation unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions in accordance with the **Environmental Impact Study** section of this Plan and an amendment to the Zoning By-law.
2. Development or site alteration such as filling, grading and excavating shall not be permitted on lands adjacent to the Natural Heritage B designation unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions, as set out in the **Natural Heritage Features and System** and **Environmental Impact Study** sections of this Plan. Adjacent lands means those lands within 120 m of the Natural Heritage B designation, except where the designation is in relation to an ANSI – Earth Science, in which case the adjacent lands means those lands within 50 m of the Natural Heritage B designation.

3. Development or site alteration within or adjacent to wetland areas is subject to the Section 28 Regulation made pursuant to the *Conservation Authorities Act* and administered by the Cataraqui Region Conservation Authority.
4. Where land designated as Natural Heritage B is held under private ownership, there is no implication that the land is open to the general public or that it will be acquired by any public agency.
5. Established agricultural uses ongoing at the date of adoption of this Plan are permitted to continue in or adjacent to the Natural Heritage B designation, but new or expanded agricultural buildings or structures or the clearing or draining of additional lands are only permitted subject to the **Environmental Impact Study** section of this Plan.

#### **3.4.4 Special Exception Areas**

(Reserved)

### **3.5 NATURAL HAZARD**

#### **3.5.1 Intent of the Designation**

Natural Hazard lands are lands which could be unsafe for development because of their physical characteristics and which pose a potential risk for loss of life, property damage, and social disruption if developed. Lands within 1:100 year flood lines, as mapped by the Cataraqui Region Conservation Authority, are designated as Natural Hazard on Schedule A. In addition, certain portions of the shoreline area along the St. Lawrence River are flood and erosion prone and also pose a significant potential risk to both people and property. In Front of Yonge, the 1:100 year water level is anticipated to reach an elevation of 75.8 metres to 75.9m (G.S.C.), depending on location. These lands are also designated as Natural Hazard. Generally, it is intended that no development or site alteration occur in the designation.

The **Natural Hazard Features** section addresses policies for development or site alteration on lands along the St. Lawrence River which lie between the 1:100 year water level and the wave uprush portion of the flood plain.

Steep slopes and organic soils as identified in the Canada Land Inventory also have the potential to constitute a natural hazard and are discussed in the section of this Plan dealing with **Natural Hazard Features**. Policies relating to steep slopes and organic soils are included in the **Natural Hazard Features** section. Typically, lands exhibiting steep slopes or organic soils pose constraints to development which, with appropriate engineering, may be overcome. Accordingly, such lands will not normally be included in the Natural Hazard designation.



### 3.5.2 Permitted Uses

The permitted uses of the Natural Hazard designation include those related to agriculture, forestry, conservation, wildlife management and passive outdoor recreation activities. Buildings or structures associated with these uses shall not be permitted within the Natural Hazard designation. It is recognized that Natural Hazard lands are to be managed so as to complement adjacent land uses and protect them from any physical hazards or their effects.

No development is permitted other than flood or erosion control structures, shoreline stabilization, water intake facilities and minor recreational facilities such as docks, all as approved by the appropriate approval authorities, such as Fisheries and Oceans Canada, the Ministry of Natural Resources and Forestry and the Cataraqui Region Conservation Authority.

### 3.5.3 Policies

1. The boundaries of the Natural Hazard designation as identified on Schedule A will be used as a guide for the preparation of Zoning By-law provisions which will implement the policies of this section. Development setbacks will be imposed from the boundary of land designated as Natural Hazard relative to the extent or severity of the hazard, as set out in the **Natural Hazard Features** section of this Plan, in consultation with the Cataraqui Region Conservation Authority.
2. No new lots shall be created that lie solely in areas susceptible to flood hazards or that cause adverse impacts on upstream or downstream lands. In accordance with Provincial policies, all relevant policies of this Plan, the *Conservation Authorities Act* and any associated regulations which may be adopted, no buildings or structures except those related to flood and erosion control shall be constructed or enlarged, and no other development or site alteration shall be permitted on lands within or adjacent to the Natural Hazard designation, except as approved by the Cataraqui Region Conservation Authority.
3. Lands within and adjacent to lands affected by natural hazards are subject to the Section 28 Regulation made pursuant to the *Conservation Authorities Act* and administered by the Cataraqui Region Conservation Authority. While adjacent lands are designated for various land uses, no buildings or structures shall be constructed or enlarged, and no development or site alteration such as filling, grading and excavating shall occur without the written permission of the Cataraqui Region Conservation Authority in accordance with the Section 28 Regulation.
4. Although lands adjacent to the Natural Hazard designation along the St. Lawrence River are designated for various land uses, development and site alteration shall not be permitted on lands within or adjacent to the Natural Hazard designation unless it satisfies the applicable policies of the **Natural Hazard Feature** section of this Plan.

Notwithstanding the foregoing, development that includes hospitals, long-term care homes, retirement homes, pre-schools, school nurseries, day cares and schools, essential emergency services such as those provided by fire, police, ambulance stations and electrical substations and uses associated with the disposal, manufacture, treatment or storage of hazardous substances shall not be permitted.

5. Where land designated Natural Hazard is held under private ownership, there is no implication that the land is open to the general public or that it will be acquired by any public agency.
6. Where development is proposed on a site, part of which has physical or environmental hazards, then such land shall not necessarily be acceptable as part of the required parkland dedication under the *Planning Act*. All lands dedicated to the Township shall be conveyed in a physical condition satisfactory to the Township. Where an open watercourse is involved, adequate space shall be provided for maintenance and operation.
7. The Township shall encourage the owners of existing development to address potential hazards in accordance with the policies of this Plan. Specifically, buildings that are located within a 1:100 year flood plain should provide floodproofing protection for such buildings and any proposed additions in consultation with the Cataraqui Region Conservation Authority.
8. Currently, the 1:100 year flood plain for Lyn Creek, southern Jones Creek, Graham Lake, Centre Lake and Temperance Lake have been mapped. In addition, the 1:100 year flood elevation and wave uprush elevations have been established for the St. Lawrence River. Where new or additional flood plain mapping is undertaken, it shall be incorporated into this Plan by amendment.
9. An application for the redesignation of Natural Hazard lands to permit development shall only be considered if it can be demonstrated to the satisfaction of the Township and Cataraqui Region Conservation Authority that the lands are not subject to a natural hazard.

### **3.5.4 Special Exception Areas**

(Reserved)

## **3.6 RURAL**

### **3.6.1 Intent of the Designation**

The lands designated Rural represent the bulk of lands within the Township and include a wide variety of land types and activities at a relatively low density. These lands are

characterized by their historical role in accommodating the farm and rural communities, as well as recreational uses. The intent of this Plan is to retain the rural and recreational flavour of Rural lands while providing for a modest amount of compatible and orderly new development. Land uses in the Rural area will generally relate to the management or use of resources, resource-based recreational activities, and commercial, industrial and limited residential uses. The overall amount of development permitted will be consistent with the retention of the natural and cultural heritage and landscapes of lands within the designation, including maintenance of both its characteristic tree-covered and open areas.

### **3.6.2 Permitted Uses**

Within the Rural area, a variety of land uses shall be permitted. The primary use of land will be for the management or use of resources such as forestry and conservation, resource-based recreational uses (including recreational dwellings), home occupations, home industries, and cemeteries. Agriculture uses (including agriculture-related, on-farm diversified uses, and normal farm practices), as well as commercial, industrial and limited residential uses, are also permitted, subject to the following use-specific policies:

### **3.6.3 Agriculture Policies**

1. Agricultural uses such as the growing of crops, including nursery and horticultural crops, the raising of livestock and other animals for food, including poultry and fish, fur or fibre, aquaculture, apiaries, agro-forestry, maple syrup production, and associated on-farm buildings and structures are permitted. On farm diversified uses such as home occupations, home industries, agri-tourism uses and uses that produce value-added agricultural products from the farm operation on the property are also permitted.
2. Agriculture-related commercial and agriculture-related industrial uses are permitted uses. Examples of permitted uses include grain drying, handling and storage facilities, and value-added agricultural products enterprises such as custom meat shops, pick-your-own operations, produce markets and packing operations. Abattoirs, livestock marketing or sales yards, seed cleaning plants, agricultural produce warehouses and similar agri-businesses are also permitted.
3. A dwelling accessory to any of the foregoing uses and located on the same lot shall be permitted.
4. The Township encourages all nutrient generators and users to undertake the preparation of nutrient management plans and engage in best management practices.
5. Agricultural uses shall comply with the **Land Use Compatibility** section of this Plan.

### **3.6.4 Residential Policies**

1. Permitted residential uses shall generally be restricted to single dwellings developed on the basis of one dwelling per lot.

2. Rural lands are intended for limited low density residential development that complements the character of the rural environment. Where appropriate, however, such as in the case of infill development or development located immediately adjacent to lands designated Settlement Area, consideration may be given to permitting somewhat higher density residential development than is generally contemplated for the Rural designation, subject to addressing the policies of the **Ground Water Supply, Sewage Disposal and Other Services** section of this Plan.
3. The scale of development in the Rural designation is intended to be limited and no more than 25 lots shall be registered in a plan of subdivision. Any proposal to register a plan for more than 25 dwelling lots shall require an Official Plan amendment to establish a Special Exception Area. In considering such amendment, the Township shall require that it be demonstrated that, on the basis of the supply and type of existing residential lots in the Township, there is a need for the proposed development and that it would be appropriate in the context of the location proposed.
4. Land division for the creation of residential lots may take place through both the consent and subdivision process in accordance with the **Land Division** section of this Plan.
5. Given that residential uses are sensitive land uses, special regard shall be given the policies of the **Land Use Compatibility** section of this Plan.
6. Residential uses shall be placed in an appropriate zoning category in the Zoning By-law.

### **3.6.5 Commercial Policies**

#### **1. General Commercial Policies**

1. A variety of commercial uses including locally-oriented, rurally-oriented and highway commercial uses shall be permitted. These commercial uses are engaged in the buying and selling of goods and services primarily to area residents, farms, businesses and the travelling public. Among other uses, permitted uses shall include automobile sales and service, gas bars, hotels, motels, eating establishments, retail uses, business and professional offices, service shops and farm-related commercial uses. In addition, small-scale businesses engaged in the custom production of articles such as artists' or artisans' studios shall be permitted. An accessory dwelling for the owner or operator shall be permitted.
2. Commercial uses must be appropriate for the proposed location.
3. Vehicular access to commercial uses shall be carefully controlled in terms of the design and number of access points in order to ensure public safety.

4. Adequate off-street parking, loading and other facilities shall be provided.
5. Where commercial uses abut residential or other sensitive land uses, adequate buffering through setbacks or screening shall be required.
6. The outdoor storage of goods and materials shall be strictly controlled.
7. Commercial uses are subject to the policies contained in the **Groundwater Supply, Sewage Disposal and Other Services** section of this Plan.
8. Commercial uses shall generally be permitted by amendment to the Zoning By-law.

## **2. Tourist Commercial Policies**

1. Tourist commercial uses shall include the full range of uses that cater primarily to the tourist trade or recreational needs. Permitted uses shall include all types of tourist lodging facilities such as hotels, motels, resorts, rental cottages and campgrounds, summer camps, clubs, places of entertainment, and recreational facilities such as golf courses, hunt camps, sports and recreation areas and facilities, parks and marinas. Buildings, structures or sites of historic interest, uses such as museums and related facilities are also permitted. An accessory dwelling for the owner or operator of a tourist commercial use shall also be permitted.
2. Tourist commercial uses must be appropriate for the proposed location. In this regard, uses shall be located so that they are readily accessible to tourist traffic with a minimum of disruption to adjacent residential uses.
3. Vehicular access to tourist commercial uses shall be carefully controlled in terms of the design and numbers of access points in order to ensure public safety.
4. Adequate off-street parking, loading and other facilities shall be provided.
5. Where tourist commercial uses abut residential or other sensitive land uses, adequate buffering through setbacks or screening shall be required.
6. In reviewing applications for tourist commercial development, regard shall be given to the protection of cultural and natural heritage features. In particular, efforts shall be made to integrate waterfront tourist commercial uses with the shoreline environment so as to minimize visual and other impacts.
7. Where applications for tourist commercial development involve significant boat docking facilities such as those associated with marinas and large resorts, the preparation of a boat impact assessment shall be required to evaluate the suitability of the site and its land/water environs for docking or mooring facilities and associated boat traffic. Approval will be required from the Canadian Coast

Guard, Fisheries and Oceans Canada, the Ministry of Natural Resources and Forestry and the Cataraqui Region Conservation Authority.

8. Where tourist commercial uses comprise facilities for accommodation, they constitute a sensitive land use and, as such, special regard shall be given the policies of the **Land Use Compatibility** section of this Plan.
9. Tourist commercial uses shall generally be permitted by amendment to the Zoning By-law.

### **3.6.6 Industrial Policies**

1. Permitted industrial uses shall be those which are oriented to the rural economy, such as those which use local resources or serve local businesses and residents such as sawmills, feedmills, agricultural processing facilities, open storage, warehousing, farm service businesses, builders' supply yards, bulk storage yards, contractors' yards, transportation terminals and similar uses. An accessory dwelling for the owner or operator of an industrial use may also be permitted, where compatible.
2. In order to address potential land use conflicts between industrial and other uses, industrial development shall comply with the **Land Use Compatibility** section of this Plan.
3. Adequate off-street loading facilities and employee parking and other facilities shall be provided.
4. Outdoor storage areas shall be adequately buffered from adjacent roads and properties.
5. Vehicular access to industrial uses shall be carefully controlled in terms of the design and numbers of access points in order to ensure public safety. Particular regard shall be had to the needs of truck traffic.
6. Industrial uses are subject to the policies contained in the **Groundwater Supply, Sewage Disposal and Other Services** section of this Plan.
7. Industrial uses shall generally be permitted by amendment to the Zoning By-law.

### **3.6.7 Mobile Home Parks Policies**

1. A mobile home park is a property developed for the placement of mobile homes on permanent foundations. Mobile home parks, including uses which are incidental to a mobile home park such as a park management office, accessory commercial uses such as a convenience store, recreational facilities, a laundromat, storage facilities and other similar uses may be permitted.

2. Mobile home parks may be developed for ownership either as a single entity or on a freehold basis.
3. Where a mobile home park is owned as a single entity, ownership and maintenance of the roads, operation and maintenance of servicing systems, snow ploughing, waste collection, landscaping and other amenities and services shall rest with the owner of the park.
4. Sewer and water services shall be provided to the satisfaction of the Township and the relevant approval authorities for such services. Notwithstanding the policies contained in the **Groundwater Supply, Sewage Disposal and Other Services** section of this Plan, the Township will not approve the development of any mobile home park on the basis of communal sewage and/or water services.
5. Internal roads will be constructed to Township standards.
6. All mobile home sites will have frontage on an internal road.
7. Where the park is to be owned as a single entity, development will take place in accordance with a site plan approved by the Township. Where the park is to be owned on a freehold basis, development will take place by plan of subdivision.
8. Lot area, density, site size, yard and parking requirements and other matters shall be regulated through the implementing Zoning By-law.
9. A minimum of 5% of the total area of the park should be provided in a consolidated form for recreational purposes.
10. The establishment of any new mobile home park shall require an amendment to the Official Plan to a Special Exception Area, as well as an amendment to the Zoning By-law. In considering such amendments, the Township shall have regard to the following criteria:
  1. The compatibility of the proposed park with existing land uses and designations of the surrounding area, including compliance with the **Land Use Compatibility** section of this Plan;
  2. The park shall have frontage on a public road which is of a suitable standard of construction, and any access to the public road shall be located so as not to create a safety hazard;
  3. The suitability of the proposed site with respect to servicing considerations, and the implications for the Township in terms of potential responsibility for services; and
  4. The adequacy of the layout of the park in relation to aesthetic, functional and other matters, as reflected in the proposed site plan or plan of subdivision.

### **3.6.8 Waste Disposal Sites Policies**

1. Waste disposal sites shall be restricted to existing closed or open waste or sanitary landfill sites as identified on Schedule A. Ancillary uses such as recycling depots and transfer stations shall also be permitted. Disposal of liquid industrial, radioactive or toxic waste shall not be permitted.
2. Waste disposal sites shall be operated and maintained in accordance with the standards set by the Ministry of the Environment and Climate Change.
3. No use shall be made of land used as a waste disposal site for a period of 25 years from the year in which the waste disposal use ceased without the approval of the Ministry of the Environment and Climate Change. Use of any closed disposal site will be in accordance with the Certificate of Approval.
4. Development of lands adjacent to a closed or open waste disposal site shall be subject to the **Land Use Compatibility** section of this Plan.
5. The establishment of any new waste disposal site shall be undertaken in accordance with Provincial requirements, and shall require an amendment to the Official Plan to a Special Exception Area, as well as an amendment to the Zoning By-law.

### **3.6.9 Wrecking Yards Policies**

1. Wrecking yards are industrial facilities where derelict, discarded, abandoned or inoperative motor vehicles and/or other goods, wares, merchandise or articles are stored wholly or partly in the open. Wrecking yards shall be restricted to existing facilities, and may include an accessory dwelling for the owner or operator.
2. Wrecking yards shall be adequately screened on all sides so that no portion of the operation, including the storage areas, are visible from a public road.
3. Wrecking yards shall not cause or contribute to the contamination of any ground or surface water.
4. The establishment of any new wrecking yard shall require an amendment to the Official Plan to a Special Exception Area, as well as an amendment to the Zoning By-law. Among other matters, the Township shall consider:
  1. The compatibility of the proposed wrecking yard with existing land uses and designations of the surrounding area. In this regard, the policies of the **Land Use Compatibility** section of this Plan shall apply.
  2. The suitability of the proposed site with respect to environmental considerations.
  3. The layout of the wrecking yard in relation to screening, buffering, functional and other matters as reflected in the proposed site plan.



### **3.6.10 Special Exception Areas**

*(Reserved)*

## **3.7 SETTLEMENT AREA**

### **3.7.1 Intent of the Designation**

The communities designated Settlement Area are the focus of growth, and include Mallorytown, Yonge Mills, Caintown, Sherwood Springs and McIntosh Mills. Together, Mallorytown and the various hamlets have historically provided a mix of local retail, service, social-cultural and residential opportunities for the community. Settlement Areas have played a long-standing and important role in accommodating the day-to-day needs of the farm and rural communities, as well as of cottagers and tourists. The Township intends that this role continue and expand, particularly in relation to recreation and tourism-related functions. The Township seeks to encourage more concentrated development in the Settlement Area designation than would typically be found or permitted within the Rural designation, subject to appropriate servicing. The amount and type of development permitted through infilling and intensification will, however, be consistent with the maintenance of the character of Settlement Area lands and servicing constraints.

The existing boundaries of the Settlement Area designation are intended to include some allowance for new development to occur, and it is anticipated that settlement areas will continue to experience growth through infilling and development of vacant lands. The identification of a new settlement area and/or the expansion of an existing settlement area boundary is only permitted at the time of a comprehensive review in accordance with the policies set out in the Counties Official Plan.

While settlement area expansions are not anticipated over the horizon of this Plan, where adjustments to settlement area boundaries are considered which would not increase the aggregate amount of developable land within a settlement area, the Township may undertake a review of the local municipal growth allocation in accordance with the requirements set out in the Counties Official Plan. Such adjustments to the settlement area boundaries will not require a Counties comprehensive review but will require an amendment to both the Counties and Township Official Plan.

### **3.7.2 Permitted Uses**

Permitted uses within the Settlement Area designation shall include residential, general commercial, tourist commercial and limited industrial uses, subject to the following use-specific policies.

### **3.7.3 Residential Policies**

1. A variety of residential uses, ranging from single-detached dwellings to multiple unit dwellings and including dwellings units within non-residential buildings shall be permitted, subject to the completion of hydrogeological, terrain analysis and impact assessment reports in relation to more intense development forms. Such studies will be to the satisfaction of the relevant approval authority for sewage and water services.
2. Residential development may take place either along a main road serving the settlement area or by a plan of subdivision for lands behind existing development fronting on such road.
3. New development shall be encouraged to take place as a logical extension of existing development.
4. Land division for the creation of residential lots may take place through both the consent and subdivision process in accordance with the **Land Division** section of this Plan.
5. Residential uses shall be zoned with an appropriate zoning category in the Zoning By-law.

### **3.7.4 Commercial Policies**

1. General Commercial and Tourist Commercial uses permitted in the Rural designation shall be permitted.
2. Commercial uses, particularly those of a Tourist Commercial nature, shall be encouraged to concentrate in groupings along the main roads and at intersections. In the case of Mallorytown, on lands situated in the immediate vicinity of the Highway No. 401 interchange, commercial uses shall be preferred over other uses.
3. Through the means of the Zoning By-law and Site Plan Control, regard shall be had to aesthetic, functional, safety and land use compatibility considerations. Special zoning and/or site plan requirements may be applied where commercial development would abut residential uses.
4. Open storage shall not generally be permitted.

### **3.7.5 Industrial Policies**

1. In general, industrial uses shall not be permitted in the Settlement Area designation. Small-scale light industrial uses such as a tradesperson's workshop may be permitted, subject to an amendment to the Zoning By-law.

2. No industrial use shall be permitted that would create a nuisance by way of noise, illumination, odour, dust, vibration, fumes or smoke. In this regard, the policies of the **Land Use Compatibility** section of this Plan shall apply.
3. Industrial uses shall be encouraged to locate along a main road on the periphery of the settlement area.
4. Through the mechanisms of the Zoning By-law and Site Plan Control, regard shall be had to aesthetic, functional, safety and land use compatibility considerations. Special zoning and/or site plan requirements may be applied where industrial development would abut residential uses.
5. Open storage shall not generally be permitted.

### **3.7.6 Special Exception Areas**

*(Reserved)*

## **SECTION 4 TRANSPORTATION**

### **4.1 GENERAL**

This Section establishes the general transportation policies for the Township. A safe, convenient 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 between the Township and neighbouring municipalities. The road pattern shown on Schedule A largely reflects the historical interrelationship between land use and transportation routes. The road system is classified on the basis of the jurisdiction of responsibility.

Existing and proposed public roads within the Township are classified as Provincial Highways, 1000 Islands Parkway, County Roads, Township Roads and Private Roads, as indicated on Schedule A. Where additional land is required for widening and extension, such land shall be obtained, where possible, in the course of approving development applications under the *Planning Act*.

The Township will work with the authorities having jurisdiction to secure road improvements in the form of jog eliminations, regulation of turning movements, proper signing, installation of traffic signals, marking of traffic lanes, channelization and new road construction that will establish a functional road network as shown on Schedule A.

The Canadian National Railway runs east-west along the southern portion of the Township, roughly parallel to Highway 401. Development adjacent to rail facilities will be carefully controlled to eliminate land use conflicts and ensure the safe and continued operation of the rail line. It is the intention that railroad crossings be improved where warranted by the appropriate railway regulatory authority. Improvements may be in the form of grade separations or other protective measures such as daylighting triangles, signals or gates, or combinations thereof.

Where a development proposal may have an impact on the proper functioning or safety of the road network or railway, the approval authority may require the undertaking of traffic impact or other studies to identify potential issues and mitigation measures, in accordance with the **Land Use Compatibility** section policies of this Plan.

When road improvements are undertaken by the various responsible authorities, the Township shall encourage efforts to preserve and enhance the scenic qualities of roads such as the 1000 Islands Parkway and County Road Nos. 2 and 5, while ensuring that functional and safety concerns are addressed.

The Township shall seek funding or set aside funds in the municipal budget for the maintenance and upgrading of Township roads, in accordance with community improvement plans and/or transportation and traffic studies.

The Township will support the development of an active transportation network and implementation of a local municipal trails strategy, including connectivity with other local, regional and provincial trail systems.

## **4.2 PROVINCIAL HIGHWAYS**

Highway No. 401 is the only provincial highway in the Township and is intended to carry a high volume of traffic at relatively high speeds.

Proposed development within the Ministry of Transportation's permit control area as defined by the *Public Transportation and Highway Improvement Act*, is subject to the approval and issuance of permits by the Ministry of Transportation. The Ministry may require traffic impact studies, storm water management reports, illumination plans, and other studies in support of a proposed development. Road improvements required as a result of development-driven traffic are subject to the Ministry Class Environmental Assessment process.

For any proposed development within the Ministry of Transportation's permit control area, including the erection of buildings or structures, signs, wells and septic systems, illumination, and lot grading, approval from the Ministry of Transportation is required. Prior to the issuance of any building permit by the Township, proof of Ministry of Transportation permits or written acceptance of the work shall be provided.

## **4.3 1000 ISLANDS PARKWAY**

The 1000 Islands Parkway is a scenic highway designed principally to accommodate tourists and recreational traffic in the 1000 Islands area.

Since 1970, the 1000 Islands Parkway and the associated administrative responsibilities have been under the jurisdiction of the St. Lawrence Parks Commission. The Parkway is a controlled-access highway. In addition to exercising control over the actual Parkway right-of-way, the Commission's regulatory function extends to lands abutting the Parkway on each side in accordance with the provisions of the *St. Lawrence Parks Commission Act*.

Access to the 1000 Islands Parkway will require the approval of the St. Lawrence Parks Commission, in accordance with their policies and standards, and the policies of this Plan.

The Commission applies the following principles when reviewing land use activities on or adjacent to the Parkway right-of-way:

1. To provide a safe, well-maintained, scenic corridor as a tourist attraction;

2. To provide access to a wide variety of recreational and educational activities within a unique and picturesque landscape;
3. To support public and private tourist-related operations along the Parkway corridor;
4. To protect and enhance the natural areas and scenic vistas along the Parkway;
5. To ensure, in co-operation with the Township, that any new development is compatible with the natural areas. Conditions of development approval will normally be required to minimize the impact of the built environment either through building mass or signage.

#### **4.4 COUNTY ROADS**

Where development is proposed adjacent to a County road, approval for an entrance must be obtained from the United Counties of Leeds and Grenville in accordance with the Counties' requirements and policies of this Plan. These requirements and policies shall also be used in determining building setbacks from County roads.

County Road Nos. 2, 4, 5 and 27 presently serve the Township and are under the jurisdiction of the United Counties of Leeds and Grenville.

The minimum road right-of-way for County Road No. 2 shall be 30.5 metres. The minimum road right-of-way width for the other County roads in the Township shall be 26.2 metres, except where, in consultation with the Counties, circumstances may necessitate a wider road allowance or where there is insufficient land to obtain the widening without having to demolish existing buildings.

#### **4.5 TOWNSHIP ROADS**

The Township roads identified on Schedule A are those roads which are owned and maintained by the Township. Where development is proposed adjacent to a Township road, approval for an entrance must be obtained from the Township. Access shall only be permitted in locations that can accommodate traffic in a safe manner. Where sight deficiencies exist due to curves, grades or other factors, no new access will be permitted unless the deficiency is corrected at the owner's expense and to the satisfaction of the Township.

The minimum right-of-way for Township roads will be 20 metres. All new Township roads shall be constructed to Township standards.

For policy purposes, the Township considers unmaintained Township roads to be private roads.

#### **4.6 PRIVATE ROADS**

Private roads are those rights-of-way which provide legal access to two or more properties but which have not been assumed by the Township for maintenance purposes. Some private roads have been established as registered rights-of-way and are precisely defined on legal plans while others are not clearly identified with respect to their location. The Township shall not assume any liability for any private road regardless of status.

The bulk of private roads in the Township provide access to properties associated with Graham Lake or the St. Lawrence River waterfront. Where access to properties is provided by private roads, municipal services such as snow ploughing or road maintenance and improvement are neither available nor the responsibility of the Township. Additionally, in some cases other public services such as school bussing and protection to persons/property from services including police, fire and ambulance may be unavailable or limited in nature. The Township shall attempt to recognize such limitations through the mechanisms of the Zoning By-law and/or municipal agreements.

The creation or extension of private roads is not permitted. For the purposes of interpreting this policy, the establishment of a right-of-way to provide shared driveway access for two abutting properties, each of which has frontage on a public road, shall not constitute the creation of a private road. In addition, a consent application, the sole purpose of which is to legally identify the location of an existing private road, as defined in this Plan, shall not constitute the creation of a new private road.

Notwithstanding the foregoing policy prohibiting the creation or extension of a private road, the creation of a new private condominium road shall be permitted where such road is within a registered plan of condominium pursuant to the *Condominium Act*, as amended, and where it connects directly to an existing public road.

If an existing private road is reconstructed to a standard acceptable to the Township and at no expense to the Township, the Township may consider the assumption of the private road by by-law, if it abuts an existing maintained Township or County road or Provincial highway. Prior to undertaking any such reconstruction for the purposes of allowing Township assumption, landowners of property on a private road must obtain the approval of the Township. The work shall be undertaken to the standards of, and supervised by, the Township.

Known private roads are shown on Schedule A for information purposes.

#### **4.7 PROPOSED ROAD WIDENINGS**

The County or Township may require land to be conveyed at no cost for the purpose of widening the existing public road right-of-way as a condition of consent, subdivision or site plan approval.

Land for the widening of the existing public road right-of-way shall generally be sought equally from both sides of the right-of-way, however, in certain situations site-specific conditions may necessitate taking widening on an unequal basis.

#### **4.8 ROAD ALLOWANCES ABUTTING WATER BODIES**

The Township supports the provision of public access to water bodies, however, where road allowances abutting the shores of lakes and rivers are not required in the long term and public access would not be appropriate for reasons such as physical unsuitability or land use incompatibility, such road allowances may be closed by the Township and disposed of in accordance with the procedures and requirements as set out in the *Municipal Act*.



## **SECTION 5 IMPLEMENTATION AND ADMINISTRATION**

### **5.1 INTRODUCTION**

This Official Plan shall be implemented by means of the powers conferred upon the Council by the *Planning Act*, the *Municipal Act* and such other statutes as may be applicable. In particular, this Plan shall be implemented through Zoning By-laws, Site Plan Control, legislation pursuant to the *Municipal Act*, the construction of Public Works and a Capital Works Program.

### **5.2 LAND DIVISION**

#### **5.2.1 Introduction**

The United Counties of Leeds and Grenville is the approval authority for plan of subdivision, plan of condominium and consent applications.

The division of land can take place in two ways; by the consent (severance) process and by plan of subdivision. The division of land by the consent process is intended for the creation of not more than three new lots, and for situations not related to the creation of new lots such as lot line adjustments and the creation of easements. Except in circumstances specifically contemplated in this Plan, where the division of land results in the creation of more than three new lots, it will likely be necessary to proceed by plan of subdivision.

There are certain general policies that apply to all lot creation, other policies that are specific to consents, and others that apply exclusively to plans of subdivision. All decisions of the approval authority shall be consistent with the *2014 Provincial Policy Statement*.

#### **5.2.2 General Policies**

1. The frontage, size and shape of any lot created shall be appropriate for the proposed use and conform to the provisions of the Zoning By-law. As a rule, the minimum lot area shall be 1.0 hectare for island lots and 0.4 hectare for all other lots. In exceptional situations, consideration may be given to a smaller lot size, such as in the case of land uses which do not require water or sewage services or where an alternative/tertiary treatment system is proposed to improve effluent quality or when using private communal sewage services. A larger lot size may be required depending upon the nature of the use, topography, soil conditions, servicing considerations and/or other development constraints and considerations.

2. No land division shall result in the landlocking of any parcel of land or a situation where a lot would have unusually limited road frontage relative to its width or area, such that the existing or potential ability to use the lot in an appropriate fashion is undermined by such limited road frontage.
3. No land division shall be permitted where safe vehicular access from the proposed lot to the adjacent road cannot be provided due to conditions such as limited sight lines, traffic volumes, grades or proximity to intersections or rail crossings, in accordance with the policies of the **Transportation** section of this Plan.
4. No land division shall create a financial burden on the Township with respect to the provision of Municipal services or facilities, as set out in the **Economic Policies** section of this Plan.
5. All land division shall meet the requirements of this Plan for the dedication of parkland or cash-in-lieu thereof, as set out in the **Parks, Trails and Recreational Facilities** section of this Plan.
6. All land division shall address land use separation and compatibility concerns, as set out in the **Land Use Compatibility** section of this Plan.
7. No land division shall result in the creation of a lot subject to natural hazards such as flooding, organic soils or steep slopes with potential for instability or erosion, unless development would be permitted by the **Natural Hazard Features** section of this Plan.
8. No land division shall result in the creation of a lot affected by soil contamination or hazards related to former mining or mineral resource operations, unless development would be permitted by the **Human-made Hazard Features** section of this Plan.
9. No land division shall result in a negative impact on the natural features or the ecological functions for which the area is identified such as wetlands, areas of natural and scientific interest (ANSIs), woodlands, valleylands, fish habitat, wildlife habitat and endangered and threatened species habitat. The policies of the **Natural Heritage Features and System** section will be adhered to in this regard.
10. The creation of new lots that extend into, or fragment ownership of natural heritage features and areas and, where appropriate, lands subject to natural hazards, should be discouraged in consideration of the long-term management concerns related to risks to life and property and natural heritage protection.
11. In considering land division applications, regard shall be had to the **Cultural Heritage and Archaeological Resources** section of the Plan, including requirements with respect to the identification and preservation of cultural heritage resources.
12. All land division shall comply with the **Ground Water Supply, Sewage Disposal and Other Services** section of the Plan concerning the provision of appropriate water and sewage services and the availability of other services.

13. No land division shall create a lot which cannot comply with the minimum water setback and water frontage requirements contained in the **Development Adjacent to Water Bodies** section of this Plan.
14. Road widening dedications may be requested by the County or Township as a condition of the approval of any land division application.
15. All land division within the Ministry of Transportation's permit control area shall comply with the requirements of the Ministry of Transportation, in order to ensure protection of the highway network.
16. The preservation of existing vegetation and in particular, mature trees, may be a condition of approval of any land division application.

### **5.2.3 Consent Policies**

1. A maximum of three new lots (excluding the retained lot) shall be created from a land holding as it existed on October 7, 1985. Where a land holding is situated partly or wholly in the Settlement Area designation, this maximum shall not apply, provided that such new lots are situated wholly within the Settlement Area designation.
2. Consents in the Rural designation that have the effect of creating or extending areas of strip development will be discouraged.
3. Consents requiring direct access onto County roads shall be restricted. Wherever possible, new lots shall obtain access from Township roads.
4. Lots created by consent shall front onto existing maintained public roads, however, consents may be permitted for waterfront residential lots on existing private roads, subject to the **Development Adjacent to Water Bodies** and **Private Roads and Road Access** sections of this Plan. Consents may also be permitted to accommodate conservation uses, as set out in the **Crown and Conservation Lands** section of the Plan, provided that such lots have frontage on an existing private road or an existing or proposed private right-of-way registered on title.
5. A consent for the purpose of creating a lot on an island may be considered where deeded parking and water access is provided on a lot on the mainland that is suitable by virtue of its location, access and other relevant considerations. This shall include a requirement that the mainland lot front onto an existing maintained public road.
6. A consent for the purpose of legally identifying the precise location of an existing bona-fide private road as defined in this Plan shall be permitted, provided that such private road existed on the date of adoption of this Plan and that the effect of any such consent is not to extend the length of the said road.
7. Existing lots that inadvertently merged due to common ownership may be separated by a severance to reflect the original lot configuration provided the subject property is

still in the same ownership as when such merging occurred, the lots to be separated can satisfy the zone provisions of any implementing Zoning By-law, there are no negative impacts, and applicable County and Provincial requirements are met. Further, the applicant shall bear the onus of proof to demonstrate that the lot was previously severed and that merger was unintentional. A consent for this purpose shall not count in determining the maximum number of new lots permitted by this Plan.

#### **5.2.4 Subdivision and Condominium Policies**

1. Development by plan of subdivision and condominium shall be permitted in the Settlement Area and Rural designations.
2. The maximum number of residential lots that may be registered within a plan of subdivision is 25 lots, except in the Settlement Area designation where the maximum shall be as determined by the approval authority, in consultation with the Township.
3. Access to a proposed plan of subdivision shall be from a maintained public road, built to an adequate standard to accommodate the additional traffic requirements. Where, in the opinion of the Township or approval authority, such public road access is not adequate, upgrading of the road shall be a condition for final approval of the plan of subdivision.
4. Access to individual lots in a plan of subdivision shall be by internal public roads, built to Township standards. Where design considerations necessitate it, limited direct lot access to an existing public road abutting the subdivision may be granted.
5. The road layout in a plan of subdivision shall avoid cul-de-sacs, where possible, and provide opportunities for future road connections to abutting lands, where requested by the Township.
6. In reviewing parkland dedication requirements for plans of subdivision, preference shall be given for parklands which provide connections to existing public parks, trails, bikeways and other recreational facilities, as well as to water bodies, where applicable.
7. All plans of subdivision shall comply with the policies of the **Storm Water Management** section of this Plan.
8. Development by plan of subdivision shall meet the requirements set out in the **Ground Water Supply, Sewage Disposal and Other Services** section of the Plan.
9. The approval authority may include provisions for the phasing of development within a plan of subdivision to ensure that it proceeds in an orderly, cost-efficient pattern.
10. The approval authority may apply lapsing provisions to any draft plan of subdivision, pursuant to the provisions of the *Planning Act*.

### **5.3 DEEMING PLANS OF SUBDIVISION**

Under the authority of the *Planning Act*, the Township may pass a deeming by-law which has the effect of declaring part or all of a plan of subdivision not to be registered for conveyance purposes, provided that the subdivision is a registered plan within the meaning of the *Planning Act* and that it has been registered for a period of eight or more years.

### **5.4 SITE PLAN CONTROL**

1. Site Plan Control is a site design and approval process intended to be used in cases where the type of development proposed or the characteristics of the particular site require a more detailed level of attention to, and control over, the siting of buildings, structures, facilities and other features than would be possible or practical through the mechanism of a Zoning By-law.
2. It is the intention of the Township to use Site Plan Control as a planning tool complementary to the Zoning By-law to ensure that:
  1. Proposed buildings and structures are well sited vis-à-vis adjacent land uses, including elements to enhance land use compatibility;
  2. Design details, such as accessory buildings and structures, lighting, walkways, vehicular accesses, parking, loading, waste facilities, grading, drainage, landscaping materials, fencing, etc., are adequate for the uses proposed, in terms of functional, safety and aesthetic considerations;
  3. Development occurs with minimal impact on, and is compatible with, natural and cultural heritage resources, particularly where development is proposed in immediate proximity to water bodies, or on or adjacent to properties with heritage significance;
  4. Development approvals incorporate appropriate risk management measures to protect surface water and groundwater resources;
  5. Detailed policies of this Plan can be properly implemented;
  6. Development is undertaken and maintained as approved by the Township.
3. The Township may control the design and details of development proposals through the use of a Site Plan Control By-law. The entire Township of Front of Yonge shall be considered a Proposed Site Plan Control Area except that certain types of development such as the following may be exempt from Site Plan Control:

1. Agricultural uses;
2. Single-detached, semi-detached and duplex dwellings and buildings or structures accessory thereto, in cases where no development or site alteration is proposed adjacent to a water body or within or adjacent to lands designated as Natural Heritage A, Natural Heritage B or Natural Hazard;
3. Minor additions or alterations to existing buildings and structures.
4. In imposing Site Plan Control, the Township will seek to regulate the general site layout of the property and, where appropriate, the massing and conceptual design of all buildings and structures on the property. Site plan drawings shall be required in all cases. Floor plan, elevation and cross-section drawings may be required for any development, as determined by the Township.
5. In processing Site Plan Control applications, the Township will consult with various public bodies, including the Cataraqui Region Conservation Authority and the Ministry of Transportation, as appropriate. Without limiting the generality of the foregoing, the Cataraqui Region Conservation Authority shall be circulated all Site Plan Control applications for waterfront properties. The Ministry of Transportation shall be circulated all site plan applications for development proposed within the Ministry's permit control area to ensure that Ministry requirements are met.
6. As a condition of the approval of a site plan, the County or Township may require the dedication of land for public road widening purposes.
7. The Township may enter into Site Plan Control agreements with the owners of lands for which site plans have been approved and register such agreements on the title of the lands to which they apply.

## **5.5 SITE PLANNING AND DESIGN GUIDELINES**

A comprehensive Zoning By-law is a major tool in the implementation of an Official Plan and sets many quantitative-type performance standards that are important in achieving the Township's development objectives. It is also recognized that site planning and architectural design are important and complementary components in a successful Official Plan implementation strategy. It is primarily through meticulous attention to site planning and architectural elements that qualitative matters related to development are addressed.

In recognition of the importance of good site planning and in order to ensure that Site Plan Control applications adequately address the technical requirements and design objectives of the Township, site plan application guidelines may be developed. These guidelines would be used as a tool by both applicants and approval authorities for the preparation and processing of applications, respectively. The guidelines would address various

functional, safety, aesthetic and other issues relevant to the appropriate development of various land uses.

In addition to developing site plan guidelines, the Township may prepare architectural design guidelines for specific areas of the Township such as core areas within Settlement Areas. The Township would encourage the use of the guidelines as a tool in developing lands and buildings in a contextually-sensitive manner.

## **5.6 ZONING BY-LAWS AND HOLDING PROVISIONS**

### **5.6.1 General**

It is intended that a comprehensive Zoning By-law to implement this Plan shall be prepared and adopted in accordance with the provisions of the *Planning Act*. Such by-law shall contain land use zones in accordance with the policies contained within this Plan and will establish regulations to control the use of land and the character, location, and use of buildings and structures. In accordance with the *Planning Act*, Council shall amend the Zoning By-law no later than three years after any comprehensive update to this Plan that comes into effect.

### **5.6.2 Holding Zones**

It is not intended that all land use areas designated in this Plan will be zoned for such uses immediately in the Zoning By-law. Areas may be zoned for their existing uses or in a Holding category pursuant to Section 36 of the *Planning Act*, and in accordance with the criteria which follow:

1. It is the intention of Council to place certain lands within a Holding category in the Zoning By-law when the principle of development has been established, in order to:
  1. Delay the development of lands until any necessary municipal infrastructure become available;
  2. Affect the phasing and/or proper design of large-scale residential, commercial, or industrial development;
  3. Ensure that proper financial and other agreements are in place; and/or
  4. Delay development until such time as it is determined that identified development constraints can be overcome to the satisfaction of Council.
2. Lands which are subject to Holding provisions shall be identified in the Zoning By-law by an “h” symbol, in conjunction with the appropriate zone symbol denoting the eventual use of the land and shall be subject to the following policies:

1. Lands which are shown to be in a Holding category shall generally be restricted to existing uses;
2. New development proposed on land zoned in a Holding category shall not be permitted unless Council deems it appropriate to remove the Holding symbol through an amending by-law.
3. An application for removal of the Holding symbol shall be reviewed by Council in consideration of the following:
  1. That the proposed use is in conformity with the requirements of the Zoning By-law;
  2. That the required municipal infrastructure is available or will soon be available;
  3. That the financial and other requirements of the municipality have been fulfilled;
  4. That the phasing and design of the proposed development is to Council's satisfaction; and/or
  5. That any development constraints which have been identified can be overcome to the satisfaction of Council.

### **5.6.3 Interim Control By-laws**

Council may pass Interim Control By-laws to control the use of land, buildings or structures within designated areas of the Township and in accordance with the provisions of Section 38 of the *Planning Act* in order to prevent or limit development until detailed planning studies for the subject lands are completed and approved by Council. Any Interim Control By-law approved by Council shall initially be in effect for a period of up to one year from the date of passing of the by-law but may be extended for a maximum of one additional year.

### **5.6.4 Temporary Use By-laws**

Pursuant to Section 39 of the *Planning Act*, Council may authorize the temporary use of land, buildings or structures for any purpose otherwise prohibited by the Zoning By-law. The temporary use may be initially authorized for a period of time up to three years from the date of the passing of the by-law, except in the case of garden suites which may be authorized for up to twenty years. A Temporary Use By-law may be extended by by-law for further periods of not more than three years each. Upon the expiry of a Temporary Use By-law, the use authorized by the by-law shall cease, unless extended by by-law.



Where deemed appropriate by Council, a Temporary Use By-law may be adopted for a purpose which does not conform to the Official Plan, provided that the long-term objectives and policy direction of the Plan shall not be adversely affected by the by-law.

#### **5.6.5 Conditional Zoning**

Conditional Zoning is a tool that may be utilized to impose conditions on the use of lands or the erection of buildings or structures. Conditional Zoning is intended to allow a more flexible zoning process and provides the Township with the authority to secure conditions in agreements that may be registered on title and enforced against both current and future owners of the lands.

When regulations have been enacted by the Province to authorize the use of Conditional Zoning By-laws in accordance with the *Planning Act*, the Township may, in a Zoning By-law, permit the use of land or the erection, location or use of buildings or structures subject to one or more prescribed conditions on the use, erection or location.

Prior to the enactment of a Zoning By-law under the Conditional Zoning policies of this Plan, the Township may require the owner to enter into one or more legal agreements to be registered on title against the lands to which it applies, dealing with the said conditions and matters related to implementation.

### **5.7 COMMITTEE OF ADJUSTMENT**

A Committee of Adjustment has been appointed to consider applications for relief from any Zoning By-law implementing this Plan. The Committee will be guided by Section 44 of the *Planning Act*, and by the rules of procedure and regulations issued from time to time by the Minister of Municipal Affairs.

The **Existing Land Uses** section of this Plan sets out policies for dealing with applications to change or enlarge non-conforming uses, as well as for minor variance applications where existing or proposed uses conform to the Zoning By-law but are non-complying with respect to zoning provisions such as building setbacks. The Committee will have regard to the relevant non-conforming use and minor variance policies.

### **5.8 PLANNING APPLICATIONS – REQUIRED INFORMATION AND MATERIALS**

1. In addition to the information and materials required pursuant to the *Planning Act* and associated O. Regs, and any other legislation, as amended, the Township may require development proponents to provide additional information to accompany applications as part of a complete application. Notwithstanding the generality, additional studies and materials may be required for Official Plan amendment, Zoning By-law amendment, Minor Variance, Site Plan Control, consent, subdivision, and condominium applications.

2. The number and scope of studies and assessments to be required for the submission of a complete application shall be appropriate and in keeping with the scope and complexity of the application.
3. The additional information that may be required in support of an application includes, but is not limited, to the following:
  - Aggregate Studies
  - Agricultural Soils Assessment
  - Archaeological Assessment
  - Boat Capacity Study
  - Contaminated Site Assessment / Environmental Site Assessment
  - Cultural Heritage Assessment
  - Environmental Impact Study
  - Environmental Site Assessment
  - Erosion and/or Sedimentation Plan
  - Flood Plain Analysis
  - Geotechnical Report
  - Grading and Drainage Plan
  - Groundwater Impact Assessment
  - Heritage Impact Assessment
  - Hydrogeological Assessment
  - Lake Capacity Assessment
  - Landscaping Plan
  - Land Use Compatibility Assessment
  - Minimum Distance Separation (MDS) Calculations
  - Noise/Vibration/Blast Study
  - Parking Study
  - Planning Rationale
  - Record of Site Condition
  - Risk Reduction Plan
  - Servicing Options Report
  - Slope Stability Analysis
  - Species At Risk Assessment
  - Stormwater Management Plan
  - Surface Water Impact Assessment
  - Terrain Analysis
  - Traffic Impact Assessment
  - Tree Conservation and Protection Plan
  - Visual Impact Assessment

- Other information or studies relevant to the development of lands impacted by the proposed development approval application
4. Development within the Ministry of Transportation's permit control area is subject to Ministry requirements, and may require studies as a condition of the required permits. The Township encourages development proponents to consult directly with the Ministry of Transportation prior to submitting development applications on lands within the Ministry's permit control area.
  5. The Township may require any of the required studies to be peer-reviewed on behalf of the Township, at the sole expense of the proponent.
  6. The Township encourages development proponents to consult with the Township prior to submitting planning applications. Failure to do so may result in the application being deemed incomplete in accordance with the *Planning Act*.

## **5.9 PUBLIC PARTICIPATION AND PUBLIC NOTICE PROCEDURES**

1. Council shall make planning documents specified in the *Planning Act* such as the Official Plan and Zoning By-law available to the public to foster a greater awareness and knowledge of planning matters. Where amendments to these documents are made, Council shall endeavour to ensure that up-to-date consolidations of the amended documents are made available.
2. Council shall, as a minimum, follow the requirements of the *Planning Act* as they apply to public notification and participation in relation to such matters as Official Plans, Community Improvement Plans, Zoning By-laws, amendments to the said Plans and By-laws, and Plans of Subdivision.
3. In order to facilitate public participation, Council will employ appropriate methods at varying stages of the decision-making process such as, but not limited to, delegations to Committees of Council, formal and informal public meetings, open houses, workshops, displays, municipal-wide advertising through paper and/or electronic means, working committees, task forces, consultation with community, ratepayer or business associations, and posting affected properties with information signs.

## **5.10 PUBLIC WORKS AND CAPITAL WORKS PROGRAM**

The implementation of the policies of this Plan which require the provision of municipal facilities and services will involve the Township directly in the financing of such projects, as resources permit. Project areas may include activities such as the development of park

and recreational facilities, the upgrading of roads, the improvement of intersections and the enhancement of drainage facilities.

It is intended that Council, on the basis of the policies of this Plan dealing with municipal facilities, will establish a priority list for the implementation of these projects with estimates of cost (land acquisition, construction and maintenance costs wherever possible). A five-year capital works program will then be developed which the Council should carry out systematically.

It is intended that the program will be reviewed annually as part of the capital budget procedure.

## **5.11 MAINTENANCE AND OCCUPANCY BY-LAW**

1. It is the policy of Council to encourage the maintenance of the Township as a pleasant environment in which to live, work or visit. Continued maintenance of property is essential to the welfare of the Township.
2. It is the intention of the Township to support the private efforts of property maintenance and to eliminate any existing hazards to building occupants through the introduction of by-laws specifying standards for all properties within the Township for property maintenance and occupancy under Section 15.1 of the *Building Code Act* and/or under the *Municipal Act*.
3. Council will endeavour to support further property maintenance and safe occupancy by:
  1. Utilizing available government programs, where applicable, to provide financial and administrative support to individuals seeking to improve their properties;
  2. Undertaking education and public relations programs as needed to demonstrate the benefits of property maintenance;
  3. Maintaining municipally-owned buildings, properties and community facilities, and providing or maintaining municipal services in good repair.
4. Upon adopting a maintenance and occupancy by-law, Council will appoint a Property Standards or Property Officer who will be responsible for administering and enforcing the by-law.
5. Council will also appoint a Property Standards or Property Committee for the purpose of hearing appeals against an order of the Property Standards or Property Officer.

6. The by-law will be administered using a standard recording form for building or property condition to provide a clear and equitable procedure for evaluating building condition.
7. The maintenance and occupancy by-law may prescribe standards for the following matters and any others that may be considered necessary:
  1. The keeping of yards, vacant lands, parks, waterfront areas, laneways and passageways, free from debris, rubbish, weeds, abandoned or derelict vehicles, trailers, boats, barges, mechanical equipment or similar material;
  2. The adequacy of sanitation control, including garbage disposal, sewage and drainage;
  3. The maintenance of parking and storage areas;
  4. The maintenance of all buildings and structures, including structural standards of walls, floors, ceilings, foundations, insulation, electrical systems, plumbing, heating, adequacy of protection from weather, natural lighting and ventilation, condition of chimneys, fire protection standards and general cleanliness and upkeep;
  5. The maintenance of fences, swimming pools, accessory buildings and signs; and
  6. The establishment of occupancy standards including pest prevention, adequacy of food preparation facilities, access, ventilation, maximum number of persons per dwelling unit, minimum floor spaces and room heights.
  7. The maintenance of heritage attributes for properties designated under the *Ontario Heritage Act*.

## **5.12 THE MUNICIPAL ACT**

The *Municipal Act* provides some significant opportunities for the Township in relation to regulatory control over a range of matters and interests. These include various land uses, signage, trees, site alteration, economic development and a wide range of other matters of relevance to planning. Where necessary and desirable, the Township shall amend existing By-laws or pass new By-laws as may be required to ensure such matters are properly regulated and controlled.

## **SECTION 6 INTERPRETATION**

1. It is intended that the boundaries of the land use classifications and development constraints shown on Schedule A and B, respectively, be considered as approximate and absolute only where bounded by roads, railways, rivers or streams or other similar geographical barriers. It is recognized that the Schedules are subject to the typical and inherent inaccuracies associated with rural base mapping sources and digitized assessment parcel information. Accordingly, amendments to the Official Plan will not be required in order to make minor adjustments to the parcel fabric, physical features or approximate land use boundaries shown on the Schedules, provided that such adjustments do not, in the Township's opinion, compromise the intent of the Plan.
2. Typographical, grammatical and formatting modifications to this Plan may be undertaken without an Official Plan amendment, provided that such modifications do not, in the opinion of the Township, affect the intent of the Plan.
3. Any appendices attached to this Plan may be revised without an Official Plan amendment.
4. Private roads and unopened road allowances have been identified on Schedule A for information purposes. In the event that a private road or unopened road allowance has incorrectly been identified as a public or open public road, this shall not signal an intention by the Township to change the status of the road, nor shall any amendment to the Plan be required to make a correction.
5. It is intended that all figures and quantities herein shall be considered as approximate only and not absolute. Amendments to the Official Plan will not be required for any reasonable variance from any of the proposed figures.
6. Where any doubt exists with respect to the intended meaning of any word or phrase used in this Plan, the *2014 Provincial Policy Statement* shall be used as a guide to interpretation.
7. Where any Act or portion of an Act is referred to in this Plan, such references shall be interpreted to refer to any subsequent renumbering of sections in the Act and/or changes in the date of the Act.

