

OFFICIAL PLAN

of the

TOWNSHIP OF FRONT OF YONGE

SEPTEMBER 2006 OFFICE CONSOLIDATION

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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 five years, to determine the need to revise the document. This Official Plan, which constitutes a major update to the 1985 Official Plan, has been prepared in response to these requirements.
2. 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.
3. 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 which are intended to be consistent with Provincial planning interest as expressed in the *2005 Provincial Policy Statement* issued under the authority of the *Planning Act*.
4. 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 one Schedule:

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

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.

Schedule A sets out the land use designations, road status and some of the features and influences that have relevance to policies of the Plan.

4. 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. This Plan replaces the 1985 Official Plan.

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 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. Stay the course in terms of the nature of the municipality, maintaining 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;
 2. Foster environmentally-sustainable housing and employment opportunities in the Township;
 3. 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 2025. 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 five years to determine the need to review the Plan.

1.3 BASIS AND OBJECTIVES

1.3.1 General

The policies set out in this Official Plan have been determined by historical development patterns, existing circumstances and present trends, as well as certain fundamental principles that have been identified in the preparation of the Plan.

The 1985 Official Plan which is being replaced by this Plan is approximately twenty years old and was prepared prior to a number of major Provincial policy and legislative changes that occurred from the mid-1990s through to 2005. Additionally, that Official Plan was based on higher population growth assumptions than have actually been experienced over the past two decades. Accordingly, while the philosophy and locally-oriented policy directions of the 1985 Official Plan continue to be regarded as relevant by Council, this new Plan updates the former Plan to ensure that current Provincial interests are addressed and that growth-dependent planning policies are appropriate.

During the course of the preparation of this Official Plan, an Official Plan Steering Committee composed of Council and volunteers from the community met regularly as a working committee to provide advice and guidance. The Plan reflects their input, as well as that of stakeholders from the wider community of local interest groups and associations, governmental and other agencies, and the general public.

Collectively, the foregoing influences have shaped the directions of the basis and objectives of this Official Plan.

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 2001 census population of 2,639 and an 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 somewhat sleepy, 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. This implies that this Plan will, in relation to matters of local interest and control, build upon the directions established in the 1985 Official Plan.

The majority of future growth will continue to be focused within 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.

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.

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 generation 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 2025, the Front of Yonge population will be approximately 3,000 permanent residents. This translates to an average annual increase of about fifteen persons. Over the course of the planning period, the average household size is expected to decline only slightly from about 2.78 persons per household (in 2001) to approximately 2.75 (in 2025). This decline is smaller than that anticipated for many other parts of the United Counties of Leeds and Grenville, due to a larger (and growing) presence of young families in the Township. 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 "five-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. Despite 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, there has been little development interest or activity in the Municipality.
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, 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 encouraging it to locate 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 encourage steady, diversified and balanced economic growth that strengthens the non-residential component of the assessment base and provides a range of employment opportunities in order that young people will choose to stay in the Township, or return to it after pursuing educational opportunities in larger urban centres.

7. To ensure that land use designations and related policies foster economic growth and diversification, including opportunities for home-based and tourism-based businesses.
8. To support both existing local businesses and agricultural producers in recognition of their role in providing employment opportunities and locally-available goods and services.
9. To continue to provide a range of opportunities for living in the rural area and settlement areas in an environmentally-sustainable manner.
10. To preserve the historical sense of community in the small settlement areas of the Township, the rural area and the Township as a whole.
11. To encourage, within the constraints imposed by reliance on private individual sewage and water services, 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.
12. To identify and protect environmentally-sensitive areas and to ensure that development is compatible with such areas.
13. To provide for the wise use and protection of natural resources, such as agricultural lands, wooded areas, ground and surface water and mineral aggregates.
14. To conserve and protect cultural heritage resources, including historic areas, buildings, sites, landmarks, landscapes and archaeological sites.
15. To protect significant natural heritage features such as wetlands and areas of natural and scientific interest from development-related impacts.
16. To promote environmentally-sound development and energy conservation practices through the planning and development approval processes.
17. To minimize risks to persons and property arising from natural hazards such as flooding, organic soils and steep or unstable slopes.
18. To ensure that, in reviewing development proposals, adequate attention is paid to human-made hazards such as contaminated sites or abandoned mine sites.
19. To provide municipal services at a level consistent with the expectations of Township residents and the capacity of the Township to provide such services.
20. To ensure the continued sound financial and administrative management of the Township.

21. To promote a safe, efficient and well-maintained road network, including the provision of facilities to accommodate cyclists, where appropriate.
22. 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 POLICY

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 1.1% of the total tax base.

Despite, or perhaps because of, the negligible extent of commercial or industrial activity within Front of Yonge, 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 POLICY

1. 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 building design or orientation, lot orientation and the use of vegetation.
2. 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 for the purpose of protecting the environment, as well as respect land use compatibility and natural and cultural heritage considerations.
3. The comprehensive zoning by-law that implements this Plan shall include regulations that minimize impediments to the use of alternative and renewable energy systems.

2.4 HOUSING POLICY

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 are accommodated to meet the needs of present and future residents, 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.
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 and multiple-unit residential developments are generally better suited to urban, municipally-serviced communities outside the Township, but within the regional market area.

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. Promote the remediation of former industrial, commercial and institutional lands that are contaminated;
 - 4. Encourage tree-planting initiatives for aesthetic, environmental, solar protection and other benefits.
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.

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.

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 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** 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 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 as housing for those who are generally capable of living independently but who, by virtue of their age or a disability require the support of others to live on their own.

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 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. In order to prevent an undue concentration of group homes within existing built-up areas of the Township, standards requiring a minimum distance separation between group homes may be incorporated in the implementing Zoning By-law.
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 RESIDENTIAL CONVERSION FROM SECONDARY TO PRINCIPAL USE

1. Secondary residences are dwellings which are used on a seasonal or temporary basis by occupants whose principal residence is located elsewhere. Secondary residences are typically recreation-oriented properties. A principal residence is a dwelling which functions as the main place of residence, where the occupant either resides on a permanent basis or spends the bulk of the year.

2. Where access to dwellings is provided by private roads, municipal services such as snow ploughing or road maintenance are not available and other public services such as school bussing and protection to persons/property may also be unavailable or limited in nature. Changes in occupancy from secondary or seasonal use to principal or permanent use do not alter the existing “limited services” status of dwellings located on private roads.
3. The conversion of dwellings from secondary or seasonal use to principal or permanent use on existing private roads will only be permitted under the following conditions:
 1. The dwelling is located in a Limited Services zone in the implementing Zoning By-law; and
 2. An occupancy permit has been obtained from the Township.
4. In considering applications for an amendment to the Zoning By-law to a Limited Services zone and/or for an occupancy permit, the Township shall have regard to the following:
 1. The suitability of the dwelling for occupancy on a year-round basis;
 2. The suitability of the lot for permanent occupancy from an environmental perspective with respect to matters such as size, shape, topography, vegetative characteristics, drainage and access;
 3. The adequacy of sanitary sewage and water supply services for permanent use;
 4. The existence of potentially hazardous conditions such as flooding, erosion or subsidence;
 5. The execution and registration of an agreement wherein the dwelling owner acknowledges that the Township will not provide any services such as snow ploughing or road maintenance as a consequence of the conversion of the dwelling to principal or permanent use and, further, that the Township shall be held harmless for damages suffered by the dwelling owner as a result of road inadequacy.
5. The Township may require the concurrent submission of a site plan in support of an application for an amendment to the Zoning By-law to a Limited Services zone. Where required, the site plan shall incorporate measures to minimize environmental impacts associated with the conversion.

2.10 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;
 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 Assessments** section of this Plan. 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;
 4. Development that includes institutional uses or essential emergency services or the disposal or manufacture, treatment or storage of hazardous substances shall not be permitted in the Natural Hazard designation;
 5. The general intent of the policies of this Plan, as well as its Site Plan Control requirements, shall be satisfied;
 6. The requirements of applicable legislation such as the *Environmental Assessment Act* shall be satisfied.
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.

2.11 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 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.

2.12 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 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.
2. At the time of the preparation of this Official Plan, Parks Canada and the St. Lawrence Parks Commission are engaged in a process of discussing the future ownership and use of certain lands in the south portion of the Township. In this case, and in all cases where these 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 or the Cataraqui Region Conservation Authority, as applicable.

2.13 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.

2.14 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.

2.15 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.

2.15.1 Changes to Non-Conforming Uses and Extensions or Enlargements

Any land use which is non-conforming should cease to exist in the long term. In special instances, however, 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.

2.15.2 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.

2.16 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. 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 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.

2.17 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 waterfront development 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.

2.18 LAND USE COMPATIBILITY

2.18.1 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. An influence area is not a strict buffer or setback area where development adjacent to the Mineral Resource designation or operations is automatically prohibited. The influence area is that area where impacts may occur or be experienced. 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 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 due to qualitative, quantitative or other constraints; 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 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. The types of studies that may be required include, among others, hydrogeological assessments, noise impact assessments, blast impact assessments (including pre-blast surveys), and mineral or mineral aggregate quality and quantity assessments to determine the extent of the resource.

2.18.2 Development Where Agricultural and Non-Agricultural Uses are Adjacent

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.

2.18.3 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 A 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 guidelines.
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 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.

2.18.4 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 D-series land use compatibility guideline. 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 which includes mitigation measures shall be undertaken in accordance with the relevant D-series guideline and to the satisfaction of the Township. Where required, a legally-binding commitment to implement mitigation measures shall be secured.

2.19 CULTURAL HERITAGE AND ARCHAEOLOGICAL RESOURCES

2.19.1 Cultural Heritage Resources

1. Built or cultural heritage resources consist of historic buildings, structures and other human-made features of 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 will encourage 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 Culture, 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. 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.
4. The Township shall seek the advice of a Municipal Heritage Committee, if such a committee is formed, to assist and advise Council on cultural heritage resource conservation issues. Council, in consultation with the Committee, may by by-law adopted pursuant to the provisions of the Ontario *Heritage Act*, undertake the following:
 1. Designate properties for the conservation of buildings of cultural heritage value or interest, including historic or architectural 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.
5. 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 *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.
6. Where economically feasible, Council intends to set an example to the community by maintaining Township-owned buildings and properties of historic or architectural value in accordance with the intent of the policies of this section, whether or not such buildings or properties have been designated.
7. 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 historic or architectural value.

8. The approval authority shall require the preparation of a Heritage Impact Assessment, by a qualified professional, when development proposals affect significant cultural heritage resources.

2.19.2 Archaeological Resources

1. It is recognized that 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. 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 Culture must perform all archaeological work according to the terms and conditions or their licence to the satisfaction of the Ministry of Culture. Significant archaeological resources identified through such work must be preserved on-site or conserved through removal and documentation to the satisfaction of the Township and the Ministry of Culture.

Archaeological assessments shall normally be required for new development involving planning applications for an Official Plan or zoning by-law amendment, plan of subdivision, condominium or consent, as well as for the undertaking of new infrastructure works (ie. new road, road widening, municipal or communal water or sewage systems, waste disposal sites) when the subject lands contain or are located within at least one of the following:

1. 250 metres of a known archaeological site;
2. 300 metres of a primary water source such as a lakeshore, river, large creek, etc.;
3. 300 metres of an ancient water source indicated by a beach ridge, river bed, etc.;
4. 200 metres of a secondary water source such as a wetland, marsh, small creek, spring, etc.;
5. Elevated topography (knolls, drumlins, eskers, plateaus, etc.);
6. Pockets of sandy soil in a clay or rocky area;
7. Unusual land formations (mounds, caverns, waterfalls, etc.);
8. An extractive area (for food or scarce resources);

9. Non-aboriginal settlement features (monuments, cemeteries, etc.);
10. Historic transportation features (road, rail, portage, etc.);
11. Designated property (refer to Municipal Heritage Committee or Township Clerk's office);
12. Local knowledge associating property with historic events, activities or occupations.

For consent applications and Official Plan and zoning by-law amendment applications that involve small-scale development such that impacts will be restricted to an area equal to one building (including accessory buildings and structures) envelope, archaeological assessments may not be required if the property does not contain a designated heritage resource, a cemetery or burial place or known archaeological site.

Where significant archaeological resources are found, the evaluation must contain mitigation measures relating to their preservation or removal.

2. Where significant archaeological resources must be preserved on site, only development and site alterations which maintain the heritage integrity of the site will be permitted.
3. Pursuant to the relevant provisions of the *Planning Act*, sites containing significant archaeological resources may be zoned to restrict or prohibit uses, buildings or structures which might conflict with the preservation of such resources.
4. 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 Culture and the Ministry of Consumer and Business Services. The provisions of the *Cemeteries Act* and *Heritage Act* shall apply, as appropriate.
5. 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.

2.20 NATURAL HAZARD FEATURES

2.20.1 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 event 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 (situated below the 75.8-metre, Geodetic Survey of Canada (G.S.C.) elevation) 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.
2. Lands within and adjacent to lands subject to 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. Development and site alteration is not permitted below the 1:100 year water level. In Front of Yonge, the 1:100 year water level is anticipated to reach an elevation of 75.8 metres (G.S.C.). The elevations of the regulatory flood plain, including wave uprush, are as follows:
 - Lot 1 to the east half of Lot 7, Broken Front Concession 76.4 m
 - West half of Lot 7 to Lot 21, Broken Front Concession 76.1 m
 - Lot 22 to Lot 26, Broken Front Concession 76.0 m

In the case of islands, the wave uprush factor shall be determined on a case-by-case basis in consultation with the Cataraqui Region Conservation Authority.

The foregoing flood plain elevations do not include a 0.3 metre freeboard protection requirement normally applied in relation to matters such as proposed building openings (i.e. doors and windows).

4. Development setbacks from the regulatory flood plain may be required in order to provide an additional safety factor. Where such setbacks are required, they shall typically range from 5 metres for inland water bodies to 15 metres along the St. Lawrence River.
5. 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;
4. Vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies, as applicable.

2.20.2 Organic Soils

1. Lands with the potential for organic 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. Both sources are shown on Schedule A 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. Development and site alteration in areas containing organic soils 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;
 4. Vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies, as applicable.

2.20.3 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 **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** section of the Plan.
3. Appropriate setbacks from steep slopes are important to minimizing risks to persons and property. In the absence of detailed mapping, a general standard of a 3:1 (horizontal:vertical) stable slope allowance shall apply, plus a 15-metre erosion allowance along the St. Lawrence River. For other water bodies, a general standard of a 3:1 (horizontal:vertical) stable slope allowance shall apply, plus a 6-metre erosion allowance or 10 metres from the top of the slope, whichever is greater. In certain cases, such as along watercourses with active erosion or a meander belt, additional setbacks may be necessary. 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.
4. 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. 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;
 4. Vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies, as applicable.
5. 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.

2.21 HUMAN-MADE HAZARD FEATURES

2.21.1 Contaminated Sites

1. Where a development application is made in relation to a known, suspected or potentially contaminated site or 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 and acknowledged by the Ministry of the Environment is received; and
 2. If necessary, a site clean-up plan is designed and the site is cleaned up in accordance with the Ministry of the Environment's Ontario Regulation 153/04, Record of Site Condition.
2. The Township will develop an inventory of sites where current or past uses may have, or are known to have, contributed to the presence of contaminants.

2.21.2 Abandoned Mines and Mineral Resource Operations

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 or abandoned mineral resource operation hazards in the Township. If such hazards are identified in the future, they shall be identified on Schedule A.
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 measures to address and mitigate known or suspected hazards are underway or completed. The Ministry of Northern Development and Mines shall be consulted for abandoned mines and the Aggregate Producers Association of Ontario shall be consulted for abandoned pits and quarries.

2.22 NATURAL HERITAGE FEATURES

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. 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. While all natural heritage features are important to the Township, some have been identified as having Provincial significance.

The policies of this Plan are intended to address the requirements which must be met in order to ensure that natural heritage features 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 Assessments** section of this Plan.

2.22.1 Wetlands and Adjacent Lands

1. Provincially-significant 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 ecological functions. An environmental impact assessment will be required in accordance with the requirements of the **Environmental Impact Assessments** 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 and within 50 metres of any locally-significant wetland.

2.22.2 Areas of Natural and Scientific Interest (ANSIs) and Adjacent Lands

1. At the time of adoption of this Plan, only one Provincially-significant area of natural and scientific interest (ANSI) has been identified in the Township. If further ANSIs are subsequently identified and approved, 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.
2. 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 adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the ANSI's natural features or ecological functions. An environmental impact assessment will be required in accordance with the requirements of the Environmental Impact Assessments section of this Plan.
3. For the purposes of determining adjacent lands, they shall be those lands lying within 50 metres of any Provincially-significant ANSI.

2.22.3 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. Fish habitat has not been identified on Schedule A. 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 30 metres of the habitat, unless it can be demonstrated that there will be no negative impacts. Negative impacts include the harmful alteration, disruption or destruction of fish habitat, except where authorized under the *Fisheries Act*, using the guiding principle of no net loss of productive capacity. An environmental impact assessment will be required in accordance with the requirements of the **Environmental Impact Assessments** section of this Plan.

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.

2.22.4 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. Winter deer habitat is one indicator that is frequently used by the Ministry of Natural Resources as a guide to areas of significant wildlife habitat. Unfortunately, mapping for Provincially-significant wildlife habitat is not available at the time of adoption of this Plan and, therefore, is not shown on Schedule A. As mapping or other information from various public or private sources becomes available with respect to winter deer habitat or other significant wildlife habitat, this Plan shall be amended to identify it on the Schedule. Until such information is incorporated into the Plan, the Township shall rely on the best data at hand to screen planning applications for the presence of potentially significant wildlife habitat.
4. In view of the limitations with respect to information availability concerning significant wildlife habitat, as well as the acknowledged strong ecological linkages between wetland areas and wildlife habitat, this Plan assumes that all wetlands constitute significant wildlife habitat. Accordingly, the Plan includes strong policy protection for all classified wetlands. Policies included in this regard include a general prohibition of development within any Provincially-significant wetland and not permitting development within any locally-significant wetland unless it can be demonstrated that no negative impacts will result through an environmental impact assessment

completed in accordance with the requirements of the **Environmental Impact Assessments** section of this Plan.

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 adjacent lands within 50 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 assessment demonstrating that no negative impacts will result. Without limiting the generality of the foregoing, the preparation of an environmental impact assessment shall be a prerequisite to the consideration of any planning application, where the Township's screening process indicates the presence of potentially significant wildlife habitat. The assessment required pursuant to this policy will be completed in accordance with the requirements of the **Environmental Impact Assessments** section of this Plan.

2.22.5 Endangered and Threatened Species Habitat and Adjacent Lands

1. At the time of the adoption of this Plan, no endangered or threatened species has been identified in the Township. If and when such species are identified by the Ministry of Natural Resources, the Township's policy with respect to these and other endangered or threatened species is as follows:
 1. Endangered and threatened species habitat shall not be identified on Schedule A to this Plan in order to protect the species. Mapping of the significant habitat of such species will, however, be provided to the Township by the Ministry of Natural Resources to be used as a screening tool for planning applications.
 2. Where the screening process in relation to a proposal for development or site alterations such as filling, grading or excavating identifies the existence of potentially significant habitat, the Township will consult with the Ministry of Natural Resources. If significant habitat of endangered and threatened species is identified, no development or site alterations shall be permitted within the significant habitat. The amount of habitat required for the survival of endangered and threatened species is determined on a species-specific, case-by-case basis. Development may be permitted on adjacent lands within 50 metres of the significant habitat, subject to the completion of an environmental impact assessment to the satisfaction of the approval authority which identifies that there will not be any negative impact on the habitat. The assessment required pursuant to this policy will be completed in accordance with the requirements of the Environmental Impact Assessments section of this Plan.

3. When any endangered or threatened species habitat is identified in the Township, the Ministry of Natural Resources shall be contacted to develop a mutually acceptable process to be implemented for the protection of the species.

2.22.6 Significant Woodlands and Adjacent Lands

1. Front of Yonge 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. Finally, woodland areas 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 businesspersons and visitors alike.
2. Given the overall extent of large woodland areas in Front of Yonge, and the lack of information with respect to which woodlands are Provincially-significant by virtue of factors such as their large size, ecological importance, uniqueness or economic or social value, no significant woodland areas have been identified on Schedule A to this Plan. Potentially significant woodland areas shall be determined by the Township through reference to the best available data from public or private sources, such as the Eastern Ontario Model Forest. Appendix A to this Official Plan identifies potentially significant woodlands and the Township will use this mapping as a screening tool when reviewing planning applications. Prior to permitting development or site alteration such as filling, grading and excavating within a potentially significant woodland area or adjacent lands within 50 metres where, in the opinion of the Township, there is a reasonable potential for negative impacts upon the natural features or ecological functions of the area, the approval authority shall require a scoped environmental impact assessment which shall include an inventory of woodland species, the percentage of coverage on the property and the adjacent property, the approximate age of trees, and whether the woodland is under a forest management agreement. Any assessment required pursuant to this policy will be completed in accordance with the requirements of the **Environmental Impact Assessments** section of this Plan.
3. As new and more detailed information from various public or private sources becomes available such that Provincially-significant woodlands are identified, this Plan shall be amended to identify it on Schedule A. Until such information is incorporated into the Plan, the Township shall continue to rely on Appendix A, as updated from time to time, to screen planning applications for the presence of potentially significant woodlands.

2.22.7 Environmental Impact Assessments

1. Potential negative impacts on the identified natural heritage feature or area will be examined through a process of environmental impact assessment, conducted on a case-by-case basis, prior to the approval of development. In certain cases, the requirements for an environmental impact assessment may be satisfied through the completion of an environmental screening checklist, such as the checklist contained in the Ministry of Natural Resources' *Natural Heritage Reference Manual*, 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.
2. Subsequent to the review of the checklist by the approval authority, an environmental impact study, prepared by a qualified individual, may be required in order to assess the potential negative impacts on the natural features and ecological functions of the area in question. Such environmental impact study shall be required prior to the consideration of the planning application by the approval authority.
3. An environmental impact study shall:
 1. Define the nature and the boundaries of any significant features, ecological functions and values on, or adjacent to, the site;
 2. Describe and map the proposed development activities, including building location, excavation, site grading, landscaping, drainage works, roadway construction, paving, sewage and water servicing in relation to the various environmental considerations;
 3. Predict the effects of the proposed development on the various components of the environment on and adjacent to the site, such as wildlife, fish, vegetation, soil, surface water, ground water, air and any other relevant factors, taking into consideration effects during and after site alteration;
 4. Evaluate the significance of all predicted and 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 impacts;
 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 features and ecological functions identified for protection;
 7. Conclude with a professional opinion on whether negative effects on the natural features and ecological functions will occur, the significance of such impacts, and whether ongoing monitoring is required.

4. Where an environmental impact study demonstrates that development may proceed, the approval authority may use various planning controls such as site-specific zoning provisions or site plan control to ensure that development and site alterations, as well as any required monitoring activities, occur in accordance with the environmental impact study recommendations.
5. In reviewing environmental impact assessment submissions, the approval authority will consult with independent professionals and other bodies such as the Cataraqui Region Conservation Authority, as required.

2.23 GROUND WATER SUPPLY, SEWAGE DISPOSAL AND OTHER SERVICES

2.23.1 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 no 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. It is recognized that current technologies and implications for municipal responsibility for communal systems resulting from Provincial policy requirements render this servicing option 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. The Township shall not consider any residential development proposals for which communal services and associated responsibility agreements with the owner-operator of the services would be required, pursuant to current Provincial policy.
2. 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.

3. 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.
4. 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.

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

5. 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.
6. 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*.
7. The Township supports initiatives of both public and private interests to encourage the efficient and sustainable use of water resources, including water conservation practices.
8. 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.
9. It is expected that the Ministry of the Environment (MOE) will release guidelines in 2006 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*.

2.23.2 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.

2.24 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. 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 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. Additionally, there may be isolated cases where site-specific conditions would make it appropriate to reduce the setback in relation to a proposed lot. 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 Assessments** sections of this Plan.
4. Water setback requirements shall not apply to docks, boathouses, 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 the Cataraqui Region Conservation Authority in addition to, or instead of, approvals from the Township.
5. 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.
6. Through the mechanism of Site Plan Control, the Township shall attempt to ensure the provision of a strip 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 strip 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 strip 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

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. 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. As resources permit, the Cataraqui Region Conservation Authority intends to produce a plan for the Cataraqui watershed which will document its condition and pinpoint water quality and quantity issues requiring further attention. The Township supports this initiative. In the interim, it 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, 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 storm water concept plans be prepared for review by the Cataraqui Region Conservation Authority and approval authorities. The concept 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 design 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 minimize storm water volumes and contaminant loads, and maintain or increase the extent of vegetative and pervious surfaces.
6. The Township will evaluate site plans according to an approved storm water design 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 or Provincial highways shall be circulated to the County Engineer or the Ministry of Transportation, as applicable.

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 Plans, 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 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 inaccessible due to contextual considerations such as existing incompatible land uses that would make extraction problematic. As a consequence, the only surficial mineral aggregate deposits designated as Mineral Resource - Aggregates are found in the southeast portion of 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. Official Plan Amendment applications to develop these bedrock aggregate resources may, therefore, be expected.

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 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.

On lands designated Mineral Resource 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 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, as applicable, and the Township and provided further that:
 1. A mineral resource use would not be feasible due to qualitative, quantitative or other constraints; or
 2. The proposed land use serves a greater long term public interest; and
 3. All issues related to public health and safety, as well as environmental impact, can be addressed.
4. All pit and quarry operations shall be licensed by the Ministry of Natural Resources under the *Aggregate Resources Act*.
5. 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.

6. 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 due to qualitative, quantitative or other constraints; or
 2. The proposed land use serves a greater long term public interest; and
 3. All issues related to public health and safety, as well as environmental impact, can be addressed; and
 4. The proposed redesignation shall not preclude the potential to use adjacent lands designated Mineral Resource for mineral or mineral aggregate extraction.
7. Mineral aggregate operations shall be required to undertake progressive rehabilitation to accommodate subsequent land uses.
8. Mineral mining operations, including associated processing facilities, shall undertake rehabilitation, including progressive rehabilitation where feasible, to accommodate subsequent land uses.
9. 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;
 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 presence of archaeological remains or cultural heritage resources; and

9. Mitigation measures.

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

10. 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.
11. 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 due to qualitative, quantitative or other constraints; or
 2. The proposed land use serves a greater long term public interest; and
 3. All issues related to public health and safety, as well as environmental impact, can be 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 and social value. These features and areas include wetlands, areas of natural and scientific interest (ANSIs), fish habitat, 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 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 soaked lands used for agricultural purposes and which no longer exhibit wetland characteristics are not considered to be wetlands for the purposes of this definition.) 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 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.

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**. 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 are included in the **Natural Heritage Features** 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 Assessments** 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 may be permitted on lands adjacent to the Natural Heritage A designation, subject to the provisions of the **Natural Heritage Features** section of this Plan and if supported by an Environmental Impact Assessment. 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 Assessments** 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 and social value. These features and areas include wetlands, areas of natural and scientific interest (ANSIs), fish habitat, 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.

ANSIs that have been deemed Provincially-significant by the Ministry of Natural Resources are included in the Natural Heritage B designation.

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.

Subject to the undertaking of an Environmental Impact Study in accordance with the provisions of the **Environmental Impact Assessments** section of this Plan, development and site alteration may be permitted to occur within the Natural Heritage B designation.

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**. 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** 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 Assessments** section of this Plan.

Uses permitted in the Rural designation may also be permitted subject to the provisions of the **Environmental Impact Assessments** 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. Development or site alteration may be permitted, subject to the **Environmental Impact Assessments** section of this Plan and an amendment to the Zoning By-law.
2. Development or site alteration such as filling, grading and excavating may be permitted on lands adjacent to the Natural Heritage B designation, subject to the provisions of the **Natural Heritage Features** and **Environmental Impact Assessments** sections of this Plan. 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 Assessments** 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 (G.S.C.). 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 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. Building setbacks will be imposed from the boundary of land designated as Natural Hazard related to the extent or severity of the hazard, as set out in the **Natural Hazard Features** section of this Plan. 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.
2. 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.
 3. Although lands adjacent to the Natural Hazard designation 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 on lands within or adjacent to the Natural Hazard designation without the written permission of the Cataraqui Region Conservation Authority, as set out in the **Natural Hazard Features** section of this Plan.
 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 only be permitted between the 75.8-metre elevation and the wave uprush portion of the flood plain if all of the following can be achieved:
 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;
 4. Vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies, as applicable.
 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 and fill lines for Lyn Creek, southern Jones Creek, Graham Lake, Centre Lake and Temperance Lake have been mapped. In addition, the maximum water (1:100 year flood) elevation and wave uprush elevations have been established for the St. Lawrence River. Where new or additional 1:100 year 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. While a limited amount of commercial and industrial development is contemplated in the Rural designation, 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 large open areas.

3.6.2 Permitted Uses

Within the Rural area, a variety of land uses shall be permitted including agriculture, forestry, conservation, various outdoor recreational uses and commercial, industrial and residential uses, 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. Secondary 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 permitted, Agri-tourism uses 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 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 40 lots shall be registered in a plan of subdivision. Any proposal to register a plan for more than 40 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 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 and the Ministry of Natural Resources.
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 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.
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.
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 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 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 and 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 also seeks to encourage more concentrated development in the Settlement Area designation than would typically be found or permitted within the Rural designation, subject to servicing constraints. The amount and type of development permitted will, however, be consistent with the maintenance of the character of Settlement Area lands.

The boundaries of the Settlement Area designation are intended to include some allowance for new development to occur.

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, County Roads and Township 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.

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.

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 roads, in accordance with community improvement plans and/or transportation and traffic studies.

4.2 PROVINCIAL HIGHWAYS

There are two Provincial highways in the Township - Highway No. 401 and the 1000 Islands Parkway.

4.2.1 Highway No. 401

Highway No. 401 is intended to carry a high volume of traffic at relatively high speeds.

Proposed development adjacent to Highway No. 401 or in the vicinity of an interchange is subject to the requirements and permit control of the Ministry of Transportation. All development proposals relating to lands adjacent to Highway No. 401 or in the vicinity of an interchange shall be circulated to the Ministry of Transportation for comment. The preparation of traffic studies and storm water management plans may be requested by the approval authority.

For any proposed development on lands adjacent to Highway No. 401 or in the vicinity of an interchange, Ministry of Transportation permits relating to land use, buildings and structures, signs and entrances are required prior to the commencement of any construction.

The minimum right-of-way width shall be as determined by the Ministry of Transportation.

4.2.2 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 *Public Transportation and Highway Improvement Act* and the *St. Lawrence Parks Commission Act*.

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.

4.3 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 County 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 County road right-of-way shall be 26 metres.

4.4 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.

4.5 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. The Township shall not assume any liability for such road.

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.

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.

4.6 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.

4.7 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 two 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 *2005 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 a tertiary treatment system is proposed to improve effluent quality. 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 Policy** 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 effect 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 fish habitat, wildlife habitat and endangered and threatened species habitat. The policies of the **Natural Heritage Features** section will be adhered to in this regard.
10. 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 significant archaeological resources.
11. 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.

12. 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.
13. Road widening dedications may be requested by the County or Township as a condition of the approval of any land division application.
14. 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, a fourth new lot shall be permitted, provided that such new lot is situated wholly within the Settlement Area designation.
2. Consents in the Rural designation should not have the effect of creating or extending areas of strip development.
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. Notwithstanding the foregoing, consents may 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.

5.2.4 Subdivision Policies

1. Development by plan of subdivision 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 40 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. Detailed policies of this Plan can be properly implemented;
 5. 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, 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.
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.

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 ten 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.

5.7 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 and Housing.

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 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.

5.9 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.

5.10 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.

5.11 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 shown on Schedule A 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 Schedule is 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 Schedule, 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 *2005 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.

