

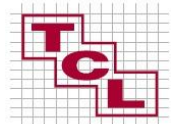


## **Town of Laurentian Hills**

### **Official Plan**

**Approved with Modifications November 17, 2010**

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File P-1949



**November 17, 2010**

**THE CORPORATION OF THE TOWN OF LAURENTIAN HILLS**

**BY-LAW No. 22 - 10**

**BEING** a By-Law to adopt Amendment No 2 to the Official Plan of the Town of Laurentian Hills

**WHEREAS** Part III of the Planning Act c. P.13 R.S.O. 1990 as amended requires that a municipality adopt and have approved an Official Plan

**AND WHEREAS** such Official Plan was adopted and approved and the Town of Laurentian Hills following a five year review has deemed it necessary for a further amendment under section 17 of the Planning Act

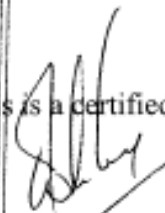
**NOW THEREFOR** the Council of the Corporation of the Town of Laurentian Hills does enact as follows that:

- 1 Official Plan Amendment No. 2 for the Town of Laurentian Hills consisting of the attached map and amendment text, is hereby adopted as Amendment No. 2
- 2 this By-Law shall come into force and take effect on the day of the final passing thereof subject to the requirement of the Planning Act

**READ** a first and second time this 22<sup>nd</sup> day of September, 2010

**READ** a third and final time and passed this 22<sup>nd</sup> day of September, 2010

This is a certified true copy,

  
W. T. Kirby,  
Clerk

  
MAYOR

  
CLERK

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Schedule “A” Land Use Plan

# TOWN OF LAURENTIAN HILLS OFFICIAL PLAN

## SECTION 1 - INTRODUCTION

### 1.1 Introduction and Utilization

1. The Official Plan of the Town of Laurentian Hills Planning Area is a legal document containing the objectives and policies established primarily to provide guidance for the physical development of the Town of Laurentian Hills while having regard to relevant social, economic and environmental matters.
2. Land use planning decisions shall comply with all applicable provisions and policies of this Plan and shall be consistent with the Provincial Policy Statement (e.g. official plan amendments, zoning by-law amendments, subdivisions, consents, minor variances). Sections of the Plan are cross referenced where they are to be used in conjunction with each other.

### 1.2 Authority

The Official Plan of the Town of Laurentian Hills Planning Area was prepared under the authority of Section 16 of the *Planning Act* which states that:

"An Official Plan shall contain goals, objectives and policies established primarily to manage and direct physical change and the effects on the social, economic and natural environment of the municipality" and "may contain a description of the measures and procedures proposed to attain the objectives of the Plan and procedures for informing and obtaining the views of the public in respect of a proposed amendment to the Official Plan or proposed revision of the Plan or in respect of a proposed zoning by-law". Also, "the Council of a municipality may elect to follow the prescribed processes and develop materials prescribed for the preparation of an Official Plan".

### 1.3 Title and Components

1. This policy document shall be known as the "Official Plan for the Town of Laurentian Hills" and is hereinafter referenced to as the Official Plan or the Plan.
2. The Official Plan consists of a text and **Schedules 'A1' and 'A2'** which make up



the **Land Use Plan**.

3. Background statements, illustrations and appendices included in this document are provided for information purposes only and do not constitute a formal part of the Official Plan.

## 1.4 Interpretation

1. It is intended that the boundaries of the land use designations shown on "**Schedule A1**", be considered as approximate only. Boundaries are to be considered absolute only where clearly bounded by existing roads, railways, rivers or streams, transmission lines, other clearly defined geographical features or lot lines. Amendments to the Official Plan will not be required in order to make minor adjustments to the boundaries of land use designations or features or other symbols nor to the location of roads, provided that in all cases, the general intent of the Plan is preserved. Such minor deviations may not be reflected on the **Land Use Plan**.
2. It is intended that all figures and numerical quantities herein shall be considered as approximate unless otherwise stated. Amendments to the Official Plan will not be required for any reasonable variance from any of these figures.
3. It is intended that buildings, structures uses etc. that are normally incidental, accessory or essential to a permitted use will also be allowed even though not specifically stated in the land use policies.
4. Where examples of permitted uses are provided for in the land use policies of this Plan, it is intended to indicate the possible range of uses considered appropriate and not to be interpreted as all-encompassing unless otherwise stated as such. However, all uses shall be in conformity with the general intent and policies of the general land use designations of this Plan.
5. Where an Act or portion of an Act is referred to in this Plan, such references will be interpreted to include any subsequent legislation that may supersede the Act so named.
6. The Plan utilizes words or terms defined in the Provincial Policy Statement. These definitions shall apply in the interpretation of the policies of this Plan and their application to development and planning applications. These terms are shown in *italicized bold script* in the Plan and are set out in Appendix 1.

## 1.5 Planning Period, Review and Amendments

1. The Planning Period for this Official Plan is intended to be approximately 20 years (2002-2022). The Plan will be subject to a review from time-to-time to ensure that the goals and objectives are being achieved and the policies are practical. It is the intent of Council that a special public meeting be held not less frequently than once every five years pursuant to Section 26 of *The Planning Act* to determine the need for a review of the Plan. As part of the review Council shall be consistent with the Provincial Policy Statement in effect at that time.
2. The review shall not be deemed to prevent any person or applicant from making an application under Section 22 of the *Planning Act* to amend the Plan. Applications for amendments to this Plan by the public or amendments initiated by Council will be considered in accordance with the requirements of *The Planning Act*. Applications submitted by the public must be complete and where required by this Plan, include studies or reports to determine conformity with the Plan. Where deemed appropriate, the Municipality may require applicants to pre-consult with the Municipality prior to filing an application.
3. Council will convene public meetings to consider an amendment to the Official Plan prior to adopting an amendment, but may decline to have a meeting if they refuse to adopt the amendment or the application is not deemed to be complete.
4. Amendments will be required for a change in a land use designation shown on **Schedule "A1", Land Use Plan** or for substantive changes in the policy or text of the Plan. An amendment will not be required for typographic changes, numbering or formatting the Plan.

## 1.6 How to Use This Plan

Applicants should consider the following steps in using this Plan:

1. Locate the property proposed for development on **Schedule "A1", Land Use Plan** and use the legend to determine which land use designation the property is located in.
2. Use the Table of Contents to locate the policies that apply to the land use designation. Policies for the development of residential, commercial, industrial and public uses are found in **Section 5 - Community Development**. Review the policies to determine which land uses are permitted and the planning principles that apply in undertaking any development.

3. If application is being made for a plan of subdivision, the policies of **Section 9.14.13 - Subdivisions, Consents & Part-Lot Control** should be examined.
4. If the property is located close to a water body or a natural heritage feature on the **Schedule 'A1'**, reference should be made to **Section 6.4. - Natural Heritage Features**. Similarly, if the property is located in or close to an area designated for mineral aggregates, the policies in **Section 6.1 - Mineral Aggregate Resources** of the Plan should be considered.
5. Other key Sections of the Plan which should be considered include:
  - **Section 8.4 - Water Supply and Sewage Disposal Systems** which indicates the requirements for sewage disposal and water supply;
  - **Section 8.7 - Transportation** which indicates the requirements for access onto a provincial highway, County Road, Local Road or private road;
  - **Sections 4.5 - Cultural Heritage and Archaeological Resources** which indicates the requirements for undertaking an archaeological assessment; and
  - **Section 7 - Public Health and Safety** which provides direction for development on in adjacent to flood plains, unstable slopes, organic soils, contaminated sites and rail lines and highways (noise and vibration).

For the convenience of the reader, all federal and provincial statutes referred to in this Plan are shown in *italics*. Cross references are shown in **bold script**.

*Definitions which are not set out in this Plan, are to be found in the Zoning By-law.*

## **SECTION 2 - BASIS OF THE OFFICIAL PLAN**

### **2.1 General**

The Official Plan is based on the merits of good land use planning principles as well as various factors, trends and circumstances that were identified in the Background Report.

### **2.2 Provincial Planning System**

The *Planning Act* sets out the ground rules for land use planning in Ontario. The *Act* provides the basis for the *Provincial Policy Statement* which sets out land use matters that are of provincial interest. The *Provincial Policy Statement* provides policy direction on matters of provincial interest related to land use planning and development.

This policy statement is the basis for provincial interests reflected in the policies of this Plan as well as the procedures for the review of planning applications set out in the *Planning Act* and various *Ontario Regulations* enacted under the authority of the *Act*.

In addition, this Plan recognizes the responsibilities and opportunities the Province has or may provide for the Town of Laurentian Hills in decision-making on land use planning matters.

### **2.3 County Role in Land Use Planning**

The County is responsible for municipal plan review. This means that the County acts for the province in ensuring that provincial interests are reflected in County as well as local planning decisions. The County is responsible for the approval of amendments to local official plans and for coordinating the appeal process i.e. appeals to the Ontario Municipal Board. On behalf and in consultation with the Province, the County may appeal any local planning decision such as a zoning by-law amendment or a decision of the committee of adjustment. Under municipal plan review, the County co-ordinates a provincial review for all provincial policy interests. These interests are, for the most part, set out on the Provincial Policy Statement. The *Planning Act* requires planning authorities (municipalities) to be consistent with the Provincial Policy Statement in all planning decisions i.e. subdivisions, consents, zoning by-law amendments etc.

This review will emphasize pre-consultation as a first step in the process. The Municipality as well as applicants will be encouraged to dialogue with the County prior to submitting a development application. This will ensure that provincial, County and municipal interests are adequately reflected in planning documents before decisions are made. This is also a way to avoid potential disputes or appeals later in the process.

The County will seek information or technical assistance from other agencies, where appropriate, prior to making any decision and will issue the notice of decision where it acts as the approval authority.

## **2.4 Municipal Restructuring and Planning Documents (2000)**

The Town of Laurentian Hills is a restructured municipality. The Township of Rolph, Buchanan, Wylie and McKay and the Village of Chalk River were restructured as the Town of Laurentian Hills on January 1, 2000 with a combined population of approximately 2,725.

An initiative of the first Council of the new municipality was to review the Official Plans and comprehensive zoning by-laws of the former municipalities and to replace and/or update the Planning documents currently in place.

## **2.5 Population Growth**

The population of the combined municipalities that now make up the new Town has fluctuated over the last two decades: 1981 - 2,753, 1991 - 2,530, 1996 - 2784, 2006 - 2,789. Projections undertaken by the County in the preparation of the County Plan are based on a low, medium and high growth scenario. Over the 20 year time period (2000-2020), these scenarios when applied to the Town of Laurentian Hills would generate a negative growth rate from 2,725 (2000) to 2,272 (low), 2,458 (medium) or 2,659 (high). Population projections are based on a changing demographic where a reduction in fertility rates and an aging population (increased mortality rates) will result in negative natural growth.

These projections would realize the continuance of a relative stable population assuming the high scenario. Positive growth rates will depend on a significant change in the economic circumstances of the Municipality leading to in-migration.

## **2.6 Settlement Pattern**

The majority of the population of the Town resides in the urban settlement areas of Chalk River, Rolphton and Point Alexander and on the periphery of the Town of Deep River (separate municipality). The balance of residents reside along the Highway 17 corridor and along the shoreline of the Ottawa River. This narrow and linear pattern of settlement is confined by the Ottawa River to the east, the Petawawa Forestry Institute and military reserve to the south and Algonquin Provincial Park to the west.

The intent of the Plan is to provide for an adequate land supply within the Planning Area for residential and non-residential development to accommodate growth projected for a

time horizon of up to 20 years. Significant changes to the settlement pattern are not anticipated. While most of the future growth will occur in the designated urban settlement areas, infill development will also occur on existing municipal roads within the rural area. This will provide for a balance of living environments.

The land use pattern will be rounded out with provision for resource related uses (forestry, mineral aggregate extraction and agriculture), and related land use activities. The Plan also makes provision for other rural-based land uses e.g. outdoor recreation, waste management sites, utilities etc. Of the total land base of 69,119 ha (170,790 acres), 51.8% (35,816 ha - 88,500 acres) is made up of Crown Land or federal lands (Military Base, Forestry Institute). These lands are not subject to municipal land use controls.

## **2.7 Economic Base**

Major employment sectors include government, education and health services which together employed 21.5 % of the population (1996). Business services and the accommodation, food and beverage industries employed 33% of the population. Transportation and communications industries employed 19.7 % while wholesale trade employed 11.4 %. Primary industries and manufacturing each employed 3.9%. The total labour force 15 years and over was 1,265 (1996).

The distribution of the employment in the Municipality reflects the service industry associated with the Highway 17 corridor and the specialized employment and related services of AECL. Primary industry employment would appear to be associated with the forest products industry. Changes to the employment pattern are not anticipated over the planning period unless there is a major restructuring of existing industry sectors or substantive diversification. Council will work to maintain the health and viability of existing businesses and government services while working on economic development opportunities to strengthen the economic base, notably information technology services. To this end, Council has established the Chalk River Business Park where approximately 9.7 ha [24 ac.] of land area is available for new business and industrial development.

## **2.8 Public Health and Safety**

Physical constraints to development and issues of public safety will influence where and how development can take place (e.g. flood plains and unstable slopes, contaminated sites). These require special consideration. Flood elevations have been established for the Ottawa River and unstable slopes have been identified on Lots 15-17, Range B in the geographic township of Rolph. Policies to ensure safe development are essential ingredients to the Plan.

## **2.9 Natural Heritage Features**

Part of the natural heritage of the area is a deep respect for the environment and the amenities of natural habitat areas. The Plan sets out policies to ensure that there are no adverse impacts to the conservation of the environment and the ecological functions associated with fish and wildlife habitats, wetlands and other natural heritage features.

## **2.10 Public Service Facilities**

Public service facilities and infrastructure are generally adequate and have the residual capacity, with noted exceptions, to support further growth and development. Chalk River is serviced with municipal piped water and sewer services. Improvements have been made to increase the available capacity for sewage disposal. Maintenance of the network of roads is key to the growth and settlement policies of the Plan. Highway 17, for example, is a key economic generator although access is restricted. Private roads are controlled to avoid long term public expenditures for their potential assumption. Three major transportation corridors traverse the Town (i.e. TransCanada Pipeline, railway and Highway 17) all of which provide services and will influence the future land uses pattern i.e. the Town's designated business park abuts the rail yards in Chalk River. The basis of the Plan is to build on these transportation features as assets to future economic growth.

## **2.11 Cultural Heritage and Archaeological Resources**

Conservation of the historical legacy of rural pioneer settlements and water based development are addressed through a policy on cultural heritage resources.

## **2.12 Planning Tools**

Reference is made in this Plan to various planning tools such as zoning, site plan control, holding zones, temporary use by-laws and land division (consents and subdivision control). These tools may be used where they assist Council to enhance or provide for orderly development and to ensure compatibility with adjacent land uses. The opportunity to use the development permit system should be pursued when this tool becomes universally available under the *Planning Act*.

## **SECTION 3 - GOALS AND OBJECTIVES OF THE PLAN**

### **3.1 Goal of the Official Plan**

To ensure that growth and development is managed in a logical and orderly manner in accordance with Council's desire to provide for the common well-being and mutual benefit of all residents and rate payers in the Municipality while retaining a high quality cultural and natural environment.

### **3.2 Objectives of the Official Plan**

1. To establish the planning principles and policies which will serve as a guide to Council in their exercise of powers and responsibilities for the provision of services, the allocation of uses and the control of growth and development over the next two decades;
2. To prescribe urban settlement boundaries for the village of Chalk River and the Hamlets of Rolphton and Point Alexander and provide for a diversity of development opportunities for the orderly and economic expansion of all forms of land use activities commensurate with an urban setting;
3. To prescribe the scope of land uses and encourage a rural development pattern which is efficient and preserves the area's renewable and non-renewable natural resources for future utilization and economic benefit and enjoyment;
4. To make provision for an adequate level of public service uses and facilities, infrastructure, housing and employment opportunities which will serve to meet the social, educational and cultural needs of residents;
5. To sustain the attributes and amenities of the planning area which contribute to a high quality of life and conserve and present an attractive, safe place in which to live, play and work;
6. To support the existing economic base by maintaining existing businesses and government services and by pursuing opportunities to expand, diversify and strengthen the economic base;
7. To work cooperatively with neighbouring municipalities, the County, and senior levels of government in order to meet the growth, development, housing and services needs of the community;



8. To promote energy efficient development which takes into account methods to reduce energy costs;
9. To avoid inappropriate development on lands with inherent environmental or other problems which may pose a threat to public health and safety;
10. To provide for protection to persons and property especially with respect to traffic and fire safety;
11. To encourage and lead the redevelopment or rehabilitation of deficient public service uses and facilities and the retrofitting of dilapidated building stock as a means to stabilize and enhance the assessment base and foster new investment;
12. To enhance the liveability of the community through a high standard of streetscape design, through the proper siting of buildings and the landscaping of properties;
13. To both reduce and prevent land use conflicts between incompatible land uses;
14. To coordinate the public purposes of Council that bear upon urban and rural growth and development and the prudent and wise expenditure of public funds for the delivery and maintenance of public services;
15. To provide for an adequate supply of land for all land uses over the planning period;
16. To provide for a compact form of development in urban settlement areas that makes efficient use of existing public service facilities and infrastructure;
17. To conserve the attributes and features of the natural environment and its natural heritage features; and
18. To provide for a safe and efficient transportation infrastructure (road, rail, air, water) that also promotes non-motorized travel.

## **SECTION 4 - GENERAL DEVELOPMENT POLICIES**

### **4.1 General Development Policies**

The general development policies contained in this section have general application throughout the municipality and may apply to one or more of the land use designations. These policies should be read in conjunction with the policies of **Section 5 - Community Development**, and **Section 6 - Resource Management** of this Plan.

### **4.2 Access to Property**

In general, all new development shall have frontage on and direct access to a public road which is maintained year round by a public road authority. Exceptions to this general policy may be allowed for agricultural uses, conservation uses, forestry uses, hunting and fish camps in remote locations and where provisions are made in this plan for access from a private road or right-of-way. Highway 17 is classified as a special controlled access highway (Class III Major Highway). Access and development is restricted and is subject to the safety and geometric requirements and permits of the Ministry of Transportation for entrances, buildings and signs, prior to construction (see **Section 8.7.2**). New development will be accessed from local roads wherever possible.

Where access cannot be gained through any means, as stated above (i.e., private right-of-way, public road, etc.), then water access may be permitted provided proper parking and boat launch facilities are within close proximity to the subject lands. It must also be demonstrated that proper safety measures have been taken to the satisfaction of Council, i.e., see Section 4.12 – Fire Protection and Section 7.0 – Environmental Protection.

### **4.3 Airfields**

Private airfields may be permitted in any land use designation except a Village or Hamlet, provided the scale and location of the airfield use will be compatible with existing and proposed neighbouring uses (e.g. noise attenuation, fuel and waste storage, sewage disposal). The location of private airfields will be controlled by placing them in a separate category in the zoning by-law. Private airfields shall be subject to site plan control (see **Section 9.13.10 - Site Plan Control**).

## 4.4 Buffering, Adverse Effects and Sensitive Land Uses

### 1. Buffering

Where different land uses abut, every effort shall be made to avoid conflicts between those uses which may create land use conflicts or are considered incompatible. Where deemed necessary, buffering shall be provided for the purpose of reducing, mitigating or eliminating the adverse effects of one land use upon another. A buffer may consist of such features as landscaped open space, walls, berms, a fence, or a compatible intervening land use or any combination of the above. The required buffering will be implemented through zoning and/or site plan control and will normally be provided by the applicant for the most recent use.

Regard shall be given to the separation and influence area policies of this Plan in their application to sensitive land uses. In general, sensitive land uses should be located a reasonable distance away from any use or facility which would be a potential source of nuisance or adverse effect such as railways, Highway 17, industrial uses, waste disposal sites, wrecking yards, mineral aggregate areas and intensive livestock operations. Separation distances specific to the particular use will be established in the zoning by-law.

### 2. Adverse Effects

*Adverse effects*, for the purposes of this Plan, shall be as defined in the *Environmental Protection Act*, and in the *Provincial Policy Statement* as follows:

Means one or more of:

- A. Impairment of the quality of the natural environment for any use that can be made of it;
- B. Injury or damage to property or plant and animal life;
- C. Harm or material discomfort to any person;
- D. An adverse affect on the health of any person;
- E. Impairment of the safety of any person;
- F. Rendering any property or plant or animal life unfit for human use;

- G. Loss of enjoyment of normal use of property; and
- H Interference with normal conduct of business.

3. **Sensitive Land Uses**

*Sensitive Land Uses*, for the purposes of this Plan, shall be as defined in the Provincial Policy Statement as:

Means buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more *adverse effects* from contaminant discharges generated by a nearby major facility. *Sensitive land uses* may be a part of the natural or built environment. Examples may include but are not limited to: residences, day care centres and educational and health facilities.

#### 4.5 Cultural Heritage and Archaeological Resources

1. The intent of this Plan is to conserve "*built heritage resources, cultural heritage landscapes and archaeological resources*" as defined in the Provincial Policy Statement. Council intends to consult, where appropriate with agencies where *significant cultural heritage resources* are identified and may be affected by development e.g. cemetery or burial site. In addition, *areas of archaeological potential* is are acknowledged as being confirmed through archaeological fieldwork undertaken in accordance with the *Ontario Heritage Act* by the proponent of a development application and will undertaken as a condition of development.
2. It is a policy of Council to consider cultural heritage resource conservation in all land use planning decisions. *Cultural heritage resources* include *built heritage resources, cultural heritage landscapes* and *archaeological resources* which are important to the community or area in which they are located or are recognized for their significance at a provincial or national level. To implement this policy, Council shall:
  - A. Encourage and provide for the identification, recognition, documentation, restoration, protection, conservation, maintenance and enhancement of *significant cultural heritage resources* in a manner which perpetuates their functional use while maintaining their heritage value, integrity and benefit to the community. This will also include cultural heritage and archaeological resources related to aboriginal peoples.

- B. Consider ways and means to protect and conserve cultural heritage resources, including utilization of the *Ontario Heritage Act* in the following ways;
- (i) Council may establish a Municipal Heritage Committee with the goals and objectives of such a committee to identify and consider ***cultural heritage resources*** throughout the Planning Area;
  - (ii) Council may designate properties, districts and areas having historic and architectural value or interest in the Planning Area under Parts IV and V of the *Ontario Heritage Act*; and
  - (iii) Council will initiate or encourage the preparation of comprehensive inventories of ***cultural heritage resources*** and cultural heritage resource master plans in the Planning Area including its participation with the County in the development and updating of any archaeological site mapping and/or data base.
3. Council shall require that in any proposed plan of subdivision and prior to the undertaking of any public work, private development, consent or zoning By-law amendment, consideration be given to the possible effects and impacts of such works or development on ***cultural heritage resources*** and that such impacts, where identified, are appropriately mitigated.
4. Council shall require an archaeological impact assessment to be carried out by an archaeologist licensed under the *Ontario Heritage Act*, when any public work, private development, consent or zoning by-law amendment may affect an area containing a known archaeological site or cemetery or an area considered to have archaeological potential. On lands containing ***archaeological resources*** or ***areas of archaeological potential, development and site alteration*** may be permitted if significant archaeological resources have been conserved by removal and documentation, or preservation in-situ. Where ***significant archaeological resources*** must be preserved on site, only ***development*** and ***site alteration*** which maintains the heritage integrity of the site will be permitted.
5. Council will consider, where appropriate, the passing of archaeological zoning by-laws under *Section 34* of *The Planning Act*, to be adopted for the purpose of preserving identified ***significant archaeological sites***.
6. Where feasible and desirable, incentives may be provided to land developers in exchange for preservation of significant cultural heritage resources. This can be accomplished by permitting increased densities, density transfers, tax incentives, assistance through a trust fund, heritage conservation easements and/or other

means considered appropriate for heritage resource conservation.

7. Council shall consult appropriate government agencies, including the Ministry of Culture and the Ministry of Consumer Services - Cemeteries Regulation Unit and the OPP when an identified human cemetery, a marked or unmarked human burial site is affected by *development*. Detailed archaeological assessments may be required and the provisions under the *Heritage Act* and the *Cemeteries Act* shall apply.
8. *Development* and *site alteration* including any public work, private development, consent or zoning by-law amendment, shall not be permitted on adjacent lands to a protected cultural heritage feature or property unless impacts on the cultural heritage feature have been evaluated by a qualified heritage consultant (i.e. heritage impact assessment) and provisions are made to minimize or mitigate any impacts.
9. It is the intent of Council to share the identification and mapping of any cultural heritage and archaeological resources with the Ministry of Culture under a data sharing agreement.
10. Council shall take into account known *archaeological resources* and *areas of archaeological potential* when considering applications for establishing or expanding aggregate operations.

## 4.6 Day Care Facilities

Day nurseries shall be encouraged as an integral component of the workplace and shall be permitted in all land use designations in this Plan except the **Environmental Protection** designation. For the purposes of this Plan, a day nursery shall be as defined in the *Day Nurseries Act*. The implementing zoning by-law shall contain provisions for the establishment of day nurseries in accordance with this policy. Day nurseries where they are part of an institutional, commercial or industrial use shall be subject to site plan control (see **Section 9.13.10 -Site Plan Control**).

## 4.7 Development

**Development**, for the purposes of this Plan, means the creation of a new lot, a change in land use, or the construction of buildings and structures, requiring approval under the *Planning Act*, but does not include activities that create or maintain infrastructure authorized under an environmental assessment process, ~~or~~ works subject to the *Drainage Act* or underground or surface mining of minerals or advanced exploration in *significant*

*areas of mineral potential* in Ecoregion 5E, where advanced exploration has the same meaning under the *Mining Act*. (Source: Provincial Policy Statement)

## 4.8 Development Costs

It is the intent of this Plan that community improvements, project requirements, study and development costs which benefit specific private property owners and developers, such as new streets, sidewalks, storm and sanitary sewers, shall be borne by the developer. These shall be distinguished from public works which are designed to benefit the community at large, such as trunk sewers, major roads and parks development. In some cases, Council may enter into an agreement to share costs as a portion of public works, or may install such works as a municipal cost where Council deems that a greater public interest will be served.

## 4.9 Dwellings Per Lot

Except where otherwise permitted under this Plan (i.e. garden suite) no more than one building or structure containing one or more dwelling units shall be permitted on any lot.

## 4.10 Energy Conservation

In an effort to reduce energy costs and to promote energy efficiency in land development, any new development including subdivisions shall, where feasible, be designed to take advantage of solar orientation, prevailing winds, wind breaks and planted vegetation, topography, housing design, clustering of buildings, landscaping and non-motorized forms of transportation e.g. recreational trails, pedestrian linkages etc.

The intent of this plan is to also encourage the development of **renewable energy systems** and *alternative energy systems*. A renewable energy generation facility, a renewable energy project, a renewable energy testing facility or a renewable energy testing project as defined in subsection 1 (1) of the *Planning Act* is exempt from the provisions of the *Planning Act* except as set out in Section 62.0.2 of the *Act*. Council will encourage a consultative process in the installation of renewable and alternative energy systems. Development of renewable and alternative energy systems shall be encouraged to have regard for safe access to a lot, setbacks that are consistent with zoning standards, adequate lot size, access to and conservation of other natural resources (i.e. agricultural land, *minerals*, *mineral aggregate resources* and *natural heritage features and areas*) and visual compatibility with surrounding land uses.

From time-to-time Council will initiate an energy audit of public buildings and undertake

energy efficient cost saving improvements.

#### **4.11 Existing Land Uses**

Nothing in this Plan shall affect the continuance of uses legally established under the provisions of a previous official plan or any zoning by-law in force on the date of approval of this the Plan or other legally established land uses including uses that do not conform with the land use designations as shown on the **Schedule "A1", Land Use Plan.**

#### **4.12 Fire Protection**

1. The *Fire Protection and Prevention Act* mandates municipalities to provide fire protection services as it determines may be necessary in accordance with its needs and circumstances. Given the extensive forest cover in the planning area, and the limited resources of the Municipality, the Town has entered into a fire management agreement with the Ministry of Natural Resources. It is the intent of Council to provide for fire prevention and fire suppression activities as a shared responsibility pursuant to the terms of the agreement. Council will also continue to support mutual aid programs with other municipal fire departments.
2. Council recognizes the importance of fire management and its relationship to emergency measures preparedness. Council shall undertake measures to minimize the risk of forest fire hazards or other fire hazards by:
  - A. Maintaining an updated emergency preparedness plan;
  - B. Maintaining fire suppression equipment and buildings in serviceable order;
  - C. Ensuring that adequate water supplies for fire suppression purposes are accessible in the area between the western limits of the Town of Deep River and Meilleurs Bay where there is known to be a limit on water sources;
  - D. Undertaking as a municipality or by requiring, where deemed appropriate, such forest fire management measures as:
    - (i) Ensuring proper road access for emergency vehicles and for escape e.g. construction standards, width, bearing capacity, height clearance;



- (ii) Evaluating fire response capabilities;
  - (iii) Determining and mapping the location of emergency water sources and providing for their protection and accessibility;
  - (iv) Ensuring that buildings are well spaced and properly sited and constructed with fire resistant materials;
  - (v) Identifying the location of roads which may act as fire barriers
  - (vi) Encouraging fire-wise landscaping;
  - (vii) Establishing distance separations between buildings and densely wooded areas, particularly tree species with a high ignition factor;
  - (viii) Establishing limiting distances or setbacks from nearby fire risks e.g. railways etc.;
  - (ix) Working with the Ministry of Natural Resources to implement fire prevention measures when establishing new softwood plantations in close proximity to residential development; and
  - (x) Encouraging those supervising the removal of timber on both Crown and patented lands to ensure that slash and other remnant material is removed and not abandoned to dry out and become an uncontrolled fire hazard.
2. Council may establish a forest fire management plan and implement the plan through incorporating provisions in the municipality's zoning by-law and through the use of site plan control (see **Section 9.13.10 -Site Plan Control**).

#### **4.13 Garden Suites**

*Garden Suites* which are defined as a one-unit detached residential structure containing bathroom and kitchen facilities that is ancillary (accessory) to an existing residential structure and that is designed to be portable. Garden suites are intended for people who are largely capable of living independently but who, by virtue of their age or because of a disability require some support to live on their own. Council may provide opportunities for garden suites on a site specific basis by passing a temporary use by-law provided the lot is of a sufficient size and the unit can be properly serviced with water and sewage disposal (see **Section 9.13.9 - Temporary Use By-laws** and **Section 8.4 - Water and Sewage Disposal Systems**).

#### **4.14 Group Homes**

##### **1. Definition**

For the purposes of this Plan, group homes are defined as a single housekeeping unit in a residential dwelling registered with the municipality and in which three

to ten residents (excluding supervisory staff) live together under responsible supervision consistent with the requirements of its residents group living arrangement and which is licensed and/or approved under provincial statutes and is in compliance with municipal by-laws.

## 2. **Location and Separation Distances**

Group homes are permitted in any designation in which a residential use is permitted. However in order to prevent an undue concentration of group homes in residential areas, Council may establish or require a minimum separation distance between group homes through a provision in the zoning by-law.

## 3. **Registration**

All group homes shall be registered under the *Municipal Act*, and this registration shall be completed prior to the establishment of any such group home facility. At the time the group home is proposed to be established, the sponsoring agency, group or persons shall furnish the following information:

- A. The type and location of the group home proposed;
- B. The number of residents;
- C. The name of the licensing approval agency with the province and proof of licensing or approval of financing; and
- D. Plans for parking including visitor parking.

## **4.15 Home Based Business**

Home based businesses inclusive of trades and professional uses, bed & breakfast establishments and small scale enterprises which are clearly secondary to any residential use, shall be encouraged (as a primary or secondary source of household income) and permitted provided they are compatible with neighbouring residential uses and do not create a public nuisance for neighbouring properties i.e. noise, odour, excessive traffic, electrical interference, outdoor storage etc. Specific provisions relating to home based businesses shall be included in the zoning by-law e.g. floor area coverage, use of accessory buildings, parking, signs, number of employees, outdoor storage, nuisance factors etc.

Entrances serving home based businesses are subject to the controls and requirements of

the Ministry of Transportation where they are located adjacent to Highway 17. Access, where granted, shall be limited to a residential entrance. Conversion of a home based business to a commercial enterprise with access onto Highway 17 shall not be permitted. Commercial entrances will only be permitted on commercially zoned lands and must be developed to a commercial standard to qualify for an access permit. Severances will not be permitted that would result in a separate entrance to a business and one for the retained parcel (see also **Section 8.7.2 - Provincial Highway**).

#### **4.16 Housing**

It is the intent of Council to provide for an appropriate range of housing types and densities commensurate with the shelter needs of current and future residents, servicing capabilities and demographic characteristics of the planning area. Medium and higher density development will be directed to Chalk River where piped municipal services are available. Council will ensure that at least a 10 year land supply of land is designated and available at all times for residential development and land zoned with servicing capacity to provide at least a three year supply of residential units. Council will also encourage the provision of housing which is designed to be affordable to moderate and lower income households. This will be achieved in part through a conscientious effort to reduce housing costs by considering cost effective development standards for roads, underground and aboveground services, higher densities and reduced frontages, where feasible. Other means to provide housing will include provisions for apartments in houses, garden suites (see **Section 4.13**), group homes (see **Section 4.14**), infilling and *residential intensification* (see **Section 4.17**).

#### **4.17 Infill and Intensification**

*Residential intensification* and redevelopment will be encouraged as a means to consolidate development and optimize the use of existing services (e.g. piped water and sewer, roads) in meeting the housing needs of the community. *Residential intensification* to create new residential units will be encouraged in built-up areas (village or hamlets) with sufficient existing or planned infrastructure. This may occur through the conversion of non-residential buildings or by increasing the number of units in existing residential buildings. Non-residential intensification will be encouraged by making better use of floor space in existing industrial, commercial or institutional buildings.

#### **4.18 Lots of Record**

1. Lots of record are legally created parcels or tracts of land that can legally be conveyed and, for the purposes of this Plan, are deemed to include lots in a registered plan of subdivision, parcels created by consent, in accordance with the

*Planning Act* and/or any other distinct and separate holding, the deed to which is registered in the Registry Office or the Land Titles Office;

2. Lots of record, which are vacant and which existed on the date of adoption of this Plan, may be used for building purposes provided that prior to a building permit being issued the Municipality is satisfied that:
  - A. The lot complies with the policies of this Plan for access to lots i.e. frontage on a public or private road, water access etc.;
  - B. Sewage disposal facilities and potable water can be provided on the lot to the satisfaction of the public body having jurisdiction (see **Section 8.4 - Water Supply and Sewage Disposal Systems**);
  - C. The use complies with the provisions of the Community Development policies of this Plan (see **Section 5.0**); and
  - D. The lot meets the relevant planning principles of this Plan for specific land use designations and the zoning standards of the implementing zoning by-law.

#### **4.19 Minimum Distance Separation Formulae I and II**

The Minimum Distance Separation Formulae I and II of the Ministry of Agriculture, Food and Rural Affairs, in effect at the time, shall apply to new land uses, including the creation of new lots and new or expanding livestock operations in order to minimize odour conflicts between livestock facilities and development.

#### **4.20 Mobile Homes**

Mobile homes shall only be permitted in a mobile home park (see **Sections 5.4 - 2 J** and **5.15 - 2 E**).

#### **4.21 Non-conforming Uses**

##### **1. Zoning of Non-conforming Uses**

Some existing uses will not comply with all of the relevant policies of this Plan. Such uses may be zoned in the zoning by-law in accordance with their present use provided that:

- A. The zoning will not permit any major change of use or major enlargement that will aggravate any situation detrimental to adjacent complying uses;
- B. They do not constitute a danger to surrounding land uses and persons by virtue of their hazardous nature or the traffic flow they generate;
- C. They do not pollute the air, water or soil to the detriment of health and/or property; and
- D. They do not interfere with the development or enjoyment of adjacent areas in accordance with this Plan.

2. **Committee of Adjustment**

The Committee of Adjustment may permit a change of use from a legal non-conforming use to a similar or more compatible use pursuant to its powers under the *Planning Act*. Where an existing, non-conforming use is discontinued, a rezoning may only take place in conformity with this Plan.

3. **Permissions for an Expansion, Alteration or change of a Non-conforming Use**

Where a use does not satisfy the criteria listed in **Section 4.21 -1**, Council may not zone the use for its present use. Furthermore, the Municipality may seek means to eliminate the use and may acquire it if sufficient funds are available or assist in the relocation of the use. Where an existing use has been zoned as a non-conforming use, but there is merit in granting permission to extend or enlarge the use within the lands owned on the date of passing of the zoning by-law, or on adjacent properties, Council may amend the zoning by-law to permit such extension or enlargement without the necessity of amending the official plan provided the requirements the *Planning Act* are complied with and it is satisfied that such extension or enlargement is appropriate under the circumstances. The Committee of Adjustment may also, based on merit, permit the extension or enlargement of a non-conforming use within the lands owned on the date of the passing of the zoning by-law, provided the requirements of the *Planning Act* are complied with and the Committee is satisfied that such extension or enlargement is appropriate under the circumstances.

The Council or the Committee of Adjustment shall use the following guidelines when assessing any application for an extension or enlargement or change to a similar or more compatible use:

- A. It should not aggravate any situation which is detrimental to neighbouring conforming uses;
- B. It should be in reasonable proportion to the existing use and to the land on which it is to be located;
- C. Any extension or enlargement involving additional land should be minor in relation to the total property. Any major change shall require an amendment to the official plan;
- D. It should result in greater compatibility with surrounding uses with regard to noise, vibration, fumes, smoke, dust, odours, lighting and traffic generation;
- E. Adequate buffering, landscaping, setbacks and any other measures necessary to reduce the nuisance may be required and where possible, should be extended to the existing use;
- F. Proper access to the site will be provided to ensure no traffic hazards are created;
- G. Adequate off-street parking and loading spaces will be provided;
- H. Applicable services such as public utilities, storm drainage works, water supply and sewage disposal systems must be adequate; and
- I. Neighbouring property owners will be notified of the proposed extension, enlargement or change of use of the non-conforming use before the final decision on the application is made.

4. **Replacement of Non-conforming Use Destroyed by a Natural Cause**

In most instances, where an existing building or structure which has been zoned as a non-conforming use is destroyed by a natural cause i.e. flood, fire, earthquake, which is beyond the owner's control, such building or structure may be reconstructed to its former standards provided work is commenced within a reasonable length of time from the date of the destruction.

5. **Strengthening a Non-conforming use to a Safe Condition**

In most instances, an existing building which is zoned as a non-conforming use

may be reconstructed or strengthened to a safe condition provided that the external dimensions and the use of the building or structure are not changed. However, there may be situations where Council will choose to zone certain non-conforming uses so that such uses could not be re-established or would be permitted to re-establish if certain conditions were met, in accordance with the specific provisions of the zoning by-law.

#### 6. Existing Undersized Lots

The development of existing undersized lots may be permitted in accordance with the relevant provisions of the zoning by-law provided that where the development is on on-site (private) water and sewage services, the lot is of an adequate size for water supply and sewage services and the other relevant servicing policies of this Plan are met.

A lot addition or enlargement to an existing undersized lot may be permitted even though the addition does not raise the lot to the zoning standard required. In such case, the lot shall not lose its non-conforming status and may be developed in accordance with the relevant provisions of the zoning by-law.

### 4.22 Off-Street Parking and Loading

1. All residential, commercial, institutional and industrial development shall be required to provide and maintain adequate off-street parking facilities, including off-street loading facilities, where appropriate for good development.
2. Driveways and access points to parking areas shall be designed in a manner which will cause a minimum of interference with the free flow of traffic on adjacent streets.
3. The Municipality may enter into an agreement under the *Planning Act* exempting the owner or occupier, to the extent specified in the agreement, from the requirements of providing or maintaining off-street parking facilities, in the following circumstances:
  - A. Where the developer is unable to provide sufficient parking facilities due to site are limitations;
  - B. Where existing municipal parking areas within close proximity can accommodate the parking needs of the development; and

- C. Where the parking facilities on the site to be developed are deemed by Council not to be necessary for other appropriate reasons.
- 4. The Municipality may accept cash-in-lieu of parking for the purposes of providing a municipal parking area.

#### **4.23 Shoreline Structures and Setbacks**

The policies of this section shall apply to shoreline structures abutting any lake or water body.

1. With the exception of docks and (wet) boat houses, all shoreline structures shall be constructed within the confines of the property boundaries of a lot. The Ministry of Natural Resources, by way of work permits, issues approvals for construction of structures that are proposed to be located along shore lands that are covered or seasonally inundated by the water of a lake, river, stream or pond. The Ministry of Natural Resources and the Department of Fisheries and Oceans shall be consulted and approvals sought from these agencies prior to the construction of one or more cribs supporting a dock where the total combined footprint for both existing and proposed cribs would occupy more than 15 m<sup>2</sup> [161.4 ft<sup>2</sup>];
2. Shoreline structures including boat houses, boat ports and float plane hangars shall be limited to a maximum height and width as regulated by the zoning by-law;
3. Construction of a second storey addition for any shoreline structure shall not be permitted where it unduly blocks a vista or view of a neighbouring property or is not in keeping with the character of the shoreline structures on the same lake or water body;
4. Interior finishing or occupancy of any portion of a boat house or boat port for use or occupancy as a dwelling shall not be permitted;
5. Saunas or steam baths shall not be serviced by a pressurized water system within 30 m [98.4 ft] of the shoreline (see also setback requirements below);
6. Floating structures, cribs and docks shall be subject to municipal review and review by the public authority having jurisdiction and shall require permits from the appropriate regulatory authority e.g. Canadian Coast Guard, Ministry of Natural Resources, where required;



7. The type of docks shall generally be limited to floating, cantilevered or post dock construction. Other types of docks may be permitted where it is demonstrated that they will not have a negative impact on fish habitat. Docks shall be built of non-toxic building materials. The size of docks may be regulated by the zoning by-law and in no case shall limit or restrict safe navigation. The shoreline below the high water mark shall not be permanently altered through the construction of shoreline structures except to accommodate the placement or use of docks as approved by the authority having jurisdiction;
8. No shoreline structure which will destroy fish habitat shall be permitted unless authorized by the Department of Fisheries and Oceans (see **Section 6.4 - 4 - Fish Habitat**);
9. Other shoreline structures may include a gazebo, utility or storage shed, deck or viewing area subject to the standards set out above;
10. Shoreline structures shall be permitted in a front yard water side subject to meeting appropriate zoning standards;
11. The minimum setback for shoreline buildings and structures shall be as follows:
  - A. Main building: 30 m [98.4 ft] where there are no adjacent buildings or an established building line nor any development;
  - B. Main building: 20 m [65.6 ft] where there are adjacent buildings i.e. dwellings or an established building line;
  - C. Sewage disposal system: generally private sewage disposal systems will be set back a minimum horizontal distance of 30 m [98.4 ft] from the normal high water mark of a water body to the nearest face of the septic tank or nearest tile of a filter bed. This requirement may be increased, or in very limited situations decreased, depending on such factors as site conditions; the particular use and whether the situation involves the infilling between two existing residential dwellings. The setback shall not be reduced along the shoreline of a sensitive lake e.g. Corry Lake. In the case of existing lots, where the setback cannot be met, the setback shall be as remote from the high water mark as the lot will permit;
  - D. Secondary or accessory buildings: 15 m [49.2 ft]; and
  - E. Electric power transmission lines, other public utilities, marinas, marine

facilities, boat houses: no set back.

All setbacks shall be measured from the high water mark and may be in addition to any setbacks for yards established in the zoning by-law for properties abutting a shoreline road allowance or in addition to any setbacks prescribed by the Ontario Power Corporation for the Ottawa River.

12. In general, it is the intent of the municipality that the property located between the shoreline of a water body and the main building will be maintained, wherever possible, in its natural state to serve as a buffer and which assists in minimizing the land-surface transport of nutrients to the water body. More specifically, it is the intent of the municipality to require the establishment and retention of a natural vegetation buffer on lands located within 15 m [49.2 ft] of the shoreline. This buffer would encourage the retention of natural plants, shrubs and trees with stabilizing root systems which, in turn, decrease the effects of shoreline erosion. The requirement for a vegetation buffer may be achieved through site plan control (see **Section 9.13.10 -Site Plan Control**).

#### **4.24 Temporary Uses**

In certain circumstances, it may be desirable to pass a Temporary Use By-law to implement the policies of this Plan or to implement measures for economic growth and prosperity (e.g. it may be desirable to locate certain uses in vacant commercial or institutional buildings or on lands zoned for institutional uses on a temporary basis despite the fact the uses are not permitted under the provisions of the Official Plan). It may also be beneficial to temporarily zone lands for industrial or commercial uses as an incubator or temporary location for a use which does not conform with the Plan.

Council may, therefore, in a by-law passed under Section 39 of the *Planning Act*, authorize a temporary use of existing structures for any purpose set out therein. The period of time for a temporary use may be for a period of up to ten years for a garden suite and up to three years in all other cases, both of which are renewable. Notice of a Temporary Use By-law shall be given in the same manner as that of a zoning by-law under Section 34 of the *Planning Act*.

As a condition of the passing of a Temporary Use By-law for a garden suite, Council may require the owner of the suite or any other persons to enter into an agreement with the Municipality under the *Municipal Act*.

Any use introduced under such a Temporary Use By-law does not acquire the status of a legal non-conforming use at the expiration of the by-law(s) and at that time must

therefore cease.

It is not the intent of the Official Plan that Temporary Use By-Laws be used to permit a new use while an amendment to the Official Plan and/or zoning by-law is being processed to permit the use on a permanent basis. However, once a temporary use is established and it becomes apparent to Council that the use should be permitted on a permanent basis, the use may continue under a Temporary Use By-law while any required amendments are passed.

## SECTION 5 - COMMUNITY DEVELOPMENT

### 5.1 Growth and Settlement

This section of the Plan sets out the policies and principles that will guide growth and settlement within the Municipality. It is the intent of this Plan to reinforce the current pattern of settlement by directing residential, commercial and industrial growth to designated village, hamlet and built-up settlement areas and away from resource uses or activities. Priority will be given to development in locations which optimize the use of existing *public service facilities* and *infrastructure*. Emphasis will be placed on infill, *residential intensification* and contiguous development in designated village and hamlet settlement areas before consideration is given to the expansion of settlement area boundaries. Changes to settlement area boundaries will only be undertaken at the time of a *comprehensive review* of this Plan and consistent with the requirements of the Provincial Policy Statement. The land supply for development is based on a time horizon of 20 years. Provision will be made, in particular, for an adequate supply of appropriate range of housing types and densities commensurate with the current and future growth needs of Laurentian Hills. It is the intent of this Plan to provide for development that is generally compact, that is adequately serviced, that avoids or resolves land use conflicts and is sensitive to the features and characteristics of the natural environment. Development will be directed away from natural and human-made hazards e.g. flood plains, unstable slopes, contaminated sites.

Within the **Rural** area, land uses will be primarily resource or resource based. Opportunities will be provided for other rural land uses in locations which do not conflict with resource uses or activities and which meet the applicable servicing standards, which comply with the minimum distance formulae (see **Section 4.19**), which are appropriate for available or planned *infrastructure*, and which can be sustained by rural service levels.

In making land use decisions, it is the intent to conserve or enhance *natural heritage features and areas* and the attributes of the natural landscape.

### 5.2 Land Use Designations

For the purposes of this Plan, all land within the Municipality has been placed in the following **Land Use Designations**:

1. **Village Settlement Area (Chalk River)**

Within the **Village Settlement Area**, the **Land Use Designations** shall include:

- A. Residential (**Section 5.4**)
- B. Mixed Use Commercial (**Section 5.5**)
- C. Highway Commercial (**Section 5.6**)
- D. Industrial (**Section 5.7**)
- E. Urban Reserve (**Section 5.8**)
- F. Environmental Protection Area (**Sections 5.9, 7**)

*(Note: the Environmental Protection Area designation is common to both the village settlement area and the rural area.)*

2. **Rural District**

Within the **Rural District**, the **Land Use Designations** shall include:

- A. Hamlet Settlement Areas (**Section 5.10**)
- B. Rural Industrial (**Section 5.11**)
- C. Crown Land (**Section 5.12**)
- D. Mineral Aggregate Resource (**Sections 5.13, 6.1**)
- E. Waste Disposal Facility (**Sections 5.14, 8.6**)
- F. Rural (**Section 5.15**)
- G. Environmental Protection Area (**Sections 5.9, 7.2**)

### **5.3 Village Settlement Area - Chalk River**

Chalk River is a vital centre for residential, commercial and public service uses. This will be a primary area for future growth and settlement. The scope of public service uses and

facilities (e.g. educational, medical, social, recreational, commercial) this community provides is important to all residents of the municipality. Although the pattern of land uses is well established, this Plan envisions a further gradual build-up of a mix of land uses characteristic of a small urban community. The predominant land use will continue to be residential. The Plan provides for a range of housing types within a designated residential area. Uses which are typically found in a residential area and serve to meet the needs of residents are also permitted such as public service uses (schools, places of worship, government services), local commercial services and home based businesses. The Plan envisions future development taking the form of infill on existing vacant serviced lots within urban service limits. The boundaries of the urban service limits define the primary area for development. As build-out occurs, and as the water and sewer capacity are increased or extended, the boundaries will be adjusted, and areas shown as urban reserve will be incorporated into the primary area.

Highway 17 will serve as one of the major 'commercial streets' for the planning area. Along this thoroughfare, the Plan provides for highway commercial-type uses which cater to the travelling public as well as provide services to local residents. Access to Highway 17 will, however, be restricted and is subject to the policies of **Section 8.7.2 - Provincial Highway**, of this Plan. Main Street is also a commercial street oriented more to local needs and will be characterized by the build-up of a mix of commercial and residential uses.

The Municipality's business park is located at the south east end of the village and is included in the primary area for development even though it is not currently serviced with piped water and sewers..

The boundaries of the village settlement area reflect the land development requirements for a minimum of 20 years. Boundaries will only be adjusted by amendment to this Plan as part of a *comprehensive review* (see **Section 5.1**).

## 5.4 Residential

### 1. Permitted Uses

Lands designated as **Residential** on the **Land Use Plan** shall be predominantly used for all types and densities of residential dwellings including mobile home parks, garden suites and group homes. Permitted non-residential uses include local convenience stores, home based businesses and public service uses and facilities provided that the location and site design of such uses are compatible with the residential amenities of the area.

## 2. **Planning Principles**

Land use planning principles to be considered in providing for all development in the **Residential** area of the **village settlement area** include:

- A. Ensuring that the **lot size** is adequate for the proposed use, including building setbacks, off-street parking, servicing and safe access. Where the use is a commercial or public service use, the lot size shall be adequate for landscaping or buffering, signage, loading facilities and storage so as to ensure that the use will be compatible with and maintain the residential character of the area;
- B. Ensuring that the lot/use of land can be **serviced** with a water supply and sewage disposal system in accordance with **Section 8.4 - Water and Sewage Disposal Systems** of this Plan;
- C. Providing for **frontage** on and direct access to a public road. Ensuring that the points of vehicular access are located so as not to disturb the residential environment;
- D. Making provision in the implementing zoning by-law to classify individual types of land use and to set out the zone requirements for development (e.g. lot size, frontage, setbacks, height, parking, lot coverage etc.). Where non-residential uses are located adjacent to residential uses, provisions may be made for increased setbacks, buffering or screening to avoid land use conflicts. Convenience commercial and public service uses may be permitted by site specific zoning where Council is satisfied that the applicable planning principles above are met;
- E. For convenience commercial uses, preference will be given for a location on a major street where traffic flows are more easily accommodated and where it is possible, clustering such uses in one location. Mixed use buildings i.e. convenience commercial and residential are permitted within a permitted commercial building;
- F. Plans of subdivision will be utilized as the primary method for new residential development. Subdivision development may be phased. Infilling on existing lots where piped services are available shall take precedence over the extension of services to 'greenfield' areas. Substantial completion of a phase of development should take place before subsequent phases are approved.

Other methods of development may include **consents**, in-fill on vacant lots and conversions of larger dwellings or other buildings where on-site sewage services can support a higher density of use per **Section 8.4 - Water Supply and Sewage Disposal Systems**;

- G. **Multiple residential development** shall be encouraged to locate in close proximity to *public service uses and facilities*. Larger developments should be located to with direct access onto a major road or provincial highway subject to the respective access controls (see **Section 8.7.2 and 8.7.4**);
- H. **Site Plan Control**: (six (6) units or more), senior's housing, convenience commercial uses and public service uses will be subject to site plan control (see **Section 9.13.10 - Site Plan Control**.);
- I. An existing residential property may be converted to a convenience commercial use or may be a mix of commercial and residential uses. Conversions shall only be permitted where Council is satisfied that the use will be compatible with land uses in the immediate area and that the lot size is adequate for on-site services, parking and landscaping or buffering; and
- J. **Mobile Home Parks**: new mobile home parks or extensions to an existing mobile home park shall be developed in accordance with the following standards:
  - (i) The park shall be owned and managed as a single unit by the mobile home park operator;
  - (ii) Sites for each mobile home stand shall only be rented or leased;
  - (iii) Ownership and responsibility for the maintenance of internal roads, servicing systems, buildings, snow clearance, garbage collection etc. shall rest with the management of the mobile home park. This shall not preclude the entering into of an agreement with the municipality for the delivery of services;
  - (iv) Adequate tenant and visitor **parking** shall be provided as set out in the zoning by-law;
  - (v) A minimum of 5% of the gross acreage of the mobile home park shall be developed and maintained for public recreational purposes;
  - (vi) Suitable landscaping shall be provided throughout the park as well



as appropriate **buffering** (see **Section 4.4- Buffering**). Such landscaping and buffering shall be exclusive of the 5% of land for recreational purposes;

- (vii) A new mobile home park shall have a minimum of four (4) mobile home sites; and
- (viii) Mobile home parks shall be subject to **site plan control** (see **Section 9.13.10 - Site Plan Control**).

## 5.5 Mixed Use Commercial

### 1. Permitted Uses

The uses permitted on lands designated as **Mixed Use Commercial** on the **Land Use Plan** may include a wide range of commercial establishments engaged in the buying and selling of goods and services including retail stores, service shops, personal and business services, offices, automotive uses, accommodation and food services, wholesaling and quasi-manufacturing uses such as a bakery, dry cleaning plant or printing establishment, transportation and communications services, clubs and lodges. In addition, *public service facilities* shall be permitted. The mixed use concept envisions the development of commercial uses and public service uses and facilities which serve local needs as well as a regional market. Residential uses shall also be permitted on a standalone basis or as a mixed use building.

### 2. Planning Principles

Land use planning principles to be considered in providing for all development in the **Mixed Use Commercial** designation include:

- A. Commercial development shall be encouraged in order to establish a major retail and service focus for the village and the region. Development of high quality and attractive appearance will be promoted;
- B. The **lot size** shall be adequate for the proposed use e.g. off-street parking and loading, services, storage, signage, landscaping and buffering;
- C. The lot shall be **serviced** with water and sewage disposal systems in conformity with **Section 8.4 - Water Supply and Sewage Disposal Systems**;
- D. Provision shall be made in the implementing **zoning by-law** to classify

individual types of land use and to set out the zone requirements for development (e.g. lot size, frontage, setbacks, height, parking etc.). Where commercial uses are located adjacent to residential uses, provisions may be made for increased setbacks, buffering or screening to avoid land use conflicts with adjacent or nearby residential uses;

- E. Providing for **frontage** on and direct access to a public road. **Access** onto Highway 17 is restricted and governed by the Ministry of Transportation and applies to entrances, land uses and signs (see **Section 8.7.2 - Provincial Highway**);
- F. Automotive uses and larger scale commercial uses (building supply, public storage) shall generally be directed to the Highway 17 corridor (rather than the village core) (see **Section 8.7.2 - Provincial Highway**); and
- G. All commercial uses shall be subject to site plan control (see **Section 9.13.10 - Site Plan Control**).

## 5.6 Highway Commercial

### 1. Permitted Uses

Lands designated as **Highway Commercial** on the **Land Use Plan** may include those uses which are economically dependent or associated with heavy flows of vehicular traffic for their livelihood. These uses shall include automotive and recreational sales, service and equipment uses, accommodation and food service uses, transportation depot, accessory retail stores and other services which cater to the traveling public. An accessory residential dwelling unit shall also be permitted.

### 2. Planning Principles

Land use planning principles to be considered in providing for all development in the **Highway Commercial** designation include the following:

- A. Development within this designation shall be encouraged on a comprehensive basis with other development including joint access points, shared parking facilities and common service roads, where feasible;
- B. The uses permitted shall be appropriately located and well designed and

sited so as to minimize any nuisance or interference with existing or adjoining lands including safe access and cost effective public services;

- C. The **lot size** shall be adequate for the proposed use e.g. off-street parking and loading, services, storage, signage, landscaping and buffering. Where a **mixed use** property is permitted, the zoning standards for all uses shall be met;
- D. The lot shall be **serviced** with water and sewer services in conformance with **Section 8.4 - Water Supply and Sewage Disposal Systems**;
- E. Provision shall be made in the implementing **zoning by-law** to classify individual types of land use and to set out the zone requirements for development (e.g. lot size, frontage, setbacks, height, parking etc.). Where commercial uses are located adjacent to residential uses, provisions may be made for increased setbacks, buffering or screening to avoid land use conflicts with adjacent or nearby residential uses. In general, properties should be well maintained and screened so that unsightly appearance is not visible to others on adjacent properties or from public roads;
- F. Providing for **frontage** on and direct access to a public road. **Access** onto Highway 17 is restricted and governed by the Ministry of Transportation and applies to entrances, land uses and signs (see **Section 8.7.2 - Provincial Highway**); and
- G. All commercial uses shall be subject to site plan control (see **Section 9.13.10 - Site Plan Control**).

## 5.7 Industrial

### 1. Permitted Uses

Lands designated as **Industrial** on the **Land Use Plan** may be used for the following scope of permitted uses:

#### A. **Class I Industry - Light Industrial**

Means a place of business for a small scale, self contained plant or building which produces, manufactures, assembles or stores a product which is contained in a package and has a low probability of fugitive emissions e.g. noise, odour, dust and vibration. Such industries operate in

the daytime only with infrequent movement of products or heavy trucks and no outside storage. Examples include: electronics manufacturing and repair, high technology industries, furniture repair and refinishing, beverage bottling, package and crafting services, small scale assembly, auto parts supply;

**B. Class II Industry - Medium Industrial**

Means a place of business for medium scale process and manufacturing with outdoor storage of wastes or materials (e.g. it has an open process) and where there are periodic or occasional outputs of fugitive emissions e.g. noise, odour, dust and/or vibration. Shift operations occur and there is frequent movement of products or heavy trucks during daytime hours. Examples include dry cleaning services, printing establishments, paint spray booths, welding shops, courier and transport services, heavy vehicle repairs, bulk fuel storage, raw product storage (aggregates, logs, lumber), warehousing, contractors yard;

C. Commercial uses which are complementary to a business park setting;

D. Ancillary uses excluding residential uses. Such uses may include the incidental retailing or wholesaling of goods and services produced, manufactured or offered and which have been produced on the premises; and

E. Uses will not be permitted which are considered to represent a significant health or safety risk to the residents of Laurentian Hills or the environment by reason of noise pollution, or pollution of the environment or by virtue of any other adverse environmental impact.

**2. Planning Principles**

The business park is intended to provide an opportunity to encourage a mix of industrial and commercial uses. Given the potential for a broad scope of uses, care will be taken to avoid land use conflicts by grouping uses which are more compatible with each other and by ensuring high quality design in the layout and development of individual sites.

A. A plan for the business park shall be laid out in blocks to facilitate subsequent subdivision into lots suited to the size of the proposed use;

- B. A **separation distance** and an **influence area** as set out by the Ministry of the Environment for Class I and Class II industrial uses shall apply between industrial uses and sensitive uses (**reciprocally**) and shall be incorporated into the implementing zoning by-law. Sensitive uses shall not be permitted within the influence area unless it is clearly demonstrated that any *adverse effects* (see definition in **Section 4.4 - 3**) are clearly and fully mitigated to the satisfaction of Council and, where applicable, environmental approvals have been obtained from the Ministry of the Environment (i.e. Land Use Compatibility Assessment). The **influence area** shall be measured from the nearest point of the property line of an industrial use and the nearest point of the property boundary of the *sensitive land use* (see definition in **Section 4.4 - 4**). The influence area for a Class I Industry shall be 70 m [230 ft] and for a Class II Industry 300 m [984 ft].

Development may be permitted in an influence area where any *adverse effects* (as defined below) are satisfactorily mitigated. Minimum separation distances shall be established in the implementing zoning by-law;

*(Reference should also be made to the Ministry of the Environment's Guideline D-6 on Compatibility Between Industrial Facilities and Sensitive Land Uses.)*

- C. **Open storage** shall be appropriately screened from adjacent properties and any public street or provincial highway;
- D. The **lot area** shall be sufficiently large to accommodate the intended use including off-street parking, on-site manoeuvring of vehicles, loading, storage of materials, snow and wastes, access by emergency vehicles and landscaping. Off-street parking and loading facilities shall be designed in a manner to permit truck trailers to draw clear of any street right-of-way for loading and unloading purposes;
- E. **Building coverage** and **height control** standards will be set out in the implementing zoning by-law. The building height shall not exceed the equivalent of four storeys;
- F. **Site plan control** shall apply in governing the massing and layout of buildings and storage areas, waste disposal areas, access, parking and

loading, lighting, drainage, utilities and services, landscaping for any new industry or for extensions to existing industries (see **Section 9.13.10 - Site Plan Control**);

- G. **Services** shall be evaluated to determine if they are adequate to meet the requirements for industrial development e.g. water and sewer, waste management, fire protection and roads. Only ‘dry-industries’ shall be permitted (see **Section 8.4 - Water Supply and Sewage Disposal Systems**) pending the extension of services to the business park. ‘Dry industries’ are those which do not consume or require large quantities of water for processing or manufacturing operations;
- H. **Industrial traffic** shall be directed to and from industrial areas by designated roads and provincial highways (see also **Section 8.7.2 - Provincial Highway**, since restrictions on access apply);
- I. **Environmental Approvals** shall be obtained where required from the public authority having jurisdiction; and
- J. The **zoning by-law** shall be utilized to set out appropriate separation distances and provide for influence areas between industrial uses and *sensitive land uses* depending on the industrial classification. Development may be permitted in an influence area where any adverse effects (as defined in the *Environmental Protection Act*) are satisfactorily mitigated.

## 5.8 Urban Reserve

### 1. Permitted Uses

Lands designated as **Urban Reserve** on the **Land Use Plan** are intended to represent the logical and desirable direction for future community growth within the village. This area will also serve to regulate fringe development by preventing premature expansion and protecting the potential for orderly and cost-efficient future urban growth.

The **Urban Reserve** indicates areas where subsequent residential, commercial, industrial, public service uses or recreational development will be permitted. Permitted uses, pending an amendment to this Plan, shall be restricted to non-intensive agriculture, forestry, non-intensive recreational uses and existing uses.

Temporary uses may be permitted subject to **Section 4.24 - Temporary Uses** of this Plan.

## 2. **Planning Principles**

- A. Before any development is permitted in the **Urban Reserve** designation, an amendment to the Plan to an appropriate land use designation(s) and an amendment to the zoning by-law shall be required; and
- B. Council may permit amendments to these planning documents provided that:
  - (i) Sufficient demand exists for the contemplated development and suitable land already designated under the Plan is not available for such development;
  - (ii) The proposed land use(s) is/are contiguous to the existing built form of the urban area; and
  - (iii) The required public service uses, facilities and infrastructure can be feasibility extended or provided without prejudicing the financial stability of the Municipality or other service deliverers i.e. avoid the need for unnecessary and/or uneconomical expansion of infrastructure.

## 5.9 **Environmental Protection**

The policies of **Section 7.2** shall apply to lands designated as **Environmental Protection**.

In general, these lands may only be used for passive land uses activities that do not include the construction of buildings or structures.

## 5.10 **Hamlet Settlement Areas**

### 1. **Scope of Designation**

Point Alexander, Meilleurs Bay and Rolphton are communities with major concentrations of development in the Municipality. The lands designated as **Hamlet Settlement Areas** on the **Land Use Plan** for each of these communities indicates the approximate areas of existing development and future expansion. Any significant development beyond these boundaries will require an amendment to this Plan as part of a *comprehensive review* (see **Section 5.1**). Hamlets are

intended to be developed for a variety of uses i.e. residential, commercial, industrial, public service. However, these are not intended to be separately designated. It is the intent of this Plan, that their location be guided by the planning principles of this section and other relevant policies of this Plan;

## 2. **Permitted Uses**

Residential development will be limited to low density dwelling types i.e. single and two unit dwellings and converted dwellings and other associated housing forms i.e. group homes, garden suites.

Commercial development should be of a scale catering to the residents of and visitors to the hamlets and surrounding rural area i.e. retail and convenience stores, automotive services, accommodation and food services.

Industrial uses shall be limited to Class I industries (see **Section 5.7 - 1. A** for description).

*Public service facilities* will also be permitted;

## 3. **Planning Principles**

Land use planning principles to be considered in providing for all development in the **Hamlet Settlement Areas** designation are as follows:

- A. **Residential uses** shall be developed by plan of subdivision or as infill by consent;
- B. **Commercial uses** shall be clustered with the long-term intent to establish an identifiable commercial core. In deciding on the location of commercial uses, consideration shall also be given to compatibility with neighbouring residential and other sensitive uses (as defined in **Section 4.4 -4**) in regard to appearance, traffic generation, noise, location of parking and loading areas, points of access and storage areas;
- C. **Industrial Uses** shall be governed by the principles set out in **Section 5.7 - 2.**;
- D. The **lot size** shall be adequate for the proposed use e.g. off-street parking and loading, services, storage, signage, landscaping and buffering;



- E. The lot shall be **serviced** with water and sewage disposal systems in conformity with **Section 8.4 - Water Supply and Sewage Disposal Systems**;
- F. Provisions will be made in the implementing **zoning by-law** to classify individual types of land use and to set out the zone requirements for development (e.g. lot size, frontage, setbacks, height, parking etc.). Where commercial, industrial or public service uses are located adjacent to residential uses, provisions may be made for increased setbacks, buffering or screening to avoid land use conflicts with adjacent or nearby residential uses;
- G. Providing for **frontage** on and direct access to a public road. **Access** onto Highway 17 is restricted and governed by the Ministry of Transportation and applies to entrances, land uses and signs (see **Section 8.7.2 - Provincial Highway**); and
- H. All commercial, industrial and public service uses shall be subject to site plan control (see **Section 9.13.10 - Site Plan Control**).

## 5.11 Rural Industrial

### 1. Permitted Uses

Within areas designated **Rural Industrial** on the **Land Use Plan**, permitted uses may include **Class I, II or III Industries** which are resource based or resource related industries, value added industries and are particularly suited to a rural setting and a salvage yard. Ancillary commercial and residential uses shall also be permitted.

**Class I and II Industries** are defined in **Section 5.7 - 1**. For the purposes of this Plan, a **Class III Industrial Use** is defined as:

Means a place of business for uses characterized as having emissions such as noise, smoke, odour, fumes or vibrations or extensive outside storage as part of their normal operations. Such uses include sawmills, pulp and paper mills, refineries, smelting operations and similar uses which are intended to be secluded from residential or other sensitive land uses in order to limit and potential adverse effects on the environment or the surrounding areas and public health.

## 2. Planning Principles

- A. Industrial development shall be directed away from the residential uses, sensitive uses and natural heritage features. The applicant shall clearly justify the appropriateness of the proposed location for an industrial use having regard for all of the planning principles set out in this section of the Plan. Development of new industrial uses shall generally proceed by amendment. Existing uses may be expanded where there are compatible to adjacent land uses and *adverse effects* can be mitigated.
- B. A **separation distance** and an **influence area** as set out by the Ministry of the Environment for **Class I, II, or III Industrial** uses shall apply between industrial uses and sensitive uses (**reciprocally**) and shall be incorporated into the implementing zoning by-law. *Sensitive land uses* (see definition in **Section 4.4 - 4**) shall not be permitted within the influence area unless it is clearly demonstrated that any *adverse effects* (see definition in **Section 4.4 - 3**) are clearly and fully mitigated to the satisfaction of Council and, where applicable, environmental approvals have been obtained from the Ministry of the Environment (i.e. Land Use Compatibility Assessment). A **separation distance or influence area** shall be measured from the nearest point of the property line of an industrial use and the nearest point of the property boundary of the *sensitive land use*. The influence area for a Class I Industry shall be 70 m [230 ft], for a Class II Industry 300 m [984 ft] and for a Class III Industry 1,000 m [3,280 ft].
- C. **Open storage** shall be appropriately screened from adjacent properties and any public street.
- D. The **lot area** shall be sufficiently large to accommodate the intended use including parking, on-site manoeuvring of vehicles, loading, storage of materials and wastes, access by emergency vehicles and landscaping.
- E. **Building coverage** and **height control** standards will be set out in the implementing zoning by-law. Building height shall not exceed the equivalent of four storeys.
- F. **Site plan control** shall apply in governing the massing and layout of buildings and storage areas, waste disposal areas, access, parking and loading, lighting, drainage, utilities and services, landscaping for any new industry or for extensions to existing industries (see **Section 9.13.10 - Site**

**Plan Control).**

- G. **Services** shall be evaluated to determine if they are adequate to meet the requirements for industrial development e.g. water supply and sewage disposal, waste management, fire protection and roads. (see **Section 8.4 - Water Supply and Sewage Disposal, Section 8.6 - Waste Disposal Systems, Section 8.7 - Transportation**).
- H. **Industrial traffic** shall be directed to and from industrial areas by designated roads and provincial highways (see **Section 8.7.2 - Provincial Highway** for policies respecting access to a provincial highway).
- I. **Environmental Approvals** shall be obtained where required from the public authority having jurisdiction.
- J. The **zoning by-law** shall be utilized to set out appropriate **separation distances** and provide for **influence areas** between industrial uses and *sensitive land uses* depending on the industrial classification. Development may be permitted in an influence area where any adverse effects (as defined in the *Environmental Protection Act*) are satisfactorily mitigated.

*(Reference should be made to the Ministry of the Environment's Guideline D-6 on Compatibility Between Industrial Facilities and Sensitive Land Uses.)*

## 5.12 Crown Lands

A large part of the land base within the municipality consists of Crown Lands administered by either the Federal or Provincial government. The Municipality recognizes that there are no provisions in the *Planning Act* which binds the Federal Crown in the administration and use of its lands. Section 6 (2) of the *Planning Act* requires the Ministries and agencies of the Ontario government, including Ontario Power Generation Inc. and Ontario One Networks as set out in Sections 3, 6, 48 and 62 of the *Planning Act*, shall have regard to the Municipality's planning policies and consult with the Municipality before carrying out or authorizing any undertaking considered to affect the Municipality. Council's intent is to ensure that the planning process be applied to changes of use, for example, that may arise from the sale or disposition of Crown Lands to the private sector. Crown Lands are identified on the **Land Use Plan**.

### 5.13 Mineral Aggregate Resources

Lands designated in the **Rural District** as **Mineral Aggregate Resource** shall be subject to the policies of **Section 6.1** of this Plan.

### 5.14 Waste Disposal Systems

Lands designated in the **Rural District** as **Waste Disposal Systems** shall be subject to the policies of **Section 8.6** of this Plan.

### 5.15 Rural

#### 1. Scope and Permitted Uses

Most patented land within the Municipality outside of the **Village and Hamlet Settlement Areas** or resource/industrial land use designations, has been placed in the **Rural** land use designation. It is the intent of this Plan that a variety of land uses appropriate to a rural setting be permitted in the **Rural** designation on the **Land Use Plan** including residential, agricultural uses, forestry, *public service facilities*, communication facilities, wayside pits and quarries and rural-related commercial uses. Reference should be made to **Section 6.2 - Forestry**, **Section 6.3 - Agricultural**, **Section 8.1 Public Service Uses and Facilities**, **Section 8.11 - Communications and Utilities** and **Section 6.1 (1 & 5) - Wayside Pits and Quarries** for other policies in this Plan governing these land uses.

**Residential** development shall be limited to low density housing types including single and two unit dwellings and mobile homes in approved mobile home parks. Condominium developments may be permitted where they can be integrated into the rural landscape. Multiple housing types involving condominiums, shall, however, proceed by an amendment to this Plan.

Permitted **commercial** uses shall include recreational commercial or rural commercial uses which are oriented to the vacationing or traveling public such as campgrounds, food and lodging, marina, golf courses, outdoor recreation, automotive uses and similar uses. Accessory uses may include residential accommodation.

Other uses typical to a rural area such as kennels, hunting and fish camps, conservation uses and airfields shall also be permitted (see **Section 4.3 - Airfields** for other policies in this Plan governing these uses).

## 2. **Residential Development**

### A. **Occupancy**

All residential dwelling types shall be considered as if they are permanent, year round development;

### B. **Development Pattern**

In order to encourage land to be developed in depth, rather than as strip development, especially along Highway 17, Council will consider two lots by consent, one on each side of a proposed internal subdivision road which intersects with Highway 17 or a Local Road. The intent of this policy is to permit a subdivider to sell these lots to assist in financing the remainder of the subdivision. Prior to considering these lots by consent, Council must first be satisfied that an appropriate draft plan of subdivision has been prepared for the remainder of the site in accordance with the *Planning Act*.

Potential intersections of new **local roads** with Highway 17 shall be determined in consultation with the Ministry of Transportation. Lots created by consent under this policy will only be permitted access to Highway 17 via a common proposed road allowance and the proponent of the subdivision shall be responsible for the maintenance of the road until it is dedicated and assumed by by-law by the Municipality;

### C. **Frontage on Private Roads**

In some areas of the Municipality, a number of lots have been created without frontage on an open, maintained public road. Residential development on such an existing lot will be permitted provided:

- (i) There is legal access that is, or will be, adequately maintained;
- (ii) The lot is suitable for development, in accordance with relevant standards; and
- (iii) The lot is zoned in the implementing zoning by-law in a category that identifies the limited services available to it.

### D. **Creation of Lots on Private Roads**

The creation of new residential lots with access by means of private roads

shall be permitted only in accordance with the following policies:

- (i) Any new lot created must abut a high water mark or a shore road allowance;
- (ii) The private road for a new lot must be a legally obtained and secured right-of-way from the lot to a year round maintained public road with a width of 20 m [65.6 ft]. However, a lesser width may be allowed where the private road corresponds to an existing right-of-way provided that all other access-related criteria listed below are satisfied;
- (iii) Council must be satisfied that the existing or proposed private road can support the access of emergency vehicles;
- (iv) The proponent must first obtain the approval of the Ministry of Transportation for any proposed access of a private road that will intersect with Highway 17 and for any increase in the number of lots served by an existing entrance;
- (v) The road standards, the responsibilities of the owner for maintenance, the types of services not provided and other pertinent matters must be set out, to Council's satisfaction, in a development agreement registered on title for any lot to be accessed by a private road;
- (vi) The lot must be zoned in the implementing zoning by-law in a category that identifies the limited services available to it;
- (vii) Not more than 75% of the water frontage of a water course or water body shall be contained in limited service lots in any one township lot; and
- (viii) The creation of such lot shall not be construed as implying that Council supports the dedication and assumption of the private road as a municipal road. A note to this effect may be placed on a decision for consent. Any future consideration for conversion to public road status shall adhere to the **Section 8.7 - Transportation** of this Plan.

*(Note: private road development associated with a condominium may proceed subject to an amendment to this Plan.)*

#### **E. Mobile Home Parks**

The policies of **Section 5.4 - 2 J - Mobile Home Parks** shall apply to the development of mobile home parks in the **Rural** area; and

F. **Planning Principles**

The *planning principles* set out in **Section 5.15 - 5** shall apply to all residential development in the **Rural** area.

3. **Commercial Development**

The *planning principles* set out in **Section 5.15 - 5** shall apply to all commercial development in the **Rural** area.

4. **Kennels**

The zoning by-law may establish a minimum separation distance between a kennel and any adjacent land use which may be sensitive. A kennel may be associated with a veterinarian establishment or may be operated commercially i.e. boarding facility, or may be for the breeding of registerable animals under the Canada Agricultural Act.

5. **Planning Principles for Development in the Rural Area**

Land use planning principles to be considered in providing for all development in the **Rural** designation include the following:

- A. The uses permitted shall be appropriately sited and well designed so as to minimize any nuisance or interference with existing or adjoining lands. Infill or clustering with existing built-up areas will be encouraged for residential uses. Commercial uses should be located based on sound business decisions. Hunt and fish camps may be located on isolated properties or on residential properties of 40 ha [98.8 acres] where, in the case of the latter, the separation distance is 300 m [984.2 ft] or more (see also **Section 4.2 - Access to Property**);
- B. The **lot size** shall be adequate for the proposed use e.g. off-street parking and loading, services, storage, signage, landscaping and buffering. Where a **mixed use** property is permitted, the zoning standards for all uses shall be met;
- C. The lot shall be **serviced** with water and sewer services in conformance with **Section 8.4 - Water Supply and Sewage Disposal Systems**;
- D. Provisions shall be made in the implementing **zoning by-law** to classify

individual types of land use and to set out the zone requirements for development (e.g. lot size, frontage, setbacks, height, parking etc.). Where commercial, industrial or public service uses are located adjacent to residential uses, provisions may be made for increased setbacks, buffering or screening to avoid land use conflicts with adjacent or nearby residential uses. In general, properties should be well maintained and screened so that unsightly appearance is not visible to others on adjacent properties or from public roads;

- E. Providing for **frontage** on and direct access to a public road. **Access** onto Highway 17 is restricted and governed by the Ministry of Transportation and applies to entrances, land uses and signs (see **Section 8.7.2 - Provincial Highway**);
- F. All mobile home parks, commercial and public service uses and communications facilities shall be subject to site plan control (see **Section 9.13.10 - Site Plan Control**); and
- G. Recreational vehicle parks shall not be occupied on a year round basis except for the dwelling of a park operator.

## 6 Exceptions

### A. Rural-Exception One

Notwithstanding anything in the Plan to the contrary, those lands described as Forks Island at the convergence of the Petawawa River and the Barron River, in the geographic Township of McKay and delineated as Rural-Exception One on Land Use Schedules to this Plan, the County and Local municipality shall consult with the Ministry of Natural Resources prior to any planning approvals relating to Forks Island. An Environmental Impact Study may be required prior to approval of planning and development applications.



## SECTION 6 - RESOURCE MANAGEMENT

### 6.1 Mineral Aggregate Resources

It is a policy that as much of the *mineral aggregate resources* will be protected for their resource value as close to markets as possible through the designation of active pits and quarries and mineral aggregate reserves as a **Mineral Aggregate Resources Area** on the **Land Use Plan**. This shall also include wayside pits and quarries although they are not required to be specifically designated. Lands which are depleted of mineral aggregate resources or lands which are subject to phasing of the extraction shall be rehabilitated for subsequent use and rendered safe e.g. shaving slopes etc.

Lands within the Municipality are designated under the *Aggregate Resources Act* and as, such, land use controls will be subject to the enabling authority of the *Aggregate Resources Act*.

#### 1. Permitted Uses

It is a policy that the permitted uses within areas designated as part of the Mineral Aggregate Resource include the following:

- A. Pits and quarries;
- B. Wayside pits and quarries;
- C. An agricultural use excluding any permanent buildings;
- D. Forestry excluding any permanent buildings;
- E. Uses associated with pit and quarry operations such as crushing facilities, stock piles, screening operations, weigh scales, administration facilities, asphalt plants, concrete batching plant and aggregate loading, shipping or transfer or recycling operations provided they do not prevent the opening of a pit, quarry, wayside pit or quarry;
- F. Any activities and operations associated with the progressive rehabilitation of mineral resource lands;
- G. Crushers, screeners, asphalt plants, concrete batching plants and recycling operations are permitted where they have been certified and the site

approved by the Ministry of the Environment;

H. Passive recreation uses not including buildings or structures; and

Where lands are identified as having multiple resource value e.g. commercial forests, Council will encourage the harvesting of timber before extractive activities are undertaken. During development and rehabilitation, extractive activities shall have regard for the conservation of natural heritage features in conformity with **Section 6.4 - Natural Heritage Features** of this Plan.

## 2. **Influence Area**

It is a policy to recognize **influence areas** as a means of protecting against incompatible land uses in the vicinity of proposed pits and quarries and to protect existing pits and quarries from encroachment from other incompatible land uses. It is a policy of Council to discourage incompatible land uses in areas surrounding Mineral Aggregate Resource Areas. The influence area applies between a sensitive land use and an extractive operation and vice versa. For the purposes of this plan, the influence area shall be considered to be:

| <u>Land Use</u>                 | <u>Influence Area</u>  |
|---------------------------------|--|
| Pit and sand and gravel reserve | 150 m [492.1 ft] - above the water table<br>300 m [984.2 ft] - below the water table |
| Quarry and bedrock reserve      | 500 m [1640 ft]  |

Measurement of the distances shall be from the boundary of the Mineral Aggregate Resources land use designation shown on the **Land Use Plan** or the limit of the mineral aggregate reserve where the extent of a definable reserve is less than the limit of the property boundary. The extent of the influence area may be modified in consultation with the public body having jurisdiction without amendment to this Plan.

Within the **influence area**, development may be permitted where it is clearly demonstrated by the proponent that impacts such as noise, dust, vibration can be mitigated and the quality and quantity of ground water on adjacent properties will not be compromised where excavation activities are below the water table (i.e. mineral aggregate resource impact study). Land use separations should be applied reciprocally to new land use proposals that may encroach upon an existing extraction operation. The proponent of any new development in the influence area

next to an existing extraction operation must also demonstrate that the development proposal will not hinder the existing extraction operation and/or its possible future expansion.

**3. Site Development of Pits and Quarries**

Applicants will be required to utilize the Provincial Standards set out in the "Aggregate Resources of Ontario" (Queen's Printer, 1997) as a guideline in the preparation of the site plans and shall comply with the requirements for applications and compliance reporting of *mineral aggregate operations* under the Aggregate Resources Act.

**4. New or Expanding Extractive Operations**

When considering the establishment of a new pit or quarry or the expansion of an existing pit or quarry, or an amendment to the Land Use Plan to redesignate lands for a pit or quarry, the following planning principles shall apply:

- A. A zoning by-law amendment will be required for the extraction area. Council will ensure that the amount of land for the rezoning or redesignation, while meeting the needs of the industry, shall not be excessive in size;
- B. Council shall be satisfied that off-site impacts such as noise, haul routes, traffic safety and quality of life issues are effectively addressed and that measures for mitigation can be appropriately implemented;
- C. Council shall be satisfied that off-site water quality and quantity shall not be compromised and that the cumulative impacts of adjacent operations have been considered such as the impact on groundwater and surface water resources, natural heritage features and municipal and County road systems;
- D. Progressive and final rehabilitation shall be required to accommodate subsequent land uses, to promote land use compatibility, and to recognize the interim nature of extraction. Final rehabilitation shall take surrounding land use and approved land use designations into consideration;
- E. An official plan amendment shall be required for any new operations (pits and quarries) which are not designated Mineral Aggregate Resources; and

- F. In areas adjacent to or in known *deposits of mineral aggregate resources*, development which would preclude or hinder the establishment of new operations or access to the resources will only be permitted if:
- i) Resource would not be feasible; or
  - ii) The proposed land uses or development serves a greater long term public interest; and
  - iii) Issues of public health, public safety and environmental impact are addressed.

5. **Review of Applications**

Council will review applications for compliance with the relevant policies of this Plan to ensure that the resource is protected and that adequate measures are undertaken to mitigate impacts of pit and quarry operations on *sensitive land uses* (see **Section 4.4 - 4** for definition) and to address the impacts of operations on the municipal road infrastructure.

6. **Wayside Pits and Quarries**

It is a policy to permit wayside pits and wayside quarries. A wayside pit or wayside quarry means a temporary pit or a quarry opened and used by or for a public authority solely for the purpose of a particular project or contract of road construction and not located on the road right-of-way.

Wayside pits and quarries are permitted throughout the municipality without an amendment to this Plan or to the zoning by-law except in areas designated as a Village, a Hamlet or on environmentally sensitive lands which have been determined to be incompatible with extraction and associated activities. Wayside pits and quarries shall be subject to provincial approvals, where applicable and sites shall be appropriately rehabilitated and rendered safe upon completion of the road construction project.

7. **Portable Asphalt/Concrete Plants**

It is a policy to recognize portable asphalt/concrete plants as an important part of aggregate operations.

Portable asphalt/concrete plants, used by a public road authority or their agents, shall be permitted throughout the Planning Area without an amendment to this plan or to the zoning by-law. Portable asphalt/concrete plants are not permitted in

areas designated as a Village or hamlet or on environmentally sensitive lands.

If asphalt or concrete for a public road project cannot be obtained from an existing asphalt/concrete plant, attempts should be made to locate the portable plant in a wayside pit, vacant industrial site, the highway right-of-way, or on inactive or less productive agricultural lands.

Portable asphalt/ concrete plants are subject to the following provisions:

- A. Portable asphalt/concrete plants will be removed from the site upon completion of the construction project;
- B. All portable asphalt/concrete plants must have a Certificate of Approval from the Ministry of the Environment and shall also require a location approval by the district manager of the Ministry of the Environment; and
- C. Sites used for portable asphalt/concrete plants within the agricultural area shall be rehabilitated to their former agricultural capability.

## **DEFINITIONS**

"Portable asphalt plant" means a facility:

- A. With equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material, and includes stockpiling and storage of bulk materials used in the process; and
- B. Which is not of permanent construction, but which is designed to be dismantled at the completion of the construction project;
- C. With equipment designed to mix cementing materials, aggregate, water and admixtures to produce concrete, and includes stockpiling and storage of bulk materials used in the process; and
- D. Which is not of permanent construction, but which is designed to be dismantled at the completion of the construction process.

## **2. Resource Identification or Depletion**

It is a policy that an amendment is required to this Plan either to designate new mineral aggregate resource areas or to redesignate existing aggregate resource

lands where the resource has been depleted. Any redesignation of a depleted area shall have regard for the approved rehabilitation plan in determining the new land use for the area. (See also **Section 6.4 -1. D.**)

## 6.2 Forestry

The Ministry of Natural Resources has identified and mapped certain lands within the Municipality as having high and moderate forest management potential. There are no County forests within the Municipality. The Municipality recognizes the importance of forestry and related activities (e.g. forestry institute) and value-added industries to the area economy and therefore encourages private landowners to enter into agreements with the Ministry of Natural Resources in order to increase forest production. The Municipality also supports timber management and the commercial harvesting of timber on Crown Lands.

Although no specific areas have been designated on the **Land Use Plan** for forestry use, the Municipality encourages the use of vacant land to be used for forestry and forestry related uses subject to the policies for fire protection (see **Section 4.12 - Fire Protection**).

In order to avoid environmental and aesthetic problems associated with forest harvesting, no clear cutting will be permitted within 30 m (98.4 ft.) of a water body or in close proximity or areas immediately adjacent to public roads unless approved as part of a Timber Management Plan (see Reference documents). Timber Management Plans are prepared by the Ministry of Natural Resources and are subject to public review and consultation. These plans guide forest management activities on Crown Land.

Other uses may include outdoor recreational uses, snowmobiling, conservation activities and similar passive uses.

Harvesting operations shall have regard for the conservation of natural heritage features in conformity with **Section 6.4 - Natural Heritage Features** of this Plan.

*Reference documents include: Code of Practice for Timber Management Operations in Riparian Areas, MNR, 1981, ASBN 0-7729-8325-9; Timber Management Guidelines for the Protection of Fish Habitat.*

## 6.3 Agriculture

### 1. Scope

The intent of the Plan is to recognize the potential for agriculture to the local economy by protecting existing agricultural activities and providing for their expansion or for new *agricultural uses*.

### 2. Permitted Uses

*Agricultural uses* and *agriculture related uses* will be permitted in the **Rural District** land use designation, the **Mineral Aggregate Resource** designation and in the **Environmental Protection** area subject to the respective policies of those areas.

### 3. Minimum Distance Separation

New land uses, including the creation of lots, and new or expanded livestock facilities will comply with the Minimum Distance Separation Formulae I and II, as amended from time-to-time, of the Ministry of Agriculture, Food and Rural Affairs. (See also **Section 4.19**).

### 4. Consents

Farm operations will be encouraged to expand their operations and to not seek consents which may interfere with agricultural productivity.

### 5. Conflicting Uses

Non-farm development and unrelated agricultural activities will be discouraged in the vicinity of viable farming operations unless it is demonstrated that they are compatible and will not interfere with normal farming practices.

## 6.4 Natural Heritage Features and Areas

*Natural heritage features and areas* are those areas which are important for their environmental and social values as a legacy of the natural landscapes of the area. Collectively, the individual *natural heritage features and areas* within a given Planning Area form a *natural heritage system*. It is intended that the particular features identified in the Town of Laurentian Hills will be conserved for their natural heritage value (e.g. Black Duck Lake wetland). Based on the best available information at this time, some of

the Municipality's Natural Heritage Features have been identified for protection. These features are shown on **Schedule 'A1'**. In the future, additional information may become available to the Ministry of Natural Resources regarding Natural Heritage Features and Areas. This additional information will be added to **Schedule 'A1'** by way of an amendment to the Plan.

## 1. **Definitions**

For the purposes of this Plan, the following definitions, as excerpted from the Provincial Policy Statement shall be utilized in the application of the Natural Heritage Features and Areas policies:

**Adjacent Lands** means those lands, contiguous to a specific *natural heritage feature or area*, where it is likely that *development* or *site alteration* would have a *negative impact* on the feature or area. The extent of the *adjacent lands* may be recommended by the Province or based on municipal approaches which achieve the same objectives; and

Means those lands contiguous to a *protected heritage property* or as otherwise defined in a municipal official plan.

**Areas of Natural and Scientific Interest (ANSI)** means areas of land and water containing natural landscapes or features that have been identified as having life science or earth science values related to protection, scientific study or education.

**Ecological Functions** means the natural processes, products or services that living and non-living environments provide or perform within or between species, ecosystems and landscapes. These may include biological, physical and socio-economic interactions.

**Endangered Species** means a species that is listed or categorized as an "Endangered Species" on the Ontario Ministry of Natural Resources' official species at risk list, as updated and amended from time to time.

**Fish** means fish, which as defined in S.2 of the *Fisheries Act*, as amended, includes fish, shellfish, crustaceans, and marine animals, at all stages of their life cycles.

**Fish Habitat** as defined in the *Fisheries Act*, c. F-14, means 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.



**Natural Heritage Features and Areas** means features and areas, such as *significant wetlands, significant coastal wetlands, fish habitat, significant woodlands* south and east of the Canadian Shield, *significant valley lands* south and east of the Canadian Shield, *significant habitat of endangered and threatened species, significant wildlife habitat, and significant areas of natural and scientific interest* which are important for their environmental and social values as a legacy of natural landscapes of an area.

**Natural Heritage System** means a system made up of *natural heritage features and areas*, linked by natural corridors which are necessary to maintain biological and geological diversity, natural functions, viable populations of indigenous species and ecosystems. These systems can include lands that have been restored and areas with the potential to be restored to a natural state.

**Negative Impacts** means:

- A. In regard to fish habitat, the harmful alteration, disruption or destruction of *fish habitat*, except where, in conjunction with the appropriate authorities, it has been authorized under the *Fisheries Act*, using the guiding principle of not net loss of productive capacity; and
- B. In regard to other *natural heritage features and areas*, degradation that threatens the health and integrity of the natural features or *ecological functions* for which an area is identified due to single, multiple or successive *development* or *site alteration* activities.

**Significant** means:

- A. In regard to *wetlands, coastal wetlands* and *areas of natural and scientific interest*, an area identified as provincially significant by the Ministry of Natural Resources using evaluation procedures established by the province, as amended from time to time;
- B. In regard to the habitat of *endangered species* and *threatened species*, means the habitat, as approved by the Ministry of Natural Resources, that is necessary for maintenance, survival, and/or recovery of naturally occurring or reintroduced populations of *endangered species* or *threatened species*, and where those areas of occurrence are occupied or habitually occupied by the species during all or any part(s) of its life cycle;

- C. In regard to **woodlands**, an area which is ecologically important in terms of features such as species composition, age of trees and stand history; functionally important due to its contribution to the broader landscape because of its location, size or due to the amount of forest cover in the planning area; or economically important due to site quality, species composition or past management history; and
- D. In regard to other features and areas, ecologically important in terms of features, functions, representation or amount and contributing to the quality and diversity of an identifiable geographic area or **natural heritage system**.

**Site Alteration** means activities, such as fill, grading, excavation, and the placement of fill that would change the land form and natural vegetative characteristics of a site.

**Threatened Species** means a species that is listed or categorized as a “Threatened Species” on the Ontario Ministry of natural Resources’ official species at risk list, as updated and amended from time to time.

**Valleylands** means a natural area that occurs in a valley or other land form depression that has water flowing through or standing for some period of the year.

**Wetlands** means lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. 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 wetlands are swamps, marshes, bogs and fens.

Periodically soaked or wet lands being used for agricultural purposes which no longer exhibit wetland characteristics are not considered to be wetlands for the purposes of this definition.

**Wildlife Habitat** means areas where plants, animals and other organisms live, and find adequate amounts of food, water, shelter and space needed to sustain their populations. Specific wildlife habitats of concern may include areas where species concentrate at a vulnerable point in their annual life cycle; and areas which are important migratory or non-migratory species.

**Woodlands** means treed areas that provide environmental and economic benefits to both the private landowner and the general public, such as erosion prevention,

hydrological and nutrient cycling, provision of clean air and the long-term storage of carbon, provision of wildlife habitat, outdoor recreational opportunities, and the sustainable harvest of a wide range of woodland products. **Woodlands** include treed areas, woodlots or forested areas and vary in their level of significance at the local, regional and provincial levels.

2. **Policies**

The illustration of **Natural Heritage Features and Areas** on **Schedule 'A1'** to the **Land Use Plan** is not intended to be comprehensive, nor does it include occurrences or illustrations of species at risk and their habitat due to data sensitivity. Additional features may be added to the inventory from sources such as the Ministry of Natural Resources, a naturalist club, conservation agency, or by Council where the basis of the information is adequate to determine the nature and importance of the feature. Such information may be incorporated as part of a regular update of this Plan or by a specific amendment. Where a known feature is not identified on **Schedule 'A1'** to the **Land Use Plan** to this Plan, this will not necessarily preclude the requirement for an Environmental Impact Study in the review of a Planning application.

3. **Wetlands, Wildlife Habitat, Endangered Species, Threatened Species, Woodlands, Valleylands, Areas of Natural and Scientific Interest, Species at Risk**

It is a policy of Council to protect and manage the identified **wetlands** as ecosystems which are important as habitat for a variety of plant and animal species, for water quality, flood control and water storage and recharge areas and for their value for passive recreation.

**Development** and **site alteration** shall not be permitted in **significant wetlands** or in **significant** habitat of **endangered species** and **threatened species**. **Development** and **site alteration** shall not be permitted in **significant woodlands**, in **significant valleylands**, in **significant wildlife habitat** and in **significant areas of natural and scientific interest** unless it has been demonstrated through an Environmental Impact Study as required in **Section 6.4 (5)** that there will be no **negative impacts** on the natural features or their **ecological functions**.

For the purposes of this policy, **adjacent lands** to **wetlands** include an area of 120 m [394 ft], or 50 m [164 ft] in the case of wildlife habitat except as otherwise determined through an Environmental Impact Study as required in **Section 6.4 (5)** (using the Natural Heritage Reference Manual for Natural Heritage Policies of the

Provincial Policy Statement, 2005 Second Edition, Ministry of Natural Resources). For the purposes of this policy, *adjacent lands* to ANSI's include an area of 50 m [164 ft]. In addition to satisfying **Section 6.4 (5) - Environmental Impact Study**, any new *development* or *site alteration* proposed on *adjacent lands* shall also satisfy the land use policies of the underlying land use designation as shown on the **Land Use Plan**.

Where habitat for Species at Risk is identified under the *Endangered Species Act*, an Environmental Impact assessment will be required in accordance with **Section 6.4 (5) - Environmental Impact Study**.

#### 4. **Fish Habitat**

It is a policy of Council to protect water bodies within the planning area for their *fish habitat* values in accordance with the *Fisheries Act*. *Development* and *site alteration* shall not be permitted in *fish habitat* except in accordance with *provincial and federal requirements*. *Development* and *site alteration* may be permitted *adjacent lands* to *fish habitat* on water bodies and their associated tributaries provided it has been demonstrated through the preparation of an Environmental Impact Study as required in **Section 6.4 (5) - Environmental Impact Study** of this Plan, that there will be no *negative impacts* on the *fish habitat* or on their *ecological functions*.

For the purposes of this policy, adjacent lands to *fish habitat* include a distance of 50 m [147.2 ft] from the shoreline of any water body within the planning area. In addition, the Municipality may use a scoped assessment in establishing the requirements for an Environmental Impact Study for fish habitat.

#### 5. **Environmental Impact Study**

Council will require an Environmental Impact Study for *development* and *site alteration* proposed in designated Natural Heritage Features and *adjacent lands*. An Environmental Impact Study (EIS) will be prepared to support planning applications such as Official Plan amendments, zoning by-law amendments, plans of subdivision, consent etc., prior to the approval of the proposed *development* or *site alteration*. Where the impact of the *development* and/or *site alteration* cannot be mitigated, it will not be permitted.

An Environmental Impact Study (EIS) is intended to provide for an assessment of the potential impact of a proposed *development* or *site alteration* on a particular *natural heritage feature and are* and shall be used to determine whether the

proposed *development*, redevelopment or *site alteration* should or should not be permitted. The EIS shall be prepared by a qualified professional on behalf of the proponent of *development* and/or *site alteration*. The cost of the EIS and any required peer review will be borne by the applicant.

The components of the EIS shall be tailored to the scale of development and may range from a simplified assessment (scoped assessment) to a full site assessment. For example, a single detached dwelling may only require a scoped assessment while a subdivision, multiple unit residential complex, major commercial or industrial development, golf course etc. will require a full site assessment. The following is intended to provide a guideline on the potential scope of an EIS:

- A. A description of the study area and landscape context;
- B. Description of the development proposal;
- C. Identification of those features and functions likely to be affected by the development proposal;
- D. Assessment of the potential impacts of the proposed development on key features and functions;
- E. Identification of mitigation requirements and monitoring requirements;
- F. Quantification of residual impacts (those that cannot be mitigated) if any; and
- G. Review and decision.

The municipality may require an EIS for large scale development projects not addressed by the Environmental Assessment process (e.g. golf course proposals, major road works) which may have an impact on those natural heritage features that may be present on the landscape but have not been identified. The municipality may consult with the Ministry of Natural Resources and other agencies for technical advice regarding the appropriate scope for the study and/or the resulting conclusions and recommendations.

*Reference document: Natural Heritage Reference Manual, MNR, may be used for Environmental Impact Study i.e. see section on Addressing Impacts of Development on Natural Heritage Features and Areas.*

5. **Implementation Measures**

Council may use zoning, site plan control and the provisions of the *Municipal Act* (site alteration controls) as measures to implement recommendations or results of an Environmental Impact Study or to govern the spatial relationship of buildings and structures to natural heritage features.

## SECTION 7 - PUBLIC HEALTH AND SAFETY

### 7.1 Introduction

This section of the Plan addresses natural and human-made hazards. Natural, physical and environmental processes can produce unexpected events that may result in damage to property, injury or loss of life and changes to the natural environment. These natural hazards take the form of flooding, erosion and slope failure. Human-made hazards result from human activities that modify or disturb the landscape in a way that can threaten the health or safety of humans or the environment. Such activities include industrial or commercial land uses which contaminate or pollute the ground or water and mining activities. Planning and development strategies that are geared toward the effective management of natural and human-made hazards will increase opportunities for the *development* while still maintaining and enhancing the integrity of the ecosystem, protecting human life and minimizing property loss and social disruption.

The landscape of the Municipality encompasses waterways, physical features and land use activities that are hazards to *development*. Preventative or remedial actions have been taken in the past to address both natural and human-made hazards. The emphasis for the future is on prevention, protection and risk management as tools to ensure public health and safety in the *development* or redevelopment of land.

### 7.2 Environmental Protection Area

The **Environmental Protection Area** designation is intended to apply to *hazardous lands* and *hazardous sites* such as lands susceptible to flooding, erosion or unstable slopes, organic soils or other physical condition which is severe enough to cause property damage and/or potential loss of life if developed. This designation also applies to the Crown bed of all water bodies.

### 7.3 Environmental Protection Area - Flood Plains

#### 1. Flood Plains

The municipality supports the policies contained in the natural hazards section of the Provincial Policy Statement relating to the regulation of development within flood plains and has recognized the seriousness of flooding and has actively tried to minimize the threats to public health and safety.

Where Flood Damage Reduction Program (FDRP) mapping or an identified

geodetic datum is available and indicates that the two zone approach is applicable, the municipality supports the use of the two-zone approach (i.e. identification of the flood way and flood fringe areas).

The flood way is the inner portion of the flood plain where flood depths and velocities are considered to be such that they pose a threat to life or property. Within the flood way, as delineated by FDRP maps or geodetic datum, no development and site alteration will be permitted.

The flood fringe is the outer portion of the flood plain, between the flood way and the limit of the regulatory flood line. Generally, development and site alteration may be permitted within the flood fringe area subject to specific policies.

## 2. Policies - Flood Plains

### A. Ottawa River Flood Plain

The Ministry of Natural Resources has identified the elevation of 115.2 m [378 ft] Geodetic Survey Canada (GSC) datum as a conservative estimate for the one in one hundred year flood plain downstream from Lot 45 Range B, Township of Rolph.

For lands along the narrow section of the Ottawa River between Des Joachim Dam and Point Stewart, a one-zone concept flood plain applies because of currents and fast water. No development is permitted in this flood plain with the exception of the uses listed in **subsection 7.3 - 2 A, B, E-J**.

For the remainder of the lands along the Ottawa River between Point Stewart and the Town of Deep River (town boundary), downstream of Point Stewart, a two-zone concept flood plain applies as follows:

- (i) For those lands within the floodway defined by the elevation 114.2 m [374.6 ft] no buildings alterations or structures with the exception of the uses listed in **subsection 7.3 - 2;** and
- (ii) For those lands within the flood fringe, between the elevations 114.2 m [374.6 ft] and 115.2 m [378 ft] GSC, datum, development is permitted provided buildings and structures are flood proofed to the design elevation of 115.2 m [377.9 ft] GSC datum with dry basements. All Floodproofing methods shall be consistent with



accepted engineering techniques and resource management practices.

These flood plain provisions shall be implemented through site plan control (see **Section 9.13.10 -Site Plan Control**). The site plan shall include an elevation prepared and/or certified by an Ontario Land Surveyor.

**B. Other Water Bodies**

The boundaries of the Environmental Protection designation on and adjacent to water bodies other than the Ottawa River, have been established by air photo interpretation, input from the Ministry of Natural Resources and site inspections. The Municipality's hazard management approach will use information from the above sources as well as local sources to establish the limit of the flood hazard on Corry Lake, in particular and other water bodies where an engineered flood elevation has not been determined. Such information or data may be added to Appendix 2 of this Plan. Where necessary, a proponent of development may be required to verify the limit of the flood hazard and to stake the limits of the hazard on the property prior to development. When engineered flood plain mapping becomes available, this Plan will be amended accordingly. Lands shown as being located within the flood plain of these water bodies shall be subject to the policies for permitted and prohibited uses as follows.

**3. Permitted Uses**

Within the flood plain, the following uses shall be permitted:

- A. Buildings or structures intended for flood or erosion control or slope stabilization;
- B. All buildings and structures in existence on the day of the passing of the approval of this Plan;
- C. Conservation uses, wildlife management;
- D. Forestry uses;
- E. Parks without buildings or structures;

- F. Hydro-electric generating facilities;
- G. Marine facilities; and
- H. Infrastructure incidental to a water supply or waste water treatment facility such as a water intake or sewer outfall but not including the main building of a water filtration plant or waste water treatment facility.

4. **Prohibited Uses**

The following uses shall be prohibited in the flood plain:

- A. An institutional use associated with hospitals, nursing homes, pre-school, school nurseries, day care and schools where the threat to the safe evacuation of the sick, the elderly, persons with disabilities or the young during an emergency as a result of flooding, the failure of Floodproofing measures or protection works, or erosion;
- B. An essential service such as that provided by fire, police and ambulance stations and electrical substations, which would be impaired during an emergency as a result of flooding, the failure of floodproofing measures and/or protection works, and/or erosion; and
- C. Uses associated with the disposal, manufacture, treatment or storage of ***Hazardous substances***. the storage of hazardous or toxic materials, e.g. ignitable, corrosive, reactive, radioactive or pathological materials, or any institutional use.

5. **Extensions and Enlargements**

Extensions or enlargements to existing habitable or other buildings located in the flood plain (other than an institutional use) may be permitted where it is clearly demonstrated to Council through engineering or other studies, that the flood hazard can be overcome. Such measures may include flood proofing of a building and ensuring that any openings are located above the flood elevation.

6. **Existing Uses**

In the implementing zoning by-law, existing uses in the ***flood plain*** shall be recognized as legal conforming uses despite their designation as Environmental Protection Area.

## 7. **Placing or Removal of Fill**

The Municipality supports the efforts of the Ministry of Natural Resources to regulate the placing or removal of fill in the Environmental Protection designation. The Municipality will have regard for this issue when considering applications for *development* and may require site plans to identify specific locations where alterations in elevation or contour of the land are proposed. The placing or removal of fill along any shoreline requires that the proponent obtain a work permit from the Ministry of Natural Resources and the authorization of the Department of Fisheries and Oceans.

### 7.4 **Organic Soils and Steep or Unstable Slopes (Hazardous Sites)**

2. For the purposes of this Plan, organic soils are described as those soils normally formed in a water saturated environment (e.g. wetland) where the soil is not exposed to the air for a sufficient enough time to permit the breakdown of vegetative material. As a result, these soils may not contain sufficient strength to support a building or structure.
3. Organic soils shall be considered as a constraint to development. Development shall be directed away from lands with organic soils. However in exceptional circumstances development may be permitted where the hazard can be overcome using acceptable engineering techniques and where applicable, the standards set out in the *Building Code* can be met.
4. In Lots 15, Range B, in the geographic township of Rolph, investigations have indicated that the slope adjacent to the Ottawa River may have a factor of safety of less than 1.5. This land will be placed in a holding zone under section 36 of the *Planning Act*. No development shall be permitted including the installation of sewage disposal systems on steep or unstable slopes unless the hazard can be overcome. The holding provision may be lifted when a specific study undertaken by a qualified geotechnical engineer indicates that the site is suitable for the development using acceptable engineering techniques and where applicable, the standards set out in the *Building Code* can be met. The applicant may be required to enter into an agreement or make other acceptable arrangements with the Municipality to ensure that the recommendations in the study are implemented. This may include the requirement for a financial security.

## 7.5 Environmental Protection Area - Other Provisions

### 5. Lands Not Open to Public Access

Where land which is designated as an Environmental Protection Area is under private ownership, this Plan does not indicate that this land will necessarily remain as such indefinitely, nor shall it be construed as implying that such areas are free and open to the general public or will be purchased by the municipality or other public agency.

### 6. Redesignation of Lands

An application for the redesignation of lands designated Environmental Protection Area for other purposes may be given due consideration by Council after taking into account:

- A. The existing environmental and/or physical hazards;
- B. The potential impacts of these hazards; and
- C. The proposed methods by which these impacts may be overcome in a manner consistent with accepted engineering hazards.

There is no public obligation, however, either to redesignate by amendment to this Plan, or purchase any land if there is an existing or potential hazard that would be difficult or costly to overcome.

### 7. Suitability for Park Land

Where new development is proposed on a site, part of which has physical or environmental constraints, such land shall not necessarily be acceptable for parkland dedication under *Section 43* of the *Planning Act*. All lands conveyed to the municipality shall be in a physical condition satisfactory to Council.

### 8. Adjustment of Boundaries

The boundaries of the **Environmental Protection** area designation will serve as the basis for the implementing zoning by-law. Changes to the boundaries of the designation may be approved by Council without an amendment to the Plan provided that the proposed use would be permitted in the designation which is immediately adjacent. An amendment to the zoning by-law will be required. In reviewing such changes, consideration will be given to the following matters:

- A. The existing environmental hazards;
- B. The potential impacts of the environmental hazards and whether they would be aggravated;
- C. The proposed methods by which the hazards may be overcome in a manner consistent with accepted engineering techniques and resources management practices;
- D. The costs and benefits in monetary terms of any engineering works or resource management practices needed to overcome the hazards; and
- E. The potential impact of the proposed on existing natural features.

There is no obligation, however, to change the designation of any area shown as **Environmental Protection** if the environmental hazard would be difficult or costly to overcome.

9. **Site Plan Control**

Council may use Site Plan Control for any land use in the **Environmental Protection** area designation (see **Section 9.13.10 - Site Plan Control**).

## 7.6 Contaminated Sites

10. **Site Decommissioning and Clean-up**

Potentially contaminated sites include lands where contaminants may be present due to previous industrial, transportation, utility or similar uses. Sources of site contamination can include disposal of waste materials, raw material storage, residues left in containers, maintenance activities and spills. Some commercial uses such as gasoline stations and automotive repair garages have a similar potential. Known contaminated sites are shown on **Schedule 'A1'** to the **Land Use Plan** with a symbol.

It is a policy to ensure the proper decommissioning and clean-up of contaminated sites prior to their redevelopment or reuse. Measures to be taken by Council and/or the approval authority and the proponent include the following:

- A. The identification and inventory of sites by the municipality of where existing and past uses may have contributed to the presence of

contaminants;

- B. Applications for the development or redevelopment of sites that are identified as being contaminated or potentially contaminated shall be accompanied by a Ministry of the Environment acknowledged Record of Site Condition, and if necessary, a site remediation plan prepared in accordance with the “Guidelines for Use at Contaminated Sites in Ontario. Mandatory filing of a Record of Site Condition in the Registry is required for the change of use of a property from industrial or commercial to residential or parkland;
- C. Where the Record of Site Condition indicates that remediation work is necessary, the approval authority shall require as a condition of approval of development or redevelopment that appropriate action is taken to implement the components of the site remediation plan in accordance with the Record of Site Condition Regulation (O.Reg 153/04 and Ministry of the Environment Guideline “Records of Site Condition - A Guide on Site Assessment, the Clean-Up of Brownfield Sites and the filing of records of Site Condition” (October 2004);
- D. Council may supervise the excavation and soil handling activities during site clean-up;
- E. Site plan control may be used as a measure to enhance site decommissioning and remediation. (See **Section 9.13.10 - Site Plan Control**); and
- F. Contaminated sites may be placed in a holding zone in the municipality's zoning by-law. Where a holding zone is used, the "H" may be removed when the site has been acceptably decommissioned or cleaned up to the satisfaction of the municipality and in accordance with a site remediation plan and subject further, to the submission to the municipality of a Ministry of the Environment acknowledged Record of Site Condition.

## 7.7 Noise and Vibration

Where residential and other noise sensitive uses are proposed adjacent to a railway or Highway 17, the municipality may, after consultation with the railway and the Ministry of the Environment, require the owner or developer to conduct a noise and/or vibration impact assessment, which shall include measures to achieve attenuation levels consistent with the guidelines of the Ministry of the Environment in consultation with the railway or

the Ministry of Transportation.

## SECTION 8 - PUBLIC SERVICE FACILITIES AND INFRASTRUCTURE

### 8.1 Public Service Facilities

1. *Public service facilities* such as educational facilities (schools), fire, police, recreational, cultural and health care facilities are accessible or available to all residents of the Municipality. These facilities and services are important attributes to the quality of life enjoyed by residents and contribute towards a healthy community. The intent of the Plan is to ensure that there is adequate capacity of such facilities and services to accommodate the needs of residents and visitors over the planning period.

Council's policy is to monitor the impact of development applications on the residual capacity of public service facilities and services by consulting and circulating applications for comments to service deliverers. Council will also undertake to review the capacity and suitability of these facilities and services on a periodic basis and to improve or change the level of services in response to changing demands e.g. providing or facilitating the provision of facilities and services commensurate with the needs of an aging population.

2. Public service facilities (e.g. schools, day care centres, places of worship, museums, cemeteries, libraries, community centres, service clubs etc.) are recognized largely as existing and well established facilities within the Municipality. The intent of the Plan is to provide for the maintenance and where necessary, the expansion of these facilities in their current locations provided the land area is sufficient, safe access is provided and water and sewage disposal systems are adequate. New facilities will generally be directed to a village or hamlet or to a location which is central to the catchment area of the service provided. New facilities shall be developed having regard to the appropriate development standards within the land use designation in which the facility is to be located. As a planning principle, uses which generate significant volumes of traffic shall be located with at least one access on a major road.

### 8.2 Parks and Open Space

Parks and open space uses may be permitted in any land use designation under the Plan, subject to the provisions of **Section 8.2 - 3** below. Uses may include children's playgrounds, sports fields, picnic areas, fairgrounds, natural parks, areas associated with water recreation, wilderness or conservation areas, recreational trails and any other



similar form of active or passive open-air recreation.

1. Parks and open space may be developed in coordination with other sites or features such as historic sites, natural resources, schools or other institutional uses. Buildings and structures which are erected only for purposes incidental and accessory to the primary open space use shall also be permitted;
2. Parks and open space uses shall be planned as an integral part of residential neighbourhoods and shall be considered as permitted uses within the land use designations in which they are located. For sites where greater impacts are anticipated, their location may be controlled through zoning and their development through agreements i.e. subdivision or site plan control;
3. Council will attempt to improve existing local parks and open space facilities by equipping them with playground furniture or other amenities suitable to their users. Where there is a school, every effort shall be made to have a park and school in close proximity so optimum use may be made of publicly owned land and facilities;
4. It is Council's policy to require the conveyance of parkland or the cash-in-lieu equivalent for residential and non-residential development as a means to implementing the policies for parks and open space areas of this Plan. The land or cash to be conveyed shall not exceed two per cent (2 %) of the value of the land to be developed for commercial or industrial uses or five per cent (5 %) for residential uses. Where Council requests cash-in-lieu, the value of the land shall be determined on the day before the day the building permit is issued; and
5. Where the Municipality requires a cash-in-lieu payment under **Section 8.2 - 4** above, such funds shall be paid into a special account and the moneys in such special account shall be expended only for the acquisition of lands to be used for park or other public recreational purposes.

### **8.3 Public Works**

Council shall not undertake any public work and no by-law shall be passed that does not conform with the Official Plan. Council may pass a by-law which does not conform with the Official Plan where they have adopted an amendment to this Plan and where the public work will comply with the amendment, once the amendment is approved.

## 8.4 Water Supply and Sewage Disposal Systems

### 1. Servicing Hierarchy

The preferred form of servicing for urban settlement areas, such as the village of Chalk River, shall be *development on municipal sewage services and municipal water services*. Where this method of servicing is not available or cannot be provided, *private communal sewage services and private communal water services* for multiple lot/unit *development* shall be the preferred servicing option. This shall also apply to major *developments* in rural areas i.e. recreational vehicle parks and campgrounds. *Individual on-site water services and individual on-site sewage services* may be permitted where communal servicing is not feasible and the site conditions and the density of *development* are suitable for the long term provision of such services. *Partial services* such as piped water or piped sewer are recognized where they currently exist in the Municipality. *Development on partial services* shall only be permitted:

- A. Where they are necessary to address failed *individual on-site sewage services* and *individual on-site water services* in existing development; and
- B. Within *settlement areas*, to allow for infilling and rounding out of existing development on *partial services* provided that development is within the *reserve sewage system capacity* and *reserve water system capacity*; and site conditions are suitable for the long-term provision of such services.

### 2. Planning for Water Supply and Sewage Disposal Systems

It is the intent of this Plan to recognize existing water supply and sewage disposal systems, notably those systems within Chalk River, including water supply and waste water treatment facilities, which are in compliance with applicable legislation. New works or the expansion of existing works shall be permitted to address health related concerns or to accommodate new *development*. Where new or expanded systems are constructed they shall be deemed to conform to this Plan provided they comply with the community development and servicing policies of this Plan.

### 3. Servicing Capacity and Servicing Allocation

*Development* will be permitted only where there is sufficient reserve capacity. Conservation programs or efficiency measures will be used to extend or recapture

existing (design) capacity before expansion of a piped water or sewer system is undertaken. Capacity which has been allocated to *development* may be reallocated where measures are instituted under the *Planning Act* to de-designate *development* (i.e. official plan amendment, deeming of subdivisions). Proponents of development may be required to undertake a study to determine the uncommitted residual capacity of sewer and/or water services.

#### 4. **Connection to Services**

Within Chalk River urban service limits for existing water and sewer services have been established and are illustrated on the **Land Use Plan, 'A2'**. Within the defined urban service limits connection to *municipal sewage services* and *municipal water services* or *partial services* shall be compulsory. Urban service limits may be extended in compliance with the growth and settlement policies of this Plan (see **Section 3** i.e. **Section 3.06.7 - Community Design Criteria - Infrastructure**). Outside of the urban service limits, but within the urban boundaries of Chalk River, *development* may be permitted on individual services only in exceptional circumstances e.g. where it is cost prohibitive or physically impossible to extend full municipal water and sewage services or where otherwise justified by a servicing options report. Development may be permitted as infill on existing partial services in compliance with **Section 8.4 (1)** above.

#### 5. **Servicing Options and Approvals**

All new or retrofitted water and sewage disposal systems shall be designed, constructed, operated and maintained in compliance with the requirements or standards of the *Ontario Water Resources Act*, *Building Code Act* or *Environmental Assessment Act* whichever applies. A servicing options report evaluating the scale of *development*, relationship to existing services, municipal servicing plans, environmental constraints, impact on sensitive aquifers and recharge/discharge areas, the alternatives for servicing, the preferred method, capacity and installation/approval requirements for servicing shall be required for any subdivision, multiple lot/unit *development* or major *development* as a condition of approval. A servicing options report shall assess such matters as lot size, the quality and quantity of surface or groundwater, well interference, the suitability of soils for use in a soil sewage disposal system and the siting of wells and sewage disposal systems.

To determine if a lot(s)/unit(s) is/are capable of sustaining development a hydrogeological study and/or terrain analysis may be required to assess the potential risk to groundwater. When a hydrogeological study and terrain analysis

is required, reference shall be made to:

- A. Ministry of the Environment Procedure D-5-4, Technical Guideline for Individual On-Site Sewage Systems: Water Quality Risk Analysis;
- B. Ministry of the Environment Procedure D-5-5, Technical Guideline for Private Wells; Water Supply Assessment; and
- C. Such other standards, protocols or matters that may be considered relevant in consultation with the Ministry of the Environment and/or the Renfrew County & District Health Unit.

## 6. **Communal Services**

Where *communal services* are required for permanent residential freehold development (more than five residential lots/units), the Municipality having jurisdiction, shall assume ownership and operation of the communal services after the issuance of the appropriate Certificates of Approval by the Ministry of the Environment.

Where communal services are required for permanent residential development (more than five lots/units) such as condominiums, mobile home parks and park model trailer parks which serve as a primary residence, a responsibility agreement will be required between the Municipality having jurisdiction and the developer or applicant. The responsibility agreement will require the Municipality to assume ownership/operation of the communal water and/or sewage systems in the event of default. In addition, the responsibility agreement may set out the conditions and standards under which remedial actions may be taken if a default occurs, the provisions for financial security and cost recovery upon default, easements, registration on title and the right of entry and inspection by the Municipality and the legislative authority.

## 7. **Drinking Water Protection Regulation**

Municipal authorities and operators of communal systems shall comply with the *Safe Drinking Water Act*, where applicable, which are intended to ensure that Ontarians have access to a safe drinking water supply. The latter regulation applies to both municipally owned and operated water supply systems as well as to private communal systems. Public works required to comply with the *Regulation* shall be deemed to comply with this Plan.

## 8. **Municipal Regulatory Controls**

The zoning by-law shall require that the use of land or *development* shall only be permitted where water and/or sewage works are available to service the subject lands. This may be exempted for land uses which do not require such services e.g. resource uses or where development is exempted by the *Building Code Act*. Site plan agreements shall similarly reflect the requirements for servicing. To avoid a land use conflict a separation distance shall be set out in the zoning by-law between *development*, primarily *sensitive land uses*, and waste stabilization and septage facilities.

Water treatment plants, waste stabilization and septage facilities and individual on-site sewage disposal systems are prohibited on shoreline lands below the natural hazard limit (see **Section 6 - Public Health and Safety**). Council shall establish a minimum setback distance from the natural hazard limit in its zoning by-law for individual on-site sewage disposal systems.

## 9. **Condominium Development, Mobile Home Parks, Recreational Vehicle Parks and Campgrounds**

Water and/or sewage works constructed, operated and maintained by/for a condominium, mobile home park, recreational vehicle park or campground shall be permitted subject to the requirements of this Plan for such works and to the entering into of an enforceable agreement against title to each condominium unit or mobile home park or recreational vehicle park or campground which:

- A. Sets out a reserve fund to ensure that adequate revenue is available to repair, maintain, replace and upgrade the works as required to comply with provincial legislation;
- B. Sets out the maintenance standards and procedures; and
- C. Requires operation of the works by a qualified operator who is provincially certified.

## 8.5 **Stormwater Management**

*Development* in both urban and rural areas can change existing conditions such that the quantity and quality of stormwater run-off is altered. Stormwater management considers both water quantity and quality aspects of stormwater run-off where artificial drainage improvements or practices become necessary. The protection and rehabilitation of stream

corridors and erosion control along water courses are best approached through an integrated strategy and best management practices.

1. Stormwater management shall be integrated as a component of the *development* approval process and in the design and implementation of improvements to existing stormwater *infrastructure* in settlement areas;
2. Stormwater management shall incorporate an ecosystem approach through the design, construction and post-construction phases. *Ecological functions* will be conserved or enhanced on a local and sub-watershed basis;
3. Stormwater management plans shall be considered as an opportunity to rectify existing nutrient, contaminant, erosion or hydraulic flow issues. Stormwater management planning should include water quality targets;
4. In the design and construction of stormwater management *infrastructure* best management practices shall be used to ensure:
  - A. That the natural hydrological characteristics and pre-*development* and post-*development* flows are maintained or improved and that the cumulative impacts of *development* (within the sub-watershed) are considered as part of stormwater *infrastructure* design;
  - B. That there will not be any new or increased downstream flooding or erosion;
  - C. That natural habitat areas are protected or enhanced or restored;
  - D. That a construction mitigation plan is instituted to prevent stream borne sediments, changes in flow or other adverse characteristics from affecting the *ecological functions* or other impacts on receiving waters during construction;
  - E. That the post construction phase shall include rehabilitation, continued maintenance or *infrastructure* and preferably, a monitoring program; and
  - F. Stormwater management *infrastructure* may be incorporated into open space or green space within and between communities.
5. Stormwater management shall incorporate consideration for groundwater recharge and discharge.

## 8.6 Waste Disposal Systems

### 1. Scope

Waste disposal systems includes waste disposal or landfill sites, recycling facilities, transfer stations and septage haulage and disposal sites and accessory uses (e.g. weigh scales, sorting and storage facilities, administration buildings etc.). Lands used for **Waste Disposal Systems** are shown as a specific land use designation on **Schedule 'A1'** to the **Land Use Plan** and are subject to the policies of this section of the Plan.

### 2. Existing and New Landfill and Septage Sites

Existing active or new sites (public or private) may only be operated, expanded or closed in accordance with current provincial environmental standards and approvals including a valid Certificate of Approval. New sites and sites for septage disposal, will require an amendment to this Plan and the zoning by-law and will require approval under the *Environmental Protection Act* before an amendment is considered. Provincial and local approvals will also apply to the hauling of sewage. Prohibited wastes shall include nuclear wastes, hazardous or pathological wastes. Sites may include transfer sites used for the temporary storage of waste materials. It is the intent of Council to share a (new) waste disposal site with the Town of Deep River in meeting the needs of both communities over the next 25 years or more. This partnering venture will include provisions for monitoring the impact of this site, as well as other sites which have or are being formally closed to ensure that there are no off-site adverse impacts.

### 3. Closed or Inactive Sites

Closed or inactive sites may be used for other purposes subject to meeting requirements of the *Environmental Protection Act (Section 46 Order)*. In general, no buildings or other use may be made of land used as a waste management facility within a period of 25 years from the year in which the site was closed without the prior approval of the Minister of the Environment.

### 4. Design Capacity

The intent of Council is to ensure that there is sufficient capacity to accommodate waste disposal for all *development*.

## 5. **Influence Area and Separation Distances**

Provisions for *separation distances* and *influence areas* for new, or closed or existing waste disposal sites will be made in the zoning by-law and where necessary, through site plan control (see **Section 9.13.10 -Site Plan Control**). For the purposes of this Plan, no development shall be permitted within 30 m [98.4 ft] of the boundary of the licensed fill area. Development proposed beyond 30 m [98.4 ft], but within an influence area of 500 m [1,640 ft] of the boundary of the licensed fill area may be permitted where justified by a study (i.e. waste disposal influence area study) that demonstrates that the proposed development will not be negatively impacted by the waste disposal facility (e.g. leachate, methane gas, rodents, vermin, odours, fire etc.). Where recommended by the impact statement, measures to mitigate any adverse effects will be required as a condition of development. (See reference document). The influence area does not apply to commercial or industrial uses or to residential development which has been approved or committed (e.g. lots of record in either a plan of subdivision or which were created by consent).

*Reference document: Guideline D-4, Land Use on or Near Landfills and Dumps, MOE, or amendments thereto.*

## 6. **Septage Sites and Sewage Sludge Disposal**

Subject to public notification, septage or sludge disposal sites may be permitted where approved by the Ministry of the Environment and where they are operated under a valid Certificate of Approval.

## 7. **3 R's**

Council supports a program to reduce, reuse and recycle waste products including hazardous wastes.

## 8.7 **Transportation**

### 1. **Introduction**

Transportation infrastructure is made up of a provincial highway, local roads, private roads, resource access roads, shoreline road allowances, recreational trails, rail and air facilities.



## 2. **Provincial Highway**

Highway 17, as shown on the **Schedule 'A1'**, is recognized as a provincial highway. In addition to all the applicable municipal requirements, all proposed development located adjacent to and in the vicinity of a provincial highway within the ministry of Transportation's permit control area under the *Public Transportation and Highway Improvement Act* will also be subject to Ministry of Transportation approval. Early consultation with the Ministry of Transportation is encouraged to ensure the integration of municipal planning initiatives with provincial transportation planning. Any new areas in the municipality identified for future development that are located adjacent to or in the vicinity of a provincial highway of intersection within Ministry of Transportation's permit control area will be subject to Ministry of Transportation's policies, standards and requirements. Development is subject to Ministry of Transportation review and prior approval to the issuance of entrance, building and land use permits. This may include the requirement for a traffic impact study and a stormwater management study. Direct access will be discouraged and often prohibited. Outdoor storage associated with commercial or industrial uses adjacent to the highway corridor will be subject to requirements for screening or buffering.

## 3. **County Roads**

Road 635 provides a link to Quebec just below the Des Joachims Hydro Generating Station and Dam. The primary function of the road is to provide for through traffic between the two provinces. Approval for access is subject to the requirements and permits of the Public Works Department of the County of Renfrew for entrances and modifications to drainage prior to any construction or grading being undertaken.

Traffic studies may be required by the County as a prerequisite to the approval of any new access or a change to an existing access, entrance or intersection with a County road or to assess the impact of new development on the road corridor.

## 4. **Local Roads**

### A. **Classification of Roads**

For the purposes of this Plan, the classification of local roads shall include the following:

- (i) Local roads which are maintained year round;

- (ii) Local roads which are minimally maintained;
- (iii) Unassumed roads (includes public roads which have not been assumed by Council); and
- (iv) Shoreline road allowances.

The classification system for Township roads as set out above is illustrated on the **Schedule ‘A1’, Land Use Plan**.

#### **B. Local Roads Maintained Year Round**

The primary function of local roads will be to provide access to abutting properties. Standards for new road construction will include a minimum of 20 m [66 ft] right-of-way engineered design and layout, appropriate drainage and construction. Roads on lands under plan of subdivision may be assumed by a municipality provided the standards for road construction have been satisfactorily met.

In some circumstances, an alternative construction standard may be permitted (e.g. to provide for more cost effective development, to provide access over a land which has a major development constraint) provided such standard is acceptable to Council.

#### **C. Local Roads Minimally Maintained**

Roads shown as Minimum Maintenance on the **Schedule ‘A1’, Land Use Plan Land** are given less maintenance service than other roads. Council may post minimally maintained roads with signs to indicate that maintenance is limited. Where such roads are classified and posted with a sign, Council will not be obliged to provide winter control services.

There is no obligation by Council to convert a minimally maintained road to a year-round maintained road. Council may, however, undertake or request a cost-benefit analysis to determine the impact of such a conversion. Where Council is satisfied that potential development is justifiable, the status of the road may be changed to year-round. As a condition of the change of status, Council may require one or more applicants to share the cost of improving the road to an acceptable standard. The status of the road may be changed without an amendment to this Plan. Development on minimally maintained roads shall be restricted i.e. land severance will not be granted nor will the development of existing vacant lots be permitted.

**D. Unassumed Roads**

Council recognizes that the public may use unassumed or unopened public road allowances even though they are not maintained by the municipality. Council is under no obligation to upgrade unopened road allowances to municipal standards. Council may, however, require an agreement for the maintenance and repair of such roads. Council, may as a condition of development (i.e. creation of a new lot, change in land use, construction of a building), require that the road be upgraded and maintained to a municipal standard.

Council is under no obligation to assume a road dedicated as a public road within a plan of subdivision until the terms of the agreement for the construction have been satisfactorily met and only after a by-law has been passed to assume the road.

Council may decide to build a road to standard and assume it under local improvement. Until a road is assumed by By-law, the Municipality shall not be responsible for any snow ploughing, garbage collection or other road dependent services.

**E. Shoreline Road Allowances and Road Allowances Leading to Water**

The Ontario portion of the Ottawa River has been officially deemed a Candidate Canadian Heritage River. The nomination is based on the public's interest in having the Ottawa River's rich natural and cultural heritage conserved and enhanced, and its tourism and economic development values strengthened through the recognition and sound management actions and stewardship. Council recognizes the heritage values of the Ottawa River and the importance of conserving the natural features of the shoreline in formulating land use policies.

The general policy of the Municipality shall be not to close shoreline road allowances on the Ottawa River, but rather to retain all shoreline road allowances in public ownership. It is also the intent to maintain these shoreline road allowances in their natural state and to preserve and/or reinstate the natural vegetation cover.

The Municipality may consider applications to close and sell portions of the shoreline road allowance on the Ottawa River where it is requested for the purpose of legalizing any residential building presently encroaching

on the said shoreline road allowance. This authority shall not limit the Municipality from entering into an encroachment agreement under the *Municipal Act* for any existing shoreline buildings and structures and for the purposes of permitting an access to the water. The encroachment agreement may set out the terms of occupancy and restrictions that apply to the use of the shoreline road allowance. This may include the design and development details for an access corridor to the water, the construction of a dock and the requirements for maintaining and/or reinstating the shoreline vegetation and the access to the water and any docking facility. Wet boat houses may be permitted where a required approval is first obtained from the Ministry of Natural Resources and where the design and materials of the boat house meets Municipal criteria. The Municipality may require a site plan to be attached to the encroachment agreement to illustrate the location, dimensions and setbacks of buildings and structures and natural features, the provisions for maintaining and reinstating the shoreline vegetation and the location and details of the access corridor to the water.

Application shall follow the procedures established by Council and the Province for the closing of shoreline road allowances.

It is generally the policy of Council to not sell that part of a public road allowance leading to water where there is no alternative public access point.

## **5. Road Maintenance and Improvements**

Construction or maintenance of existing local roads and bridges or crossing structures will continue to be based on a regular program of capital expenditures as set out by Council from time-to-time. The kilometrage of hard surfaced roads may be increased with priority being given to roads with higher traffic volumes and/or the need for improvements to meet contemporary design and safety standards. Road improvements may be undertaken to improve the efficiency, function and safety of roads. This may include improvements in the form of jog elimination, sight triangles, regulation of turning movements, proper signing, traffic signalization, marking of traffic lanes and channelization.

Road maintenance and improvements of municipal roads including the addition of roads to the municipal road system shall be deemed to be in conformity with Section 24 of the *Planning Act*. This shall not limit the authority of the Municipality to designate truck routes, fire routes and the installation of parking

lanes as may be required.

Council may undertake or require the installation of sidewalks to an acceptable standard.

Council may require a traffic impact study to be undertaken by the proponent of development where it is anticipated that additional traffic will have an impact on the safety and efficiency of a road.

Existing roads may be upgraded at a developer's expense subject to Council approval.

No development or redevelopment of lands within close proximity to an intersection or railway crossing which is scheduled for improvement shall be permitted until the improvement has been sufficiently designed to determine the land required for the improvement. The agency responsible for the improvement shall be responsible for the required land acquisition. Such acquisition may be a condition of approval.

6. **Culverts and Entrance Permits**

A properly installed culvert and/or entrance permit will be required, where applicable, for any new access to a local road or at the intersection of a private road and a local road. The installation or replacement of culverts will be to acceptable standards for drainage and installed to the satisfaction of the municipality.

7. **Safe Access**

New entrances or intersections with local roads will only be permitted where sight lines are adequate. Generally, new entrances will not be permitted on curves or hills where safety may be compromised. Council may require the use of shared entrances as a means to provide for a safe entrance

8. **Road Widening and Conveyance**

As a condition of development or redevelopment or site plan control (see **Section 9.13.10 - Site Plan Control**) Council may require the dedication or conveyance of land for a road widening to meet municipal right-of-way widths. Such conveyances will generally be equal to one-half the required deficiency to a maximum of 5 m [16.4 ft] along the entire property frontage where the deficiency exists. *(For example: an existing ROW is 16 m [52.4 ft]. The deficiency is 4 m*

[13.1 ft] across the entire frontage of a property. The applicant on the side of the road where the development is proposed would be required to convey 2 m [6.56 ft] to the Municipality. This represents one-half the deficiency.)

The following roads or road sections shall be deemed to be eligible under this policy:

| <b>Road Inventory for Upgrading/Widening</b> |                 |                      |                 |                 |                      |
|--|-----------------|----------------------|-----------------|-----------------|----------------------|
| <b>Road</b>                                  | <b>Platform</b> | <b>Surface Width</b> | <b>Road</b>     | <b>Platform</b> | <b>Surface Width</b> |
| <b>Paved Roads</b>                           |                 |                      |                 |                 |                      |
| Peter St.                                    | .3 km x 8 m     | 7 m                  | Lorne Pl.       | .3 km x 8.5 m   | 6.1 m                |
| Elizabeth St.                                | .2 km x 8 m     | 7 m                  | Ratton Ave.     | 1 km x 8 m      | 6.1 m                |
| Albert St.                                   | .3 km x 8 m     | 7 m                  | Bessborough Dr. | .3 km x 8.5 m   | 6.1 m                |
| Lions Hall                                   | .1 km x 8 m     | 6.3 m                | Dufferin Ave.   | .3 km x 9.5 m   | 6.1 m                |
| Main St.                                     | .9 km x 8 m     | 7 m                  | Connaught Ave.  | .2 km x 8.5 m   | 6.1 m                |
| Laroche Cr.                                  | .2 km x 7.5 m   | 7 m                  | Monck Sq.       | .3 km x 8.5 m   | 6.1 m                |
| Baggs Rd.                                    | 2.6 km x 7.9 m  | 7 m                  | McKee Rd.       | .4 km x 8.5 m   | 7.3 m                |
| Legion St.                                   | .4 km x 7.9 m   | 7 m                  | Pinewood Pl.    | .5 km x 8.5 m   | 7.3 m                |
| Cook St.                                     | .2 km x 8 m     | 7 m                  | Tooley Dr.      | .2 km x 8.5 m   | 7.3 m                |
| Wilson St.                                   | .7 km x 8 m     | 7 m                  | Moores Rd.      | .3 km x 9.1 m   | 6.1 m                |
| McCarthy St.                                 | .1 km x 7.9 m   | 7 m                  | Quebec St.      | .1 km x 7.9 m   | 7 m                  |
| Station St.                                  | .1 km x 7.9 m   | 7 m                  | Church St.      | .7 km x 7.9 m   | 7 m                  |
| Ontario St.                                  | .1 km x 8 m     | 7 m                  | Town line Rd.   | 4 km x 7.9 m    | 7 m                  |
| George St.                                   | .2 km x 8 m     | 7 m                  | Pine St.        | .2 km x 7.6 m   | 7 m                  |
| Joseph St.                                   | .4 km x 8 m     | 7 m                  | Meeker St.      | .2 km x 8 m     | 7 m                  |
| Bob Sequin Dr.                               | .2 km x 7.9 m   | 7 m                  | Dover Lane      | .1 km x 7.8 m   | 7 m                  |
| Railway St.                                  | .7 km x 8.5 m   | 6.1 m                | Algoma St.      | .1 km x 8 m     | 7 m                  |
| Ottawa St.                                   | 1 km x 8.5 m    | 6.1 m                | Blimkie St. E.  | .1 km x 8 m     | 7 m                  |
| Lisgar Dr.                                   | .3 km x 8.5 m   | 6.1 m                | Plant Road      | 1 km x 8 m      | 7 m                  |

| <b>Road Inventory for Upgrading/Widening</b> |                 |                      |                    |                 |                      |
|--|-----------------|----------------------|--------------------|-----------------|----------------------|
| <b>Road</b>                                  | <b>Platform</b> | <b>Surface Width</b> | <b>Road</b>        | <b>Platform</b> | <b>Surface Width</b> |
| <b>Surface Treatment</b>                     |                 |                      |                    |                 |                      |
| Miller Rd.                                   | 1.4 km x 8.5 m  | 6.1 m                | Moores Rd.         | .4 km x 9.1 m   | 6.1 m                |
| Kings Rd. N.                                 | .4 km x 7.9 m   | 6.1 m                | Moose Rd.          | .2 km x 9.1 m   | 6.4 m                |
| Hunts Rd.                                    | .6 km x 7.6 m   | 6.3 m                | Fraser Rd.         | .1 km x 7.3 m   | 6.1 m                |
| Mill Yard Rd.                                | .4 km x 7.9 m   | 6.4 m                | Lance Rd.          | .8 km x 8.5 m   | 6.1 m                |
| Blimkie St. W.                               | .4 km x 7.3 m   | 6.3 m                | Moore Lake Rd.     | .5 km x 9.1 m   | 6.7 m                |
| Martin St.                                   | .6 km x 7.6 m   | 6.6 m                | Godreau Rd.        | .1 km x 8.5 m   | 6.7 m                |
| Chemainus St.                                | .2 km x 7.3 m   | 6.3 m                | Old Moore Lake Rd. | .6 m x 7.3 m    | 6.1 m                |
| Sidney St.                                   | .1 km x 8.5 m   | 6.3 m                | Brouse Rd.         | .9 m x 7.9 m    | 6.1 m                |
| Violet St.                                   | .1 km x 8.5 m   | 6.3 m                | Bass Lake Rd.      | 1.2 km x 7.9 m  | 6.1 m                |
| Forestry Rd.                                 | 2.3 km x 7.6 m  | 6.6 m                | Burkes Rd.         | 1.8 km x 9.4 m  | 7.3 m                |
| Fields Rd.                                   | .5 km x 7.6 m   | 6.6 m                | Burkes Bluff       | .3 km x 8.5 m   | 7.5 m                |
| Bob Sequin Dr.                               | .6 km x 7.5 m   | 6.3 m                | Mielkes Rd.        | .6 km x 8.5 m   | 7.5 m                |
| Gutzman Rd.                                  | 1.4 km x 8.5 m  | 6.1 m                | Josie Lane         | .5 km x 8.5 m   | 6.7 m                |
| Legere Rd.                                   | .6 km x 7.6 m   | 6.1 m                | Wylie Rd.          | 12.7 km x 8.5 m | 6.3 m                |
| <b>Unpaved Roads</b>                         |                 |                      |                    |                 |                      |
| Monck Sq.                                    | .1 km x 8.5 m   | 6.1 m                | Leader Rd.         | 1.5 km x 7.3 m  | 6.3 m                |
| Uniake Rd.                                   | .3 km x 6.7 m   | 5.7 m                | Keans Rd.          | 1.6 km x 6.1 m  | 5.1 m                |
| Moores Rd.                                   | .2 km x 9.1 m   | 6.1 m                | Reynolds Rd.       | .1 km x 5.5 m   | 4.5 m                |
| Allen Rd.                                    | .7 km x 8.5 m   | 7.5 m                | Bronson Rd.        | .8 km x 7.9 m   | 6.9 m                |
| McKinley Rd.                                 | 1 km x 8.5 m    | 7.5 m                | McNaulty Rd.       | .5 km x 7.6 m   | 6.6 m                |
| Fraser Rd.                                   | .5 km x 7.3 m   | 6.1 m                | Miller Rd.         | .2 km x 7.6 m   | 6.6 m                |
| Lau-Ren Rd.                                  | 1.5 km x 8.5 m  | 7.5 m                | Kings Rd. S.       | .5 km x 7.3 m   | 6.3 m                |
| Meilleurs Rd.                                | 1.9 km x 4.9 m  | 3.9 m                | Hunts Rd.          | .4 km x 7.6 m   | 6.6 m                |
| Cutler Lane                                  | 1.1 km x 7.3 m  | 6.3 m                | Mill Yard Rd.      | .2 km x 7.9 m   | 6.4 m                |

| <b>Road Inventory for Upgrading/Widening</b> |                 |                          |                     |                 |                          |
|--|-----------------|--------------------------|---------------------|-----------------|--------------------------|
| <b>Road</b>                                  | <b>Platform</b> | <b>Surface<br/>Width</b> | <b>Road</b>         | <b>Platform</b> | <b>Surface<br/>Width</b> |
| Godreau Rd.                                  | .3 km x 6.1 m   | 5.1 m                    | Blimkie St.         | .3 km x 7 m     | 6.7 m                    |
| Old Moore Lake Rd.                           | 1.8 km x 6.1 m  | 5.1 m                    | Munroe St.          | .2 km x 7.9 m   | 6.9 m                    |
| Raymond Rd.                                  | .3 km x 6.1 m   | 5.1 m                    | Beladair Rd.        | .1 km x 7.6 m   | 6.6 m                    |
| Colton Creek Rd.                             | .5 km x 7.3 m   | 6.3 m                    | Corry Lake Rd.      | .5 km x 7.9 m   | 6.9 m                    |
| Stewart Lane                                 | .5 km x 7.9 m   | 6.9 m                    | Circle Rd.          | .1 km x 7 m     | 6 m                      |
| Brouse Rd.                                   | .5 km x 7.9 m   | 6.9 m                    | Sand Rd.            | .4 km x 7.5 m   | 6.5 m                    |
| Bass Lake Rd.                                | 2.1 km x 7.3 m  | 6.1 m                    | Kellett St.         | .1 km x 7.3 m   | 6.3 m                    |
| Hill St.                                     | .1 km x 7.9 m   | 6.9 m                    | Road to water tower | .4 km x 6 m     | 6 m                      |
| Josie Lane                                   | 1.6 km x 8.5 m  | 7.5 m                    | Gleason Lane        | .6 km x 7 m     | 6.1 m                    |
| Lamure Rd.                                   | .3 km x 6.1 m   | 6.1 m                    | Tee-Lake Rd.        | 1 km x 6 m      | 6 m                      |
| Laws Rd.                                     | 1.5 km x 8.8 m  | 6.1 m                    |                     |                 |                          |
| <b>Minimum Maintenance Roads (Unpaved)</b>   |                 |                          |                     |                 |                          |
| Lamure Rd.                                   | 2.8 km x 5.2 m  | 4.9 m                    | Baggs Rd.           | 1.5 km x 5 m    | 4.3 m                    |
| Leader Rd.                                   | 1.9 km x 4.3 m  | 3.7 m                    |                     |                 |                          |

9. **Utility Location**

Subject to concurrence of the appropriate agency, utilities (e.g. hydro, telephone, gas, cable etc.) shall be placed within 3 m [9.84 ft] of the road allowance.

10. **Private Roads**

- A. **Definition:** A private road is defined as a road under private ownership which serves two or more legally conveyable lots and may include a right-of-way registered on title. (A driveway, by contrast, provides access to and is located on only one property or legally conveyable lot, despite the length of the driveway. A driveway also includes a shared driveway between two abutting properties.);



- B. **Function:** Private roads are intended to provide access to abutting properties including existing lots of record;
- C. New private roads may be permitted as part of the internal road network to a condominium development subject to an amendment to this Plan (see also **Section 5.15 - 1.**);
- D. **Road Standards and Construction:** Council is not obliged to assume any private road as a municipal road. Any road built or proposed for dedication to the Municipality must first be approved by Council, in terms of the road's location and configuration. Council will not assume any private road unless and until it is built to the standard of construction required by Municipal policy. Council may request the Ministry of Transportation to assist the Municipality in determining acceptable standards for road construction. Council must be satisfied that the existing or proposed private road can support the access of emergency vehicles. If it is physically or financially impossible to widen an existing substandard private road or reduce any existing grade to 12.5%, Council may, at its discretion, accept a lesser width or greater grade.

The proponent of any private road shall obtain the approval of the Ministry of Transportation for any proposed access of the private road to Highway 17, and for any increase in the number of lots served by an existing entrance.

The road standards, the responsibilities of the owner(s) for maintenance, the types of services not provided and other pertinent matters shall be set out, to Council's satisfaction, in a development agreement registered on title for any lot to be accessed by a private road.

A qualified person working in the employ of the Municipality shall be involved in the design and supervision of construction of the road to municipal standards. A professional engineer may be used for the foregoing purpose, at the expense of the developer. Council may decide to build a road to standard and assume it under local improvement. Until a road is assumed by By-law, the Municipality shall not be responsible for any snow ploughing, garbage collection or other road dependent services.

Prior to deciding on the assumption of a private road, Council may require a cost-benefit analysis to determine if the operational costs of assuming and maintaining the road will be offset by property tax revenues. The

costs for upgrading a private road to a Municipal standard will typically be borne by the adjacent property owners (e.g. survey, legal, design and construction costs) or the developer; and

- E. A lot may be used or developed for a use permitted which does not have frontage on a public road provided that the lot has a legal access (e.g. right-of-way) registered on title.

#### 11. **Resource Access Roads**

- A. **Function:** For the purposes of this Plan, resource access roads are intended to provide access to resource-based land uses such as forestry, mineral aggregate extraction and are not intended to provide access to residential or commercial land uses. New lot creation for residential or commercial uses on **Resource Access Roads** will not be permitted; and
- B. Resource access roads are expected to be maintained by private enterprise under lease or other arrangements with the Crown.

### 8.8 **Transportation Corridors**

- 1. It is the intent of this Plan that existing transportation corridors for road and rail be protected from land use activities which may interfere with the function and safe operation of these corridors including Highway 17 and the Rail Line corridor. Rail corridors are recognized as important economic and transportation linkages through and serving the County and the Municipality. Rail related noise, vibration and safety shall be considered in land use decisions for proposed *development* adjacent to or in the vicinity of the corridor (see also **Section 7. - Noise and Vibration**); and
- 2. It is the intent of this Plan to support the development of recreational trails (e.g. TransCanada Trail or similar single or multi-purpose recreational trails).

### 8.9 **Infrastructure Corridors**

- 1. It is the intent of this Plan that existing infrastructure corridors for utilities be protected from land use activities which may interfere with the function and safe operation of these corridors.

## 2. **TransCanada Pipelines**

TransCanada Pipelines Ltd. operates high pressure natural gas pipelines within its rights-of-way which cross through the Municipality and are identified on the **Land Use Plan**. Any development within 200 m [656 ft] of TransCanada's facilities may affect the safety and integrity of the pipelines.

TransCanada is regulated by the National Energy Board which, in addition to TransCanada, has a number of requirements regulating development in proximity to pipelines. This includes approval requirements for all activities on or within 30 m [98.4 ft] of the right-of-way such as excavations, blasting and any movement of heavy equipment. New development can result in increasing the population density in the area which may result in TransCanada being required to replace its pipeline to comply with CSA Code Z662. Therefore, the Municipality will require early consultation with TransCanada for major development proposals (e.g. plan of subdivision, commercial or industrial building) with 200 m [656 ft] of its facilities.

A setback of 10 m [32.8 ft] shall be maintained from the limits of the right-of-way for all permanent structures and excavations. A reduction in the 10 m [32.8 ft] setback will only be considered if it can be demonstrated to TransCanada's satisfaction, that it will not compromise the safety and integrity of the pipeline and if necessary all Municipal approvals are obtained.

## 8.10 **Water Quality and Quantity**

### 1. **Introduction**

Water is a precious resource and is vital to all life. Wise management of the quality and quantity of our water resources is required to ensure a sustainable resource for human and livestock consumption; for sustaining terrestrial and aquatic resources; and for industrial, agricultural, domestic and recreational uses. Within Laurentian Hills, water is a key asset to the community, since the Ottawa River and inland lakes and rivers are an attraction to development and support a sport fishery as well as many other aquatic activities. As well, aside from the village of Chalk River, all other development is dependent on groundwater as the source of domestic water supply.

Water is also a finite resource. Within a given watershed the movement of water occurs within a hydrologic cycle, but the quantity within this cycle is relatively constant. The components of the cycle include surface and ground water,

evapotranspiration and precipitation. Managing the resource requires that consideration be given to this cycle.

The intent of Council is to ensure that the land use policies of this Plan provide for the protection and enhancement of the quality and quantity of ground water and surface water. Council also recognizes that the stewardship of water resources is dependent on a cooperative approach. This includes water users, a variety of other agencies whose mandates vary as well as the municipality itself.

## 2. **Policies for Water Quality and Water Quantity**

Council will undertake to manage water quality and quantity through such measures as:

- A. Establishing a general 30 m [98.4 ft] setback for various land use activities to protect the shoreline or lakes and rivers in their natural state as much as is possible. This is intended to prevent erosion and minimize the discharge of contaminants (i.e. phosphorus, herbicides, sediments) into these water courses (see also **Sections 4.23.11 and 4.23.12 - Shoreline Structures and Setback**);
- B. Identifying aquifers, groundwater recharge and discharge areas, and natural springs and providing for their protection. This is expected to occur through the review of Planning applications or undertaking or participating in water resources studies;
- C. Controlling discharges to surface and ground water through the application of Best Management Practices for stormwater runoff and land drainage. In general, drainage outfalls into lakes will not be permitted. This is expected to occur through the review of Planning applications and the requirements for site plan control (see **Section 9.13.10 -Site Plan Control**);
- D. Promoting conservation practices in the use of water (e.g. water efficient plumbing fixtures);
- E. Monitoring the water quality of inland lakes and rivers;
- F. Encouraging residents to pump-out septic tanks on a regular basis;
- G. Supporting technologies in sewage disposal systems for minimizing

phosphorus discharge;

- H. Requiring conformity with Ontario Regulation 903 with respect to the construction of wells;
- I. Requiring that new docks, wharves and boat slips be constructed using non-toxic materials;
- J. Requiring hydrogeological studies and/or a terrain analysis and/or lake impact assessment for major development;
- K. Monitoring municipal waste management facilities for leachate migration; and
- L. Identifying contaminated sites and requiring their clean-up as a condition of redevelopment;

## 8.11 Communications and Utilities

### 1. General

The provisions of this section apply to all significant works or facilities at below, at or above grade required for the provision, generation, transmission, distribution and storage of energy such as gas, oil and electric power and the provision of communication works such as broadcast, telecast, fibre-optic, optical wireless or other transmission apparatus of such utility.

### 2. Development Control

Any new major corridors, or any significant station, storage facility or tower should be located to minimize any potential adverse social, environmental or aesthetic impacts and avoid any hazard to aeronautical or water transportation. Conversely, existing corridors (gas, oil, electric transmission) shall be protected from *development* by requiring setbacks and construction standards which are consistent with the safe operation, proposed expansion and/or respective regulations of the agencies governing those corridors (e.g. Hydro One Networks, Bell Canada Fibre Optics) (see also **Section 8.9 - 2 -TransCanada Pipelines**).

Utilities associated with the design and *development* of subdivisions or other *development* shall be permitted without amendment to this Plan provided they comply with the construction or other relevant standards of the Municipality.

3. **Existing Facilities**

This Plan recognizes all existing communications and utility corridors and facilities as conforming uses. New communications towers, storage and administration facilities shall be subject to site plan control (see **Section 9.13.10 - Site Plan Control**). Expansion of the electrical power transmission shall be subject to the *Environmental Assessment Act*.

4. **Wireless Optical and Internet Services**

Communications *infrastructure* (e.g. internet access, cell phones) designed to enhance communications and economic *development* shall be encouraged.

## SECTION 9 - THE TOOLS OF IMPLEMENTATION

### 9.1 Introduction

There are many ‘tools’ at the disposal of a planning authority in implementing an Official Plan. This Section of the Plan lists those tools required to implement this Plan. Reference is made to a number of different provincial statutes and/or Ontario Regulations. The list does not include all of the enabling authority of all legislation, particularly, those Acts and Regulations which are administered by the federal or provincial government but the list is intended to be reasonably comprehensive.

Over time, amendments are made to legislation which may change the numbering of sections of various Acts or Regulations. These changes should not affect the integrity of the following list nor limit the authority of the municipality to exercise certain controls, unless the legislation is repealed. The Acts etc are listed alphabetically for convenience.

### 9.2 Building Code Act

#### Property Standards

It is a policy of Council to enforce the Property Standards By-law as provided for under the *Act* with the objective of maintaining buildings, structures and properties in the municipality in a good state of repair. The approach to property maintenance should include an education and public relations program to show people the benefits of continued property maintenance, together with information showing what improvements can be made without increasing assessment.

The by-law may be reviewed from time-to-time with respect to the standards for maintenance of buildings and without limiting the foregoing, shall include consideration for:

- A. The maintenance of yards, lands, parking, storage areas;
- B. Garbage disposal and pest prevention;
- C. The cleanliness and safety of buildings;
- D. The structural maintenance of residential and non-residential buildings and structures;

- E. The maintenance of fences, swimming pools, hot tubs and ponds, accessory buildings and signs;
- F. The keeping of lands and waterfront properties free from rubbish, debris, weeds, abandoned or dilapidated vehicles, trailers, boats, barges, mechanical equipment or materials;
- G. Occupancy standards;
- H. Notices and orders; and
- I. Administration and enforcement measures;

### **9.3 Condominium Act**

#### **1. General**

Condominiums are a form of property ownership in which title to a unit, such as an individual apartment in an apartment building or a single detached dwelling in a private subdivision, is held by an individual together with a share of the rest of the property, which is common to all owners.

Condominiums can involve a brand new development, or an existing rental project which is converted to condominium ownership. They can apply to any type of residential building as well as commercial and industrial areas. Vacant land is also eligible.

#### **2. Applications**

Applications shall be made to the County utilizing the form prescribed and shall set out a description suitable for registration on title unless otherwise exempted by the County. Council may enter into an agreement with the applicant for the provision of services or such other matters as are governed by *Section 51* of the *Planning Act*.

(See also **Section 9.13.13 - Subdivisions**)

### **9.4 Development Charges Act, 1997**

#### **Statement of Intent**



This Official Plan is to be considered as a statement of intent of Council to carry out or authorize to be carried out, various public works as described specifically or in general terms in this Plan and which may be the subject of a development charge.

## **9.5 Environmental Assessment Act**

Prior to the construction of public works or undertakings, such as roads, sewage works, waste disposal facilities, water filtration plants, a municipality is obliged to follow procedures under the *Environmental Assessment Act*. Some types of undertakings may fall into a class environmental assessment which is a more streamlined process in reviewing the environmental impacts of the proposed work. Generally, the intent of this Plan is to ensure that the following procedures (generalized description) are followed prior to the construction of a project (undertaking):

1. Consult with affected parties:
  - A. Involve affected parties early in the process and continuously throughout;
  - B. Encourage the identification and resolution of issues before an EA is formally submitted; and
  - C. Promote mutually acceptable, environmentally sound solutions through consultation.
2. Consider reasonable alternatives: planning must consider alternatives to the undertaking which fulfil the purpose of the undertaking in functionally different ways and alternative methods of implementing a particular type of alternative. The 'do-nothing\*' alternative must also be considered;
3. Consider all aspects of the environment: the planning process must consider the effects on the natural or biophysical environment as well as effects on the social, economic and cultural conditions that influence the lives of humans of a community;
4. Systematically evaluate net environmental effects: evaluate alternatives in light of their advantages and disadvantages and the effects remaining after mitigation or enhancement measures have been addressed; and
5. Provide clear, complete documentation: the EA should strive to represent accurately the process that was followed in a clear and understandable way and to communicate the results of that process.

## **9.6 Environmental Protection Act**

The *Environmental Protection Act* provides control mechanisms for the protection of the environment that has application to the general public as well as to the Council of a municipality. Council shall have regard for Section 46 of the *Act* wherein land used for a waste disposal site may not be used for another purpose within a period of twenty-five years from the date the land ceased to be used, without the approval of the Minister of the Environment.

## **9.7 Gasoline Handling Act and Code**

This legislation prescribes the requirements for the handling of gasoline and associated products and amongst other matters sets out in the associated *Gasoline Handling Code*, the prescribed setbacks of gasoline storage facilities and pump islands from streets and adjacent properties. The intent of this Plan is to ensure that the amending zoning by-law reflects these standards as a measure of public safety and compatibility with adjacent land uses.

## **9.8 The Lakes and Rivers Improvement Act**

Changing the water flow on a property which affects Ontario's fish and wildlife shall require an approval under this *Act*. A work permit is required for any activity that increases the flow or holds back or diverts water. The proponent of development shall consult with the Ministry of Natural Resources.

## **9.9 Municipal Act**

This *Act* provides the enabling authority for a variety of types of by-laws and licensing matters which serve to implement features of this Plan or to authorize other actions of Council as follows:

- Section 31 - Establishing a highway
- Section 34 - Closing a highway
- Sections 37/38 - Closing a private road
- Section 48 - Naming a private road
- Section 99 - Regulating signs
- Section 123 - Regulating dangerous places e.g. cliffs, deep water
- Section 124 - Regulating pits and quarries
- Section 127 - Regulating refuse and debris (clean yards)
- Section 129 - Regulating noise, odour, dust, vibration, outdoor illumination

- Section 131 - Regulating wrecking yards
- Section 133 - Regulating fortifications
- Section 135 - Regulating tree cutting or injury to trees
- Section 142 - Site alteration control (e.g. dumping, filling, topsoil removal, grade alteration)
- Section 151 - Licensing adult entertainment establishments
- Section 163 - Licensing Group Homes
- Section 164 - Licensing Trailers
- Section 165 - Licensing motor vehicle racing
- Section 204 - Establishing a Business Improvement District

## 9.10 The Navigable Waters Protection Act

Any man-made impediment to the safe navigation of navigable waters is subject to the review and/or approval of the Canadian Coast Guard.

## 9.11 Ontario Heritage Act

1. The Ontario Heritage Act is intended to assist municipalities with the designation and conservation of buildings, structures, districts, landscapes, ruins that may be considered to be cultural heritage or archaeological resources. The municipality may use Part IV of the Act to designate individual buildings, structures or sites/landscapes of cultural value or interest or use Part V to designate a Heritage Conservation District.

*Section 17.1* Authorizes Clerk to establish registry of properties of cultural heritage or interest and to include designated properties in registry.

*Section 28* - Authorizes Council to establish a Municipal Heritage Committee of 5 or more people to advise Council on all matters related to *Part IV* of the *Act*.

*Section 29 (2)* - Authorizes a by-law to designate commencing with a Notice of Intention to Designate a property.

*Section 31(1)* - Authorizes a by-law to repeal a designating by-law.

*Section 32 (1)* – Owner’s application to repeal designating by-law

*Section 33 (1)* - Owner’s application for permission to alter a designated property.

*Section 34 (1)* - Owner's application for permission to demolish or remove building or structure which forms part of a designated property.

*Section 34.5 (1)* - Minister may designate any property as having heritage value or interest.

*Section 35.3 (1)* - Municipality may prescribe standards in property standards by-law for heritage properties.

*Section 36 (1)* - Municipality may acquire, purchase or lease a designated property.

*Section 37 (1)* - Municipality may enter into a conservation easement.

*Part V* - Authorizes Municipality to establish a Heritage Conservation District.

*Section 40 (1)* - Authorizes Council to undertake a study of an area for the purpose of designating a Heritage Conservation District.

*Section 41.1 (1)* - Requires the adoption of a Heritage Conservation District Plan for each area that is designated. The plan must contain those items listed in s. 41.1 (5).

## 2. **Requirement for Archaeological Assessment**

To implement the requirements of **Section 4.5 - Cultural Heritage and Archaeological Resources** of this Plan, the review of a planning application (e.g. zoning amendment, subdivision or consent) may require a review of the archaeological potential of a site. Where Council determines the need for an archaeological assessment, it is Council's policy that the following condition would apply:

"The proponent shall carry out an archaeological assessment of the subject property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No grading or other soil disturbances shall take place on the property prior to the approval authority and the Ministry of Culture confirming that all archaeological resources have met licensing and resource conservation requirements. The assessment shall be carried out by a licensed archaeologist under the *Ontario Heritage Act*."

## 9.12 The Public Lands Act

The beds of most lakes, rivers and streams are legally public land in Ontario. A work permit will usually be required before proceeding with any work project involving these areas i.e. installation of large docks, wharves, installation of armour stone or alteration of the shoreline. Activities, such as dredging and filling that occurs in near shore areas on private land may also require a permit. The Ministry of Natural Resources is to be contacted for work permit applications and for information about the permit and application process.

## 9.13 Planning Act

The procedures for applications and other matters are dealt with in sequence by section.

### 1. Amendments to the Official Plan - Sections 17 and 22

This Plan provides a long range development framework to guide the future growth of Laurentian Hills. It is the policy of Council that amendments to the Plan shall only be required where major changes to the broad land use pattern and development policies become necessary as a result of changing circumstances. In determining whether or not an amendment to the Plan is required, special regard shall be had to the land use policies of **Sections 5 and 6**. While it is not the intent of Council to limit the rights of any person under the *Planning Act* to apply for an amendment, any proponent of development is encouraged to discuss the need for an amendment with the Municipality prior to making an application. The Municipality encourages a spirit of pre-consultation in making this determination as well as in the review of any application for an amendment filed with the Municipality prior to a public meeting or decision. The Municipality may by by-law make pre-consultation mandatory. Applications will be reviewed for completeness and where deemed to be complete (incomplete), notice will be sent to the proponent. Certain studies or information shall be submitted where required by this Plan in support of planning applications and for the purposes of determining whether the study is complete, such as:

2.
  - A. Traffic Impact Study -Section 8.7.5
  - B. Archaeological Assessment - Section 4.5.2
  - C. Heritage Impact Assessment - Section 4.5.8

- D. Contaminated Site Assessment - Sections 7.6.1, 8.10.2 L.
- E. Stormwater Management and Drainage - Sections 8.5, 8.7.2
- F. Minimum Distance Separation calculation - Section 4.19
- G. Environmental Impact Study - Section 6.4.5
- H. hydrogeological Investigation and Terrain Analysis - Sections 8.4.5, 8.10.2
- I. Calculation of Uncommitted residual capacity of water and sewer services - Section 8.4.3
- J. Noise and/or Vibration Study - Section 7.7
- K. Land use Compatibility Assessment - Section 5.7.2 B., 5.11.2 B.
- L. Geotechnical Study - Section 7.4.3
- M. Waste Disposal Influence Area Study - Section 8.6.5
- N. Mineral Aggregate Assessment Study - Section 6.1.2

The municipality may require a peer review of any study. The cost of a peer review shall be borne by the applicant.

**2. Public Works - Section 24**

Council shall not undertake any public work and no by-law shall be passed that does not conform with the Official Plan. Council may pass a by-law which does not conform with the Official Plan where they have adopted an amendment to this Plan and where the public work will comply with the amendment, once the amendment is approved.

**3. Acquisition of Land - Section 25**

Council may acquire land for any purpose set out in this Plan and may lease or otherwise dispose of such lands where no longer required.

**4. Meeting to Consider Revisions to the Plan - Section 26**

Council shall, not less frequently than every five years, hold a special meeting, open to the public, to determine the need for a revision of the Plan and in determining the need for a revision, Council be consistent with the Provincial Policy Statement.

**5. Community Improvement - Section 28**

Council may, subject to an amendment to this Plan, consider the use of this section of the *Planning Act* to carry out physical improvements within the Municipality. Within the Village of Chalk River, Council's intent is to provide for the improving and upgrading of the community's infrastructure where deficiencies are identified. The policies for community improvement shall be implemented through the designation firstly of a Community Improvement Area, secondly, the designation of Community Improvement Project Areas, based on the criteria listed below, and finally, the preparation and implementation of Community Improvement Plans, as well as through an ongoing program of capital works budget. The Municipality may take advantage of the *Planning Act* provisions for financing and financial incentives to implement community improvement programs.

**A. Community Improvement Area**

The entire Town of Laurentian Hills is designated as a Community Improvement Area. Community Improvement Project Areas shall be designated for particular areas within the Community Improvement Area based on the scope of the deficiencies using the criteria listed below and the financial capability of the community to undertake required improvements. This may be contained in long-term capital works budgets. In deciding on the scope of Community Improvement Plans, Council shall consult with the public.

**B. Criteria for Selecting Community Improvement Project Areas**

The following criteria shall be used in the selection of Community Improvement Project Areas:

- (i) Older building stock suffering from poor maintenance and decay, in need of rehabilitation;
- (ii) Roads in need of resurfacing, sidewalk and curb replacement

- required;
- (iii) Inadequate sanitary sewer, storm sewer and/or water distribution systems;
- (iv) Insufficient or inadequate parks and recreation facilities, including deficiencies in major community recreation facilities and the need for additional active and passive recreation facilities;
- (v) Undersized community library;
- (vi) Lack of green space, street landscaping and street furniture within the commercial core area;
- (vii) Conflicting residential/commercial and/or residential/industrial land uses;
- (viii) Inadequate and/or outdated street lighting and/or traffic signals;
- (ix) Lack of adequate emergency services i.e. police, fire and/or ambulance services;
- (x) Significant aesthetic improvement required;
- (xi) Lack of off-street parking; and
- (xii) Eroded tax base
- (xiii) Need to encourage or provide for energy conservation.

#### **6. Zoning By-Laws - Section 34**

The zoning by-law for Laurentian Hills shall reflect the principles, policies and land use descriptions in this Plan. The by-law shall zone land and establish regulations to control the use of land and the character, location and use of buildings and structures in accordance with this Plan.

Council shall use the powers provided by Section 34 to regulate the use of all land, buildings and structures within the Town of Laurentian Hills as well as to govern other matters such as to prohibit land uses and development in sites containing a variety of natural heritage features, as well as sites containing an identified significant archaeological feature. Council may establish any number of zones to classify and control land uses to implement this Plan.

#### **7. Holding Zone - Section 36**

In order to show a future zoning designation while retaining control of the timing of development, a “holding” designation may be used, in the form of a symbol “h” as a suffix to the zone designation. As long as the “h” is retained, the use of the land shall be limited to the existing uses.



## **Rationale for the Use of Holding By-Laws**

Holding by-laws may be used where the principle of development has been established through scrutiny under the *Planning Act*. A Holding By-law may be used under the following circumstances:

- A. To hold land from development until water and sewage services are provided, or, studies have been undertaken to prove that servicing is possible on the site and the servicing has been included in the Municipal budget or provided for through a subdivision agreement or other acceptable means with a developer;
- B. To hold land that is designated in the Official Plan, but, as yet is undeveloped until a proposal is submitted to develop the land for the use/uses intended in the Official Plan;
- C. To hold land from development until other environmental or physical improvements to the site are made. For example, road improvements or infill on a site may be required prior to development of the site. This may also apply to unstable slopes, to lands susceptible to flooding or other physical or environmental constraints;
- D. To prevent or limit the use of land in order to achieve orderly phased development;
- E. To ensure that all conditions of development including financial requirements and agreements in accordance with the provisions of this Plan and/or the *Planning Act*, have been complied with;
- F. Contaminated sites may be placed in a Holding Zone in the municipality's zoning by-law. Where a holding zone is used, the "h" symbol may be removed when the site has been acceptably decommissioned or cleaned up to the satisfaction of the municipality and in accordance with a site remediation plan and subject further, to the submission of a Ministry of the Environment acknowledged Record of Site Condition to Council.

## **Conditions to be Met for Removal of the Holding Symbol**

The Holding "h" may be removed by by-law when the above circumstances have been satisfied and the following conditions met:

- A. Approval of servicing the site /area is given or servicing of adequate standards is provided on the site;
- B. A proposal is submitted for a site that conforms to the policies of the Official Plan;
- C. A phasing plan is submitted;
- D. Engineering or other acceptable studies/plans have been submitted which are designed to render a site safe from flooding, subsidence or other natural hazard;
- E. Architectural or design drawings and studies, where applicable, are submitted showing the required features;
- F. Financial securities have been submitted (e.g. bond or letter of credit); and
- G. With respect to contaminated sites, the “h” may be removed upon the receipt of a report approved by Council that the appropriate level of remediation, demonstrated by a Ministry of Environment acknowledged Record of Site Condition has been achieved.

**8. Interim Control By-laws - Section 38**

In utilizing this authority, it is Council’s policy that an interim control by-law shall be preceded by a by-law or resolution, directing that a study be undertaken of planning policies in the affected area and setting out the terms of reference for the study.

When an Interim Control By-law expires, the prior zoning shall automatically apply, unless a new zoning By-law is passed.

**9. Temporary Use By-laws - Section 39**

In certain circumstances, it may be desirable to pass a Temporary Use By-law to implement the policies of this Plan or to implement measures for economic growth and prosperity (e.g. it may be desirable to locate certain uses in vacant commercial or institutional buildings or on lands zoned for institutional uses on a temporary basis despite the fact the uses are not permitted under the provisions of the Official Plan). It may also be beneficial to temporarily zone lands for

industrial or commercial uses as an incubator or temporary location for a use which does not conform with the Plan.

A Temporary Use By-law may also be passed to permit a garden suite.

Council may, therefore, in a by-law passed under Section 39 of the *Planning Act*, authorize a temporary use of existing structures for any purpose set out therein. The period of time for a temporary use may be for a period of up to ten years for a garden suite and up to three years in all other cases, both of which are renewable. Notice of a Temporary Use By-law shall be given in the same manner as that of a zoning by-law under Section 34 of the *Planning Act*.

As a condition of the passing of a Temporary Use By-law for a garden suite, Council may require the owner of the suite or any other persons to enter into an agreement with the Municipality under the *Municipal Act*.

Any use introduced under such a Temporary Use By-law does not acquire the status of a legal non-conforming use at the expiration of the by-law(s) and at that time must therefore cease.

It is not the intent of the Official Plan that Temporary Use By-Laws be used to permit a new use while an amendment to the Official Plan and/or zoning by-law is being processed to permit the use on a permanent basis. However, once a temporary use is established and it becomes apparent to Council that the use should be permitted on a permanent basis, the use may continue under a Temporary Use By-law while any required amendments are passed.

## **10. Site Plan Control - Section 41**

### **A. Authority**

Under the authority of Section 41 of the *Planning Act*, Council may by by-law designate specific areas or land uses within the municipality which shall be known as site plan control areas. For the purposes of this Plan, the following land use designations and land uses shall be subject to Site Plan Control:

- (i) Any industrial, commercial or institutional use or designation;
- (ii) Any multiple residential use consisting of four (4) or more dwelling units;
- (iii) Any lands abutting a lake, water body or natural heritage feature;
- (iv) All conversions and redevelopment within any of the above categories;
- (v) A communications tower or public utility installation; and

- (vi) A temporary use.

**B. Designating a Site Plan Control Area**

Council may by by-law designate one or more areas as Site Plan Control Areas. Council may require the submission of plans and drawings for all development proposals within the Site Plan Control area.

**C. Road Widening**

Council may, as a condition of site plan approval, require the dedication of land for the widening of any street to the width set out in **Section 8.0 - Transportation** policies of this Plan for roads as specified by the classification. The conveyance to the municipality shall not exceed more than one-half of the deficiency of the width or 5 m (16.4 ft.) whichever is the lesser. The conveyance shall apply to the full frontage of the property wherever the deficiency exists.

**D. Site Plan Agreement**

Council may require each applicant submitting such a development proposal to enter into an agreement with the Municipality as a condition to the approval of the development proposal. Where a development proposal is of a minor nature, some or all of the points listed below may be waived in the agreement. The agreement may include conditions on the following facilities and matters.

- (i) The construction or reconstruction of the access or egress onto all major roads or highways and any upgrading of the roads, that will be necessary as a result of the increased traffic caused by the development;
- (ii) The number and location of all off-street loading areas and parking areas to be provided within each development, and the surfacing of such areas and driveways;
- (iii) The number, location and construction of all walkways and walkway ramps and pedestrian access points to be provided in the development and how these will eventually be connected to adjacent areas;
- (iv) The location, number and power of any facilities for lighting, including floodlighting of the site or any buildings or structures (such as signs) thereon;
- (v) All grading required to be done on the property and how storm, surface and waste waters will be disposed of in order to prevent erosion including the period during construction of the project. Plans will show the location and connections for all services to municipal services including elevations

- and inverts;
- (vi) The techniques that are to be used on the site for landscaping of the property for the protection of adjoining lands, water bodies or natural heritage features, including the type of vegetation and techniques to be used, the existing (native) vegetation which is to be preserved, and any structures such as walls, fences or barriers that are to be used;
  - (vii) The location, height, number and size of all residential units to be erected on the site and the method by which the development will be staged;
  - (viii) The location, height, and type of all other buildings located in the proposal;
  - (ix) Illustration of the contours and final elevations of the site on a contour interval of 1 m [3.3 ft] or less;
  - (x) The location and type of any facilities and enclosures for the storage of garbage and other waste materials; and
  - (xi) The location and extent of any easements or other covenants on the land to be conveyed to the municipality or a local board for public utilities.

In the review of Site Plan Applications, Council may circulate to municipal departments and outside agencies who are considered to have a vested interest for their comments prior to the approval of any site plan or site plan agreement.

Agreements entered into under the authority of Section 41 of the *Planning Act* may be for the provision of any or all of the facilities, works or matters as provided for in the *Act* and the maintenance thereof and for the registration of such agreements against title to the land to which they apply.

#### **11. Parkland Dedication or Cash-in-Lieu - Section 42**

It is Council's policy to require the conveyance of parkland or the cash-in-lieu equivalent for residential and non-residential development as a means to implementing the policies for parks and open space areas of this Plan. The land or cash to be conveyed shall not exceed two per cent (2 %) of the value of the land to be developed for commercial or industrial uses or five per cent (5 %) for residential uses. Where Council requests cash-in-lieu, the value of the land shall be determined as at that day before the day the building permit is issued.

#### **12. Committee of Adjustment - Sections 44 and 45**

The Committee of Adjustment may exercise its authority under Sections 44 and 45 in the granting of minor variances and permissions respecting non-conforming uses. (See **Section 4.21 - Non-conforming Uses** for further detail.)

### 13. Subdivisions, Consents and Part-Lot Control - Sections 50-53

#### Plans of Subdivision and Consents

Land development shall generally take place by plan of subdivision where three or more lots are proposed. Development by plan of subdivision will be used for (large lot) residential estate development in the Rural Area and for development in built-up areas i.e. village and hamlet settlements. In the rural area, the scale or size of the subdivision will be limited (i.e. to 25 lots or less). New subdivisions will not be approved where there is an undue oversupply of lots (see **Section 4.16 - Housing**) or the potential for costly maintenance of public services will occur long before build out or development of the lands. Subdivisions should be required:

- (xii) Where a new public road is required or for a major extension of an existing publicly maintained road;
- (xiii) Where it is more cost-effective to design and install infrastructure (roads, sewer and water, utilities);
- (xiv) Where it is easier to design and integrate a lotting pattern within an existing built-up area;
- (xv) Where it is easier to evaluate and assess the impacts of development i.e. stormwater or drainage, water supply, traffic, natural heritage features, archaeology; and
- (xvi) Where there is a large remnant block of land within an existing subdivision to be re-subdivided;

Where it has been determined that a subdivision is not required for the efficient development of land consent shall be the method of land division

An application for a plan of subdivision shall be in accordance with the requirements of *The Planning Act*. Additional information may be required in assessing the appropriateness and the location of the subdivision. Regard shall be given to the development criteria for subdivisions and consents listed below in reviewing subdivision and consent applications. In developing a Plan of Subdivision, regard shall also be given to the Provincial Policy Statement.

It shall be the policy of Council to consider for approval, only those plans of subdivision which comply with the policies of this Plan and which, to the satisfaction of the Council, can be supplied with adequate and cost effective public service facilities.

#### 14. Development Criteria for Subdivisions and Consents

Provisions relating to the granting of consents are set out in Sections 51 and 53 of *The Planning Act*. Council shall be consistent with the Provincial Policy Statement in addition to the following checklist which is intended to be used by Council in the review of subdivision and consent applications.

A. The application shall be complete and shall include a sketch and the prescribed application fee and shall comply with the requirements of Section 51 (24) of the *Planning Act* and associated Ontario Regulation for the filing, review, notice and decision procedures;

B. The sketch for a **consent application** shall show the lands to be severed and the lands to be retained, existing and proposed lot dimensions, lot areas and buildings, all setbacks, natural physical features (water bodies, slopes, tree cover) and sufficient information to be able to easily locate the land. The **draft plan of subdivision** shall illustrate all the requirements of Section 51 (17) of the *Planning Act*;

C. The proposed use of the lands to be subdivided shall be a use permitted in the underlying land use designation e.g. refer to the Official Plan **Schedule 'A1' Land Uses Plan** to determine designation and then refer to corresponding list of permitted uses for that designation in the text of this Plan;

D. Where consents are granted in accordance with this Plan and while more than three lots per holding is generally discouraged, additional consents may be considered provided the approval authority and Council are satisfied that a plan of subdivision is not required for the orderly development of the lands and the applicant submits a study addressing the following matters to the satisfaction of Council:

- (i) Justification of the proposed water supply and sewage systems in accordance with **section 8.4** of this Plan;
- (ii) Justification as to why a plan of subdivision is not

necessary for the proper and orderly development of the lands;

- (iii) The need for a hydrogeology study ( including a nitrate impact assessment) and terrain analysis to ensure that the quality and quantity of potable water meets provincial standards;
- (iv) The need for a lot grading and drainage plan; and
- (v) The impact of the proposed development on the financial resources of the municipality.

E. The lot(s) to be developed( and any lands to be retained) must meet the requirements of the zoning by-law e.g.:

- Lot size for buildings, accessory uses, parking, snow storage
- Lot frontage and depth
- Setbacks from roads, water bodies
- Sufficient land area to allow development where constraints exist such as topography, soils (organic), rock, slope, wetland;
- Generally, the depth of the lot should not exceed four times the frontage of the lot. Irregularly shaped parcels which are considered to create awkward access situations or other development constraints shall not be permitted;

F. Development must meet the influence area or special setback requirements where the intended use of the lot is for a *sensitive land use* e.g. a dwelling, daycare facility, educational facility or health care facility, church, campground. Reference should be made to the following Sections of this Plan for further explanation:

- **5.7, 5.10, 5.11 - Industrial Land Uses**
- **8.6 - Waste Disposal Sites**
- **6.3 - Agricultural Resource Lands (Minimum Distance Formulae I and II**
- **6.1 - Mineral Aggregates (pits and quarries)**
- **6.4 - Natural Heritage Features and Areas**



- **7.3 - Flood Elevations**
- **8.4 - Noise and Vibration**

G. The application shall be supported by studies or other information which may be required to determine whether the application will comply with the policies of this Plan, or to permit the reduction of required setbacks. See **Section 9.13.1.**

Reference should be made to the above listing (subsection 6) for requirements e.g.:

- Mitigation of industrial impacts
- Mitigation of waste disposal impacts
- Verification of non-impact for below ground water aggregate operations
- Environmental Impact Study/mitigation measures for natural heritage features
- Flood proofing measures
- Noise and/or vibration study
- Record of Site Condition (contaminated sites) (see **Section 8.11, Contaminated Sites**)

In the absence of appropriate mitigation, the application will be refused.

H. The application should be supported with information or evidence to verify suitability of the lands for sewage disposal. This may include approval for extending piped services, an individual on-site system or a communal system or a hydrogeological study and terrain analysis (see **Section 8.4, Water Supply and Sewage Disposal Systems**);

I. The application should be supported with information to verify suitability of the water supply (quantity and quality);

J. The lot shall have frontage on and direct access to a public road unless otherwise exempted;

- K. Where the lot proposed fronts on a provincial highway, prior approval must be obtained for access from the Ministry of Transportation. Also, where the Ministry has identified the need for a road widening, the necessary land shall be dedicated as a condition of approval;
  
- L. The access or entrance to any lot should not create a traffic hazard e.g. on a curve or a hill where a driver's sight line is blocked or impaired. The applicant must receive approval from the municipality for the location and installation requirements for an entrance and/or culvert;
  
- M. Where the potential for a cultural heritage site, historic site or archaeological site has been identified, an impact and/or archaeological assessment may be required. The applicant should consult with the municipality, or the Ministry of Culture (see **Section 4.5, Cultural Heritage and Archaeological Resources**);
  
- N. Development will not be permitted which has the effect of limiting access to back lands for future development or which have the effect of creating land locked parcels for either the severed or retained lot;
  
- O. Development will not be approved in areas where the undue extension of public services or infrastructure would be required e.g. extension of a public road or school bus route or the services would create an undue financial burden for the Municipality or service deliverer;
  
- P. Development will not be permitted for the creation of a new lot on a water body where the lake has reached its development capacity and no residual capacity exists for that water body;
  
- Q. Despite the criteria outlined in 'A' to 'P' above, consents may be granted for the following purposes:

- To correct lot boundaries
- For the discharge of mortgages, provided a new lot is not created
- To convey additional land to an adjacent lot provided the conveyance does not lead to the creation of an undersized or irregularly shaped lot for the purpose for which it is being or will be used;
- To clarify title to the land;
- Where the effect of the consent does not create an additional building lot;
- To permit an easement, lease or right-of-way;
- To permit a consent for municipal or other government purposes.

R. Conditions may be imposed in the granting of provisional consent or in the granting of draft plan approval which may include but not be limited to the following:

- A zoning amendment under the zoning by-law or a minor variance under Section 45 of *The Planning Act*;
- Site plan control;
- Phasing of development;
- the dedication of land or cash-in-lieu of parkland and/or improvements or provision of parks or recreational facilities;
- The conveyance of land or conveyance for easements for utilities, access control or drainage;
- The construction or upgrading of roads, road widening, daylighting triangles, intersection and signalization, signs or the installation of stormwater or drainage facilities and culverts;
- The establishment of buffer strips and landscaping;
- Flood proofing structures;
- The installation of water supply or sewage disposal systems;
- The entering into of an agreement including provisions of financial guarantees, payment of development, legal and consulting fees;
- Demolition of buildings or structures and/or measures to remediate the property due to hazardous or contaminated conditions;

- Implementation of mitigation measures to ensure compatibility amongst land uses;

S. Procedures for processing applications may include but not be limited to:

- Applicant files a complete application with the County (approval authority);
- Notice of the application will be circulated to the municipality, land owner, surrounding residents and to other required agencies as prescribed;
- The application will be reviewed for compliance to the policies of this Plan and the regulations of the implementing zoning by-law. Council may seek a Planning Report from a qualified Planner or may also seek technical input from other selected agencies in reviewing the application and providing a recommendation to the County;
- The County may have a public meeting to consider a consent application and may hold or delegate authority for a public meeting on a subdivision application;
- The County will issue a decision and impose conditions of approval (provisional consent or draft plan approval);
- Decision is advertized (circulated) as required by *The Planning Act*;
- Applicant shall enter into a consent or subdivision agreement where required as a means to implement the conditions;
- Applicant has up to one year to fulfil provisions of provisional consent, no limit on plan of subdivision;
- Consent or final plan approval is granted upon fulfilment of
- Conditions, agreements and submission/registration;

*(Note: where decision of Council is appealed, the matter is referred to the Ontario Municipal Board for consideration and the Board's decision is final.)*

## 15. Part-Lot Control

Part-lot control may be used for existing plans of subdivision where it is necessary to re-align lot boundaries to clarify or grant title, exact specific servicing requirements as a condition of consent such as a road widening or to further control internal development on a lot.

## **16. Tariff of Fees - Section 69**

Council may by by-law (or amendment), establish tariff of fees for the purpose of levying fees for the costs associated with the processing of planning applications including:

- an amendment to the Official Plan;
- An amendment to the Zoning By-law;
- A Minor Variance or permission related to a non-conforming use;
- A Site Plan Control application and agreement;
- A Plan of Subdivision or Condominium agreement and review of application;
- Review of a Consent application and Consent Agreement;
- A Change of use.

### **9.14 Ontarians With Disabilities Act**

In the design for a healthy and accessible community, it is the intent of the municipality to consider the needs of persons with disabilities as provided for under the *Ontarians with Disabilities Act* and corresponding amendments to the *Planning Act (2002)*. In this regard, Council may develop standards that will facilitate the review of subdivision, site plan or other planning applications and access to public buildings and commercial uses in accommodating the needs of persons with disabilities.

## **APPENDIX 1**

# **DEFINITIONS FROM THE PROVINCIAL POLICY STATEMENT**

## Definitions

**Access standards:** means methods or procedures to ensure safe vehicular and pedestrian movement, and access for the maintenance and repair of protection works, during times of flooding hazards, erosion hazards and/or other water-related hazards.

**Adjacent lands:** means

- a) for the purposes of policy 2.1 of the Provincial Policy Statement, those lands contiguous to a specific natural heritage feature or area where it is likely that development or site alteration would have a negative impact on the feature or area. The extent of the adjacent lands may be recommended by the Province or based on municipal approaches which achieve the same objectives; and
- b) for the purposes of policy 2.6.3 of the Provincial Policy Statement, those lands contiguous to a protected heritage property or as otherwise defined in the municipal official plan.

**Adverse effects:** as defined in the Environmental Protection Act, means one or more of:

- a) impairment of the quality of the natural environment for any use that can be made of it;
- b) injury or damage to property or plant or animal life;
- c) harm or material discomfort to any person;
- d) an adverse effect on the health of any person;
- e) impairment of the safety of any person;
- f) rendering any property or plant or animal life unfit for human use;
- g) loss of enjoyment of normal use of property; and
- h) interference with normal conduct of business.

**Affordable:** means

- a) in the case of ownership housing, the least expensive of:
  1. housing for which the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual household income for low and moderate income households; or
  2. housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the regional market area;
- b) in the case of rental housing, the least expensive of:
  1. a unit for which the rent does not exceed 30 percent of gross annual household income for low and moderate income households; or
  2. a unit for which the rent is at or below the average market rent of a unit in the regional market area.

**Agricultural uses:** means the growing of crops, including nursery and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish;

aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including accommodation for full-time farm labour when the size and nature of the operation requires additional employment.

**Agriculture-related uses:** means those farm-related commercial and farm-related industrial uses that are small scale and directly related to the farm operation and are required in close proximity to the farm operation.

**Airports:**

means all Ontario airports, including designated lands for future airports, with Noise Exposure Forecast (NEF)/Noise Exposure Projection (NEP) mapping.

**Alternative energy systems:**

means sources of energy or energy conversion processes that significantly reduce the amount of harmful emissions to the environment (air, earth and water) when compared to conventional energy systems.

**Archaeological resources:**

includes artefacts, archaeological sites and marine archaeological sites. The identification and evaluation of such resources are based upon archaeological fieldwork undertaken in accordance with the Ontario Heritage Act.

**Areas of archaeological potential:**

means areas with the likelihood to contain archaeological resources. Criteria for determining archaeological potential are established by the Province, but municipal approaches which achieve the same objectives may also be used. Archaeological potential is confirmed through archaeological fieldwork undertaken in accordance with the Ontario Heritage Act.

**Areas of mineral potential:**

means areas favourable to the discovery of mineral deposits due to geology, the presence of known mineral deposits or other technical evidence.

**Areas of natural and scientific interest (ANSI):**

means areas of land and water containing natural landscapes or features that have been identified as having life science or earth science values related to protection, scientific study or education.

**Areas of petroleum potential:**

means areas favourable to the discovery of petroleum resources due to geology, the presence of known petroleum resources or other technical evidence.



**Brownfield sites:**

means undeveloped or previously developed properties that may be contaminated. They are usually, but not exclusively, former industrial or commercial properties that may be underutilized, derelict or vacant.

**Built heritage resources:**

means one or more significant buildings, structures, monuments, installations or remains associated with architectural, cultural, social, political, economic or military history and identified as being important to a community. These resources may be identified through designation or heritage conservation easement under the Ontario Heritage Act, or listed by local, provincial or federal jurisdictions.

**Coastal wetland:** means

- a) any wetland that is located on one of the Great Lakes or their connecting channels (Lake St. Clair, St. Mary's, St. Clair, Detroit, Niagara and St. Lawrence Rivers); or
- b) any other wetland that is on a tributary to any of the above-specified water bodies and lies, either wholly or in part, downstream of a line located 2 kilometres upstream of the 1:100 year floodline (plus wave run-up) of the large water body to which the tributary is connected.

**Comprehensive review:** means

- a) for the purposes of policies 1.1.3.9 and 1.3.2 of the Provincial Policy Statement, an official plan review which is initiated by a planning authority, or an official plan amendment which is initiated or adopted by a planning authority, which:
  1. is based on a review of population and growth projections and which reflect projections and allocations by upper-tier municipalities and provincial plans, where applicable; considers alternative directions for growth; and determines how best to accommodate this growth while protecting provincial interests;
  2. utilizes opportunities to accommodate projected growth through intensification and redevelopment;
  3. confirms that the lands to be developed do not comprise specialty crop areas in accordance with policy 2.3.2 of the Provincial Policy Statement;
  4. is integrated with planning for infrastructure and public service facilities; and
  5. considers cross-jurisdictional issues.
- b) for the purposes of policy 1.1.5 of the Provincial Policy Statement, means a review undertaken by a planning authority or comparable body which:
  1. addresses long-term population projections, infrastructure requirements and related matters;
  2. confirms that the lands to be developed do not comprise specialty crop areas in accordance with policy 2.3.2 of the Provincial Policy Statement; and
  3. considers cross-jurisdictional issues.

**Conserved:**

means the identification, protection, use and/or management of cultural heritage and archaeological resources in such a way that their heritage values, attributes and integrity are retained. This may be addressed through a conservation plan or heritage impact assessment.

**Cultural heritage landscape:**

means a defined geographical area of heritage significance which has been modified by human activities and is valued by a community. It involves a grouping(s) of individual heritage features such as structures, spaces, archaeological sites and natural elements, which together form a significant type of heritage form, distinctive from that of its constituent elements or parts. Examples may include, but are not limited to, heritage conservation districts designated under the Ontario Heritage Act; and villages, parks, gardens, battlefields, main streets and neighbourhoods, cemeteries, trailways and industrial complexes of cultural heritage value.

**Defined portions of the one hundred year flood level along connecting channels:**

means those areas which are critical to the conveyance of the flows associated with the one hundred year flood level along the St. Mary's, St. Clair, Detroit, Niagara and St. Lawrence Rivers, where development or site alteration will create flooding hazards, cause updrift and/or downdrift impacts and/or cause adverse environmental impacts.

**Deposits of mineral aggregate resources:**

means an area of identified mineral aggregate resources, as delineated in Aggregate Resource Inventory Papers or comprehensive studies prepared using evaluation procedures established by the Province for surficial and bedrock resources, as amended from time to time, that has a sufficient quantity and quality to warrant present or future extraction.

**Designated and available:**

for the purposes of policy 1.4.1(a) of the Provincial Policy Statement, means lands designated in the official plan for urban residential use. For municipalities where more detailed official plan policies (e.g., secondary plans) are required before development applications can be considered for approval, only lands that have commenced the more detailed planning process are considered to be designated for the purposes of this definition.

**Designated growth areas:**

means lands within settlement areas designated in an official plan for growth over the long-term planning horizon provided in policy 1.1.2 of the Provincial Policy Statement, but which have not yet been fully developed. Designated growth areas include lands which are designated and available for residential growth in accordance with policy 1.4.1(a) of the Provincial Policy Statement, as well as lands required for employment and other uses.

**Designated vulnerable area:**

means areas defined as vulnerable, in accordance with provincial standards, by virtue of their importance as a drinking water source that may be impacted by activities or events.

**Development:**

means the creation of a new lot, a change in land use, or the construction of buildings and structures, requiring approval under the Planning Act, but does not include:

- a) activities that create or maintain infrastructure authorized under an environmental assessment process;
- b) works subject to the Drainage Act; or
- c) for the purposes of policy 2.1.3(b) of the Provincial Policy Statement, underground or surface mining of minerals or advanced exploration on mining lands in significant areas of mineral potential in Ecoregion 5E, where advanced exploration has the same meaning as under the Mining Act. Instead, those matters shall be subject to policy 2.1.4(a ) of the Provincial Policy Statement.

**Dynamic beach hazard:**

means areas of inherently unstable accumulations of shoreline sediments along the Great Lakes - St. Lawrence River System and large inland lakes, as identified by provincial standards, as amended from time to time. The dynamic beach hazard limit consists of the flooding hazard limit plus a dynamic beach allowance.

**Ecological function:**

means the natural processes, products or services that living and non-living environments provide or perform within or between species, ecosystems and landscapes. These may include biological, physical and socio-economic interactions.

**Employment area:**

means those areas designated in an official plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities.

**Endangered species:**

means a species that is listed or categorized as an “Endangered Species” on the Ontario Ministry of Natural Resources’ official species at risk list, as updated and amended from time to time.

**Erosion hazard:**

means the loss of land, due to human or natural processes, that poses a threat to life and property. The erosion hazard limit is determined using considerations that include the 100 year erosion rate (the average annual rate of recession extended over an one hundred year time span), an allowance for slope stability, and an erosion/erosion access allowance.

**Fish:**

means fish, which as defined in S.2 of the Fisheries Act, c. F-14, as amended, includes fish, shellfish, crustaceans, and marine animals, at all stages of their life cycles.

**Fish habitat:**

as defined in the Fisheries Act, c. F-14, means 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.

**Flood fringe:**

for river, stream and small inland lake systems, means the outer portion of the flood plain between the floodway and the flooding hazard limit. Depths and velocities of flooding are generally less severe in the flood fringe than those experienced in the floodway.

**Flood plain:**

for river stream, and small inland lake systems, means the area, usually low lands adjoining a watercourse, which has been or may be subject to flooding hazards.

**Flooding hazard:**

means the inundation, under the conditions specified below, of areas adjacent to a shoreline or a river or stream system and not ordinarily covered by water:

- a) Along the shorelines of the Great Lakes - St. Lawrence River System and large inland lakes, the flooding hazard limit is based on the one hundred year flood level plus an allowance for wave uprush and other water-related hazards;
- b) Along river, stream and small inland lake systems, the flooding hazard limit is the greater of:
  1. the flood resulting from the rainfall actually experienced during a major storm such as the Hurricane Hazel storm (1954) or the Timmins storm (1961), transposed over a specific watershed and combined with the local conditions, where evidence suggests that the storm event could have potentially occurred over watersheds in the general area;
  2. the one hundred year flood; and
  3. a flood which is greater than 1. or 2. which was actually experienced in a particular watershed or portion thereof as a result of ice jams and which has been approved as the standard for that specific area by the Minister of Natural Resources;

except where the use of the one hundred year flood or the actually experienced event has been approved by the Minister of Natural Resources as the standard for a specific watershed (where the past history of flooding supports the lowering of the standard).

**Floodproofing standard:**

means the combination of measures incorporated into the basic design and/or construction of

buildings, structures, or properties to reduce or eliminate flooding hazards, wave uprush and other water-related hazards along the shorelines of the Great Lakes - St. Lawrence River System and large inland lakes, and flooding hazards along river, stream and small inland lake systems.

**Floodway:**

for river, stream and small inland lake systems, means the portion of the flood plain where development and site alteration would cause a danger to public health and safety or property damage.

Where the one zone concept is applied, the floodway is the entire contiguous flood plain.

Where the two zone concept is applied, the floodway is the contiguous inner portion of the flood plain, representing that area required for the safe passage of flood flow and/or that area where flood depths and/or velocities are considered to be such that they pose a potential threat to life and/or property damage. Where the two zone concept applies, the outer portion of the flood plain is called the flood fringe.

**Great Lakes - St. Lawrence River System:**

means the major water system consisting of Lakes Superior, Huron, St. Clair, Erie and Ontario and their connecting channels, and the St. Lawrence River within the boundaries of the Province of Ontario.

**Ground water feature:**

refers to water-related features in the earth's subsurface, including recharge/discharge areas, water tables, aquifers and unsaturated zones that can be defined by surface and subsurface hydrogeological investigations.

**Hazardous lands:**

means property or lands that could be unsafe for development due to naturally occurring processes. Along the shorelines of the Great Lakes - St. Lawrence River System, this means the land, including that covered by water, between the international boundary, where applicable, and the furthest landward limit of the flooding hazard, erosion hazard or dynamic beach hazard limits. Along the shorelines of large inland lakes, this means the land, including that covered by water, between a defined offshore distance or depth and the furthest landward limit of the flooding hazard, erosion hazard or dynamic beach hazard limits. Along river, stream and small inland lake systems, this means the land, including that covered by water, to the furthest landward limit of the flooding hazard or erosion hazard limits.

**Hazardous sites:**

means property or lands that could be unsafe for development and site alteration due to naturally occurring hazards. These may include unstable soils (sensitive marine clays [leda], organic soils) or unstable bedrock (karst topography).

**Hazardous substances:**

means substances which, individually, or in combination with other substances, are normally considered to pose a danger to public health, safety and the environment. These substances generally include a wide array of materials that are toxic, ignitable, corrosive, reactive, radioactive or pathological.

**Heritage attributes:**

means the principal features, characteristics, context and appearance that contribute to the cultural heritage significance of a protected heritage property.

**Hydrologic function:**

means the functions of the hydrological cycle that include the occurrence, circulation, distribution and chemical and physical properties of water on the surface of the land, in the soil and underlying rocks, and in the atmosphere, and water's interaction with the environment including its relation to living things.

**Individual on-site sewage services:**

means individual, autonomous sewage disposal systems within the meaning of s.8.1.2, O.Reg. 403/97, under the Building Code Act, 1992 that are owned, operated and managed by the owner of the property upon which the system is located.

**Individual on-site water services:**

means individual, autonomous water supply systems that are owned, operated and managed by the owner of the property upon which the system is located.

**Infrastructure:**

means physical structures (facilities and corridors) that form the foundation for development. Infrastructure includes: sewage and water systems, septage treatment systems, waste management systems, electric power generation and transmission, communications/telecommunications, transit and transportation corridors and facilities, oil and gas pipelines and associated facilities.

**Intensification:**

means the development of a property, site or area at a higher density than currently exists through: redevelopment, including the reuse of brownfield sites; the development of vacant and/or underutilized lots within previously developed areas; infill development; and the expansion or conversion of existing buildings.

**Large inland lakes:** means those waterbodies having a surface area of equal to or greater than 100 square kilometres where there is not a measurable or predictable response to a single runoff event.

**Legal or technical reasons:**

for the purposes of policy 2.3.4.2 of the Provincial Policy Statement, means severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot.

**Low and moderate income households:** means

- a) in the case of ownership housing, households with incomes in the lowest 60 percent of the income distribution for the regional market area; or
- b) in the case of rental housing, households with incomes in the lowest 60 percent of the income distribution for renter households for the regional market area.

**Mine hazard:**

means any feature of a mine as defined under the Mining Act, or any related disturbance of the ground that has not been rehabilitated.

**Minerals:**

means metallic minerals and non-metallic minerals as herein defined, but does not include mineral aggregate resources or petroleum resources. Metallic minerals means those minerals from which metals (e.g. copper, nickel, gold) are derived. Non-metallic minerals means those minerals that are of value for intrinsic properties of the minerals themselves and not as a source of metal. They are generally synonymous with industrial minerals (e.g. asbestos, graphite, kyanite, mica, nepheline syenite, salt, talc, and wollastonite).

**Mineral aggregate operation:**

means lands under license or permit, other than for wayside pits and quarries, issued in accordance with the Aggregate Resources Act, or successors thereto; for lands not designated under the Aggregate Resources Act, established pits and quarries that are not in contravention of municipal zoning by-laws and including adjacent land under agreement with or owned by the operator, to permit continuation of the operation; and associated facilities used in extraction, transport, beneficiation, processing or recycling of mineral aggregate resources and derived products such as asphalt and concrete, or the production of secondary related products.

**Mineral aggregate resources:**

means gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite, rock or other material prescribed under the Aggregate Resources Act suitable for construction, industrial, manufacturing and maintenance purposes but does not include metallic ores, asbestos, graphite, kyanite, mica, nepheline syenite, salt, talc, wollastonite, mine tailings or other material prescribed under the Mining Act.

**Mineral deposits:**

means areas of identified minerals that have sufficient quantity and quality based on specific geological evidence to warrant present or future extraction.

**Mineral mining operation:**

means mining operations and associated facilities, or, past producing mines with remaining mineral development potential that have not been permanently rehabilitated to another use.

**Minimum distance separation formulae:**

means formulae developed by the Province to separate uses so as to reduce incompatibility concerns about odour from livestock facilities.

**Multi-modal transportation system:**

means a transportation system which may include several forms of transportation such as automobiles, walking, trucks, cycling, buses, rapid transit, rail (such as commuter and freight), air and marine.

**Municipal sewage services:**

means a sewage works within the meaning of Section 1 of the Ontario Water Resources Act that is owned or operated by a municipality.

**Municipal water services:**

means a municipal drinking-water system within the meaning of Section 2 of the Safe Drinking Water Act, 2002.

**Natural heritage features and areas:**

means features and areas, including significant wetlands, significant coastal wetlands, fish habitat, significant woodlands south and east of the Canadian Shield, significant valleylands south and east of the Canadian Shield, significant habitat of endangered species and threatened species, significant wildlife habitat, and significant areas of natural and scientific interest, which are important for their environmental and social values as a legacy of the natural landscapes of an area.

**Natural heritage system:**

means a system made up of natural heritage features and areas, linked by natural corridors which are necessary to maintain biological and geological diversity, natural functions, viable populations of indigenous species and ecosystems. These systems can include lands that have been restored and areas with the potential to be restored to a natural state.

**Negative impacts:** means

- a) in regard to policy 2.2, degradation to the quality and quantity of water, sensitive surface water features and sensitive ground water features, and their related hydrologic functions, due to single, multiple or successive development or site alteration activities;
- b) in regard to fish habitat, the harmful alteration, disruption or destruction of fish habitat, except where, in conjunction with the appropriate authorities, it has been authorized under the Fisheries Act, using the guiding principle of no net loss of productive capacity; and



c) in regard to other natural heritage features and areas, degradation that threatens the health and integrity of the natural features or ecological functions for which an area is identified due to single, multiple or successive development or site alteration activities.

**Normal farm practices:**

means a practice, as defined in the Farming and Food Production Protection Act, 1998, that is conducted in a manner consistent with proper and acceptable customs and standards as established and followed by similar agricultural operations under similar circumstances; or makes use of innovative technology in a manner consistent with proper advanced farm management practices. Normal farm practices shall be consistent with the Nutrient Management Act, 2002 and regulations made under that Act.

**Oil, gas and salt hazards:**

means any feature of a well or work as defined under the Oil, Gas and Salt Resources Act, or any related disturbance of the ground that has not been rehabilitated.

**One hundred year flood:**

for river, stream and small inland lake systems, means that flood, based on an analysis of precipitation, snow melt, or a combination thereof, having a return period of 100 years on average, or having a 1% chance of occurring or being exceeded in any given year.

**One hundred year flood level:** means

- a) for the shorelines of the Great Lakes, the peak instantaneous stillwater level, resulting from combinations of mean monthly lake levels and wind setups, which has a 1% chance of being equalled or exceeded in any given year;
- b) in the connecting channels (St. Mary's, St. Clair, Detroit, Niagara and St. Lawrence Rivers), the peak instantaneous stillwater level which has a 1% chance of being equalled or exceeded in any given year; and
- c) for large inland lakes, lake levels and wind setups that have a 1% chance of being equalled or exceeded in any given year, except that, where sufficient water level records do not exist, the one hundred year flood level is based on the highest known water level and wind setups.

**Other water-related hazards:**

means water-associated phenomena other than flooding hazards and wave uprush which act on shorelines. This includes, but is not limited to ship-generated waves, ice piling and ice jamming.

**Partial services:** means

- a) municipal sewage services or private communal sewage services and individual on-site water services; or
- b) municipal water services or private communal water services and individual on-site sewage services.

**Petroleum resource operations:**

means oil, gas and brine wells, and associated facilities, oil field brine disposal wells and associated facilities, and facilities for the underground storage of natural gas and other hydrocarbons.

**Petroleum resources:**

means oil, gas, and brine resources which have been identified through exploration and verified by preliminary drilling or other forms of investigation. This may include sites of former operations where resources are still present or former sites that may be converted to underground storage for natural gas or other hydrocarbons.

**Planned corridors:**

means corridors identified through provincial plans or preferred alignment(s) determined through the Environmental Assessment Act process which are required to meet projected needs.

**Portable asphalt plant:** means a facility

- a) with equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material, and includes stockpiling and storage of bulk materials used in the process; and
- b) which is not of permanent construction, but which is to be dismantled at the completion of the construction project.

**Portable concrete plant:** means a building or structure

- a) with equipment designed to mix cementing materials, aggregate, water and admixtures to produce concrete, and includes stockpiling and storage of bulk materials used in the process; and
- b) which is not of permanent construction, but which is designed to be dismantled at the completion of the construction project.

**Prime agricultural area:**

means areas where prime agricultural lands predominate. This includes: areas of prime agricultural lands and associated Canada Land Inventory Class 4-7 soils; and additional areas where there is a local concentration of farms which exhibit characteristics of ongoing agriculture. Prime agricultural areas may be identified by the Ontario Ministry of Agriculture and Food using evaluation procedures established by the Province as amended from time to time, or may also be identified through an alternative agricultural land evaluation system approved by the Province.

**Prime agricultural land:**

means land that includes specialty crop areas and/or Canada Land Inventory Classes 1, 2, and 3 soils, in this order of priority for protection.

**Private communal sewage services:**

means a sewage works within the meaning of Section 1 of the Ontario Water Resources Act that serves six or more lots or private residences and is not owned by a municipality.

**Private communal water services:**

means a non-municipal drinking water system within the meaning of Section 2 of the Safe Drinking Water Act, 2002 that serves six or more lots or private residences.

**Protected heritage property:**

means real property designated under Parts IV, V or VI of the Ontario Heritage Act; heritage conservation easement property under Parts II or IV of the Ontario Heritage Act; and property that is the subject of a covenant or agreement between the owner of a property and a conservation body or level of government, registered on title and executed with the primary purpose of preserving, conserving and maintaining a cultural heritage feature or resource, or preventing its destruction, demolition or loss.

**Protection works standards:**

means the combination of non-structural or structural works and allowances for slope stability and flooding/erosion to reduce the damage caused by flooding hazards, erosion hazards and other water-related hazards, and to allow access for their maintenance and repair.

**Provincial and federal requirements:** means

- a) in regard to policy 1.8.3, legislation and policies administered by the federal or provincial governments for the purpose of protecting the environment from potential impacts associated with energy facilities and ensuring that the necessary approvals are obtained; and
- b) in regard to policy 2.1.5 of the Provincial Policy Statement, legislation and policies administered by the federal or provincial governments for the purpose of the protection of fish and fish habitat, and related, scientifically established standards such as water quality criteria for protecting lake trout populations.

**Provincial plan:**

means a plan approved by the Lieutenant Governor in Council or the Minister of Municipal Affairs and Housing, but does not include municipal official plans.

**Public service facilities:**

means land, buildings and structures for the provision of programs and services provided or subsidized by a government or other body, such as social assistance, recreation, police and fire protection, health and educational programs, and cultural services. Public service facilities do not include infrastructure.

**Quality and quantity of water:**

is measured by indicators such as minimum base flow, depth to water table, aquifer pressure, oxygen levels, suspended solids, temperature, bacteria, nutrients and hazardous contaminants, and hydrologic regime.

**Recreation:**

means leisure time activity undertaken in built or natural settings for purposes of physical activity, health benefits, sport participation and skill development, personal enjoyment, positive social interaction and the achievement of human potential.

**Redevelopment:**

means the creation of new units, uses or lots on previously developed land in existing communities, including brownfield sites.

**Regional market area:**

refers to an area, generally broader than a lower-tier municipality, that has a high degree of social and economic interaction. In southern Ontario, the upper or single-tier municipality will normally serve as the regional market area. Where a regional market area extends significantly beyond upper or single-tier boundaries, it may include a combination of upper, single and/or lower-tier municipalities.

**Renewable energy systems:**

means the production of electrical power from an energy source that is renewed by natural processes including, but not limited to, wind, water, a biomass resource or product, or solar and geothermal energy.

**Reserve sewage system capacity:**

means design or planned capacity in a centralized waste water treatment facility which is not yet committed to existing or approved development. For the purposes of policy 1.6.4.1(e) of the Provincial Policy Statement, reserve capacity for private communal sewage services and individual on-site sewage services is considered sufficient if the hauled sewage from the development can be treated or disposed of at sites approved under the Environmental Protection Act or the Ontario Water Resources Act, but not by land-applying untreated, hauled sewage.

**Reserve water system capacity:**

means design or planned capacity in a centralized water treatment facility which is not yet committed to existing or approved development.

**Residence surplus to a farming operation:**

means an existing farm residence that is rendered surplus as a result of farm consolidation (the acquisition of additional farm parcels to be operated as one farm operation).

**Residential intensification:**

means intensification of a property, site or area which results in a net increase in residential units or accommodation and includes:

- a) redevelopment, including the redevelopment of brownfield sites;
- b) the development of vacant or underutilized lots within previously developed areas;

- c) infill development; the conversion or expansion of existing industrial, commercial and institutional buildings for residential use; and
- d) the conversion or expansion of existing residential buildings to create new residential units or accommodation, including accessory apartments, secondary suites and rooming houses.

**River, stream and small inland lake systems:**

means all watercourses, rivers, streams, and small inland lakes or waterbodies that have a measurable or predictable response to a single runoff event.

**Rural areas:**

means lands in the rural area which are located outside settlement areas and which are outside prime agricultural areas.

**Secondary uses:**

means uses secondary to the principal use of the property, including but not limited to, home occupations, home industries, and uses that produce value-added agricultural products from the farm operation on the property.

**Sensitive:** in regard to surface water features and ground water features, means areas that are particularly susceptible to impacts from activities or events including, but not limited to, water withdrawals, and additions of pollutants.

**Sensitive land uses:**

means buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse effects from contaminant discharges generated by a nearby major facility. Sensitive land uses may be a part of the natural or built environment. Examples may include, but are not limited to: residences, day care centres, and educational and health facilities.

**Settlement areas:** means urban areas and rural settlement areas within municipalities (such as cities, towns, villages and hamlets) that are:

- a) built up areas where development is concentrated and which have a mix of land uses; and
- b) lands which have been designated in an official plan for development over the long term planning horizon provided for in policy 1.1.2 of the Provincial Policy Statement. In cases where land in designated growth areas is not available, the settlement area may be no larger than the area where development is concentrated.

**Sewage and water services:**

includes municipal sewage services and municipal water services, private communal sewage services and private communal water services, individual on-site sewage services and individual on-site water services, and partial services.

**Significant:** means

- a) in regard to wetlands, coastal wetlands and areas of natural and scientific interest, an area identified as provincially significant by the Ontario Ministry of Natural Resources using evaluation procedures established by the Province, as amended from time to time;
- b) in regard to the habitat of endangered species and threatened species, means the habitat, as approved by the Ontario Ministry of Natural Resources, that is necessary for the maintenance, survival, and/or the recovery of naturally occurring or reintroduced populations of endangered species or threatened species, and where those areas of occurrence are occupied or habitually occupied by the species during all or any part(s) of its life cycle;
- c) in regard to woodlands, an area which is ecologically important in terms of features such as species composition, age of trees and stand history; functionally important due to its contribution to the broader landscape because of its location, size or due to the amount of forest cover in the planning area; or economically important due to site quality, species composition, or past management history;
- d) in regard to other features and areas in policy 2.1 of the Provincial Policy Statement, ecologically important in terms of features, functions, representation or amount, and contributing to the quality and diversity of an identifiable geographic area or natural heritage system;
- e) in regard to mineral potential, means an area identified as provincially significant through comprehensive studies prepared using evaluation procedures established by the Province, as amended from time to time, such as the Provincially Significant Mineral Potential Index;
- f) in regard to potential for petroleum resources, means an area identified as provincially significant through comprehensive studies prepared using evaluation procedures established by the Province, as amended from time to time; and
- g) in regard to cultural heritage and archaeology, resources that are valued for the important contribution they make to our understanding of the history of a place, an event, or a people.

Criteria for determining significance for the resources identified in sections (c)-(g) are recommended by the Province, but municipal approaches that achieve or exceed the same objective may also be used.

While some significant resources may already be identified and inventoried by official sources, the significance of others can only be determined after evaluation.

**Site alteration:**

means activities, such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of a site.

For the purposes of policy 2.1.3(b) of the Provincial Policy Statement, site alteration does not include underground or surface mining of minerals or advanced exploration on mining lands in significant areas of mineral potential in Ecoregion 5E, where advanced exploration has the same meaning as in the Mining Act. Instead, those matters shall be subject to policy 2.1.4(a) of the Provincial Policy Statement.

**Special needs:**

means any housing, including dedicated facilities, in whole or in part, that is used by people who have specific needs beyond economic needs, including but not limited to, needs such as mobility requirements or support functions required for daily living. Examples of special needs housing may include, but are not limited to, housing for persons with disabilities such as physical, sensory or mental health disabilities, and housing for the elderly.

**Special policy area:**

means an area within a community that has historically existed in the flood plain and where site-specific policies, approved by both the Ministers of Natural Resources and Municipal Affairs and Housing, are intended to provide for the continued viability of existing uses (which are generally on a small scale) and address the significant social and economic hardships to the community that would result from strict adherence to provincial policies concerning development. The criteria and procedures for approval are established by the Province.

A Special Policy Area is not intended to allow for new or intensified development and site alteration, if a community has feasible opportunities for development outside the flood plain.

**Specialty crop area:**

means areas designated using evaluation procedures established by the province, as amended from time to time, where specialty crops such as tender fruits (peaches, cherries, plums), grapes, other fruit crops, vegetable crops, greenhouse crops, and crops from agriculturally developed organic soil lands are predominantly grown, usually resulting from:

- a) soils that have suitability to produce specialty crops, or lands that are subject to special climatic conditions, or a combination of both; and/or
- b) a combination of farmers skilled in the production of specialty crops, and of capital investment in related facilities and services to produce, store, or process specialty crops.

**Surface water feature:**

refers to water-related features on the earth's surface, including headwaters, rivers, stream channels, inland lakes, seepage areas, recharge/discharge areas, springs, wetlands, and associated riparian lands that can be defined by their soil moisture, soil type, vegetation or topographic characteristics.

**Threatened species:**

means a species that is listed or categorized as a "Threatened Species" on the Ontario Ministry of Natural Resources' official species at risk list, as updated and amended from time to time.

**Transportation systems:**

means a system consisting of corridors and rights-of way for the movement of people and goods, and associated transportation facilities including transit stops and stations, cycle lanes, bus lanes, high occupancy vehicle lanes, rail facilities, park'n'ride lots, service centres, rest stops, vehicle

inspection stations, intermodal terminals, harbours, and associated facilities such as storage and maintenance.

**Valleylands:**

means a natural area that occurs in a valley or other landform depression that has water flowing through or standing for some period of the year.

**Vulnerable:**

means surface and groundwater that can be easily changed or impacted by activities or events, either by virtue of their vicinity to such activities or events or by permissive pathways between such activities and the surface and/or groundwater.

**Waste management system:**

means sites and facilities to accommodate solid waste from one or more municipalities and includes landfill sites, recycling facilities, transfer stations, processing sites and hazardous waste depots.

**Watershed:**

means an area that is drained by a river and its tributaries.

**Wave uprush:**

means the rush of water up onto a shoreline or structure following the breaking of a wave; the limit of wave uprush is the point of furthest landward rush of water onto the shoreline.

**Wayside pits and quarries:**

means 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 and not located on the road right-of way.

**Wetlands:**

means lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. 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. Periodically soaked or wet lands being used for agricultural purposes which no longer exhibit wetland characteristics are not considered to be wetlands for the purposes of this definition.

**Wildlife habitat:**

means areas where plants, animals and other organisms live, and find adequate amounts of food, water, shelter and space needed to sustain their populations. Specific wildlife habitats of concern may include areas where species concentrate at a vulnerable point in their annual or life cycle; and areas which are important to migratory or non-migratory species.



**Woodlands:**

means treed areas that provide environmental and economic benefits to both the private landowner and the general public, such as erosion prevention, hydrological and nutrient cycling, provision of clean air and the long-term storage of carbon, provision of wildlife habitat, outdoor recreational opportunities, and the sustainable harvest of a wide range of woodland products. Woodlands include treed areas, woodlots or forested areas and vary in their level of significance at the local, regional and provincial levels.

**APPENDIX 2 -**  
**FLOOD PLAIN AND HAZARDOUS LANDS**

**Information in this Appendix may be added where new flood plain elevations are identified.**