

**OFFICIAL PLAN**  
*of*  
**TAY VALLEY TOWNSHIP**

**August 2008 Office Consolidation**

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OF  
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## SECTION 1 INTRODUCTION

### 1.1. PLANNING ACT CONTEXT

1. Pursuant to Section 17 of the *Planning Act, R.S.O., 1990, Chapter P.13*, as amended, Council is charged with responsibility for preparing and adopting an Official Plan for the Tay Valley Township. Pursuant to Section 26 of the *Planning Act*, Council is required to review its Official Plan from time to time, but not less than once every five years, to determine the need to revise it. This Plan, which updates and consolidates the Official Plans of the three former municipalities that amalgamated in 1998 to form the Tay Valley Township, has been prepared in response to these requirements.
2. The *Planning Act* also provides that, where an Official Plan is in effect, no public work shall be undertaken and no By-law shall be passed for any purpose that does not conform to the Official Plan, with certain exceptions as provided by Section 24 of the *Planning Act*. This Plan will guide Council in its future decision making pursuant to this requirement.
3. In exercising its planning authority, Council shall have regard to matters of Provincial Interest set out in Section 2 of the *Planning Act*. From a policy perspective, this Plan contains policies which are intended to ensure that Township decisions affecting planning matters are consistent with the *2005 Provincial Policy Statement* issued under Section 3(1) of the *Planning Act*.

### 1.2 INTRODUCTORY STATEMENTS

#### 1.2.1 Title and Components

1. This Plan shall be known as the:

Official Plan of Tay Valley Township.

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

Section 1	Introduction
Section 2	General Development Policies
Section 3	Land Use Policies
Section 4	Transportation
Section 5	Implementation and Administration
Section 6	Interpretation

Schedules    A1 - Bathurst  
                  A2 - Burgess  
                  A3 - Sherbrooke

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

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

Section 3 contains policies for various land uses that are specific to the land use designations shown on Schedules A1, A2 and A3.

Section 4 deals with transportation-related policies.

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

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

Schedules A1, A2 and A3 set out the land use designations, road status and some of the features and influences that have relevance to policies of the Plan.

### **1.2.2 Application**

This Official Plan applies to the entirety of Tay Valley Township. This Plan replaces the Official Plans of the former Township of Bathurst, the former Township of North Burgess and the former Township of South Sherbrooke.

### **1.2.3 Intent**

1. This Plan is intended to support a number of goals:
  1. To manage future growth and development in a logical and orderly manner in response to anticipated needs, having regard to economic, social, cultural, environmental and other considerations;
  2. To protect the natural and built resources of the Township from development-related impacts in recognition of the environmental, economic and other values of these resources;

3. To address potential health, safety and property damage concerns by directing development away from areas associated with risks.
2. The Official Plan is intended to be of use to both private and public interests. Through the Plan, private interests will have a clearer understanding of Council's policies for future development and, hence, be able to plan accordingly. Public interests will benefit by possessing a documented policy framework by which to prepare comprehensive Zoning By-laws, make planning and land use decisions, as well as identify and program the delivery of needed services and facilities in a cost-effective way.

#### **1.2.4 Scope**

The Official Plan is a legal document but does not, by itself, control or regulate the development of land by private interests. Rather, it contains policies which are intended to guide public and private interests in such a way as to ensure the best form of development under the most desirable conditions. In addition, the Official Plan sets out guidelines for the preparation of municipal regulations which implement the Plan, establishes policies to govern both the division and development of land and, finally, identifies public actions which need to be taken to support private development.

#### **1.2.5 Planning Period**

This Official Plan is intended to guide the future development of the Township to the year 2020. The Plan has been prepared on the basis of existing conditions and information, and it is intended that as conditions change and new information becomes available, there will be a need to review various policies from time to time.

Council shall review the policies of this Plan not less frequently than once every five years to ensure that it conforms or does not conflict with any provincial plan(s), that it has regard to the matters of provincial interest listed in Section 2 of the *Planning Act*, and that it is consistent with the *Provincial Policy Statement*.

### **1.3 BASIS AND OBJECTIVES**

#### **1.3.1 General**

Prior to the formulation of the Plan's policies, Council embarked on a visioning exercise. Additionally, investigations and research were undertaken with respect to identifying existing conditions, historical development patterns and present trends. The key elements of Council's visioning and research form the foundations for the basis and objectives of this Official Plan.

At a broad level, the Township sees itself as a historic homesteading and agricultural area which today offers rural lifestyle, recreational, agricultural and tourism opportunities in an environment that is rich with natural and built heritage attributes. The Township recognizes the importance of its history and other assets and, building on these foundations, seeks to enhance environmentally-sustainable opportunities to live, work, visit and relax in a fiscally-sound municipality. The policies of this Plan are designed to foster the achievement of this fundamental vision.

Some of the key findings of the Township's investigations are referred to in this Plan, however, additional background information is available for reference.

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

1. By the end of this Official Plan's planning period in 2020, the Township's population will be approximately 7,300 permanent residents. Based on the 1996 census population of 5,180, this translates to an average annual increase of just over 100 persons. Over the course of the planning period, the average household size is expected to decline in a manner consistent with broader demographic trends from 2.97 persons per household (1996) to approximately 2.7 by 2020.
2. Tay Valley Township is located beyond the generally acceptable daily commuting distance to Ottawa-Carleton and, as a result, has not experienced the commuter-generated residential growth pressure exhibited in the more eastern parts of Lanark County.
3. A combination of factors has led to a dramatic decline in residential development activity over the past decade. Residential building permit activity is projected to stabilize at its present level of approximately 20 new dwellings per year.
4. Perth functions as a regional urban centre and serves as a retail, service and social-cultural centre for Tay Valley. Notwithstanding the fact that the Township anticipates that Perth will likely continue to play a significant role in serving the Township's agriculture, recreation and tourism sectors, the historical role of the Township's various hamlets as residential communities and local service centres will be supported and encouraged.
5. There is a large number of recreational dwellings on and adjacent to the many water bodies in the Township. Historically, these residences functioned as secondary residences to persons whose principal residence was outside the Township. It is expected that the current "conversion" pattern will continue and that many of these dwellings will become principal residences during the course of the next twenty years. Overall, close to one-half of the population growth in the Township will be the result of this phenomenon.
6. The most significant natural feature of the Township is its many lakes. These lakes are a valuable resource for recreational and tourism purposes and must be protected from

- environmental degradation through means such as the establishment of policies related to sewage disposal, surface and groundwater protection and residential conversions. It is recognized that lake management and watershed management planning are important activities in support of the environmental sustainability of the Township's lake resources.
7. Historically very important to the Township, agriculture will continue to play its most significant role in the east-central part of the Township. Principal issues for the Township will include protecting better agricultural areas from intrusion by incompatible land uses and ensuring that more intensive agricultural operations are conducted so as to minimize impacts on non-farm uses.
  8. The Township's existing commercial and industrial enterprises are major economic contributors to the municipality. The importance of the business community is recognized and the Township seeks to support it, as well as to ensure that unacceptable environmental impacts and land use conflicts are not generated through its activities.
  9. It is anticipated that development in the Township will continue to take place primarily on privately owned and operated water and sewage systems. This implies that development will occur at the characteristically low densities associated with rural areas.

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

The objectives set forth in this Plan have evolved from the historical development and character of the Township's natural, economic, social and cultural environments. These objectives reflect Council's vision for the Township's development into the next century and shall be used for guidance in Council's decision-making.

1. To maintain and, where possible, to improve the quality of the environment, particularly in regard to the health, safety, convenience and welfare of residents.
2. To preserve and enhance the agricultural, rural and recreational character of the community, while providing opportunities for modest, environmentally-sustainable growth in both the agricultural and tourism sectors.
3. To foster the environmental sustainability of watersheds in the Township through co-operating with relevant Federal and Provincial agencies that have regulatory powers in natural resources management, as well as through supporting the environmental goals and objectives of watershed management plans such as the Tay River Watershed Management Plan and the Rideau Canal Management Plan.
4. To preserve and enhance water bodies and their environs by encouraging development and recreational dwelling occupancy conversions which are environmentally-sensitive and which maintain or improve water quality and the shoreline environment.

5. To encourage steady, diversified and balanced economic growth to maintain a favourable assessment base and to ensure a reasonable range of employment opportunities.
6. To ensure that land use designations and related policies foster economic growth and diversification, including opportunities for home-based and tourism-based businesses.
7. To support both existing local businesses and agricultural operations in recognition of the vital and historic role these sectors have played in the Township's development.
8. To provide for the protection of natural resources, such as agricultural lands, forests, ground and surface water, mineral aggregates and minerals.
9. To maintain and strengthen the role of hamlets as local commercial, residential, social, and cultural centres for the Township.
10. To conserve and protect cultural heritage resources, including encouraging the preservation, restoration or re-use of historic and architecturally significant buildings or landmarks.
11. To promote the conservation of the historic and scenic character of the Rideau Canal as a UNESCO World Heritage Site and to promote new development that sustains these values.
12. To enhance the aesthetic qualities of the built and natural environment.
13. To encourage the provision of an adequate supply and range of housing types and supporting amenities to satisfy the needs of existing and future residents, including those with special needs.
14. To foster site and building design that incorporates features and amenities for those with disabilities, particularly where such sites or buildings are intended to serve the general public.
15. To develop and maintain sufficient parkland, open space and community facilities to meet the needs of various age and socio-economic groups.
16. To protect existing land uses from the impacts of incompatible development and to ensure that new or expanding uses are well integrated into existing developed areas.
17. To promote environmentally sound development and energy conservation practices through the planning and development approval processes.
18. To protect significant natural heritage features such as wetlands and areas of natural and scientific interest from development-related impacts.

19. To ensure that adequate attention is paid to natural and human-made hazards in reviewing development proposals.
20. To promote the conservation and protection of significant archaeological resources.
21. To establish detailed land use policies to be used as the basis for evaluating development proposals, particularly in those instances where such proposals may be in keeping with some objectives but conflict with others.
22. To conduct planning with an open process, producing policies which are fair in their distribution of benefits and influences.

## SECTION 2 GENERAL DEVELOPMENT POLICIES

### 2.1 INTRODUCTION

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

### 2.2 ECONOMIC POLICY

#### 2.2.1 General

Council shall, when considering proposed development, bear in mind the financial position of the Township and shall attempt to secure and maintain a satisfactory ratio between residential assessment and industrial/commercial assessment. In seeking to obtain a more equitable assessment ratio, Council intends to promote the Township as an agricultural, recreation and tourism centre, with the view of increasing non-residential assessment.

If required, Council may delay approving further residential development when the residential assessment rises until such time as it is satisfied that it has the financial resources to continue to supply needed municipal services and community facilities. Where Council has concerns in this regard, it may request the proponents of proposed developments to undertake studies which examine these issues to Council's satisfaction.

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

#### 2.2.2 Agriculture and Tourism

In recognition of existing and potential tourism opportunities, Council shall seek to foster the growth of the agriculture and tourism sectors for the mutual benefit of the farm community, residents and tourists. In particular, Council shall endeavour to do the following:

1. Coordinate and encourage government bodies, boards, commissions, committees and private investors with an interest in tourism in Tay Valley, to expand and market the

- Township as a tourist destination;
2. Undertake and support tourism, recreational, heritage, community improvement and economic development studies and programs and actively promote the Township's tourism opportunities;
  3. Encourage agri-tourism initiatives, such as farm vacations and seasonal festivals and events, that build upon the agricultural roots of the Township.

## **2.3 HOUSING AND ENERGY POLICIES**

### **2.3.1 Housing Policies**

1. Policies have been included in this Plan to ensure that:
  1. There is an adequate supply of land for future residential development;
  2. A variety of housing options are accommodated to meet the needs of present and future residents, subject to the limitations imposed by servicing and environmental considerations;
  3. The provision of new housing is encouraged to take place in the more built-up areas of the Township, such as hamlets and other traditional areas of settlement.
2. The Township intends to review the comprehensive Zoning By-law to implement the housing policies referred to above.
3. The Township intends to monitor the residential land supply and the type and density of housing approved and constructed pursuant to this Plan.

### **2.3.2 Energy Policies**

1. In reviewing planning applications such as site plans and plans of subdivision, Council shall encourage the development of plans that support energy conservation and efficiency through techniques such as building design or orientation, lot orientation and the use of vegetation.
2. The use of alternative energy systems that reduce harmful emissions, as well as renewable energy systems such as wind, water, biomass, solar and geothermal shall be supported, provided that such systems comply with all applicable governmental requirements for the purpose of protecting the environment, as well as respect land use compatibility and natural and cultural heritage considerations.

3. Wind turbine projects require a Certificate of Approval (Noise) from the Ministry of the Environment under Section 9 of the *Environmental Protection Act*. Proponents of wind turbine projects greater than or equal to 2 megawatts must also conduct an environmental screening according to MOE “Guide to Environmental Assessment Requirements for Electricity Projects” as per the *Environmental Assessment Act* (Electricity Projects Regulation O.Reg 116/01).
4. The comprehensive Zoning By-law that implements this Plan shall include regulations that minimize impediments to the use of alternative and renewable energy systems.

## **2.4 EDUCATIONAL FACILITIES**

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

## **2.5 AESTHETICS**

It shall be a policy of this Plan to preserve and enhance the physical amenities of the Township. To this end, efforts shall be made to control, through appropriate by-laws and agreements, the display of advertising signs, the preservation of existing vegetation, the replacement of trees and other planting material which may be destroyed or removed during the development process; and to require a high standard of subdivision and site planning. Particular attention shall be given to the preservation, enhancement and revegetation of shoreline areas, using native species of vegetation where possible.

## **2.6 COMMUNITY IMPROVEMENT**

1. It is Council’s goal to maintain, rehabilitate and upgrade the physical environment in order to ensure the continued viability of the Township as an attractive place in which to live, work, visit and relax.
2. In order to achieve this goal, it is Council’s intention to implement a program of community improvements, as defined in the *Planning Act*, which will fulfil the following objectives.
  1. Throughout the Township, to foster improvements by:

1. Establishing and maintaining the physical infrastructure which is necessary and appropriate for the various areas and land uses, including storm drainage, roads, lighting, community facilities, etc.
  2. Encouraging property owners to take pride in the appearance of their own property and Township lands in general.
2. In hamlet areas, to foster improvements by:
1. Striving for an equitable distribution of social amenities to serve various parts of the Township in facilities which are well maintained, well located, and easily accessible;
  2. Ensuring the maintenance of the existing housing stock and encouraging the rehabilitation, renovation and repair of older dwellings;
  3. Maintaining attractive hamlet areas with the necessary physical attributes to create pleasant, easily accessible local service areas;
  4. Providing incentives in support of the hamlets to foster a healthy local economy for area business persons;
  5. Ensuring that proposed changes (additions, alterations, etc.) to existing businesses generally enhance the area and are compatible with adjacent land uses;
  6. Encouraging the participation of the private sector in community improvement initiatives by involving local merchants, business persons, residents, and civic leaders;
  7. Ensuring that the undertaking of specific community improvement projects does not unduly burden the financial capability of the Township; and
  8. Ensuring that when undertaking community improvement projects due regard is given to compatibility with neighbouring land uses.
3. This Plan designates the entire Tay Valley Township as a Community Improvement Policy Area.

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

4. The Community Improvement Policy Area was designated on the basis of an evaluation of available municipal services and community facilities using the criteria which follow. The designated area requires improvements with respect to some or all of the following matters:
  1. The availability and/or adequacy of municipal services, including storm drainage, roads and lighting;
  2. The availability and/or adequacy of parks and recreation facilities within individual hamlets and for the Township as a whole;
  3. Compatibility of neighbouring land uses;
  4. Physical amenities, including buffering between incompatible land uses and streetscaping elements within the hamlets;
  5. The condition of the existing building stock.
5. Council may establish community improvement project areas, as local municipal resources allow and as government funding becomes available. Council recognizes that improvements will be undertaken gradually and that it will be necessary to select project areas on a priority basis. The following considerations shall be taken into account in determining high priority areas for community improvement:
  1. The level of deterioration of municipal infrastructure;
  2. The function of the hamlet to the Township in terms of serving local shopping, employment and social and cultural needs;
  3. The existing or potential significance of the hamlet area in relation to serving tourism-based economic development objectives.
6. In order to achieve the objectives for community improvement, Council intends to use a variety of implementation techniques and to choose the appropriate technique(s) for each improvement initiative. Such techniques may include, but are not limited to, the following:
  1. Preparation and adoption of community improvement plans;
  2. Designation of community improvement project areas by by-law;
  3. Application to the appropriate government agencies for funds to support the Township's programs;

4. Municipal acquisition of land within the community improvement project area and the clearing, grading or preparing of the land for community improvement;
5. Enforcement of by-laws dealing with property maintenance and enforcing the Township's policies for property maintenance and occupancy;
6. Preparation and adoption of an appropriate comprehensive Zoning By-law;
7. Utilization of financial tools to encourage the remediation of contaminated former industrial, commercial, and institutional lands, as contemplated in the *Brownfields Statute Law Amendment Act, S.O., 2001*;
8. Encouraging private sector rehabilitation by providing residents and the business community with information on available government subsidies and programs; and
9. Providing the framework for more flexible planning decisions by establishing zoning regulations which encourage both residential and commercial infill and a broad range of land uses within hamlet areas.

## **2.7 ACCESSORY USES**

### **2.7.1 General**

Wherever a use is permitted in a land use designation, it is intended that uses, buildings or structures normally incidental, accessory or essential to that use shall also be permitted. Certain structures, such as docks and other marine structures are only permitted subject to permit requirements of approval authorities such as Parks Canada, the Ministry of Natural Resources and the relevant Conservation Authority.

Permitted accessory uses may include dwellings which are accessory to non-residential uses.

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

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

Home-based businesses are small-scale economic activities conducted on the site of a residential dwelling by the occupants. It is recognized that home-based businesses play an

important function in the provision of local employment opportunities to Township residents.

It is the policy of this Plan to permit home-based businesses wherever residential dwellings are permitted. Home-based businesses shall be appropriately regulated in the implementing Zoning By-law to ensure that such uses are clearly ancillary to the main residential use, do not detract from the residential character of the property on which they are located, and are compatible with surrounding uses. To this end, home-based businesses shall generally be conducted entirely within the residence and only those uses with which there is no associated noise, odour, smoke, outdoor display or unacceptable traffic impacts shall be permitted.

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

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

Bed and breakfast establishments are small-scale temporary lodging facilities typically conducted within the operator's residence. Bed and breakfasts are an important component of the Township's tourism development strategy.

It is the policy of this Plan to permit a bed and breakfast use within a single-detached dwelling provided that the physical character of the dwelling is not substantially altered. Pursuant to this policy, the implementing Zoning By-law shall define a bed and breakfast use, as distinct from a rooming or boarding house, and shall establish zone provisions which restrict the bed and breakfast use so that it is clearly an accessory use to the single-detached dwelling.

A bed and breakfast use shall only be permitted in a single-detached dwelling which is permitted as a principal use in the land use designation in which the dwelling is located. A bed and breakfast use shall not be permitted in an accessory single-detached dwelling.

## **2.8 SPECIAL RESIDENTIAL USES**

### **2.8.1 Garden Suites**

Garden suites are single dwellings that are designed to be portable in nature and ancillary to a principal residential dwelling. Garden suites are intended as housing for those who are generally capable of living independently but who, by virtue of their age or a disability require the support of others to live on their own.

This Plan shall allow the establishment of a garden suite on any lot upon which a single detached residential dwelling is a permitted use, subject to the adoption of a site-specific temporary use Zoning By-law amendment in accordance with the relevant provisions of the *Planning Act*. In considering a request for a Zoning By-law amendment, the applicant shall

be required to demonstrate that the garden suite can be sited in accordance with applicable zoning standards, that sewage and water services will be adequate and that there will be no unacceptable impacts on adjacent land uses.

### **2.8.2 Group Homes**

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

1. Group homes shall be permitted in single-detached dwellings in any designation in which a single-detached dwelling is permitted.
2. No person shall operate, or permit to operate, a group home without registering the group home with the Clerk in accordance with the Tay Valley Township Group Home Registration By-law.
3. In order to prevent an undue concentration of group homes in the Township, standards requiring a minimum distance separation between group homes may be incorporated in the implementing Zoning By-law, but shall generally be limited to a minimum of 500 metres between any two group homes, such distance to be measured from the closest points of the two properties at the property line.
4. Group homes existing on the date that the Zoning By-law comes into effect but which do not comply with the requirements of the By-law will be allowed to continue their operations but will not be permitted to expand unless such expansion complies with the provisions of the Zoning By-law.

## **2.9 RESIDENTIAL CONVERSION FROM SECONDARY TO PRINCIPAL USE**

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

Where access to dwellings is provided by private roads, municipal services such as snow ploughing or road maintenance are not available and other public services such as school bussing and protection to persons/property may also be unavailable or limited in nature.

Changes in occupancy from secondary or seasonal use to principal or permanent use do not alter the existing “limited services” status of dwellings located on private roads.

The conversion of dwellings from secondary or seasonal use to principal or permanent use on existing private roads will only be permitted under the following conditions:

1. The dwelling is located in a Limited Services zone in the implementing Zoning By-law; and
  2. An occupancy permit has been obtained from the Township.
2. In considering applications for an amendment to the Zoning By-law to a Limited Services zone and/or for an occupancy permit, the Township shall have regard to the following:
1. Evidence that the dwelling is capable of being occupied on a year-round basis, which shall include a report by the Township’s Chief Building Official on the condition of the dwelling;
  2. The suitability of the lot for permanent occupancy from an environmental perspective with respect to matters such as size, shape, topography, vegetative characteristics and drainage;
  3. The adequacy of sanitary sewage and water supply services for permanent use, which shall include a report by the Township’s Chief Building Official;
  4. The existence of potentially hazardous conditions such as flooding, erosion or subsidence;
  5. The execution and registration of an agreement wherein the dwelling owner acknowledges that the Township will not provide any services such as snow ploughing or road maintenance as a consequence of the conversion of the dwelling to principal or permanent use and, further, that the Township shall be held harmless for damages suffered by the dwelling owner as a result of road inadequacy.
3. The Township may require the concurrent submission of a site plan in support of an application for an amendment to the Zoning By-law to a Limited Services zone. Where required, the site plan shall incorporate measures to minimize environmental impacts associated with the conversion.

## **2.10 PUBLIC AND INSTITUTIONAL USES**

1. Except as provided elsewhere in this Plan, public utilities and other public, community,

institutional or quasi-institutional uses which provide services such as education, government, hospitals, protection to persons or property, electricity, roads, railways, wired and wireless telephone, gas, cable, but excluding waste disposal, to the general public shall be permitted in all land use designations on Schedules A1, A2 and A3 provided that:

1. Such use is necessary in the area, that it can be made compatible with its surroundings, and that adequate measures are taken to ensure land use compatibility;
  2. Such use shall not be permitted within the significant portions of the habitat of endangered and threatened species;
  3. The construction of permanent buildings and structures shall be limited and generally discouraged in any areas which are designated Natural Heritage or Natural Hazard and, in the case of the latter, shall only be permitted in consultation with the relevant Conservation Authority;
  4. The general intent of the policies of this Plan, as well as its Site Plan Control requirements, shall be satisfied;
  5. The requirements of applicable legislation such as the *Environmental Assessment Act* shall be satisfied.
2. Notwithstanding the power of Federal, Provincial and County agencies or local Boards as defined in the *Planning Act* to undertake public works by authority granted under other statutes, Council shall endeavour to ensure that such development will follow the general intent of this Plan and will be compatible with the type, quality and character of the development in the area in which it is proposed.

## **2.11 PARKS AND RECREATIONAL FACILITIES**

1. Parks shall generally be permitted in all land use designations. It is the Township's intention to provide park and recreation facilities on a basis consistent with the needs of the Municipality and to cooperate with other public, quasi-public and private agencies in the provision of park and recreational facilities.
2. The Township may request the dedication of parkland or cash-in-lieu thereof as a condition of the approval of planning applications, pursuant to the provisions of the *Planning Act*.
3. In the development of parks and recreational facilities by the Township or other public agencies, adequate parking areas shall be provided and facilities such as ramps and

walkways to enable persons with disabilities to reach amenities and facilities shall be provided where possible.

4. The Township views the development of recreational trail systems as an important resource providing opportunities for outdoor leisure and recreation, tourism and interpretation of the natural environment. In this regard, the integration of abandoned railway lines into a trail system in co-operation with other municipalities and public agencies is supported by the Township.

## **2.12 CROWN LANDS**

1. The Ministry of Natural Resources manages the natural resources of Crown Lands within the Township and controls their use and development. Crown Lands are of major importance to the Township, particularly as recreational and tourist resources that generate significant economic benefits. In this regard, Silver Lake Provincial Park and Murphy's Point Provincial Park are especially valuable facilities.
2. Where a change to either the type or intensity of land use on Crown Lands is contemplated, the Ministry of Natural Resources is encouraged to consult with the Township prior to such change occurring. Similarly, where any consideration to the possibility of disposing of Crown Lands is given, consultation with the Township at the outset is expected.

## **2.13 WAYSIDE PITS, WAYSIDE QUARRIES AND PORTABLE ASPHALT PLANTS**

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

A portable asphalt plant is an asphalt plant which is not of permanent construction, but which is to be dismantled at the completion of a construction project and moved to another location at the conclusion of the project for which it was constructed.

2. Wayside pits, wayside quarries and portable asphalt plants used on public authority road contracts are permitted throughout the Township without amendments to the Plan or the Zoning By-law or development permits under the *Planning Act*, except in those areas designated as Natural Heritage, Natural Hazard or Hamlet, or other areas characterized by concentrated existing development or environmental sensitivity that is incompatible with extraction and associated activities.

3. Lands used for the purposes of wayside pits, wayside quarries and portable asphalt plants shall be rehabilitated upon the completion of the project for which they were required. In the case of lands designated as Agriculture, this shall include restoration to substantially the same soil capability for agricultural purposes as existed prior to the establishment of the wayside pit, wayside quarry or portable asphalt plant use.

## **2.14 USES NOT CONTEMPLATED BY PLAN**

1. It shall be a policy of this Plan that any proposed new development which would introduce a land use, different from those uses described in this Plan in terms of scale, purpose or nature, and neither envisioned nor contemplated by Council, shall be subject to detailed land use and environmental impact studies, and any other studies deemed necessary by Council. Such studies will be conducted at the proponent's expense. The intent of this policy is to place the onus on the proponent to demonstrate that the introduction of a new use into the community would not be to the detriment of the Township's economic, social, cultural, environmental and financial base, would not have an adverse impact on municipal services, and would not require additional municipal or community services.
2. In addition, Council will encourage the proponent of such a use to consult informally with the public to provide information concerning the proposed development, as well as to obtain public input, prior to the submission of a formal application.
3. Any new use not contemplated by this Plan shall only be approved by an Official Plan amendment.

## **2.15 EXISTING LAND USES**

Any land use existing at the date of adoption of this Plan that does not conform with the land use designations as shown on Schedules A1, A2 and A3 should cease to exist in the long term. In special instances, however, it may be desirable to permit changes to non-conforming uses or extensions or enlargements of non-conforming uses in order to avoid unnecessary hardship.

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

In considering applications for changes to non-conforming uses or enlargements or extensions to such uses, the following criteria shall be considered:

1. Any proposed change of use or extension or enlargement of the existing non-conforming use shall not aggravate the situation created by the existence of the use, especially in

- regard to the policies of this Plan and the requirements of the Zoning By-law applying to the area.
2. Any proposed extension or enlargement shall be in an appropriate proportion to the existing size of the non-conforming use.
  3. The characteristics of the proposed non-conforming use or any proposed extension or enlargement of the existing non-conforming use shall be examined with regard to noise, vibration, fumes, smoke, dust, odours, lighting and traffic generating capacity. Applications which would create or aggravate land use incompatibilities shall not be approved.
  4. Neighbouring conforming uses will be protected, where necessary, by the provision of areas for landscaping, buffering or screening, appropriate setbacks for buildings and structures, devices and measures to reduce nuisances and, where necessary, by regulations for alleviating adverse effects caused by outside storage, lighting, advertising signs, etc.
  5. Traffic and parking conditions in the vicinity will not be adversely affected by the proposal and traffic hazards will be kept to a minimum by appropriate design of ingress and egress points to and from the site and by improvement of sight lines especially in proximity to intersections.
  6. Adequate provisions have been or will be made for off-street parking and loading facilities.
  7. Services such as storm drainage, roads and private sewer and water services are adequate or can be made adequate.

### **2.15.2 Minor Variances**

Where existing or proposed uses that conform to the implementing Zoning By-law are non-complying with respect to zoning standards such as those related to building setbacks, the Committee of Adjustment may authorize minor variances from the provisions of the By-law provided that the general intent and purpose of the Official Plan and Zoning By-law are maintained and that the variances are minor and desirable for the appropriate development of the lands.

## **2.16 PUBLIC ROAD ACCESS**

All new development shall have frontage on a public road that is maintained by the Township or other public authority, save and except the following:

1. Agriculture, forestry and conservation uses not having an accessory dwelling or any building or structure to which the public has access;
2. Residential uses located on private roads or having only water access and which are zoned as Limited Services in the Zoning By-law that implements this Plan.

## **2.17 LAND USE COMPATIBILITY**

### **2.17.1 Development Adjacent to Mineral Resource Designations or Operations**

1. It is a policy of this Plan that existing or potential mineral aggregate and mining operations will be protected from activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact. For this reason, development of sensitive land uses such as residences, day care centres and educational and health facilities within the influence area of lands that are designated Mineral Resource shall not generally be permitted.
2. Influence areas in relation to pits typically range from 150 to 300 metres, depending upon the licence classification of the pit, as well as whether the pit excavation extends above or below the water table. The influence area is 150 metres for pits above the water table, and 300 metres for pits below the water table. The influence area in relation to quarries is generally 500 metres. Development which would preclude or hinder the establishment of new operations or access to the resources will only be permitted if:
  1. Resource use would not be feasible;
  2. The proposed land uses or development serves a greater long term public interest; and
  3. Issues of public health, public safety and environmental impact are addressed.

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

It is a policy of this Plan to address land use compatibility issues related to non-agricultural and agricultural uses through the application of the Minimum Distance Separation I (MDSI) and Minimum Distance Separation II (MDSII) formulae, as may be amended from time to time, to new non-agricultural uses and agricultural uses, respectively.

### **2.17.3 Development Adjacent to Open or Closed Waste Disposal Sites**

1. The approximate locations of all known open and closed waste disposal sites are

identified on Schedules A1, A2 and A3 to this Plan.

2. Waste disposal sites, whether open or closed, have the potential to generate impacts on the surrounding area related to such issues as air and water quality, aesthetics, noise and traffic. As a consequence, a 500 metre separation distance between open and closed waste disposal sites and new sensitive land uses such as residences, day care centres, educational and health facilities and other uses requiring potable water is generally required. This distance may be increased or decreased as a consequence of site-specific investigations and conditions, as well as the application of the relevant Ministry of the Environment land use compatibility guideline.
3. The implementing Zoning By-law shall include provisions to prohibit the establishment of new incompatible uses within the influence area.

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

1. It is a policy of this Plan to minimize conflicts between incompatible land uses. To this end, distance separations and buffering will be provided for the purpose of mitigating the adverse effects of one land use upon the other. A buffer may be a simple horizontal separation, a berm, a wall, a fence, planting materials, a land use different from the conflicting uses, but compatible with both, or any combination of the aforementioned sufficient to accomplish the intended purpose. This policy shall be implemented through various provisions in the implementing Zoning By-law, as well as the mechanism of Site Plan Control, as appropriate.
2. In addition, certain land uses such as residences, day care centres and educational and health facilities may be particularly sensitive to the effects of odour, noise, vibration and other emissions associated with facilities such as transportation corridors, sewage treatment plants and various types of industries. Where proposed development is likely either to have or to be subject to a significant influence relating to an adjacent incompatible land use, a feasibility study which includes mitigation measures, if required, shall be undertaken in accordance with the relevant Ministry of the Environment land use compatibility guideline and to the satisfaction of the Township. Where required, a legally-binding commitment to implement mitigation measures shall be secured.

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

### **2.18.1 Cultural Heritage Resources**

1. Built heritage resources consist of historic buildings, structures and other human-made features of importance to the Township. Cultural heritage landscapes are geographic areas which have been created or modified through human activity and include such

- features as scenic vistas or lookouts onto archetypal agricultural or cottage/shoreline areas. The Township recognizes the importance of these built heritage resources and cultural heritage landscapes and the role that they play in making the Township a place of historic and cultural interest, both to local residents and visitors to the area. The Township will encourage the identification, protection, maintenance, restoration and enhancement of these features.
2. An important cultural heritage feature that has been identified and studied by Parks Canada is the Rideau Canal Corridor, of which Big Rideau Lake forms a part. The Rideau Canal Management Plan identifies the Township portion of the corridor as significant primarily for its traditional cottage development which has evolved over the past century. The Management Plan also recognizes the area's potential as a tourism destination, subject to protecting the interests of local residents and the natural and cultural heritage value of the area.
  3. In reviewing development applications, the Township will consider the relationship of proposed development to the contextual environment of existing buildings and landscapes having cultural or heritage interest. Any development within 250 metres of a known archaeological site and within 300 metres from a water source will be subject to an evaluation process to the satisfaction of the Ministry of Citizenship, Culture and Recreation. Such evaluation shall consider design, history, context and integrity among other matters. The Ministry of Citizenship, Culture and Recreation, as well as Parks Canada and the Conservation Authorities will be consulted, as appropriate. New development will be planned so as to preserve and enhance cultural heritage resources.
  4. The Township may consider appointing a Municipal Heritage Committee to assist and advise Council on cultural heritage resource conservation issues. Council, in consultation with the Municipal Heritage Committee, may, by by-law adopted pursuant to the provisions of the *Ontario Heritage Act*:
    1. Designate properties for the conservation of buildings of historic or architectural value;
    2. Define parts of the Township as areas to be studied for designation as heritage conservation districts;
    3. Designate areas of the Township as heritage conservation districts in order to control any development that may adversely affect the heritage features of the area.
  5. Council intends to set an example to the community by maintaining Township-owned buildings and properties of historic or architectural value in accordance with the intent of the policies of this section, whether or not such buildings or properties have been designated. Council may also implement a program to recognize outstanding

achievements in the preservation of buildings and properties of historic or architectural value.

## **2.18.2 Archaeological Resources**

1. It is recognized that certain areas of the Township, particularly those adjacent to the many lakes and other water bodies, have the potential to contain significant archaeological resources. These resources may include the remains of buildings, structures, activities, places or cultural features which, due to the passage of time, are on or below the surface of land or water and are significant to the understanding of a people or place. It is a policy of the Plan that no development of three or more lots within 300 metres of a water body shall occur prior to the completion of an archaeological assessment and the implementation of its recommendations. Such assessment will be to the satisfaction of the Ministry of Citizenship, Culture and Recreation, will identify significant archaeological resources found and contain mitigation measures relating to their preservation or removal.
2. Where significant archaeological resources must be preserved on site, only development and site alterations which maintain the heritage integrity of the site will be permitted.
3. Pursuant to the relevant provisions of the *Planning Act*, sites containing archaeological resources may be zoned to restrict or prohibit uses which might conflict with the preservation of such resources.

## **2.19 NATURAL HAZARD FEATURES**

### **2.19.1 Flood Plains**

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

1. The areas within existing mapped 1:100 year flood lines are designated as Natural Hazard on Schedules A1, A1 and A3 and are subject to the policies of the associated **Natural Hazard** section of this Plan.
2. Lands within and adjacent to lands affected by natural hazards are subject to the Section 28 Regulation made pursuant to the *Conservation Authorities Act* and administered by the relevant Conservation Authority. While such adjacent lands are designated for

various land uses, no buildings or structures shall be constructed or enlarged, and no development or site alteration such as filling, grading and excavating shall occur without the written permission of the relevant Conservation Authorities in accordance with the Section 28 Regulation, as well as the approval of Parks Canada and the Ministry of Natural Resources, where applicable.

3. Development setbacks from the regulatory flood plain may be required in order to provide an additional safety factor. Where such setbacks are required, they shall typically range from 5 to 15 metres. Notwithstanding the location of the 1:100 year flood line, no development shall occur within 30 metres of the high water mark of any water body as per the **Development Adjacent to Water Bodies** section of this Plan.

### **2.19.2 Organic Soils**

1. Lands with the potential for organic soils include those lands identified as possessing organic soils from the Canada Land Inventory for Agricultural Capability, as shown on Schedules A1, A2 and A3 to this Plan. Where lands that are the subject of development proposals have been identified as potentially possessing organic soils, the approval authority may request sufficient soils and geotechnical engineering information to indicate that the lands are either suitable or can be made suitable for development. Where an opportunity exists and where practical, development should be located outside of areas identified with organic soils.
2. Development and site alteration in areas containing organic soils shall only be permitted where the effects and risk to public safety are minor so as to be managed or mitigated in accordance with Provincial standards, as determined by the demonstration and achievement of all of the following:
  1. Such development and site alteration is carried out in accordance with floodproofing standards, protection works standards and access standards, as applicable;
  2. New hazards are not created and existing hazards are not aggravated;
  3. No adverse environmental impacts will result;
  4. Vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies, as applicable.

### **2.19.3 Steep Slopes and Erosion Lands**

1. Lands characterized by steep slopes can pose risks to persons and property as a result of potential slope instability or erosion. In addition to the obvious potential dangers to persons and property, development on steep slopes or erosion-prone lands can have significant negative impacts on features such as fish and wildlife habitat, soils and

vegetation, surface water quantity and quality, wetlands and ANSIs, and other resources discussed in the **Natural Heritage Features** section of the Plan.

2. Appropriate setbacks from steep slopes are important to minimizing risks to persons and property. In the absence of detailed mapping, a general standard of a 3:1 (horizontal:vertical) stable slope allowance shall apply, plus a 6-metre erosion allowance or 10 metres from the top of the slope, whichever is greater. In certain cases, such as along watercourses with active erosion or a meander belt, additional setbacks may be necessary. In considering development and/or planning applications, the approval authority will ensure that erosion potential is included in the issues to be considered and may require a geotechnical analysis by a qualified expert.
3. Sites possessing steep slopes represent a challenge, since they are often regarded as desirable for development, particularly where they abut water bodies. Lot creation or development on a portion of a site where the applicable stable slope and erosion allowances are not met shall require the submission of a geotechnical report prepared by a qualified expert to ensure that the property is suitable for development. Such report shall be prepared to the satisfaction of the approval authority and the relevant Conservation Authority. Development and site alteration shall only be permitted on lands affected by steep slopes or erosion hazards where the effects and risk to public safety are minor so as to be managed or mitigated in accordance with Provincial standards, as determined by the demonstration and achievement of all of the following:
  1. Such development and site alteration is carried out in accordance with floodproofing standards, protection works standards and access standards, as applicable;
  2. New hazards are not created and existing hazards are not aggravated;
  3. No adverse environmental impacts will result;
  4. Vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies, as applicable.
4. It is a policy of this Plan that lot creation and development and site alteration shall be undertaken so that a fit into the natural contours of the land is achieved. This will affect the massing and location of buildings, structures, driveways and other features, limit the extent of alteration to the landscape and natural vegetation, and necessitate more complex storm water management techniques than might ordinarily be required. In general, the greater the slope, the more emphasis shall be placed on these elements of site development.

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

### **2.20.1 Contaminated Sites**

1. Where a development application is made in relation to a known, suspected or potentially contaminated site or property adjacent to such site, the approval authority shall not grant any planning approvals until:
  1. A Record of Site Condition signed by a certified engineer and acknowledged by the Ministry of the Environment is received; and
  2. If necessary, a site clean-up plan is designed and the site is cleaned up in accordance with Ontario Regulation 153/04, Record of Site Condition, which outlines requirements related to site assessment and clean-up, and with MOE guideline “Records of Site Condition – A Guide on Site Assessment, the Cleanup of Brownfield Sites and the Filing of Records of Site Condition” dated October, 2004.
2. The Township will develop an inventory of sites where current or past uses may have, or are known to have, contributed to the presence of contaminants.

### **2.20.2 Abandoned Mines and Mineral Resource Operations**

1. There is a large number of abandoned mines and mineral resource operations in the Township and known locations are identified on Schedules A1, A2 and A3. These abandoned sites vary widely in nature, from little more than minor ground disturbances to major excavations and/or shafts. In the case of more major disturbances, a risk to public safety may exist.
2. In reviewing development applications, the approval authority shall attempt to ensure that development on or adjacent to lands affected by potentially hazardous abandoned mines or mineral resource operations will be permitted only if rehabilitation measures to address and mitigate known or suspected hazards are underway or completed. The Ministry of Northern Development and Mines shall be consulted in this regard.

## **2.21 NATURAL HERITAGE FEATURES**

Natural heritage features include wetlands, areas of natural and scientific interest (ANSIs), fish habitat, wildlife habitat, woodlands, valleylands and portions of the habitat of endangered and threatened species. These features are important to the unique rural character and diversity of the natural environment found in the Township and possess or perform ecological functions.

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

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

### **2.21.1 Wetlands, Areas of Natural and Scientific Interest (ANSIs) and Adjacent Lands**

1. Provincially-significant wetlands and areas of natural and scientific interest (ANSIs) have been designated as Natural Heritage on Schedules A1, A2 and A3 and are subject to the policies of the associated **Natural Heritage** section of this Plan.
2. Development and site alteration such as filling, grading and excavating on lands adjacent to the Natural Heritage designation may be permitted in accordance with the land use designation applying to the adjacent lands as shown on Schedules A1, A2 and A3, subject to demonstrating that there will be no negative impacts on the wetland or ANSI's natural features or ecological functions. An environmental impact assessment will be required in accordance with the requirements of the **Environmental Impact Assessments** section of this Plan.
3. For the purposes of determining adjacent lands, they shall be those lands lying within 50 metres of any Provincially-significant ANSI and 120 metres of any Provincially-significant wetland.
4. Established agricultural uses ongoing at the date of adoption of this Plan are permitted to continue in or adjacent to all natural heritage features and areas, but new or expanded agricultural buildings or structures or the clearing or draining of additional lands are only permitted subject to the **Environmental Impact Assessments** section of this Plan.

### **2.21.2 Fish Habitat and Adjacent Lands**

1. The spawning grounds and nursery, rearing, food supply and migration areas on which fish depend directly or indirectly in order to carry out their life processes constitute fish habitat. Fish resources have large value to the Township for their vital role in the food chain, their contribution to the diversity of species, their function as a natural water quality indicator, as well as their role in providing recreational sport fishing opportunities and associated economic benefits. As a consequence, and given the major significance of water bodies to the history and present character of the area, the Township has considerable interest in protecting fish habitat from harmful alteration, disruption and destruction.

2. Most of the Township lakes, rivers, streams, ponds, watercourses and wetlands that provide fish habitat have been identified by the Ministry of Natural Resources. These fish habitats are, however, too numerous to identify on Schedules A1, A2 and A3. Consequently, all applications for development or site alteration such as filling, grading and excavating adjacent to any water body will be screened by the approval authority for the presence of fish habitat. Where such fish habitat is identified, no development or site alteration shall be permitted within 30 metres of the habitat, unless it can be demonstrated that there will be no negative impacts. An environmental impact assessment will be required in accordance with the requirements of the **Environmental Impact Assessments** section of this Plan when the approval authority, in consultation with other agencies such as the relevant Conservation Authority, Department of Fisheries and Oceans, or Parks Canada determines that it is necessary. This determination shall be made after a review of existing information and inventories and/or a site inspection by a qualified professional from a relevant agency that has identified significant fisheries values or fish habitat.
3. Where development or site alteration may potentially affect fish habitat, the Department of Fisheries and Oceans or the relevant Conservation Authority, as well as Parks Canada where applicable, shall be consulted and required approvals obtained.
4. It is recognized that storm water management and drainage measures, although frequently located some distance from fish habitat, have significant potential to affect it. When evaluating storm water and drainage activities, consideration shall be given to potential impacts upon fish habitat.
5. Established agricultural uses ongoing at the date of adoption of this Plan are permitted to continue in or adjacent to all natural heritage features and areas, but new or expanded agricultural buildings or structures or the clearing or draining of additional lands are only permitted subject to the **Environmental Impact Assessments** section of this Plan.

### **2.21.3 Wildlife Habitat and Adjacent Lands**

1. The Township recognizes the importance of conserving wildlife habitat for the purposes of maintaining the ecosystem and its diversity. Additionally, many social and economic benefits accrue from maintaining habitat, related to tourism, nature observation, hunting and trapping.
2. Certain areas within the Municipality provide prime habitat for deer and constitute a significant wildlife habitat. This winter deer habitat is shown on Schedules A1, A2 and A3. The Township seeks to preserve the function of these relatively large geographic areas while not unduly restricting development. Accordingly, prior to permitting any development or site alteration such as filling, grading and excavating within a winter deer habitat area or adjacent lands within 50 metres where is a reasonable potential for negative impacts upon the natural features or ecological functions of the habitat area, the approval

authority shall require an environmental impact assessment demonstrating that no negative impacts will result. Without limiting the generality of the foregoing, the preparation of an environmental impact assessment shall be a prerequisite to the consideration of any development of three or more lots. The assessment required pursuant to this policy will be completed in accordance with the requirements of the **Environmental Impact Assessments** section of this Plan.

3. As new mapping or other information from various public or private sources becomes available with respect to winter deer habitat or other significant wildlife habitat, this Plan may be amended to incorporate appropriate policies.
4. Established agricultural uses ongoing at the date of adoption of this Plan are permitted to continue in or adjacent to all natural heritage features and areas, but new or expanded agricultural buildings or structures or the clearing or draining of additional lands are only permitted subject to the **Environmental Impact Assessments** section of this Plan.

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

1. At the time of the preparation of this Plan there are almost no identified endangered and threatened species habitats in the Township. When habitats are identified by the Ministry of Natural Resources or other agency, the Township policy will be as follows:
  1. Endangered and threatened species habitat shall not be identified on Schedules A1, A2, and A3 to this Plan in order to protect the species.
  2. Where the development review process in relation to a proposal for development or site alterations such as filling, grading or excavating confirms the existence of such habitat, no development or site alterations shall be permitted in significant portions of the habitat. The amount of habitat required for the survival of endangered and threatened species is determined on a case-by-case basis. Development may be permitted on adjacent lands within 50 metres of the significant habitat, subject to the completion of an environmental impact assessment to the satisfaction of the approval authority which identifies that there will not be any negative impact on the habitat. The assessment required pursuant to this policy will be completed in accordance with the requirements of the **Environmental Impact Assessments** section of this Plan.
  3. Should any endangered and threatened species habitat be identified in the Township in the future, the Ministry of Natural Resources shall be contacted to develop a mutually acceptable protocol for the sharing of information regarding this natural heritage feature or area.
2. Established agricultural uses ongoing at the date of adoption of this Plan are permitted to continue in or adjacent to all natural heritage features and areas, but new or expanded

agricultural buildings or structures or the clearing or draining of additional lands are only permitted subject to the **Environmental Impact Assessments** section of this Plan.

### **2.21.5 Environmental Impact Assessments**

1. Potential negative impacts on the identified natural heritage feature or area will be examined through a process of environmental impact assessment, conducted on a case-by-case basis, prior to the approval of development. In certain cases, the requirements for an environmental impact assessment may be satisfied through the completion of an environmental screening checklist submitted to the approval authority as part of a planning application. The purpose of the checklist will be to provide a screening of the likelihood of negative impacts.
2. Subsequent to the review of the checklist by the approval authority, an environmental impact study, prepared by a qualified individual, may be required in order to assess the potential negative impacts on the natural features and ecological functions of the area in question. Such environmental impact study shall be required prior to the consideration of the planning application by the approval authority.
3. An environmental impact study shall:
  1. Identify and delineate key natural heritage features and ecological functions.
  2. Describe and map proposed development and site alterations in relation to the natural heritage feature.
  3. Predict and indicate the significance of all effects of proposed development and site alterations.
  4. Identify required mitigation measures, as well as any ongoing monitoring requirements.
4. The approval authority may use various planning controls such as site-specific zoning provisions or site plan control to ensure that development and site alterations occur in accordance with the environmental impact study recommendations.
5. In reviewing environmental impact assessment submissions, the approval authority will consult with independent professionals and other bodies such as the relevant Conservation Authorities, as required.

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

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

1. Except in relation to a few existing developments on the periphery of the Town of Perth, there are no municipal piped water or sewage services available in the Township. It is unlikely that such services will be provided, except on an isolated basis, in the foreseeable future. Additionally, communal water and sewage services are not currently viewed as a practical option by the Township, given Provincial policy requirements that the Municipality own and maintain such systems. As a consequence, development will continue to provide private on-site water supply and sewage disposal services in accordance with the requirements of the approval authority having jurisdiction. Accordingly, certain more intense forms of development that place heavier demands on sewage and water services, such as higher density housing, will not be permitted.
2. The protection of ground water quality and quantity, the determination of site suitability for proposed sewage disposal systems and the environmental sustainability of development are important considerations in development. Any required servicing reports such as hydrogeological investigations, terrain analyses, impact assessments and servicing options reports shall be provided to the satisfaction of the approval authority, including the relevant approval authority for water supply and sewage disposal systems.
3. The minimum lot size for development shall be in accordance with the requirements of this Plan and the implementing Zoning By-law, although the approval authority may require larger lots or impose special conditions or restrictions on development where deemed necessary to address health, safety or other issues related to the proper functioning of water and sewage services.
4. The Township will encourage the enforcement of regular maintenance of sewage disposal systems and the upgrading or replacement of substandard systems. Where the upgrading or replacement of an existing system cannot reasonably be undertaken in compliance with the policies of this Plan with respect to water setbacks due to site-specific constraints, such sewage system improvements may be permitted with reduced setbacks, subject to meeting the requirements of the *Building Code Act*.

### **2.22.2 Other Services**

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

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## **2.23 WATER QUALITY AND QUANTITY**

### **2.23.1 Development Adjacent to Water Bodies**

1. In addition to the policies of the **Fish Habitat and Adjacent Lands** section of this Plan, which are aimed at protecting fish habitat, the Township has a direct concern with the issue of water quality impacts related to water-oriented development, whether located directly on the waterfront of the Township's lakes and rivers, or adjacent to these water bodies.
2. Over the years, various research has been undertaken with respect to the issue of water quality and lake capacity, including the Rideau Lakes Basin Carrying Capacities and Proposed Shoreline Development Policies report of 1992. Various sections of this Plan incorporate policies implementing recommendations of this research in recognition of the importance of providing sustainable recreation, tourism and other water-oriented opportunities. Policies to address lake capacity, water setback and water frontage issues follow:

1. **Lake Capacity:**

1. Big Rideau Lake and Silver Lake are cold water lakes and are managed as Lake Trout Lakes by the Ministry of Natural Resources. Based on dissolved oxygen profiles and lake capacity modelling, Big Rideau Lake and Silver Lake are classified as moderately sensitive and highly sensitive, respectively. All other lakes in the Township are warm water lakes. With the exception of Silver Lake, all lakes can accommodate some limited additional development, based on current water quality.
2. In the case of Big Rideau Lake and all warm water lakes, for any development proposal that would result in the creation of three or more lots within 300 metres of the lake and any site plan proposal for a non-residential use within 300 metres of the lake, a lake impact study to assess the effect of shoreline development and additional nutrient loadings on lake water quality will be required. The approval of such proposal shall not be granted where a negative impact on water quality would be the result.
3. In the case of Silver Lake, it has reached its carrying capacity and no new waterfront or non-waterfront building lots having deeded water access shall be created within 300 metres of the lake.

2. **Water Setback:**

1. An adequate water setback serves an important function in relation to the protection of the natural and cultural heritage characteristics and water quality of the lakes and rivers of the Township. The intent of a water setback is to prevent the disturbance of the shoreline area as a result of the placement of buildings and structures, including sewage systems, or the removal of the soil mantle and natural vegetation. In addition to preserving the natural aesthetic qualities of the shoreline as viewed from the water, an appropriate water setback can reduce phosphorus and other nutrient loads to the lake and, in combination with vegetation, prevent erosion and sedimentation. Development or site alteration such as filling, grading and excavating shall occur a minimum distance of 30 metres from the high water mark of any water body. This setback shall be implemented through the comprehensive Zoning By-law.
2. Where lake-specific or site-specific conditions suggest that it would be appropriate, the minimum water setback may be increased.
3. Development or site alteration may be permitted less than 30 metres from a water body in exceptional situations where existing lots or existing developments preclude the reasonable possibility of achieving the setback. Additionally, there may be isolated cases where site-specific conditions would make it appropriate to reduce the setback in relation to a proposed lot. Any proposal for development or site alteration proposed to occur less than 30 metres from a water body shall be subject to the policies of the Fish Habitat and Adjacent Lands and **Environmental Impact Assessments** sections of this Plan.
4. It is the policy of this Plan to encourage the protection of existing natural vegetation from disturbance and the revegetation or naturalization of altered or disturbed shoreline areas through the development approval process. Among other tools, tree cutting by-laws, site alteration by-laws and Site Plan Control may be utilized by the Township for this purpose.

3. **Water Frontage:**

1. As a general rule, the minimum water frontage for any new waterfront lot shall be 60 metres. This requirement shall be implemented through the Zoning By-law.
2. Where the creation of three or more non-waterfront lots within 300

metres of a lake is proposed, a user-in-common deeded waterfront parcel of land shall generally be provided, such parcel to have a minimum water frontage of 13 metres per non-waterfront lot.

### **2.23.2 Storm Water Management**

1. Storm water management is an important part of the Township's broader interest in protecting water quality. Due to the fact that development affects the quality and quantity of storm run-off, the Township will ensure that adequate consideration is given to storm water management, including off-site impacts.

The Rideau Valley Conservation Authority, in co-operation with other government agencies and citizen organizations, has produced the Tay River Watershed Management Plan, a report which documents the condition of the watershed and pinpoints issues and priorities for action. It is expected that similar plans will be prepared for other area watersheds and sub-watersheds. The Township supports this work.

The Township will have regard to the Watershed Plan and relevant guidelines of the Ministry of the Environment in establishing and revising storm water design criteria and standards.

2. Prior to recommending plans of subdivision for draft approval, the Township may request that storm water concept plans be prepared for review by the relevant Conservation Authority and approval authorities. The concept plan will include a statement of the design objectives to be applied and a description of the storm water management practices to be applied, in accordance with the relevant Provincial policies. Applicants are encouraged to consult with the approval authority and the relevant Conservation Authority prior to submitting a draft plan of subdivision.
3. Prior to final approval of plans of subdivision, detailed storm water design plans will be required. Such plans will be prepared in accordance with the requirements of the relevant Conservation Authority and approval authorities. Design criteria will be based upon methods and procedures contained in the relevant Provincial planning and design manuals used by these agencies.
4. The Township will evaluate site plans according to an approved storm water design plan, or where no such plan exists, may request the following:
  1. A design for the provision of storm water drainage facilities;
  2. A determination of the impact of the development on the receiving watercourse or storm water management facility, both during and after construction, in respect of flooding, pollution, erosion, and sedimentation; and

3. Measures for mitigating any adverse impacts if such are likely to result from the proposed development.
  
5. Development applications having potential impacts on the storm drainage system along County Roads or Provincial highways shall be circulated to the County Engineer or the Ministry of Transportation, as applicable.

## **SECTION 3 LAND USE POLICIES**

### **3.1 INTRODUCTION**

Tay Valley Township shall be developed in accordance with the land use pattern shown on the Land Use and Roads Plans, attached as Schedules A1, A2 and A3 to this Plan. The Schedules establish the pattern of development in very general terms by dividing the Township into six land use designations:

Agriculture  
Mineral Resource  
Natural Heritage  
Natural Hazard  
Rural  
Hamlet

The policies governing the use of the lands within these designations, as shown on Schedules A1, A2 and A3, are contained in this section of the Plan, but should be read in conjunction with all other sections of the Plan. Particular regard should be had to the **General Development Policies** section of this Plan which sets out various policies which apply to development, regardless of the land use designation in which it is situated. Among other matters, a number of the policies contained in the **General Development Policies** section relate to considerations that must be addressed in undertaking development or site alteration due to the existence of various on-site or adjacent area features, constraints, existing uses or land use designations.

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

### **3.2 AGRICULTURE**

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

The Agriculture designation has been placed on prime agricultural areas which are predominantly characterized by soils designated as Classes 1 to 3 in the Canada Land Inventory for Agricultural Capability. The Township intends that these lands will be protected and preserved for agricultural uses.

In certain areas with soils designated as Classes 1 to 3 in the Canada Land Inventory, lands also possess significant mineral aggregate or mineral potential. These areas have been designated Mineral Resource rather than Agriculture in recognition of the precedence assigned

to the long term protection of mineral aggregates and minerals.

### **3.2.2 Permitted Uses**

Lands designated as Agriculture shall be used primarily for the growing of crops, including nursery and horticultural crops, the raising of livestock and other animals for food or fur, including poultry and fish, aquaculture, apiaries, agroforestry, maple syrup production, and associated on-farm buildings and structures.

In addition, commercial and industrial uses providing agriculture-related services and supplies and that require location in close proximity to farm operations shall be permitted uses. These uses typically include a farm implement dealer, a feed mill or seed cleaning plant, an agricultural produce warehouse, an abattoir or similar agri-business. Such uses shall also include agriculture-related tourist commercial uses and agri-tourism uses.

A dwelling accessory to any of the foregoing uses and located on the same lot shall be permitted. Residential accommodation for farm employees may also be permitted on the same lot, subject to the provisions of the Zoning By-law. Farm-related residential uses on separate lots shall be permitted, subject to the policies of the Agriculture designation and the section of the Plan dealing with **Land Division**.

### **3.2.3 Policies**

1. All new farm and non-farm development shall comply with the Minimum Distance Separation I (MDSI) and Minimum Distance Separation II (MDSII), as may be amended from time to time, as applicable.
2. The Township may consider requiring a Nutrient Management Plan prior to issuing a building permit for the establishment or expansion of large livestock operations or facilities. The terms and conditions of a Nutrient Management Plan shall be included in a Nutrient Management By-law, if adopted by the Township.
3. In evaluating an amendment to the Official Plan to change the designation from Agriculture to another designation, the Township shall be satisfied that the proposed use for which the amendment is sought is required in the interests of the community and that it cannot reasonably be located on lands outside the Agriculture designation or on lands within the Agriculture designation with a lower agricultural capability.
4. Within the Agriculture designation, there may be small pockets of land which are only marginally productive or of a lower potential for agriculture due to their size, shape, topography, soil, class, drainage or other characteristics. These limitations shall not, however, constitute justification for an Official Plan amendment to a non-agricultural designation. The use of such pockets for uses permitted in the Agriculture designation

- that do not require sites with high potential for agriculture, such as commercial and industrial uses providing agriculture-related services and supplies, shall be encouraged.
5. Lot creation within the Agriculture designation shall be discouraged. In addition to complying with the policies of this Plan relating to **Land Division**, lot creation in the Agriculture designation shall be subject to the following provisions:
    1. New lots for agricultural uses shall be of a size appropriate to the type of agriculture common in the area and to allow flexibility for future changes to the type of the agricultural operation. In general, lots shall be approximately 40 hectares in area.
    2. New lots for agriculture-related uses shall be limited to the minimum size required to accommodate the use and the appropriate sewage and water services.
    3. New lots for existing dwellings that are surplus to a farming operation as a result of farm consolidation, provided that the remnant parcel of farmland is rezoned to preclude any further new residential dwellings. Such new lots shall generally be no more than 1 hectare in area, except where site-specific factors such as the setback of an existing dwelling from the adjacent public road requires the creation of a larger lot.
    4. New lots for infrastructure related to public sewage and water systems, septage treatment facilities, waste management facilities, electrical power generation and transmission, pipelines and associated facilities, transportation corridors and facilities, communications and telecommunications, provided that such facilities or corridors cannot be accommodated through the establishment of easements or rights-of-way, rather than lot creation.

### **3.2.4 Special Exception Areas**

*(Reserved)*

## **3.3 MINERAL RESOURCE**

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

The importance of mineral aggregates and minerals and their protection for long term use is recognized through the Mineral Resource designation. The designation has been applied on the basis of information on the extent of resources and existing operations supplied by the Ministry of Natural Resources and the Ministry of Northern Development and Mines. The

most significant aggregates are sand, granite, gravel and sandstone (for silica production), while the only significant mineral is graphite. In certain cases, areas having mineral aggregate or mineral potential have been excluded from the Mineral Resource designation due to contextual considerations such as proximity to existing incompatible land uses or the shorelines of water bodies.

In certain areas designated Mineral Resource, there are soils designated as Classes 1 to 3 in the Canada Land Inventory for Agricultural Capability. It is the intent of the Plan that agricultural activities can occur in the Mineral Resource designation, but that the long term protection of the mineral resource should take precedence.

In some areas designated Mineral Resource on the basis of the extent of potential mineral resources, non-mineral development may occur, provided that such development would not compromise the broader objectives with respect to mineral resource protection and extraction.

It is also the intent of this Plan that where lands designated Mineral Resource have a soil capability rating such that Classes 1 to 3 soils predominate, mineral aggregate and mineral mining operations be conducted in such a manner so as to allow, where feasible, for the subsequent agricultural use of such lands.

It is recognized that the Township has high potential for other mineral commodities including silica, feldspar, mica, marble, and dolomite. It is Council's intention that these important mineral resources will be protected for long term use.

### **3.3.2 Permitted Uses**

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

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

Land uses such as agriculture, forestry, conservation and outdoor recreation uses may be permitted, provided that such uses shall not generally include buildings or activities that would preclude or hinder the establishment of new mineral mining or mineral aggregate operations or access to mineral resources. Development proposals for other land uses may be permitted in accordance with the **Rural** section of this Plan, subject to the agreement of the Ministry of Northern Development and Mines and approval by the relevant approval authorities.

### 3.3.3 Policies

1. On lands designated Mineral Resource, the area to be zoned and licenced for a pit or quarry must be located within the limits of the designated area. Any expansion proposal involving lands beyond the limits of the designated area will require an amendment to this Plan.
2. Existing licenced pits and quarries and other existing mineral resource operations will be zoned in the Zoning By-law to permit such uses. New operations, as well as expansions to existing operations will be established through an amendment to the Zoning By-law. As part of the documentation in support of an application for a Zoning By-law amendment to accommodate new operations or significant expansions, the Township may require the applicant to undertake studies to address the social, economic, environmental and other potential impacts of the proposal.
3. Lands within the Mineral Resource designation that are not zoned for mineral aggregate or mineral mining operations shall be placed in an appropriate zone category in the Zoning By-law which may allow non-mineral-oriented uses under certain circumstances such as historical existing land use patterns, an absence of existing mineral-oriented uses in the area, or a low likelihood of future extraction either occurring in the vicinity or being adversely affected by non-mineral uses in the event that it were to occur. Where such lands also have a soil capability rating such that Classes 1 to 3 soils predominate, the Zoning By-law may permit agricultural uses, including associated buildings and structures.
4. All pit and quarry operations shall be licenced by the Ministry of Natural Resources under the *Aggregate Resources Act*.
5. Access to mineral aggregate or mineral mining operations shall be encouraged to be located on Provincial highways or County roads, wherever possible. Where access is to be obtained from a Township road, it must be of an adequate standard of construction to support the anticipated truck traffic.
6. In evaluating an amendment to the Official Plan to change the designation from Mineral Resource to another designation, the Township shall be satisfied that a mineral resource use would not be feasible due to qualitative, quantitative or other constraints. Alternatively, it must be demonstrated that the proposed use for which the amendment is sought is required in the longer term public interest and that issues related to public health and safety, as well as environmental impact, can be addressed. In addition, the impact of such redesignation on the potential to use adjacent lands designated Mineral Resource for mineral or mineral aggregate uses shall be considered.
7. Mineral aggregate operations shall be required to undertake progressive rehabilitation to accommodate subsequent land uses. Where such operations are located on lands with

soils designated as Classes 1 to 3 in the Canada Land Inventory for Agricultural Capability, site rehabilitation shall be carried out whereby substantially the same areas and average soil capability for agriculture is restored. Complete agricultural rehabilitation will be required except in circumstances where the Ministry of Natural Resources establishes, in consultation with the Township, that it is not feasible or desirable.

8. Mineral mining operations, including associated processing facilities, shall undertake rehabilitation, including progressive rehabilitation where feasible, to accommodate subsequent land uses.
9. In evaluating an amendment to the Official Plan to change the designation of lands to Mineral Resource from another designation, the Township shall require the applicant to provide sufficient information to evaluate the application, including the following:
  1. The type and location of neighbouring land uses, having regard to land use compatibility;
  2. The location and adequacy of proposed access routes, as well as any proposed improvements;
  3. Reports with respect to the site and proposed operational considerations, including hydrogeology, drainage, influences, potential impacts and mitigation measures.
10. It is a policy of this Plan that existing sensitive land uses such as residences, day care centres and educational and health facilities shall be protected from the establishment of new mineral aggregate and mining operations or expansions where such establishment or expansion would be incompatible for reasons of public health, public safety or environmental impact. Influence areas in relation to pits typically range from 150 to 300 metres, depending upon the licence classification of the pit, as well as whether the pit excavation extends above or below the water table. The influence area in relation to quarries is generally 500 metres.
11. On lands designated Mineral Resource and having a soil capability rating such that Classes 1 to 3 soils predominate, consents for agricultural uses may be permitted in accordance with the **Agriculture and Land Division** sections of this Plan.
12. All planning applications within the Mineral Resource designation shall be circulated to the Ministry of Northern Development and Mines. Subject to the agreement of the Ministry and the Township, development for purposes not related to mineral resources may be permitted in accordance with the provisions of the Rural designation, provided that the subject lands are not within or adjacent to an area of identified aggregate deposits or which is licensed for a pit or quarry under the *Aggregate Resources Act*.

### 3.3.4 Special Exception Areas

*(Reserved)*

## 3.4 NATURAL HERITAGE

### 3.4.1 Intent of the Designation

Natural heritage consists of a variety of features and areas which are important for their environmental and social value. These features and areas include wetlands, areas of natural and scientific interest (ANSIs), fish habitat, wildlife habitat and the habitat of endangered and threatened species. Some of these features and areas are considered particularly significant by the Province of Ontario and/or the Township.

Wetlands are those lands which are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic plants or water-tolerant plants. The four major types of wetlands are swamps, marshes, bogs and fens. Wetlands are important for their role in the recharge and discharge of groundwater, water quality improvement, flood and erosion damage reduction, wildlife habitat and recreational and tourism opportunities such as hunting, fishing, bird watching, hiking and boating.

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

Only those wetlands and ANSIs that have been deemed Provincially-significant by the Ministry of Natural Resources are intended for inclusion in the Natural Heritage designation. Currently, no Provincially-significant ANSIs have been identified.

While the *2005 Provincial Policy Statement* provides that under certain circumstances development and site alteration may occur in Provincially-significant ANSIs, as well as in wetlands within the limits of the Canadian Shield, the Township has chosen to adopt a more restrictive approach which effectively prohibits such activities. This more restrictive approach reflects the Township's historical commitment to the environment and a recognition of the scarcity of significant wetlands and ANSIs within the Township.

Other natural heritage features such as fish habitat, wildlife habitat and endangered and threatened species habitat are discussed in the section of this Plan dealing with **Natural Heritage Features**. While not included in the Natural Heritage designation for policy or

practical reasons, such features are nevertheless considered significant. Policies relating to fish habitat, wildlife habitat and endangered and threatened species habitat are included in the **Natural Heritage Features** section, as are policies relating to development on lands adjacent to wetlands and ANSIs which are designated Natural Heritage.

### **3.4.2 Permitted Uses**

The permitted uses include only those related to conservation, wildlife management and outdoor recreation activities that do not require alteration to the natural features. Buildings or structures relating to these uses may be permitted subject to the provisions of the **Environmental Impact Assessments** section of this Plan.

### **3.4.3 Policies**

1. Development or site alterations such as filling, grading and excavating shall be prohibited within the Natural Heritage designation.
2. Development or site alterations such as filling, grading and excavating may be permitted on lands adjacent to the Natural Heritage designation, subject to the provisions of the **Natural Heritage Features** section of this Plan, and having specific regard to the **Environmental Impact Assessments** section.
3. Where land designated as Natural Heritage is held under private ownership, there is no implication that the land is open to the general public or that it will be acquired by any public agency.
4. Established agricultural uses ongoing at the date of adoption of this Plan are permitted to continue in or adjacent to all natural heritage features and areas, but new or expanded agricultural buildings or structures or the clearing or draining of additional lands are only permitted subject to the **Environmental Impact Assessments** section of this Plan.

### **3.4.4 Special Exception Areas**

*(Reserved)*

## **3.5 NATURAL HAZARD**

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

Natural Hazard lands are lands which could be unsafe for development because of their physical characteristics and which pose a potential risk for loss of life, property damage, and social disruption if developed. All lands within 1:100 year flood lines, as mapped by the

Conservation Authorities, are designated as Natural Hazard on Schedules A1, A2 and A3. Generally, it is intended that no development occur in the designation.

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

### 3.5.2 Permitted Uses

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

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

### 3.5.3 Policies

1. The boundaries of the Natural Hazard designation as shown on Schedules A1, A2 and A3 will be used as a guide for the preparation of Zoning By-law provisions which will implement the policies of this section. Building setbacks will be imposed from the margin of Natural Hazard land related to the extent or severity of the hazard. No new lots shall be created that lie solely in areas susceptible to flood hazards or that cause adverse impacts on upstream or downstream lands. In accordance with Provincial policies, all relevant policies of this Plan, the *Conservation Authorities Act* and any regulations which may be adopted, no buildings or structures except those related to flood and erosion control shall be constructed or enlarged, and no other development or site alteration shall be permitted, except as approved by the relevant Conservation Authority.
2. Lands within and adjacent to lands affected by natural hazards as shown on Schedules A1, A2, and A3 are subject to the Section 28 Regulation made pursuant to the *Conservation Authorities Act* and administered by the relevant Conservation Authorities. While adjacent lands on Schedules A1, A2 and A3 are designated for various land uses, no buildings or structures shall be constructed or enlarged, and no development or site alteration such as filling, grading and excavating shall occur without the written permission of the relevant Conservation Authority in accordance with the Section 28 Regulation.

3. Where land designated Natural Hazard is held under private ownership, there is no implication that the land is open to the general public or that it will be acquired by any public agency. An application for the redesignation of Natural Hazard lands to permit development shall only be considered if it can be demonstrated to the satisfaction of the Township and the relevant Conservation Authority that the lands are not subject to a natural hazard.

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

4. Although lands adjacent to the Natural Hazard designation are designated for various land uses, no buildings or structures shall be constructed or enlarged, and no development or site alteration such as filling, grading and excavating shall occur on lands within or adjacent to the Natural Hazard designation without the written permission of the relevant Conservation Authority, as set out in the **Natural Hazard Features** section of this Plan.
5. Where development is proposed on a site, part of which has physical or environmental hazards, then such land shall not necessarily be acceptable as part of the five percent parkland dedication under the *Planning Act*. All lands dedicated to the Township shall be conveyed in a physical condition satisfactory to the Township. Where an open watercourse is involved, adequate space shall be provided for maintenance and operation.
6. Existing development within the Natural Hazard designation shall be encouraged to overcome potential hazards in accordance with the policies of this Plan. Specifically, buildings that are located within a 1:100 year flood plain should provide floodproofing protection for such buildings and any proposed additions in consultation with the relevant Conservation Authority.
7. Currently, only the 1:100 year flood lines for the Tay River have been mapped. Where new or additional 1:100 year flood plain mapping is undertaken, it shall be incorporated into this Plan by amendment.

### **3.5.4 Special Exception Areas**

*(Reserved)*

## **3.6 RURAL**

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

The lands designated Rural represent the bulk of lands within the Township and include a wide variety of land types and activities at a relatively low density. These lands are characterized by their historical role in accommodating the farm and rural communities, as well as recreational uses. The intent of this Plan is to retain the rural and recreational flavour of Rural lands while providing for a modest amount of compatible and orderly new development. While a limited amount of commercial and industrial development is contemplated in the Rural designation, the overall amount of development permitted will be consistent with the retention of the natural and cultural heritage and landscapes of lands within the designation, including maintenance of both its characteristic tree-covered and large open areas.

Lands designated Rural on the periphery of the Town of Perth have historically exhibited a more concentrated pattern of development than other Rural areas. It is anticipated that these peripheral areas will continue to be the focus of greater development interest than Rural lands in general. Relative to other areas in the Township which share the Rural designation, the Township recognizes the reality of more concentrated and compact development in the peripheral areas that is based upon their proximity to an urban centre of regional significance.

Where planning applications for major development are proposed for lands within one kilometre of the Town of Perth, the proponents are encouraged to consult with the Town prior to the preparation of development applications.

### **3.6.2 Permitted Uses**

Within the Rural area, a variety of land uses shall be permitted including those uses permitted in the Agriculture designation, forestry, conservation, various outdoor recreational uses and commercial, industrial and residential uses, subject to the following use-specific policies.

### **3.6.3 Agriculture Policies**

1. The uses permitted in the Agriculture designation shall be permitted.

### **3.6.4 Residential Policies**

1. Permitted residential uses shall generally be restricted to single dwellings developed on the basis of one dwelling per lot.
2. Rural lands are intended for low density residential development. The average lot area in any development of 3 or more new lots shall be a minimum of 0.8 hectares, except that this requirement may be reduced where appropriate for development located immediately

adjacent to lands designated Hamlet or on the peripheral areas of Perth.

3. The scale of development in the Rural designation is intended to be limited. Any development proposal for more than 25 dwelling units will be subject to a requirement for an Official Plan amendment to establish a Special Exception Area. In considering such amendment, the Township shall require that it be demonstrated that, on the basis of the supply and type of existing residential lots in the Township, there is a need for the proposed development and that it would be appropriate in the context of the location proposed.
4. Land division for the creation of residential lots may take place through both the consent and subdivision process in accordance with the **Land Division** section of this Plan.
5. All new residential lots shall be assumed to be intended for occupancy on a year-round basis as the principal residence of the occupant and shall be placed in an appropriate zoning category in the Zoning By-law.

### **3.6.5 Commercial Policies**

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

1. A variety of commercial uses including locally-oriented, rurally-oriented and highway commercial uses shall be permitted. These commercial uses are engaged in the buying and selling of goods and services primarily to area residents, farms, businesses and the travelling public. Among other uses, permitted uses shall include automobile sales and service, gas bars, hotels, motels, eating establishments, retail uses, business and professional offices, service shops and farm-related commercial uses. In addition, small scale businesses engaged in the custom production of articles such as artists' or artisans' studios shall be permitted. An accessory dwelling for the owner or operator shall be permitted.
2. Commercial uses must be appropriate for the proposed location.
3. Vehicular access to commercial uses shall be carefully controlled in terms of the design and numbers of access points in order to ensure public safety.
4. Adequate off-street parking, loading and other facilities shall be provided.
5. Where commercial uses abut residential or other sensitive land uses, adequate buffering through setbacks or screening shall be required.
6. The outdoor storage of goods and materials will be strictly controlled.

7. Commercial uses shall generally be permitted by amendment to the Zoning By-law.

## **2. Tourist Commercial Policies**

1. Tourist commercial uses shall include the full range of uses that cater primarily to the tourist trade or recreational needs. Permitted uses shall include all types of tourist lodging facilities such as hotels, motels, resorts, rental cottages and campgrounds, summer camps, clubs, places of entertainment, and recreational facilities such as golf courses, hunt camps, sports and recreation and parks, recreation areas and marinas. Buildings, structures or sites of historic interest, uses such as museums and related facilities are also permitted. An accessory dwelling for the owner or operator of a tourist commercial use shall also be permitted.
2. Tourist commercial uses must be appropriate for the proposed location. In this regard, uses shall be located so that they are readily accessible to tourist traffic with a minimum of disruption to adjacent residential uses.
3. Vehicular access to tourist commercial uses shall be carefully controlled in terms of the design and numbers of access points in order to ensure public safety.
4. Adequate off-street parking, loading and other facilities shall be provided.
5. Where tourist commercial uses abut residential or other sensitive land uses, adequate buffering through setbacks or screening shall be required.
6. In reviewing applications for tourist commercial development, particular regard shall be given to the protection of cultural and natural heritage features.
7. Tourist commercial uses shall generally be permitted by amendment to the Zoning By-law.

### **3.6.6 Industrial Policies**

1. Permitted industrial uses shall be those which are oriented to the rural economy, such as those which use local resources or serve local businesses and residents such as sawmills, feedmills, agricultural processing facilities, open storage, warehousing, farm service businesses, builders' supply yards, bulk storage yards, contractors' yards, transportation terminals and similar uses. An accessory dwelling for the owner or operator of an industrial use shall also be permitted.
2. In order to address potential land use conflicts between industrial and other uses,

industrial development shall comply with the **Land Use Compatibility** section of this Plan.

3. Adequate off-street loading facilities and employee parking and other facilities shall be provided.
4. Outdoor storage areas shall be adequately buffered from adjacent roads and properties.
5. Vehicular access to industrial uses shall be carefully controlled in terms of the design and numbers of access points in order to ensure public safety. Particular regard shall be had to the needs of truck traffic.
6. Industrial uses shall generally be permitted by amendment to the Zoning By-law.

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

1. A mobile home park is a property developed for the placement of mobile homes on permanent foundations. Mobile home parks, including uses which are incidental to a mobile home park such as a park management office, accessory commercial uses such as a convenience store, recreational facilities, a laundromat, storage facilities and other similar uses may be permitted.
2. Mobile home parks may be developed for ownership either as a single entity or on a freehold basis.
3. Where a mobile home park is owned as a single entity, ownership and maintenance of the roads, operation and maintenance of servicing systems, snow ploughing, waste collection, landscaping and other amenities and services shall rest with the owner of the park.
4. Sewer and water services shall be provided to the satisfaction of the Township and the relevant approval authorities for such services.
5. Internal roads will be constructed to Township standards.
6. All mobile home sites will have frontage on an internal road.
7. Where the park is to be owned as a single entity, development will take place in accordance with a site plan approved by the Township. Where the park is to be owned on a freehold basis, development will take place by plan of subdivision.
8. Lot area, density, site size, yard and parking requirements and other matters shall be regulated through the implementing Zoning By-law.
9. A minimum of 5% of the total area of the park should be provided in a consolidated form

for recreational purposes.

10. The establishment of any new mobile home park shall require an amendment to the Official Plan to a Special Exception Area, as well as an amendment to the Zoning By-law. In considering such amendments, the Township shall have regard to the following criteria:
  1. The compatibility of the proposed park with existing land uses and designations of the surrounding area;
  2. The park shall have frontage on a public road which is of a suitable standard of construction, and any access to the public road shall be located so as not to create a safety hazard;
  3. The suitability of the proposed site with respect to servicing considerations, and the implications for the Township in terms of potential responsibility for services; and
  4. The adequacy of the layout of the park in relation to aesthetic, functional and other matters, as reflected in the proposed site plan or plan of subdivision.

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

1. Waste disposal sites shall be restricted to closed or open waste or sanitary landfill site as identified on Schedules A1, A2 and A3. Ancillary uses such as recycling depots and transfer stations shall also be permitted. Disposal of liquid industrial, radioactive or toxic waste shall not be permitted.
2. Waste disposal sites shall be operated and maintained in accordance with the standards set by the Ministry of the Environment.
3. No use shall be made of land used as a waste disposal site for a period of 25 years from the year in which the waste disposal use ceased without the approval of the Ministry of the Environment.
4. Development of lands adjacent to a closed or open waste disposal site shall be subject to the **Land Use Compatibility** section of this Plan.
5. The establishment of any new waste disposal site shall require an amendment to the Official Plan and the Zoning By-law.

### **3.6.9 Wrecking Yards Policies**

1. Wrecking yards are facilities where derelict, discarded, abandoned or inoperative motor

vehicles and/or other goods, wares, merchandise or articles are stored wholly or partly in the open. Wrecking yards may be permitted, as may an accessory dwelling for the owner or operator.

2. Wrecking yards shall be adequately screened on all sides so that no portion of the operation, including the storage areas, are visible from a public road.
3. Wrecking yards shall not cause or contribute to the contamination of any ground or surface water.
4. The establishment of any new wrecking yard shall require an amendment to the Official Plan to a Special Exception Area, as well as an amendment to the Zoning By-law. Among other matters, the Township shall consider:
  1. The compatibility of the proposed wrecking yard with existing land uses and designations of the surrounding area. In this regard, the policies of the **Land Use Compatibility** section of this Plan shall apply.
  2. The suitability of the proposed site with respect to environmental considerations.
  3. The layout of the wrecking yard in relation to screening, buffering, functional and other matters as reflected in the proposed site plan.

### **3.6.10 Special Exception Areas**

#### **1. Rural Exception Area 1**

Notwithstanding provisions of this Plan to the contrary, on the lands designated as Rural Exception Area 1 on Schedule A1, the following policies of the former Township of Bathurst Official Plan, as amended, shall apply:

Rural Exception Area 1 was created to recognize a historic situation in the former Township of Bathurst. A maximum of 69 lease arrangements existed on the site as of February 11, 1997. Only those lease arrangements which existed as of that date may be considered for severance. One lease arrangement in the area affected by this policy is in Tourist Commercial use. The maximum number of lots which may be created corresponds directly to the current number of lease arrangements. Each lot to be created will have a minimum of 23 metres of frontage on Bennett Lake, although larger frontages are preferred. Lot depths will vary.

This leased land arrangement was a unique situation in former Bathurst Township. Council supported the creation of the Rural Exception Area 1 because it recognized the uniqueness of the situation and that the creation of an Exception Area was the most

effective and efficient method to address the ownership issue and subsequent social and environmental concerns for this particular area of the Township. In no way was the creation of this Exception Area intended to serve as a precedent for the creation of a large number of lots through the consent process. Council fully anticipated that the creation of the seasonal residential lots by consent and subsequent change in ownership of the leased parcels would not adversely affect the quality of Bennett Lake and its environment. With individual ownership of the subject lands, both the existing tenants and new owners will have a sense of permanence in the area and will be more inclined to preserve and protect their own environment with improvements to their buildings, private services, and property.

The change in ownership from a leasehold arrangement to a freehold development is not being done through the plan of subdivision process because both the Township and the owner of the subject lands anticipate that not all of the individual leaseholders will want clear title to their lands at the current time. As a result, the consent process is considered an appropriate mechanism available to allow a staged transfer of ownership.

It is expected that fewer than 69 lots will actually be created due to zoning and other lot development requirements, as well as possible consolidations of adjacent leased areas under single tenancies. In some cases, there may be more than one structure on the site, but severances are to be considered only in relation to the creation of lots which have their origin in existing lease arrangements. Once a new lot has been created from one or more former lease arrangement areas, the lot so created shall not be further subdivided.

The creation of lots which do not front on Bennett Lake is not permitted, nor is the creation of lots which do not include one or more former lease arrangement areas. The creation of “back lot” lots distinct from areas formerly subject to lease arrangements is also not permitted.

There may be circumstances in which groups of leased area arrangements exist which may be ineligible for severance. In such circumstances, tenants of these leased areas may apply for severance of a larger block of land to be held in common until, at some point in the future, individual leased areas within these larger groups may become eligible for consent through amalgamations or alternative ownership arrangements. This type of request may be considered within the policies set out in this Plan. Where such groups under alternative ownership arrangements are established, the municipality may pass a site-specific zoning by-law allowing for the existence of more than one seasonal residence on a single property.

The Township will pass a zoning by-law amendment for this site to recognize the limited services available to the property and to ensure that any new construction on severed lots is to standards that are required for all other seasonal residential development in the municipality. This zoning is intended to promote lots which are viable for seasonal residential use in the long term. It will restrict redevelopment or expansion of the existing

cottages, many of which were constructed in an era when small lot areas and proximity to the lake were not recognized as potentially affecting groundwater and lake water quality. By this means, it is expected that any negative impacts from this existing pattern of development will be minimized. Any new development which may occur in the future will have to meet the standards in effect at that time.

It is also recognized that the land owner has obtained one consent from this property. Further consents from the retained parcel will be subject to the relevant provisions of this Plan.

A significant amount of work has been done locally to evaluate opportunities and strategies for improving the water quality, shoreline environment, and shoreline aesthetics of Bennett Lake. The *EYC Report, Volume 1: Shoreland Classification and Sewage Disposal Survey* by the Bennett and Fagan Lakes Cottagers' Association and dated September 1, 1995, is one example of local effort in this regard, as are the policies and recommendations of the Mississippi Valley Conservation Authority. These documents and policies are to be used as guidelines for the location and form of any new development.

For the lands designated Rural Exception Area 1 on Schedule A1 to the Plan, described as part of Lots 5, 6, 7 and 8, Concession 9, and part of Lot 7, Concession 10 in the former Township of Bathurst, the following provisions shall apply:

1. Notwithstanding the **Land Division** section of this Plan, division of land may proceed by way of consent to permit the creation of up to 68 seasonal residential lots and 1 tourist commercial lot, subject to meeting all other relevant provisions of this Plan;
2. The entire site shall be placed in a "Limited Services Seasonal Residential" zone, with the exception of the area zoned "Tourist Commercial";
3. Each lot created will have a registered 20 metre wide right-of-way over the existing private road, or approved alternative, connecting the lot to the nearest public road;
4. Confirmation is to be provided that arrangements are in place for the ongoing maintenance of the private road;
5. Each lot created shall be of a suitable size to permit the proper siting of a sewage disposal system for the existing seasonal residential dwelling(s) acceptable to the relevant approval authority;
6. Each lot created shall possess a supply of potable water which has been demonstrated to the satisfaction of the relevant approval authority to be

consistent with the *Ontario Drinking Water Standards*;

7. The entire site is to be subject to a requirement for 30-metre setbacks from water for all new seasonal residential construction, including accessory buildings except for marine-related structures such as boathouses or pump houses as provided in this Plan;
8. In the event that new development is permitted on lots created by consents under the provisions of this section, and following construction of any new seasonal residential structures and issuance of an occupancy permit by the municipality, all legal non-conforming seasonal residential structures and accessory buildings are to be demolished and any associated sewage disposal facilities appropriately decommissioned and/or removed to the satisfaction of the appropriate approval authority;
9. Existing water service facilities may continue to be used for new seasonal residential structures if approved by the appropriate public body;
10. Each lot created may, at the discretion of the Township, be subject to a site plan control agreement pursuant to the **Site Plan Control** section of this Plan;
11. New or expanded dwellings, wells, or sewage disposal facilities shall be located at elevations in excess of the maximum recorded water level identified by, or Regulatory Flood Level set by, the Mississippi Valley Conservation Authority;
12. Leases shall be relinquished to the lessor at the time of conveyance of the lots created by consent under this policy;
13. The existence of a hydro easement across the site will be recognized in the deed for the new lots;
14. The execution and registration of an agreement wherein the dwelling owner acknowledges that the lot is located on a private road in an area zoned for seasonal limited services use and that the Township will not provide any services such as snow ploughing or road maintenance and, further, that the Township shall be held harmless for damages suffered by the dwelling owner as a result of road inadequacy;
15. The lease arrangement area currently zoned “Tourist Commercial” and in commercial use shall either be created as a single lot or be added to the adjacent parcel also in commercial use.

The Rural Exception Area 1 shall be subject to the **Site Plan Control** section of this Plan

in order to ensure that new construction in this area, including the location and design of structures, services, and landscaping, preserves or enhances the shoreline environment and water quality of Bennett Lake. The site improvement measures recommended in the *EYC Report, Volume 1: Shoreland Classification and Sewage Disposal Survey* by the Bennett and Fagan Lakes Cottagers' Association and dated September 1, 1995, or any similar subsequent reports published by the Township, the Mississippi Valley Conservation Authority, or community groups such as the Cottager's Association, will be reflected in site plan control agreements.

Site Plan Control agreements in the Rural Exception Area 1 will generally include plans showing the location of all buildings and structures to be erected and showing the location of all facilities and works (including potable water supply and sewage disposal system) to be provided, including the following:

1. Walls, fences, trees, shrubs, or other ground cover or facilities for the landscaping of the subject lands or the protection of adjoining lands or waters;
2. Grading or alteration in elevation or contour of the subject lands and provision for the disposal of storm, surface, or waste water from the subject lands and from any buildings thereon.

## **3.7 HAMLET**

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

The areas designated Hamlet include Balderson, Bolingbroke, Brooke, DeWitt's Corners, Fallbrook, Glen Tay, Maberly and Stanleyville. These communities have historically provided a mix of local retail, service and social-cultural and residential opportunities to the community. Hamlet areas have played a basic, yet important, role in accommodating the day-to-day needs of the farm and rural communities, as well as rural recreational uses. The Township intends that this role continue and expand to include the tourism sector.

The Township also seeks to encourage more concentrated development in the Hamlet designation than would typically be found or permitted within the Rural designation, subject to servicing constraints. The amount and type of development permitted will, however, be consistent with the maintenance of the character of Hamlet lands.

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

### **3.7.2 Permitted Uses**

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

### **3.7.3 Residential Policies**

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

### **3.7.4 Commercial Policies**

1. General Commercial and Tourist Commercial uses permitted in the Rural designation may be permitted.
2. Commercial uses shall be encouraged to concentrate in groupings along the main roads.
3. Through the means of the Zoning By-law and Site Plan Control, regard shall be had to aesthetic, functional, safety and land use compatibility considerations. Special zoning and/or site plan requirements may be applied where commercial development would abut residential uses.
4. Open storage shall not generally be permitted.

### **3.7.5 Industrial Policies**

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

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

### **3.7.6 Special Exception Areas**

*(Reserved)*

## **SECTION 4    TRANSPORTATION**

### **4.1    GENERAL**

This Section establishes the general transportation policies for the Township. A safe, convenient and functional road network is the key element in facilitating the movement of both people and goods to and from the various areas within the Township and between the Township and neighbouring municipalities. The road pattern shown on Schedules A1, A2 and A3 generally reflects the historical interrelationship between land use and transportation routes. The road system is classified on the basis of the jurisdiction of responsibility.

Existing and proposed public roads within the Township are classified as Provincial Highways, County Roads and Township Roads, as indicated on Schedules A1, A2 and A3. Where additional land is required for widening and extension, such land shall be obtained, where possible, in the course of approving development applications under the *Planning Act*.

The Township will work with the authorities having jurisdiction to secure road improvements in the form of jog eliminations, regulation of turning movements, proper signing, installation of traffic signals, marking of traffic lanes, channelization and new road construction that will establish a functional road network as shown on Schedules A1, A2 and A3.

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

### **4.2    PROVINCIAL HIGHWAYS**

Provincial highways are intended to carry a high volume of traffic at relatively high speeds. Any proposed development abutting a provincial highway is subject to the requirements and permit control of the Ministry of Transportation. Direct access to a provincial highway will be permitted only where the safety and geometric requirements of the Ministry can be met. All development proposals relating to lands adjacent to a provincial highway shall be circulated to the Ministry of Transportation for comment. The preparation of traffic studies may be requested by the approval authority.

Highway No. 7 is the only provincial highway in the Township. The minimum right-of-way width shall be as determined by the Ministry of Transportation.

### **4.3 COUNTY ROADS**

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

County Roads No. 6, 7, 10, 12, 14, 19, 21, 36 and 511 presently serve the Township and are under the jurisdiction of the County of Lanark.

The minimum County road right-of-way shall be 26 metres.

### **4.4 TOWNSHIP ROADS**

The Township roads identified on Schedules A1, A2 and A3 are those roads which are owned and maintained by the Township. Where development is proposed adjacent to a Township road, approval for an entrance must be obtained from the Township. Access shall only be permitted in locations that can accommodate traffic in a safe manner. Where sight deficiencies exist due to curves, grades or other factors, no new access will be permitted unless the deficiency is corrected at the owner's expense and to the satisfaction of the Township.

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

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

### **4.5 PRIVATE ROADS**

Private roads are those legal rights-of-way which provide access to one or more properties but which have not been assumed by the Township for maintenance purposes. The creation of new private roads and the extension of existing private roads is not permitted except in situations where new private road access is required to serve mining properties, mills and plants which are or will be operating in accordance with the **Mineral Resource** section of this plan.

Where a private road exists in the Township, there is no obligation on the part of the Township to maintain or repair the private road or otherwise service any property located on that private road. If a private road is reconstructed to a standard acceptable to the Township

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

Known private roads are shown on Schedules A1, A2 and A3 for information purposes.

#### **4.6 PROPOSED ROAD WIDENINGS**

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

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

#### **4.7 ROAD ALLOWANCES ABUTTING WATER BODIES**

Where road allowances abut the shores of lakes and rivers and are not required for public access to the water, such road allowances may be closed by the Township and disposed of in accordance with the procedures and requirements set out in the *Municipal Act*.

## **SECTION 5 IMPLEMENTATION AND ADMINISTRATION**

### **5.1 INTRODUCTION**

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

### **5.2 LAND DIVISION**

#### **5.2.1 Introduction**

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

There are certain general policies that apply to all lot creation, other policies that are specific to consents, and others that apply exclusively to plans of subdivision.

#### **5.2.2 General Policies**

1. The frontage, size and shape of any lot created shall be appropriate for the proposed use and conform to the provisions of the Zoning By-law.
2. No land division shall result in the landlocking of any parcel of land.
3. No land division shall be permitted where safe vehicular access from the proposed lot to the road cannot be provided due to conditions such as limited sight lines, grades or proximity to intersections, in accordance with the policies of the **Transportation** section of this Plan.
4. No land division shall create a financial burden on the Township with respect to the provision of Municipal services or facilities, as set out in the **Economic Policy** section of this Plan.
5. All land division shall meet the requirements of this Plan for the dedication of parkland or

- cash-in-lieu thereof, as set out in the **Parks and Recreational Facilities** section of this Plan.
6. All land division shall address land use separation and compatibility concerns, as set out in the **Land Use Compatibility** section of this Plan.
  7. No land division shall result in the creation of a lot subject to natural hazards such as flooding or organic soils, unless development would be permitted by the **Natural Hazard Features** section of this Plan.
  8. No land division shall result in the creation of a lot affected by soil contamination or hazards related to former mining or mineral resource operations, unless development would be permitted by the **Human-made Hazard Features** section of this Plan.
  9. No land division shall result in a negative effect on the natural features or the ecological functions for which the area is identified such as wetlands, areas of natural and scientific interest (ANSIs), fish habitat, wildlife habitat and endangered and threatened species habitat. The policies of the **Natural Heritage Features** section will be adhered to in this regard.
  10. In considering land division applications, regard shall be had to the **Cultural Heritage and Archaeological Resources** section of the Plan.
  11. All land division shall comply with the **Water Supply, Sewage Disposal and Other Services** section of the Plan concerning the provision of water and sewage services and the availability of other services.
  12. No land division shall create a lot which cannot comply with the minimum water setback and minimum water frontage requirements contained in the **Development Adjacent to Water Bodies** section of this Plan.
  13. Road widening dedications may be requested by the County or Township as a condition of the approval of any land division application.

### **5.2.3 Consent Policies**

1. A maximum of three new lots (excluding the retained lot) shall be created from a land holding as it existed on January 1, 1986. Where a land holding is situated partly or wholly within the Hamlet designation, the maximum number of lots shall not apply, provided that the new lots are situated within the Hamlet designation.
2. Within lands designated as Agriculture, consents for the purposes of creating new residential lots shall only be permitted in accordance with the policies of the **Agriculture** section of this Plan.

3. Consents should not have the effect of creating or extending areas of strip development.
4. Lots created by consent shall generally front onto existing maintained public roads, however, consents may be permitted on existing private roads for waterfront residential lots, subject to any proposed lot being zoned to a Limited Services zone, as required by the **Public Road Access** section of this Plan. Any Zoning By-law amendment shall be considered in accordance with the relevant amendment criteria of the **Residential Conversion from Secondary to Principal Use** section of this Plan.
5. No consent shall be granted that would require the creation of a new private road.
6. A consent for the purpose of creating a lot on an island or on waterfront land without road access may be considered where deeded parking and water access is provided on another parcel of land that is suitable by virtue of its location, access and other relevant considerations.
7. Consents for easements shall be preferred to consents for severances when their purpose is to provide a linear right-of-way to an abutting property.

#### **5.2.4 Subdivision Policies**

1. Development by plan of subdivision shall be permitted in the Hamlet and Rural designations.
2. The minimum average lot size for a plan of subdivision within the Rural designation shall be 0.8 hectares, as set out in the **Rural** section of this Plan.
3. Land holdings within the Rural designation are subject to a maximum of 25 lots within a draft plan of subdivision application. The development of more than 25 lots shall require an Official Plan amendment, as set out in the **Rural** section.
4. Access to a proposed plan of subdivision shall be from a maintained public road, built to an adequate standard to accommodate the additional traffic requirements.
5. Access to individual lots in a plan of subdivision shall be by internal public roads, built to Township standards. Where design considerations necessitate it, limited direct lot access to an existing public road abutting the subdivision may be granted.
6. All plan of subdivision applications which would result in the creation of three or more lots within 300 metres of a water body shall meet the requirements set out in the **Archaeological Resources** section of this Plan with respect to the identification and preservation of any archaeological resources.

7. All plan of subdivision applications which would result in the creation of three or more lots within 300 metres of a water body shall meet the requirements set out in the **Development Adjacent to Water Bodies** section of this Plan with respect to preparing a lake impact study which demonstrates that the approval of the subdivision would not have a negative impact on water quality.
8. All plans of subdivision shall comply with the policies of the **Storm Water Management** section of this Plan.
9. The approval authority may apply lapsing provisions to any draft plan of subdivision, pursuant to the provisions of the *Planning Act*.
10. Development by plan of subdivision shall meet the requirements set out in the **Water Supply, Sewage Disposal and Other Services** section of the Plan.

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

Where old registered plans of subdivision exist and are regarded by the Township as deficient by reason of such considerations as being situated in an undesirable location from a planning perspective, having poor access, inadequate lot size or other characteristics, a by-law under the *Planning Act* may be passed by the Township deeming such plans not to be registered.

### **5.4 SITE PLAN CONTROL**

1. Site Plan Control is a site design and approval process intended to be used in cases where the type of development proposed or the characteristics of the particular site require a more detailed level of attention to, and control over, the siting of buildings, structures, facilities and other features than would be possible or practical through the mechanism of a Zoning By-law.
2. It is the intention of the Township to use Site Plan Control as a planning tool complementary to the Zoning By-law to ensure that:
  1. Proposed buildings and structures are well sited vis-a-vis adjacent land uses;
  2. Design details, such as lighting, walkways, parking, loading, waste facilities, grading, drainage, landscaping materials, fencing, etc., are adequate for the uses proposed, in terms of functional, safety and aesthetic considerations as well as address the needs of those with disabilities, as applicable;
  3. Development occurs with minimal impact on natural and cultural heritage resources, particularly where proposed in immediate proximity to water

bodies;

4. Development is undertaken and maintained as approved by the Township.
3. The Township may control the design and details of development proposals through the use of a Site Plan Control By-law. The entire Tay Valley Township shall be considered a Proposed Site Plan Control Area except that certain types of development such as the following may be exempt from Site Plan Control:
  1. Agricultural uses;
  2. Single-detached, semi-detached and duplex dwellings and buildings or structures accessory thereto, in cases where no development or site alteration is proposed adjacent to a water body or lands designated as Natural Heritage or Natural Hazard;
  3. Minor additions or alterations to existing buildings and structures.
4. In imposing Site Plan Control, the Township will seek to regulate the general site layout of the property and, where appropriate, the massing and conceptual design of all buildings and structures on the property. Site plan drawings shall be required in all cases. Floor plan, elevation and cross-section drawings may be required for any development, as determined by the Township.
5. In processing Site Plan Control applications, the Township will consult with various public bodies, including the relevant Conservation Authority, as appropriate.
6. As a condition of the approval of a site plan, the County or Township may require the dedication of land for public road widening purposes.
7. The Township may enter into Site Plan Control agreements with the owners of lands for which site plans have been approved and register such agreements on the title of the lands to which they apply.

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

### **5.5.1 General**

It is intended that a comprehensive Zoning By-law to implement this Plan shall be prepared and adopted in accordance with the provisions of the *Planning Act*. Such by-laws shall contain land use zones in accordance with the policies contained within this Plan and will establish regulations to control the use of land and the character, location, and use of buildings and structures.

In accordance with the *Planning Act*, Council shall amend the zoning by-law no later than three years after any comprehensive (5-year) update to this Plan comes into effect.

### **5.5.2 Holding Zones**

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

1. It is the intention of Council to place certain lands within a Holding category in the Zoning By-law when the principle of development has been established, in order to:
  1. Delay the development of lands until any necessary municipal infrastructure become available;
  2. Affect the phasing and/or proper design of large-scale residential, commercial, or industrial development;
  3. Ensure that proper financial and other agreements are in place; and/or
  4. Delay development until such time as it is determined that identified development constraints can be overcome to the satisfaction of Council.
2. Lands which are subject to Holding provisions shall be identified in the Zoning By-law by an “h” symbol, in conjunction with the appropriate zone symbol denoting the eventual use of the land and shall be subject to the following policies:
  1. Lands which are shown to be in a Holding category shall generally be restricted to existing uses.
  2. New development proposed on land zoned in a Holding category shall not be permitted unless Council deems it appropriate to remove the Holding symbol through an amending by-law.
3. An application for removal of the Holding symbol shall be reviewed by Council in consideration of the following:
  1. That the proposed use is in conformity with the requirements of the Zoning By-law;
  2. That the required municipal infrastructure is available or will soon be available;

3. That the financial and other requirements of the municipality have been fulfilled;
4. That the phasing and design of the proposed development is to Council's satisfaction; and/or
5. That any development constraints which have been identified can be overcome to the satisfaction of Council.

### **5.5.3 Interim Control By-laws**

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

### **5.5.4 Temporary Use By-laws**

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

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

## **5.6 COMMITTEE OF ADJUSTMENT**

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

The **Existing Land Uses** section of this Plan sets out policies for dealing with applications to change or enlarge non-conforming uses, as well as for minor variance applications where

existing or proposed uses conform to the Zoning By-law but are non-complying with respect to zoning provisions such as building setbacks. The Committee will have regard to the relevant non-conforming use and minor variance policies.

## **5.7 PUBLIC PARTICIPATION AND PUBLIC NOTICE PROCEDURES**

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

## **5.8 PUBLIC WORKS AND CAPITAL WORKS PROGRAM**

The implementation of the policies of this Plan which require the provision of municipal facilities and services will involve the Township directly in the financing of such projects. Projects areas may include the development of park and recreational facilities, the upgrading of roads, the improvement of intersections and the enhancement of drainage facilities.

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

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

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

1. It is the policy of Council to encourage the maintenance of the Township as a pleasant environment for living, working, shopping and recreation. Continued maintenance of property is essential to the welfare of the Township.
2. It is the intention of the Township to support the private efforts of property maintenance and to eliminate any existing hazards to building occupants through the introduction of by-laws specifying standards for all properties within the Township for property maintenance and occupancy under Section 15.1 of the *Building Code Act*.
3. Council will endeavour to support further property maintenance and safe occupancy by:
  1. Utilizing available government programs, where applicable, to provide financial and administrative support to individuals seeking to improve their properties;
  2. Undertaking education and public relations programs as needed to demonstrate the benefits of property maintenance;
  3. Maintaining municipally-owned buildings, properties and community facilities, and providing or maintaining municipal services in good repair.
4. Upon adopting a maintenance and occupancy by-law, Council will appoint a Property Standards Officer who will be responsible for administering and enforcing the by-law.
5. Council will also appoint a Property Standards Committee for the purpose of hearing appeals against an order of the Property Standards Officer.
6. The by-law will be administered using a standard recording form for building or property condition to provide a clear and equitable procedure for evaluating building condition.
7. The maintenance and occupancy by-law will prescribe standards for the following matters and any others that may be considered necessary:
  1. The keeping of yards, vacant lands, parks, waterfront areas, laneways and passageways, free from debris, rubbish, weeds, abandoned or derelict vehicles, trailers, boats, barges, mechanical equipment or similar material;
  2. The adequacy of sanitation control, including garbage disposal, sewage and drainage;
  3. The maintenance of parking and storage areas;

4. The maintenance of all buildings and structures, including structural standards of walls, floors, ceilings, foundations, insulation, electrical systems, plumbing, heating, adequacy of protection from weather, natural lighting and ventilation, condition of chimneys, fire protection standards and general cleanliness and upkeep;
5. The maintenance of fences, swimming pools, accessory buildings and signs; and
6. The establishment of occupancy standards including pest prevention, adequacy of food preparation facilities, access, ventilation, maximum number of persons per dwelling unit, minimum floor spaces and room heights.

## **5.10 THE MUNICIPAL ACT**

It is intended that Council shall review, as required, legislation pursuant to *The Municipal Act* governing various uses, signs, etc. and where necessary, amend existing By-laws or pass new By-laws as may be required to ensure such matters are properly regulated and controlled.

## **SECTION 6 INTERPRETATION**

1. It is intended that the boundaries of the land use classifications shown on Schedules A1, A2 and A3 be considered as approximate and absolute only where bounded by roads, railways, rivers or streams or other similar geographical barriers. It is also intended that the location of roads as indicated on the Schedules be considered as approximate and not absolute. Therefore, amendments to the Official Plan will not be required in order to make minor adjustments to the approximate land use boundaries or to the location of roads, provided the general intent of the Plan is preserved. Such minor clarifications will not be reflected on Schedules.
2. It is intended that all figures and quantities herein shall be considered as approximate only and not absolute. Amendments to the Official Plan will not be required for any reasonable variance from any of the proposed figures.
3. Where any doubt exists with respect to the intended meaning of any word or phrase used in this Plan, the *2005 Provincial Policy Statement* shall be used as a guide to interpretation.
4. Where any Act or portion of an Act is referred to in this Plan, such references shall be interpreted to refer to any subsequent renumbering of sections in the Act and/or changes in the date of the Act.