

v1 Draft of 2011 Official Plan Update

March 24, 2011

OFFICIAL PLAN
of the
TOWNSHIP of RIDEAU LAKES

Adopted by Council on October 20, 2003
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OFFICIAL PLAN OF THE TOWNSHIP OF RIDEAU LAKES

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SECTION 1 INTRODUCTION

1.1 PLANNING ACT CONTEXT

- 1.1.1 Pursuant to Section 17 of the *Planning Act, R.S.O., 1990, Chapter P.13*, as amended, Council is charged with responsibility for preparing and adopting an Official Plan for the Township of Rideau Lakes. 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 five former municipalities that amalgamated in 1998 to form the Township of Rideau Lakes, has been prepared in response to these requirements.
- 1.1.2 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.
- 1.1.3 In exercising its planning authority, Council shall **be consistent** ~~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 the Township **is consistent with** ~~has regard~~ ~~for the 1997~~ **2005** *Provincial Policy Statement* issued under Section 3(1) of the *Planning Act*.
- 1.1.4 Section 17 of the *Planning Act* sets out required processes and procedures for amendments to Official Plans. Council shall be guided by these requirements in dealing with applications for Official Plan amendments from the public, as well as those amendments initiated by Council.

1.2 INTRODUCTORY STATEMENTS

1.2.1 Title and Components

- 1.2.1.1 This Plan shall be known as the:
Official Plan of the Township of Rideau Lakes
- 1.2.1.2 The Plan consists of six Sections and five 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 – North Crosby Ward
- A2 – South Crosby Ward and Newboro Ward
- A3 – Bastard & South Burgess Ward – North Portion
- A4 – Bastard & South Burgess Ward – South Portion
- A5 – South Elmsley Ward

1.2.1.3 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 the Schedules.

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, A3, A4 and A5 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

1.2.2.1 This Official Plan applies to the entirety of the Township of Rideau Lakes. This Plan replaces the Official Plans of the former Township of North Crosby, the former Township of South Crosby, the former Village of Newboro, the former Township of Bastard

and South Burgess and the former Township of South Elmsley.

1.2.3 Intent

- 1.2.3.1 This Plan is intended to support several broad land use planning goals aimed at supporting and enhancing the quality of life for those who live, work or recreate in or visit the Township. These goals include:
- 1.2.3.1.1 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;
 - 1.2.3.1.2 To protect the natural and built resources of the Township from development-related impacts in recognition of the long-term environmental, economic and other values of these resources;
 - 1.2.3.1.3 To address potential health, safety and property damage concerns by directing development away from areas associated with risks.
- 1.2.3.2 The Official Plan is intended to be of use to both private and public interests. Through the Plan, private interests will have a clearer understanding of Council's policies for future development and, hence, be able to plan accordingly. Public interests will benefit by possessing a documented policy framework by which to prepare comprehensive Zoning By-laws and other tools of implementation, make planning and land use decisions, as well as identify and program the delivery of needed services and facilities in a cost-effective way.

1.2.4 Scope

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

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

the division and development of land and, finally, identifies public actions which need to be taken to support private development.

1.2.5 Planning Period

This Official Plan is intended to guide the future development of the Township to the year ~~2022~~ 2029. **The amalgamated Township's first Official Plan was approved in April 2004 and this Plan represents the outcome of the first five year review.** The reader is cautioned, however, that the Plan has been prepared on the basis of existing conditions and information available at the time of the Plan's preparation. An Official Plan should be viewed as a work in progress and it is intended that as conditions change, as new information becomes available, and as our understanding of issues and priorities changes, there will be a need to review various policies from time to time. Pursuant to Section 26 of the *Planning Act*, Council intends to hold a public meeting not less than once every five years to determine the need to review the Plan.

1.3 BASIS AND OBJECTIVES

1.3.1 General

Shortly after the creation of the Township of Rideau Lakes, the Municipality embarked on a strategic planning initiative for the purpose of discussing and articulating the Township's roots, current situation and activities, aspirations for the future and action priorities in order to foster the attainment of those aspirations. While the observations, objectives and directions that came out of the strategic planning process had applicability to, and ramifications for, many core functions of the Township, land use planning, environmental issues and the development of a single, new Official Plan emerged as priorities. Many of the key policy directions taken in this Official Plan flow from the strategic plan.

In terms of its relationship to the Official Plans of the five former townships, the ~~new~~ **consolidated** Plan also attempts to build upon compatible elements of those documents in recognition of the long-established land use planning directions that they provided to the five wards that make up Rideau Lakes. While attempting to harmonize land use policies across the Township in the interests of equity and administration, efforts have been made to recognize the uniqueness, diversity and historical importance of the various parts of the Municipality.

As a precursor to the preparation of this Official Plan, some preliminary investigations and research have also been undertaken with respect to

identifying existing conditions, historical development patterns and present trends. In support of the Official Plan's 5-year review, **a Lot Availability Study and a 20-year Population Projection were completed.** Some of the conclusions of this review are referred to in this Plan.

During the course of the preparation of the Official Plan, Council, as well as an Official Plan Steering Committee composed of volunteers from the community and elected officials, provided input and guidance. The Plan reflects many contributions resulting from their local knowledge, expertise and ideas.

Taken together, the foregoing activities and documents form the foundations for the basis and objectives of this Official Plan.

1.3.2 Basis of the Plan

The Township of Rideau Lakes came into being on January 1, 1998, as an amalgamation of the former Townships of North Crosby, South Crosby, Bastard and South Burgess, South Emsley and the Village of Newboro. Rideau Lakes lies in the northwest corner of the United Counties of Leeds and Grenville, roughly half way between Kingston and Ottawa. The Township encompasses an area of 710 square kilometres and is geographically the largest municipality in the County. While this poses certain challenges to the development and implementation of land use and other policies, there is a growing sense of "One Township" and the role that a single Official Plan document can play in supporting a common land use policy understanding and a simplified and equitable administrative framework.

Rideau Lakes' strengths and its opportunities for the future rest in the diversity of its population, economic activity and geography. Recreation, tourism, service industries and farming form the backbone of the local economy.

Three basic types of settlement characterize the Township: Small communities, including all of the Township's villages and hamlets; water-oriented development areas, principally comprising recreational properties and tourist facilities; and, rural areas which are largely farm-based.

The distinct character of the various parts of the Township is established through a number of features including historic development, cultural heritage, physical setting and landscape characteristics, intensity and form of development, architecture, level of services and infrastructure

such as roads and park facilities.

The bulk of the Township is situated within the Canadian Shield; however, a portion of the Municipality lies to the east of the Shield. In large measure, the physical diversity that exists within the Township is directly related to this geological condition.

The different parts of Rideau Lakes represent a contrast, ranging from the more developed South Elmsley area near Smiths Falls to the more rural, sparsely developed, farm-based areas such as Bastard. In between, and tying the diverse parts of the Township together, is Provincial Highway 15, the scenic historic Rideau Waterway (now officially designated by the United Nations Educational, Scientific, and Cultural Organization (UNESCO) as a World Heritage Site) which dates from 1832, the many recreational and tourism-related attractions of the natural and built environment and, finally, numerous quaint villages and hamlets.

Rideau Lakes is blessed with an abundance of lakes, combined with diverse topography and vegetation. The Township possesses approximately 500 kilometres of shoreline, excluding the Rideau Waterway. The Waterway traverses the Township, from the towering granite cliffs at Morton Bay to the more gentle and pastoral areas of the Lower Rideau Lake. The Waterway represents an important link with the past. With island-studded lakes, human-made channels, flowing rivers and spectacular vistas along its length, the Waterway offers a superb resource for canoeing, sailing, boating, fishing, wildlife observation and simply relaxing. The pleasure boating that took root and spread along the Waterway over its history created a recreational paradise for thousands of property owners and visitors to Rideau Lakes. In recognition of its historic and recreational value the Rideau Waterway has been designated as a National Historic Site, a Canadian Heritage River, and as a UNESCO World Heritage Site, thus further elevating its natural and cultural significance.

An important part of the Township is its many scenic villages and hamlets, some of which, such as Newboro, contain buildings of historic or architectural interest ~~interest~~ **significance** dating from the early 19th century. These settlements, and the surrounding farming and vacation areas, are important parts of the fabric of community life in Rideau Lakes, as are the many volunteers from these diverse communities who perform a variety of services within and for the Township.

In short, Rideau Lakes is a place that is rich in natural and built heritage attributes, supported by an interested and dedicated community.

While Rideau Lakes' ~~2004~~ 2006 Census population was ~~9,687~~ 10,350 permanent residents, this significantly understates the size, extent of development and activity within its borders. There are over ~~6,800~~ 7,200 assessed dwellings in the Municipality. If one includes both seasonal and permanent dwellings, the Township's total population swells to approximately ~~13,000~~ 14,000 residents; especially evident during the warmer summer months. The large volume of people in temporary accommodations such as campgrounds, resorts and bed and breakfasts, as well as boaters traversing the Rideau system, pushes the seasonal population even higher.

At a broad level, the Township recognizes the importance of its historical roots, its current role and local assets and, building on these foundations, seeks to foster equitable, environmentally-sustainable opportunities to live, work, visit and recreate in a fiscally-sound and united municipality. The policies of this Plan are designed to foster the achievement of this fundamental vision.

Some observations and considerations in the development of policies to support this vision follow:

- 1.3.2.1 By the end of this Official Plan's planning period in 2029, the Township's population will be approximately ~~12,000~~ 12,200 permanent residents. This translates to an average annual increase of about ~~440~~ 95 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 2.65 persons per household (in 1996) to approximately 2.5.
- 1.3.2.2 The Township of Rideau Lakes is located somewhat beyond the generally acceptable daily commuting distance to major centres such as Ottawa and Kingston. To date, it has not experienced significant commuter-generated residential growth pressure, although it has felt a modest influence on residential demand related to proximity to smaller urban centres such as Smiths Falls and Perth.
- 1.3.2.3 ~~A combination of factors, including~~ Despite a scarcity of road-accessible waterfront land, increased awareness of environmental concerns and a toughening regulatory environment, ~~has led to a continuing decline in residential development activity over the past decade~~ residential

~~development has held steady over the past five years. This has translated into falling lot creation and residential building permit activity. Building permits for new dwellings are anticipated to stabilize at their present level of approximately 44 new dwellings per year. Maintenance of this volume of new dwellings is predicated on increased lot creation activity, which currently is at about 24 lots per year. The Township undertook a Lot Availability Study to determine whether the level of lot creation are meeting demand for new residential development. It was determined that the Township is running a deficit of approximately 28 lots per year in the 11 year study period. The direct ramification is that the Township has only an eight year supply of lots available at present consumption rates which falls below the Provincially recommended 10 year supply. Furthermore, the South Elmsley Ward has only a five year supply of lots due to its higher consumption rate. This negative lot consumption rate is of concern for the long term viability of the Township and forms a portion of the basis for growth policies in the Plan.~~

1.3.2.4 Although it is recognized that medium and larger-sized urban settlements outside Rideau Lakes will continue to function as retail, service and social-cultural centres for the Township, the historical role of the Township's various villages and hamlets as residential communities and local service centres will be supported and encouraged. While an increasingly mobile society, combined with current large format retailing, centralization of public services and education, as well as other trends have worked against the survival of villages and hamlets, a number of these communities afford significant tourism and recreation-based opportunities. These opportunities are supported by the rich history associated with the development of the communities, unique physical settings and an architecturally-interesting built environment.

1.3.2.5 It goes without saying that there are a huge 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. While, in recent years, a number of these dwellings have been transformed into principal residences, there is no evidence to suggest that this is currently a widespread phenomenon. Notwithstanding this, significant renovation, repair and enlargement activity is occurring in

relation to these residences. This activity is not surprising, given the advanced age of many of these dwellings and increasing expectations for the quality and amenities of recreational properties. The Lot Availability Study examined the issuance of building permits to determine the usage of recreational waterfront properties and found that cottages prior to 2000 made up close to 50% of new residential construction but this has changed dramatically in the past decade where in 2008 only 7% of new dwellings were cottages. Waterfront development is being transformed from a seasonal to permanent year round type of use which will place additional burdens on Township resources.

- 1.3.2.6 The most significant natural feature of the Township is its water bodies. These are a resource of paramount value 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 ground water protection, water-oriented recreation and tourism and residential development. As a mature recreational and tourist area, considerable effort must be placed on policies to ensure that changes to existing developments are undertaken in an environmentally-sensitive and sustainable manner. Additionally, the voluntary conservation efforts of individuals, associations and non-profit groups can be used to help protect and enhance lake environments.
- 1.3.2.7 The Township possesses limited resources in terms of agricultural lands and mineral and mineral aggregate resources. In the case of agriculture, while historically important to the Township, there are very few areas reflecting soils with high agricultural capability. Vigilance must, therefore, be exercised in protecting these areas from intrusion by incompatible land uses that could serve to undermine agricultural activities. With respect to mineral aggregates and certain minerals, similar policy concerns arise as a result of resource scarcity.
- 1.3.2.8 The Township recognizes the fundamental importance of the business community, particularly in relation to its contribution to the tourism and recreational sectors of the economy, as well as its contributions to the municipal tax base and local employment opportunities. The Township seeks to support the creation and economic health of local enterprises, as well as to ensure that unacceptable environmental impacts and land use

conflicts are not generated through their activities.

- 1.3.2.9 Given that, as a mature vacation and recreational area, much of the Township's developable shoreline is already fully developed, it is anticipated that there will be increasing pressure for higher density forms of water-oriented development to accommodate new seasonal or permanent residents. While the current technologies and implications for municipal responsibility for communal water and sewage systems pose considerable financial and other obstacles for both municipalities and land owners contemplating such development, the Township must monitor developments in this area and respond with appropriate land use and servicing policies, including Official Plan amendments, where necessary. ~~In the interim, however, development will likely continue to occur almost exclusively on private services and 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 in the coming years and shall be used for guidance in Council's decision-making.

- 1.3.3.1 To maintain and, where possible, to improve the quality of the environment, particularly in regard to the health, safety, convenience and welfare of seasonal and permanent residents, as well as visitors to the area.
- 1.3.3.2 To preserve and enhance the rural, recreational and vacation-oriented flavour of the Township, while providing opportunities for controlled, environmentally-sustainable growth, particularly within the tourism sector.
- 1.3.3.3 To preserve and enhance water bodies and their environs by encouraging development and redevelopment which is environmentally-sensitive and which maintains or improves water quality and the shoreline environment.
- 1.3.3.4 To encourage steady, diversified and balanced economic growth to build a more favourable assessment base and to ensure a reasonable range of employment opportunities in

order that young people will choose to stay in, or return to, the Township.

- 1.3.3.5 To ensure that land use designations and related policies foster economic growth and diversification, including opportunities for home-based and tourism-based businesses.
- 1.3.3.6 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.
- 1.3.3.7 To provide for the protection of natural resources, such as agricultural lands, forests, ground and surface water, mineral aggregates and minerals.
- 1.3.3.8 To strengthen the role of villages and hamlets such as Newboro as local commercial, residential, social, and cultural centres for the Township, as well as to enhance their function in providing services and facilities that cater to tourists and seasonal residents.
- 1.3.3.9 To conserve and protect cultural heritage resources, including historic areas, buildings, sites, landmarks, landscapes and archaeological remains.
- 1.3.3.10 To have particular regard to the Rideau Canal Corridor and all its component parts - its scenic elements, its historic value - all its built and natural attributes.
- 1.3.3.11 To enhance the aesthetic qualities of the built and natural environment.
- 1.3.3.12 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.
- 1.3.3.13 To develop and maintain sufficient parkland, open space and community facilities to meet the needs of various age and socio-economic groups.
- 1.3.3.14 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.

- 1.3.3.15 To promote environmentally-sound development and energy conservation practices through the planning and development approval processes.
- 1.3.3.16 To protect significant natural heritage features such as wetlands and areas of natural and scientific interest.
- 1.3.3.17 To minimize risks to persons and property arising from natural hazards such as flooding, organic soils and steep or unstable slopes.
- 1.3.3.18 To ensure that, in reviewing development proposals, adequate attention is paid to human-made hazards such as contaminated sites or abandoned mine sites.
- 1.3.3.19 To establish detailed land use policies to be used as the basis for evaluating development proposals, particularly in those instances where such proposals may be in keeping with some objectives but in conflict with others.
- 1.3.3.20 To work with various non-profit organizations and associations, as well as agencies such as Parks Canada and the Conservation Authorities towards common recreational, conservation and tourist-oriented objectives, particularly as they relate to the Rideau Canal Corridor, the trail system and various conservation and public recreational lands.
- 1.3.3.21 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 WATERFRONT DEVELOPMENT POLICIES

2.2.1 Historically, the areas of the Township which abut or are adjacent to the Rideau Waterway and the Township's many lakes and rivers have attracted tremendous interest as summer recreational areas. Over the years, low density seasonal dwellings evolved in a linear fashion as waterfront areas were discovered by residents of nearby towns and various communities much farther away, such as Ottawa and Toronto, as well as the United States of America. This is hardly surprising, given the beautiful shoreline areas of Rideau Lakes with their fabulous aesthetic appeal and superb leisure and recreational opportunities.

The cottages that were constructed in the Township's waterfront areas traditionally functioned solely as secondary residences used on a seasonal basis by their owners, whose principal place of residence was located elsewhere. Road access, where available, has generally been by private road. This form of development has a long tradition in Rideau Lakes and many other jurisdictions.

The waterfront areas of the Township are also distinguished by the presence of other long-standing uses that are functionally-related to the water. These include parks, lock stations and a range of tourist commercial uses such as resorts, summer camps, campgrounds and marinas.

In recent years, there have been pressures across cottage country (both in the Township and elsewhere) to use waterfront residential properties on a more intensive, multi-season basis. The reasons for this are related to a broad range of factors including, among others, demographic and lifestyle considerations. The trend has been associated with the improvement and enlargement of existing dwellings and private sewage disposal and water systems, the creation of new lots through the consent process, the construction of increasingly larger new dwellings on existing vacant or new lots and changes in occupancy from secondary or seasonal use to principal or permanent use.

As undeveloped waterfront property becomes increasingly scarce, as existing properties become more intensively used, and as pressures mount to permit higher density development, there is a need to ensure that appropriate Official Plan policies are in place to ensure the protection of the Township's waterfront area's unique physical and environmental character.

2.2.2 While the character of specific waterfront areas varies, some of the key elements of this character are:

- ✓ The unique and limited land use mix, overall low density of development and distinct form and massing of buildings;
- ✓ The presence of spectacular vistas and alluring natural landscapes, and the integration of buildings and structures into those landscapes with minimal disturbance;
- ✓ The private roads which generally provide road access to waterfront properties, as well as the low-volume design of such roads, which is typically dictated by, and adapts to, topography and vegetation;
- ✓ The important role of the water and shoreline areas in supporting natural heritage features, through the provision of habitat for flora, fauna and aquatic life;
- ✓ The contributions of the water and shoreline areas in terms of cultural heritage, leisure and recreational opportunities, as well as economic and employment benefits in the service sector, resulting from tourism and recreational property development.

2.2.3 Given the importance of maintaining the long term quality and character of water bodies and their environs, the following development policies relating to lake capacity, water setbacks, waterfrontage, narrow channels and boat capacity shall apply. **Proposals involving the repair, renovation, reconstruction or enlargement of existing buildings and structures situated on waterfront lots shall be consistent with these waterfront development policies and those objectives set out under the **Waterfront Development Objectives** section of this Plan.**

2.2.3.1 Lake Capacity

- 2.2.3.1.1 Big Rideau Lake is the only cold water lake in the Township and it is managed as a lake trout lake by the Ministry of Natural Resources. Based on dissolved oxygen

profiles and lake capacity modelling, Big Rideau Lake is classified as moderately sensitive. All other lakes in the Township are warm water lakes. All Township lakes can accommodate some limited additional development, based on current water quality.

- 2.2.3.1.2 For any development proposal that would result in the creation of more than three lots or dwelling units having direct or deeded water access, a lake impact study to assess the effect of development and additional nutrient loadings on lake water quality will be required. A lake impact study shall also be required for any significant development proposal, as determined by the approval authority, for a non-residential use within 300 metres of a lake. The approval of such proposal shall not be granted where a **documented** negative impact on water quality would be the result; **and where such impact(s) could not be adequately mitigated.**

2.2.3.2 Water Setback

- 2.2.3.2.1 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, **and improve the habitat of plant, fish, and animal species.** Development or site alteration such as filling, grading and excavating shall occur a minimum distance of 30 metres from the normal high watermark of any waterbody. The quantitative element of this setback shall be implemented through the comprehensive Zoning By-law, while the qualitative elements shall be addressed through the Site Plan Control process.

- 2.2.3.2.2 Where lake-specific or site-specific conditions suggest

that it would be appropriate, the minimum water setback may be increased. Examples of the latter would include sites with steep slopes, limited soil depth, sub-optimal (i.e. very high or very low) soil percolation rates, or limited vegetative cover, or areas identified as having significant heritage value.

2.2.3.2.3 Development or site alteration may be permitted less than 30 metres from a water body in situations where existing lots or existing developments preclude the reasonable possibility of achieving the setback. Additionally, **As such** 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, **as determined by the Township upon review of site-specific conditions and the overall scale of development.**

2.2.3.2.4 Water setback requirements shall not apply to docks, boathouses, pump houses and other marine facilities accessory to permitted uses. Depending upon their location in relation to the water, such structures may require permits from approval authorities such as Parks Canada, the Ministry of Natural Resources and the relevant Conservation Authority in addition to, or instead of, approvals from the Township.

2.2.3.2.5 It is the policy of this Plan to encourage the protection of existing natural vegetation from disturbance and the revegetation or naturalization of altered or disturbed shoreline areas through the development approval process. Among other tools, tree cutting by-laws and site alteration by-laws as authorized in the *Municipal Act*, as well as Site Plan Control may be utilized by the Township for this purpose.

2.2.3.3 Water Frontage

2.2.3.3.1 As a general rule, the minimum water frontage for any new waterfront lot shall be 60 metres. This requirement

may be increased where lake-specific or site-specific conditions suggest that it would be appropriate and shall be implemented through the Zoning By-law.

2.2.3.3.2 Where the creation of more than three non-waterfront lots from a waterfront land holding is proposed, a user-in-common deeded waterfront parcel of land shall generally be provided, such parcel to have a minimum waterfrontage of 15 metres per non-waterfront lot, or as otherwise determined by the Township.

2.2.3.3.3 Water frontage requirements of this section shall be applied on a dwelling unit basis for any cluster-type development involving the proposed siting of more than one dwelling unit on a lot.

2.2.3.4 Narrow Channels

2.2.3.4.1 The confined nature of narrow channels and approaches to lock stations can result in safety and compatibility issues for boaters and landowners. A narrow channel is defined as a waterbody where the distance from shore to shore is 150 metres or less. Given the importance of ensuring public safety, the development of structures such as marine facilities will not be permitted in a narrow channel or an entrance to a lock station where a hazard to navigation would result, as identified by the approval authority or Parks Canada, as applicable.

2.2.3.5 New Lot Creation on Narrow Channels

New lot creation on narrow channels will be permitted in accordance with the following:

2.2.3.5.1 Where the distance of the narrow channel from shore to shore is 90 metres or greater, a minimum shoreline frontage of 90 metres is required.

2.2.3.5.2 Where the distance of the narrow channel from shore to shore is less than 90 metres, a minimum shoreline frontage of 120 metres will be required.

2.2.3.6 Boat Capacity on the Rideau Canal

While the Rideau Canal ~~and the Township's inland lakes do~~ does

not experience boat capacity issues at this time, there are localized areas such as narrow channels, near existing marinas and in the vicinity of lock stations, where there is potential for boater conflicts. Proponents of large-scale water-oriented development projects will be required to consult with the approval authority and Parks Canada during the preparation of a concept to assess the effect of development on safe and enjoyable navigation of the Rideau Canal and inland lakes.

2.2.4 Waterfront Development Objectives

The Township recognizes that there are numerous dwellings and accessory structures which do not comply with the zone provisions set out under the existing comprehensive zoning by-law. These older buildings and structures are recognized as being non-complying as they relate to current performance standards (e.g. water setbacks, lot coverage and floor space index provisions, shoreline area occupancy, etc.). The Township anticipates that many land owners will seek to repair, renovate, reconstruct and/or enlarge these non-complying structures over time. To guide such activities, the Township has established a series of Waterfront Development Objectives which ought to be consulted prior to the submission of a planning application involving development on the water. The objectives set out in this regard include:

- 2.2.4.1 Reconstruction and/or enlargement of a non-complying building or structure shall involve efforts to maximize the water setback, having regard for the physical constraints of the lot. Where existing water setback deficiencies exist, proposals shall not further reduce such deficiencies. In addition, efforts shall be made to minimize the impact of new construction on the natural aesthetic and environmental qualities of the shoreline area. Regard shall be had for the **Water Setback** provisions of this Plan.

- 2.2.4.2 The replacement of existing septic systems, or the installation of new systems, shall maximize the water setback, having regard for the physical constraints of the lot. The incorporation of tertiary treatment systems and other technologies shall be explored when proposing development on waterfront lots which are physically constrained and/or situated in close proximity to sensitive natural heritage features or potable water resources. The Township may require specialized studies or reports from qualified septic installers to identify all system-related options available to private land owners.

- 2.2.4.3 Existing septic systems which are identified as being non-compliant with the requirements of the Township's Zoning By-law and/or the Ontario Building Code (OBC), may require replacement or upgrades when reviewed in conjunction with proposals to repair, renovate, reconstruct, or enlarge non-complying dwellings. Through its review of planning applications, the Township may require proof that an existing septic system is functioning properly. Additional information may be required to ensure the system is adequately sized and configured to comply with the requirements of the OBC.
- 2.2.4.4 Projects involving the repair, renovation, reconstruction or enlargement of non-complying buildings or structures shall incorporate measures to establish a 15-metre strip of unaltered, naturalized land abutting the shoreline. Commonly referred to as a "ribbon of life", this naturalized buffer will help to achieve conformity with the Plan's broader **Waterfront Development** and **Environmentally-Sensitive Development** policies.
- 2.2.4.5 The reconstruction or enlargement of non-complying buildings or structures shall not negatively alter existing drainage patterns thereby directing runoff into nearby waterbodies and/or neighbouring properties. Proposals affecting waterfront lands shall incorporate mitigation measures including: eaves-troughing, vegetated buffers, and other features used to control runoff, improve water quality, and prevent off-site drainage. A drainage plan illustrating proposed cut and fill locations, landscaping elements, and other items may be required in support of development proposals on the water. In reviewing drainage plans, regard shall be had for the **Surface Water Quality and Quantity** policies of this Plan.
- 2.2.4.6 Planning applications involving proposals to repair, renovate, reconstruct, or enlarge a non-complying building or structure shall reflect efforts to reduce the amount (%) of structural coverage within the immediate shoreline area (i.e. 3m strip of land abutting the shoreline) and within that portion of land falling within 60m of a waterbody. Proposals which may result in excess structural coverage shall explore options to offset environmental and aesthetic impacts by removing, downsizing, or relocating buildings or structures which have deficient water setbacks.
- 2.2.4.7 The Township shall use the above-noted Waterfront Development Objectives for guidance during the review of planning

applications associated with non-complying buildings or structures situated on waterfront lands. In implementing these objectives, the Township may require financial or other guarantees to ensure compliance with the conditions of an approved planning application. The Township shall endeavour to adopt a detailed policy of the circumstances under which financial and other guarantees shall be required to ensure consistency of application. Land owners are encouraged to proactively incorporate measures that illustrate conformity with these objectives to facilitate the review of their development proposals.

2.2.5 Various land use and general development policies of this Plan support the preservation of waterfront areas and include policies that are aimed specifically at those areas. By way of example, particular regard should be had to the following sections of the Plan:

- 2.2.5.1 **Road Access and Private Roads** sections of the Plan, for special policies that provide continuing recognition of, and support to, waterfront development with private road access;
- 2.2.5.2 **Environmentally-Sensitive Development** section for policies to encourage development that fits into the existing natural and built environments, including minimizing disturbance to the natural environment adjacent to shorelines of water bodies;
- 2.2.5.3 **Fish Habitat and Adjacent Lands** section, which sets out policies for the protection of water bodies as a vital component of natural ecosystems;
- 2.2.5.4 **Cultural Heritage Resources** section, which speaks to the special cultural heritage significance of a reason or near water bodies in terms of the scenic vistas and landscapes that have resulted from the interplay between the built and natural environments.
- 2.2.5.5 **Archaeological Resources** section, which underscores the importance of waterfront areas to our understanding of the history of First Nations peoples, the early settlement of the Township and construction of the Rideau Canal system.
- 2.2.5.6 **Natural Hazards Features** section, which identifies potential flooding and steep slope concerns that can pose relatively greater risks to persons and property within waterfront areas.

- 2.2.5.7 **Surface Water Quality and Quantity** section, which focuses on policies to protect surface waters, including the management of storm water to ensure that water bodies are not negatively affected by the scale, density or physical form of development;
- 2.2.5.8 **Consent Policies** section of this Plan, which provides special policies facilitating limited lot creation in waterfront areas, including waterfront areas with private road access;
- 2.2.5.9 **Site Plan Control** section which, in an attempt to more closely regulate the qualitative elements of waterfront development, extends site plan control requirements to all forms of development, including single dwellings where development is proposed adjacent to a water body.
- 2.2.5.10 The Zoning By-law that implements this Plan shall include special zones and provisions to address specific waterfront policy concerns of this and other relevant sections of the Plan.

2.3 ECONOMIC POLICY

2.3.1 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. Currently, residential assessment accounts for over 90% of the Township's assessment base. Council intends to redouble its efforts to promote the Township's non-residential development potential, with the intent of increasing this component of the assessment base. The aim of such efforts are, of course, to strengthen the Municipality's financial position, reduce the residential property tax burden, provide enhanced employment opportunities for residents and increased local access to a wider range of goods and services.

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

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

2.3.1 A Recreational Hub

Economic growth in the Township is most likely to succeed if it builds upon the existing strengths and economic base of the community. Rideau Lakes is already a long-established recreational and vacation destination. In recognition of existing and potential tourism opportunities, Council shall seek to foster the growth of the Township as a recreational and vacation hub for the mutual benefit of both residents and visitors to the area. In particular, Council shall endeavour to do the following:

- 2.3.1.1 Encourage and work with government bodies, boards, commissions, committees, business organizations, private investors and non-profit groups and associations with an interest in tourism in Rideau Lakes, to expand and market the Township as a vacation and recreation destination. Numerous organizations such as Parks Canada, the Conservation Authorities, various provincial Ministries as well as business, ratepayer, lake, sporting, conservation and other associations, play a direct or indirect role in supporting tourism and recreational objectives and are the Township's partners in this common interest.
- 2.3.1.2 Build upon the key recreational and tourism foundations - the Rideau Waterway and extensive lake system, the TransCanada and other trail systems and various conservation and public park facilities. Additionally, support policies and initiatives to foster growth in the provision of tourist accommodation, restaurant facilities and service and retail facilities oriented to seasonal residents and the vacationing or travelling public.
- 2.3.1.3 Support and encourage the development of linkages between recreational trails, villages and hamlets, tourist attractions, points of interest and areas of scenic or environmental interest, both within and outside the Township.

- 2.3.1.4 Undertake and support tourism, recreational, heritage, community improvement and economic development studies and programs and actively promote the Township's opportunities as a multi-season recreational and vacation centre.
- 2.3.1.5 Encourage tourism initiatives such as seasonal festivals and sporting and cultural events that build upon the rich Rideau Waterway-based history of the area.
- 2.3.1.6 Support local business persons seeking to form Business Improvement Areas, pursuant to the provisions of the Municipal Act.
- 2.3.1.7 Pursuant to the provisions of the Municipal Act and subject to the financial and other resources of the Township, assist persons, groups and bodies who are undertaking tourism-related projects or programs, by doing the following:
- Making grants, loans and loan guarantees;
 - Granting land, or selling or leasing land at nominal cost;
 - Providing small business counselling services;
 - Participating in small business programs administered by the Province of Ontario;
 - Incorporating a community development corporation for the purpose of promoting community economic development through strategic planning and increasing self-reliance, investments and job creation;
 - Taking such other initiatives as are authorized by the *Municipal Act*.
- 2.3.1.8 Utilize provisions of the Development Charges Act and the Municipal Act which allow the Township to exempt certain areas, such as a village or community improvement project area, from the application of a development charges by-law in order to stimulate private sector tourism investment.
- 2.3.1.9 Consider waiving or refunding part or all of various municipal fees, such as those related to planning applications, building and demolition permits and parkland dedication, in the context of tourism-enhancing projects, particularly where undertaken by not-for-profit organizations.
- 2.3.1.10 Where feasible, enter into public-private partnerships to develop tourism-oriented projects.

2.4 HOUSING POLICY

2.4.1 Policies have been included in this Plan to ensure that:

2.4.1.1 There is at least a ten-year supply of land designated and available for future residential development;

2.4.1.2 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;

2.4.1.3 The provision of new housing is encouraged to take place in the more built-up areas of the Township, such as villages and hamlets.

2.4.2 The Township intends to review the comprehensive Zoning By-law to implement the housing policies referred to above.

2.4.3 The Township intends to monitor the residential land supply and the type and density of housing approved and constructed pursuant to this Plan.

2.5 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.

2.6 ENVIRONMENTALLY-SENSITIVE DEVELOPMENT

2.6.1 Rideau Lakes possesses many areas which are special or unique. Some of these areas are of value because of the natural environment while others are special in relation to built form. It shall be a policy of this Plan that development be undertaken in a manner which is sympathetic and complementary to the natural and built contextual environment in which it is to occur. Development shall, to the extent possible, be designed so as to maintain, fit into and take advantage of the natural, scenic and historic character of individual sites and their environs. Some of the strategies to achieve this objective in the context of site planning, lot design, road layout and construction include:

- 2.6.1.1 Massing of buildings and structures so as not to dominate the natural landscape, particularly in areas of high potential impact such as narrow waterways or areas with scenic vistas. Similarly, in areas such as villages and hamlets or in the vicinity of lock stations where the preservation of the heritage value of the built environment is the dominant concern, development should complement the character of existing buildings, structures and the surrounding landscape. Where appropriate, the Township shall circulate development applications to Parks Canada and/or the **Township's Municipal Heritage Advisory Committee (MHAC)** ~~Local Architectural Conservation Advisory Committee (LAGAC)~~.
- 2.6.1.2 Retaining as much natural vegetation as possible, as well as reinstating vegetative buffers that are disturbed or destroyed, particularly where they abut shorelines, roads or adjacent sensitive land uses. Priority shall be given to the use of native species of vegetation.
- 2.6.1.3 Maintaining a minimum 15-metre strip of substantially undisturbed and naturally-vegetated area abutting the length of the shoreline on waterfront properties, subject to limited allowance for water-related structures such as docks, pump houses and boathouses. This strip will contribute to protecting the riparian and littoral zones and their associated habitat, prevent erosion, siltation and nutrient migration, and assist in maintaining the natural appearance of the shoreline area. The strip will form part of the 30-metre minimum water setback required pursuant to the Waterfront Development Policies section of this Plan and is intended to ensure the protection of the most environmentally-sensitive portion of the setback area. Parks Canada and the relevant Conservation Authority shall be circulated development applications, as applicable.
- 2.6.1.4 Through the site plan process, ensuring wherever possible that buildings and structures along the shoreline, including marine facilities, do not generally occupy more than 25% of the water frontage of any lot, provided that this provision shall not apply to public uses, resorts or marina facilities and similar uses that require a functional relationship to the water.
- 2.6.1.5 Preserving natural land forms and contours, particularly when undertaking grading or site alteration.
- 2.6.1.6 Attempting to implement a "dark skies" policy, where practical,

in relation to lighting on public roads, parks and on private property, in order to minimize light pollution and spill-over.

- 2.6.1.7 Selecting storm water management approaches that maximize natural infiltration and minimize runoff, both during and after construction. The relevant Conservation Authority shall be consulted.
- 2.6.2 The foregoing shall be implemented through the capital works program, the planning application process, appropriate zoning and other by-laws, as well as site plan, subdivision and other agreements.
- 2.6.3 It is recognized that other elements such as architectural style and building cladding and colour are important components in the design of development that is sensitive to and reinforces the contextual environment. To the extent that the legislation provides for controls such as those pursuant to the *Heritage Act*, as well as through the Township's support for the development and distribution of appropriate design guidelines by relevant agencies and organizations, the Township will endeavour to encourage development that complements its surroundings.
- 2.6.4 The Township shall encourage property owners to consult with Parks Canada and the relevant Conservation Authority, as applicable, prior to filing planning applications in order that the principles of environmentally-sensitive development may be incorporated into development proposals at an early stage in the planning process.

2.7 COMMUNITY IMPROVEMENT

- 2.7.1 It is Council's goal to maintain, rehabilitate and upgrade the physical environment in order to enhance the Township as an attractive place in which to live, work and recreate in, as well as visit as a tourist or business traveller.
- 2.7.2 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.
 - 2.7.2.1 Throughout the Township, to foster improvements by:
 - 2.7.2.1.1 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.;

2.7.2.1.2 Encouraging property owners to take pride in the appearance of their own property and Township lands in general.

2.7.2.2 In village and hamlet areas, to foster improvements by:

2.7.2.2.1 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;

2.7.2.2.2 Ensuring the maintenance of the existing housing stock and encouraging the rehabilitation, renovation and repair of older dwellings;

2.7.2.2.3 Maintaining attractive village and hamlet areas with the necessary physical attributes to create pleasant, easily accessible local service areas;

2.7.2.2.4 Providing incentives in support of villages and hamlets to foster a healthy local economy for area business persons;

2.7.2.2.5 Ensuring that proposed changes (additions, alterations, etc.) to existing businesses generally enhance the area and are compatible with adjacent land uses;

2.7.2.2.6 Encouraging the participation of the private sector in community improvement initiatives by involving local merchants, business persons, residents, and civic leaders;

2.7.2.2.7 Ensuring that the undertaking of specific community improvement projects does not unduly burden the financial capability of the Township; and

2.7.2.2.8 Ensuring that when undertaking community improvement projects due regard is given to compatibility with neighbouring land uses.

2.7.3 ~~The entire Township shall be considered as areas designated as Village and Hamlet on the Schedule to this Plan are the Community Improvement Policy Areas of the Township of Rideau Lakes. They include many of the historical settlement areas of the Township.~~

The areas so designated were identified on the basis of the criteria listed in the following section of the Plan.

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

2.7.4 The Community Improvement Policy Areas were designated on the basis of an evaluation of available municipal services and community facilities using the criteria which follow. The designated areas require improvements with respect to some or all of the following matters:

2.7.4.1 The availability and/or adequacy of municipal services, including storm drainage, sanitary sewage, water services, roads and lighting;

2.7.4.2 The availability and/or adequacy of parks and recreation facilities within individual villages and hamlets and for the Township as a whole;

2.7.4.3 Compatibility of neighbouring land uses;

2.7.4.4 Physical amenities, including buffering between incompatible land uses and streetscaping elements within villages and hamlets;

2.7.4.5 The condition of the existing building stock.

2.7.5 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:

2.7.5.1 The level of deterioration of municipal infrastructure;

2.7.5.2 The function of the village or hamlet to the Township in terms of serving local shopping, employment and social and cultural needs;

2.7.5.3 The existing or potential significance of the village or hamlet area in relation to serving tourism-based economic development objectives.

2.7.6 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:

- 2.7.6.1 Preparation and adoption of community improvement plans;
- 2.7.6.2 Designation of community improvement project areas by by-law;
- 2.7.6.3 Application to the appropriate government agencies for funds to support the Township's programs;
- 2.7.6.4 Municipal acquisition of land within the community improvement project area(s) and the clearing, grading or preparing of the land for community improvement;
- 2.7.6.5 Enforcement of by-laws dealing with property maintenance and enforcing the Township's policies for property maintenance and occupancy;
- 2.7.6.6 Preparation and adoption of an appropriate comprehensive Zoning By-law;
- 2.7.6.7 Encouraging private sector rehabilitation by providing residents and the business community with information on available government subsidies and programs;
- 2.7.6.8 Entering into public-private partnerships in order to realize the development of community improvement initiatives; and
- 2.7.6.9 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 village and hamlet areas.

2.8 ACCESSORY USES

2.8.1 General

Wherever a use is permitted in a land use designation, it is intended that uses, buildings or structures normally incidental, accessory or essential to that use shall also be permitted.

Certain structures, such as docks, boathouses and other marine structures

are only permitted subject to permit requirements of approval authorities such as Parks Canada, the Ministry of Natural Resources and the relevant Conservation Authority. Such accessory structures shall be designed and located in a manner which addresses the provisions of the **Environmentally-Sensitive Development** section of this Plan, as well as matters such as non-interference with navigation, fish and wildlife habitat, the natural flow of the water, potential damage from water levels and ice, narrow water body constraints, access from land and water and privacy impacts associated with projecting property lines into the water. Where structures extend beyond the high water mark so that they are located partly or entirely in the beds of water bodies, they shall be constructed and maintained in accordance with the regulations and conditions of the Federal or Provincial authority having jurisdiction.

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

Where a non-residential use is permitted as a principal use by the implementing Zoning By-law, permitted accessory uses may include a dwelling which is accessory to such non-residential use.

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

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

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

2.8.3 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 support 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 zone in which the dwelling is located, pursuant to the implementing Zoning By-law. A bed and breakfast use shall not be permitted in an accessory single-detached dwelling.

2.9 SPECIAL RESIDENTIAL USES

2.9.1 Garden Suites

Garden suites are single dwellings that are designed to be portable in nature and ancillary to a principal residential dwelling as defined in Section 39 of the *Planning Act*. Garden suites are intended as housing for those who are generally capable of living independently but who, by virtue of their age or a disability require the support of others to live on their own.

~~This Plan shall allow the establishment of a garden suite on any lot upon which a single detached dwelling is a permitted use, subject to the adoption of a site specific temporary use Zoning By law amendment in accordance with the relevant provisions of the *Planning Act*. In considering a request for a Zoning By law amendment, the Township shall consider whether or not the increased intensity of use that would result from the garden suite can be adequately addressed in the proposal. In this regard, the applicant shall be required to demonstrate that the garden suite can be sited in accordance with applicable zoning standards, that sewage and~~

~~water services will be adequate and that there will be no unacceptable impacts on adjacent land uses.~~

~~It is the intent of this Plan that a garden suite shall be removed from a lot at such time as it is no longer required to accommodate the occupant for whom it was originally erected.~~

- 2.9.1.1 This Plan shall allow the establishment of a garden suite on any lot upon which a single dwelling is a permitted use pursuant to the Zoning By-law that implements the Plan. Zoning to accommodate garden suites may be established through the following means:
 - 2.9.1.1.1 The establishment of a garden suite as an as-of-right permitted use in certain zones of the Township's Comprehensive Zoning By-law; and/or
 - 2.9.1.1.2 An amendment to the Township's Zoning By-law to allow a garden suite on a site-specific basis in response to a zoning by-law amendment application.
- 2.9.1.2 In zoning for garden suites, the Township shall give consideration to appropriate planning criteria, such as:
 - 2.9.1.2.1 The compatibility of a garden suite with other permitted uses of the zone in which it is to be located;
 - 2.9.1.2.2 Land use compatibility with existing uses in the area;
 - 2.9.1.2.3 The suitability of the lot, having regard to its size, shape and other relevant characteristics;
 - 2.9.1.2.4 The ability of the garden suite to meet zone requirements for such matters as lot coverage, required yards, parking, etc.
- 2.9.1.3 The Township may utilize the site plan control process to control development details such as the siting of buildings, structures, sewage and water services, facilities and amenities associated with a garden suite.
- 2.9.1.4 Zoning for a garden suite shall be conditional upon the owner of the land entering into an agreement with the Township dealing with such matters related to the temporary

use of the garden suite as considered necessary and advisable, including:

2.9.1.4.1 The installation, maintenance and removal of the garden suite;

2.9.1.4.2 The period of occupancy of the garden suite by any of the persons names in the agreement; and

2.9.1.4.3 The monetary or other form of security that the Township may require for actual or potential costs to the Township related to the garden suite.

2.9.1.5 It is the intent of this Plan that a garden suite shall be removed from a lot at such time as it is no longer required to accommodate the occupant for which it was originally erected.

2.9.2 Group Homes

A group home is defined as a single housekeeping unit in a residential dwelling in which three to ten residents, excluding the 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.

2.9.2.1 Group homes shall be permitted in single-detached dwellings in any designation in which a single-detached dwelling is permitted.

2.9.2.2 No person shall operate, or permit to operate, a group home without registering the group home with the Township Clerk in accordance with the requirements of the Township's Group Home Registration By-law, if any.

2.9.2.3 In order to prevent an undue concentration of group homes in the Township, standards requiring a minimum distance separation between group homes; and limitations on the total number of group homes permitted within the Township, 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.

- 2.9.2.4 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.

2.10 PUBLIC AND INSTITUTIONAL USES

2.10.1 Except as provided elsewhere in this Plan, public utilities and other public, community, institutional or quasi-institutional uses which provide services such as education, government, hospitals, protection to persons or property, electricity, roads, airports, railways, wired and wireless telephone, gas, cable, but excluding waste disposal, to the general public shall be permitted in all land use designations on the Schedules provided that:

- 2.10.1.1 Such use is necessary in the area, that it can be made compatible with its surroundings, and that adequate measures are taken to ensure that proposed sensitive land uses such as residences, day care centres and educational and health facilities satisfy the policies of the **Land Use Compatibility** section of this Plan;
- 2.10.1.2 Such use shall not be permitted within the significant portions of the habitat of endangered or threatened species;
- 2.10.1.3 Such use shall not be permitted within the Agricultural designation except where there is a demonstrated need for additional land to be designated to accommodate the proposed use and no reasonable alternative location either outside the designation or within the designation but on land having a lower Canada Land Inventory soil capability rating;
- 2.10.1.4 The construction of permanent buildings and structures shall be prohibited in any areas which are designated Natural Heritage A. The construction of permanent buildings and structures may be permitted within the Natural Heritage B designation subject to the provisions of the **Environmental Impact Assessments** section of this Plan. In the case of the

Natural Hazard designation, the construction of permanent buildings and structures shall only be permitted in consultation with the relevant Conservation Authority;

2.10.1.5 The general intent of the policies of this Plan, as well as its Site Plan Control requirements, shall be satisfied;

2.10.1.6 The requirements of applicable legislation such as the *Environmental Assessment Act* shall be satisfied.

2.10.2 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.

2.10.3 Public and institutional uses shall be encouraged to locate within or near lands designated **Settlement Area** ~~Village and Hamlet~~, except where the characteristics of such uses would clearly be incompatible with surrounding land uses.

2.11 PARKS, TRAILS AND RECREATIONAL FACILITIES

2.11.1 Parks, trails and recreational facilities shall generally be permitted in all land use designations. Where active parks or active recreational facilities are proposed within the Agricultural designation, however, they shall only be permitted if there is a demonstrated need for additional land to be designated to accommodate the proposed use and no reasonable alternative location either outside the designation or within the designation but on land having a lower Canada Land Inventory soil capability rating.

2.11.2 It is the Township's intention to provide park and recreation facilities on a basis consistent with the needs of the Municipality and to cooperate with public, quasi-public and private interests in the provision of parks, trails and recreational facilities.

2.11.3 The Township may request the dedication of parkland or cash-in-lieu thereof as a condition of the approval of planning applications, pursuant to the provisions of the *Planning Act*.

2.11.4 In the development of parks, trails and recreational facilities by the Township or other public agencies, adequate parking areas shall be

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

- 2.11.5 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 Township is highly supportive of initiatives aimed at the improvement and expansion of the Cataraqui Trail (TransCanada Trail) and the Rideau Trail systems, including efforts to provide linkages between trail systems and adjacent villages and hamlets.
- 2.11.6 In reviewing development applications for lands abutting or adjacent to parks, trails and recreational facilities, the approval authority shall have regard to proposed land uses and their physical relationship. The Township shall encourage uses that are complementary and shall attempt to ensure that site layout and design is appropriate to the preservation and enhancement of the park, trail or recreational facility. Parks Canada and the relevant Conservation Authority shall be consulted, as appropriate.

2.12 CROWN AND CONSERVATION LANDS

- 2.12.1 Crown and conservation lands include lands under Federal jurisdiction and managed by Parks Canada, those under Provincial jurisdiction and managed by the Ministry of Natural Resources, and those managed by Conservation Authorities. In addition, some conservation lands are owned or managed by non-profit organizations. Crown and conservation lands are of major importance to the Township for their value as natural and cultural heritage resources, as well as recreational and tourist resources that generate significant economic benefits.
- 2.12.2 Where a change to either the type or intensity of land use on crown or conservation lands is contemplated, Parks Canada, the Ministry of Natural Resources, the relevant Conservation Authority or other organization, as applicable, are encouraged to consult with the Township prior to such change occurring. Similarly, where any consideration to the possibility of disposing of significant holdings of crown or conservation lands is given, consultation with the Township at the outset is expected.
- 2.12.3 Where development or site alteration is proposed adjacent to crown or conservation lands, the Township shall consult with Parks Canada, the Ministry of Natural Resources or the relevant Conservation Authority, as applicable.

2.13 WAYSIDE PITS, WAYSIDE QUARRIES AND PORTABLE ASPHALT PLANTS

2.13.1 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.

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

2.13.3 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

2.14.1 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.

2.14.2 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.

- 2.14.3 Any new use not contemplated by this Plan shall only be permitted through an Official Plan amendment.

2.15 EXISTING LAND USES, BUILDINGS, AND STRUCTURES

There are a number of existing land uses, buildings and structures which no longer conform to, or comply with, the provisions of the Township's Zoning By-law. A **non-conforming use** is recognized as a use which existed prior to the passing of, or amendments to, a zoning by-law which no longer recognizes such a use as being permissible. A **non-complying building or structure** is recognized as having a particular performance standard (e.g. water or yard setback, lot coverage, etc.), which due to the passing of, or amendments to, a zoning by-law, no longer complies with a specific zone provision.

In the Township of Rideau Lakes, there are numerous buildings and structures which are recognized as being non-complying with respect to the required 30 metre water setback. Generally, the Township shall respect the continuation of a non-conforming use while encouraging, through a review of planning and building permit applications, gradual compliance with the specific performance standards of the zoning by-law.

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

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

2.15.1 Changes to Non-Conforming Uses **involving** Extensions or Enlargements

~~Any land use which is non-conforming should cease to exist in the long term. In special instances, however, it may be desirable to permit changes to non-conforming uses or extensions or enlargements of non-conforming uses in order to avoid unnecessary hardship.~~

Applications for changes to non-conforming uses or enlargements or extensions to such uses **require permission from the Township's Committee of Adjustment, as prescribed under the Ontario Planning Act. Proposals of this nature** shall only be considered where the use was: legally-established prior to the adoption of the Zoning By-law which rendered it non-conforming; continuous in nature since the use's establishment; and located on lands owned and used in connection with the use on the day the Zoning By-law was passed. In considering applications **for enlargements or extensions to non-conforming uses**, the following criteria shall be applied:

- 2.15.1.1 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.
- 2.15.1.2 Any proposed extension or enlargement shall be in an appropriate proportion to the existing size of the non-conforming use.
- 2.15.1.3 The characteristics of the proposed non-conforming use or any proposed extension or enlargement of the existing non-conforming use shall be examined with regard to noise, vibration, fumes, smoke, dust, odours, lighting and traffic generation. Applications which would create or aggravate land use incompatibilities shall not be approved.
- 2.15.1.4 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.
- 2.15.1.5 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.
- 2.15.1.6 Adequate provisions have been or will be made for off-

street parking and loading facilities.

- 2.15.1.7 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 **buildings or structures**, that conform to the use provisions of the Zoning By-law implementing this Plan are non-complying with respect to performance standards, the Committee of Adjustment may authorize minor variances from the provisions of the implementing Zoning By-law provided that the general intent and purpose of the Official Plan and Zoning By-law are maintained and that the variances are minor and desirable for the appropriate development of the lands. **Particular regard shall be had for the Township's Waterfront Development Objectives when development proposals affect non-complying buildings or structures situated on waterfront lots.**

2.16 ROAD ACCESS

- 2.16.1 A year-round, publicly-maintained road represents the optimal means of providing access to properties from the perspective of convenience, safety and general welfare of users. The Township views public road access as the preferred form of access to properties and it will normally be required in order for development to proceed.
- 2.16.2 Some isolated non-waterfront uses related to agriculture, forestry, conservation and mineral resource exploitation have historically obtained access by private roads. Agriculture, forestry, mineral resource and conservation uses not having an accessory dwelling or any building or significant structure to which the public has access may continue to be developed on the basis of private road or water access.
- 2.16.3 Notwithstanding the Township's preference for public road access, there is a long-standing, widespread tradition of waterfront development occurring with access by private road. Additionally, some island and remote waterfront properties have been developed on the basis of water access only. A limited amount of future waterfront development in existing waterfront areas is permitted to occur with access by private road or water, subject to the policies set out in this section and, in accordance with the **Private Roads** and **Consent Policies** sections of the Plan:

- 2.16.3.1 Such development shall occur either within, or as an extension to, an existing waterfront area.
- 2.16.3.2 The Township is committed to maintaining its current “best efforts” policy with respect to existing and new waterfront development on private roads. Where access to dwellings is provided by private roads, municipal services such as snow ploughing or road maintenance and improvement are neither available nor the responsibility of the Township. In some cases, other public services such as school bussing and protection to persons/property from services including police, fire and ambulance may be unavailable or limited in nature, due to private road-related physical constraints over which the Township has no control. Constraints such as substandard private road right-of-way or platform width, geometry or alignment issues, steep grades, drainage inadequacies, load limitations, overhanging vegetation, lack of a stable surface treatment or a simple failure by property owners to undertake adequate routine maintenance and snow removal all contribute to a potential inability of the Township to provide various services, despite its best efforts to do so. In short, the Township has no control over private roads and shall not assume any liability where development occurs on private roads.
- 2.16.3.3 Sometimes, the expectations of property owners with respect to such matters as roads and services are directly related to the level of investment in the property and the intensity of use to which properties are put. The Township seeks to do what it can to foster a realistic understanding of the limitations to services and road maintenance and improvement for properties with access by private roads. Where requested, the Township shall provide input to property owners responsible for private roads with respect to accessibility issues and potential areas of road improvement.
- 2.16.3.4 Where waterfront residential dwellings secure their vehicular access by private roads, it is of considerable importance that property owners recognize their individual and collective responsibilities with respect to undertaking adequate maintenance and improvement of such roads. The Township encourages property owners to formalize policies and processes for such activities, and to develop

both ongoing maintenance and long term improvement plans that are consistent with evolving local traffic and dwelling use/occupancy trends. In this way, they may be able to mitigate some of the limitations on services that are typically associated with properties located on private roads.

- 2.16.3.5 The Township shall recognize the limitations to services within waterfront residential areas accessed by water or private roads through the mechanism of an appropriate Residential zone in the Zoning By-law which implements this Plan. Additionally, the Township may employ appropriate municipal agreements which may be registered on title.

2.17 LAND USE COMPATIBILITY

2.17.1 Development Adjacent to Mineral Resource Designations or Operations

- 2.17.1.1 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 establishment, expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact. For this reason, the development of sensitive land uses such as residences, day care centres and educational and health facilities within the influence area of existing pits and quarries and lands that are designated Mineral Resource shall be permitted only if it can be demonstrated that all issues relating to public health, public safety and environmental impacts can be addressed through setbacks or other mitigation measures without precluding the use of, or access to, the mineral resource.

- 2.17.1.2 For policy purposes, influence areas in relation to pits 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 500 metres. The influence area in relation to lands designated Mineral Resource on the basis of mineral aggregate resources is 300 metres or 500 metres,

depending on whether the aggregate is likely to be extracted from a pit or a quarry, respectively. Development which would preclude or hinder the establishment of new operations or access to the resources will only be permitted if:

2.17.1.2.1 Resource use would not be feasible due to qualitative, quantitative or other constraints; or

2.17.1.2.2 The proposed land use or development serves a greater long term public interest; and

2.17.1.2.3 Issues of public health, public safety and environmental impact can be addressed.

Land use compatibility studies shall be required in relation to any proposal to develop lands within the influence area of an existing pit or quarry and lands that are designated Mineral Resource on the basis of mineral aggregate resources.

2.17.2 Development Where Agricultural and Non-Agricultural Uses are Adjacent

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

2.17.2.2 The implementing Zoning Bylaw may include provisions exempting properties from the application of MDSI and MDSII, as applicable, under certain situations such as when rebuilding after non-voluntary building destruction, development within settlement areas, development in proximity to cemeteries, severances of surplus dwellings as a result of farming consolidation, and development on existing lots of record. The Municipality may require that restrictive covenants, site specific zoning amendments, and/or notices be registered on title as a condition of an approval of a planning application, where deemed appropriate.

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

- 2.17.3.1 The approximate locations of all known open and closed waste disposal sites and sewage treatment facilities are identified on the Schedule to this Plan.
- 2.17.3.2 Waste disposal sites, whether open or closed, have the potential to generate impacts on the surrounding area related to such issues as air and water quality, aesthetics, noise and traffic. For policy purposes, the influence area of a waste disposal site is 500 metres. A land use compatibility study shall be required in relation to any proposal to develop new sensitive land uses such as residences, day care centres, educational and health facilities and other uses requiring potable water within the influence area. The study shall be prepared in accordance with the relevant Ministry of the Environment D-series land use compatibility guideline.
- 2.17.3.3 Sewage treatment facilities such as waste stabilization ponds and sewage treatment plants have the potential to generate impacts on the surrounding area related to such issues as air and water quality, aesthetics, noise and traffic. Consequently, separation distances between sewage treatment facilities and new sensitive land uses such as residences, day care centres, educational and health facilities and other uses requiring potable water are normally required. The minimum separation distance for a sewage treatment plant shall be 100 metres, however, this distance may be increased or decreased as a consequence of site-specific investigations and conditions, as well as the application of the relevant Ministry of the Environment D-series land use compatibility guideline. For waste stabilization ponds the recommended separation distance varies from 100 to 400 metres or more, depending upon the type of pond and characteristics of the waste.
- 2.17.3.4 The implementing Zoning By-law shall include provisions to prohibit the establishment of new incompatible uses within the influence area of waste disposal sites or within the recommended separation distance for sewage treatment facilities.

2.17.4 Other Land Use Compatibility Policies

2.17.4.1 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.

2.17.4.2 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 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 shall be undertaken in accordance with the relevant Ministry of the Environment D-series 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

2.18.1.1 Built or cultural heritage resources consist of historic buildings, structures and other human-made features of importance to the Township. The Township's villages, hamlets and lock stations possess many examples of important sites and features. 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 cottaging and shoreline areas. Among other areas, there are numerous narrow water bodies on the Rideau Waterway worthy of particular preservation efforts.

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.

- 2.18.1.2 An important heritage feature that is managed by Parks Canada is the Rideau Canal (~~National Historic Site of Canada~~); **a National Historic Site, Canadian Heritage River, and a UNESCO World Heritage Site**. Also, there is a wider area of land known as the Rideau Canal Corridor that is not under the jurisdiction of Parks Canada. The Rideau Canal Corridor's physical and historical attributes are closely tied to the canal and form a key part of many of the Township's major lakes. The Rideau Canal Management Plan identifies the Township portion of the canal corridor as significant for a range of features. These include the traditional cottage country development exemplified by the Rideau Lakes, the numerous historic villages, hamlets and lock stations such as Chaffey's Lock, several provincially-significant wetlands and areas of natural and scientific interest (ANSIs). 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.
- 2.18.1.3 In reviewing development applications, the Township will consider the relationship of proposed development to the contextual environment of existing buildings and landscapes having cultural heritage interest, having regard to the Environmentally-Sensitive Development and other relevant sections of this Plan. The Ministry of Culture, as well as Parks Canada and the relevant Conservation Authority will be consulted, as appropriate. New development will be planned so as to preserve, complement and enhance cultural heritage resources.
- 2.18.1.4 The Township shall seek the advice of the ~~Local Architectural Conservation Advisory Committee (LACAC)~~ **Municipal Heritage Advisory Committee (MHAC)** to assist and advise Council on cultural heritage resource conservation issues. Council, in consultation with the **MHAC** ~~LACAC~~, may, by by-

law adopted pursuant to the provisions of the Ontario Heritage Act:

- 2.18.1.4.1 Designate properties for the conservation of buildings of historic or architectural value;
- 2.18.1.4.2 Define parts of the Township as areas to be studied for designation as heritage conservation districts;
- 2.18.1.4.3 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.
- 2.18.1.5 Council, in co-operation with the ~~LACAC~~ **MHAC**, 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

2.18.2.1 It is recognized that certain areas of the Township, particularly those adjacent to the many lakes, rivers and watercourses, have the potential to contain significant archaeological resources. These resources may include the remains of buildings, structures, activities, places or cultural features which, due to the passage of time, are on or below the surface of land or water and are significant to the understanding of a people or place. Some of these resources are of particular interest as they may provide an enhanced understanding of the history of First Nations peoples, the early settlement of the Township and the construction of the Rideau Canal. It is a policy of the Plan that any **large-scale** development within 250 metres of a known archaeological site and within 300 metres of a water source will be subject to an evaluation process to the satisfaction of the Ministry of Culture. Such evaluation shall consider design, history, context and integrity among other matters. Where significant archaeological resources are found, the evaluation must contain mitigation measures relating to their preservation or removal.

2.18.2.2 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.

- 2.18.2.3 Pursuant to the relevant provisions of the Planning Act, sites containing significant archaeological resources may be zoned to restrict or prohibit uses, buildings or structures which might conflict with the preservation of such resources.
- 2.18.2.4 When an identified marked or unmarked cemetery is affected by development, the Township shall ensure that adequate archaeological site assessment is undertaken, in consultation with the Ministry of Culture and the Ministry of Consumer and Business Services. The provisions of the Cemeteries Act and Heritage Act shall apply, as appropriate.
- 2.18.2.5 Pursuant to the provisions of a municipal-provincial data sharing agreement, the Township shall update municipal mapping for new archaeological sites as they are identified through land development and on the Provincial archaeological sites database.

2.19 NATURAL HAZARD FEATURES

2.19.1 Flood Plains and Lands Within Fill Lines

- 2.19.1.1 The areas within existing mapped 1:100 year flood lines are designated as Natural Hazard on the Schedules and are subject to the policies of the associated Natural Hazard section of this Plan.
- 2.19.1.2 Lands situated between 1:100 year flood lines and the limits of fill lines and lands adjacent to flooded lands shown on the Schedules are subject to the **Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation** ~~Fill, Construction and Alteration to Waterways Regulations~~ administered by the relevant Conservation Authorities. While these 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

Authority in accordance with its **Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation**, ~~Fill, Construction and Alteration to Waterways Regulations~~, as well as the approval of Parks Canada and the Ministry of Natural Resources, where applicable.

- 2.19.1.3 Notwithstanding the foregoing, institutional uses, essential emergency services and the disposal, manufacture, treatment or storage of hazardous substances shall not be permitted on lands located within the limits of the fill line.
- 2.19.1.4 It is recognized that while 1:100 year flood line mapping for the Township is limited, maximum recorded water elevations for lakes along the Rideau Canal have been recorded by Parks Canada. These elevations provide an indicator of potential flood risk. Accordingly, the approval authority shall circulate planning applications for all waterfront development to the relevant Conservation Authority in order to ensure that proposed lots and development are not subject to significant flood risk.

2.19.2 Organic Soils

- 2.19.2.1 Where lands that are the subject of development proposals have been identified as potentially possessing organic soils as shown on the Schedules, the approval authority may request sufficient soils and geotechnical engineering information to indicate that the lands are either suitable or can be made suitable for development.
- 2.19.2.2 Notwithstanding the foregoing, institutional uses, essential emergency services and the disposal, manufacture, treatment or storage of hazardous substances shall not be permitted on lands with organic soils unless it can be demonstrated that the constraint can be overcome such that no potential hazard exists.

2.19.3 Steep Slopes

- 2.19.3.1 While lands characterized by steep slopes can pose risks to persons and property as a result of potential slope instability or erosion, in Rideau Lakes steep slopes are generally more associated with concerns related to the protection of

matters addressed in the Natural Heritage Features and Surface Water Quality and Quantity sections of this Plan. Development on steep slopes can have significant negative impacts on features such as fish and wildlife habitat, soils and vegetation, surface water quantity and quality, wetlands and ANSs. In addition, development on steep slopes is sometimes associated with the degradation of scenic vistas and other resources discussed in the Cultural Heritage Resources and Environmentally-Sensitive Development sections of the Plan.

2.19.3.2 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 having a slope equal to or greater than 30% or within 10 metres of the top of such slope shall require the submission of a geotechnical report to ensure that the property is suitable for development. Such report shall be to the satisfaction of the approval authority and the relevant Conservation Authority.

2.19.3.3 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

2.20.1.1 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:

2.20.1.1.1 A Record of Site Condition signed by a certified engineer and acknowledged by the Ministry of

the Environment is received; and

2.20.1.1.2 If necessary, a site clean-up plan is designed and the site is cleaned up in accordance with applicable Ministry of the Environment decommissioning guidelines.

2.20.1.2 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.

2.20.1.3 Where a development is proposed to change the land use designation or zoning from Industrial to Residential, a Phase 1 and 2 Environmental Site Assessment shall be required.

2.20.2 Abandoned Mines and Mineral Resource Operations

2.20.2.1 There are a number of abandoned mines and mineral resource operations in the Township and known locations are identified on the Schedules. The greatest concentration of such sites is in North Crosby and South Burgess Wards, although some sites exist in other parts of the Township. 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.

2.20.2.2 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 are recognized as having significant environmental and social values that help define the natural landscape of a particular area. These 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. **The Township recognizes the importance of protecting these important natural heritage features while continuing to support the development interests of private landowners.**

Natural Heritage ~~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 and National significance. In addition, Parks Canada has worked towards the protection and conservation of the natural heritage and ecological value of the Rideau Canal Corridor with planning direction detailed in its 2005 Rideau Canal Management Plan. In the Rideau Canal Management Plan, Parks Canada has identified a particular interest in natural heritage features and the conservation of the ecological values of the Rideau Canal Corridor.~~

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. **The Township will work with various agencies, Ministries, stakeholder groups and other parties to ensure natural heritage features are identified, protected and enhanced whenever possible.**

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 **However, proposed** new or expanded **ing** 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.

2.21.1 Wetlands and Adjacent Lands

As set out in the Ontario Ministry of Natural Resources' 2010 Natural Heritage Reference Manual, wetlands are habitats that form the interface between aquatic and terrestrial environments. They are commonly identified as lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the ground surface. The permanency of water in identified wetlands causes the formation of hydric soils which lead to the dominance of water tolerant plants. Identifying and protecting wetlands helps contribute to the conservation of habitat for plant and animal species as well as the

protection of surface water and ground water resources. The four major types of wetlands are swamps, marshes, bogs and fens.

- 2.21.1.1 Provincially-significant wetlands have been designated as Natural Heritage A on the Schedules and are subject to the policies of the associated **Natural Heritage A** section of this Plan, which effectively prohibits development and site alteration within the designation.
- 2.21.1.2 Locally-significant wetlands have been designated as Natural Heritage B on the Schedules and are subject to the policies of the associated **Natural Heritage B** section of this Plan.
- 2.21.1.3 Where land designated Natural Heritage A is under private ownership, it is not implied that the land is open to the general public or that it will be acquired by any public agency. Donations of such land to registered conservation charities or agencies will be encouraged.
- 2.21.1.4 Development and site alteration such as filling, grading and excavating on lands adjacent to the Natural Heritage A and Natural Heritage B designations may be permitted in accordance with the land use designation applying to the adjacent lands as shown on the Schedules, subject to demonstrating that there will be no negative impacts on the wetland's natural features or their ecological functions. An environmental impact assessment will be required in accordance with the requirements of the **Environmental Impact Assessments** section of this Plan.
- 2.21.1.5 For the purposes of determining adjacent lands, they shall be those lands lying within 120 metres of any provincially-significant wetland and within 50 metres of any locally-significant wetland. For lands located within a Settlement Designation, only lands directly abutting the wetland feature shall be considered to be adjacent lands.

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

An area of natural and scientific interest (ANSI) is an area of land and water containing natural landscapes or features that have been identified as having life science or earth science values. Life science ANSIs are representative of Ontario's biodiversity and natural landscapes. They

provide the most significant and best examples of natural heritage features which can be used in the pursuit of scientific study or education. Earth science ANSs consist of distinct and unique examples of bedrock, fossil and other geological landforms. They too provide great opportunities for academic research and public awareness building.

- 2.21.2.1 Provincially-significant areas of natural and scientific interest (ANSs) have been designated as Natural Heritage B on the Schedules and are subject to the policies of the associated **Natural Heritage B** section of this Plan.
- 2.21.2.2 Development and site alteration such as filling, grading and excavating on lands within or adjacent to the Natural Heritage B designation may be permitted in accordance with the land use designation applying to the adjacent lands as shown on the Schedules, subject to demonstrating that there will be no negative impacts on the ANS' 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.
- 2.21.2.3 For the purposes of determining adjacent lands, they shall be those lands lying within 50 metres of any provincially-significant ANS.

2.21.3 Fish Habitat and Adjacent Lands

- 2.21.3.1 Most of the Township lakes, rivers, streams, ponds, watercourses and wetlands that provide fish habitat have been identified by the Ministry of Natural Resources. This fish habitat is, however, too extensive to identify on the Schedules. Consequently, all applications for development or site alteration such as filling, grading and excavating adjacent to any water body ~~will~~ **may** be screened by the approval authority for the presence of fish habitat. Where such fish habitat is identified, no significant 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 **on the fish habitat feature**. Negative impacts include the harmful alteration, disruption or destruction of fish habitat, except where authorized under the Fisheries Act, using the guiding principle of no net loss of productive capacity. An environmental impact assessment

will be required in accordance with the requirements of the **Environmental Impact Assessments** section of this Plan.

2.21.3.2 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.

2.21.3.3 It is recognized that storm water management and drainage measures, although frequently located some distance from fish habitat, have significant potential to affect such features. When evaluating storm water and drainage activities, consideration shall be given to potential impacts upon fish habitat.

2.21.4 Wildlife Habitat and Adjacent Lands

Wildlife habitat includes areas where flora and fauna live and the latter find food, shelter and physical space sufficient to sustain their population, particularly at times during their annual life cycle when they may be more vulnerable. 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 and education, hunting and trapping. Human activities such as clearing of wooded areas, drainage works, filling, forestry operations, introduction of non-native species and road construction are examples of activities that can have a **potentially** detrimental effect on wildlife habitat.

2.21.4.1 Winter deer habitat is one indicator that is frequently used by the Ministry of Natural Resources as a guide to areas of significant wildlife habitat. Unfortunately, mapping for significant wildlife habitat is not currently available and, therefore, habitat is not shown on the Schedules to the Plan. As mapping or other information from various public or private sources becomes available with respect to winter deer habitat or other significant wildlife habitat, this Plan shall be amended to identify it on the Schedules. Until such information is incorporated into the Plan, the Township shall rely on the best available data at hand to screen planning applications for the presence of potentially significant wildlife habitat.

- 2.21.4.2 In view of the limitations with respect to information availability concerning significant wildlife habitat, as well as the generally acknowledged strong ecological linkages between wetland areas and wildlife habitat, this Plan assumes that all wetlands constitute significant wildlife habitat. Furthermore, the Township has, in consultation with the Ministry of Natural Resources, identified significant woodlands which are similarly being protected in support of provincial initiatives and the overarching goal of protecting wildlife habitat. Accordingly, the Plan includes robust policy protection for all evaluated wetlands and designated woodlands. Policies included in this regard include a general prohibition of development within any provincially-significant wetland, significant woodland and permitting development within any locally-significant wetland only if it can be demonstrated that no negative impacts will result through an environmental impact assessment completed in accordance with the requirements of the **Environmental Impact Assessments** section of this Plan.
- 2.21.4.3 The Township seeks to preserve the function of significant wildlife habitat without unduly restricting development. Accordingly, prior to permitting any development or site alteration such as filling, grading and excavating within a potentially significant wildlife habitat area or adjacent lands within 50 metres where there is a reasonable potential for negative impacts upon the natural features or ecological functions of the habitat area, the approval authority shall require an environmental impact assessment demonstrating that no negative impacts will result. Without limiting the generality of the foregoing, the preparation of an environmental impact assessment shall be a prerequisite to the consideration of any development comprising more than three 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.
- 2.21.4.4 The identification and evaluation of significant wildlife habitat shall be based on documented evidence of the use of a particular habitat. Policies targeting the Township's wetlands, woodlands, ANSIs and other natural heritage features set out a basis from which wildlife habitat resources

may be protected. The Ministry of Natural Resource's Significant Wildlife Habitat Technical Guide (2000) provides valuable direction with respect to the identification, description and prioritisation of significant wildlife habitat.

2.21.5 Endangered and Threatened Species Habitat and Adjacent Lands

The protection of endangered or threatened species, and their habitats, is necessary to prevent against biodiversity loss while strengthening the integrity of aquatic and terrestrial ecosystems. Ontario's Endangered Species Act (ESA) sets out the regulations under which Species at Risk are to be protected. The Act prohibits killing, harming, harassing, capturing, possessing, transporting, collecting, buying, selling, trading, leasing or transporting species that are listed as threatened, endangered or extirpated. The Ministry of Natural Resource's Species at Risk in Ontario (SARO) list provides information about the status of species protected under the ESA. The Township is committed to working with the Ministry to ensure endangered and threatened species, and their associated habitats, are protected.

~~At the time of the preparation of this Plan, both loggerhead shrike and black rat snake have been identified as endangered and threatened species, respectively, that are present in the Township.~~ As of January, 2009, the Township had twelve species that were identified by the MNR as being either endangered or threatened; approximately 16 additional species were recognized as being of Special Concern or Provincially-Tracked Rare Species. The nature of species protection entails gradual changes to the list of plants and animals recognized as endangered or threatened. The Township will continue to monitor data presented on the Natural Heritage Information Centre (NHIC) website and the SARO list to ensure endangered and threatened species are continually identified and subsequently protected within the municipality. Continued dialogue with the MNR will also be pursued to this end.

2.21.5.1 The Township policy with respect to these and other endangered or threatened species that may be identified by the Ministry of Natural Resources is as follows:

2.21.5.1.1 Endangered and threatened species habitat shall not be identified on the Schedule to this Plan in order to protect the species.

2.21.5.1.2 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 species-specific, case-by-case basis. Development may be permitted on adjacent lands within 50 metres of the significant habitat, subject to the completion of an environmental impact assessment to the satisfaction of the approval authority which identifies that there will not be any negative impact on the habitat. The assessment required pursuant to this policy will be completed in accordance with the requirements of the **Environmental Impact Assessments** section of this Plan.

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

2.21.6 Woodlands and Adjacent Lands

Woodlands are recognized as a treed area that provide environmental and economic benefits to both the private landowner and the general public. The protection and enhancement of woodlands and adjacent lands can help to prevent erosion, facilitate hydrological and nutrient cycling, protect plant and animal habitat, and provide for the filtration of air and the long-term storage of carbon. The Township's designated *significant woodlands* have been assessed on the basis of screening criteria established by the Ontario Ministry of Natural Resources. Local woodlands that have been designated as "significant" are recognized as having 1) ecological and functional importance; 2) overall uniqueness; and 3) economic and social value. Rideau Lakes is a community that possesses extensive, large, and contiguous woodland areas, the vast bulk of which are located within the Canadian Shield in the west and north portions of the Township. Efforts shall be made to protect and enhance designated woodlands while continuing to facilitate the interests of private landowners.

- ~~1. Rideau Lakes possesses extensive, large, contiguous woodland areas, the vast bulk of which are located within the Canadian~~

~~Shield in the west and north portions of the Township. These areas provide many environmental and economic benefits. Ecological functions include contributions — Retaining the Township's woodlands can help to improve water quality and quantity by decreasing storm water runoff, soil erosion, flooding, and also by removing nutrients, sediments and toxins. Woodlands also provide important habitat that is essential to the survival of many species of wildlife, including certain endangered or threatened species, as well as contributing to improved fish habitat. Finally, woodland areas contribute to the forest covered character of much of the Township and its appeal as a recreation and tourist destination.~~

- ~~2. — Given the overall extent of large woodland areas in Rideau Lakes, the fact that the bulk of these areas are located within the Canadian Shield and the lack of information with respect to which woodlands may be provincially significant by virtue of factors such as their large size, ecological importance, uniqueness or economic or social value, no significant woodland areas have been identified on the Schedules to this Plan. Accordingly, for portions of the Township lying to the east of the Canadian Shield, prior to permitting development or site alteration such as filling, grading and excavating within a woodland area or adjacent lands within 50 metres where there is a reasonable potential for negative impacts upon the natural features or ecological functions of the 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 comprising more than three lots in or adjacent to potentially significant woodland areas. The assessment required pursuant to this policy will be completed in accordance with the requirements of the **Environmental Impact Assessments** section of this Plan.~~

2.21.6.1 Significant Woodlands have been designated as Natural Heritage B on the Schedules and are subject to the policies of the associated **Natural Heritage B** section of this Plan.

2.21.6.2 The Township has, in consultation with the Ministry of Natural Resources, identified significant woodlands as defined under the Provincial Policy Statement. It shall be a primary objective of the Township to protect significant woodlands from development

and site alteration which could negatively impact the woodland's natural features or ecological functions. In the portion of the Township which is not situated on the Canadian Shield, any development or site alteration proposed within a designated significant woodland, or within lands adjacent to woodland areas (i.e. lands within 50 metres of a designated woodland), shall be preceded by the submission of an environmental impact assessment completed in accordance with the requirements of the **Environmental Impact Assessments** section of this Plan. Proposals associated with the construction of a new dwelling or small-scaled commercial projects on an existing lot of record may be exempted from the required submission of an environmental impact assessment if deemed appropriate by the Township. Such a determination will be made through consultations with the relevant Conservation Authority and the Ministry of Natural Resources.

- ~~3. As information from various public or private sources becomes available with respect to provincially significant woodlands to the east of the Canadian Shield, this Plan shall be amended to identify them on the Schedules. In the interim, the Township shall use the best available information for the purposes of screening for potentially significant woodland areas.~~

2.21.7 Environmental Impact Assessments

2.21.7.1 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.

2.21.7.2 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.

2.21.7.3 An environmental impact study shall:

2.21.7.3.1 Define the nature and the boundaries of any significant features, ecological functions, and values on, or adjacent to the site.

2.21.7.3.2 Describe and map the proposed development activities, including building location, excavation, site grading, landscaping, drainage works, roadway construction, paving, sewage and water servicing in relation to the various environmental considerations.

2.21.7.3.3 Predict the effects of the proposed development on the various components of the environment on and adjacent to the site, such as wildlife, fish, vegetation, soil, surface water, ground water, air and any other relevant factors, taking into consideration effects during and after site alteration.

2.21.7.3.4 Evaluate the significance of all predicted negative and positive effects on the various environmental considerations.

2.21.7.3.5 Itemize and recommend all measures that can be taken to reduce or mitigate the predicted negative impacts.

2.21.7.3.6 Evaluate the cumulative effect that the project (and any other known projects or activities) may have following implementation of any mitigation measures on the natural features and ecological functions identified for protection.

2.21.7.3.7 Conclude with a professional opinion on whether negative effects on the natural features and ecological functions will occur, the significance of such impacts, and whether ongoing monitoring is required.

2.21.7.4 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.

2.21.7.5 In reviewing environmental impact assessment submissions, the approval authority will consult with independent professionals and other bodies such as the relevant Conservation Authority, as required.

2.21.7.6 The Township may develop *Environmental Impact Assessment Guidelines* to recognize those inherent discrepancies in development proposals which may warrant alternative degrees of environmental impact assessment (e.g. context, scale, natural heritage feature, etc.).

2.22 GROUND WATER SUPPLY, SEWAGE DISPOSAL AND OTHER SERVICES

2.22.1 Ground Water Supply and Sewage Disposal

2.22.1.1 Except in relation to specific developments on the periphery of the Town of Smiths Falls, 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. Communal water and sewage servicing options are potentially of some interest to the Township, as they would accommodate certain more intense forms of development that place heavier demands on sewage and water services, such as residential projects consisting of more than five units or lots served by common sewage and/or water systems. It is recognized, however, that current technologies and implications for municipal responsibility for communal systems resulting from Provincial policy requirements render this servicing option problematic for both land owners and the Municipality. As a consequence, it is anticipated that most new development will continue to occur on the basis of private on-site water supply and sewage disposal services in accordance with the requirements of the approval authority having jurisdiction. In addition, a small quantity of residential development consisting of commonly-served projects of five or less residential units or lots may be permitted. Finally, the Township may consider the approval of residential development proposals of more than five residential units or lots served with communal services, subject to the proponent fully satisfying all financial, technical and other requirements of the Township and other relevant approval authorities. These requirements shall include a responsibility

agreement with the Township or other public body, as well as financial security to ensure that all capital and operational costs associated with the communal services will not create a financial burden for the Township in the event of default by the owner-operator of the services.

- 2.22.1.2 The protection of ground water quality and quantity is of major interest to the Township, given the importance of ground water source potable water to permanent residential development, as well as all commercial and industrial uses and institutions. The United Counties of Leeds and Grenville has recently completed the *a Groundwater Management Study* to assess existing ground water conditions and recommend management and protection practices to maintain the quantity and quality of the ground water resource in order to protect it as a safe supply of potable water for current and future generations. The study identified a significant ground water/surface water relationship in the Township in that lakes may act as a regional recharge to bedrock aquifers. This relationship underscores the importance of implementing policies relating to the protection of surface water quality.
- 2.22.1.3 The determination of site suitability for proposed sewage disposal systems and the environmental sustainability of development (i.e. long term protection of ground water) are important considerations in development. 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. Where requested by the Township, such investigations, analyses and reports may be required in relation to small-scale development proposals involving a single lot, as well as larger scale development proposals such as plans of subdivision.
- 2.22.1.4 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.
- 2.22.1.5 The Township will encourage the regular maintenance of sewage disposal systems and the upgrading or replacement of

substandard systems. Where the upgrading or replacement of an existing system cannot reasonably be undertaken in compliance with the policies of this Plan with respect to water setbacks due to site-specific constraints, such sewage system improvements may be permitted with reduced setbacks, subject to meeting the requirements of the Building Code Act.

- 2.22.1.6 The Township will monitor the development of alternative sewage system technologies. Individual treatment systems designed to improve effluent quality, as well as small communal systems, may have significant implications for retrofit situations on existing single lots and more intense cluster development forms, respectively. The Township will review its servicing and development policies as required to accommodate new technologies and development forms.

2.22.2 Other Services

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

2.23 SURFACE WATER QUALITY AND QUANTITY

2.23.1 Development Adjacent to Water Bodies

- 2.23.1.1 In addition to the policies of the **Fish Habitat and Adjacent Lands** section of this Plan, which are aimed at protecting fish habitat, the Township has a direct concern with the issue of surface water quality impacts related to water-oriented development, whether located directly on the waterfront of the Township's lakes and rivers, or adjacent to these water bodies. Further, it is recognized that there is a relationship between surface water and ground water quality.

- 2.23.1.2 Over the years, various research has been undertaken with respect to the issue of surface 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 are detailed in the **Waterfront Development Policies** section of this Plan.

2.23.2 Storm Water Management

- 2.23.2.1 Storm water management is an important part of the Township's broader interest in protecting water quality. Due to the fact that development affects the quality and quantity of storm run-off, the Township will ensure that adequate consideration is given to storm water management, including off-site impacts.
- 2.23.2.2 The Rideau Valley Conservation Authority has recently produced a plan for the Tay River watershed which documents the condition of the watershed and pinpoints areas requiring further attention. It is expected that similar plans will be prepared for other area watersheds and sub-watersheds and the Township supports this work. The Township will have regard to the Tay River Watershed Plan and any future watershed plans that may be prepared, as well as relevant guidelines of the Ministry of the Environment, in establishing and revising storm water design criteria and standards.
- 2.23.2.3 Prior to recommending plans of subdivision for draft approval, the Township may request that storm water concept plans be prepared for review by the 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.
- 2.23.2.4 Prior to final approval of plans of subdivision, detailed storm water design plans will be required. Such plans will be prepared in accordance with the requirements of the 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.

2.23.2.5 The Township will evaluate site plans according to an approved storm water design plan, or where no such plan exists, may request the following:

2.23.2.5.1 A design for the provision of storm water drainage facilities;

2.23.2.5.2 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

2.23.2.5.3 Measures for mitigating any adverse impacts if such are likely to result from the proposed development.

2.23.2.6 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.

2.24 ALTERNATIVE AND RENEWABLE ENERGY SYSTEMS

2.24.1 General

The Township recognizes the importance of facilitating efforts to reduce energy consumption through the promotion of alternative and renewable energy systems (e.g. solar, wind, biomass, geothermal, hydroelectric, and cogeneration systems). While alternative and renewable energy systems have been widely-recognized for their potential economic and environmental benefits, regard shall be had for the compatibility of any proposed system with the natural environment and adjacent land uses. The Township shall also consider the appropriateness of any proposed alternative or renewable energy system on the functionality of the technology within a particular site. The policies outlined below establish the framework from which land use planning decisions affecting alternative and renewable energy systems are to be based.

2.24.2 Policies

It is a primary objective of this Plan to ensure the integrity of natural and built environments; including both municipal and county infrastructure, is not negatively affected by the inappropriate establishment of alternative and renewable energy systems. All proposed alternative and renewable energy systems must be established with regard to the provisions of the **Land Use Compatibility** section of this Plan as well as the following:

- 2.24.2.1 In general, the Township shall encourage proposals to construct alternative or renewable energy systems to accommodate current and projected energy needs, where deemed feasible.
- 2.24.2.2 Specific regulations associated with the scale and type of proposed alternative or renewable energy system shall be explicitly set out in the Township's Zoning By-law. Such energy production systems may also be subject to Site Plan Control as provided through amendments to the Township's Site Plan Control By-law.
- 2.24.2.3 Alternative and renewable energy systems shall be permitted in the Township's Settlement Area and on lands designated Rural. On properties with a Rural Official Plan designation, such energy systems shall be constructed in a manner that minimizes their impacts on existing agricultural operations.
- 2.24.2.4 The Township's designated Natural Heritage features (e.g. wetlands, ANSs, endangered & threatened species habitat, and woodlands) shall be protected from the establishment of alternative or renewable energy systems; lands adjacent to specific natural heritage features, as established throughout section 2.24 of this Plan, shall also be protected.
- 2.24.2.5 The Township of Rideau Lakes encompasses a large section of the Rideau Canal Waterway; a designated National Historic Site, a Canadian Heritage River, and a UNESCO World Heritage Site. In recognition of the Canal's cultural and historic significance, alternative or renewable energy systems shall generally be discouraged from locating on properties adjacent to, or in clear view of, the Rideau Canal Waterway. Landscaping (i.e. buffering & screening), the use of available topography and substantial setbacks from the

shoreline of the Rideau Canal shall be used as a means of protecting the aesthetic and natural character of this UNESCO World Heritage Site from inappropriate development of alternative and renewable energy systems.

- 2.24.2.6 The proponent of an alternative or renewable energy system may be required to submit specialized studies or reports as deemed appropriate by the Township and any other commenting/approval agency. Such studies may be peer reviewed, at the expense of the proponent, and to the satisfaction of the Township.
- 2.24.2.7 In reviewing large-scale proposals to construct alternative or renewable energy systems, the Township shall have particular regard for the overall community benefit that may be achieved through an approval of the proposal.
- 2.24.2.8 It is the intention of the Township to review all applications for renewable energy projects to ensure there are no negative impacts on municipal or county infrastructure; specifically the local road network. Project proponents shall be required to provide financial securities for damage to municipal infrastructure during and after construction. Development of renewable energy projects shall not take place where municipal infrastructure is not adequate to meet the servicing and construction schedule requirements of the development.

2.25 SUSTAINABLE DEVELOPMENT POLICIES

The Township of Rideau Lakes recognizes the importance of meeting the needs of its existing residents/visitors without compromising the ability of future generations to meet their own needs. The following policies shall be considered when reviewing development proposals within the Township:

- 2.25.1 Local decisions shall be made with regard to the over-arching sustainability objectives of the County of Leeds and Grenville, the Province of Ontario, and the Nation. In particular, planning decisions shall take into account the policies and objectives of the County's Integrated Community Sustainability Plan (ICSP) and any plans or specialized studies that promote sustainability initiatives in the Rideau Lakes area.
- 2.25.2 In general, the Township shall encourage a coordinated approach to

sustainable development by working with local agencies, boards and other stakeholders to ensure the objectives of this Plan reflect the municipality's social, cultural, environmental, and economic objectives.

- 2.25.3 In reviewing proposals that affect the use of land, efforts shall be made to incorporate sustainable development practices where possible. Proponents of development shall be encouraged to consider, amongst other factors, how the following may be incorporated into the project: greater energy efficiency; renewable/passive energy systems; improved water conservation; environmentally-sensitive development practices; storm-water management, water pollution prevention, high-efficiency wastewater treatment; alternative transportation networks; resource conservation and natural heritage protection. In considering such factors, regard shall be had for the associated policy sections described in this Plan.
- 2.25.4 The Township shall strive to incorporate environmentally sustainable infrastructure into projects related to investments in: solid waste management, local roads and bridges, potable water resources, green energy, public transit and wastewater infrastructure, as appropriate.
- 2.25.5 Finally, the Township shall continue to monitor and incorporate sustainable development practices to ensure the natural, aesthetic, and historic beauty of the region is protected both now and into the future.

SECTION 3 LAND USE POLICIES

3.1 INTRODUCTION

The Township of Rideau Lakes shall be developed in accordance with the land use pattern shown on the Land Use and Roads Plans, attached as Schedules A1, A2, A3, A4 and A5 to this Plan. The Schedules establish the pattern of development in very general terms by dividing the Township into ~~seven~~ **eight** land use designations:

Agriculture
Mineral Resource
Natural Heritage A
Natural Heritage B
Natural Hazard
Rural
~~Village and Hamlet~~
Settlement Area

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

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

3.2 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 long-term agricultural uses. While the Township has not, as of the time of passing the revised 2011 Official Plan, designated any specialty crop areas, such areas may be designated within the Agriculture zone and accordingly given the highest priority for protection.

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 or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures.

In addition, small-scale 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 shall be secondary to the farm operation and may include: typically include a farm implement dealer, home occupations, home industries, a feed mill or seed cleaning plant, an agricultural produce warehouse, an abattoir or similar agri-business, or any other use that produces value-added agricultural products from the farm operation on the property. Such uses shall also include agriculture-related tourist commercial uses and agri-tourism uses. Proposed secondary uses and agriculture-related uses shall be compatible with, and shall not hinder, surrounding agricultural operations. The Township shall limit the scale of such uses through the application of municipal planning documents and Provincial guidelines.

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

3.2.3.1 All new farm and non-farm development shall comply with the Ontario Ministry of Agricultural, Food, and Rural Affairs' (OMAFRA) Minimum Distance Separation I (MDSI) and Minimum Distance Separation II (MDSII) formulae, as may be amended from time to time, as applicable.

3.2.3.2 The Township encourages the preparation and practice of

nutrient management planning and best management practices by all nutrient generators and users. “Normal farm practices”, as defined in the *Farming and Food Production Protection Act, 1998*, shall be conducted in accordance with the applicable provisions of the *Nutrient Management Act, 2002*.

- 3.2.3.3 In evaluating an amendment to the Official Plan to change the designation from Agriculture to another designation, the Township shall be satisfied that there is a demonstrated need for the proposed use for which the amendment is sought 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. In the case of proposed expansions of rural settlement areas such as ~~villages and hamlets~~ onto lands designated Agriculture, it must also be demonstrated that the Township does not have sufficient lands already designated ~~Settlement Area Village and Hamlet~~ to accommodate projected growth.
- 3.2.3.4 ~~The extraction of minerals and petroleum resources shall be permitted on lands designated Agriculture provided that the site is rehabilitated upon completion of the extraction activities. Mineral aggregate resources may also be extracted from lands designated Agriculture as an interim use provided that the extraction site is rehabilitated so that the affected areas and soil quality for agricultural use are restored.~~
- 3.2.3.5 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.
- 3.2.3.6 Lot creation within the Agriculture designation shall generally be discouraged. In addition to the policies of this Plan relating to **Land Division**, lot creation in the Agriculture

designation shall be subject to the following provisions:

3.2.3.6.1 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 agricultural operation.

3.2.3.6.2 A situation where a new lot is required for an agriculture-related use (i.e. small-scale farm-related commercial or industrial use directly related to, and in close proximity to, the farm operation); provided that the proposed new lot is limited to a minimum size needed to accommodate the use and appropriate sewage and water services.

3.2.3.6.3 New lots for residential uses shall be permitted in the following circumstances:

~~A full-time farmer of retirement age who is retiring from active working life, was farming on January 1, 1994, who has owned and operated the farming operation for a considerable length of time and who wishes to retain one lot for his personal use upon retirement;~~

3.2.3.6.3.1 A situation where one of two or more dwellings built prior to 1978 is surplus to the farm or where a dwelling has become surplus as a result of a farm consolidation. In such instances, the Township shall ensure that new residential dwellings are prohibited on any vacant remnant parcel of farmland created by the severance.

Such new residential lots shall be limited to the minimum size required to accommodate a dwelling and private sewage and water services and in general shall not be more than 1 hectare in area, except where site-specific factors such as the setback of an existing dwelling from the adjacent public road require the creation of a larger lot. In particular instances, the Township may permit a surplus dwelling to be severed in conjunction with nearby accessory buildings (e.g. barns, storage structures, etc.), when such buildings are also deemed surplus to the primary farming operation, which is to be retained.

~~Residential infilling between two existing non farm dwellings located on lots of similar size on the same side of the road, situated not more than 100 metres apart.~~

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 extraction of mineral and aggregate resources shall be carried out in accordance with the provisions of the *Mining Act*, and the *Aggregate Resources Act*, as well as any other applicable government regulations, guidelines and legislation.**

The most significant aggregate **in the Township of Rideau Lakes** is granite, while the most significant mineral is graphite. Good sources of sand and gravel are scarce. 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 natural heritage features ~~such as wetlands and ANSIs~~, existing incompatible land uses or the shorelines of water bodies. **Mineral aggregate resources shall be made available as close to markets as possible. Where new resources are designated, or licenses are proposed, the Township shall explore options to facilitate aggregate extraction activities for use locally or elsewhere.**

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

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.

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 may have potential for other mineral commodities not currently identified. It is Council's intention that these important mineral resources will be protected for long term use. **The extraction of resources from existing or future Mineral Resource areas is to be conducted in a manner that is environmentally-sensitive, compatible with adjacent land uses, and is considered by the Township to be consistent with the goals and objectives set out in this Plan. Once a Mineral Resource area has been exhausted of a particular mineral or mineral aggregate, appropriate rehabilitation shall be undertaken to the satisfaction of the Township.**

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

Under the *Aggregate Resources Act*, pits are recognized as “land or land under water from which unconsolidated aggregate is being or has been excavated, and that has not yet been rehabilitated”. A quarry, on the other hand, is typically larger in scale than a pit and is recognized as “land or land under water from which consolidated aggregate is being or has been excavated, and that has not been rehabilitated”. In order to protect natural and built environments adjacent to established or future pits and quarries, “influence areas” have been defined. Influence areas in relation to pits are 150 or 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 500 metres.

3.3.3 Policies

- 3.3.3.1 On lands designated Mineral Resource, the area to be zoned and licensed 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.
- 3.3.3.2 Existing licensed pits and quarries and other existing mineral resource operations will be zoned in the Zoning By-law to permit such uses. New operations, as well as expansions to existing operations will be established through an amendment to the Zoning By-law. 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.
- 3.3.3.3 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 will allow rural-oriented uses, but which will not allow sensitive land uses such as residences, day care centres and educational and health facilities within the influence area of existing mineral aggregate and mining operations. ~~Influence areas in relation to pits are 150 or 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 500 metres.

- 3.3.3.4 All pit and quarry operations shall be licensed by the Ministry of Natural Resources under the *Aggregate Resources Act*.
- 3.3.3.5 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. **It is expected that improvements to public roads to handle the increased truck traffic shall be the responsibility of the pit or quarry operator and shall be implemented through the Site Plan Control process.**
- 3.3.3.6 An application for an amendment to the Official Plan to change the designation from Mineral Resource to another designation shall be ~~supported~~ **carried out under consultation with the Province, and through the submission of** by a report which demonstrates that:
- 3.3.3.6.1 A mineral resource use would not be feasible due to qualitative, quantitative or other constraints **such as the regional significance of the resource**; ~~or~~
- 3.3.3.6.2 The proposed use serves a greater long-term public interest; ~~and~~
- 3.3.3.6.3 All issues related to public health and safety, as well as environmental impact, can be addressed; ~~and~~
- 3.3.3.6.4 The proposed redesignation shall not preclude the potential to use adjacent lands designated Mineral Resource for mineral or mineral aggregate extraction.
- 3.3.3.7 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 where there is a substantial quantity of mineral aggregates below the water

table, the depth of planned extraction makes restoration of agricultural capability not feasible, other potential alternative mineral resource extraction locations have been considered and found unsuitable, or agricultural rehabilitation in remaining areas will be maximized.

- 3.3.3.8 Mineral mining operations, including associated processing facilities, shall undertake rehabilitation, including progressive rehabilitation where feasible, to accommodate subsequent land uses.
- 3.3.3.9 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:
 - 3.3.3.9.1 The type and location of neighbouring land uses, having regard to land use compatibility;
 - 3.3.3.9.2 The location and adequacy of proposed access routes, any proposed road improvements and the traffic flow and volume;
 - 3.3.3.9.3 Proposed operational plans and site plans for extraction activities as well the storage and stock-piling of extracted materials;
 - 3.3.3.9.4 Potential sources and sensitive receptors of noise, dust and vibration;
 - 3.3.3.9.5 Hydrogeology and surface water quality and quantity, predicted changes and sensitivity to such changes;
 - 3.3.3.9.6 The location of natural heritage features and ecological functions, their type, value and sensitivity to change;
 - 3.3.3.9.7 The submission of an *environmental impact assessment* or other study as may be deemed necessary;
 - 3.3.3.9.8 The presence of archaeological remains or cultural heritage as determined through an archaeological site assessment; and

3.3.3.9.9 Mitigation measures, which may include landscaping and buffering of the proposed use to protect existing or planned communities as well as the scenic and natural amenity of adjacent lands.

3.3.3.10 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 are 150 or 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 500 metres.~~

3.3.3.11 All planning applications within the Mineral Resource designation shall be circulated to the Ministry of Northern Development and Mines, and the Ministry of Resources, as applicable. Subject to the agreement of the relevant Ministry and the Township, development for purposes not related to mineral resources may be permitted on certain lands designated Mineral Resource in accordance with the provisions of the Rural designation, provided that such lands are not designated on the basis of aggregate reserves or licensed for a pit or quarry under the *Aggregate Resources Act*.

3.3.4 Special Exception Areas

(Reserved)

3.4 NATURAL HERITAGE A

3.4.1 Intent of the Designation

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

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

While the ~~1997~~ **2005** *Provincial Policy Statement* provides that under certain circumstances development and site alteration may occur 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 commitment to the protection of these important natural environments.

Certain portions of provincially-significant wetlands designated as Natural Heritage A in this Plan include lands which are also areas of natural and scientific interest (ANSIs). ANSIs are areas of land and water with natural landscapes or features that have been identified as having scientific value worthy of protection or study or related to education. ANSIs are important since they represent the full spectrum of biological communities and natural landforms and environments across the Province. In general, ANSIs are designated Natural Heritage B by this Plan, except where they are geographically coincident with provincially-significant wetlands, in which case they are designated Natural Heritage A in recognition of the more restrictive policies of the latter designation.

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

Some wetland areas have been evaluated by the Ministry of Natural Resources, but not deemed provincially-significant. These wetlands are not included in the Natural Heritage A designation, but rather are considered

as locally-significant and are designated Natural Heritage B.

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

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. Minor buildings or structures relating to these uses and which are designed to minimize impacts on the natural features and functions of the area may be permitted subject to the provisions of the **Environmental Impact Assessments** section of this Plan.

3.4.3 Policies

- 3.4.3.1 Development or site alteration such as filling, grading and excavating shall be prohibited within the Natural Heritage A designation.
- 3.4.3.2 Development or site alteration such as filling, grading and excavating may be permitted on lands adjacent to the Natural Heritage A designation, subject to the provisions of the **Natural Heritage Features** section of this Plan, and having specific regard to the **Environmental Impact Assessments** section. Adjacent lands means those lands within 120 metres of the Natural Heritage A designation.
- 3.4.3.3 Where land designated as Natural Heritage A is held under private ownership, there is no implication that the land is open to the general public or that it will be acquired by any public agency.
- 3.4.3.4 Established agricultural uses ongoing at the date of adoption of this Plan are permitted to continue in or adjacent to the Natural Heritage A designation, but 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. In no case shall new agricultural buildings or structures be permitted within the Natural Heritage A designation.

3.4.4 Special Exception Areas

(Reserved)

3.5 NATURAL HERITAGE B

3.5.1 Intent of the Designation

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

Locally-significant wetlands are those wetlands which have been evaluated by the Ministry of Natural Resources but which have not been deemed provincially-significant.

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

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

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

Other natural heritage features such as fish habitat, wildlife habitat, **and** endangered and threatened species habitat ~~and woodlands~~ are discussed in the section of this Plan dealing with **Natural Heritage Features**. While not included in the Natural Heritage A or B designations 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, **woodlands**, and ANSs which are designated either Natural Heritage A or Natural Heritage B.

3.5.2 Permitted Uses

The permitted uses shall generally 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.

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

3.5.3 Policies

- 3.5.3.1 Development or site alteration such as filling, grading and excavating shall not generally be permitted within the Natural Heritage B designation. Development or site alteration may be permitted, subject to the **Environmental Impact Assessments** section of this Plan and an amendment to the Zoning By-law.
- 3.5.3.2 Development or site alteration such as filling, grading and excavating may be permitted on lands adjacent to the Natural Heritage B designation, subject to the provisions of the **Natural Heritage Features** and **Environmental Impact Assessments** sections of this Plan. Adjacent lands means those lands within 50 m of the Natural Heritage B designation.
- 3.5.3.3 **Development or site alteration such as filling, grading, excavating, development of a single dwelling, and development of small scale commercial uses on existing lots**

of record may be permitted within lands depicted on the Land Use Schedules as Natural Heritage B – Significant Woodlands subject to the provisions of Section 2.21.6.2 and the **Environmental Impact Assessments** section of this Plan. Furthermore, lands depicted as Natural Heritage B – Significant Woodlands shall be zoned accordingly to permit a single dwelling and small scale commercial uses on an existing lot of record.

3.5.3.4 Where land designated as Natural Heritage B is held under private ownership, there is no implication that the land is open to the general public or that it will be acquired by any public agency.

3.5.3.5 Established agricultural uses ongoing at the date of adoption of this Plan are permitted to continue in or adjacent to the Natural Heritage B designation, but new or expanded agricultural buildings or structures or the clearing or draining of additional lands are only permitted subject to the **Environmental Impact Assessments** section of this Plan.

3.5.4 Special Exception Areas

(Reserved)

3.6 NATURAL HAZARD

3.6.1 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 the Schedules. Generally, it is intended that no development occur in the designation.

Steep slopes and organic soils as identified in the Canada Land Inventory also have the potential to constitute a natural hazard and are discussed in the section of this Plan dealing with **Natural Hazard Features**. Policies relating to steep slopes and organic soils are included in the **Natural Hazard Features** section, as are policies relating to development on lands adjacent to flood plains and situated between 1:100 year flood lines and the limits of fill lines. Generally speaking, lands exhibiting steep slopes,

organic soils or which are located between the flood and fill lines pose constraints to development which, with appropriate engineering, may be overcome. Accordingly, such lands will not normally be included in the Natural Hazard designation.

3.6.2 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.

3.6.3 Policies

3.6.3.1 The boundaries of the Natural Hazard designation as shown on the Schedules 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 the *Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulations* ~~Fill, Construction and Alteration to Waterways Regulations~~, 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.

3.6.3.2 Although lands adjacent to the Natural Hazard designation

within the fill line shown on the Schedules 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 its *Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulations* ~~Fill, Construction and Alterations to Waterways Regulations~~.

3.6.3.3 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. Further, prior to the consideration of re-designating Natural Hazard lands, the proponent must show that all of the following can be achieved:

3.6.3.3.1 New hazards are not created and existing hazards are not aggravated;

3.6.3.3.2 No adverse environmental impacts will result;

3.6.3.3.3 Vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies; and

3.6.3.3.4 The proposed development does not include institutional uses or essential emergency services or the storage of hazardous substances.

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.

3.6.3.4 Where development is proposed on a site, part of which has physical or environmental hazards, then such land shall not necessarily be acceptable as part of the required parkland dedication under the Planning Act. All lands dedicated to the Township shall be conveyed in a physical condition satisfactory to the Township. Where an open watercourse is involved, adequate space shall be provided for maintenance and operation.

3.6.3.5 The Township shall encourage the owners of existing

development to address potential hazards in accordance with the policies of this Plan. Specifically, buildings that are located within a 1:100 year flood plain or below the maximum recorded water level along the Rideau Canal should provide floodproofing protection for such buildings and any proposed additions in consultation with the relevant Conservation Authority.

- 3.6.3.6 Currently, only the 1:100 year flood and fill lines for Upper Beverley Lake and Lower Beverley Lake have been comprehensively mapped. Partial mapping of the 1:100 year flood plain has been produced by the Rideau Valley Conservation Authority (RVCA) for a portion of Lower Rideau Lake situated in close proximity to the Town of Smiths Falls. Where new or additional 1:100 year flood plain mapping is undertaken, it shall be incorporated into this Plan by amendment.

3.6.4 Special Exception Areas

(Reserved)

3.7 RURAL

3.7.1 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.

The Township of Rideau Lakes is comprised of a number of historic villages and hamlets which have experienced varying degrees of growth and development since their early establishment. The historic boundaries of the communities of Chaffey's Lock, Chantry, Crosby, Forfar, Harlem, Jones Falls,

Lombardy, Morton, Newboyne, Philipsville, Plum Hollow, and Rideau Ferry have been depicted on the Schedules for reference purposes but are each given a land use designation of Rural. It is recognized that these communities have historically provided, to varying degrees, a mix of local retail, service, and residential opportunities which have played a long-standing role in accommodating the day-to-day needs of the Township's rural residents. The Official Plan seeks to continue the historic role of these communities and seeks to permit appropriate development within these communities which is to be consistent with the **Rural** policies.

3.7.2 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.

3.7.3 Agriculture Policies

The uses permitted in the Agriculture designation shall be permitted, provided that the agricultural uses shall comply with the **Land Use Compatibility** section of this Plan.

3.7.4 Residential Policies

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

3.7.4.2 Rural lands are intended for low density residential development that complements the character of the rural environment. Where appropriate, however, ~~such as in the case of infill development or development located immediately adjacent to lands designated Village and Hamlet or on the peripheral areas of Smiths Falls,~~ consideration may be given to permitting somewhat higher density residential development than is generally contemplated for the Rural designation, subject to addressing the policies of the **Ground Water Supply, Sewage Disposal and Other Services** and **Waterfront Development** sections of this Plan.

3.7.4.3 The scale of development in the Rural designation is

intended to be limited and no more than 40 lots may be registered in a plan of subdivision. Any proposal to register a plan for more than 40 dwelling lots shall require an Official Plan amendment to establish a Special Exception Area. In considering such amendment, the Township shall require that it be demonstrated that, on the basis of the supply and type of existing residential lots in the Township, there is a need for the proposed development and that it would be appropriate in the context of the location proposed.

- 3.7.4.4 Land division for the creation of residential lots may take place through both the consent, and plan of subdivision, or the plan of condominium process in accordance with the **Land Division** section of this Plan.
- 3.7.4.5 Residential uses shall be placed in an appropriate zoning category in the Zoning By-law.

3.7.5 Commercial Policies

The Township shall generally encourage new and expanding commercial land uses as a means of diversifying the local tax base pursuant to the provisions of the Plan's **Economic Policy**. In most instances, new or expanding commercial operations will be subject to review under the Township's Site Plan Control By-law. In reviewing planning applications associated with commercial development proposals, regard shall be had for the following General Commercial Policies. Land owners, developers and other interested stakeholders are also encouraged to consult the Township's *Commercial Site Plan Design Guidelines* prior to submitting a planning or building permit application.

3.7.5.1 General Commercial Policies

- 3.7.5.1.1 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.

- 3.7.5.1.2 Commercial uses must be appropriate for the proposed location.
- 3.7.5.1.3 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.
- 3.7.5.1.4 Adequate off-street parking, loading and other facilities shall be provided.
- 3.7.5.1.5 Where commercial uses abut residential or other sensitive land uses, adequate buffering through setbacks or screening shall be required.
- 3.7.5.1.6 The outdoor storage of goods and materials will be strictly controlled.
- 3.7.5.1.7 Commercial uses shall generally be permitted by amendment to the Zoning By-law. As a rule, new general commercial uses shall not be permitted on lands located within 1 kilometre of the Village of Westport.

3.7.5.2 Tourist Commercial Policies

- 3.7.5.2.1 Tourist commercial uses shall include the full range of uses that cater primarily to the tourist trade or recreational needs. Permitted uses shall include all types of tourist lodging facilities such as hotels, motels, resorts, rental cottages and campgrounds, summer camps, clubs, places of entertainment, and recreational facilities such as golf courses, hunt camps, sports and recreation areas and facilities, parks and marinas. Buildings, structures or sites of historic interest, uses such as museums and related facilities are also permitted. An accessory dwelling for the owner or operator of a tourist commercial use shall also be permitted.
- 3.7.5.2.2 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.

- 3.7.5.2.3 Vehicular access to tourist commercial uses shall be carefully controlled in terms of the design and number of access points in order to ensure public safety.
- 3.7.5.2.4 Adequate off-street parking, loading and other facilities shall be provided.
- 3.7.5.2.5 Where tourist commercial uses abut residential or other sensitive land uses, adequate buffering through setbacks or screening shall be required.
- 3.7.5.2.6 In reviewing applications for tourist commercial development, regard shall be given to the protection of cultural and natural heritage features. In particular, efforts shall be made to integrate waterfront tourist commercial uses with the shoreline environment so as to minimize visual and other impacts, in accordance with the **Environmentally-Sensitive Development** section of this Plan.
- 3.7.5.2.7 Where applications for tourist commercial development involve significant boat docking facilities such as those associated with marinas and large resorts, the preparation of a boat impact assessment shall be required to evaluate the suitability of the site and its land/water environs for docking or mooring facilities and associated boat traffic.
- 3.7.5.2.8 Tourist commercial uses shall generally be permitted by amendment to the Zoning By-law. ~~As a rule, new tourist commercial uses shall not be permitted on lands located within 1 kilometre of the Village of Westport.~~

3.7.6 Industrial Policies

- 3.7.6.1 Permitted industrial uses shall be those which are oriented to the rural economy, such as those which use local resources or serve local businesses and residents such as sawmills, feedmills, agricultural processing facilities, open storage, warehousing, farm service businesses, builders' supply yards, bulk storage yards, contractors' yards, transportation terminals and similar uses. An accessory dwelling for the owner or operator of an industrial use may also be permitted, where compatible.

- 3.7.6.2 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.
- 3.7.6.3 Adequate off-street loading facilities and employee parking and other facilities shall be provided.
- 3.7.6.4 Outdoor storage areas shall be adequately buffered from adjacent roads and properties.
- 3.7.6.5 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.
- 3.7.6.6 Industrial uses shall generally be permitted by amendment to the Zoning By-law.

3.7.7 Mobile Home Parks Policies

- 3.7.7.1 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.
- 3.7.7.2 Mobile home parks may be developed for ownership either as a single entity or on a freehold basis.
- 3.7.7.3 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.
- 3.7.7.4 Sewer and water services shall be provided to the satisfaction of the Township and the relevant approval authorities for such services. Notwithstanding the policies contained in the **Groundwater Supply, Sewage Disposal and Other Services** section of this Plan, the Township will not approve the development of any mobile home park on the

basis of communal sewage and/or water services.

- 3.7.7.5 Internal roads will be constructed to Township standards.
- 3.7.7.6 All mobile home sites will have frontage on an internal road.
- 3.7.7.7 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 **or plan of condominium**.
- 3.7.7.8 Lot area, density, site size, yard and parking requirements and other matters shall be regulated through the implementing Zoning By-law.
- 3.7.7.9 A minimum of 5% of the total area of the park should be provided in a consolidated form for recreational purposes.
- 3.7.7.10 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:
 - 3.7.7.10.1 The compatibility of the proposed park with existing land uses and designations of the surrounding area;
 - 3.7.7.10.2 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;
 - 3.7.7.10.3 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
 - 3.7.7.10.4 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, **or plan of condominium**.

3.7.8 Waste Disposal Sites Policies

- 3.7.8.1 Waste disposal sites shall be restricted to existing closed or open waste or sanitary landfill sites as identified on the Schedules. 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.
- 3.7.8.2 Waste disposal sites shall be operated and maintained in accordance with the standards set by the Ministry of the Environment.
- 3.7.8.3 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.
- 3.7.8.4 Development of lands adjacent to a closed or open waste disposal site shall be subject to the Land Use Compatibility section of this Plan.
- 3.7.8.5 The establishment of any new waste disposal site shall require an amendment to the Official Plan to a Special Exception Area, as well as an amendment to the Zoning By-law.

3.7.9 Wrecking Yards Policies

- 3.7.9.1 Wrecking yards are industrial facilities where derelict, discarded, abandoned or inoperative motor vehicles and/or other goods, wares, merchandise or articles are stored wholly or partly in the open. Wrecking yards shall be restricted to existing facilities, and may include an accessory dwelling for the owner or operator.
- 3.7.9.2 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.
- 3.7.9.3 Wrecking yards shall not cause or contribute to the contamination of any ground or surface water.
- 3.7.9.4 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:

- 3.7.9.4.1 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.
- 3.7.9.4.2 The suitability of the proposed site with respect to environmental considerations.
- 3.7.9.4.3 The layout of the wrecking yard in relation to screening, buffering, functional and other matters as reflected in the proposed site plan.

3.7.10 Special Exception Areas

(Reserved)

3.8 VILLAGE AND HAMLET

3.8.1 Intent of the Designation

~~The communities and settlement areas designated Village and Hamlet include: Chaffey's Lock, Chantry, Crosby, Delta, Egin, Forfar, Harlem, Jones Falls, Lombardy, Morton, Newboro, Newboyne, Philipsville, Plum Hollow, Portland and Rideau Ferry.~~

~~These communities have historically provided, to varying degrees, a mix of local retail, service and socio-cultural and residential opportunities for the community. Village and Hamlet areas have played a long standing and important role in accommodating the day-to-day needs of the farm and rural communities, as well as recreational uses. Some communities, such as Newboro and Portland, have also played a relatively strong role in providing food, accommodation and other services and commodities for tourists. The Township intends that this role continue and expand, particularly in relation to recreation and tourism-related functions.~~

~~The Township also seeks to encourage more concentrated development in the Village and 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 Village and Hamlet lands.~~

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

~~3.8.2 Permitted Uses~~

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

~~3.8.3 Residential Policies~~

~~3.8.3.1 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 in relation to more intense development forms. Such studies will be to the satisfaction of the relevant approval authority for sewage and water services.~~

~~3.8.3.2 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.~~

~~3.8.3.3 New development shall be encouraged to take place as a logical extension of existing development.~~

~~3.8.3.4 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.~~

~~3.8.3.5 Residential uses shall be zoned with an appropriate zoning category in the Zoning By-law.~~

~~3.8.4 Commercial Policies~~

~~3.8.4.1 General Commercial and Tourist Commercial uses permitted in the **Rural** designation may be permitted.~~

~~3.8.4.2 Commercial uses, particularly those of a Tourist~~

~~Commercial nature, shall be encouraged to concentrate in groupings along the main roads.~~

~~3.8.4.3 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.~~

~~3.8.4.4 Open storage shall not generally be permitted.~~

3.8.5 Industrial Policies

~~3.8.5.1 In general, industrial uses shall not be permitted in the Village and 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.~~

~~3.8.5.2 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.~~

~~3.8.5.3 Industrial uses shall be encouraged to locate along a main road on the periphery of the village or hamlet.~~

~~3.8.5.4 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.~~

~~3.8.5.5 Open storage shall not generally be permitted.~~

3.8.6 Special Exception Areas

(Reserved)

3.9 SETTLEMENT AREA

3.9.1 Intent of the Designation

The Township has identified the need to focus growth within established mixed-use areas which include lands suitable for development over the long term planning horizon. The Settlement Area designation has been applied to the existing communities of: Delta, Elgin, Newboro, and Portland. In addition, the Township has defined a new Settlement Area within the Ward of South Elmley. This latter Settlement Area has been established in an effort to concentrate growth which is naturally occurring in the Ward of South Elmley within a defined area that can more efficiently utilize municipal infrastructure. Together, these five communities represent areas of the Township which contain the greatest diversity of land uses, and the greatest supply of vacant, developable land. It is intended that the majority of new residential growth will occur within designated Settlement Areas while a limited amount of growth will continue to occur within the Township's Rural-designated lands.

3.9.2 Permitted Uses

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

3.9.3 Residential Policies

- 3.9.3.1 The Township shall encourage the establishment of a range of housing types and densities required to meet the projected needs of current and future residents;
- 3.9.3.2 A variety of residential uses, ranging from single-detached dwellings to multiple unit dwellings, which may include dwellings units within non-residential buildings, may be permitted, subject to the completion of specialized studies as required by the approval authority.
- 3.9.3.3 Residential development may take place either along a main road serving the Settlement Area or by a plan of subdivision for lands behind existing development fronting on such road.
- 3.9.3.4 New development shall be encouraged to take place as a logical extension of existing development.

3.9.3.5 Land division for the creation of residential lots may take place by way of consent, a plan of condominium, or a plan of subdivision in accordance with the **Land Division** section of this Plan.

3.9.3.6 Residential uses shall be zoned with an appropriate zoning category in the Zoning By-law.

3.9.3.7 Residential development proposals shall have regard for the heritage value of the existing built environment.

3.9.4 Commercial Policies

3.9.4.1 General Commercial and Tourist Commercial uses, which are permitted under the Rural designation, shall be permitted within a Settlement Area.

3.9.4.2 Commercial uses, particularly those of a Tourist Commercial nature, shall be encouraged to concentrate in groupings along the main roads of a Settlement Area.

3.9.4.3 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.

3.9.4.4 Open storage shall not generally be permitted.

3.9.5 Industrial Policies

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

3.9.5.2 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.

- 3.9.5.3 Industrial uses shall be encouraged to locate along a main road on the periphery of the Settlement Area.
- 3.9.5.4 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.
- 3.9.5.5 Open storage shall not generally be permitted.

3.9.6 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 the Schedules 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 the Schedules. 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 the Schedules.

Where a development proposal may have an impact on the proper functioning or safety of the road network, the approval authority may require the undertaking of traffic impact or other studies to identify potential issues and mitigation measures.

It is recognized that, due to the richness of the natural and built environment of Rideau Lakes, roads function as more than simple transportation infrastructure. Roads are also a window to the scenic beauty of the Township. Consequently, when undertaking road improvements and the development of new roads, every effort shall be made to preserve and enhance the scenic qualities of roads, while ensuring that functional and safety concerns are addressed.

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

4.2 PROVINCIAL HIGHWAYS

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 and storm water management plans may be requested by the approval authority.

For any proposed development on lands adjacent to a provincial highway, Ministry of Transportation permits relating to land use, buildings and structures, signs and entrances are required prior to the commencement of any construction.

There is one provincial highway in the Township - Highway No. 15. 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 United Counties of Leeds and Grenville in accordance with the County requirements and policies of this Plan. These requirements and policies shall also be used in determining building setbacks from County roads.

County Roads No. 1, 5, 8, 9, 10, 11, 12, 14, 17, 29, 36, 38 and 42 presently serve the Township and are under the jurisdiction of the United Counties of Leeds and Grenville.

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

4.4 TOWNSHIP ROADS

The Township roads identified on the Schedules are those roads which are owned and maintained by the Township. Where development is proposed adjacent to a Township road, approval for an entrance must be obtained from the Township. Access shall only be permitted in locations that can accommodate traffic in a safe manner. Where sight deficiencies exist due

to curves, grades or other factors, no new access will be permitted unless the deficiency is corrected at the owner's expense and to the satisfaction of the Township.

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

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

4.5 PRIVATE ROADS

Private roads are those rights-of-way which provide access to two or more properties but which have not been assumed by the Township for maintenance purposes. Historically, these roads were developed to provide seasonal access to cottage development in waterfront areas of the Township. At the time these private roads were developed, there was a generally prevailing view that the standard level of access to public services was not necessary in waterfront residential areas. As a result, an extensive network of private roads was constructed in the Township.

There are some attractions to such roads. These include their scenic qualities, the minimal impact of such roads on the natural environment and the absence of any requirements for public funding for maintenance or improvement. Where access by a private road exists or is proposed, the Township shall not assume any liability for such road.

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

The creation of new private roads is not permitted. Lot creation may be permitted on a private road existing as of the date of adoption of this Plan and which has direct access to a publicly maintained road. Minor extensions not exceeding a total of 180 metres may be permitted to existing private roads from the last lot on the road. Any extension to a private road shall be constructed to a standard acceptable by Council and such construction may be governed by an agreement (with one or

more property owners) setting out the standards for construction and maintenance and which may be registered on title against the lands to which it applies. The design and construction of the road will be undertaken by a professional engineer or other person competent in road construction, as approved by Council.

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

Prior to deciding on the assumption of a private road, Council may require such studies as appropriate in order to determine if of the subject lands should be part of the municipal road system.

Notwithstanding the policies contained herein, the creation of a new private road shall be permitted in the Township insofar as it is within a Plan of Condominium created under the Condominium Act, 1998, as amended. A new private condominium road may not be created by way of extension or addition to an existing private road. A new private condominium road may only be permitted if the new road directly connects to a public road and where the subject land has legal frontage on the same public road. The design and construction of a private condominium road shall be to a standard acceptable to the Township, and the maintenance and ownership of such roads shall be governed and administered in accordance with the Condominium Act, 1998 as amended.

Known private roads are shown on the Schedules 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 lead to water and/or abut the shores of lakes and rivers ~~and are not required for public access to the water~~, such road allowances ~~may be~~ **will generally not be** closed by the Township. **Under unique circumstances, where Council deems the closure of an unopened road allowance to be appropriate, the road allowance shall be** ~~and~~ disposed of in accordance with the procedures and requirements set out in the *Municipal Act*. **The circumstances when such a road allowance closure may be deemed appropriate shall be more-fully described in the Township's road closure's policy and procedures document.**

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~~ **the following** ways; by the consent (severance) process, **by plan of condominium**, and by plan of subdivision. The division of land by the consent process is generally intended for the creation of **a limited number of lots** ~~not more than three new lots~~, and for situations not related to the creation of new lots such as lot line adjustments and the creation of easements. ~~Except in circumstances specifically contemplated in this Plan, where the division of land results in the creation of four or more new lots, it will likely be necessary to proceed by plan of subdivision.~~ **Plans of condominium and plans of subdivision are often associated with larger-scaled development proposals. The method of land division chosen shall be undertaken in accordance with the policies of this Plan.**

~~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

In preparation for the Township's 5-year Official Plan review, a Lot Availability Study was completed to identify the existing supply of vacant, developable lots and to assess the life span of such lots based on a review of historic lot creation and consumption activities. With a starting supply of approximately 500 lots; and an annual deficit of 28 lots (i.e. 36 lots created with 64 lots consumed each year), the Township's overall supply of vacant, developable lots was found to have an 18 year life span (as of January 1, 2009). It should be noted, however, that this figure assumes a continued supply of approximately 36 new lots annually. Should lot creation activities become constrained, the existing supply of buildable lots would be limited to roughly 8 years; assuming zero new lot creations and continued average

demand.

Through the land division process, the Township shall ensure that sufficient land is made available to accommodate an appropriate range and mix of employment opportunities, housing and other land uses that will serve the interests of Rideau Lakes' existing and future residents for a time horizon of up to 20 years. As set out under the *2005 Provincial Policy Statement*, the Township shall endeavour to provide a minimum 10-year supply of lands for residential development. The following general policies shall be used as the underlying framework on which land division practices within the Township will be based.

- 5.2.2.1 In order to satisfy both local and provincial interests while facilitating future residential development, a maximum 80 new lots shall be permitted annually Township-wide. Recognizing the desire to see new lot creation occur within the Township's established communities, 60% of the total quota for new lot creations (i.e. 48 new lots) shall occur within designated **Settlement Areas**. The remaining 40% of the total quota (i.e. 32 new lots) shall be permitted within the Township's **Rural**-designated lands. Each quota shall be considered as separate. The individual lot creation quota for both the settlement areas and Rural designated lands may be used in a given year regardless of the number of lots created in the other designation. A monitoring system shall be established to ensure adherence to these defined land division quotas. Detailed policies have been further-established to guide each land division method (i.e. consents, plans of condominiums, or plans of subdivision) through the approval process.
- 5.2.2.2 The frontage, size and shape of any lot created shall be appropriate for the proposed use and conform to the provisions of the Zoning By-law. As a rule, the minimum lot size shall be 0.4 hectares (1 acre); however, consideration will be given to a reduced lot size in Settlement Areas if deemed to be appropriate. Consideration may be given to a smaller minimum lot size under other special conditions. Such conditions could include, for example, a situation where the use of a tertiary sewage treatment system is proposed. In some cases, a larger minimum lot size shall be required, depending upon the proposed use, topography, soils and other relevant considerations.
- 5.2.2.3 No land division shall result in the landlocking of any parcel of land or a situation where the existing or potential ability to develop any parcel of land is significantly undermined by virtue of the resulting

limited public road frontage.

- 5.2.2.4 No land division shall be permitted where safe vehicular access from the proposed lot to the adjacent road cannot be provided due to conditions such as limited sight lines, grades or proximity to intersections, in accordance with the policies of the **Transportation** section of this Plan.
- 5.2.2.5 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.
- 5.2.2.6 All land division shall meet the requirements of this Plan for the dedication of parkland or cash-in-lieu thereof, as set out in the **Parks, Trails and Recreational Facilities** section of this Plan, unless the land division is only for a conservation purpose as set out in the **Crown and Conservation Lands** section of this Plan.
- 5.2.2.7 All land division shall address land use separation and compatibility concerns, as set out in the **Land Use Compatibility** section of this Plan.
- 5.2.2.8 No land division shall result in the creation of a lot subject to natural hazards such as flooding, organic soils or steep slopes with potential for instability or erosion, unless development would be permitted by the **Natural Hazard Features** section of this Plan, or the land is only intended to be used for a conservation purpose as set out in the **Crown and Conservation Lands** section of this Plan.
- 5.2.2.9 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.
- 5.2.2.10 No land division shall result in a negative effect on the natural features or the ecological functions for which the area is identified such as wetlands, areas of natural and scientific interest (ANSIs), woodlands fish habitat, wildlife habitat and endangered and threatened species habitat. The policies of the **Natural Heritage Features** section will be adhered to in this regard.
- 5.2.2.11 No land division shall be considered where the requirements of the **Environmentally-Sensitive Development** section of this Plan

could not be addressed.

- 5.2.2.12 In considering land division applications, regard shall be had to the **Cultural Heritage and Archaeological Resources** section of the Plan, including requirements with respect to the identification and preservation of significant archaeological resources.
- 5.2.2.13 All land division shall comply with the **Ground Water Supply, Sewage Disposal and Other Services** section of the Plan concerning the provision of appropriate water and sewage services and the availability of other services.
- 5.2.2.14 No land division shall create a lot which cannot comply with the minimum water setback and minimum water frontage requirements contained in the **Waterfront Development Policies** section of this Plan.
- 5.2.2.15 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

- 5.2.3.1 ~~A maximum of three new lots (excluding the retained lot) shall be created from a land holding as it existed on January 1, 1998.~~
- 5.2.3.2 ~~The severance of land by consent shall be generally limited to a maximum of three new lots (excluding the retained lot) from a parcel of land as it existed on (*insert the date of passing of the updated OP*).~~
- 5.2.3.3 Where a land holding is situated partly or wholly in a **Village and Hamlet Settlement Area** designation, this maximum shall not apply, provided that the new lots are entirely situated within the **Village and Hamlet Settlement Area** designation.
- 5.2.3.4 Within **Rural** designated lands, additional lots may be permitted provided the following factors are adequately addressed in the proposal:
- 5.2.3.4.1 The quantity and quality of subsurface potable water resources shall be assessed to ensure that each of the proposed new lots can be adequately serviced. Particular regard shall also be had for the impact of

sewage disposal systems and the quality of ground water and the feasibility of locating septic systems within each of the proposed new lots. The approval authority may require the submission of hydrogeological studies and terrain analyses to ensure the lands can accommodate the proposed development.

- 5.2.3.4.2 Regard shall be had for the standard of the road which provides access to, or would be used to provide access to, the subject lands. Substandard roads may not be able to handle the increased traffic generated through multiple lot creation. Accordingly, the Township may require financial contributions in order to upgrade the road in support of the multiple consent proposal.
- 5.2.3.4.3 Consents for new lots within Rural designations shall not have the effect of creating or extending areas of strip development. Consent proposals which would have the effect of creating more than three new lots along an existing public road may be required to establish lot frontage which exceeds the minimum standard set out in the Zoning By-law or Official Plan.
- 5.2.3.4.4 Proposals for multiple consents for new lot creation which may preclude the future ability to undertake more intensive forms of development (i.e. plans of condominium or plans of subdivision) may be required to demonstrate that the undertaking will not compromise the management or use of those resources which promote recreational, tourism and other economic activities. Particular regard will be had for multiple consent proposals on large waterfront parcels of land which are accessible by a publically-maintained road since such lots are few in number.
- 5.2.3.5 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.
- 5.2.3.6 ~~Consents should not have the effect of creating or extending areas of strip development. For the purposes of applying this provision, the creation of a lot within the Village and Hamlet designation or a waterfront lot in the Rural designation does not constitute strip development.~~

- 5.2.3.7 Lots created by consent shall generally front onto existing maintained public roads, however, consents may be permitted for waterfront residential lots on existing private roads or on extensions of such roads, subject to compliance with the policies of the **Waterfront Development Policies, Private Roads and Road Access** sections of this Plan.
- 5.2.3.8 Where a lot is created that would have frontage on more than one public street, access should be taken from the street representing that of the lower tier street classification.
- 5.2.3.9 Where two new abutting lots are proposed along an existing public road, the approval authority may require two or more lots to share a single driveway where site conditions, traffic volume, topography, safety, sight lines or other planning considerations suggest that such an arrangement would be beneficial.
- 5.2.3.10 A consent for creating a new lot shall generally have regard for an average density measure which attempts to limit development in the rural area to approximately ten lots (both existing and potential) per side of a publically-maintained road per kilometre. Where required, as in the case of a short road or cul-de-sac, a pro rata calculation shall be used. The calculation shall be taken from the centre of the proposed lot to be created.
- 5.2.3.11 No consent shall be granted that would require the creation of a new private road.
- 5.2.3.12 No consent shall be granted on a private road that would result in the creation of a lot not fronting directly on a water body.
- 5.2.3.13 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.
- 5.2.3.14 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.
- 5.2.3.15 Notwithstanding the foregoing land division policies, the creation of a new lot to correct a situation where two or more lots have

merged on title may be permitted provided that the following criteria are satisfied. It should be noted that the creation of a lot through the severance of two merged lots shall not constitute an additional new lot creation subject to the annual 80 lot quota.

- 5.2.3.15.1 The lot was once a separate conveyable lot in accordance with the Planning Act
- 5.2.3.15.2 The lot is still in the same ownership as when such merging occurred. For the purposes of this policy, “same ownership” shall also include ownership gained through inheritance or estate purposes.
- 5.2.3.15.3 The merging of the lots was unintentional and was not merged as a requirement of a previous planning approval;
- 5.2.3.15.4 In general, the proposed lots shall reflect the original lot configuration unless an alternative configuration is deemed to be more appropriate given consideration for the provisions of the Township’s Official Plan, Zoning Bylaw, the Ontario Building Code, and any other applicable planning or legal document;
- 5.2.3.15.5 The lots can be adequately serviced by on-site sewage and water systems sited to meet the minimum spacing requirements set out under the Ontario Building Code;
- 5.2.3.15.6 The lots front on and would be directly accessible by a public road or have adequate water frontage to be accessible by water;
- 5.2.3.15.7 There is no public interest served by maintaining the property as a single conveyable parcel;

5.2.4 Subdivision and Condominium Policies

- 5.2.4.1 Development by plan of subdivision or plan of condominium shall be permitted in the Rural and Settlement Area designations ~~Village and Hamlet and Rural designations.~~
- 5.2.4.2 ~~The maximum number of lots that may be registered within a plan~~

~~of subdivision is 40 lots, except in the Village and Hamlet designation where the maximum shall be as determined by the Township and the approval authority.~~ The number of lots proposed within plans of subdivision or plans of condominium in designated Settlement Areas will only be limited by the annual quota available at the time of draft approval of the proposal. Phasing may be used as a means of permitting larger plans of subdivision and plans of condominium when considering the lot creation quota applicable to Settlement Areas. Phasing may also be used to ensure that one large subdivision does not use the entire quota available to the Township in a given year.

- 5.2.4.3 Access to a proposed plan of subdivision shall be from a maintained public road, built to an adequate standard to accommodate the additional traffic requirements.
- 5.2.4.4 Notwithstanding the forgoing, access to lots in a proposed plan of condominium may be permitted from a private road, subject to the policies of the **Road Access** section of this Plan.
- 5.2.4.5 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.
- 5.2.4.6 All plan of subdivision **and plan of condominium** applications which would result in the creation of more than three lots or dwelling units having either direct or deeded access to a water body shall meet the requirements set out in the **Waterfront Development Policies** 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.
- 5.2.4.7 All plans of subdivision **and plans of condominium** shall comply with the policies of the **Storm Water Management** section of this Plan.
- 5.2.4.8 Development by plan of subdivision **and plan of condominium** shall meet the requirements set out in the **Ground Water Supply, Sewage Disposal and Other Services** section of the Plan.
- 5.2.4.9 The approval authority may apply lapsing provisions to any draft plan of subdivision **or draft plan of condominium**, pursuant to the provisions of the Planning Act.

5.3 DEEMING PLANS OF SUBDIVISION

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

5.4 SITE PLAN CONTROL

- 5.4.1 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.
- 5.4.2 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:
- 5.4.2.1 Proposed buildings and structures are well sited vis-à-vis adjacent land uses;
 - 5.4.2.2 Design details, such as accessory buildings and structures, 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;
 - 5.4.2.3 Development occurs with minimal impact on natural and cultural heritage resources, particularly where proposed in immediate proximity to water bodies;
 - 5.4.2.4 Detailed policies of this Plan, such as those contained in the Environmentally-Sensitive Development section, can be properly implemented;
 - 5.4.2.5 Development is undertaken and maintained as approved by the Township.
- 5.4.3 The Township may control the design and details of development

proposal through the use of a Site Plan Control By-law. The entire Township of Rideau Lakes 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:

- 5.4.3.1 Agricultural uses;
- 5.4.3.2 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 A, Natural Heritage B or Natural Hazard.
- 5.4.3.3 Minor additions or alterations to existing buildings and structures.
- 5.4.4 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.
- 5.4.5 In order to ensure that Site Plan Control applications adequately address the technical requirements and environmental objectives of the Township, the Township may develop application guidelines. These guidelines would be used as a tool by both applicants and approval authorities for the preparation and processing of applications, respectively.
- 5.4.6 In processing Site Plan Control applications, the Township will consult with various public bodies, including the relevant Conservation Authority, as appropriate.
- 5.4.7 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.
- 5.4.8 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-law shall contain land use zones in accordance with the policies contained within this Plan and will establish regulations to control the use of land and the character, location, and use of buildings and structures.

5.5.2 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:

5.5.2.1 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:

5.5.2.1.1 Delay the development of lands until any necessary municipal infrastructure become available;

5.5.2.1.2 Affect the phasing and/or proper design of large-scale residential, commercial, or industrial development;

5.5.2.1.3 Ensure that proper financial and other agreements are in place; and/or

5.5.2.1.4 Delay development until such time as it is determined that identified development constraints can be overcome to the satisfaction of Council.

5.5.2.2 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:

5.5.2.2.1 Lands which are shown to be in a Holding category shall generally be restricted to existing uses;

5.5.2.2.2 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.

5.5.2.3 An application for removal of the Holding symbol shall be reviewed by Council in consideration of the following:

5.5.2.3.1 That the proposed use is in conformity with the requirements of the Zoning By-law;

5.5.2.3.2 That the required municipal infrastructure is available or will soon be available;

5.5.2.3.3 That the financial and other requirements of the municipality have been fulfilled;

5.5.2.3.4 That the phasing and design of the proposed development is to Council's satisfaction; and/or

5.5.2.3.5 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.

5.5.5 Increased Height and Density By-laws

Pursuant to Section 37 of the *Planning Act*, Council may authorize increases to the maximum height and density of development otherwise permitted by the Zoning By-law. These increases may be granted in return for the provision of facilities, services or matters set out in the by-law and could include, among other items, the following:

- 5.5.5.1 Conservation of cultural heritage or archaeological resources;
- 5.5.5.2 Enhancement of natural heritage features;
- 5.5.5.3 Significant contributions to the attainment of tourism-based objectives set out in the Economic Policy section of this Plan;
- 5.5.5.4 Participation in achieving objectives as they relate to the development of recreational facilities, as discussed in the Parks, Trails and Recreational Facilities section of this Plan;
- 5.5.5.5 Utilization of innovative and environmentally-supportive approaches to the provision of sewage and water services, including tertiary sewage treatment systems;
- 5.5.5.6 Physical improvements to villages and hamlets, as identified in the Community Improvement section of this Plan;
- 5.5.5.7 Other improvements identified in capital budgets.

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, Buildings and Structures** 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, **buildings and structures**, and minor variance policies.

5.7 PUBLIC PARTICIPATION AND PUBLIC NOTICE PROCEDURES

- 5.7.1 Council shall make planning documents specified in the *Planning Act* such as the Official Plan and Zoning By-law available to the public to foster a greater awareness and knowledge of planning matters. Where amendments to these documents are made, Council shall endeavour to ensure that up-to-date consolidations of the amended documents are made available.
- 5.7.2 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.
- 5.7.3 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/ratepayer/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, as resources permit. Project areas may include activities such as the development of park and recreational facilities, the upgrading of roads, the improvement of intersections and the enhancement of drainage facilities.

It is intended that Council, on the basis of the policies of this Plan dealing with municipal facilities, will establish a priority list for the implementation of

these projects with estimates of cost (land acquisition, construction and maintenance costs wherever possible). A ~~five-year~~ capital works program will then be developed which the Council should carry out systematically.

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

5.9 MAINTENANCE AND OCCUPANCY BY-LAW

- 5.9.1 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.
- 5.9.2 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.
- 5.9.3 Council will endeavour to support further property maintenance and safe occupancy by:
- 5.9.3.1 Utilizing available government programs, where applicable, to provide financial and administrative support to individuals seeking to improve their properties;
 - 5.9.3.2 Undertaking education and public relations programs as needed to demonstrate the benefits of property maintenance;
 - 5.9.3.3 Maintaining municipally-owned buildings, properties and community facilities, and providing or maintaining municipal services in good repair;
- 5.9.4 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.
- 5.9.5 Council will also appoint a Property Standards Committee for the purpose of hearing appeals against an order of the Property Standards Officer.
- 5.9.6 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.

5.9.7 The maintenance and occupancy by-law will prescribe standards for the following matters and any others that may be considered necessary:

- 5.9.7.1 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;
- 5.9.7.2 The adequacy of sanitation control, including garbage disposal, sewage and drainage;
- 5.9.7.3 The maintenance of parking and storage areas;
- 5.9.7.4 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;
- 5.9.7.5 The maintenance of fences, swimming pools, accessory buildings and signs; and
- 5.9.7.6 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 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.

5.11 PLANNING APPLICATIONS – REQUIRED INFORMATION AND MATERIALS

- 5.11.1 In addition to the information and materials required pursuant to the Planning Act and associated O.Regs, and any other legislation, as amended, the Township may require development proponents to provide additional information to accompany

applications as part of a complete application. Notwithstanding the generality, additional studies and materials may be required for Official Plan amendment, Zoning Bylaw amendment, Minor Variance, Site Plan Control, Consent, Subdivision, and Condominium Applications.

5.11.2 The number and scope of studies and assessments to be required for the submission of a complete application shall be appropriate and in keeping with the scope and complexity of the application.

5.11.3 The additional information that may be required in support of an application includes, but is not limited to the following:

- Aggregate Studies
- Agricultural Soils Assessment
- Archaeological Assessment
- Boat Capacity Study
- Contaminated Site Assessment/ Environmental Site Assessment
- Environmental Impact Assessment
- Environmental Site Assessment
- Erosion and/or Sedimentation Plan
- Geotechnical Report
- Grading and Drainage Plan
- Groundwater Impact Assessment
- Hydrogeological Assessment
- Lake Capacity Assessment
- Landscaping Plan
- Land Use Compatibility Assessment
- Minimum Distance Separation Calculations
- Noise/Vibration/Blast Study
- Parking Study
- Planning Rationale
- Record of Site Condition
- Servicing Options Report
- Stormwater Management Plan
- Surface Water Impact Assessment
- Terrain Analysis
- Traffic Impact Assessment
- Tree Conservation and Protection Plan

5.11.4 The Township may require any of the required studies to be peer reviewed on behalf of the Township, at the sole expense of the proponent.

- 5.11.5 The Township encourages consultation with the Township prior to submitting development applications and may adopt a bylaw pursuant to Section 22(3.1)(b) of the Planning Act, as amended, to require such consultation.

SECTION 6 INTERPRETATION

- 6.1 It is intended that the boundaries of the land use classifications shown on the Schedules be considered as approximate and absolute only where bounded by roads, railways, rivers or streams or other similar geographical barriers. It is recognized that the Schedules are subject to the typical and inherent inaccuracies associated with rural base mapping sources and digitized assessment parcel information. Accordingly, amendments to the Official Plan will not be required in order to make minor adjustments to the parcel fabric, physical features or approximate land use boundaries shown on the Schedules, provided that such adjustments do not, in the Township's opinion, compromise the intent of the Plan.
- 6.2 Typographical, grammatical and formatting modifications to this Plan may be undertaken without an Official Plan amendment, provided that such modifications do not, in the opinion of the Township, affect the intent of the Plan.
- 6.3 Private roads have been identified on the Schedules for information purposes. In the event that a private road has incorrectly been identified as a public road, this shall not signal an intention by the Township to change the status of the road, nor shall any amendment to the Plan be required to make a correction.
- 6.4 It is intended that all figures and quantities herein shall be considered as approximate only and not absolute. Amendments to the Official Plan will not be required for any reasonable variance from any of the proposed figures.
- 6.5 Where any doubt exists with respect to the intended meaning of any word or phrase used in this Plan, the 1997 **2005** Provincial Policy Statement shall be used as a guide to interpretation.
- 6.6 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.