

# **TOWNSHIP OF SOUTH FRONTENAC**

## **OFFICIAL PLAN**

- Adopted by South Frontenac Township Council September 5<sup>th</sup>, 2000**
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## **1.0 PURPOSE AND COMPONENTS OF THE OFFICIAL PLAN**

### **.1 PURPOSE OF THE OFFICIAL PLAN**

The purpose of the Official Plan is to provide a vision, goals, objectives and policies to direct the physical development of the Township of South Frontenac while having regard for relevant social, economic and environmental matters.

It is intended that the plan serve to direct the Council, the Planning Advisory Committee and the Committee of Adjustment in their future decisions with respect to land use matters including proposed plans of subdivision; applications for consents and minor variances and applications for amendments to the Official Plan and/or the zoning by-law.

The plan will direct both the public and private sectors with respect to land use and development principles.

It will promote the orderly and economic growth of the Township while correcting existing problems and safeguarding the health, convenience and economic well-being of the Township's current and future residents within the financial resources of the municipality.

### **1.2 COMPONENTS**

- (a) This Official Plan is comprised of a text and Land Use Schedule. The background information provides supporting information but does not form a part of the Official Plan.
- (b) The policies contained in Sections 5.1 to 5.7 inclusive apply directly to the corresponding land use designations shown on Schedule 'A'. The other policies of the Official Plan apply generally to all areas of the Township.
- (c) To use this Plan, locate on Schedule 'A', the parcel of land and determine its land use designation(s), then review the specific land use policy(ies) relating to the designation and general policies applicable to all areas.

## **2.0 A VISION FOR SOUTH FRONTENAC**

### **2.1 VISION STATEMENT**

South Frontenac is an amalgamation of communities whose common goals have brought them together for mutual co-operation. The Official Plan provides a framework for directing South Frontenac's growth in a manner which will preserve the Township's environmental integrity while enhancing both its rural character and its long-term economic viability.

### **2.2 INTERPRETATION OF VISION STATEMENT**

“... **amalgamation of communities** ...” This recognizes that South Frontenac is a diverse collection of hamlets, farms, rural and cottage residences, commercial enterprises and recreational facilities. Underlying this is a geographic diversity which has shaped the communities and provides the opportunities for the residents to gain sustenance.

“... **common goals** ...” Notwithstanding their diversity, the residents are more alike than they are different. They share a preference for a rural lifestyle, recognize the importance of the environment and accept that long-term considerations are of primary importance in the management of the community.

“... **mutual co-operation** ...” The formation of the Township of South Frontenac was seen by the residents as a practical and efficient means of management. It provides some economies of scale which did not exist with the previous four townships, while at the same time, maintains a local focus and local control over municipal affairs.

“... **provides a framework** ...” The Official Plan documents the community’s values and sets out the manner in which these are to be achieved and maintained. The “Vision Statement” provides overall direction; the “Goals” indicate the desired state in each major area of concern and the “Objectives” detail the manner by which the goals will be achieved. Throughout the document, the supporting role of each item to the Vision must be clear as this will become the foundation upon which municipal decisions will be based.

“... **directing ... growth** ...” This relates to the municipality’s obligation and desire to set the terms for change within the community. It is achieved largely by the passing and enforcement of by-laws which give primacy to the long-term interests of the community as a whole.

“... **preserve** ...” This is not meant to prevent change, but rather to maintain a balance amongst the sometimes competing factors of environmental concerns, economic activity and maintenance of rural character. It is the overall balance of these items, over the long term, which the Official Plan seeks to maintain.

“... **environmental integrity** ...” This relates to the sustainability of various activities in the community. Where an activity is not sustainable (eg., mineral extraction), then rehabilitation measures must be enforced to ensure that long-term negative impacts are minimized. Of particular concern are any activities which impact on the quality and/or quantity of water.

“... **enhancing** ...” It is not the intention of the Official Plan to simply maintain the status quo. Rather, measures must be taken which will actually improve upon the present situation. This is the community’s obligation to the next generation.



“... **rural character** ...” This is a combination of many factors which in total differentiates South Frontenac from urban or suburban communities. Key amongst the factors is the sustained use of the land for economic sustenance. Other factors which define the community as being rural include: large, uncrowded residential lots; private water and septic systems; mixture of woodlands, bush, agricultural fields and open landscapes; major services being located in adjacent cities; industrial activities limited to those which support the local economy; residential activity either singly or in small subdivisions/hamlets; limited municipal services.

“... **long-term economic viability** ...” The residents of South Frontenac are committed to making this an outstanding rural community capable of sustaining itself for future generations. To achieve this there must be a full range of activities upon which the financial base for the community can be formed. There is, therefore, a recognition that the residential, recreational, commercial, industrial and agricultural components are not only closely interrelated, but absolutely essential for the community to survive.

### 3.0 **DEFINITIONS**

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

- impairment of the quality of the natural environment for any use that can be made of it;
- injury or damage to property or plant and animal life;
- harm or material discomfort to any person;
- an adverse effect on the health of any person;
- impairment of the safety of any person;
- rendering any property or plant or animal life unfit for use by humans;
- loss of enjoyment of normal use of property; and
- interference with normal conduct of business.

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

**Development** means the creation of a new lot, a change in land use, or the construction of buildings and structures, requiring approval under the *Planning Act*; but does not include activities that create or maintain *infrastructure* authorized under an environmental assessment process; or works subject to the *Drainage Act*.

***Farm Retirement Lot*** means one lot from a farm operation for a full time farmer of retirement age who is retiring from active working life, was farming on January 1, 1994 and has owned and operated the farm operation for a substantial number of years.

***Fish Habitat*** means the spawning grounds and nursery, rearing, food supply, and migration areas on which fish depend directly or indirectly in order to carry out their life processes.

***Flood Plain for River and Stream Systems*** means the area, usually low lands adjoining a watercourse, which has been or may be subject to flooding hazards.

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

***Negative Impacts*** means:

- a) in regard to fish habitat, the harmful alteration, disruption or destruction of fish habitat, except where it has been authorized under the *Fisheries Act*, using the guiding principle of no net loss of productive capacity.
- b) in regard to other natural heritage features and areas, the loss of the natural features or ecological functions for which an area is identified.

***One Hundred Year Flood (for river and stream systems)*** means that flood, based on an analysis of precipitation, snow melt, or a combination thereof, having a return period of 100 years on average, or having a 1% chance of occurring or being exceeded in any given year.

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

***Wetlands*** means lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case, the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic plants or water tolerant plants. The four major types of wetlands are swamps, marshes, bogs and fens.

## **4.0 GOALS AND OBJECTIVES**

### **4.1 NATURAL HERITAGE GOAL**

The natural beauty of South Frontenac Township's lakes, forests and rural landscape is its predominant asset. It is the Natural Heritage Goal of this Official Plan to preserve and enhance South Frontenac Township's environmental quality for the enjoyment of future generations, while realizing its economic potential. To accomplish this, development decisions will be made from a long term cumulative impact point of view which protects the natural heritage systems within the Township.

#### **(a) Objectives**

- (i) to promote sustainable development that meets the needs of the present without compromising the ability of future generations to meet their own needs.
- (ii) to approach planning decisions on an ecosystem basis, an approach that recognizes the interconnection of all living organisms, including humans, to their environment and to each other.
- (iii) to consider the cumulative impacts of planning decisions, recognizing that development proposals cannot be addressed only on an individual basis in isolation from past and future decisions.
- (iv) to ensure that no net loss of environmental quality occurs.
- (v) to maintain or improve surface and subsurface water quality.
- (vi) to encourage the re-establishment of natural vegetation along shorelines and the upgrading of existing development around waterbodies, especially older sewage disposal systems which may be adversely affecting water quality.

### **4.2 HOUSING GOAL**

This Official Plan will encourage residential development which is affordable, of high quality and capable of meeting the changing and diverse needs of the rural community. Such development will be carefully planned to reduce land use conflicts, provide long-term protection of the environment and minimize the municipal servicing costs.

(a) Objectives

- (i) to minimize the cost of providing essential municipal services to the residents. This will be accomplished by planning controls which consider the long-term servicing costs of all developments.
- (ii) to maintain the established rural character of the community. This will be accomplished by zoning controls which reduce land use conflicts, minimize the impact of development on traditional rural activities and place environmental concerns ahead of residential growth.
- (iii) to provide for a variety of housing types which will meet the varied and evolving needs of the residents. This will be achieved through by-laws which set out the criteria for construction and maintenance standards of various types of accommodation.
- (iv) to encourage seniors' facilities, group homes and affordable housing to meet the needs of the community. Mindful of the municipality's limited funds, this will be accomplished by zoning by-laws rather than by direct or indirect subsidies.
- (v) to monitor the changing housing needs of the community. This will be accomplished by periodic review of the community's demographics.

**4.3 AGRICULTURAL AND RURAL GOAL**

The Rural and Agricultural Goal of this Official Plan is to preserve the Township's established rural character and agricultural industry.

(a) Objectives

- (i) to protect agriculturally productive land from the encroachment of incompatible land uses by restricting the location of residential, commercial and industrial development on such land and by encouraging such uses not to locate on productive agricultural lands.
- (ii) to maintain agriculturally productive lands in economically viable units by preventing the fragmentation of such land.
- (iii) to protect the viability of confinement livestock enterprises by limiting the encroachment of non-agricultural uses.

- (iv) to protect the established rural character of the Township from uncontrolled strip development.

#### **4.4 MINERAL RESOURCES GOAL**

The Mineral Resources Goal of this Official Plan is to protect significant mineral and aggregate resource areas from incompatible land uses to enable their continued or future development.

##### (a) Objectives

- (i) to protect significant mineral and aggregate resources by restricting non-compatible development on or adjacent to identified areas of mineral and aggregate resource potential.
- (ii) to provide policies to achieve the proper management of mineral and aggregate areas.
- (iii) to ensure that mineral and aggregate areas will be rehabilitated by the operator to facilitate future land use.

#### **4.5 CULTURAL HERITAGE GOAL**

The Cultural Heritage Goal of this Official Plan is to conserve significant man-made heritage resources and cultural heritage landscapes in the Township.

##### (a) Objectives

- (i) to identify and protect buildings, structures, monuments, installations, remains and archaeological sites associated with architectural, cultural, social, political or economic history of the Township.
- (ii) to identify and protect areas of the Township which are significant to the understanding of the history of the Township or its residents.
- (iii) to assess any adverse impacts to identified cultural heritage resources in the Township.

#### **4.6 PUBLIC HEALTH AND SAFETY GOAL**

The Public Health and Safety Goal of this Official Plan is to ensure development activity does not jeopardize the health and safety of Township residents.

(a) Objectives

- (i) to identify and direct development away from natural hazard lands such as floodplain, steep slope or erosion-prone areas.
- (ii) to identify and direct development away from man-made hazard lands such as abandoned mine sites and waste disposal areas.

**4.7 COMMERCIAL GOAL**

The Commercial Goal of this Official Plan is to ensure that there is a well balanced and varied commercial economy to serve the needs of the residents of the Township and the tourists by the provision of adequate commercial land and land use policies.

(b) Objectives

- (i) to encourage commercial establishments to develop in harmony with their surroundings, in proportion to and in conjunction with residential development, as the market demand matures.
- (ii) to maintain and improve existing commercial areas as well as to allow limited commercial expansion in other parts of the Township, having careful regard for good site development standards.
- (iii) to provide adequate commercial facilities oriented to the needs of the tourist industry.
- (iv) to permit commercial infilling adjacent to existing commercial uses in established commercial areas and on marginal agricultural land.

**4.8 SERVICING AND COMMUNITY IMPROVEMENT GOAL**

The Servicing and Community Improvement Goal of this Official Plan is to require adequate and efficient systems of water supply, sanitary sewage disposal, storm drainage and waste disposal to all areas of development in the Township and to co-ordinate development with the Township's ability to provide adequate physical and community services.

(a) Objectives

- (i) to provide adequate and up-to-standard physical and community services, especially in built-up areas. Such services may include street paving, street lighting, stormwater drainage as well as libraries, community meeting spaces, recreation parks, etc.

- (ii) to attempt to resolve any problem resulting from existing incompatible land uses in the developed communities, and to ensure that buildings and properties are maintained to an acceptable standard.
- (iii) to require the installation of private water supply systems and private sewage treatment systems in accordance with the requirements of the appropriate governmental agencies.
- (iv) to encourage and facilitate the correction of existing sewage systems identified as decreasing environmental quality and creating health problems.
- (v) to consider development on municipal sewer and water services in the settlement areas only.
- (vi) to prohibit private communal systems in the Township.

#### **4.9 RECREATIONAL GOAL**

The Recreational Goal of this Official Plan is to optimize the recreational potential of the Township by ensuring sufficient land is preserved for recreational purposes and by maximizing existing recreational resources.

##### **(a) Objectives**

- (i) to provide sufficient park, recreational and sport facilities by receiving the maximum parkland dedication permitted under the Planning Act.
- (ii) to secure land located along shorelines for public uses.
- (iii) to develop scenic routes, trails and recreational facilities for boating, recreational vehicles, cross-country skiing and hiking.
- (iv) to provide opportunities for nature-oriented activities such as sport fishing, bird watching, and hunting.

#### **4.10 TRANSPORTATION GOAL**

The Transportation Goal of this Official Plan is to provide an efficient and cost-effective transportation network that optimizes the movement of people and goods throughout the Township.

(a) Objectives

- (i) to develop a transportation network consistent with identified needs of the Township.
- (ii) to discourage direct access to major roads.
- (iii) to encourage the improvement of access to recreational areas.
- (iv) to permit limited service residential development on existing private roads and extensions to private roads leading to water.
- (v) to ensure that the location and development of transportation facilities cause minimal environmental and community disruption.
- (vi) to identify the functional classification of roads and provide an appropriate standard for each classification.
- (vii) to avoid upgrading and assuming any existing or new private road responsibilities.
- (viii) to limit development on roads which are not able to sustain increased usage.
- (ix) Council will only consider the assumption of new public roads provided they are brought up to an appropriate municipal standard.



## **5.0 LAND USE POLICIES**

The land resources within South Frontenac shall be developed in accordance with the vision, goals, objectives and policies of the Official Plan of the Township of South Frontenac. The Official Plan text and Land Use Schedule identify the following seven land use designations: Agricultural, Environmental Protection, Mining, Mineral Aggregate, Settlement Areas, Rural and Waste Disposal. In addition, there is an overlay or sub-designations which serve to identify and protect certain environmental and resource features in the Township. The overlay or sub-designation is Environmentally Sensitive Areas. Development of these areas shall be permitted in accordance with the underlying land use designation, while having regard for the Environmentally Sensitive policies of this Plan.

### **5.1 AGRICULTURAL**

The Agricultural designation means that the predominant use of land in the areas so designated shall be for agricultural purposes and compatible uses which enhance the Township's agricultural industry. The Agricultural designation has been applied to those lands that are considered to be provincially significant, that have a high capability to produce food and are generally large blocks of Class 1, 2 and 3 soils as identified in the Canada Land Inventory (CLI) for agriculture. The Agricultural designation may also include areas which exhibit established agricultural activity. This designation also includes aquaculture uses on lands suited for such purposes.

#### **5.1.1 Uses Permitted**

Uses permitted include agricultural operations (i.e. agriculture, horticulture or silviculture), aquaculture (i.e. fish farming), the growing, producing or raising of livestock including poultry, rabbits, fur bearing animals, bees, deer, elk, game animals and birds, and the production of agricultural crops, maple syrup and mushrooms, limited farm and non-farm related residences, accessory farm buildings, secondary uses such as home occupations, home industries and uses that produce value-added agricultural products from the agricultural farm operation. In addition, conservation projects and passive open space uses (excluding golf courses) that maintain the existing parcel size and do not require structures are permitted. Uses that are directly related and necessary in proximity to farm operations, such as agricultural supply and service establishments, cold storage for fresh produce or grain drying, may be permitted and providing suitable alternative locations within the "Rural" designation are not available.

#### **5.1.2 Second Farm Residence**

A second farm-related residence for the accommodation of an essential farm employee or a retiring farmer may be permitted on a farm holding of at least 35 hectares (86.5 acres) provided all servicing and access requirements of the Official Plan and Zoning By-law can be met.

5.1.3 Minimum Distance Separation Formula

Farm and non-farm development shall comply with the Minimum Distance Separation Formulae I and II as amended from time to time.

5.1.4 Zoning By-laws

Agricultural lands shall be zoned in a separate classification in the implementing zoning by-law. Farm related commercial and industrial uses shall be zoned in a separate classification.

5.1.5 Agricultural Consents

Consents in the Agricultural designation shall conform with this section and the General Consent Policies of Section 7 of this Plan. Within the Agricultural designation, the following three (3) types of consents are permitted:

- (a) farm consents;
- (b) farm and infill related residential consents;
- (c) farm related industrial and commercial consents;

The following consent policies shall apply.

a) Farm Consents

Farm consents shall only be considered where the municipality is satisfied that:

- (i) both the retained and severed lot are large enough to support a farm operation. The minimum lot size shall be established in the implementing Zoning By-law;
- (ii) the proposed consent does not create or promote inappropriate agricultural land fragmentation; and
- (iii) the farm buildings either existing or proposed will be sufficiently separated from buildings on adjacent lots to comply with the Minimum Distance Separation formulae as amended from time to time.

b) Farm and Consents for Infilling Purposes

Limited farm and infill residential consents may be permitted in the Agricultural designation. The property may be eligible for one (1) residential consent provided it relates to a farm operation of at least 35 hectares (86.5 acres) and complies with the Minimum Distance Separation I Criteria as amended from time to time. For the purpose of this Plan, a farm operation will include the total land holding (owned, leased or rented) of a farmer. However, only one parcel from within a farm operation will be eligible for a residential consent in accordance with the policies of this Plan. A residential consent may be for either a farm related or infill residential use in accordance with the policies of this Plan. Consents for lot adjustments which do not create new lots shall not make a lot ineligible for a residential consent so long as the intent of the Plan is maintained. New farm or non-farm residential consents shall be a minimum of 0.8 hectares (2 acres) with a minimum of 76 metres (250 feet) of public road frontage, except for waterfront lots which shall be a minimum of 1 hectare (2.5 acres) with a minimum of 91 metres (300 feet) of waterfrontage.

(i) Farm Related Residential Consents

Consents for farm related residential use may be permitted for an existing residence considered to be surplus as a result of a farm consolidation where the consolidation results in a farm operation of at least 35 ha (86.5 acres) or where the lot is to be used for a retirement lot for a farmer. A farm retirement lot shall mean one lot from a farm operation for a full time farmer of retirement age who is retiring from active working life, was farming on or before January 1, 1994 and has owned and operated the farm operation for a substantial number of years.

(ii) Infill Residential Consents

Consents for infill residential uses may be permitted in the Agricultural designation. The consent may be from any property existing as of the day of adoption of the Plan. In the Agricultural designation, infilling shall refer to situations where the lands under consideration front upon a public road, are between two existing non-farm residential lots (side lot lines form the boundaries of the area subject to infilling) separated by not more than approximately 100 metres (328 feet) and located on the same side of the road.

c) Farm Related Industrial and Commercial Consents

Non-residential uses specifically referred to under Section 5.1.1 of this Plan may be permitted within the Agricultural designation. In granting consents related to such uses, regard shall be had for the following:

- (i) a consent to a land severance may be considered by the Committee of Adjustment to allow the establishment of agricultural service and supply industries and other such uses as may be permitted provided such use does not jeopardize the viability of an adjacent farming operation and that the proposed use will comply with the Minimum Distance Separation Formulae I as amended from time to time and is compatible with adjacent land uses;
- (ii) where possible, a lot created for farm related industrial or commercial purposes shall be encouraged to be located within areas of poorer quality soils; and
- (iii) a lot created under the provisions of this Section shall be conditional on the approval of an amendment to the implementing Zoning By-law rezoning the lands within an appropriate zone classification.

## **5.2 ENVIRONMENTAL PROTECTION**

The Environmental Protection designation applies to lands which play an important role in the preservation of the Township's natural heritage systems including wetlands, watercourses and lakes and significant portions of the habitat of threatened or endangered species. This designation includes natural hazard lands which may pose a threat to life and property because of inherent physiographic characteristics such as floodplains, erosion hazards, poor drainage, organic soil, steep slopes or other similar physical limitations.

An Environmentally Sensitive Areas overlay identifies lands which should be developed in an environmentally sensitive manner and/or protected and preserved in the long term. Such lands are described as Environmentally Sensitive Areas and include lands identified to have significant biological, geological, zoological or other unique natural features such as sensitive groundwater recharge and discharge areas, natural connections between natural heritage features, fish habitat, significant wildlife habitat, significant woodlands, significant valleylands and areas of natural and scientific interest. The Environmentally Sensitive Areas also include all lands adjacent to all Township lakes because of the potential impact development may have on water quality and fish habitat. With respect to fish habitat, adjacent lands will be 30 metres (98.4 feet), for Areas of Natural and Scientific Interest, adjacent lands will be 50 metres (164 feet). For other natural Heritage features and areas, an appropriate adjacent lands width will be incorporated into the Plan once these features have been identified. Development of Environmentally Sensitive Areas may be permitted in accordance with the underlying land use designation while having regard to the policies of this Plan including Section 5.2.7.

### 5.2.1 Uses Permitted

The uses permitted on lands designated Environmental Protection are limited to agriculture, conservation, wildlife management, research, education, appropriate passive recreational uses and public or private open space. Buildings, structures or works associated with agriculture, excluding residences, flood or erosion control, water course protection or bank stabilization may be permitted. However, no development or site alterations shall be permitted within significant portions of threatened or endangered species or within a Provincially Significant Wetland although existing agricultural uses will be permitted and allowed to continue.

### 5.2.2 Environmental Protection Boundaries

The boundaries of the Environmental Protection designation have been established by air photo interpretation, site inspections, input from the Conservation Authorities and the Ministry of Natural Resources, evaluated wetland mapping and by reference to the engineered flood plain mapping for portions of the Napanee Region and Cataraqui Region watersheds (the Rideau Valley Conservation Authority has no engineered floodline mapping in the Township). When additional information on the natural heritage or natural hazard features, wetland mapping or floodline mapping becomes available, this Official Plan and the Zoning By-law shall be amended accordingly.

The boundaries of the Environmental Protection designation will serve as the basis for the implementing Zoning By-law. Minor changes to the boundaries of these designations may be considered by Council in consultation with the relevant Conservation Authority and the Ministry of Natural Resources without an amendment to the Official Plan provided the proposed use would be permitted in the adjacent designation and the overall intent of the Plan is maintained. An amendment to the Zoning By-law may be required. In reviewing such changes, consideration will be given to the following matters:

- (a) the potential impacts of the proposed development on the environmental feature or adjacent land;
- (b) a description of the potential negative impacts of the proposed development or site alteration or the environmental feature and its ecological functions;
- (c) the proposed methods by which the environmental feature may be protected in a manner consistent with accepted resource management practices; and
- (d) the costs and benefits of any works or resource management practices needed to protect the environmental feature.

There is no obligation, however, to change the designation or zoning of any areas shown as Environmental Protection, if there would be negative impacts on the environmental feature or if the environmental constraint would be difficult or costly to overcome.

### 5.2.3 Flood Plains

Development and site alterations will not be permitted within defined portions of the one in one hundred year floodplain.

Engineered Flood Plain mapping has been completed for portions of the Township. Where Engineered Flood Plain mapping is approved by the appropriate authority and the necessary regulations have been adopted, the following requirements shall apply.

- (a) The erection of new buildings or structures, the removal or placing of fill and/or alterations to waterways in areas regulated will not be permitted without the prior approval of the appropriate authority.
- (b) Where a major alteration is necessary to overcome the hazards within an engineered Flood Plain, an amendment to this Plan will be required.
- (c) An amendment to this Plan will not be required for minor filling within the Flood Plain, provided the appropriate authority approves of such alteration.
- (d) In the absence of detailed floodplain mapping or flood elevations, the boundaries of the lands within the engineered floodplain and designated as Environmental Protection on the Land Use Schedules shall be used as guides for the preparation of the zoning by-law provisions which will implement the policies of this section.
- (e) In the absence of detailed floodplain mapping, and where a flooding hazard is suspected, Council, in consultation with the local Conservation Authority, will require that a proponent detail the extent of any hazard lands and the measures that would be required to address the following requirements:
  - i) that vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies;
  - ii) that new hazards are not created and existing hazards are not aggravated and that no adverse environmental impacts result;
  - iii) that the hazards can be safely addressed and carried out using established standards and procedures and the Conservation Authority has approved any floodproofing measures which are proposed;

- iv) that a site plan and site plan agreement, if necessary, have been completed to the satisfaction of the Municipality in consultation with the appropriate Conservation Authority; and
- v) that an amendment to the Zoning By-law setting out any applicable provisions has been obtained where required.

#### 5.2.4 Erosion Hazards

The Township will direct development or site alterations away from lands identified by the municipality which may be subject to shoreline erosion hazards. The Township should consult with the appropriate Conservation Authority with respect to lands that may constitute an erosion hazard.

#### 5.2.5 Significant Wetlands 'W'

Several wetland areas in the Township have been evaluated through the provincial Wetland Evaluation System as being Provincially Significant. Evaluated wetlands that have been classified as provincially significant are designated Environmental Protection and identified by the symbol 'W' on the Land Use Schedule. The Township will promote the continued protection of all significant wetlands to maintain and improve water quality, assist in flood control, provide important fish and wildlife habitat and contribute to substantial social and economic benefits which include selected outdoor recreational and tourism related activities.

Notwithstanding Section 5.2.1, no development or site alterations shall be permitted within any of the significant wetlands.

The Township will zone all provincially significant wetlands as areas for environmental protection and conservation and will encourage protection and conservation of all other wetlands in order to maintain their hydrologic, social, wildlife habitat features and recreational benefits.

No new development or site alteration within 120 metres (394 feet) of a provincially significant wetland, nor the expansion or redevelopment of existing development within or adjacent to a provincially significant wetland is permitted unless it has been determined through an Environmental Impact Assessment, completed in accordance with Section 5.2.11 of this plan, that there will be no negative impacts on the natural features or ecological functions of the wetland.

Development on existing lots of record which are located within or adjacent to a provincially significant wetland will be permitted, subject to the requirements of Section 5.2.11.

Notwithstanding the above, established agricultural activities are permitted within and adjacent to a provincially significant wetland without an Environmental Impact Assessment.

#### 5.2.6 Zoning

Environmental Protection areas shall be zoned in a separate classification in the implementing Zoning By-law.

#### 5.2.7 Environmentally Sensitive Areas

Lands within South Frontenac which abut or are adjacent to the Township's many lakes and rivers have historically attracted tremendous interest as areas for summer recreation. The obvious appeal of these areas is the beautiful shorelines with their natural aesthetic qualities as well as the superb leisure and recreational opportunities they offer. Over the years, this attraction has led to development of low density seasonal dwellings whose location has evolved in a linear fashion at the shores of the lakes. These dwellings or cottages traditionally functioned solely as secondary residences used on a seasonal basis by their owners, whose principal place or residence was elsewhere.

In recent years, there has been pressure in the Township to use waterfront residential properties on a more intensive, multi-season basis. The reasons for this are broad and relate largely to the general population growth experienced in the Township but it may also be attributed to changing lifestyles and better roads and accessibility throughout the municipality. This trend has translated into proposals to enlarge existing lakefront cottages, to create new waterfront lots through the consent process, and to construct increasingly large new dwellings on existing vacant lots and newly-created lots. This has, correspondingly, led to 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 that emphasize the importance of protecting the Township's waterfront areas' unique physical, aesthetic, natural and environmental character.

Lands in South Frontenac which have unique natural or scientific features and upon which development and site alterations may negatively impact on the natural ecosystem or the aesthetic and natural appeal of the Township's waterfront are identified as Environmentally Sensitive Areas. These lands include significant wildlife habitat, fish habitat, significant areas of natural and scientific interest, significant woodlands and valleylands as well as all lands within 90 metres (295 feet) of the highwater mark of lakes and rivers and the adjacent land widths identified in Section 5.2 of this Plan.



These lands may be developed in accordance with the underlying land use designation and the following:

a) Policies for Development or Site Alterations in Fish Habitat, Significant Wildlife Habitat, Areas of Natural and Scientific Interest, Woodlands and Valleylands

In areas identified by Council, development and site alterations in and adjacent to significant wildlife habitat, areas of natural and scientific interest, significant woodlands and significant valleylands and in fish habitat may be permitted in accordance with the following:

- (i) Council may permit development and site alterations within and adjacent to Environmentally Sensitive Areas in accordance with the underlying land use designation when an Environmental Impact Assessment prepared in accordance with Section 5.2.11 indicates that no negative impacts on the natural features or the ecological functions occur.
- (ii) If in Council's opinion, after reviewing the Environmental Impact Assessment the proposed development and/or site alteration will not result in any negative impacts to ecological features or functions, the development or site alteration may proceed on the basis of the appropriate land use policies and the Environmental Impact Assessment. A completed and accepted Environmental Impact Assessment does not ensure that the proposal will automatically be permitted.
- (iii) Where an Environmental Assessment for a proposal is being carried out under the Ontario Environmental Assessment Act or Federal Fisheries Act, that assessment will be deemed to fulfill the Environmental Impact Assessment requirements of this Plan.
- (iv) The co-operation of adjacent municipalities will be sought to protect Environmentally Sensitive Areas which are only partially located in South Frontenac.
- (v) All landowners with lands within and abutting Environmentally Sensitive Areas will be encouraged to maintain their lands in a manner which preserves the attributes of Environmentally Sensitive Areas.
- (vi) The protection of Environmentally Sensitive Areas from conflicting uses will be undertaken through the inclusion of appropriate separation distances if required in the implementing zoning by-laws.
- vii) The implementing Zoning By-law will establish a separate category for the lands identified as Environmentally Sensitive Areas. The Zoning By-

law may regulate new land uses in order that impacts can be mitigated. Implementation will occur primarily through the review of applications for development and site alterations. Site plan control will be used where appropriate to implement remedial measures/mitigation measures identified by an Environmental Impact Assessment.

b) Policies for Development and Site Alterations Adjacent to Lakes and Rivers

The policies of this section apply to all lakes and rivers, except where they conflict with the policies detailed in Sections 5.2.8 of this Plan for Lake Trout Lakes.

- (i) All lands within 90 metres (295 ft.) of the highwater mark of all lakes and rivers which are not designated Environmental Protection are included as Environmentally Sensitive Areas. Where development and site alterations are proposed in Environmentally Sensitive Areas, it is the intent of this Official Plan that all buildings, campsites and structures not related to the use of the water and all sewage disposal system leaching beds be well set back from the highwater mark. More specifically, a minimum setback of 30 metres (98.4 ft.) from the highwater mark shall apply but greater setbacks may be required depending on conditions specific to individual sites. Vegetation within the setback area should be disturbed as little as possible consistent with pedestrian passage, safety, provision of views and ventilation. When considering views and ventilation, it is intended that only selective, minor tree cutting and trimming occur. The soil mantle within the setback area should not be altered. These measures are intended to minimize environmental and visual lake impacts by reducing phosphorus inputs, preventing erosion and by maintaining a natural appearance of the shorelines. No commercial or clear-cut logging shall be permitted within 90 metres of the highwater mark of all lakes and rivers or on lands sloping towards lakes within the Township.
- (ii) In implementing subsection (i), it is intended that:
  - 1) On lots created subsequent to the approval of this plan and having steep slopes, minimal woody vegetation cover, thin soils and/or soils with poor phosphorus retention capability, setbacks of 90 metres (295 ft.) may be required.
  - 2) On vacant lots existing on the day of adoption of this Plan, a minimum 30 metre (98.4 ft.) setback from the high watermark for all proposed structures shall be required. Consideration may be given to very slight reductions to the minimum 30 metre (98.4 ft.) setback requirement but only if it is not physically possible to meet the setback anywhere on the parcel. Where it is not physically

possible to meet the setback, then the structure shall be constructed as far back as possible from the highwater mark.

- 3) Proposals to construct additions to existing dwellings that are already within the 30 metre setback may be permitted but will be evaluated on the merits of the proposal based on the following:
  - a) the ultimate total gross floor area, building footprint and lot coverage being proposed;
  - b) the closeness of the existing dwelling to the high watermark; and
  - c) the capacity of the lot to accommodate new development at a greater setback from the high watermark.

In no case shall an already encroaching structure be permitted to encroach further on the setback from the highwater mark.

- (iii) Appendix 'A' provides information which will help interpret the intent of this section. It is taken from the study entitled "Rideau Lakes Carrying Capacities and Proposed Shoreland Development Policies" and provides additional information which will be used by Council, municipal staff, applicants, reviewing agencies, Committee of Adjustment and the public in assessing the proposed development or site alterations of any land near water. The objective is to attempt to ensure that development or site alterations are sustainable and in particular to maximize the protection of water quality.
- (c) Prior to constructing, funding or supporting public projects, such as municipal road or drainage works on land within or adjacent to Environmentally Sensitive Areas including lake trout lakes, Council shall consult with the Ministry of Natural Resources, the Ministry of the Environment and the Department of Fisheries and Oceans or agents to determine what design requirements, if any, are necessary to eliminate or mitigate adverse effects on the environmental feature or lake trout habitat including water quality requirements.
- (d) Amendments to Environmentally Sensitive Areas
  - (i) Updating (including mapping) and, where applicable, the deleting and addition of lands within Environmentally Sensitive Areas including lake trout lakes will be carried out in co-operation with the appropriate public agency.

- (ii) The boundaries of Environmentally Sensitive Areas may be redefined without an amendment to this Plan after review and approval by the municipality of the Environmental Impact Assessment.
- (iii) Amendments to the boundary of a Provincially Significant Wetland or Provincially Significant Area of Natural and Scientific Interest will require the approval of the Ministry of Natural Resources.

#### 5.2.8 Lake Trout Lakes

The Township has one of the highest concentrations of inland lake trout lakes in the province. Lake trout require cold, deep, well-oxygenated water for survival. Development is one of the factors which may reduce the ability of a lake to maintain a healthy self-sustaining lake trout population by adding nutrients (phosphorus and others) which may negatively impact water quality, thereby reducing the lake trout habitat. The policies of this section are designed to ensure that any development on or adjacent to a sensitive lake trout lake take place in a manner which does not negatively impact water quality in order to maintain a healthy lake trout population.

The following list identifies the lakes in the Township which are identified as being highly sensitive and moderately sensitive to new development and site alterations:

##### Highly Sensitive Lake Trout Lakes

Big Salmon  
 Bobs (Green Bay)  
 Potspoon  
 Loughborough (West Basin)  
 Buck (South Basin and North Basin)  
 Knowlton  
 Garter

##### Moderately Sensitive Lake Trout Lakes

Big Clear  
 Birch  
 Canoe  
 Crow  
 Desert  
 Devil  
 Gould

In addition, sensitive lake trout lakes are identified on Schedule ‘A’ with an “LT”.

The requirements of Section 5.2.7b) i) apply to all existing and new development and/or site alterations located adjacent to a sensitive lake trout lake, except where those requirements conflict with the requirements of this Section or the results of a technical study which may be required by subsection 5.2.10 and/or 5.2.11.

All development or site alterations proposed within 30 metres (98.4 feet) of the highwater mark will require the submission of an Environmental Impact Assessment prepared in accordance with Section 5.2.11. A Lake Impact Assessment prepared in accordance with Section 5.2.10 of this Plan may also be required.

All development or site alterations on or adjacent to a sensitive lake trout lake will be subject to site plan control. Council may also utilize other controls, such as those permitted under the *Municipal Act 2001*, to help ensure that sensitive lake trout lakes are protected.

(a) Highly Sensitive Lake Trout Lakes

Highly sensitive lake trout lakes are lakes which have been determined to be at capacity for development with respect to additional nutrient loadings which may adversely affect water quality. Development and/or site alterations will not be permitted on a highly sensitive lake trout lake (i.e. they cannot accommodate additional development). The following policies apply to development or site alterations on or within 300 metres (984.3 feet) of an identified highly sensitive lake trout lake.

In addition to the above, the following policies shall apply to all proposed development or site alterations at or within 300 metres of an identified highly sensitive lake trout lake:

- (i) Existing lots of record may be developed in accordance with Section 5.2.7 b) ii) 3). Consideration may be given to servicing the lot with a new technology, other than an approved class 4 sewage disposal system, where it has been demonstrated that the use of such technology will not impact on water quality over the long term.
- (ii) Generally, the creation of new lots, through the severance consent process, within 300 metres (984.3 feet) of a highly sensitive lake trout lake will not

be considered for approval due to the potential to further degrade the water quality necessary to maintain a healthy lake trout population.

- (iii) Notwithstanding (ii) above, Council may consider the creation of new lots through the severance consent process in special or unique circumstances where it can be proven to the satisfaction of Council, in consultation with the Ministry of Environment and the Ministry of Natural Resources, that one or more of the following conditions exists:
  - a) the drainage of the proposed lot flows to a separate, non-sensitive, watershed as a result of existing topographical or physical features;
  - b) it can be demonstrated, through hydrogeological studies, that the drainage of the sewage effluent will effectively result in a circuitous setback of at least 300 metres (984.3 feet);
  - c) that new technologies in sewage disposal systems, acceptable to the Ministry of Environment, will be utilized resulting in no adverse effects on lake water quality;
  - d) a conventional septic system (tile bed) will be located outside 300 metres (984.3 feet) from the highwater mark, provided that the total nutrient loading resulting from proposed buildings, construction and land clearing does not adversely affect the water quality of the lake.
  - (e) the proposal is supported by detailed site-specific hydrogeological and soil studies which assess phosphorus distribution, migration velocity and long-term soil retention capabilities.
- (iv) Minor variance applications shall be accompanied by an Environmental Impact Assessment prepared in accordance with Section 5.2.11 of this Plan.

(b) Moderately Sensitive Lake Trout Lakes

Moderately sensitive lake trout lakes are lake trout lakes which are considered to have limited capacity for additional development or site alterations. The following policies apply to development on or within 300 metres (984.3 feet) of an identified moderately sensitive lake trout lake:

- (i) Council, in consultation with the Ministry of Environment and the Ministry of Natural Resources may require the proponent of a development proposal to undertake a Lake Impact Assessment (prepared in accordance with Section 5.2.10 of this Plan) to determine if the lake can accommodate the proposed development.

#### 5.2.9 Endangered and Threatened Species

Development and site alterations will not be permitted within significant portions of the habitat of endangered and threatened species. The municipality will ensure that, as part of the review of proposals for development and/or site alteration, they consult with the Ministry of Natural Resources' endangered and threatened species mapping to ensure that the proposal does not include lands identified as a significant portion of the habitat of an endangered or threatened species.

Furthermore, any development or site alteration proposed within 50 metres (164.0 feet) of significant portions of the habitat of an endangered or threatened species habitat will require the submission of an Environmental Impact Assessment, prepared in accordance with Section 5.2.11 of this Plan.

#### 5.2.10 Lake Impact Assessments

Development adjacent to any waterbody has the potential to negatively impact on that waterbody by causing impairments to water quality and indirectly impact on fish habitat. It is the municipality's intention to protect and maintain water quality in its many lakes and, where possible, to improve water quality over the long term. A Lake Impact Assessment must be prepared by a qualified individual in consultation with, and to the satisfaction of, the municipality and the Ministry of Environment.

#### 5.2.11 Environmental Impact Assessment

In considering any development or site alteration, including any planning amendments or variances within or adjacent to any Environmentally Sensitive Area, Provincially Significant Wetland, Significant Portions of the Habitat of an Endangered or Threatened Species, or within 300 metres (984.3 feet) of a Sensitive Lake Trout Lake, Council, in consultation with the Conservation Authority, will require a preliminary Environmental Impact Assessment.

Should the municipality determine from the results of the preliminary assessment that a more detailed Environmental Impact Assessment is required, it shall be prepared by a qualified individual and shall consist of:

- (a) a description of the proposed development, its purpose including site planning details, a general locational map, proposed buildings, existing land uses and

details showing the existing vegetation, site topography, drainage, soils and fish and wildlife habitat areas.

- (b) a description of the negative impacts that will be caused or which might reasonably be expected to be caused to the environment and the ecological functions and features associated with the feature;
- (c) description of the negative impacts the proposed development will have on fish habitat including water quality requirements or effect on other features and functions;
- (d) a statement indicating whether negative impacts will result from the proposal and a description of the actions necessary or which might be expected to be necessary to prevent change or to mitigate or remedy the negative impacts which might be expected to occur upon the environment and/or ecological functions and features as a result of the proposed development;
- (e) a description of how the mitigative measures will be implemented and/or enforced;
- (f) any measures, where deemed appropriate, to monitor the mitigation measures and to assess the long term impacts associated with the proposal.

### **5.3 MINING**

The Mining designation is intended to identify mines operating in accordance with the Mining Act and administered by the Ministry of Northern Development and Mines located in South Frontenac. There are currently no operating mines in the Township. An amendment to this Plan is required prior to the establishment of a new or reactivation of a former mine.

#### **5.3.1 Uses Permitted**

For the purpose of this Official Plan, mining is understood to include above ground and underground work, pits and quarries used for mineral extraction (excluding pits and quarries licensed by the Ministry of Natural Resources used for aggregate extraction as included in Section 5.5 of this Plan), as well as the associated processing, transportation, waste and tailings storage and directly related activities.

#### **5.3.2 Amendment Criteria**

The use of a particular site for mining purposes shall require an amendment to the Official Plan to designate the site and incorporate specific requirements related to the



proposed mining activity. When considering a redesignation for mining purposes, Council may request that the Ministry of Environment consider the need for an Environmental Assessment pursuant to the Environmental Assessment Act.

When reviewing an application to amend the Plan, Council shall take into consideration the impacts on the adjacent land uses (those within 500 metres (1,640.4 feet) and the environment such as noise, dust, air and water discharges, erosion, sedimentation and light, interference with wildlife habitat, vegetation, hydrogeology, roads and aesthetic appearance. The operation should be as self contained as possible, especially with respect to the use of water. The requirements of all relevant agencies such as the Ministries of Health, Labour, Natural Resources, Environment, Transportation, Northern Development and Mines and the relevant Conservation Authority shall be met by the applicant. Council may request a proponent to supply studies or information on any of the above matters that it considers necessary to determine whether the proposal complies with the Official Plan and will be environmentally acceptable.

Council will require the proponent to pay the Municipal costs associated with the consideration of the proposal, including fees for independent consultants and advisors. Financial assurances will also be required to guarantee the clean-up of the site when activity ceases.

### 5.3.3 Zoning

Mining operations will be zoned in a separate category in the implementing zoning by-law. The sites approved for mining may be placed in one or more specific zoning categories to carefully control and regulate the use of land.

### 5.3.4 Mineral Potential

The Ministry of Northern Development and Mines has indicated that portions of the Township have the potential for mineral extraction. While this mineral potential may be important to the Township, it also has the potential for conflict with the other goals and objectives of the Official Plan. Council will therefore exercise utmost caution when considering a request for a mining operation to ensure that mining is permitted only under enforceable controls which maintain the environmental, residential, tourism, recreational and economic goals and objectives of the Official Plan. In areas adjacent to (within 500 metres (1,640.4 feet) or in known mineral deposits or in areas of mineral potential, development which would preclude or hinder the establishment of a new mining operation or expansion of an existing operation or which would prevent access to a mineral resource, will not be permitted unless:

- (a) resource use would not be feasible; or

- (b) the proposed land use or development serves a greater long term public interest; and
- (c) issues of public health and safety and environmental impacts are addressed.

#### 5.3.5 Mine Rehabilitation

Past producing mining operations or active mining operations shall be subject to the provisions of the Mining Act with respect to rehabilitation and/or closure. Progressive rehabilitation will be undertaken where feasible. For lands designated Agriculture, extraction will be permitted, provided the site is rehabilitated to an agricultural use.

Where a mine has been closed and rehabilitated, the lands may be redesignated to an appropriate land use.

### 5.4 WASTE DISPOSAL

The Waste Disposal designation of land shall mean that the predominant use of the land in areas so designated shall be for public or private waste disposal, management or treatment.

#### 5.4.1 Uses Permitted

The uses permitted shall be limited to municipally or privately operated waste disposal or management sites licensed by the Ministry of Environment and may include transfer stations, waste processing facilities, landfill sites, waste disposal sites, salvage yards, sewage lagoons, sewage treatment plants and water treatment plants. The types of wastes permitted shall be limited to municipal wastes and controlled wastes as defined by the Ministry of the Environment. Under no circumstances shall any waste disposal site be used for the storage or disposal of nuclear waste, toxic waste or any other waste that poses a threat to life.

In addition, agricultural, open space and forestry uses shall be permitted where such uses do not preclude or hinder future waste disposal operations.

#### 5.4.2 Ministry of the Environment Approval

Waste disposal sites shall be subject to the approval of the Ministry of the Environment and shall conform to the requirements of the Environmental Protection Act and the Environmental Assessment Act.

### 5.4.3 Amendment Criteria

Once any necessary Environmental Assessment is completed, amendments to the Official Plan and implementing zoning by-law shall be required for the establishment or expansion of waste disposal sites. Prior to the approval of such amendments, appropriate studies shall be prepared which demonstrate to the satisfaction of Council:

- that a need exists for the proposed use;
- that the site is physically suited to the proposed use particularly with regard to topography, relief, land forms, soils and surface and ground water characteristics. Notwithstanding the general nature of this subsection, no amendment shall be approved until a hydrogeological study has been prepared which conclusively demonstrates that the impact of the proposed operation on the water table will be minimal.
- that the proposed operation is compatible with adjacent land uses or land use designations;
- that the public road system is adequate to serve the site; and
- that other sites posing less potential for impact on surrounding uses and high priority agricultural lands (Classes 1 to 3 according to the Canada Land Inventory classification system) do not exist.

### 5.4.4 Rehabilitation

Waste disposal sites shall be rehabilitated in accordance with the standards established by the Ministry of the Environment.

No uses, except those approved by the Ministry of the Environment and Council in accordance with the Environmental Protection Act, shall be permitted on rehabilitated waste disposal sites until after the passage of a period of time considered appropriate by the Ministry of the Environment.

### 5.4.5 Area of Influence

No development shall be permitted within 30 metres (98 feet) of the fill area of a sanitary landfill operation. In addition, no development shall be permitted within 500 metres (1,640 feet) of the fill area of a sanitary landfill unless a study has been completed to the satisfaction of the Township indicating that the landfill operation, including any groundwater contamination, will not have an adverse impact on the proposed development.

#### 5.4.6 Zoning

Waste disposal areas shall be zoned in separate categories in the implementing zoning by-law.

### 5.5 **MINERAL AGGREGATE**

The Mineral Aggregate designation includes sand, gravel and limestone resources. These resources have been identified in studies by the Ministry of Natural Resources. The Township recognizes the importance of its mineral aggregates as a limited and non-renewable resource which may be required to meet the needs of both the Municipality and surrounding areas. It is the intention of Council to protect wherever possible and practical the sand and gravel resources and a reasonable amount of bedrock resources for aggregate extraction and to ensure that the resources are utilized in accordance with proper controls.

#### 5.5.1 Uses Permitted

The Mineral Aggregate designation includes both existing operations licensed by the Ministry of Natural Resources as well as reserve areas. In the areas identified as Mineral Aggregate, pits and quarry operations will be permitted together with accessory uses such as crushing facilities, stockpiles and screening operations. The Zoning By-law will place pits and quarries in separate categories. Asphalt plants, ready-mix concrete plants, and aggregate transfer stations may be permitted within the land designated as Mineral Aggregate and will require site specific zoning in the Zoning By-law but only if the use is considered to be permanent. Within the reserve areas, interim land uses such as agriculture, forestry and outdoor recreation uses may be permitted provided that these do not include buildings or activities which would preclude the establishment of a pit or quarry.

For the areas designated as Mineral Aggregate, the area to be zoned or licensed may extend beyond the boundaries of the designation shown on Schedule 'A' provided such expansion is minor, reasonable, respects any separation distances and does not adversely impact on existing uses in the area.

#### 5.5.2 Influence Area

The concept of an influence area is recognized as a means of protecting against incompatible land uses in the vicinity of Mineral Aggregate designations and to protect existing pits and quarries from encroachment from other incompatible land uses. In accordance with this concept, it shall be the policy of Council to prohibit residential land uses 300 metres (984.3 feet) of an existing or proposed quarry, within 150 metres (492 feet) of an existing or proposed pit above the water table, and within 300 metres (984.3 feet) of an existing or proposed pit below the water table. In addition, Council will

prevent any other incompatible land uses from locating within this setback area and within a 200 metre (656.2 foot) influence area adjacent to this setback for all existing or proposed quarries.

### 5.5.3 Zoning

Generally, only existing licensed pit and quarry operations will be zoned in the Zoning By-law. The zoning will define whether a pit or quarry is permitted and identify the zone requirements that will apply.

Within the areas designated Mineral Aggregate in the Official Plan, the establishment of a new pit or quarry or the expansion of an existing operation onto lands not zoned for such use shall require an amendment to the Zoning By-law.

### 5.5.4 Amendment Criteria

When considering an amendment to the Official Plan for the expansion of an existing pit or quarry or the establishment of a new pit or quarry, Council shall require the applicant to supply information prepared by qualified individuals addressing the following issues:

- (i) impact on ground and surface water;
- (ii) environmental and natural heritage impacts;
- (iii) noise and dust impacts;
- (iv) land use impacts;
- (v) traffic impacts;
- (vi) archaeological and cultural heritage impacts.

The applicant should also submit to the Township all information prepared in support of an aggregate licence in accordance with the Aggregate Resources Act.

In areas adjacent to (see influence areas identified in Section 5.5.2 of this Plan) or in known deposits of mineral aggregates, development which would preclude the establishment of new operations or access to the resource will only be permitted if:

- (a) resource use would not be feasible; or
- (b) the proposed use serves a greater long term public interest; and

- (c) issues of public health and safety and environmental impact are addressed.

#### 5.5.5 Portable Asphalt Plants

The Township recognizes portable asphalt plants as an important part of aggregate operations. Portable asphalt plants, used by the Township or its agents, are permitted throughout the Township without the need to amend this Official Plan or the Zoning By-law, provided no environmental disruption will occur and the site is not within an area of residential concentration. If asphalt for a public road project cannot be obtained from an existing asphalt plant, the portable plant should be located in a wayside pit, vacant industrial site, the highway right-of-way, or on inactive or less productive agricultural lands. Portable asphalt plants are subject to the following provisions:

- (i) the portable asphalt plant will be removed from the site upon completion of the project;
- (ii) the portable asphalt plant must have a Certificate of Approval from the Ministry of the Environment and must meet the minimum separation distance of that Ministry;
- (iii) where the site used for a portable asphalt plant is on Class 1 to 3 soils within the Agricultural designation, the site should be rehabilitated with substantially the same area and soil capability for agriculture being restored.

#### 5.5.6 Wayside Pits and Quarries

Wayside pits and quarries are temporary operations established by or on behalf of a public authority on short notice for the purpose of road construction, maintenance. Wayside pit and quarries are generally permitted throughout the municipality without the need to amend this Official Plan or the Zoning By-law, provided no severe environmental disruption will occur and the pit or quarry is not within an area of residential concentration. Prior to the establishment of a wayside pit or quarry for Township purposes, Council will be advised by the Township road superintendent that the proposed operation qualifies as a wayside pit or quarry and that a permit be issued by the Ministry of Natural Resources or by the Ministry of Transportation under the authority of the Aggregate Resources Act.

#### 5.5.7 Rehabilitation

Past producing aggregate operations or active extraction sites shall be subject to the provisions of the Aggregate Resources Act with respect to rehabilitation and/or closure. Progressive rehabilitation will be undertaken where feasible. For lands designated

Agricultural, extraction will be permitted, provided the site is rehabilitated such that substantially the same area and same soil quality for agriculture are restored, unless:

- (a) there is a substantial quantity of aggregate below the water table which warrants extraction; or
- (b) the depth of extraction in a quarry makes restoration of pre-extraction agricultural capability unfeasible; and
- (c) other alternatives have been considered by the applicant and found unsuitable; and
- (d) agricultural rehabilitation in remaining areas will be maximized.

Where an aggregate operation has been rehabilitated and the license surrendered, the lands may be redesignated to an appropriate land use.

## **5.6 SETTLEMENT AREAS**

It is Council's intention that a majority of the new growth in the municipality will be directed to existing settlement areas where it can be supported by appropriate servicing. Settlement areas will only be expanded when existing designated areas do not have sufficient land supply to accommodate the growth projected for the next 20 years.

The Settlement Areas designation recognizes the areas of population concentrated in and around Sydenham, Harrowsmith, Verona, Inverary, Sunbury, Battersea, Hartington, Bellrock, Petworth, Perth Road, Railton, Wilmer and Spaffordton. A full range of land uses are permitted within the Settlement Areas in this way relieving the pressure for the creation of new lots, particularly non-agricultural residential lots, in the rural areas. Commercial, industrial, residential, open space and community facility uses shall be permitted in the Settlement Areas on a site specific basis by amendment to the implementing zoning by-law when Council is satisfied that the nature and scale of the proposed use is appropriate.

This designation is an expression of Council's long-term vision for the Settlement Areas and has been applied:

- (i) to ensure that sufficient lands are available to permit the location of new development in full accordance with the servicing standards of the Ministry of the Environment;

- (ii) to foster the availability of affordable accommodation by providing alternate locations for new residential development and hence, a competitive housing market;
- (iii) to provide an opportunity for a varied and balanced industrial/commercial base;
- (iv) to promote a full range and mix of housing types and densities; and
- (v) to provide sufficient land for industrial, commercial, institutional and residential uses in order to accommodate anticipated growth over the life of the plan.

Notwithstanding the above, the lands designated Settlement Areas in the Village of Sydenham have been further designated as a Special Study Area. This designation precludes major development in the Sydenham area until such time as the long term sewage disposal and potable water supply requirements for the area have been determined. The extent and scale of future development in Sydenham may be based on the recommendations of any such study.

Development within Settlement Areas will be governed by the servicing requirements of Section 6.10 of this Plan. Where municipal service(s) exist, lot creation will only be permitted if sufficient reserve capacity exists to accommodate the proposed development. In areas which are not serviced with municipal water and/or sewer services, lot creation will only be permitted if the proposed development can be supported by the type of servicing being proposed.

#### 5.6.1 Residential Policies

##### (i) Permitted Uses

The uses permitted shall include single detached dwellings; semi-detached or duplex dwellings, multiple unit dwellings, single detached dwellings converted to multiple unit dwellings; group homes established in accordance with the provisions of Section 6.5, bed and breakfasts and home occupations.

##### (ii) Development Criteria for Single Detached, Semi-detached and Duplex Dwellings

- a) All development shall be serviced in accordance with Section 6.10 of this Plan. As such, development may be permitted to occur on private water supply and sanitary sewage disposal systems. Such systems shall be located and constructed as required by the appropriate approval authority. However, development also may be permitted to occur on municipal communal water supply and/or municipal communal sanitary sewage



systems subject to the approval of the Ministry of the Environment and Council.

- b) The minimum lot area for a single detached dwelling shall not be less than .8 hectares (2 acres) when serviced by a private well and private sanitary sewage disposal system and the minimum lot size for a semi-detached or duplex dwelling shall not be less than .8 hectares (2 acres) when serviced by a private well and private sanitary sewage system subject to the approval of the appropriate authority and Council.
- c) In the case of development proposed to be serviced by municipal communal piped water supply and/or sanitary sewage disposal systems, the determination of appropriate minimum lot size criteria shall be made by Council in consultation with the Ministry of the Environment prior to the approval of an amendment to the implementing zoning by-law to permit the development to proceed.
- d) Development of single detached, duplex or semi detached dwellings should be compatible with existing and proposed land uses. In this regard, these uses should not be located adjacent to higher density residential, commercial or industrial uses. In the event such uses are adjacent to single detached, semi detached or duplex dwellings, appropriate buffering or screening shall be provided. Details of the buffering or screening techniques shall be detailed in the Zoning By-law.

(iii) Development Criteria for Multiple Unit Dwellings

- a) Multiple unit dwellings shall be located so as to minimize their impact on adjacent lower density residential uses. Generally, multiple unit dwellings should be located on major roads or have access to major roads without the necessity of passing through areas of lower residential density.

In considering development applications, Council shall ensure that the proposed multiple unit dwelling will not create a traffic hazard and that its impact on low density residential areas will be minimal.

- b) Adequate off-street parking shall be provided. Access points to parking areas shall be designed in a manner that provides for the adequate and safe movement of vehicular and pedestrian traffic.
- c) Adequate buffering shall be provided between the proposed use and adjacent uses, particularly adjacent single detached residential uses. Such

buffering may include the provision of grass strips, screening and the planting of trees and shrubs and the location of a berm or fence.

- d) The servicing of new multiple unit residential development shall be permitted to occur on private water supply and sanitary sewage disposal systems subject to the approval of the appropriate authority, insofar as it relates, among other things, to the types of systems to be utilized and minimum lot size. A hydrogeological study shall be required where development is proposed on private services. Notwithstanding the results of the hydrogeological study, the minimum lot size for a multiple unit dwelling shall not be less than .8 hectares (2 acres). Where serviced by full municipal communal water and/or sanitary sewage disposal systems, consideration may be given to a higher residential density subject to the approval of the appropriate authority and Council. Council will not consider development on private communal sewer and/or water systems.

iv) Development Criteria for Residential Conversions

- a) The uses permitted shall be limited to the conversion of single detached dwellings into multiple self-contained residential dwelling units.
- b) Criteria establishing the buildings eligible for conversion shall be included in the implementing zoning by-law.
- c) The proposed water supply and sanitary sewage disposal systems shall be approved by the appropriate authority.
- d) All dwelling units shall be self-contained and shall have private entrances and separate culinary and sanitary facilities.
- e) The converted dwelling shall comply with all pertinent provincial and municipal regulations and by-laws relevant to such matters as fire, health, safety and occupancy.
- f) Adequate buffering and screening shall be provided between the converted dwelling's parking areas and adjacent uses, particularly adjacent single family residential uses. Such buffering may include the provision of grass strips, screening and the planting of trees or shrubs and the location of a berm or fence.
- g) Adequate off-street parking shall be provided.

- h) Council may require a hydrogeological study to determine the servicing requirements of the proposed conversion if the conversion results in the creation of 3 or more dwelling units.

- v) Zoning

Residential uses and residential conversions shall be zoned in separate categories in the implementing zoning by-law.

## 5.6.2 Community Facility Policies

- (i) Permitted Uses

The uses permitted shall include public, separate and private schools, places of worship, municipal government facilities, community centres, libraries, public or private clubs or association halls, cemeteries, nursing homes, hospitals, public parks and similar community oriented uses.

- (ii) Community Facility Development Policies

- a) Community Facility uses shall occur on lots of an appropriate size for a specific community facility use and the lot shall be of sufficient size to support private water and sanitary sewage disposal services. The ability of the lot to accommodate and the location and construction of such systems shall be subject to the approval of the appropriate authority.
- b) Adequate buffering shall be provided between Community Facility uses and adjacent land uses and roadways. Such buffers may include the provision of grass strips, screening and the planting of trees and shrubs and the location of a berm or fence.
- c) Adequate off-street parking shall be provided. Access points to parking areas shall be limited in number and designed in such a manner so as to minimize the danger to vehicular and pedestrian traffic.
- d) Where deemed appropriate by Council, a hydrogeological and terrain analysis should be prepared in support of any Community Facility development.

- (iii) Zoning

Community Facility uses shall be rezoned in a separate category in the implementing zoning by-law.

### 5.6.3 Commercial Policies

#### (i) Permitted Uses

The uses permitted include those commercial establishments offering goods and services which serve the residents of the Settlement Areas or the market area as a whole such as retail commercial establishments, personal service shops, recreational uses, motels and hotels, places of entertainment, taverns, business and professional offices, eating establishments, funeral homes, motor vehicles service stations and/or gasoline, diesel, propane and liquified natural gas outlets, motor vehicle sales outlets, service shops, convenience stores, building supply outlets, tourist homes, and medical clinics. In addition, residential uses shall be permitted to locate in either the upper stories or in the rear half of the ground storey of buildings in which commercial uses are permitted.

#### (ii) Commercial Development Policies

- a) Commercial uses should be located on major roads and should not be permitted to infiltrate unnecessarily into adjoining residential areas. Such uses shall be encouraged to be located in groups and, wherever possible, at major road intersections. Where new commercial development is proposed adjacent to residential areas, it shall be demonstrated to the satisfaction of Council that the commercial use will not create a traffic hazard and that its impact on the residential area will be minimal insofar as it relates to such matters as lighting, parking, drainage, noise and traffic movement.

Where appropriate, new commercial uses shall be encouraged to locate in proximity to existing commercial establishments to foster the development of commercial cores.

- b) Commercial development shall occur on lots of an appropriate size (generally .8 hectares (2 acres) or larger) for a specific commercial use and the lot shall be of sufficient size to support private water and sanitary sewage disposal services. The ability of the lot to accommodate and the location and construction of such systems shall be subject to the approval of the appropriate authority.
- c) Adequate off-street parking and loading facilities shall be provided. Access points to parking and loading areas shall be limited in number and designed in such a manner so as to minimize the danger to vehicular and pedestrian traffic.

- d) Adequate buffering shall be provided between commercial uses and adjacent land uses and roadways. Such buffers may include the provision of grass strips, screening and the planting of trees and shrubs and the location of a berm or fence.

(iii) Zoning

Commercial uses may be zoned in separate categories in the implementing zoning by-law.

#### 5.6.4 Industrial Policies

(i) Permitted Uses

The uses permitted include those light industrial uses such as workshops; service shops; manufacturing, processing and assembly operations; concealed storage and warehousing facilities; motor vehicle repair garages and research establishments. In addition, uses accessory to the various permitted uses may be permitted including commercial uses servicing an industrial area; business offices; a residence for a caretaker or a watchman and a retail commercial outlet for the purpose of the sale of goods or materials produced on the premises providing the accessory retail use is located within the industrial building or structure.

(ii) Industrial Development Policies

- a) Industrial uses generally shall be located on major roads, although Council may give consideration to the use of other public roads where they are satisfied that no suitable alternate locations are available. In all cases, it shall be demonstrated that the proposed use will not create a traffic hazard and that the impact of the proposed use on adjacent land uses, particularly residential uses, will be minimal.
- b) Industrial uses shall occur on lots of an appropriate size (generally .8 hectares (2 acres) or larger) and appropriate lot frontage for a specific industrial use and the lot shall be of sufficient size to support private water and sanitary sewage disposal services. The ability of the lot to accommodate and the location and construction of such systems shall be subject to the approval of the appropriate authority.
- c) No industrial use shall be permitted which creates an adverse impact on adjacent land uses as the result of the emission of contaminants into or onto the air, water or land. Adjacent uses shall be adequately protected

from industrial emissions in accordance with and subject to the regulations and requirements of the Ministry of the Environment and Council.

Where deemed necessary, a report(s) shall be prepared by a professional engineer(s), biologist or other qualified professional(s) indicating the anticipated impact of the proposed operation on the environment, including air and water pollution, noise, changes in the water table, changes in surface drainage both on and off site and the effectiveness of the proposed ameliorative measures.

- d) Adequate off-street parking and loading facilities shall be provided. Access points to parking areas shall be limited in number and designed in such a manner so as to minimize the danger to vehicular and pedestrian traffic.
- e) Adequate buffering and setbacks shall be provided between the industrial use and adjacent uses and roadways. Such buffers may include the provision of grass strips, screening and the planting of trees and shrubs and the location of a berm or fence.
- f) Industrial uses should be located in accordance with the Ministry of Environment's industrial development locational guidelines as amended from time to time.

(iii) Zoning

Industrial uses shall be zoned in a separate category in the implementing zoning by-law.

5.6.5 Open Space Policies

(i) Uses Permitted

The uses permitted include forestry uses, conservation uses, agricultural uses (but not agricultural uses involving livestock), wood lots and recreational uses including public and private parks, passive and active recreational activities, picnic areas, recreational trails, golf courses and other similar open space activities.

(ii) Open Space Development Policies

- a) Open space uses shall occur on lots of an appropriate size for a specific open space use and where applicable, the lots shall be of sufficient size to support private water and sanitary sewage systems.
- b) Adequate buffering shall be provided between open space areas and adjacent land uses and roadways. Such buffers may include the provision of grass strips, screening and the planting of trees and shrubs and the location of a berm or fence.
- c) Adequate off-street parking areas shall be established in a manner complementary to the landscape features of the area. Access points to parking areas and open space areas shall be located in such a way that the external and internal road pattern provides for the adequate and safe movement of vehicular and pedestrian traffic.

(iii) Zoning

Open Space uses shall be zoned in a separate category in the implementing zoning by-law.

5.6.6 Settlement Areas Lot Creation Policies

The creation of new building lots in the Settlement Areas shall be permitted in accordance with this section 5.6, Section 7 and the following.

It is the municipality’s intention that new lot development in Settlement Areas will generally occur by plan of subdivision. However, a maximum of three (3) severances may be permitted from a lot of record existing on the day of adoption of this Plan by Council where it is demonstrated that a plan of subdivision is not necessary for the orderly development of the land and will not limit such development by plan of subdivision.

5.6.7 Special Settlement Areas Policy (Pt. Lot 10,11, Concession IX - Storrington District) (Freeman Sugar Bush)

Notwithstanding anything else in this Plan to the contrary, the lands located in Part of Lot 10,11, Concession IX may be used for a commercial sugar bush operation.

5.6.8 Special Settlement Areas Policy (Pt. Lot 7, Concession VII - Portland District) (Asselstine)

Notwithstanding the provisions of subsection 5.6.6 or any other section of this Plan to the contrary, the lands identified as Part of Lot 7, Concession VII, Portland District, may be

permitted six (6) severances from a lot of record existing on the day of adoption of this Plan by Council.

## 5.7 **RURAL**

Lands designated Rural are characterized by a rural landscape which reinforces the historical relationship between the Settlement Areas and the surrounding farm, rural and seasonal residential communities to which the Settlement Areas provide basic services. The amount and type of development in the Rural area shall be consistent with maintaining its rural, natural heritage and cultural landscape.

Development within the Rural designation shall be serviced in accordance with Section 6.10 of this Plan. In areas which are not serviced with municipal water and/or sewer services, lot creation will only be permitted if the proposed development can be supported by the type of servicing being proposed.

The predominant use of land in the Rural designation shall be for agricultural; aquaculture; open space; conservation; limited service residential; recreational; community facility and rurally oriented non-farm residential; group homes established in accordance with the provisions of Section 6.5; commercial and industrial and bed and breakfast and home occupation uses. The policies directing the development of these uses are as follows:

### 5.7.1 **Rural Agricultural Policies**

#### (i) **Permitted Uses**

The uses permitted include agricultural uses outlined in Section 5.1.1, agriculturally related dwellings, accessory agricultural buildings, forestry, wood lots, kennels, apiaries and riding clubs. In addition, uses directly related and necessary in proximity to agricultural operations such as greenhouses, cold storage and grain drying facilities, livestock assembly areas, and animal husbandry services shall be permitted.

#### (ii) **Rural Agricultural Development Policies**

- a) A second agriculturally related single detached residence for an essential farm employee or retiring farmer may be permitted on a viable farm holding of at least 35 hectares (86.5 acres).
- b) Roadside retail outlets for the purpose of the sale of agricultural produce produced on the lands upon which the retail use is situated may be permitted providing that the use will not create a traffic hazard.



- c) Severances for agricultural uses may be permitted in accordance with the Lot Creation policies of Section 7 and the farm consents policies, Section 5.1.5 a) of this Plan.

(iii) Zoning

Rural Agricultural uses may be zoned in a separate category in the implementing zoning by-law.

5.7.2 Rural Open Space Policies

(i) Permitted Uses

The uses permitted include conservation and passive recreational uses including public and private parks, picnic areas, recreational trails, hunting camps and similar open space activities.

(ii) Rural Open Space Development Policies

- a) Open space uses shall occur on lots of an appropriate size for a specific open space use and where applicable, the lot shall be of sufficient size to support private water and sanitary sewage disposal systems.
- b) Adequate off-street parking areas shall be established in a manner complementary to the landscape features of the area. Access points to parking areas and open space areas generally shall be located in such a way that the external and internal road pattern provides for the adequate and safe movement of vehicular and pedestrian traffic.
- c) Severances for open space uses may be permitted in accordance with Section 7, Lot Creation policies of this Plan and provided the size and shape of the property is appropriate for the proposed open space use.

(iii) Zoning

Open Space uses shall be zoned in a separate category in the implementing zoning by-law.

### 5.7.3 Rural Community Facility Policies

#### (i) Permitted Uses

Community facility uses are uses which exist for the benefit of the residents of the Township as a whole and which are operated by the municipality or other organizations for this purpose.

The uses permitted include private schools and other educational facilities, libraries, places of worship, cemeteries, municipal government facilities, community centres, public or private clubs or association halls or lodges, nursing homes, public parks, public boat ramps, and similar community oriented uses.

#### (ii) Rural Community Facility Development Policies

- a) Community facility uses shall occur on lots of an appropriate size for a specific community facility use and the lot shall be of sufficient size to support private water and sanitary sewage disposal services.
- b) Adequate buffering shall be provided between community facility areas and adjacent land uses and roadways. Such buffers may include the provision of grass strips, screening and the planting of trees and shrubs and the location of a berm or fence.
- c) Adequate off-street parking shall be provided. Access points to parking areas shall be limited in number and designed in such a manner so as to minimize the danger to vehicular and pedestrian traffic.
- d) Severances for community facility uses may be permitted in accordance with the Lot Creation policies of this Plan, Section 7 and provided the size and shape of the property is appropriate for the proposed community facility use.

#### (iii) Zoning

Community Facility uses shall be zoned in a separate category in the implementing zoning by-law.

### 5.7.4 Rural Residential Policies (excluding Limited Service Residential)

It is the general intent of this Plan that the majority of permanent non-agricultural residential development be encouraged to locate in the Township's Settlement Areas.

However, limited non-agricultural residential development may also be permitted within the Rural area so as to provide a variety of living accommodation for the residents of the Township. Subdivisions and severances to permit new residential uses shall be appropriately separated from incompatible agricultural areas, existing and proposed waste disposal, mineral extraction site and resource areas, natural heritage features and areas and natural hazards.

(i) Permitted Uses

Rural residential development including group homes established in accordance with the provisions of Section 6.5, home occupations and home industries may be permitted in the form of single detached dwellings developed on lots created by plan of subdivision or severance by the Committee of Adjustment in accordance with the policies of this Plan.

(ii) Development Policies

- a) The frontage, size and shape of any lot for rural residential purposes created through the severance approval process shall be appropriate for the proposed use and shall conform with the provisions of the zoning by-law. As a rule, the minimum lot size shall be 0.8 hectares (2 acres) with 76 metres (250 ft.) of frontage on a public road for non-waterfront lots and 1 hectare (2.5 acres) with 76 metres (250 ft.) of frontage on a public road and 91 metres (300 ft.) of water frontage for waterfront lots. The municipality may consider reductions to the minimum lot size and frontage requirements provided the overall intent of the Plan is maintained.
- b) Rural residential development shall be serviced by private water and sanitary sewage disposal systems approved by the appropriate authority.
- c) New lots for rural residential purposes should be created by plan of subdivision in accordance with lot creation policies included in Section 7 of this Plan. However, a maximum of three rural residential severances may be permitted from a lot existing on the day of adoption of this Plan by Council in accordance with the lot creation policies of Section 7 of this Plan when the consent approval authority is satisfied that a plan of subdivision is not warranted. Any proposal which would create more than three new lots (three plus a retained) from a lot existing on the day of adoption of this Plan shall only be considered by plan of subdivision.
- d) All new rural residential lots shall have public road frontage.

e) Special Use Criteria - McGarvey Stone House

Notwithstanding Section 5.7.4 (a) of this Plan to the contrary, on the west half of Lot 38, Concession 7, in the District of Storrington, the existing stone building may be converted into a maximum of four multiple unit dwelling units in accordance with the applicable provisions of Section 5.6.1 (iv) of this Plan.

f) Special Lot Area Criteria (Pt Lot 37, Concession VII, Storrington District)

Notwithstanding the provisions of Section 5.7.4 (ii) (a), the land located in Part of Lot 37, Concession VII in Storrington District and identified on the Land Use Schedule to this Plan shall have a minimum lot area of .8 hectares (2 acres).

g) Special Use Criteria – Wallond (Pt. Lot 21, Concession 12, Plan 13R-13010, Part 1, Bedford District)

Notwithstanding Section 5.7.4 (i) of this Plan to the contrary, the lands legally described as Part 1, Plan 13R-13010 in Part of Lot 21, Concession 12, Bedford District, may be used for a multiple unit residential building containing not more than six dwelling units.

h) Special Lot Frontage and Severance Criteria – (Pt. Lot 1, Concession 1, Bedford District - Czychun)

Notwithstanding Section 5.7.4 (ii)(a) and 5.7.4 (ii)(c) of this Plan to the contrary, on the lands identified as Part of Lot 1, Concession 1, Thirteen Island Lake, in Bedford District which are identified on the Land Use Schedule to this Plan and further specified on Map 1 of Schedule ‘B’, a minimum water frontage of 15 metres (50 ft.) is recognized but none of the lots so identified shall be further severed.

All other policies of this Plan shall apply.

i) Special Lot Area – (Part. Lot 1, Concession XII, Bedford District)

Notwithstanding the provisions of subsection 5.7.4 (ii)(a), on the lands identified as Part of Lot 1, Concession XII, in Bedford District, which are identified on the Land Use Plan, Schedule ‘A’, and further specified on Map 2 of Schedule ‘B’ as “Special Lot Area”, a minimum lot area of 0.32 hectares (0.8 ac.) is recognized.

All other policies of this Plan shall apply.

- j) Special Rural Condominium Development Criteria ( Pt. Lots 9, 10 & 11, Concession VI, Loughborough District).

Notwithstanding the provisions of subsections 5.7.4 (ii) a) and 5.7.4 (ii) c) to the contrary, the lands identified as Part of Lots 9, 10 and 11, Concession VI, Sydenham Lake, in Loughborough District, which are identified on the Land Use Plan, Schedule 'A', may be developed in accordance with the following policies:

- The lands may be developed and used for a vacant land condominium containing a maximum number of twelve (12) single detached dwellings on individual sites. No severances of individual sites shall be permitted.
- All servicing shall be provided by way of private individual water well and sanitary septic systems on each condominium site. Only one (1) dwelling unit is permitted per condominium site.
- Communal water wells and communal sanitary septic systems are prohibited.
- Prior to any development proposal to expand and existing single detached dwelling the owner shall demonstrate that the water well and sanitary septic systems meet current standards.

All other policies of this Plan shall apply.

#### 5.7.5 Rural Commercial Policies

##### (i) Permitted Uses

The uses permitted include three distinct types of commercial operations:

- those which are agriculturally and rurally oriented;
- recreationally and resort oriented; and
- highway commercial uses which serve the needs of the travelling public.

##### a) Agriculturally and Rurally Oriented Commercial Uses

Agriculturally and rurally oriented commercial uses shall include agricultural produce sales establishments, farm services, bulk fuel dealers, farm implement dealers, feed and seed mills, abattoirs, auction barns, veterinary clinics or hospitals and similar uses.

##### b) Recreational and Resort Commercial Uses

Recreational and resort commercial uses shall include tent and trailer parks; resorts, including privately managed lodges; health spas; tourist accommodations such as cabins, motels and hotels; marinas; gift and craft shops; convenience stores; restaurants or snack bars; miniature golf courses and similar uses. Bed and breakfast operations are not considered recreational and resort commercial uses but as a home occupation in accordance with the provision of the implementing zoning by-law.

c) Highway Commercial Uses

Highway commercial uses shall include motor vehicle sales outlets, motor vehicle service stations and/or gasoline, diesel, propane and liquified natural gas outlets, small engine sales and service, building supply sales, recreational equipment sales and service and agricultural produce sales establishments and nurseries or garden centres; motels; hotels; taverns; restaurants; convenience retail stores and similar uses.

d) Special Use Criteria - Collins Lake Estates

Notwithstanding Section 5.7.5 (a)(iii) of this Plan to the contrary, on the lands located on Part of Lot 25, Concession 7 in the District of Storrington, the highway commercial uses shall be limited to daycare facilities, personal service shops, professional offices, grocery stores and retail stores.

e) Special Use Criteria – Buck Lake (Bedford District)

Notwithstanding any other provision of this Plan to the contrary, on the lands identified as Part Lot 1, Concession XII, Buck Lake in Bedford District, which are identified on the Land Use Plan, Schedule ‘A’, and further specified on Map 2 of Schedule ‘B’; as “Special Commercial”, a minimum lot area of 92.9 sq. metres (1,000 sq. ft.) is recognized. The use of these lands shall be limited to boat docking facilities only. Docking facilities shall be limited to 25 spaces, 20 of which shall be made available to property-owners on Porcupine and Buck Islands. No further severances shall be permitted and, except for the docking structure, the remainder of the lands shall be maintained in a natural vegetative state. Maintenance of the docking facilities shall be undertaken in an environmentally sensitive manner.

(ii) Development Policies Applicable to All Rural Commercial Uses

- a) One residential unit may be permitted as an accessory use to all rural commercial uses.
- b) Adequate off-street parking and loading facilities shall be provided. Access points to parking areas shall be limited in number and designed in such a manner so as to minimize the danger to vehicular and pedestrian traffic.
- c) Adequate buffering shall be provided between commercial uses and adjacent land uses and roadways. Such buffers may include the provisions of grass strips, screening and the planting of trees and shrubs and the location of a berm or fence.
- d) With the exception of tent and trailer parks, commercial uses shall occur on lots of an appropriate size, generally 0.8 hectares (2.0 acres) or larger.
- e) Highway Commercial uses should be located on major roads. Consideration may be given to the use of other public roads where Council is satisfied that no suitable alternate location is available. In all cases, it shall be demonstrated that the proposed use will not create a traffic hazard, that the impact of the proposed use on adjacent land uses will be minimal and that the public road is of suitable quality to accept traffic generated by the new commercial operation.
- f) Commercial uses shall be serviced by private water and sanitary sewage disposal systems. Such systems shall be located and constructed as required by the appropriate authority.
- g) Severances for rural commercial uses may be permitted in accordance with the Lot Creation policies, Section 7 of this Plan.

(iii) Additional Development Policies for Recreational and Resort Commercial Uses

Recreational and resort commercial uses shall be of a scale that permits them to blend into their natural setting and shall be designed to preserve, as much as possible, a site's physical attributes such as tree coverage, varying topography and scenic views.

a) Tent and Trailer Parks

- 1. Tent and trailer parks shall include seasonally operated parks for tents and recreational vehicles, not including mobile homes,

together with accessory facilities such as an accessory dwelling, docks, and convenience stores catering to the day-to-day needs of the visitors.

2. The minimum lot area for tent and trailer parks shall be 4 ha (10 acres); the maximum number of campsites should be 50 in order to avoid excessive concentrations of development in waterfront areas.
3. Campsites should have sufficient area and frontage along the internal park road to avoid overcrowding and to ensure minimal environmental impact.
4. No campsite, building or structure except a marine facility for launching and/or servicing of boats or a water pump house is permitted within 50 metres (164 feet) of the high water mark of any water body. On steep terrain with thin soils, discontinuous soils or sparse vegetation, setbacks of up to 90 metres (300 feet) may be required.
5. No more than 25% of the total lot area may be used for campsites or for other commercial uses.
6. No tent and trailer park will be permitted where the existing public roads leading to the site are not capable of safely handling the anticipated traffic.
7. Adequate provision shall be made in the establishment of any new tent and trailer park or major expansion of an existing one for recreational facilities. These may be comprised of beaches, swimming pools, tennis courts, major open space areas or a combination of these and/or similar features. If the primary recreational amenity provided is waterfront, 15 metres (49.2 feet) of usable shoreline per site will be required. In considering the suitability of beach or open space areas, Council may consult with the Ministry of the Environment, Ministry of Natural Resources, Conservation Authority and any other source which might provide relevant advice.
8. The design of any tent and trailer park shall exhibit sensitivity to existing, neighbouring uses and adequate buffering shall be provided between the tent and trailer park and any adjacent residential areas.



9. All tent and trailer sites, comfort stations, accessory buildings with water using fixtures or any facilities requiring sewage disposal require a Certificate of Approval from the Ministry of the Environment and/or its agents for water taking, water works and sewage works approvals.

b) Motels, Hotels, Rental Cabins

1. Motels, hotels, rental cabins or other roofed accommodation, including accessory facilities such as docks, eating establishments, and convenience stores shall have a minimum lot area of 2 ha (5 acres).
2. The maximum density for motels, hotels, or cabins shall be one unit per 2,000 m<sup>2</sup> (½ acre) to a maximum of 50 units, provided the appropriate authority will approve of the sewage disposal systems which are used. In addition to the above, there must be at least 15 metres (49.2 ft.) of usable shoreline available per cabin.
3. The site design shall be sensitive to existing, neighbouring uses and adequate buffering shall be provided between the tourist establishment and any adjacent residential uses.
4. No building, structure, septic tank or tile field, except a marine facility for the launching and/or servicing of boats shall be located closer than 50 metres (164 feet) to the high water mark of any water body. On steep terrain with thin soils, discontinuous soils or sparse vegetation, larger setbacks may be required.
5. Adequate provision must be made for recreational amenities similar to those required in Section 5.7.5(iii)(a)7 above.

(iv) Zoning

Commercial uses shall be zoned in separate categories in the implementing zoning by-law.

5.7.6 Rural Industrial Policies

This plan recognizes that the location of certain industrial uses in the rural setting is both necessary and appropriate to facilitate the provision of adequate industrial services and employment opportunities for residents of the Township. Therefore, industrial uses

which pose no threat of pollution to air, land or water and which will not have a deleterious impact on adjacent land uses shall be permitted.

(i) Permitted Uses

The uses permitted include construction yards; warehousing; truck or transportation terminals; motor vehicle repair garages or body shops; the open storage of goods or materials; bulk storage facilities; workshops; saw and planing mills; service shops; processing, manufacturing and/or assembly operations and research establishments.

(ii) Development Policies

- a) Industrial uses shall occur on lots of an appropriate size, generally 1 hectare (2.5 acres) or larger.
- b) Industrial uses shall be encouraged to locate on arterial or collector roads. Consideration may be given to the use of other public roads where Council is satisfied that no suitable alternate location is available. In all cases, it shall be demonstrated that the proposed use will not create a traffic hazard, that the impact of the proposed use on adjacent land uses will be minimal and that the public road is of suitable quality to accept traffic generated by the new industrial development.
- c) No industrial use shall be permitted which creates an adverse impact on adjacent land uses as a result of the emission of contaminants into or onto the air, water or land. Adjacent uses shall be adequately protected from industrial emissions in accordance with and subject to the regulations and requirements of the Ministry of the Environment and Council.

Where deemed necessary, a report(s) shall be prepared by a professional engineer(s), biologist or other qualified professional(s) indicating the anticipated impact of the proposed operation on the environment, including air and water pollution, noise, changes in the water table, changes in surface drainage both on and off the site and the effectiveness of the proposed ameliorative measures.

- d) Adequate off-street parking and loading facilities shall be provided. Access points to parking areas shall be limited in number and designed in such a manner so as to minimize the danger to vehicular and pedestrian traffic.

- e) Adequate buffering and setbacks shall be provided between industrial uses and adjacent uses and roadways. Such buffers may include the provision of grass strips, screening and the planting of trees and shrubs and the location of a berm or fence.
- f) Severances for rural industrial uses may be permitted in accordance with the general consent policies of this Plan.

(iii) Zoning

Industrial areas shall be zoned in a separate category in the implementing zoning by-law.

5.7.7 Limited Service Residential Policies

Limited service residential development is generally located in the Rural area of the Township on a body of water or a natural water course where the primary means of access is from a private road or a navigable waterway.

(i) Permitted Uses

The uses permitted shall be single detached residential dwellings, seasonal residential dwellings, seasonal dwellings converted to permanent dwellings and home occupations.

(ii) Limited Service Residential Development Policies

- a) The frontage, size and shape of any lot created for limited service residential purposes through the severance approval process shall be appropriate for the proposed use and shall conform with the provisions of the zoning by-law. As a rule, the minimum lot size shall be 1 hectare (2.5 acres) with a minimum of 91 metres (300 feet) of water frontage and 76 metres (250 feet) of frontage on a private road. The municipality may consider reductions to the minimum lot size and frontage requirements provided the overall intent of the Plan is maintained.
- b) The creation of up to a maximum of three new limited service residential lots per landholding existing on the day of adoption of this Plan may be permitted by consent, in accordance with the General Consent policies of Section 7 of this Plan.
- c) Severances for new waterfront limited service residential lots may be permitted on newly created private roads provided the new private road

intersects with an existing public road and is designed and constructed in accordance with Township standards for new private roads.

Severances for new waterfront limited service residential lots may be permitted on extensions to existing private roads provided the extension of the existing private road is not greater than 182 metres (600 ft.) and is designed and constructed in accordance with Township standards for new private roads. Extensions of greater than 182 metres (600 ft.) may be permitted provided the existing private road is upgraded to Township standards for new private roads, from its intersection with the public road.

Severances for new non-waterfront limited service residential lots may be permitted on extensions to existing private roads provided the extension of the existing private road is not greater than 152 metres (499 feet) and is designed and constructed in accordance with Township standards for private roads. Except for the foregoing, no new private roads will be permitted.

As a condition of severance approval for all waterfront and non-waterfront limited service residential lots, the owner of the subject property shall enter into an agreement with the Township to be registered against title to the lots acknowledging:

- the Township does not maintain or repair private roads.
- on private roads the Township does not provide municipal services normally associated with public roads.
- owners are responsible for all costs necessary to maintain the private road.
- the Township is not responsible for any loss or damage created by the owner's failure to maintain the private road.
- owners agree to indemnify the Township for any loss or damage.

Notwithstanding the above, no development shall be permitted on existing private roads or extensions thereto which would have the effect of creating new lots without water frontage on a private road which services primarily waterfront residential developments (i.e. no back lot development).

- d) Limited service residential development shall be serviced by private water and sanitary sewage disposal systems. Such systems shall be approved by the appropriate authority.

- e) Limited service residential development shall be designed to preserve as much as possible a site's physical attributes, such as tree coverage, varying topography, scenic views, etc, for the benefit of future residents.
- f) Limited service residential development shall be developed in accordance with the applicable policies of Section 5.2 of this Plan.
- g) Where communal docking facilities are proposed, such facilities shall be located a suitable distance, generally 60 metres (196.8 feet), from the nearest residential use, residential land use designation or residential zone.
- h) Where an existing limited service residential lot or a lot created by consent of the Committee of Adjustment for limited service residential purposes subsequent to the date of approval of this Plan fronts upon a private road or unassumed public road, a building permit may be issued for the erection of a building or structure providing the applicant enters into an agreement with the Township which is to be registered on title. This agreement is to indicate:
  1. that the owner recognizes that the lot is located on a private road which is not snowplowed or in any other way maintained by the Township.
  2. that the disposal of garbage, snowplowing and any other road maintenance is the responsibility of the property owner; and
  3. that the Township assumes no liability in the event that emergency vehicles are not able to access the lot because of impassable road conditions.

(iii) Water Access Lots

Lakes and rivers within the Township contain a number of islands and remote areas. Many islands and remote areas of the Township offer the opportunity for limited service residential use. Consequently, limited service residential development shall be permitted on water access only lots providing:

- a) that it is demonstrated to the satisfaction of Council and the authorities responsible for their approval that an adequate supply of potable water is available for each lot on the island and that a satisfactory method of sewage disposal is approved by the appropriate authority;

- b) that access to the water body in which the island is situated is available via a navigable waterway and/or a public road or an existing private or unassumed public road of sufficient quality to ensure the provision of appropriate services to the island;
- c) that island seasonal residential development is zoned in a separate category from other forms of seasonal residential development;
- d) that in the case of a lot which has water access only, the owner of the water access lot demonstrates to the satisfaction of Council that land and mooring facilities on the mainland are available to permit the parking of automobiles and/or the storage or docking of boats and boat trailers etc. associated with the use of the water access lot, in this way ensuring minimal disruption to residents on the mainland. Such facilities shall be owned or tied in perpetuity to the water access only lot and be zoned for parking and docking facilities only;
- e) Notwithstanding Section 5.7.7 (b)(i) to the contrary, the minimum lot size for a new water access only lot shall generally be 2 ha (5 acres) in order to minimize impacts in these remote areas.

(iv) Zoning

Limited service residential uses shall be zoned in separate categories in the implementing zoning by-law.

(v) Special Limited Service Residential Development Policy (Part Lot 2, Concession II, Bedford District)

Notwithstanding Section 5.7.7(b)(i) to the contrary, the minimum lot frontage on a private road for a Limited Service Residential lot shall be 24.7 metres (81 feet).

(vi) Special Limited Service Residential Development Policy (Part Lot 21, Concession XI, Bedford District)

Notwithstanding Section 5.7.7(b) to the contrary, the minimum lot frontage on a private road for a Limited Service Residential lot shall be 61.9 metres (203 feet).

## **6.0 GENERAL POLICIES**

This section contains policies which apply generally to the entire Township or which are not related to a specific land use designation.

### **6.1 DEVELOPMENT STAGING**

In order to protect the residents of the Township of South Frontenac from undue financial hardship, the Council shall ensure that the timing, location and nature of new development is such that the demand for municipal services is not excessive in relation to the taxable assessment provided. New large scale development which would create an appreciable increase in the demand for municipal services shall not be permitted unless it can be demonstrated that the project will maintain or improve the Township's general financial condition.

### **6.2 DEVELOPMENT POLICIES**

All types of future development shall occur on the basis of the submission and approval of registered plans of subdivision, land severances by consent of the Committee of Adjustment and/or amendments to the implementing zoning by-law.

Residential development should primarily occur by registered plan of subdivision. However, development may occur by consent in accordance with the applicable policies of this plan when a plan of subdivision in the opinion of the Municipality clearly is not necessary to ensure orderly development, taking into consideration the social, economic and environmental impacts.

### **6.3 DEVELOPMENT AGREEMENTS**

Development shall not create a financial burden on the Township of South Frontenac. Individuals proposing to develop lands may be required, pursuant to the relevant provisions of the Planning Act, to enter into subdivision/severance agreements.

### **6.4 AGENCY TECHNICAL REVIEW**

- (a) The Township of South Frontenac is covered by three Conservation Authority jurisdictions. The degree of involvement in watershed regulations varies from one Authority to the next. In order to properly manage the natural resources of the municipality, any proponent of development, including the creation of a new lot, a change in land use or the construction of buildings and structures adjacent to any river, lake, stream, creek or watercourse, should consult with the appropriate Conservation Authority. It is the policy of the Township of South Frontenac to

work co-operatively with each Conservation Authority in order to properly manage the water resources of the Municipality.

- (b) Although no specific areas have been designated for forestry use, the Township encourages all land to be used for forestry purposes on a sustainable yield basis. Forestry operations should not employ clear cutting techniques except under the authority of a Forest Management Plan prepared by a Registered Forester.
- (c) Due to the particular sensitivity of the lakes, preservation of the natural vegetation, including forests, is strongly encouraged, especially in the 30 metres abutting a waterbody. Site Plan Control may be used to achieve this.
- (d) Council will encourage the retention of the tree lined character of the Township roads, consistent with traffic safety, drainage, utility installation, and access constraints.
- (e) Council will consult, when deemed appropriate, with various technical review agencies including the Conservation Authorities, the Ministry of Natural Resources, the Ministry of the Environment, the Department of Fisheries and Oceans or any other agency on any development proposal submitted for review by the Township.

## **6.5 GROUP HOMES**

A group home is a single housekeeping unit in a residential dwelling in which up to ten (10) persons, excluding staff, live under responsible supervision consistent with the requirements of its residents and which is funded, licensed or approved under Provincial Statute. Group homes will be permitted in all designations that allow residential uses; however, they should not be permitted to be located on a private road. In order to prevent an undue concentration of group homes in specific areas of the Municipality, minimum separation distances between group homes may be incorporated in the Zoning By-law.

## **6.6 HOME OCCUPATIONS AND HOME INDUSTRIES**

Home occupations, home industries, trades and professional uses may be permitted accessory to any residential use provided they are small scale and compatible with residential uses. Specific provisions relating to home occupations shall be included in the Zoning By-law.



## **6.7 INSTITUTIONAL AND PUBLIC USES**

Institutional uses include educational, municipal and governmental activities which are public or semi-public in nature. Any necessary public use or institutional use required by a public authority to fulfill its role in providing for the health, education, welfare and comfort of the residents shall be permitted anywhere within the Municipality except the Agricultural designation and buildings in Environmental Protection areas provided that the site design and the design of any buildings and structures are in keeping with the character of the surrounding area. Private institutional uses which provide social services to the residents of the area may also be considered, provided they meet the same compatibility criteria as stated above for public and semi-public uses, are of a scale and design in keeping with the surrounding area, have frontage on an open public road which is maintained on a year-round basis, and provided Council is satisfied that the proposed use fulfils a legitimate community need.

Energy and communication facilities, including electric power facilities, transformers and generators, as defined in the Power Corporation Act, shall be permitted in any land use designation without an amendment to this Official Plan provided that such development satisfies the provisions of the Environmental Assessment Act, including Regulations made under the Act and any other relevant statutes. All electric power providers shall be encouraged to consult with the Municipality regarding the location of new transformer stations.

Other energy and communications distribution facilities, including buildings and facilities of electric power providers not used directly for the generation and supply of power, shall comply with the provisions of this Plan and the implementing Zoning By-law.

The Municipality intends to participate in any discussions on the location of new energy and communications facilities.

## **6.8 LAKESHORE ASSESSMENT MAPS**

The Ministry of Natural Resources, together with interested citizens and groups, have begun the process of preparing detailed lakeshore assessment maps which identify the type of foreshore area (bedrock, rubble, sand, silt), submerged and floating vegetation, emergent vegetation, stumps and logs, overhanging trees, cottages, docks, beaver dams, boathouses, shoreline slopes and a variety of fish and wildlife habitat areas. These maps, once reviewed and approved by the Municipality and the Ministry of Natural Resources, will be used by the Committee of Adjustment, Township staff and various agencies to assist in the review of applications for new lots, variances and rezonings.

### 6.8.1 Lake Trout Water Quality Model

The Ministry of Environment monitors lake trout lakes in the Township with respect to water quality to support a lake trout fishery. The Township will consider the results of the monitoring program when reviewing any development including the creation of lots, a change in land use and/or the erection of buildings and structures within 300 metres (984 feet) of the affected lake.

## 6.9 **BUFFERING**

In order to reduce or eliminate the adverse effects of one land use upon another or overcome the conflicts between land uses, the Township will require buffering to be provided. A buffer may be defined as any space or feature placed between two conflicting uses in order to reduce or eliminate conflicts. A buffer may be open space where distance is relied upon to produce the desired results, or it may be a berm, wall, fence, planting strip or land use different from the two conflicting ones but compatible with both, or any combination sufficient to achieve the intended purpose. Buffering provisions will generally be implemented through site plan control and through provisions in the Zoning By-law.

## 6.10 **SERVICING**

It is the primary objective of the Plan to ensure that existing and proposed development within the Township has an adequate supply of potable water and is serviced by proven sanitary sewage disposal systems.

Where municipal service(s) exist, lot creation will only be permitted if sufficient reserve capacity exists to accommodate the proposed development. All development in serviced areas will utilize that service. In areas which are not serviced with municipal water and/or sewage services, lot creation will only be permitted if the proposed development can be supported by the type of servicing being proposed. Expansion of Settlement Areas will only be permitted where sufficient capacity exists to accommodate the anticipated growth, or where technical studies indicate that sufficient groundwater resources exist to support the expansion and where conditions are suitable over the long term to support the use of private septic systems. Notwithstanding any other sections of this Plan to the contrary, the scale, type, layout, density, etc. of a proposed development will be determined, in part, by the ability of the proposed development to be supported by the type of septic and water service being proposed.

Council will review the development policies of the Plan once a groundwater resource study has been completed for the area and will amend the Plan where appropriate to reflect the results of that study. Until such time, development shall proceed in accordance with the following servicing policies:

### 6.10.1 General

During the planning period of this plan, development predominantly shall occur on the basis of private wells and private septic tank and leaching beds/tile fields in accordance with the standards of the authorities responsible for their approval. Development will only occur on the basis of private individual on-site sources of potable water and septic systems or municipal communal sewer and/or water systems where required. No new private communal sewer and/or water systems will be permitted.

It is the intent of this plan that private on-site sanitary sewage disposal systems primarily consist of septic tanks and leaching beds/tile fields. However, consideration may be given to the use of other proven systems subject to the approval of the Ministry of the Environment and Council.

Where residential development has been proposed of more than five (5) lots on individual, private water and sewage, and has been accepted via the results of a private servicing report, the Township will require a Private Services Impact Assessment Report to be prepared by the owner/developer and submitted for Township review and approval. The report is to demonstrate potable groundwater quality, adequate groundwater yield, negligible groundwater quality interference, soil suitability and sufficient area available for effluent treatment and shall identify the location of the septic system, well and house.

### 6.10.2 Settlement Area Servicing

Primarily, development shall occur on the basis of private water and sanitary sewage disposal systems.

Municipal communal water supply systems and/or sanitary sewers and sewage treatment facilities may be constructed on land designated Settlement Areas and in areas of concentrated development when the density of development, the physiographic and/or public health conditions render these services necessary. An Environmental Assessment, completed in accordance with the Environmental Assessment Act, shall be undertaken prior to the installation of any municipal communal sewer and/or water systems.

### 6.10.3 Development Applications

Where deemed necessary by the Ministry of the Environment and/or Council, development applications shall be accompanied by a report prepared by a professional engineer or other qualified professional(s) indicating that an adequate supply of potable water is available for each new lot or use and that soil conditions are suitable for the installation of a septic tank and leaching beds/tile fields that conform to the standards outlined by the authority responsible for their approval. The terms of reference for the

report will vary depending on the nature and scale of development. The developer shall consult the Township and the Ministry of Environment to determine the level of detail required.

#### 6.10.4 Existing Substandard Services

It is the intent of this plan that all existing substandard private sanitary sewage disposal systems should be raised to at least the minimum standards established by the authority responsible for their approval. The Township should develop a program to identify and require the upgrading of substandard private sewage disposal systems.

In the event of failure of an existing septic system, the Township, in accordance with the Ontario Building Code provisions, shall require the owner to construct a new system in accordance with the current regulations. No minor variance shall be required for replacement of an existing substandard system.

### 6.11 SECONDARY PLANS

As major development occurs within the Settlement Areas of the Township, it is the intent of this plan that secondary plans be undertaken. The secondary plan shall provide the location of major land uses, transportation patterns and detailed servicing policies for the development area.

Secondary plans shall ensure the environmental integrity of new development particularly as it relates to the potential impacts on the quality and quantity of area ground and surface water supplies.

The preparation of secondary plans shall be guided by the intent and purpose of this plan and shall be developed having regard for surrounding land uses, environmental constraints, the physical suitability of the land in relation to the servicing approach, public utilities, schools, parks and other community facility uses, the major road systems particularly as they relate to accessibility and safety, housing types and projected populations. Secondary plans should be required when the Settlement Area reaches 150 dwellings or 300 persons.

### 6.12 FRONTAGE ON PUBLIC ROADS

No building or structure shall be erected, extended or enlarged on any lot within the Township of South Frontenac unless such lot fronts on a public road except as follows:

- (a) Where a vacant lot fronts upon a private or unassumed public road, a building permit may be issued for the erection of a building or structure providing:

- (i) the lot existed on or before the date of approval of this plan; or the lot is in the form of infilling or an extension to a private road permitted by this Plan and is created by consent of the Committee of Adjustment.
- (ii) the property is zoned to a Limited Service Residential zone; and
- (iii) the applicant at his/her expense enters into an agreement with the Township which is to be registered on title. This agreement is to indicate the following:
  - 1. that the owner recognizes that the lot is located on a private road which is not snowplowed or in any other way maintained by the Township.
  - 2. that the disposal of garbage, snowplowing and any other road maintenance is the responsibility of the property owner; and
  - 3. that the Township assumes no liability in the event that emergency vehicles are not able to access the lot because of impassable road conditions.

(b) Special Frontage on a Public Roads Policy (Part Lot 7, Concession IX, Storrington District)

Notwithstanding Section 6.12 to the contrary, the creation of two residential lots having frontage on a private road shall be permitted.

(c) Special Frontage on a Public Roads Policy (Part Lot 9, Concession IX, Storrington District)

Notwithstanding Section 6.12 to the contrary, the creation of two residential lots having frontage on a private road shall be permitted.

**6.13 CONVERSION TO PERMANENT RESIDENTIAL**

Conversion of a seasonal dwelling to permanent residential use may occur in accordance with the following provisions. The applicant shall prepare a report which demonstrates to the satisfaction of Council that the subject property complies with all relevant policies of the Official Plan including the following:

- (a) that an adequate supply of potable water is available to the dwelling;

- (b) that the sanitary sewage disposal system has been approved for year-round use by the authority responsible for the approval of such systems;
- (c) that the property and dwelling conform to all relevant provisions of the implementing zoning by-law and any other relevant municipal by-laws;
- (d) that the proposed permanent use is compatible with surrounding land uses;
- (e) if the lands are located on a private road, that the property is zoned Limited Service Residential;
- (f) that the building is in compliance with the Ontario Building Code and Building Code Act, 1995; and
- (g) if the dwelling is located on a private road, the applicant enters into an agreement in accordance with Section 6.12 (c) of this Plan.

#### **6.14 NOISE ATTENUATION**

Where development is proposed within the immediate vicinity of a high level noise producer, the development application shall, when deemed necessary by Council in accordance with the Ministry of the Environment guidelines, be accompanied by a noise report which:

- (a) establishes anticipated indoor and outdoor noise levels; and
- (b) if necessary, outlines the proposed noise attenuation techniques to be employed in reducing the anticipated noise levels.

#### **6.15 DEVELOPMENT CHARGES**

Council will levy a development charge in accordance with the Development Charges Act for each lot in a proposed subdivision or for each lot created by consent of the Committee of Adjustment in order to finance the provision and expansion of municipal services.

#### **6.16 DESIGN CRITERIA FOR THE PHYSICALLY CHALLENGED**

Recognizing the unique concerns of the physically challenged as they pertain to building design and the general usage of public facilities and transportation systems, Council affirms its commitment to the construction of new facilities and the reconstruction of old facilities in a manner that is consistent with the needs of the physically challenged. In pursuing this goal, the municipality shall:

- (a) require building construction to occur in accordance with the regulations of Part 10 of the “Ontario Building Code”; and
- (b) encourage any relevant construction or reconstruction on public lands to occur in a manner consistent with the needs of the physically challenged.

### **6.17 SITE PLAN CONTROL**

Site Plan Control is intended to be used to help minimize the impacts of development on neighbouring properties and waterbodies. In order to facilitate this process, the entire Township is proposed for Site Plan Control pursuant to Section 41 of the Planning Act.

The specific land uses, designations and areas which are intended to be subject to this policy are:

- (a) Commercial, institutional (community facility) and industrial uses;
- (b) lands used for wrecking yards;
- (c) lands used for hauled septage disposal;
- (d) lands within the Mining designation;
- (e) multi-unit residential uses;
- (f) lands within or adjacent to the Environmental Protection designation;
- (g) all land within 90 metres (295 feet) of a waterbody (primarily water front lots), including land used for residential purposes;
- (h) lands within or adjacent to an Environmentally Sensitive Area;
- (i) all lands within 300 metres (984.3 feet) of a Sensitive Lake Trout Lake; and
- (j) all lands which are subject to a natural hazard.

All other land uses, including rural residential uses, may be subject to site plan approval.

Appendix ‘A’ provides information which will help interpret the intent of this section. It is taken from the study entitled “Rideau Lakes Carrying Capacities and Proposed Shoreland Development Policies” and provides additional information which will be used by Council, municipal staff, applicants, reviewing agencies, Committee of Adjustment and the public in assessing the proposed development of any land near water. The objective is to attempt to ensure that development is sustainable and in particular to maximize the protection of water quality.

In implementing site plan control on lands within 90 metres (295 feet) of a water body, the Township will have regard for Appendix ‘A’. It is intended that:

- (a) on land having steep slopes, minimal woody vegetation cover, thin soils and soils with poor phosphorus retention capability, setbacks of up to 90 m (295 feet) measured horizontally will be required.
- (b) on land which has fewer constraints, smaller setbacks are required, diminishing to 30 metres (98 feet) measured horizontally for ideal sites.
- (c) on existing lots, consideration will be given to slight reductions to the minimum requirement of 30 metres (98 feet), only if it is not physically possible or environmentally desirable to meet this requirement.

When a property is the subject of an application for site plan approval, abutting land owners and other neighbouring land owners that may be directly affected, such as those located across a narrow waterbody, should be advised and provided with an opportunity to comment on the site plan before approval by the Township. Details of the site plan may vary depending on the complexity of each development application.

## **6.18 COMMUNITY IMPROVEMENT POLICIES**

This Plan recognizes the importance of revitalizing the settlement areas, villages and other built-up areas that are aging, and that there may be a need in the future to upgrade such elements as physical infrastructure, buildings, recreational facilities and/or the arrangement of existing land uses and to remediate brownfields. To accomplish this, Community Improvement Plans may be developed.

Community Improvement Plans are enabling policies under the authority of the Planning Act through which Council may provide financial incentives to address an identified need. For the purpose of this Plan, all areas in the Township that are designated as 'Settlement Areas' shall be identified as Community Improvement Areas. Thus, within these established settlements, certain community improvement project areas may be defined from time to time by by-law for which detailed plans may be prepared where there is an identified community need. The approval of such plans including any associated financial assistance shall be at the discretion of Council.

### **6.18.1 Criteria**

To establish the need for a community improvement plan in Settlement Areas, one or more of the following criteria should be identified in the subject area:

- a) building stock or any housing units that are sub-standard according to minimum Township standards;
- b) unused or underutilized buildings or land that could be developed, redeveloped, renovated or converted to another use;
- c) hard surfaces such as roads, sidewalks, curbs, gutters and stormsewers that are deficient;



- d) lighting, signage, buildings or other public utilities that are sub-standard according to minimum Township standards or which are not designed for energy-efficiency;
- e) inadequate community services such as public indoor/outdoor recreation facilities or public open space;
- f) inadequate social facilities such as day cares;
- g) inadequate off-street parking facilities;
- h) inefficient traffic circulation or poor accessibility to residential, commercial or industrial areas;
- i) existing land uses that are incompatible with each other;
- j) the overall streetscape or aesthetics of an area requires upgrading;
- k) the presence of visual amenities (such as waterfront areas) which could benefit from protection, enhancement or promotion for tourism;
- l) the presence of brownfields.

#### 6.18.2 Objectives

In Settlement Areas, where any of the above needs have been identified, a community improvement plan would establish one or more of the following objectives:

- a) promote cultural, social, economic and natural environmental sustainability;
- b) maintain the existing building stock and provide amenities and streetscape improvements to enhance the aesthetic appeal of the downtown/main street;
- c) facilitate the construction, reconstruction or rehabilitation of lands and/or buildings;
- d) maintain or improve the existing physical infrastructure for residential commercial, residential, industrial and institutional development;
- e) preserve historically or architecturally significant buildings;
- f) provide a mix of housing types to accommodate a full range of the Township's population;
- g) improve vehicle parking and traffic patterns and provide improved accessibility to all residents and businesses;
- h) improve compatibility between uses in proximity to each other;
- i) improve visual amenities (such as waterfront areas) to encourage and promote tourism;
- j) provide adequate community services and social services and enhance indoor/outdoor recreation facilities and/or public open space;
- k) improve energy efficiency wherever possible;
- l) rehabilitate environmentally compromised land and buildings through appropriate remediation.

#### 6.18.3 Implementation

In implementing any of the above community improvement policies within a Settlement Area, the Township may;

- a) by by-law designate community improvement project areas and prepare community improvement plans for the project areas in accordance with the Planning Act;
- b) carry out community improvement projects in association with other public works projects and Township programs wherever possible;
- c) provide public funds through grants, loans and other financial instruments to the land-owners or their assignees;
- d) waive or reduce development fees to support the desired community improvement;
- e) provide tax assistance under the Municipal Act;
- f) make applications under all appropriate senior level government programs;
- g) provide information to land-owners and developers about the availability of municipal initiatives and financial assistance programs;
- h) where feasible, acquire buildings and/or lands and carry out the clearing and grading of land and/or the improvement of buildings to facilitate the community improvement;
- i) encourage private initiatives regarding the rehabilitation, redevelopment, conversion and environmental remediation of lands or buildings and, where appropriate support infill development and redevelopment;
- j) consider flexibility in zoning restrictions to support community improvement.

The provision of financial assistance in a community improvement plan will be based on the financial capabilities of the Township and will be entirely at the discretion of Council.

#### **6.19 FARMING AND FOOD PRODUCTION PROTECTION ACT (FFPPA)**

Nothing in this Official Plan shall conflict with the Farming and Food Production Protection Act (FFPPA). In the event of a conflict between this Plan and the FFPPA, the FFPPA shall take precedent.

#### **6.20 INFLUENCE AREAS**

The concept of an influence area is recognized as a means of protecting against incompatible land uses being located in close proximity to each other. This concept applies when a sensitive land use (for example, residential) is being proposed in close proximity to mining or mineral aggregate lands, certain commercial and industrial uses, etc., and conversely when one of these uses are proposed within close proximity to a sensitive land use.

Influence areas are specific to the designation or type of proposed use and will be detailed in the appropriate section of this Plan.

Where possible, influence areas will be based on Provincial guidelines. Council, through the review of development applications within influence areas will ensure that land use compatibility issues are addressed.

## **6.21 NATURAL HAZARD LANDS**

- (i) Within all land use designations, lands identified as having inherent natural hazards such as flood susceptibility, poor drainage, organic soils, steep slopes or other similar physical limitations shall be developed and controlled in accordance with the Environmental Protection policies of this Plan.
- (ii) Where the extent of a hazard has not been determined or where a hazard is suspected, Council may require that a proponent submit a detailed study which identifies the extent of the hazard and, if appropriate, the measures necessary to overcome the hazard. Such a study will be prepared by a qualified individual.

## **6.22 CULTURAL HERITAGE RESOURCES**

Cultural heritage resources include archaeological remains of prehistoric and historic habitation areas containing archaeological potential, cemeteries and burials, buildings and structural remains of historic interest within the boundaries of the municipality. All new development permitted by the land use policies and designations of this Plan should have regard for cultural heritage resources and should wherever possible, incorporate these resources into any new development plans.

The Township may examine buildings and sites with regard to the desirability and suitability for restoration, conservation and preservation purposes, and support initiatives such as the creation of heritage resource information bases, comprehensive heritage site inventories and heritage master plans.

Pursuant to the Ontario Heritage Act, and in consultation with the LACAC if one exists, Council may, by by-law:

- (i) designate properties to be of historic and/or architectural value or interest or in an area with a significant archaeological resource;
- (ii) define the municipality, or any area or areas within the municipality, as an area to be examined for designation as a heritage conservation district; and
- (iii) designate the municipality, or any area or areas within the municipality, as a heritage conservation district.

A Local Architectural Conservation Advisory Committee (LACAC) may be established pursuant to provisions of the Heritage Act, to advise and assist Council on matters related to heritage properties, districts and other similar resources.

The Township may require a statement of impact to significant built heritage or cultural heritage landscape resources, if such resources are affected adversely by development or alteration.

Council may require archaeological assessments carried out by archaeologists licensed under the Ontario Heritage Act, as a condition of any development proposal affecting areas containing a known archaeological site or considered to have archaeological potential. Archaeological assessment reports which are submitted are to be in compliance with the guidelines and licensing requirements of the Ministry of Citizenship, Culture and Recreation (MCZCR).

Council shall consult with appropriate government agencies, including the MCZCR and the Ministry of Consumer and Commercial Relations (MCCR), when an identified human cemetery, marked or unmarked human burial is affected by land use development. The provisions of the Heritage Act and the Cemeteries Act shall apply.

Council should give consideration to the effects of municipal public works or similar municipal undertakings affecting buildings and features of historical significance. Consideration shall also be given to conserving heritage buildings, landscapes or other such resources which are under municipal ownership and/or stewardship.

### **6.23 MINIMUM DISTANCE SEPARATION FORMULAE**

All new farm and non-farm development in the Township shall comply with the Minimum Distance Separation formulae (MDS I and II) as may be amended from time to time.

### **6.24 MAN-MADE HAZARDS**

Prior to the approval of a zoning by-law amendment, subdivision, consent and official plan amendment, the past and present uses shall be documented. Restoration of a site may be required prior to approvals being granted or prior to development occurring.

Site remediation is to occur in accordance with Ministry of the Environment's "Guidelines for the Decommissioning and Clean-up of Sites in Ontario". Where contamination has been identified, a Ministry of the Environment letter acknowledging receipt of a "Record of Site Condition" will be required prior to development approvals being granted.

## **6.25 RAILWAYS**

The Township shall require the proponent to submit a noise feasibility study, to determine whether the proposal is feasible due to noise levels, for any sensitive use within:

- (i) 100 metres (328 feet) of a principal railway mainline;
- (ii) 50 metres (164 feet) of a secondary railway main line or provincial highway right-of-way.

Provided the Township is satisfied that a proposed development is feasible, following the review of a noise feasibility study, the proposal shall incorporate suitable noise control measures in accordance with Ministry of Environment guidelines.

Detailed noise studies may be required for any new sensitive land use, including residential use, proposed within:

- (i) 500 metres (1,640.4 feet) of a principal railway main line;
- (ii) 250 metres (820.2 feet) of a secondary railway main line;
- (iii) 100 metres (328 feet) from all other railway lines or roads.

## **6.26 NUTRIENT MANAGEMENT BY-LAW**

Council may consider the adoption of a nutrient management by-law to control and regulate the occurrence of large intensive livestock operations in the Township.

## **6.27 ABANDONED MINE HAZARDS**

In reviewing any planning or development application, Council shall verify that the Ministry of Northern Development and Mine's "Abandoned Mine Inventory System" (as updated from time to time) does not indicate that a mine hazard (past or present) exists within close proximity to the subject lands. If the Inventory indicates that a potential hazard exists, the applicant shall be responsible for ensuring that any hazards are mitigated such that the hazard is removed and that the property is safe for the proposed development. Council may require proof by way of a technical study, that the hazard has been removed.

**7.0 DIVISION OF LAND****7.1 GENERAL CONSENT POLICIES APPLICABLE TO ALL LAND USE DESIGNATIONS**

In addition to all other policies of this Plan, the following general consent policies shall apply to all land use designations.

- (a) Consents shall only be granted when it is clearly not necessary in the public interest that a Plan of Subdivision be registered. In this regard, consents will be considered when the creation of new lots, in the opinion of the Municipality, will clearly have no adverse environmental, social or economic impact on the Township or adjacent land uses.
- (b) Where a land holding has more than one detached dwelling in existence at the time of adoption of this Plan, the severance of a parcel of land including the additional dwelling may be permitted subject to all other policies of this Plan.
- (c) The size of any parcel of land created by consent shall be appropriate for the uses proposed. No parcel of land created as a result of a consent shall be less than that prescribed in the respective land use designations of this Plan, except for parcels created as lot additions or for technical reasons.
- (d) Consents should be granted which generally provide for a satisfactory geometric design of the severed and retained parcels.
- (e) Consents shall not be granted for a parcel of land which is subject to flooding or erosion, or other physical hazard, and where no building envelope is identified on the lot, when the use of the parcel requires that a building be erected. The advice of the appropriate authority will be sought in this regard.
- (f) All applications for consent shall be accompanied with a sketch showing to scale the dimensions of the lots (severed and retained) to be created by the proposed consent. In addition, existing buildings and setbacks from the property lines and major topographic and land features such as an escarpment, creek or wetland shall be shown. The sketch shall also identify all buildings, septic systems and wells on the lands subject to the consent application as well as on adjacent lands. For those applications which constitute an addition to a holding, the sketch shall show the location, size, use and ownership of the lot to be enlarged.
- (g) The creation of no more than two lots in total (i.e. including severed and retained) shall result from any one severance application for a new lot. Consents that are to establish a legal right-of-way for more than 21 years will require an application for consent when it is not part of a proposed new lot.

- (h) Consents which would result in landlocking a parcel will be denied. All new lots, except limited service residential lots, shall front onto and gain direct access from an existing public road which reflects a reasonable standard of pavement or gravel construction and is maintained year round by the municipality.
- (i) Consents should not be granted for land adjacent to a road from which access is to be obtained where a traffic hazard would be created because of limited sight lines on curves or grades.
- (j) The creation of a residential lot having access only to former provincial highway No. 38 outside of the Settlement Areas for residential purposes will generally be discouraged. In special circumstances where there is no other alternative available, such lot may be considered provided that the Township approved the proposed entrance. Entrance requirements to former Highway 38 shall be in accordance with Ministry of Transportation guidelines and regulations. Access to new lots on former Frontenac County Roads will be guided by the Frontenac County Road Entrance Policy as amended from time to time.
- (k) Any division of land must respect the separation distances for land uses as set out in this Plan and in the Zoning By-law.
- (l) All division of land for new farm and non-farm uses shall comply with the Minimum Distance Separation Formulae I or II as amended.
- (m) Road widenings may be required as a condition of any division of land.
- (n) The Township is entitled to a dedication of land for park purposes as a condition on any division of land. Cash-in-lieu of land may be requested by the Municipality in situations where there is a public park in the area which is adequate for existing and future population. Cash-in-lieu may also be requested where the amount of land involved is small and therefore unsuitable for park development. Where lands are dedicated for park purposes, the Municipality will accept only those lands suitable for park use.
- (o) For any division of land, the Municipality will impose certain conditions to the approval of the severance or subdivision. An agreement relating to the conditions may be required and may be registered on title.
- (p) In considering applications for division of land, the Municipality may consult with the School Boards and any other Boards or Committees which must plan for future growth.
- (q) The cumulative effect of development and the resulting financial implications for the Municipality will be monitored on an on-going basis.

- (r) The Township will consider applications for severances in light of the number of accesses being created on Township roads. In order to ensure the proper functioning of the road system, the Municipality may require the use of shared entrances by abutting property owners or other such measures. Where a shared entrance is required, the landowners shall enter into an easement agreement which shall ensure that maintenance of the entrance will be the mutual responsibility of the affected landowners.
- (s) Where applicable, the applicant will provide sufficient information to substantiate that all lots created have a source of potable water and appropriate sanitary sewage disposal facilities in accordance with current regulations to the satisfaction of the Township and the appropriate approval authority.
- (t) Where municipal sanitary sewer and/or water and/or electrical capacity are required, no new lots shall be created where there is not sufficient municipal sanitary sewer and/or water and/or electrical capacity available to accommodate the proposed use.

#### 7.1.1 Special Severance Policies - Shallow and Narrow Bodies of Water

Notwithstanding anything in this Plan to the contrary, no lot with waterfrontage shall be approved adjacent to a narrow waterbody unless the water frontage is at least 150 metres (492 ft.) in order to ensure safe boating and swimming conditions, to avoid an overdeveloped appearance in a constricted area and to help ensure a reasonable separation between residential uses. A narrow waterbody is an area where the minimum general distance from shoreline to shoreline is 150 metres (492 ft.) for a lake and 50 metres (164 ft.) for a river. Guidelines for measuring narrow waterbodies are included in Appendix 'B'.

Waterfront lots which are proposed adjacent to a shallow waterbody (less than 3 metres (10 ft.) deep, 30 metres (100 ft.) offshore at low water) may be required to have a water frontage of 150 metres (492 ft.). Unless the property abuts a natural sand beach, shallow waterbodies tend to be more environmentally sensitive and less intensive usage is appropriate. Reductions to this requirement will only be considered if convincing environmental evidence prepared by a qualified professional is presented by the applicant demonstrating that no negative impacts will result.

- a) Special Lot Waterfrontage Criteria (Pt. Lot 9, Concession XIII, Bedford District).

Notwithstanding the provisions of subsection 7.1.1 to the contrary, the lands identified as Part of Lot 9, Concession XIII, Devil Lake, in Bedford District, which are identified on the Land Use Plan, Schedule 'A', may be developed in accordance with the following policies:

- The minimum waterfrontage for development shall be 91 metres (300 ft.)



- b) Special Lot Waterfrontage Criteria ( Pt.Lots 24 and 25, Concession X, Storrington District).

Notwithstanding the provisions of subsections 7.1.1 to the contrary, the lands identified as Part of Lots 24 and 25, Concession X, Cranberry Lake, in Storrington District, which are identified on the Land Use Plan, Schedule 'A', may be developed in accordance with the following policies:

- The minimum waterfrontage for lot development shall be 91 metres (300 ft.).
- The lands subject to this 'Special Lot Frontage Criteria' shall be limited to the creation of one new residential building lot. No additional severances will be permitted on the retained property.

#### 7.1.2 Timmerman Island

Notwithstanding the policy of this Plan that prohibits the placing of more than one dwelling on a lot, up to seven single detached dwellings may be permitted on Part Lots 27, 28 and 29, Concession 6, on Timmerman's Island (Bedford District), provided the following policies and all other relevant policies of this Official Plan are met:

- (i) the property must have sufficient private mainland parking and boat docking/launching facilities to service the number of persons and single detached dwellings proposed without placing demands on existing public access facilities;
- (ii) the lands will be placed in a separate category in the Zoning By-law. The location of the dwellings must meet the setbacks and other lot criteria of the Zoning By-law such that lot division could take place in the future if desirable;
- (iii) these lands are proposed for site plan control. The required site plan will be in sufficient detail to permit it to be adapted for use as an application for a registered plan of subdivision. The development will be by a plan of subdivision, thereby ensuring that the land and the development shown on it will be capable of being subdivided in accordance with the policies of the Official Plan and the requirements of the Planning Act. The site plan shall be registered against the lands.

These policies are intended to allow development on the lands described only and they are not intended to be used to evade the normal consent or subdivision process.

## **7.2 GENERAL POLICIES FOR PLANS OF SUBDIVISION**

In addition to all other policies of this Plan, the following general subdivision policies shall apply to all land use designations.

- (a) Development of land by plan of subdivision shall be required when the creation of more than 4 lots, including severed and retained lots, is proposed.
- (b) The proposed subdivision shall be at a scale which is compatible with the existing or anticipated scale of development in the area.
- (c) Access roads shall have the capability to support the additional traffic loads anticipated from the proposal. Where upgrading and additional maintenance may be required, the Municipality will assess the financial impact of these additional expenditures and may levy charges or request a contribution from the developer to offset these costs. All subdivision development shall occur on a publicly maintained municipal road.
- (d) New subdivision lots shall comply with the minimum lot areas and frontages in section 5.7.4 (ii) (a) of this Plan unless it is demonstrated through the subdivision review process that reductions to these minimums are justified based on good land use planning principles. For greater certainty, all lots shall have sufficient area so that a private well for water supply can be located without danger of contamination by the sewage system and so that a serious draw down of groundwater levels beyond the boundaries of the lot itself can be avoided.

An application for a privately serviced plan of subdivision shall be accompanied by a detailed hydrogeological study and such other analysis as is required in accordance with Ministry of the Environment guidelines, all of which shall be prepared by a qualified professional and satisfactory to the Municipality.

An application for a privately serviced plan of subdivision shall be in accordance with the Ministry of the Environment's guidelines.

- (e) All applications for subdivision shall be accompanied by a preliminary stormwater management/drainage plan.
- (f) Lots shall have access on an interior public road, developed to standards satisfactory to the Municipality. A limited number of lots may be permitted access on an existing municipal road of an appropriate standard where the Municipality is satisfied that such access is appropriate. Nothing in the aforementioned shall be construed as encouraging access to existing roads.
- (g) As many trees as possible shall be preserved, particularly mature and healthy stands of trees and reforestation shall take place where appropriate.

- (h) Topography and/or vegetation shall be maintained and augmented to create an appropriate or desirable environment and buffering may be requested to ensure compatibility with adjacent uses.
- (i) Plans of subdivision shall be designed to allow for the appropriate integration of the subject lands with the adjacent lands.
- (j) The proposal shall be appropriately served by existing levels of municipal services such as fire protection, police protection, garbage collection and school facilities. Any proposal requiring substantial upgrading to existing services will generally not be permitted unless it is determined by the Municipality and any pertinent agencies to be appropriate.
- (k) The Municipality shall enter into a subdivision agreement with each developer as a condition of the approval of a Plan of Subdivision. This agreement will set out the internal and external services and obligations that shall be required of the developer.
- (l) The developer shall provide background information satisfactory to the Municipality demonstrating the appropriateness of the location for the plan of subdivision. This information may include drainage studies, traffic impact studies and environmental impact statements.
- (m) Plans of subdivision shall be compatible with adjacent areas and the general intent of this Plan.
- (n) A cultural heritage resource assessment may be required for any lands to be subdivided. The assessment and any recommendations for the conservation of significant cultural heritage resources identified through the assessment may be a condition of subdivision approval and may be included in the subdivision agreement.
- (o) The specific provisions of the Planning Act relating to plans of subdivision will apply in addition to the policies set out in this Plan.
- (p) The Township is entitled to a dedication of land for park purposes as a condition on any division of land. Cash-in-lieu of land may be requested by the Municipality in situations where there is a public park in the area which is adequate for existing and future population. Cash-in-lieu may also be requested where the amount of land involved is small and therefore unsuitable for park development. Where lands are dedicated for park purposes, the Municipality will accept only those lands suitable for park use.

**7.3 GENERAL POLICIES FOR PLANS OF CONDOMINIUM  
(Vacant Land with Common Elements)**

In addition to all other policies of this Plan, the following general condominium policies shall apply to all land use designations.

- (a) Development of land by plan of condominium shall be required when the creation of individual units and common areas within a single lot, is proposed.
- (b) The proposed plan of condominium shall be at a scale which is compatible with the existing or anticipated scale of development in the area.
- (c) Existing public access roads shall have the capability to support the additional traffic loads anticipated from the proposal. Where upgrading and additional maintenance may be required, the Municipality will assess the financial impact of these additional expenditures and may levy charges or request a contribution from the developer to offset these costs. All development shall occur on a common element private lane that is maintained through the condominium corporation.
- (d) New condominium units shall comply with the minimum lot areas and frontages outlined in section 5.7.7 (ii) of this Plan. Reductions to these general requirements may be considered provided they are justified through the condominium approval process and provided they are based on good land use planning principles. For greater certainty, all units shall be supported by a sufficient area of land so that a private well for water supply can be located without danger of contamination by the sewage system and so that a serious draw down of groundwater levels beyond the boundaries of the lot itself can be avoided.

An application for a privately serviced plan of condominium shall be accompanied by a detailed hydrogeological study and such other analysis as is required in accordance with Ministry of the Environment guidelines, all of which shall be prepared by a qualified professional and satisfactory to the Municipality.

- (e) All applications for condominium development shall be accompanied by a preliminary stormwater management/drainage plan prepared by a qualified professional and satisfactory to the Municipality.
- (f) Condominium units shall have access on an interior common elements private lane, engineered and constructed to meet or exceed the Township's standards for new private lanes. A higher standard of lane construction may be required by the Township based on the scale of the development and/or conditions that would

adversely affect the quality of the lane construction. Nothing in the aforementioned shall be construed as encouraging access to existing roads.

- (g) As many trees as possible shall be preserved as part of the development, particularly mature and healthy stands of trees and reforestation shall take place where appropriate.
- (h) Topography and/or vegetation shall be maintained and augmented to create an appropriate or desirable environment and buffering may be requested to ensure compatibility with adjacent uses.
- (i) Plans of condominium shall be designed to allow for the appropriate integration of the subject land with the adjacent lands. The subject land shall front onto a fully maintained public road and any newly-created private lane on the subject land shall gain its access directly from the public road.
- (j) The proposed development shall be appropriately served by existing levels of municipal services such as fire protection, police protection and school facilities. Additional services shall be provided by the Condominium Corporation including communal garbage facilities at the public road. The corporation may be required to enter into an agreement with a private firm for the provision of these services. Any proposal requiring substantial upgrading to existing municipal services will generally not be permitted unless it is determined by the Municipality and any pertinent agencies to be appropriate.
- (k) The Municipality shall enter into a condominium agreement with the owner in accordance with the Planning Act and Condominium Act as a condition of final approval of a plan of condominium. This agreement will set out the internal and external services and obligations that shall be required of the developer and will specify the necessary financial securities required by the Municipality to ensure that conditions of approval are fulfilled.
- (l) The developer shall provide background information satisfactory to the Municipality demonstrating the appropriateness of the location for the plan of condominium. This information shall include a hydrogeological study (as noted above and may include drainage studies, traffic impact studies and environmental impact statements.
- (m) Plans of condominium shall be compatible with adjacent areas and the general intent of this Plan.
- (n) A cultural heritage resource assessment and/or an archaeological assessment may be required for any lands to be developed. The assessment and any recommendations for the conservation of significant cultural heritage resources

identified through the assessment may be a condition of condominium approval and may be included in the final agreement with the condominium corporation.

- (o) Where units in a plan of condominium are created that front onto or are accessed by a common elements private lane maintained by the condominium corporation, a building permit may only be issued for the erection of a building or structure providing the applicant enters into an agreement with the Township which is to be registered on title of the subject property. This agreement is to indicate:
  - 1. that the owner recognizes that the lot is located on a private lane which is not snowplowed or in any other way maintained by the Township.
  - 2. that the disposal of garbage, snowplowing and any other road maintenance is the responsibility of the property owner; and
  - 3. that the Township assumes no liability in the event that emergency vehicles are not able to access the lot because of impassable road conditions.
- (p) The specific provisions of the Planning Act and the Condominium Act relating to plans of condominium shall apply in addition to the policies set out in this Plan.
- (q) The Township is entitled to and will require a dedication of parkland or cash-in-lieu of parkland under the terms provided in the Planning Act.

## **8.0 IMPLEMENTATION**

### **8.1 ZONING BY-LAW**

Following approval of the Official Plan, the Municipality shall enact new Zoning By-law provisions to implement this Official Plan.

Zoning shall be the primary means for implementing the Official Plan. As set out in Section 34 of the Planning Act, the Zoning By-law will regulate the use of land, the erection and use of buildings and structures, yard requirements, setbacks, parking and loading space requirements and other such matters.

#### **8.1.1 Interim Control By-laws**

The Municipality 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 the Municipality. Any Interim Control by-law approved by the Municipality shall initially be in effect for a period of up to one year from the date of passing of the by-law but may extend for a maximum of one additional year.

#### **8.1.2 Temporary Use By-laws**

Pursuant to Section 39 of the Planning Act, the Municipality 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 the Municipality, 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.

#### **8.1.3 Holding “h” Symbol**

Pursuant to Section 36 of the Planning Act, the Municipality may use a holding “h” symbol to be used in conjunction with any zoning by-law passed under section 34 of the Act. The holding symbol is used when the proposed use of the subject land is known and

is specified in a zoning by-law but certain conditions must be met prior to the development proceeding. Such conditions may be the entering into of a site plan agreement with the municipality or the undertaking of certain studies or required infrastructure improvements or site grading. At such time as the requirements are met to the satisfaction of the municipality, the holding symbol may be removed by amendment to the by-law.

## **8.2 BUILDING BY-LAW**

A Building By-law has been passed by the Municipality pursuant to the provisions of the Building Code Act.

## **8.3 MAINTENANCE AND OCCUPANCY**

The Municipality may pass a Maintenance and Occupancy By-law for prescribing the standards for the maintenance and occupancy of property and for prohibiting the use of such property that does not conform to the standards.

## **8.4 OTHER BY-LAWS**

By-laws passed by the Municipality under the authority of the Municipal Act or any other Act may implement the policies of this Plan. For instance, By-laws dealing with the regulation of derelict motor vehicles, wrecking yards, pits and quarries, trailers or signs may be passed by the Municipality where considered appropriate. Any such By-law shall conform to this Official Plan.

## **8.5 DIVISION OF LAND**

The Municipality will use subdivision and consent approval processes to ensure control over the subdivision of land. All plans of subdivision and consent applications must conform to the requirements of this Plan. As part of the approval process, certain requirements may be imposed as a condition to the approval of a plan of subdivision or a consent and the owner may be required to enter into an agreement with the Municipality before final approval. The above will also apply to the creation of individual units in a Plan of Condominium.

## **8.6 CONSTRUCTION OF PUBLIC WORKS**

Certain policies of this Plan will be implemented through the construction of public works. No public works will be undertaken that do not conform to the intent and purpose of the Official Plan.



## **8.7 LAND ACQUISITION**

The Municipality may acquire and hold land within the Township for the purpose of developing any feature of the Official Plan. The Municipality may also sell, lease or otherwise dispose of such land when no longer required in accordance with the Municipal Act and other relevant provisions of this Plan.

## **8.8 AMENDMENTS**

Amendments may be made to the Official Plan when such changes are warranted. The provisions of the Planning Act with respect to Official Plans apply similarly to amendments including the approval of the Minister or the Ontario Municipal Board as the case may be. When amendments are made to the Official Plan, appropriate amendments may also be required to the implementing By-laws so that any such By-law is in conformity with the Plan.

## **8.9 COMMITTEE OF ADJUSTMENT**

When a Zoning By-law is in effect, a Committee of Adjustment may be appointed to rule on applications for minor variance from the provisions of the Zoning By-law. In granting a variance, the Committee will be satisfied that such variance is minor, is desirable for the appropriate development or use of the land, building or structure and that the intent and purpose of the Official Plan and Zoning By-law are maintained.

In addition, the Committee of Adjustment has the power to permit an extension or enlargement for a building or structure which is a non-conforming use and to grant consents for lands within the Township. The Committee will have regard for the policies of this Plan in reviewing such applications.

## **8.10 REVIEW PROCEDURE**

It is the intention of the Municipality that a comprehensive review of the Official Plan take place at least every five years, should it be deemed to be warranted. The Township will monitor the Plan annually to determine if the objectives of the Plan are being met. If any of the assumptions on which this Plan is based were to change substantially, a partial or complete review of the Plan may be undertaken at that time in order to determine whether the policies of the Plan are still appropriate. In accordance with the Planning Act, as part of this review, the Municipality will hold a special public meeting to discuss the need for revisions to the Official Plan. If changes are warranted, appropriate amendments will be made following the review.

**8.11 PROCEDURAL GUIDELINES**

From time to time, the Municipality may adopt procedural guidelines in order to assist the Municipality, Municipal staff and the public in effectively dealing with such matters as subdivisions, consents and site plan control. These guidelines, while not forming a part of the Official Plan, will assist with its implementation.

**9.0 INTERPRETATION**

- (a) It is intended that the boundaries of any land use designation shown on Schedule 'A' be considered as approximate only, except where bounded by such features as existing roads, railways, rivers or other natural features. Where the boundary is meant to reflect the boundary of a hazardous, environmentally sensitive or natural heritage feature, the edge of the floodplain, hazardous, environmentally sensitive or natural heritage feature is the boundary. It will not be necessary to make amendments to the Official Plan for minor variations in the approximate boundaries provided that the intent of the Plan is preserved.
- (b) It is intended that all figures and quantities contained in the Plan be considered in the metric form. Amendments will not be required for any reasonable variation from these figures and quantities provided such variations meet the intent of this Plan.
- (c) It is intended that buildings, structures and uses that are normally incidental and accessory to a permitted use will also be allowed even though not specifically stated in the land use policies. Further examples of permitted uses for the designations are intended to indicate the possible range of uses considered appropriate and not to be interpreted as all encompassing unless otherwise stated as such. All permitted uses shall be in conformity with the intent and policies of this Plan.
- (d) Any significant change from the policies contained herein will require an amendment to the Official Plan and implementing By-law. If a change is major, particularly if it will cause changes in the way in which an area is developing, then the Official Plan should be reviewed in whole.
- (e) Where any Act or portion of an Act is referred to in this Plan, such references will be interpreted to include any subsequent legislation that may replace the specified Act.
- (f) For the purposes of this Plan, it shall be interpreted that the word "existing" when used in this Plan shall mean existing as of the date of the approval of this Plan by the Province of Ontario.

**APPENDIX 'A'**

**EXCERPT FROM "RIDEAU LAKES STUDY"**

## **5.3 SHORELINE SETBACKS**

### **5.3.1 Overview**

The Sewage System Regulations under the Environmental Protection Act require that sewage systems be set back 15 m from shorelines. This requirement is designed to protect surface water quality from effluent originating in tile fields and leaching beds on the basis of public health concerns. In recent years, the Ontario Ministries of the Environment and Natural Resources have been requesting setbacks for sewage systems and buildings on lake trout lakes which exceed those currently required for sewage systems only. As well, as noted in Section 5.1, some study area municipalities also require building and sewage system setbacks in excess of provincial requirements. The recent concerns advanced by the approval agencies relate to potential changes in lake trophic state due to phosphorus migration from tile fields and related shoreline development to surface waters, and the resulting effects on lake aesthetics and fish and wildlife habitat. Approval agencies are now viewing more extended setbacks as effective mechanisms to reduce impacts resulting from shoreline development.

The underlying principle of an extended setback is that, the greater the distance the tile field and development are from the lake, the greater the capacity of the intervening land base to intercept and retain phosphorus. Some of the factors contributing to phosphorus retention by soils are soil chemistry and absorption capacity, phosphorus concentration in and loading rate of septic tank effluent, composition and density of the vegetation cover, and slope conditions. It is logical to expect variations in the degree of effectiveness of different landscapes to mitigate potential trophic state impacts. For example, deep, sandy loam soils supporting continuous forest growth on level sites would naturally retain more phosphorus than shallow, discontinuous mantles over steeply sloping bedrock. It follows, therefore, that a development located on sites of the former type would not need as great a setback as one located on sites of the latter type.

The degree of setback required remains a matter of conjecture, and the research on the subject is inconclusive. Depending on their viewpoint and objectives, resource manager may phrase the question in one of two ways:

- how far back from a lakeshore must development be situated in order to significantly reduce phosphorus loads from tile fields and surface uses?
- or, how far back must development be situated before it can be assumed that no phosphorus above natural background levels will enter the lake?

Dillon and Rigler (1975) indicated that in Ontario's lake country, development beyond 305 m (1,000 ft.) of the shoreline of a lake or its inflowing streams or rivers should not have any phosphorus impact on the lake. However, this value was essentially picked out of the air.

In 1974, a joint Ministry of the Environment-Ministry of Natural Resources committee in Southeastern Ontario recommended a number of precautionary measures for new development on all recreational waters. The recommended measures were as follows (Aitkens 1975, p.3).

- “(a) Set back of [30 m] as a buffer zone for the cottage and waste disposal systems.
- (b) Preservation of the natural vegetation between the cottage and the lake i the buffer zone.
- (c) The use of a tile bed with selected material with a good phosphate retention capability and the use of a siphon or pump to provide an even distribution of septic tank effluent to the tile bed.”

“The proposal put forward by the Joint Committee for engineered tile bed systems combined with a [30 m] setback requirement for the primary structure (cottage) and waste disposal facility is intended as a total package for limiting phosphorus export from a cottage lot to sensitive recreational lakes. The tile bed system would be designed to ensure nutrient containment of the domestic wastes and the [30 m] buffer zone is intended primarily to limit the nutrient export associated with surface drainage (i.e. roof runoff, roads, parking space and soil disturbed during construction of the dwelling and waste disposal facility). As a secondary consideration, the [30 m] buffer zone of undisturbed soil mantle would provide an added margin of protection in the form of phosphorus retention for nutrients which might leave the tile field.”

Field studies undertaken by Brandes (1974) on subsurface movement of pollutants showed that when tile field systems were constructed on soils containing more than 40% clay and silt, and the distance of the tile field to the lake or river was more than about 20 m, no chemical or microbiological pollutants reached the water body. However, when coarse sands (diameter 1.0 to 2.5 mm) were used to construct filter beds 100 cm in depth, a very insignificant removal of phosphorus was observed. Studies by Aitkens (1977) on phosphorus retention capabilities of granular soils on the Precambrian Shield indicated that the main limitation was soil depth, and recommended a 30 m setback for sensitive lakes in Southeastern Ontario. However, the literature also points out that the effluent does not necessarily fan out uniformly from tile fields, and, depending on local relief, soil depth, and the topography and character of the underlying bedrock or comparably impermeable subsoil, may form more concentrated plumes. While the use of a siphon or pump to provide an even distribution of septic tank effluent to the tile bed will obviously assist in mitigating or eliminating this problem, under certain site characteristics, the effluent may run along the soil-bedrock interface and not actually pass through much soil before reaching water bodies.

In a recent report presenting timber management guidelines for protecting fish habitats, the Ministry of Natural Resources (1988b) recommended varying buffer widths around

water bodies, depending on slope characteristics, as follows. Figure 5.1, below, shows the relationship between slope percentages and angles.

<b>Slope</b>	<b>Slope Angle</b>	<b>Width of Area of Concern</b>
0% - 15%	0 - 8°	30 m
16% - 30%	9° - 17°	50 m
31% - 45%	18° - 24°	70 m
46% - 60%	25° - 31°	90 m

Although the above setbacks focus on timber operations rather than residential or cottage development, one of the key reasons for applying them relates to reducing “the input of phosphorus to water courses by reducing surface runoff and by trapping phosphorus-bearing sediment and logging debris” (Ontario Ministry of Natural Resources 1988b, pg. 1). In this sense, these setbacks might also be applied more generally to address trophic state concerns related to shoreline development.

However, we are of the opinion that factors other than slope are more important in setting out possible setback guidelines for shoreline development. In the following paragraphs, we describe those biophysical features which we consider to be important (soil depth, soil texture, slope, and vegetation cover), and a proposed scoring system which is subsequently related to recommended shoreline setbacks. We acknowledge that the suggested approach has not been developed on the basis of reams of data collected in a rigorous and scientific fashion; rather, it represents the results of the experience in applying and implementing development setbacks in a wide range of biophysical landscapes across Ontario for a variety of environmental protection and resource management purposes. Also, we emphasize that the discussion which follows relates to existing or predevelopment terrain conditions. An obvious consideration is how far back from the shoreline an analysis must be undertaken for any given lot or landscape. In certain situations, it will be immediately clear that a site has good development capability, and an evaluation of limited extent will be required. However, more complex sites will require more extensive analysis. In effect, the scope of any evaluation is clearly site dependent.

### **5.3.2 Soil Depth**

The Ontario Sewage Systems Regulations require that the bottoms of distribution line trenches be at least 90 cm above impermeable surfaces, such as bedrock or compact clay. Given that the trenches themselves need to be from 60 to 90 cm deep, it follows that the deeper the soil, the more suitable it is for tile field installation. However, soil depth has other implications, the most critical being nutrient, and in particular phosphorus,

retention. In this regard, Robertson, Cherry, and Sudicky (1991) reported that phosphorus concentrations in groundwater (expressed as phosphate phosphorus) rapidly decreased with depth directly under weeping tiles; for example, they noted concentrations of 10 mg/L approximately 50 cm below the tiles, 1 mg/L about 100 cm below, and 0.1 mg/L about 150 cm below.

Based on the above considerations, the following scores are suggested for soil depth at the site of a proposed tile field.

<b>Soil Depth</b>	<b>Score</b>
>150 cm	0
100 - 150 cm	2
75 - 100 cm	4
50 - 75 cm	6
25 - 50 cm	8
<25 cm	10

### **5.3.3 Soil Texture**

The influence of soil texture on water infiltration is well known, and forms much of the basis for establishing total distribution line lengths for septic tile field systems. In this regard, the optimum soils are those that have neither too fast a percolation rate (such as gravels and very coarse sands which do not allow sufficient time for pollutants in tile field effluent to be absorbed by soil particles), nor too slow a percolation rate (such as dense clays which could promote saturation of the tile bed). The Ministry of the Environment's manual for private sewage systems (1984) notes that percolation rates in the order of 0.1 to 0.001 mm/sec are characteristic of soils that are permeable to moderately permeable; these soils are well-suited for tile fields. Soils with faster percolation rates (in the order of 1 mm/sec) than this range are unacceptable for tile fields. Soils with slow rates (in the order of 0.0001 to 0.00001 mm/sec) are classified as having low permeabilities, while those with even slower rates are unacceptable for tile fields. The specific percolation rates of native soils depend on the distribution of various particle sizes, with the percentage of fines (silts and clays) perhaps being the most critical factor. Imported fill of suitable texture and to adequate depths (raised tile beds) is generally required to amend those soils having low to unacceptable percolation rates.

Apart from affecting percolation rates, textural characteristics also influence to some degree a soils ability to retain phosphorus; soil chemistry (for example, aluminum, iron, and calcium concentrations) is perhaps of equal or greater important in this regard. Information on the specific phosphorus retention capacities of various soil texture classes is not well documented; however, data from various publications are informative and allow some generalizations. For example, studies on the subsurface movement of effluent from private sewage disposal systems (Brandes 1974 and 1975, and Robertson,



Cherry, and Sudicky 1991) indicate that a decrease in phosphorus concentration below and downgradient of the tile fields is generally relatively rapid, regardless of soil type. Based on the studies of Brandes (1974 and 1975), concentrations decreased most rapidly with increasing silt and clay content in the soil; up to 98% of phosphorus was removed in soils containing 40% silt and clay, with significant reductions in concentrations within the first 3 m of the tile fields. Although the reductions are not as dramatic with sandy soils, as much as 78% phosphorus removal was reported by Brandes (1974), and phosphorus concentrations were typically reduced to 0.1 mg/L within 20 m of the tile fields. Brands (1974) concluded that the bulk of the effluent phosphorus was fixed within the native soil matrix directly below and downgradient of the tile fields, so that phosphorus concentrations reaching the groundwater and/or nearby water bodies were very low, even where sandy soils predominated.

Robertson, Cherry and Sudicky (1991) undertook detailed groundwater monitoring of two single family residences to determine the impact of septic systems on shallow unconfined aquifers in southern Ontario. One site at Cambridge, located on a carbonate-rich sand aquifer, was in operation for over 12 years, while the other site on the Muskoka River near Bracebridge, on a poorly buffered, carbonate-depleted sand aquifer, was in operation for one year. While high levels (about 10 mg/L) of phosphorus were found in the septic tank effluent, concentrations were substantially attenuated immediately below the tile bed. For example, at the Cambridge site, "... phosphate phosphorus >1 mg/L [was] mostly confined to the aquifer area immediately below the tile bed, while at Muskoka, no detectable phosphate phosphorus (>0.02 mg/L) was observed in the groundwater zone." (Robertson, Cherry and Sudicky 1991, p. 9). While the precise mechanism of attenuation was not confirmed at either site, the geochemistry of the groundwater suggests a hydroxylapatite phosphate phosphorus complexing process at the Cambridge site, while at the Bracebridge site, attenuation was likely controlled by the presence of sparsely soluble phosphate minerals such as strengite (an iron complex) or varisite (an aluminum-based compound), or by absorption.

There is no question that identifying, understanding, and confirming the mechanisms which determine the limits to phosphorus attenuation in different shoreline landscapes is important. For example, if the control is soil surface absorption, then phosphorus mobility will increase when the number of absorption sites are filled. However, if the controlling process continues indefinitely, as in the case of chemical combination with other effluent and soil constituents to form minerals, then phosphorus transport will not be a concern as long as the septic system continues to operate properly. In our opinion, it is probably not one mechanism or the other which operates in any one situation; rather, both mechanisms are likely in effect at most lakeshore sites. Regardless, some guidelines on the phosphorus retention capacity of soils are available; in this regard, the following are reproduced from Aitkens (1977, p. 9):

- “1. Good phosphorus retention capability - generally greater than 7 mg/100 g of soil. Generally uniform results.

2. Acceptable phosphorus retention - generally greater than 6 mg/100 g of soil.
3. Marginally acceptable phosphorus retention - generally greater than 5 mg/100 g of soil.
4. Not acceptable - generally less than 5 mg/100 g of soil.”

From the foregoing, it is difficult to designate a score based on soil texture, simply because coarse and fine textured soils influence percolation and phosphorus retention capacity in different ways. In this regard, tile fields installed on clay soils often need to be partially or fully raised due to the clay’s low permeability. The site modifications necessary for this type of site would suggest implementing a more stringent setback than on a site where no soil-based modifications would be required. However, clay has a relatively high phosphorus retention capacity, which would suggest that limited setbacks are required. As a result, the best approach, until such time as more data becomes available, would be to base the score for each soil type on whichever of its percolation and phosphorus retention characteristics is less desirable, as suggested in the following table.

#### **Characteristics**

<b>Soil Type</b>	<b>Percolation Rate</b>	<b>Phosphorus Retention Capacity</b>	<b>Score</b>
coarse sand and gravel	excessively rapid	low	10
silty clay and clay	low to impermeable	high	7
well-graded sands	permeable to moderate	low to medium	5
silty sand, clayey sand, silt and fine sand	moderate to low	medium to high	3
sandy loam	moderate to low	medium to high	3
loam	permeable to moderate	medium to high	0

#### **5.3.4 Slope**

The Ministry of the Environment (1983a) indicated that the most suitable slopes for installing tile fields are from 0 to 9%. Slopes ranging from 10% to 25% necessitate special installation techniques, while slopes greater than 25% are unacceptable. However, apart from these engineering considerations, slopes can also affect the volume and direction of groundwater flow where bedrock is close to the surface (Ontario Ministry of Agriculture and Food 1983), and by implication, the flow of tile field effluent. Further, the greater the slope, the faster the flow and the greater the erosive potential and sediment-bearing capacity of runoff. As mentioned above, the Ministry of

Natural Resources has recommended various setbacks for timber operations from watercourses according to shoreline slope classes to reduce sediment and phosphorus loadings.

Given the above, the following scores are suggested for the average slope of the shoreline (see Figure 5.1 for illustration of the relationship between slope percentages and angles).

<u>Slope</u>	<u>Score</u>
0 - 9%	0
10% - 25%	5
>25%	10

**FIGURE 5.1**

**SLOPE PERCENTAGES (%) AND ANGLES IN DEGREES (°)**

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Expressing slope as a percentage permits easy comparison of the relationship of the vertical (rise) to the horizontal (run). For example, a 30% slope will rise 30 m vertically over a horizontal distance of 100 m.

This system should work well where slopes are uniform; however, there will be an obvious difficulty in assigning a single value to the varied slope conditions typical of the shorelines of many Ontario lakes, particularly those situated on the Canadian Shield. An example of one approach for addressing this problem is provided by Wischmeier and Smith (1978). In deriving the Universal Soil Loss Equation, they dealt with irregular slopes by segmenting them into uniform, or relatively uniform, grades, after which the slope sections were weighted using predetermined slope length and steepness and soil loss factors. A similar kind of methodology could be used here, as follows:

- identify slope segments according to the three broad slope classes noted above;
- measure the total horizontal lengths of each slope class and determine their respective percentages of the total slope length;
- multiply the percentages by the appropriate scores (see above), and sum the products to yield a weighted score for the entire slope.

The following example shows how this might work for a representative 80 m slope.

<b>Horizontal Length of Class</b>				
<u>Slope Class</u>	<u>m</u>	<u>%</u>	<u>Class Score</u>	<u>Weighted Score</u>
0 - 9%	10	12.5%	0	
10% to 25%	30	37.5%	5	1.875
>25%	40	50%	10	5
<b>Total</b>	<b>80</b>	<b>100%</b>		<b>6.875 = 7</b>

### **5.3.5 Vegetation Cover**

The primary influences of vegetation cover in terms of mitigating phosphorus input to water bodies are through direct uptake by roots from the soil solution (although this generally would only apply to the upper soil horizons where the bulk of the rooting systems occur), and through interception of rainfall and runoff and consequent reduction of erosion potential and transport of phosphorus-bearing sediments and particles. The relative importance of different cover conditions in terms of these interrelated values has been expressed in varying ways, for example, vegetation cover types (forest, pasture, cultivated, wetland, etc.) as input factors for erosion soil loss equations. In this regard, the differences in the relative amounts of runoff from natural woodland, old field (permanent pasture), and meadow landscapes are quite minor. Assuming that these plant community types are undisturbed, runoff is typically low; however, trampling and grazing of fields generally produce greater amounts of runoff than woods, old fields, and

meadows, with some variation depending on specific crops and cultivation practices. For example, runoff from areas planted with row crops is generally greater than from areas planted with small grains or legumes or from rotation meadows. Runoff is greatest from straight row treatments, but somewhat less from contoured fields, and less still from contoured and terraced fields. As might be expected, fallow fields produce the greatest amounts of runoff (Wischmeier and Smith 1978 and Dickinson n.d.).

Given the above, an appropriate approach to addressing vegetation cover would be to assign scores to broad cover types, determine the percentage of the area under question covered by each type, and calculate a weighted score in the same manner as was done for slopes. Suggested cover types and their respective scores are as follows.

**Vegetation Cover Type**

	<b>Scope</b>
Undisturbed woodlands, old fields and meadows	0
Disturbed woodlands, old fields and meadows	3
Close-seeded legumes (clover, alfalfa) and rotation meadows	5
Row crops	7
Fallow fields and base bedrock outcrops	10

An example of how this approach might be applied to a 20 ha site with varying vegetation cover characteristics is as follows:

Cover Type	Area Covered		Class Score	Weighted Score
	ha	%		
Undisturbed woodland	4	20%	0	0
Rotation meadow	6	30%	3	0.9
Row crops	10	50%	7	3.5
Total	20	100%		4.4 = 4

In addition, we would suggest that 5 points be deducted from the vegetation cover score for shorelines fronted by wetlands which extend a minimum of 10 m offshore and consist of dense emergent aquatics and/or lowland thickets or forests, and which are to be retained intact. In this regard, the effect of phosphorus loading on a receiving lake or river is strongly dependent upon the timing and rate of addition. If phosphorus is added at a time when other factors are limiting algal growth, or when phosphorus is already abundant, little additional growth will occur. Factors which control the entry rates and timing of phosphorus loadings to lakes can effectively function to suppress unwanted growth. Accordingly, nearshore wetlands and the vegetation of the land-water interface are important in regulating the timing and rate of phosphorus loading; significant in this regard is the zone of emergent plants including species such as cattails and bulrushes, and

the complex community of microflora (algae and bacteria) that grow on the surfaces of the plants and sediments. When phosphorus is added to this zone, it is not immediately utilized and incorporated into plant tissue; rather it tends to be first assimilated by microflora in the sediments and on decaying plant material. The phosphorus is later recycled to the emergent plants, and eventually becomes part of the bottom sediments following aging and death of the plants.

It should be emphasized that the above vegetation cover type categories are defined at a general level for practical planning purposes. In reality, the actual runoff can vary widely within each category, depending on a number of specific factors such as species composition, plant physiognomy, and stand height, age, and density; however, measurement of these factors would require detailed scientific study.

**5.3.6 Recommended Shoreline Setback and Tile Field Fill Guidelines**

We propose that a site be assigned a recommended minimum horizontal setback from water, based on its total score as shown in the following table. The setbacks would be not only from the lakes themselves, but also from all permanent and seasonal watercourses tributary to the lakes. Within these setbacks, there should be no buildings, campsites or sewage systems. Vegetation within the setbacks should be disturbed as little as possible, and the soil mantle should not be altered.

<b>Total Score</b>	<b>Recommended Horizontal Setback Distance (m)</b>
36 - 40	90
31 - 35	80
26 - 30	70
21 - 25	60
16 - 20	50
11 - 15	40
#10	30

To illustrate how the scoring system would be applied, we provide here five examples representative of typical site characteristics of the Rideau Lakes basin.

1. Rugged terrain dominated by Precambrian bedrock, discontinuous mantles of permeable, sandy soil, and forest cover interspersed with bare outcrops (for example, the north shore of Westport Sand Lake, and the north shore of Upper Rideau Lake east of Westport).

-	soil depth <25 cm	10
-	permeable sandy soil	5
-	slope >25%	10
-	vegetation cover	<u>8</u>

- setback = 80 m 33

2. Moderately rolling lands underlain by Precambrian bedrock, with shallow but continuous soil and forest cover (for example, the north shore of Big Rideau Lake near Murphy’s Point Provincial Park).

- soil depth 25 - 50 cm 8  
 - coarse-textured sand 10  
 - slope 10% - 25% 5  
 - vegetation cover 0  
 - setback = 60 m 23

3. Level to moderately sloping lands underlain by limestone bedrock, with shallow but continuous soil and plant cover, varying from forest to uniformly dense old field communities (for example, the south shore of Big Rideau Lake near Jacklins Bay).

- soil depth 25 - 50 cm 8  
 - silty sands 3  
 - slope 0 - 9% 0  
 - vegetation cover 0  
 - setback = 40 m 11

4. Level to moderately sloping lands underlain by limestone bedrock, with deep soils and plant cover consisting predominantly of old fields, meadows, and cultivated fields (for example, the south shore of Westport, Sand Lake and the south shore of Upper Rideau Lake east of Westport).

- soil depth > 150 cm 0  
 - sandy loam 3  
 - slope 0 - 9% 0  
 - vegetation cover 3  
 - setback = 30 m 6

Coupled with these setbacks would be requirements to ensure sufficient phosphorus retention within tile fields. To this end, tile field fill should be installed with and regularly maintained to a phosphorus retention capability of at least 6 mg/100 g of soil (Aitkens1977).

Also, consideration should be given to approving a given setback, on condition that the applicant undertake to modify or abandon cultivation and revegetate the property to the extent required to qualify for that setback through a reduced vegetation cover score.



In conclusion, we believe that if shoreland properties are developed in accordance with the above setback and fill guidelines, the phosphorus impacts of development on lake trophic state will be statistically insignificant.

Our proposed approach to setbacks and fill is based on a review of literature most relevant to Ontario and a wide range of practical experience throughout the province. However, these guidelines are not definitive, and are put forward on the assumption that they will be improved and refined over time as municipalities, resource management agencies, and landowners gain experience in working with them. If the guidelines are implemented, we recommend that after three to five years, a comprehensive evaluation of their strengths, weaknesses and potentials for improvement be conducted.

**THE CORPORATION OF THE TOWNSHIP OF SOUTH FRONTENAC**

**BY-LAW NUMBER**

**The Council of the Township of South Frontenac, in accordance with the provisions of Section 17 of the Planning Act, 1990, hereby enacts as follows:**

1. That the attached text and schedule constituting The Official Plan of the Township of South Frontenac which was prepared by the Council of the Township of South Frontenac, is hereby adopted.
2. That the Clerk is hereby authorized and directed to make application to the Minister of Municipal Affairs and Housing for approval of the Official Plan of the Township of South Frontenac.
3. This by-law shall come into force and take effect in accordance with Section 17(38) of the Planning Act R.S.O. 1990 as amended.

**READ A FIRST TIME THIS 5<sup>TH</sup> DAY OF SEPTEMBER, 2000.**

**READ A SECOND TIME THIS 5<sup>TH</sup> DAY OF SEPTEMBER, 2000.**

**READ A THIRD TIME AND FINALLY PASSED THIS 5<sup>TH</sup> DAY OF SEPTEMBER, 2000.**

\_\_\_\_\_  
**CLERK**

**MAYOR**

**SEAL OF THE CORPORATION**

**Certified that the above is a true copy of the By-law No. \_\_\_\_\_ as enacted and passed by the Council of the Corporation of the Township of South Frontenac on the \_\_\_\_\_ day of \_\_\_\_\_, 2000.**

**CLERK OF THE MUNICIPALITY**