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The Corporation of  
**THE TOWNSHIP OF LANARK HIGHLANDS**

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# **OFFICIAL PLAN**

## **Office Consolidation**

As approved by the Ministry of Municipal Affairs and Housing  
(December 17, 2012)

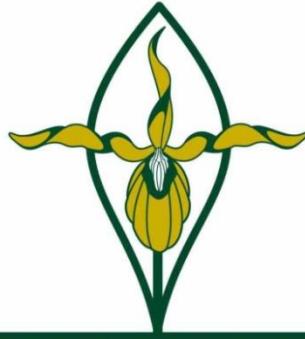
and

Ontario Municipal Board  
(August 4, 2016)

and

As amended by Official Plan Amendments No 1 and 2

August 2016



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The Corporation of  
**THE TOWNSHIP OF LANARK HIGHLANDS**

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# **OFFICIAL PLAN**

## **Office Consolidation**

This is an Office Consolidation of the Township of Lanark Highlands Official Plan, including Ministry of Municipal Affairs and Housing (MMAH) Modifications and Official Plan Amendments No. 1 and 2. It has been prepared for convenience purposes only. While every effort has been made to ensure the accuracy of the information contained herein, reference should be made to the original Official Plan, the MMAH Modifications (including OMB decision), and Official Plan Amendments No. 1 and 2 for legal purposes.

August 2016

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## **1.0 INTRODUCTION**

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The Township of Lanark Highlands Official Plan (OP) is an essential planning document which is designed to manage future growth, development and change in our municipality. This Official Plan provides a framework which will guide land use decisions within the Township's boundaries for the next 20 years. Because decisions which implement growth and development have long lasting impacts, it is incumbent on everyone to ensure that those decisions reflect community values and will result in more liveable communities which are economically and environmentally sustainable.

### **1.1 LEGISLATIVE CONTEXT**

The Official Plan is a policy document, it is not a by-law or a regulation. However it is a legal document and the policies in this Plan have a basis in the Planning Act. There is therefore a need for all decision-making authorities to ensure that any by-laws, permits and authorizations they issue will conform to the intent and direction provided by the policies of this Official Plan. The Planning Act requires that Council prepare and adopt an Official Plan which covers the full extent of its territory. The Planning Act also identifies matters of provincial interest which are further defined by the Provincial Policy Statement (PPS). The Township's Official Plan must be consistent with the policies in this Statement. The Official Plan was drafted, reviewed and adopted in conformity with the requirements of the Planning Act and the content of the Plan is consistent with the Provincial Policy Statement issued under Section 3 of the Planning Act which came into effect on March 1, 2005.

The Provincial Policy Statement includes definitions of numerous significant terms used in its policies. These definitions will apply to instances in this Plan where the same terms are used, for instance in reference to "development", "adjacent lands", or "Sensitive land uses", among others. Where this Plan employs a different meaning for a term defined in the Provincial Policy Statement, this will be specifically identified in the text of the Plan.

This Official Plan was prepared by the Township of Lanark Highlands in partnership with the residents of the Township, its community organizations, the provincial government and its agencies. As such, the policies of the Official Plan represents a balance of interests and points of view.

### **1.2 STRUCTURE OF THE OFFICIAL PLAN**

This document shall be known as the Official Plan for the Corporation of the Township of Lanark Highlands. It is divided into ten major components as follows:

#### **Part 1.0 Introduction**

The introduction outlines the regulatory structure of land use planning within the Province of Ontario. This section delineates the planning area, outlines the planning period and the structure of the plan.

#### **Part 2.0 Vision and Guiding Principles and the Planning Context**

Part 2 of the Plan presents the vision for growth for the Township as well as the guiding principles, objectives and goals. Developed through public consultation during

the early phases of the Official Plan update, the Township's vision is the foundation of the Plan's policies.

**Part 3.0 Planning Sustainable Communities**

These policies provide for future sustainable growth within the Township's waterfront communities, the villages and hamlets, and the rural area. The Plan provides for a mix of land uses in these varied communities in a manner which is sustainable in terms of the municipality's environment, its rural and small town character and its municipal finances.

**Part 4.0 Our Resource Lands**

These policies address resource lands which make up a significant component of land uses in Lanark Highlands. The Plan provides policies for mineral resources and forestry uses to ensure the wise use and conservation of these resources for future generations.

**Part 5.0 Our Environment: – Planning for Ecosystem Balance**

These policies provide for the protection of natural heritage resources and provides direction on sustainable and balanced development.

**Part 6.0 Planning for Public Health and Safety**

This section of the Plan provides for the protection of public health and safety and includes policies on hazard areas such as lands prone to flooding or unstable slopes or where soils may be contaminated as well as policies on the control of incompatible uses.

**Part 7.0 Making it Work: – Planning Our Infrastructure**

These policies are designed to ensure that adequate servicing is available to support growth and development. Policies include water, waste water, surface water and transportation infrastructure as well as waste management, communication, energy and other required services.

**Part 8.0 Implementing the Plan: – The Planning Toolkit**

Explains the various policy and regulatory tools available to ensure that the Official Plan's policies are properly implemented.

**Part 9.0 Administration of the Official Plan**

This section provides technical information on administration of the Official Plan.



## **2.0 Vision, Guiding Principles and the Planning Context**

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### **2.1 INTRODUCTION**

The policies in this Official Plan were developed on the basis of achieving a stated long term vision for the future of the municipality. The vision was inspired by a series of public open houses where numerous residents expressed their opinions, hopes and concerns for the future of their municipality. These sessions inspired a number of guiding principles which should be at the heart of the policies which will be found throughout the new Official Plan and which will help guide future decision-making and facilitate the achievement of the Township stated Vision.

Future development in the Township of Lanark Highlands must proceed in a manner which is in full conformity with the policies of the Official Plan. It is recognized that from time to time there will be land use or development proposals which may not appear to be in full conformity with one or more policies in the Official Plan. On such occasions it will be necessary to ensure that every land use decision can be reconciled with the long term vision and guiding principles of the Plan. Conformity to guiding principles will serve as a starting point for the review of land use in order to ensure good planning decisions.

### **2.2 VISION**

Long term planning starts with a vision for the future. Attaining that vision requires that everyone who participates in the long term development of the municipality adhere to a set of guiding principles which in turn are at the core of the policies in the Plan. The following statement is intended to be an expression of Council's vision for the future of the Township of Lanark Highlands:

*Our Vision*

*The Township of Lanark Highlands will manage growth through a balanced approach that acknowledges economic opportunities and recognizes that the protection of our unique communities and our environment in a sustainable manner will result in a desirable place to call home.*

### **2.3 GUIDING PRINCIPLES**

The following eight Guiding Principles are proposed to be the core of the Official Plan's policies. They were inspired by consultation with the citizens of Township of Lanark Highlands and will guide the development of the Township's land use planning framework.

*Our Guiding Principles*

*Growth and development will provide for a mix of housing opportunities that is energy efficient and sustainable and which occurs through economically viable land use development patterns.*

*We will support a continued focus for commercial, institutional and industrial opportunities within the Village of Lanark and provide for opportunities within the smaller Villages and Hamlets as well as for the economic potential of home based employment activities.*

*We recognize that our waterfront lands are a unique resource and land asset. Development will be encouraged that contributes to the overall attraction and viability of the waterfront and will be evaluated with careful consideration to recreational, environmental and, socio-economic matters in order to preserve the quality of the waterfront lands and provide for collective enjoyment.*

*We value and protect our resource lands and encourage development and expansion to occur in a manner which respects long term assets and avoids potential land use conflicts.*

*We will respect and enhance our natural environment in accordance with provincial policy and in a manner which is considerate of land owner interests and recognizes the need for ecosystem diversity, viability and sustainability.*

*We are committed to the preservation of our cultural heritage including historical connections to First Nations and early settlers and to our natural heritage including the traditional thoroughfares of the waterways.*

*We will ensure appropriate development which will not pose a danger to public safety or health or result in negative property or environmental impacts.*

*We will ensure that effective infrastructure services will be provided by the appropriate level of government or the private sector in a cost efficient manner which recognizes development priorities and which ensures the protection of our environment.*

## **3.0 PLANNING SUSTAINABLE COMMUNITIES**

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### **3.1 WATERFRONT COMMUNITIES**

Lanark Highlands enjoys some of the most attractive and desirable waterfront landscapes in the province. With so many natural recreational opportunities, the Township has attracted a permanent population of cottagers, campers and outdoor sports enthusiasts. Urbanites wishing to escape to the country as well as retirees continue to migrate to the Township as a lifestyle choice. The intent of the following policies is to provide a planning framework which will encourage continued sustainable waterfront development in a manner which protects the environment and property rights of land owners.

#### **3.1.1 Identification**

3.1.1.1 The Waterfront Communities is defined as those lands generally extending inland 150.0 metres from any lake or watercourse as shown on Schedule A, except that:

1. lands which ecologically, physically, visually or functionally relate to the water body, although extending beyond 150.0 metres from the waterbody shall be deemed to be within the Waterfront Communities;
2. lands which do not ecologically, physically or functionally relate to the water body, although within 150.0 metres of the waterbody shall be deemed not to be within the Waterfront Communities; and,
3. lands within the Village and Hamlet Communities designation on Schedule A to this Plan shall be deemed not to be in the Waterfront Communities.

3.1.1.2 The extent of the Waterfront Communities is not shown graphically on Schedule A to this Plan. In considering the precise location of where the Waterfront policies apply, the following matters shall be considered:

1. the extent to which the lands or the existing or proposed use of the lands are associated with or impact upon the waterfront;
2. the existence of topographic features or other terrain constraints which would limit or orient the proposed use of the land toward or away from the waterbody; and,
3. the presence of man-made features which would orient the proposed use of the land toward or away from the waterbody.

3.1.1.3 When evaluating applications in proximity to a waterbody the Site Evaluation Report in Section 8.4.5 must be completed.

3.1.1.4 The Waterfront policies shall be applied in conjunction with the policies of the individual land use designations as shown of Schedule A.

#### **3.1.2 Waterfront Objectives**

3.1.2.1 Council's objectives respecting development in the Waterfront Communities are as follows:

1. To protect the visual qualities of the lakes and rivers and to protect or enhance the natural shoreline character.

2. To protect wetlands, wildlife habitat areas and fish habitat from incompatible development.
3. To maintain or improve the ecological, scenic or recreational character of the Township's lakes and rivers and those lands that are visually connected to the shoreline.
4. To ensure that shoreline development does not have an adverse impact on the quality of lake water and, wherever possible, to rehabilitate and naturalize shoreline areas that are currently developed.
5. To encourage an increased awareness of the sensitivity of the environment and environmental stewardship of lands in the Waterfront Communities.
6. To ensure that development, redevelopment and the increasing use of shoreline properties does not result in additional environmental impacts or increase municipal servicing costs.
7. To promote the maintenance and enhancement of native vegetation buffer areas in all shoreline areas of the Township.
8. To promote the use of septic systems and tile beds that utilize phosphorous retaining soils. To encourage and support the development of lake management plans that identify and protect the unique social, cultural and ecological values of different lakes in the Township.
9. To protect areas of archaeological potential.
10. To preserve the dark sky through sensitive lighting design and installation.

### **3.1.3 Permitted Uses**

3.1.3.1 Permitted uses in those areas subject to the Waterfront policies shall include:

- single-detached dwelling units
- recreational commercial uses
- service commercial uses
- tourist commercial uses
- recreational vehicle or travel trailer parks subject to an approved Site Evaluation Report in accordance with section 8.4.5.
- public open space

3.1.3.1 All development shall be subject to the applicable policies of Section 8.0.

### **3.1.4 General Policies**

3.1.4.1 All development on lands subject to the Waterfront policies shall be subject to Site Plan Control.

3.1.4.2 For the purposes of this Official Plan all structures which house sleeping and or food preparation and or living quarters shall be considered to be a residential use with the exception of a sleeping cabin as provided in Section 3.1.4.5. The Zoning By-law will not differentiate between permanent and seasonal occupation. For the purposes of this Plan, all residential development shall be considered to be permanent year round residential dwellings.

3.1.4.3 New residential development in the Waterfront Area shall occur on separate lots. Where the environmental conditions are well suited to development, new lots shall have at least 60.0 metres (196 feet) of shoreline frontage and a minimum lot area of

0.8 hectares (1.9 acres). Larger lots may be required in areas where environmental or physical constraints exist on the lands.

- 3.1.4.4 One boathouse per lot shall be permitted as an accessory use. Provisions shall be included in the implementing Zoning By-law to limit the use of such structures to the storage of boats and related equipment. The area occupied by the boathouse shall count toward the maximum allowable shoreline clearing of 25%, to a maximum of 9 metres (29 feet). Boat houses shall be a maximum of one storey and the construction of a second storey addition for any existing boathouse shall not be permitted. Interior finishing or occupancy of any portion of a boathouse for use or occupancy as living space shall not be permitted.
- 3.1.4.5 One sleeping cabin per lot may be permitted in the Waterfront Area designation as an accessory use to a residential use provided the lot meets the minimum requirements for sleeping cabins outlined in the Zoning By-law. Sleeping cabins will be limited in size to ensure that they are clearly incidental to the main building and use and will be considered as part of the total lot coverage permitted on a lot. Sleeping cabins are subject to a 30 metre setback from the waterfront.
- 3.1.4.6 In some Waterfront Areas, the level of municipal service does not facilitate year-round occupation of dwellings. It is not the intent of Council to expand the level of services to enable year-round occupation nor is it the intention of Council to enforce seasonal occupation in areas receiving seasonal services.
- 3.1.4.7 In limited circumstances residential development may take the form of cluster developments where the separate residential units are set back from the waterfront. Such development shall only be permitted where it is demonstrated to the satisfaction of Council that the abutting waterbody and watershed can sustain the impact associated with the additional residential development. This shall include the submission of supporting technical studies including: Hydrogeological reports, servicing options studies, stormwater management plans, lake capacity studies and lake management plans. Cluster development shall provide a minimum of 60.0 metres (196 feet) of frontage on the waterbody per dwelling unit and a maximum density of 1.25 units per gross hectare. Cluster development shall require a Zoning amendment and be approved through a plan of subdivision or condominium.
- 3.1.4.8 In limited circumstances, backlot development may only be permitted where it is demonstrated to the satisfaction of Council that the abutting waterbody and watershed can sustain the impact associated with the additional lot(s). This shall include the submission of supporting technical studies including: Hydrogeological reports, servicing options studies, stormwater management plans, lake capacity studies and lake management plans. Such development will only be permitted on a year round publicly maintained road. All backlot development shall have a maximum density of 1.25 units per gross hectare and shall be subject to Site Plan Control.
- 3.1.4.9 Large development proposals (greater than 5 lots) on a waterbody require a site evaluation report prepared in consultation with the Ministry of the Environment to ensure water quality protection. The study should take into consideration the existing water quality of the waterbody, surface water run-off, impact and loadings of phosphorous from septic systems, types of soils, stormwater management and nature of vegetation.

- 3.1.4.10 Commercial development generally includes services for the tourism sector such as resorts, inns, camping and cottage rental establishments, and lodges as well as service commercial uses including marinas, fuel and retail sales and rentals related to boating and recreation.
- 3.1.4.11 New tourist commercial developments will require an amendment to the Zoning By-law. Site Plan Control shall apply to new tourist commercial development and redevelopment or expansions of existing tourist commercial developments.
- 3.1.4.12 New service commercial uses will require an amendment to the Zoning By-law and shall be designed to minimize impacts on the neighbouring residential uses. These uses shall be subject to Site Plan Control.
- 3.1.4.13 Expansions to existing service commercial uses shall be subject to Site Plan Control.
- 3.1.4.14 Land uses shall be zoned in separate zone classifications in the Township's Zoning By-law
- 3.1.4.15 Archaeological assessments for all new development are required.

**3.1.5 Waterfront Development Criteria**

- 3.1.5.1 These policies shall apply to the creation of new lots or additions to existing lots, new development and redevelopment of existing lands and buildings that increase the gross floor area by 50 percent or more provided that such expansions can occur in conformity with the implementing Zoning By-Law including the 30 metre setback from water and the preservation of the vegetative buffer.

Preservation of Vegetation

- 3.1.5.2 New development and the expansion or redevelopment of existing development in the waterfront area shall be sensitive to the preservation of tree cover and native vegetation so as to prevent erosion, siltation and possible nutrient migration and maintain the complex ecological functions of the shoreline and littoral zone environment. Development shall be setback a minimum of 30 metres (98 feet) from the high water mark. Site alteration and disturbance of vegetation within 30 metres (98 feet) of the shoreline shall be limited to low-impact small scale structures including a boathouse, dock, gazebo and small storage shed (less than 10 square metres) minor alterations to accommodate access trails, water pumping equipment or restoration work and limited limbing of mature trees.
- 3.1.5.3 As a condition of development or redevelopment, restoration of the natural vegetation and shoreline characteristics may be required. In these instances, undisturbed shorelines of the Lake shall be used as an example of how to restore and rehabilitate a disturbed shoreline.
- 3.1.5.4 The Zoning By-law implementing this Official Plan will include regulations that will limit lot coverage within 30 metres (98 feet) of the shoreline, require the shoreline area and 75 percent of the front 15.0 metres (49 feet) of the lot, be maintained primarily in a natural vegetative state and prevent further encroachment into this area. The Zoning By-law will also provide an allowance that up to 25 percent of the shoreline frontage, to a maximum width of 9 metres (29 feet), may be cleared and/or occupied for access

to the water, for walkways and for permitted shoreline structures such as a dock, a boat ramp, boat house and deck.

Existing Undersized Lots of Record

- 3.1.5.5 The development of existing vacant lots having an area of less than 0.8 hectares (1.9 acres) shall be permitted in accordance with the implementing Zoning By-law provided it can be adequately serviced including consideration for the size, configuration and, where applicable, the soil structure of the lot and that all other applicable provisions in the By-law are met. Where any of the other zoning standards cannot be met, relief may be granted through the Minor Variance or Zoning By-law Amendment process.
- 3.1.5.6 Any lot having less than 0.3 hectares (0.74 acres) of area shall require the completion of a Site Evaluation Report, in accordance with Section 8.4.5 that demonstrates to the satisfaction of the Municipality that the site can be developed without significantly altering the natural features of the landscape and maintaining important shoreline vegetation or adversely impacting the natural environment. A Site Evaluation Report shall be required as part of a complete application for a minor variance or zoning by-law amendment where other zoning standards cannot be met.
- 3.1.5.7 The policies in section 8.3.4 shall also apply with necessary modifications based on this section.

Expansion or Additions to Existing Development

- 3.1.5.8 Where expansions or additions to existing structures are proposed, such additions shall be permitted where all zoning provisions are respected. Where expansions are proposed which do not further encroach into, or reduce the required vegetated area along shorelines, or where the proposed expansion or addition provides an opportunity for a net increase in vegetated shoreline areas through the use of site plan control or through conditions imposed by the minor variance process, such expansions or additions shall generally be permitted.
- 3.1.5.9 Expansions within the 30 metre setback may be reviewed by the Committee of Adjustment and may be permitted where the new development does not encroach closer to the waterbody than the existing structure and where determined to be appropriate through the minor variance process.
- 3.1.5.10 Further encroachment into the 30 metre setback shall be discouraged and will only be considered when there is no other practical alternative.
- 3.1.5.11 Where the proposed expansion or addition is located within the required vegetated area (15 metres) along the shoreline such expansion or addition shall only be permitted where the proposed expansion does not encroach closer toward the waterbody and where it provides an opportunity for a net increase in vegetated shoreline areas through the use of Site Plan Control or through conditions imposed by the minor variance process.



Waterfront Servicing

- 3.1.5.12 All new residential development shall be serviced by a private potable water system and an approved waste water system. An approved waste water system means a system as defined in the Building Code Act which has been reviewed and approved by the Health Unit or other designated Septic Approval Authority.
- 3.1.5.13 Private waste water systems shall be located a minimum of 30 metres (98 feet) from the high water mark of the nearest water body. On an existing undersized lot where the minimum setback cannot be met, a reduced setback may be permitted subject to the approval of the Health Unit or other applicable approval authority, and shall ensure that the greatest possible setback is achieved and that there are no negative impacts on the waterbody. Composting Toilets are accepted as an alternative to pit privies where septic fields cannot be accommodated due to lot size and/or configuration and subject to the approval of the Health Unit or other designated Approval Authority. Offsite disposal of the composted materials shall be required.
- 3.1.5.14 Redevelopment of existing residential uses to the same size and scale of the existing residential use, as defined in the Zoning By-Law, may require a waste water system upgrade. Where the lot size or configuration does not provide the opportunity for the installation of a septic system and there is an existing pit privy or holding tank, a replacement holding tank may be installed as long as it has been demonstrated by a qualified professional that no alternative system is feasible. Holding tanks shall not be permitted for new vacant lot development. Alternatively the use of a composting toilet is encouraged.
- 3.1.5.15 New development or redevelopment shall require a permit from the Lanark and Leeds Grenville Health Unit or their designate.
- 3.1.5.16 Where new waterfront lots are proposed in the Waterfront Communities the applicable policies of Section 8.4 shall apply.

Access

- 3.1.5.17 Development shall generally front upon a year round publicly maintained road. However development may be considered with the following access provisions:
1. a seasonally or year-round maintained public road;
  2. an existing private road with the capacity to handle the additional traffic and where a substantial increase in demand for additional municipal services would not be created and where legal right-of-way or access can be determined;
  3. a minor extension or new private road serving a limited number of lots where the proposal is infilling or representative of the last physical development feasible;
  4. a new private condominium road that directly accesses a public road on which the subject property has legal frontage, in accordance with Section 7.4.5;
  5. where legal right-of-way or access can be determined, and where the alternative of a public road is not environmentally or economically viable; or;
  6. water access provided that adequate long term parking and docking facilities are secured to the satisfaction of the Township.



Lake Stewardship

- 3.1.5.17 Council will foster the concept of lake stewardship in order to encourage the protection of natural features and ecological functions, the rehabilitation and naturalization of waterfront lands, to improve the quality of source water and monitor changes to the lake ecosystem.
- 3.1.5.18 It is the intention of Council to retain unopened road allowances leading to water where public access to the waterbody is accessible and provides for short term and long term parking.
- 3.1.5.19 Where lands abutting waterbodies and watercourses become available Council will review the opportunity for public recreation and enjoyment.
- 3.1.5.20 The Town may establish partnerships with public agencies and private associations and individuals to provide guidance, assistance and resources to associations and individuals wishing to undertake projects that will improve the health of the Township's lakes, rivers and streams.

**3.2 VILLAGE AND HAMLET COMMUNITIES**

The Township of Lanark Highlands has a number of villages and residential areas which together make up the municipality's settlement areas. The Plan recognizes that the Village of Lanark is the primary settlement area of the municipality and that Elphin, Hopetown, Middleville, Poland, Watson's Corner's and McDonald's Corners are small communities that have historical context as Villages. Although those communities have in many cases lost their commercial presence, they have a strong cultural significance and the Plan maintains these areas within the Village and Hamlet Communities.

The intent of the following policies is to provide a planning framework which will encourage continued sustainable mixed use development in these communities.

**3.2.1 Distribution of Growth and Development**

In order to encourage and facilitate the regeneration of existing Village and Hamlet Communities, it is a policy of this plan to encourage residential development and supporting commercial and institutional development to locate in existing Village and Hamlet Communities.

To this end, new residential development in Rural Communities is intended to take place on a limited basis within the context of the regional housing market, which is defined as the County of Lanark and the Town of Smiths Falls. Council will monitor lot creation in the regional housing market on an annual basis and may defer approval of lot creation in Rural Communities should there be a trend towards increased rural residential development in comparison with development in the urban, village or hamlet areas, bearing in mind Council must maintain a three year supply of building lots.

Any proposed expansion to existing Village and Hamlet Communities shall require an amendment to this Plan and be in accordance with the recommendations of a Growth Management Study which analyzes factors that shall include growth projections, land supply, existing and planned infrastructure, servicing, market demand, and environmental constraints.

**3.2.2 Village and Hamlet Communities Objectives**

3.2.2.1 Council's objectives respecting residential development in the Village and Hamlet Communities are as follows:

1. To ensure the provision of an adequate supply of residential land;
2. To provide for adequate water and waste water servicing for each community
3. To provide for a range of housing types subject to the ability to provide private or communal services;
4. To provide for neighbourhood facilities and amenities which are appropriate to a residential living environment;
5. To ensure the provision of roads and other municipal services necessary to the development of functional neighbourhood areas.

**3.2.3 Lot Creation**

It is a policy of this Plan that, within the Village and Hamlet Communities identified on Schedule A, lot creation in excess of three lots, excluding the retained lot, shall generally take place by Plan of Subdivision. As determined by the municipality, additional lots may be created by consent in some instances where a detailed plan of subdivision is not required for technical reasons. In these instances, the application for consent shall be supported by a planning rationale that considers such things as type of use, existing road pattern and access to vacant interior lands. In addition, a hydrogeological and terrain analysis report shall be required in consultation with the Conservation Authority or applicable approval authority.

**3.2.4 Permitted Uses**

3.2.4.1 Residential areas shall be defined through the Zoning By-Law. Council shall zone land for specific types of residential uses and shall ensure that permitted non-residential uses are appropriately zoned. Residential zones shall provide for the following uses:

- A range of residential uses consistent with servicing types ;
- Home based businesses subject to Section 8.4.21;
- Schools and Places of Worship;
- Parks and Open Space;
- Public Uses subject to Section 8.3.7.

3.2.4.2 Local commercial uses may be permitted in residential areas provided that such uses are located on an appropriate collector road, are appropriately zoned and provided that they are not detrimental to the economic well being of the Village and Hamlet Communities.

3.2.4.3 For the purposes of this section, low density development is defined as single and semi-detached or duplex dwellings which can be appropriately serviced on private water and waste water treatment systems. Higher densities shall only be permitted where development is proposed on full municipal services (as expected in the Village of Lanark) or on communal services which are subject to municipal agreements or condominium approvals.

**3.2.5 Residential Development Criteria**

3.2.5.1 The following criteria shall apply when reviewing residential development applications:

1. Identify and zone areas exclusively reserved for residential development;
2. Ensure adequate buffering of residential areas from incompatible non residential uses through separation distances, landscaping or other appropriate means;
3. Identify and zone permitted non-residential uses;
4. Where applicable identify and zone mixed-use areas in selected areas of the municipality;
5. Permit increased housing densities through redevelopment of existing residential and non residential buildings subject to 3.2.4.3;
6. Permit accessory apartments subject to appropriate servicing;
7. Provide for open space and parkland and the protection of natural and cultural heritage features;
8. Allow residential infill and redevelopment.

3.2.5.2 When reviewing applications for redevelopment or infill, consider the impact of the proposed development on the neighbourhood in terms of parking, traffic, open space, and proposed uses as well as the ability to provide appropriate water and waste water services.

3.2.5.3 When reviewing development applications apply the applicable policies respecting development in Section 8.4.

### **3.2.6 Commercial Objectives**

3.2.6.1 Council's objectives for commercial development in Village and Hamlet Communities are as follows:

1. To permit commercial uses which are compatible with the surrounding community;
2. To permit commercial development which can be appropriately serviced;
3. To ensure a broad range of commercial uses in order to provide local employment opportunities;
4. To facilitate control over the location and character of commercial development.

### **3.2.7 Permitted Uses**

3.2.7.1 The following types of commercial uses shall generally be permitted in Village and Hamlet Communities:

- Retail uses;
- Service commercial;
- Office commercial ;
- Restaurants and eating establishments;
- Entertainment facilities;
- Vehicle sales and repair;
- Commercial trade shops;
- Recreational uses;
- Tourist commercial;
- Parks and open space;
- Other appropriate or compatible commercial uses;
- Public Uses subject to Section 8.3.7.

**3.2.8 Commercial Development Criteria**

- 3.2.8.1 The following criteria shall apply when reviewing commercial development applications:
1. Permit and zone a range of commercial uses;
  2. Permit accessory apartments subject to water and wastewater services and amenity space;
  3. Provide for the protection of natural and cultural heritage features;
  4. Regulate the physical character of commercial uses to ensure their compatibility with the surrounding area;
  5. Consider the impact of the proposed development on the area in terms of parking, traffic, pedestrian access, functionality and other site specific issues;
  6. when reviewing development applications consider the development criteria stated in Sections 8.4.5.
- 3.2.8.2 Site Plan Control, in accordance with the relevant policies in this Plan, shall apply to new or expanded commercial uses in order to regulate the physical character of commercial development and to ensure compatibility with established areas.

**3.2.9 Industrial Development Policies**

- 3.2.9.1 Council's objectives for industrial development in Village and Hamlet Communities are as follows:
1. To permit industrial uses which are compatible with the surrounding community;
  2. To permit industrial development which can be appropriately serviced;
  3. To help develop a range of local employment opportunities.
- 3.2.9.2 The following industrial uses shall generally be permitted in the Village and Hamlet Communities designation:
- Class 1 manufacturing and processing;
  - warehousing and wholesaling of bulk products;
  - other appropriate or compatible industrial uses;
  - related and or accessory commercial uses;
  - Public Uses subject to Section 8.3.7.
- 3.2.9.3 Notwithstanding the above list of permitted uses, Council may exclude some industrial uses from the permitted use section of the Zoning By-Law which implements this section where the location or scale of such uses can reasonably be considered to present environmental problems and where the presence of industrial uses is incompatible with the community.
- 3.2.9.4 Employment lands in the form of Class 1 or Class 2 industrial uses, may be permitted in the Village and Hamlet Communities provided that they are appropriately separated from existing and future residential areas, subject to available infrastructure and amenity space and subject to zoning and site plan control.

**3.2.10 Industrial Development Criteria**

- 3.2.10.1 The following criteria shall apply when reviewing industrial development applications:

3.2.10.2 Site Plan Control, in accordance with the relevant policies in this Plan, shall apply to new or expanded industrial uses in order to regulate the physical character of industrial development and to ensure compatibility with established land uses. Particular attention will be placed on appropriate buffering of the industrial use from adjacent land uses as well as ensuring that there is efficient and immediate access to transportation links which separates industrial traffic from normal community traffic.

### **3.2.11 Expansions to Settlement Area Boundary**

The Township may identify a new settlement area or allow for the expansion of a settlement area boundary only at the time of a comprehensive review and only where it has been demonstrated that:

- 3.2.11.1 Sufficient opportunities for growth are not available through intensification, redevelopment and designated growth areas to accommodate the projected needs over the identified planning horizon;
- 3.2.11.2 The infrastructure and public service facilities which are planned or available are suitable for the development over the long term and protect public health and safety;
- 3.2.11.3 In prime agricultural areas:
  - 1. The lands do not comprise specialty crop areas;
  - 2. There are no reasonable alternatives which avoid prime agricultural areas; and
  - 3. There are no reasonable alternatives on lower priority agricultural lands in prime agricultural areas; and
- 3.2.11.4 Impacts from new or expanding settlement areas on agricultural operations which are adjacent or close to the settlement area are mitigated to the extent feasible.

In determining the most appropriate direction for expansions to the boundaries of settlement areas or the identification of a new settlement area, the Township shall consider and apply all the policies related to natural heritage features, natural resource protection, cultural heritage protection and protection of public health and safety.

## **3.3 RURAL COMMUNITIES**

Lanark Highlands is characterized by its vast expanse of rugged shield topography which provides for an attractive rural lifestyle. The following policies are intended to provide for the long term orderly development of the rural area in a manner which is consistent with ensuring the protection of natural and environmental resources and which will respect the objective of protecting the character of our rural lands.

### **3.3.1 General**

- 3.3.1.1 The Rural Communities is composed of lands which are comprised of open spaces, forested lands, agricultural resources and low density residential uses.
- 3.3.1.2 The rural area is not the principal sector for development. Population and economic growth is intended to be directed to the Village and Hamlet Communities of the Township. The intent of this Official Plan however is not to prohibit residential or economic development in the rural areas, but rather to provide guidance on

appropriate land use which will support the objective of preserving the identity and character of the rural and settlement areas.

3.3.1.3 In order to maintain and protect the landscape and identity of the Rural Communities, it will be important to avoid inefficient land use patterns such as strip or scattered development, to minimize incompatibility between land uses and to minimize adverse environmental impacts.

3.3.1.4 Within the rural areas of the Township permitted uses and activities will relate to the management or use of resources, resource-based recreational activities, limited residential development and other land uses.

### **3.3.2 Water and Waste Water Servicing**

3.3.2.1 Development in the Rural Communities will generally be on the basis of private individual services and as such there is a need to ensure that the installation of these services be carried out on the basis of solid construction guidelines in order to ensure the long term viability of these services. The need to develop on private services may place limits on the amount, distribution and type of development which may take place.

### **3.3.3 Lot Creation**

3.3.3.1 The creation of new lots is permitted on a limited basis. When reviewing applications for new lot creation in the rural area under Section 51 of the Planning Act, Council shall have regard to the number of existing lots of record within the municipality in determining whether the creation of new lots is warranted.

3.3.3.2 The creation of rural lots can result in numerous negative impacts on the rural landscape. This can include traffic flow issues, impacts on groundwater supplies, drainage impacts on adjacent lands and financial challenges due to inefficient delivery of municipal services. Notwithstanding these issues the creation of new residential parcels in the rural area can occur in a responsible manner provided that the policies and criteria of sections 3.3, 8.4.1, 8.4.2 and 8.4.7 are implemented.

3.3.3.3 Up to three (3) consents, excluding the retained lot, may be granted for a lot or land holding existing as of April 1, 2003.

3.3.3.4 Notwithstanding Section 3.3.3.3, additional lots may be granted by consent in accordance with the following policies.

1. Additional lots may be granted by consent in Rural Communities where the lots to be created would constitute infill in existing strip development. For the purposes of this Plan, strip development is defined as development which existed as of April 1, 2003 and which is located on the same side of the road where the existing uses are separated by not more than 150 metres. In these situations, the application for consent shall be supported by a hydrogeological and terrain analysis report in consultation with the Conservation Authority or applicable approval authority.
2. Additional lots may be granted by consent where the lots to be created are waterfront lots located in Waterfront Communities. Where the additional lots are to be located on an existing public road, the application for consent shall conform to

the policies of Section 3.3 and shall be supported by a hydrogeological and terrain analysis report in consultation with the Conservation Authority or applicable approval authority. Where the additional lots are to be located on an existing private road, an extension to an existing private road or on a new private road, the application for consent shall conform to the policies of Sections 3.3 and 7.4.4 of this Plan and be supported by a hydrogeological and terrain analysis report in consultation with the Conservation Authority or applicable approval authority.

- 3.3.3.5 Except where it is deemed appropriate by the municipality in accordance with Section 3.3.3.4, it is a policy of this Plan that in the Rural Communities, as identified on Schedule A, lot creation in excess of 3 lots, excluding the retained lot, from the original lot, shall take place by Plan of Subdivision. For the purposes of this policy, the original lot is defined as it existed as of April 1, 2003.

### **3.3.4 Residential Land Use**

- 3.3.4.1 The following residential uses are permitted in the Rural Communities subject to other relevant policies in this Plan:

- Single dwelling units
- Semi-detached and duplex dwellings
- Accessory apartments

### **3.3.5 Residential Development Criteria**

- 3.3.5.1 The implementation of this Official Plan through zoning regulations, subdivision and condominium control and consents shall be based on the following criteria:

1. Permit and zone a range of housing types and sizes;
2. Ensure adequate buffering of residential areas from incompatible non residential uses through separation distance, landscaping or other appropriate means;
3. Permit accessory apartments subject to available infrastructure and amenity space;
4. Ensure the protection of resources from incompatible uses through appropriate setbacks and the use of Minimum Distance Separation formulae where appropriate;
5. Ensure the protection of natural and cultural heritage features;
6. Development is supported by a hydrogeology study and terrain analysis to determine suitability of the site for development on the basis of private services.

- 3.3.5.2 When reviewing development applications consider the development criteria stated in Section 8.4.8.

### **3.3.6 Minimum Lot Requirements**

- 3.3.6.1 The minimum lot area required in the Rural Communities for residential development shall be based on the area required to ensure adequate private water and septic waste water disposal systems. The minimum lot area shall generally be .0.8 hectare (1.9 acres) or more. Minimum lot areas of less than 0.8 hectare (1.9 acres) may be permitted by the Zoning By-Law depending on sustainable ground water quantity and acceptable quality as required by O. Reg 544/06, and the soil conditions and their



ability to accommodate the effluent load from a septic field along with its replacement area, as demonstrated by a hydrogeology study prepared by a qualified professional.

3.3.6.2 A hydro-geology study shall be required in support of a lot creation application by consent or plan of subdivision where the proposed lot(s) is/are less than 0.8 hectare (1.9 acres), where related applications would create more than 1 new lot, where the new lot would be adjacent to an existing lot or within 50 metres (164 feet) of an existing lot.

3.3.6.3 A minimum lot frontage of 60 metres (196 feet) is required.

### **3.3.7 Non-residential Development Policies**

3.3.7.1 The rural area is not the principal sector for non-residential development. The intent of this Official Plan however is not to prohibit development in the rural areas but rather to provide a framework for appropriate non-residential development which can occur in a manner which is consistent with the objective of preserving the identity and character of the rural areas.

3.3.7.2 Non-residential development can only occur if the development has limited servicing requirements

3.3.7.3 The following non-residential uses are permitted in the Rural Communities:

- Agricultural uses in accordance with the Nutrient Management Act and Minimum Separation Distance standards established by the Ministry of Agriculture Food and Rural Affairs.
- Uses which are secondary to a principal agricultural use and which add value to agricultural products or support the agricultural resource use
- Hobby farms in accordance with the Zoning By-Law
- Parks and open spaces
- Recreational trails and recreational uses
- Wayside pits and quarries, portable asphalt plants and concrete plants used on public authority contracts shall be permitted except in areas of existing development or particular environmental sensitivity as identified in the Zoning By-Law
- Commercial and Industrial Uses
- Agriculture-related commercial and industrial uses
- Non-agricultural industrial and commercial uses which meet the needs of the traveling public, or which relate to local resources
- Custom workshops
- Kennels and veterinary clinics
- Motor vehicle sales and service establishments
- Tourism commercial uses (motel, hotel, eating establishments, etc.)
- Recreational commercial uses such as marinas, golf courses and campgrounds
- Communication towers
- Institutional uses such as churches, cemeteries and community halls
- Infrastructure Uses
- Waste disposal facilities subject to the relevant policies of this plan.



**3.3.8 Non-residential Development Criteria**

3.3.8.1 The review of site development and the development of Zoning By-Laws shall address the following:

1. Permit a range of non-residential uses;
2. Ensure the protection of resources from incompatible uses
3. Ensure the protection of natural and cultural heritage features.

3.3.8.2 When reviewing development applications consider the development criteria stated in Sections 8.4.8 of this Plan.

3.3.8.3 Site Plan Control, in accordance with the relevant policies in this Plan, shall apply to non-residential uses in order to regulate the physical character of development and to ensure compatibility with established land uses.

## **4.0 OUR RESOURCE LANDS**

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Resource lands make up a significant component of land uses in Lanark Highlands. Mineral resources and forestry are important to the overall economic base of the Township. Aggregate resources such as sand, gravel and limestone have been evaluated and appropriate land use policies have been developed to ensure the wise use and conservation of these resources for future generations.

### **4.1 MINERAL AGGREGATES**

For the purposes of this Plan, lands designated for mineral aggregate extraction shall be identified as Mineral Resource Policy Area and categorized in accordance to extraction type (“pit”, “quarry” or “pit and quarry”) on Schedule A and A2 – Land Use and Transportation.

#### **4.1.1 Permitted Uses**

The following uses are permitted in the Mineral Aggregates Resource Policy Area:

- Pits and quarries;
- Wayside pits and quarries;
- Portable asphalt plants and concrete plants;
- Agricultural uses excluding any accessory building or structure;
- Conservation and natural resource management uses excluding any accessory building or structure;
- Uses accessory to an aggregate extraction operation such as crushing and screening operations, machinery storage facilities and office space;
- Permanent asphalt and concrete plants may be permitted subject to site specific zoning and site plan control pursuant to the provisions of Section 41 of the *Planning Act*, R.S.O. 1990, as amended.

#### **4.1.2 Prohibited Uses**

- 4.1.2.1 Development, including changes in land use and the creation of new lots for residential, commercial, institutional, recreational or industrial development which has the potential to preclude or hinder future aggregate extraction or the expansion of existing extraction operations or resource use shall be prohibited within the Mineral Aggregate Resource Policy Area.

#### **4.1.3 New or Expanded Mineral Aggregate Resource Policy Areas**

- 4.1.3.1 Provided all applicable policies of this Plan are met, the establishment of a new licensed operation or the enlargement of an existing licensed extraction operation shall be permitted provided the new area or enlargement area is located entirely within an area designated as a Mineral Aggregate Resource Policy Area and shall be subject to the requirements of the *Aggregate Resources Act*, R.S.O. 1990 as amended, and if required, an amendment to the local Zoning By-Law.
- 4.1.3.2 Where an Official Plan amendment is proposed which could result in the redesignation of lands to Mineral Aggregate Resource Policy Area in order to facilitate the establishment or addition of previously unlicensed area to a licensed extraction

operation and where the limits of the extraction operation could ultimately be located within 300 metres (984 feet) of a residential, institutional or commercial use on another lot for a licensed pit and 500 meters (1640 feet) for a licensed quarry, such proposed amendment shall be supported by the following:

1. Hydrogeological investigations, in accordance with the Aggregate Resources Act, conducted by a qualified professional, which demonstrate conclusively that the extraction operation will not result in negative impacts on the existing non-extraction development's water and sewer services;
2. Any other investigation as required by the approval authority such as traffic studies, noise studies, vibration studies, slope stability studies etc. are carried out and demonstrate conclusively that the proposed extraction operation can proceed without negative impacts on the existing non-extraction development. Such studies are to be carried out by qualified professionals.

#### **4.1.4 Mineral Aggregate Reserve**

Potential pit and quarry resources are identified as Mineral Aggregate Reserve on Schedule B – Development Constraints as a constraint overlay. It is the intent of this Plan that these areas be protected by directing permanent development away from them, and from adjacent land as set out in Section 4.1.5. Development and activities which would preclude or hinder the establishment of new extractive operations or access to the resources shall only be permitted if it is demonstrated that:

1. The resource use would not be feasible; or
2. The proposed land use or development serves a greater long-term public interest; and
3. Issues of public health, public safety and environmental impact are addressed.

4.1.4.1 The establishment of a mineral aggregate operation within the lands identified as Mineral Aggregate Reserve shall require an amendment to the Official Plan.

#### **4.1.5 Adjacent Land**

4.1.5.1 In areas located within 300 metres (984 feet) of a Mineral Aggregate Resource Policy Area intended or utilized for a licensed pit operation and 500 metres (1,640 feet) from a licensed quarry operation, incompatible development, including the creation of new lots shall only be permitted subject to the following criteria:

1. Hydrogeological investigations conducted by a qualified professional conclusively demonstrate that the proposed non extraction development can be adequately serviced by water and sewer services in a manner which will not impede continued existing and proposed extraction operations.
2. Any other investigation as required by the development approval authority such as traffic studies, noise studies, vibration studies, slope stability studies, air quality impact studies etc. are carried out and demonstrate that the proposed development can proceed without impeding the continued operation of the existing licensed operations and future operations on reserves. Such studies are to be carried out by a qualified professional.

**4.1.6 Rehabilitation of Extraction Sites**

- 4.1.6.1 Progressive rehabilitation of extraction sites to accommodate subsequent land uses is a requirement of this Plan. Where extraction is ongoing, rehabilitation is to be carried out on a progressive basis and shall be in accordance with the approved rehabilitation plan submitted to the Ministry of Natural Resources as part of the site plan for licensing purposes.
- 4.1.6.2 Once a licensed operation is exhausted and the license surrendered, an amendment to this Plan and the Zoning By-Law may be granted. It is a policy of this Plan that all subsequent land uses be consistent and compatible with surrounding land uses.
- 4.1.6.3 Any required amendment to the zoning by-law to permit subsequent development of an exhausted aggregate operation shall be subject to the rehabilitation of the lands in accordance with the plan approved by the Ministry of Natural Resources.

**4.1.7 Abandoned Mine Hazard Sites**

- 4.1.7.1 There are 17 mining hazards or abandoned mines identified on Schedule A Land Use and Transportation. Any development proposed within one (1) kilometre of these areas requires consultation with the Ministry of Northern Development and Mines prior to any further review of development by the planning authority.

**4.1.8 Wayside Pits and Quarries and Portable Asphalt Plants**

- 4.1.8.1 Wayside pits and quarries and portable asphalt plants required for public authority road contracts will be permitted, without an amendment to this Official Plan or Zoning By-Law in all areas except within the Village and Hamlet Communities and any identified natural heritage features.

**4.1.9 Zoning and Development Control**

- 4.1.9.1 The licensed area of pits and quarries shall be zoned for extraction and associated accessory uses. Licensed areas may also be zoned for aggregate-related uses, such as portable asphalt plants and concrete plants.

**4.2 FORESTRY**

Forestry operations are encouraged to follow sound forest management practices and shall be set back from all shorelines including wetlands, streams, rivers and creeks an appropriate distance so that clearing and cutting operations do not impact the visual quality and character of the shoreline when viewed from the waterbody. Clear cutting shall be prohibited within 500.0 metres of shoreline including wetlands, streams, rivers, creeks unless carried out in accordance with sound forest management practices, and maintaining appropriate vegetation buffers.

The re-habilitation of any woodland areas or lands subject to harvesting are encouraged to establish a plan for rehabilitation and reforestation to preserve the biodiversity and ecological health of the region.

It should be noted that all lands identified as Crown Lands on Schedule B to this plan are not subject to the aforementioned policies but regulated under the Crown Forest Sustainability Act.

## **5.0 OUR ENVIRONMENT – PLANNING FOR ECOSYSTEM BALANCE**

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### **5.1 INTRODUCTION**

The Township's natural heritage features should be conserved and rehabilitated for the benefit of future generations according to best management practices undertaken today and as they evolve. The landscape of Lanark Highlands is an assortment of rural settlements, waterfront areas, resource operations and natural lands including wetlands, woodlands and watercourses. This diversity defines the character of the Township. The rural landscape includes wildlife and their habitats within both the terrestrial and water ecosystems and may include areas of natural and scientific interest (ANSI's) and portions of the habitat of endangered and threatened species. All natural heritage features are important to the Township. However, certain natural heritage features have been identified as having special significance to the Province of Ontario.

Natural heritage features are not islands in the landscape rather they are interconnected systems that contribute to biodiversity and ecological health within the Township and outlying regions. The interdependency of these systems has yet to be thoroughly studied or analysed and as such Council will encourage communication and relationships with upper levels of government and the Conservation Authorities to ensure the preservation and ecological health of the natural environment systems.

### **5.2 DETERMINATION OF SIGNIFICANCE AND GENERAL POLICIES**

Council acknowledges that its decisions regarding land use and development can affect the significant natural heritage features of Lanark Highlands. Therefore, policies are required to protect these features from the potential negative impacts of development or to conserve them by prohibiting development.

#### **5.2.1 Determination of Significance**

5.2.1.1 The natural heritage policies are based on information from the Ministry of Natural Resources who provided information on wildlife and fish habitat as well as wetlands and woodlands.

5.2.1.2 Features that are "significant" for the purposes of this plan are illustrated on Schedule B with the exception of significant wetlands which are shown on Schedule A as Provincially Significant Wetland designation. These have been determined by the Province to be either, 1- ecologically important in terms of functions, representation or amount, and that contribute to the quality and diversity of the natural heritage system of the Township, or 2 - economically or socially important in terms of resource utilization, public access, recreational enjoyment, and community values. It is especially important to Lanark Highlands that the characteristics that made these significant features be retained for the benefit of future generations.

#### **5.2.2 General**

5.2.2.1 Council shall designate on Schedule A those features where development is prohibited. These include provincially significant wetlands which are shown as Provincially Significant Wetland. Council shall designate areas where development

must be controlled on Schedule B. These include Areas of Natural or Scientific Interest (ANSI's), fish habitat, significant woodlands and riparian zones.

5.2.2.2 Council shall consider minor alterations to the boundaries of natural heritage features identified on Schedules A or B without the need to amend the Official Plan where evidence consistent with Ministry of Natural Resources criteria clearly demonstrates that such modifications are justified. Boundary alterations to provincially significant wetlands and Areas of Natural or Scientific Interest (ANSI's) are subject to the approval of the Ministry of Natural Resources.

5.2.2.3 Development control shall be implemented through the use of zoning and site plan control in accordance with the relevant sections of this Official Plan.

### **5.3 LANDFORM SPECIFIC POLICIES**

The following provide policies specific to natural heritage systems and features in Lanark Highlands.

#### **5.3.1 Endangered or Threatened Species Habitat**

Endangered and threatened species can encompass any of the many types of living things: birds, mammals, plants, fish, reptiles, amphibians and invertebrates. There are a number of species which are known to be endangered in Lanark Highlands. They include: Butternut, American Eel, Wood Turtle and American Ginseng. There are also identified threatened species including: Blanding's Turtle, Common Gray Fox, Eastern Musk Turtle and Flooded Jellyskin. The Ministry of Natural Resources has identified the Black Tern, Milksnake, Five-lined Skink and Eastern Ribbonsnake as species of special concern.

5.3.1.1 Where endangered or threatened species habitat is identified development and/or site alteration is prohibited unless it can be demonstrated by means of an Environmental Impact Statement in accordance with Section 8.4.6 that there will be no negative impacts on the natural features or the ecological function for which the area is identified. Development within 120 metres of the identified habitat is subject to an Environmental Impact Statement to determine no adverse impact will result by means of the proposed development.

5.3.1.2 The habitat of endangered or threatened species will not be identified on any land use schedules as identifying these features may prove to be harmful.

#### **5.3.2 Wetlands**

Wetlands are lands which have specific ecological characteristics which include, but are not limited to, the presence of a permanent or seasonal shallow water cover, water-tolerant vegetation or the presence of a water table which is close to the surface. They are commonly known as swamps, marshes, bogs, and fens. Wetlands serve important functions such as controlling ground water recharge and discharge, reducing flood damage, stabilizing shorelines, retaining and removing nutrients, supporting the food chain, providing fish and wildlife habitat and contributing to the social and economic quality of life in the Township.

5.3.2.1 The Ministry of Natural Resources has developed a wetland evaluation system based on the biological, hydrological, social and special characteristics of a wetland area and on the abundance of water which has caused the formation of hydric soils and

has favoured the dominance of either hydrophylic plants or water tolerant plants. Wetlands that meet Ministry criteria are classified as provincially significant and such wetlands, identified on Schedule A, are to be protected from development and site alteration.

- 5.3.2.2 Council shall designate Provincially Significant Wetland on Schedule A and shall base the designation limits on mapping prepared by the Ministry of Natural Resources.
- 5.3.2.3 Wetland boundaries as shown on Schedule A may be amended or adjusted without the need for an Official Plan amendment provided that such adjustments are identified through the application of the most current wetland evaluation manual of the Ministry of Natural Resources and subject to the confirmation and approval by the Ministry.
- 5.3.2.4 Development or site alteration of a Provincially Significant Wetland designated on Schedule A is not permitted. Development within 120 metres of a Provincially Significant Wetland or development on a lot which includes a wetland or part of a wetland must take place outside of the wetland area and such development shall be subject to the preparation of an Environmental Impact Statement which demonstrates that there will be no negative impacts on the natural features or ecological functions of the wetland.

### **Permitted Uses**

- 5.3.2.5 The following uses are permitted in designated wetlands:
- Open space and passive recreational uses which do not involve extensive site alterations and do not adversely affect the natural features or ecological functions of the wetland or require approval under the Planning Act;
  - Conservation uses which improve the ecological functions of the wetland;
  - Uses of a scientific or educational nature;
  - Established agricultural uses ongoing at the time of adoption of this Plan. However new or expanded structures or the clearing and draining of additional lands within the limits of the wetland are not permitted;
  - Lot creation for all permitted uses stated above is permitted.
  - The replacement of existing structures (existing prior to May 4, 2006).
  - Development or site alteration within 120 metres (393 feet) of a designated wetland may be permitted, if it can be demonstrated that there will be no negative impacts on the wetland's natural features or ecological functions. An Environmental Impact Statement will be required except for established agricultural uses.
  - All uses subject to Ministry of Natural Resources or Conservation Authority Regulations.
- 5.3.2.6 New development shall be setback a minimum of 30 metres (98 feet) from the high water mark of any wetland.
- 5.3.2.7 Development in and within 120 metres of a provincially significant wetland is regulated under the Conservation Authorities Act through the Development, Interference with Wetlands and Alterations to Shoreline and Watercourses Regulations. Development activities including construction and site alteration will require a permit from the Mississippi Valley Conservation Authority or the Ministry of Natural Resources.



### **5.3.3 Areas of Natural and Scientific Interest (ANSI's)**

According to the Provincial Policy Statement (PPS), Areas of Natural and Scientific Interest (ANSIs) are defined as “areas of land and water containing natural landscapes or features that have been identified as having life science or earth science values related to protection, scientific study or education.” Significant ANSIs are those sites that have been identified by the Ontario Ministry of Natural Resources (OMNR) as being representative of the most significant and best examples of natural heritage or geological features found in Ontario and are identified on Schedule B of this plan. The following policies apply:

- 5.3.3.1 Development may be permitted in accordance with the underlying land use designation in significant areas of natural and scientific interest (ANSIs), or on adjacent lands within 120 metres (396 feet), only if it has been demonstrated through an Environmental Impact Statement, in accordance with Section 8.4.5 that there will be no negative impacts on the natural features or on the ecological functions for which the area is identified.
- 5.3.3.2 Notwithstanding policy 5.3.3.1 above, existing agricultural activities including plowing, seeding, harvesting, grazing, animal husbandry, and minor expansions to existing buildings and structures associated with farming operations are permitted on adjacent lands without an Environmental Impact Statement.

### **5.3.4 Significant Wildlife Habitat**

According to the PPS, wildlife habitat is defined as “areas where plants, animals and other organisms live, and find adequate amounts of food, water, shelter, and space needed to sustain their population. Specific wildlife habitats of concern may include areas where species concentrate at a vulnerable point in their annual or life cycle and areas which are important to migratory or non-migratory species.” Wildlife habitat has many values that warrant its conservation: wildlife contributes to a diversity of species in the Township; wildlife forms a fundamental component of the natural heritage systems, the ecosystem and the food chain; wildlife represents social and economic benefit, through nature observation, hunting, and trapping.

- 5.3.4.1 Where the Township has identified lands providing significant wildlife habitat, such areas shall be appropriately recognized on the land use schedules forming part of this Plan. Specific policies for significant wildlife habitats are as follows:
  - 1. Development and site alteration within the habitat area or on adjacent lands that are within 120 metres (396 feet) of these areas may be permitted provided that such development will not negatively affect the natural features or ecological functions of the habitat area. An Environmental Impact Statement shall be required in order to assess the impact of the development and site alteration.
  - 2. Notwithstanding the above policy, agricultural activities including plowing, seeding, harvesting, grazing, animal husbandry, and minor expansions to existing buildings and structures associated with farming operations are permitted on adjacent lands without an Environmental Impact Statement.



### **5.3.5 Fish Habitat**

According to the PPS, fish habitat is defined as: “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.” Fish resources have many values to the Township, including:

1. contributing to a diversity of species;
2. providing a natural indicator of water quality and environmental health;
3. forming a vital part of the aquatic food chain;
4. providing commercial fishing such as baitfish (minnow) harvest ; and,
5. providing recreational sportfishing opportunities and related economic spin-offs.

5.3.5.1 Development and site alterations shall not be permitted in fish habitat except in accordance with provincial and federal requirements. Where development is proposed within 120 metres (396 feet) of fish habitat, it must be demonstrated through an Environmental Impact Statement that there will be no negative impacts on the natural feature or on the ecological functions for which the feature is identified.

5.3.5.2 Notwithstanding policy 5.3.5.1 above, the cleaning of municipal drains shall be permitted provided that such is carried out in accordance with acceptable standards, and that, where required, the authorization of the Department of Fisheries or its designate is obtained.

5.3.5.3 Notwithstanding policy 5.3.5.1 above extensions or enlargements of existing buildings and structures in the adjacent land area to an identified Fish Habitat may be permitted provided that it is demonstrated to the satisfaction of the appropriate regulatory agency or approval authority that such extension or enlargement will have no negative impact on the fish habitat as demonstrated by an Environmental Impact Statement.

5.3.5.4 It is the policy of this Plan to encourage the re-establishment of naturally vegetated buffer strips along water bodies and headwater areas.

5.3.5.5 Although storm water management and drainage measures are often located some distance from a watercourse these measures can impact the water quality and quantity of the watercourse and affect fish habitat. When evaluating storm water management and drainage activities, consideration shall be given to impacts upon fish habitat.

5.3.5.6 The advice of the Department of Fisheries and Oceans or their delegate should be sought where any proposal may potentially impact fish habitat. In instances where a proposal may result in a harmful alteration, disruption or destruction of fish habitat the proponent must obtain authorization from the Department of Fisheries and Oceans or their delegate.

### **5.3.6 Deer Yards**

Deer Yards are areas of forest cover which provide for shelter and protection from predator species through the winter months. The core area consists primarily of coniferous species and a canopy cover of more than 60%. Surrounding lands are mixed or deciduous forest. These lands represent approximately 10% of the summer range. Deer yards have value to the community as

a traditional food source and contribute to the economic prosperity of the Township as a hunting destination.

- 5.3.6.1 Notwithstanding policy 5.3.4.1 above new residential uses are permitted on existing lots of record and do not require the submission of an Environmental Impact Statement.
- 5.3.6.2 Lot creation by means of severance is permitted for one additional lot within a deer yard providing that the minimum lot frontage is 90 metres (295 feet) and the minimum area is 1.5 hectares (3.7 acres) for both the severed and the retained lands. Lesser lot sizes may be considered if through means of an Environmental Impact Statement undertaken by a qualified professional it can be demonstrated that no adverse impact will occur to the habitat or herd.
- 5.3.6.3 The creation of multiple lots (more than 1 severance) will require an Environmental Impact Statement to demonstrate no adverse impacts.
- 5.3.6.4 The Mississippi Valley Conservation will review all applications for the creation of multiple lots.

### **5.3.7 Ground Water Protection and Enhancement**

The ground water resource is crucial in Lanark Highlands as it is the source of drinking water for our communities and our rural population. In addition to residential uses, ground water is crucial for the agricultural purposes and commercial and industrial uses. Ground water contamination from bacteria, nitrates, petroleum and chemicals, salt, pesticide use and naturally present contaminants can occur and as such it is important to consider groundwater quality when reviewing development applications in order to ensure the long term viability of this resource.

- 5.3.7.1 The Township of Lanark Highlands will cooperate with senior levels of government, environmental agencies and the private sector to develop a water resources data base which identifies sensitive ground water recharge areas, sensitive hydro-geological areas and areas with known ground water quality and quantity constraints.
- 5.3.7.2 Lanark Highlands will work in partnership with senior and local levels of government, environmental agencies and the private sector to enforce provincial regulations on private septic field and water well construction.
- 5.3.7.3 Industrial or commercial developments which require large amounts of ground water will be required to undertake a hydrogeology study conducted by qualified hydrogeology engineers which addresses the impact of the proposed development on the quantity and quality of the water supply for existing development in the general area of the development site.
- 5.3.7.4 Lanark Highlands supports the work of senior levels of government and environmental agencies to develop an education program aimed at reducing ground water consumption and pollution.
- 5.3.7.5 Areas in the Township may be identified as a Groundwater Recharge Area. Zoning By-law provisions may be adopted to restrict land uses in such areas as those which development would pose a threat to the quality of the existing resource. In addition

areas may be identified where the state of the groundwater resource is unacceptable for development purposes.

## **6.0 PLANNING FOR PUBLIC HEALTH AND SAFETY**

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### **6.1 INTRODUCTION**

Our natural landscape and resources are constantly being shaped and reshaped by naturally occurring physical and ecological processes. These landscapes and resources only become a hazard when people and structures are located within them or are affected by them. As such environmental conditions occasionally represent significant constraints to the development of land such that there can pose a significant threat to people's health and safety. Constraints to development are primarily related to hazardous conditions such as the existence of floodplains, erosion hazards or the presence of unstable slopes, organic soils and geological formations such as Karst topography where the bedrock is subject to the development of sinkholes. To a lesser extent, development may be restricted on the basis of existing site contamination or noise concerns.

The preparation of these development constraint policies was undertaken with the objective of integrating them with other policy areas, primarily those policies addressing natural heritage sectors. Issues surrounding water quality and quantity, wetlands, fisheries and woodlands are closely related to development constraints. As such these policies should not be read in isolation. For instance, development is prohibited in a floodplain or in areas subject to slope failure because it can result in changes to natural conditions that may actually endanger areas previously unaffected. Promoting quality of life and self sufficiency for our citizens requires that all development be carried out in a manner which ensures that life, safety and economic welfare are protected.

### **6.2 IDENTIFYING HAZARD AREAS**

Accurate mapping showing the location of areas characterized by health and public safety hazards and/or by constraints for development is of crucial importance in order to ensure informed decisions by approval authorities when considering development applications. The limits of hazard areas shown on Schedule B were identified on the basis of information provided by the Ontario Ministry of Natural Resources and the Conservation Authority. The mapping of hazard areas will be completed over time as more accurate information respecting exact locations becomes available and included in the County's geographic information system (GIS) data base.

### **6.3 GENERAL**

Hazardous areas are identified on Schedule B on the basis of the particular characteristics which pose a threat to public health and safety which may result should these areas be developed. The constraints include areas subject to flooding, areas affected by unstable slopes, organic soils and unstable bedrock, erosion hazards, contaminated sites and abandoned pits and quarries.

Where hazard land mapping is complete, it is shown on Schedule B. However, it is recognized that hazardous conditions may exist which are not shown on Schedule B and as such it is important to ensure that appropriate consultation be included in any development review process.

## **6.4 HAZARDOUS LANDS – FLOODING AND EROSION**

### **6.4.1 Defining Areas Subject to Floods and Erosion**

The floodplain area shown on Schedule B includes all areas known to be subject to 1 in 100 year flood events. These areas have been identified and mapped by the Conservation Authority or the Ministry of Natural Resources. Lands that have been identified as floodplain area are also subject to the Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation (O. Reg. 153/06) which is administered by the Mississippi Valley Conservation Authority (MVC) A permit will be required from MVC for any development, including construction, changes to a building that would result in an increase to the size or number of dwelling units, site grading or the placing, dumping or removal of fill within the floodplain area. Certain areas within the Township of Lanark Highlands are not administered by the Mississippi Valley Conservation and outside of the Mississippi River watershed boundary. This boundary has been identified on Schedule A Land Use and Transportation. The aforementioned areas are administered by the Ministry of Natural Resources. The following uses and policies apply to all lands within the township regardless of administrative authority.

### **6.4.2 Permitted Uses**

6.4.2.1 Notwithstanding the underlying designation on Schedule A, development and site alteration is prohibited in flood plains, except in accordance with the following:

1. Repairs and minor additions to buildings and accessory buildings, which do not affect flood flows, will be permitted where there is existing non-conforming development.
2. Uses which by their very nature must be located within the flood plain and will not affect the hydrology or hydraulics of the flood plain may be permitted;
3. Works required for flood and/or erosion control and passive recreational and/or open space non-structural uses which do not affect the hydrology or hydraulics of the flood plain may be permitted.
4. In accordance with the underlying designation on Schedule A, development and site alterations may be permitted in areas subject to erosion related hazards which are not located in the flood plain.
5. All new development and site alterations on hazardous lands must achieve all of the following:
  6. the hazards must be safely addressed and the development and site alteration is carried out in accordance with the established standards and procedures;
  7. new hazards are not created and existing hazards are not aggravated;
  8. no upstream or downstream adverse impacts will result;
  9. vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies; and
  10. the development does not include institutional uses or essential emergency services or the disposal, manufacture, treatment or storage of hazardous substances.

## **6.5 UNSTABLE SLOPES AND ORGANIC SOILS**

### **6.5.1 Policies**

6.5.1.1 Slopes with a slope angle of 3:1 (horizontal: vertical) or steeper are identified as being potentially unstable. Development and site alteration in areas designated as having unstable slopes or organic soils is prohibited unless it can be identified that:

- 6.5.1.2 The proposed development will be in full conformity with the Building Code Act. This may require that sufficient soils and engineering information be made available to indicate that, although the site is identified as having unstable slopes or unstable bedrock, it is in fact suitable or can be made suitable for development using accepted scientific and engineering practices; alterations to the site will not result in increased hazards or cause adverse environmental effects on or off-site;
- 6.5.1.3 The designation on Schedule A permits the proposed development.
- 6.5.1.4 Notwithstanding the above, institutional uses or essential emergency services or the disposal, manufacture, treatment or storage of hazardous substances shall not be permitted on lands designated as having unstable slopes or organic soils.
- 6.5.1.5 A permit will be required from Mississippi Valley Conservation for any development, including construction, changes to a building that would result in an increase to the size or number of dwelling units, site grading or the placing, dumping o, or removal of fill on lands that have been identified as unstable slopes under the Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation (O. Reg. 153/06).

## **6.6 CONTAMINATED SITES**

Contaminated sites are defined as sites where the environmental condition of the property, i.e. the quality of the soil or ground water, may have the potential for adverse effects to human health or the natural environment. Current mapping showing contaminated sites was not available at the time this Official Plan was drafted.

### **6.6.1 Policies**

- 6.6.1.1 In reviewing development applications the approval authority may require the undertaking of an Environmental Site Assessment (ESA). An ESA shall be mandatory when a change of land use triggers an ESA in accordance with Ontario Regulation 153/04
- 6.6.1.2 Where the ESA produces reasonable evidence to suggest the presence of site contamination, the proponent may be required to undertake appropriate technical studies as part of the development review process in order to identify the nature and extent of contamination, to determine potential human health and safety concerns as well as effects on ecological health and the natural environment, to demonstrate that the site can be rehabilitated to meet provincial standards and to establish procedures for site rehabilitation and mitigation of the contamination.
- 6.6.1.3 The proponent will be required to restore the site and to make it suitable for the proposed use in accordance with the recommendations of any required technical studies prior to development or land use change.
- 6.6.1.4 Filing of a record of site condition in the Registry, by a qualified person, as defined in O. Reg 153/04, is mandatory for a change of use of a property from industrial or commercial to residential or parkland.
- 6.6.1.5 The ESA and site restoration shall be undertaken according to Ontario Regulation 153/04 and with MOE guideline "Records of Site Conditions - A Guide to Site

Assessment, the clean-up of Brownfield Sites and the Filing of Records of Site Conditions” dated October 2004 Record of Site Condition.

### **6.6.2 Closed Waste Disposal Sites**

Closed Waste Disposal Sites have been identified on Schedule B on the basis of information provided by the Ministry of the Environment.

- 6.6.2.1 Development may proceed in accordance with the policies of the underlying land use designation subject to Ministry of the Environment Guideline D-4 “Land Use on or near Landfills and Dumps” and the following policies:
- 6.6.2.2 In reviewing development applications within 500 metres (1,640 feet) of a site identified as a closed waste disposal site an Environmental Study shall be required by the approval authority in order to ensure that there is no evidence of potential safety hazards which may be caused by landfill-generated gases, ground and surface water, contamination by leachate, odour or litter, potential fires, surface runoff and vectors, and vermin. Particular attention shall be given to the production and migration of methane gases. An Environmental Study documents the previous uses of the property and provides an assessment of the site to identify actual or potential hazards. The Environmental Study shall be undertaken using established principles and procedures.
- 6.6.2.3 Where the Environmental Study confirms environmental problems, the proponent will be required to undertake additional studies which shall demonstrate that the site is appropriate for development or can be rehabilitated in order to mitigate known or suspected hazards and to establish procedures for site rehabilitation prior to the final approval of the proposed development.
- 6.6.2.4 Land or land covered by water which has been used for the disposal of waste within a period of twenty-five years from the year in which such land ceased to be so used shall not be developed or re-developed unless an approval has been obtained under Section 46 of the Environmental Protection Act.

### **6.6.3 Site Decommissioning and Clean-Up**

- 6.6.3.1 It is the intent of Council to ensure the proper decommissioning and clean-up of contaminated sites prior to their redevelopment or reuse.
- 6.6.3.2 Prior to approval of an Official Plan Amendment and prior to the approval of a Zoning By-law amendment, subdivision, condominium, consent or other planning application by the appropriate approval authority on a site that is potentially contaminated or is contaminated, the proponent shall document the present and past use of the site and surrounding lands, engage professional assistance in the analysis of soils, ground waters and surface waters as required in consultation with the Ministry of the Environment and shall prepare a remedial action plan in accordance with “Ontario Regulation 153/04, Record of Site Condition”. Where the contaminants are in concentrations above Ministry established acceptable concentrations. A Ministry of the Environment “Record of Site Condition” may be required to confirm that a site is suitable for its intended use. The proponent shall ensure the supervision of excavation and soil handling activities during site clean-up.



6.6.3.3 Where planning applications are not required, Council may require a proponent of development to consult with the Ministry of the Environment on the suitability of site development.

## **6.7 OTHER HEALTH AND SAFETY CONCERNS**

### **6.7.1 Abandoned Pits and Quarries**

6.7.1.1 Development on, abutting or adjacent to lands affected by former mineral resource operations may proceed in accordance with the policies of the underlying land use designation only if rehabilitation measures to address and mitigate known or suspected hazards are under-way or have been completed.

6.7.1.2 In reviewing development applications for sites identified as an abandoned pit or quarry, a study will be required which will provide sufficient information to determine any potential safety hazards, to demonstrate that the site can be rehabilitated to mitigate the known or suspected hazard and to establish procedures for site rehabilitation and mitigation of the safety hazard.

### **6.7.2 Noise and Vibration**

6.7.2.1 Noise and vibration impacts shall be addressed for new sensitive land uses adjacent to existing railway lines, highways, sewage treatment facilities, waste management sites, industries, or aggregate extraction operations, or other stationary or line sources where noise and vibration may be generated. Council may require the proponent to undertake noise and/or vibration studies to assess the impact on existing or proposed sensitive land uses within minimum distances identified in Ministry of Environment guidelines including Publication LU – 131, Noise Assessment Criteria in Land Use Planning. Noise and/or vibration attenuation measures will be implemented, as required, to reduce impacts to acceptable levels.

6.7.2.2 Notwithstanding policy 6.7.2.1 above existing and proposed agricultural uses and normal farm practices, as defined in the Farm and Food Production Protection Act, 1998, shall not be required to undertake noise and or vibration studies.

### **6.7.3 Incompatible Land Uses**

6.7.3.1 Every effort shall be made to prevent or minimize future land use conflicts which can arise when incompatible land uses develop in close proximity to one another. Ministry of the Environment guidelines on Land Use Compatibility (Guidelines D-1, D-2, D-4 and D-6 and any other relevant or future MOE Guideline documents) shall be applied when preparing and adopting local Zoning By-laws and when considering amendments to this Official Plan.



## **7.0 MAKING IT WORK – PLANNING OUR INFRASTRUCTURE**

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Infrastructure refers to the construction and maintenance of roads, bridges, structures and railway lines required for transportation services, the physical supply and distribution of water, the collection and treatment of waste water and the management of storm water, the collection and disposal of solid waste, the construction and maintenance of energy production and distribution facilities such as hydro-electric structures, wind and solar energy facilities and gas pipelines, recreational facilities such as snowmobile, ATV and recreational trails and finally the development of communication facilities such as transmission towers and underground telephone and fibre optic lines.

The provision of appropriate infrastructure is crucial to ensuring that Lanark Highlands can continue to accommodate growth in a manner which is environmentally, socially and economically sustainable.

### **7.1 OBJECTIVES**

7.1.1.1 Council's objectives respecting the provision of infrastructure works are as follows:

1. The road network within the Lanark Highlands, regardless of which level of government is responsible, will function in a cost effective, efficient and safe manner for the movement of people and goods throughout the territory;
2. Water, waste water and stormwater will be managed in a fiscally and environmentally responsible manner;
3. Waste management is carried out in a manner which is environmentally sustainable and to provide appropriate waste management infrastructure which support on-going development;
4. Renewable energy facilities be permitted where they can be developed in harmony with surrounding uses;
5. Recreational facilities be supported and expanded as an important contributor to the local economy.

### **7.2 FUTURE INFRASTRUCTURE**

The Planning Act requires that infrastructure expansions conform to the Official Plan. (See Section 24.1, Planning Act). This Official Plan recognizes the future provision of water and sewer infrastructure to the Village of Lanark as well as expansions or improvements to the Township's roadway and recreational infrastructure as being consistent with the intent of this Official Plan.

### **7.3 DEVELOPMENT CHARGES**

It is the intention of Council to ensure that an increase in the need for eligible services and infrastructure may be recoverable through the enactment of a development charge by-law under the Development Charges Act, 1997 by the Township of Lanark Highlands. In short, eligible public works and municipal services may be in part or in whole funded through development charges.

## **7.4 TRANSPORTATION**

The management of the roadway infrastructure in the Township of Lanark Highlands is shared between the Province, the County and the Township. The transportation system is composed of Provincial highways, County Roads, Local Public Roads opened and maintained on a year round basis, roads opened and maintained on a seasonal basis and private roads. The transportation network is shown on Schedule A.

### **7.4.1 Provincial Highways**

7.4.1.1 There is one Provincial Highway in Lanark Highlands, Highway 7. Development fronting on or in proximity to Highway 7 must be reviewed by the Ministry of Transportation of Ontario (MTO), in accordance with Sections 31, 34 and 38 of the Public Transportation and Highway Improvement Act, and development is conditional on the issuance of MTO permits, which are designed to ensure that safety and the long term efficiency of the highway are not compromised. The MTO permit can apply to building setbacks, signage, location and number of highway accesses, frontage requirements and required improvements such as culvert installation, road widenings, traffic signalization or the construction of turning lanes. Development proponents will be required to consult with the MTO prior to the submission of a development application.

### **7.4.2 County Roads**

7.4.2.1 County Roads have the capacity to carry large traffic volumes, which link two or more communities or which function as an integral part of the provincial transportation network through linkages to Provincial highways. They must maintain a high level of efficiency for the movement of vehicles while also providing limited opportunities for commercial and industrial development which can benefit from high traffic volumes. The following policies shall apply to County Roads.

7.4.2.2 Lot creation for residential purposes with direct access to a County Road shall be subject to review and permitting by Lanark County.

7.4.2.3 Residential subdivisions fronting on a County Road may be permitted in accordance with the land use designation, provided that access is provided through a public road maintained year round. The review process shall ensure that adequate measures are included in the subdivision design to mitigate any potential negative impacts related to the proximity of the County Road to the residential development.

7.4.2.4 Within the limits of a settlement area, commercial or industrial development with frontage on a County Road may be permitted subject to the approval of the design and location of the lot access by Lanark County and subject to other relevant policies of this Plan.

7.4.2.5 Lot creation for commercial or industrial development outside of a settlement area may be permitted in accordance with the applicable land use designation provided that the lot access is located at a minimum of 200 metres (656 feet) from the closest existing road access on the same side of the road and provided that there are no traffic safety or hazardous conditions. The design and location of the lot access shall be subject to the approval of Lanark County and shall generally require the construction of acceleration and deceleration lanes. Turning lanes may also be

required where it is established through a traffic impact analysis completed to the satisfaction of the Director of Public Works, that the development will generate substantial traffic volumes.

- 7.4.2.6 Development on lots of record existing as of the day of adoption of this Official Plan may be permitted in accordance with the applicable land use designation policies and zoning regulations and provided that new accesses are kept to a strict minimum by enforcing, where possible, a minimum 200 metres (656 feet) separation distance from existing accesses on the same side of the road. Alternatively safety issues may be addressed through engineered solutions such as turning lanes, acceleration lanes or deceleration lanes.
- 7.4.2.7 The minimum 200 metre (656 feet) separation distance as required above may be reduced by the County's Public Works Department without amendment to this Plan where sufficient frontage exists which would normally permit the maintenance of the separation distance but where topographical or safety considerations would dictate that a lesser separation distance may be reasonable.
- 7.4.2.8 A minimum development setback of 15 metres (49 feet) from the property line shall be required.

### **7.4.3 Local Roads**

- 7.4.3.1 Local roads consist of streets and roadways maintained on a year round basis, seasonally maintained roads and private roads. Local roads shall generally have a minimum right-of-way width of 20 metres (66 feet) however reduced right-of-way widths may be accepted through the subdivision or condominium review process provided that the right-of-way widths can accommodate all of the required servicing infrastructure for the proposed development and provided that the approval authority is satisfied that the reduced widths will not result in lower quality development.
- 7.4.3.2 Local roads are identified on Schedule A. Generally new development and lot creation on local roads may be permitted in accordance with the relevant policies of this Plan and the requirements of the Zoning By-Law. The minimum width of any local road right-of-way shall be 20 metres (66 feet). A reduced right-of-way standard may be accepted in new developments where it can be demonstrated that required infrastructure including snow storage space can be accommodated.
- 7.4.3.3 Land may be acquired by the Township for road widenings, road extensions, rights of way, intersection improvements or railway crossing improvements. Such land may be acquired through the subdivision or consent process, through site plan control or through formal agreements. Schedule A identifies the minimum rights-of-ways for highways and roads to be widened and the extent of the proposed widenings.
- 7.4.3.4 Extensions to existing roads may proceed without amendment to this Plan provided that the extension is required to improve the Township road system. Minor extensions may be permitted for development purposes provided that the roadway extension is constructed to municipal standards at no cost to the municipality and provided that the local council is satisfied that the extension and the subsequent maintenance costs are justified.

7.4.3.5 New roads may be added to the road system without amendment to this plan where such roads are the result of the approval of a Plan of Subdivision or is required as a condition of Site Plan Approval.

7.4.3.6 The conversion of private roads to public roads shall require an amendment to this Plan. An amendment shall not be required where such private road meets municipal design standards for public streets.

#### **7.4.4 Private Roads**

Private roads consist of roadways that are privately owned and maintained. For the purposes of this Plan, the establishment of a right-of-way to provide shared driveway access to two abutting properties, each of which has frontage on a public road, shall not constitute the creation of a new private road. In addition, a consent application, the sole purpose of which is to legally identify the location of an existing private road, shall not constitute the creation of a new private road.

The establishment of any new private road or the extension of any existing private road may be permitted where it can be demonstrated that it shall:

1. be constructed and maintained to municipal standards;
2. result in the creation and maintenance of a proposed private road which is at no cost to the municipality; and
3. satisfy the criteria outlined in Section 8.4.2 of this plan.

Infill development may be permitted, through the consent process, along an existing private road, in accordance with Policy 3.3.3.

#### **7.4.5 Condominium Roads**

7.4.5.1 A private road may be permitted by way of an application pursuant to the Condominium Act, 1998 or any successor legislation, and Section 51 of the Planning Act, RSO 1990, and where it connects directly to an existing public road and where the subject lands have legal frontage on the same existing public road. Private condominium roads shall be constructed to a municipal standard and in accordance with the provisions of Section 8.4.1 of this plan.

7.4.5.2 Notwithstanding the generality of Section 7.4.5.1, condominium roads shall generally be permitted only for development in Waterfront Communities, including back-lot development which includes a common element water access area.

#### **7.4.6 Bridges**

7.4.6.1 Bridges and culverts are an integral component of the Lanark Highlands transportation systems. The maintenance, repair, replacement or expansion of these structures is an on-going and necessary activity and is considered consistent with the policies of this Official Plan.

#### **7.4.7 Water, Waste Water and Stormwater Services**

The need to ensure that water and waste water infrastructure meet growth and development priorities is crucial to the long term economic and environmental health of the municipality. As such any capital expenditures required for the introduction of water and waste water systems are considered to be in full conformity with this Official Plan.

- 7.4.7.1 The establishment of new water and waste water servicing facilities shall be subject to Ministry of the Environment guidelines and provincial regulations.
- 7.4.7.2 Where development is proposed on private services, the applicant must show that there is sufficient quantity and quality of potable water and must also demonstrate that a permit can be obtained for the proposed sewage system from the Health Unit or the Ministry of Environment as applicable. In addition the applicant must demonstrate that the proposed development will not result in increased costs to the municipality for the provision of other required services such as road maintenance, school transportation, waste collection etc.
- 7.4.7.3 The Village of Lanark has well documented groundwater contamination issues. The municipality has been working diligently over the last few years to try and find solutions to the potable water and groundwater concerns. It is a policy of this plan that Council will continue to try and find a satisfactory long term solution and in doing so will work with senior levels of government.
- 7.4.7.4 Partial services may be permitted in the following circumstances:
1. Where they are necessary to address failed individual on-site sewage services and individual on-site water services in existing development; and
  2. Within settlement areas, to allow for infilling and rounding out of existing development on partial services provided that:
    - a) The development is within the reserve water system capacity; and
    - b) Site conditions are suitable for the long-term provision of such services.
- 7.4.7.5 Communal services may be permitted provided that they are for the common use of more than five residential units/lots. They must be owned, operated and managed by the municipality or another public body if servicing freehold residential development. They may be owned, operated and managed by a condominium corporation or single owned if serving condominiums or mobile home parks respectively, provide an agreement has been entered into with the municipality or public body pursuant to Section 51 of the *Planning Act*. Such agreement shall provide for municipal/public body assumption of the communal services in the event of default by the owner. It is recognized that the Township may not have the financial or human resources to own, operate and manage such systems and as such the Township is not obligated to accept communal systems. The need to develop on communal services may place limits on the amount, distribution and type of development which may take place.
- 7.4.7.6 The Township shall ensure that there is sufficient capacity in existing water and wastewater services including capacity to treat hauled sewage from private communal or individual septic systems prior to granting approval of a plan of subdivision.

#### **7.4.8 Innovative Technologies**

- 7.4.8.1 Council will encourage, support and promote waste water disposal systems which incorporate proven and innovative technologies to reduce waste water volumes or which improve the quality of waste water effluents. This will include, but not be limited to:
1. water conservation devices which reduce water usage;

2. innovative solutions to municipal or industrial waste water treatment such as the design and construction of artificial wetlands and grey water treatment and re-use.

#### **7.4.9 Surface Water Management Plans**

- 7.4.9.1 In order to control flooding, ponding, erosion, sedimentation and to protect water quality and natural habitat, surface water management plans (or stormwater management plans) shall be required for some forms of new development to be submitted with the application for approval. Stormwater management shall be undertaken in accordance with the Ministry of Environment Guideline entitled Stormwater Management Planning and Design Manual, 2003.
- 7.4.9.2 The forms of new development that require the preparation of a conceptual stormwater management plan shall be any development consisting of 4 or more lots or any development with greater than 0.2 hectare in impervious area.
- 7.4.9.3 In the absence of a sub-watershed plan that indicates other parameters, the conceptual stormwater management plan, from the site to the eventual receiving waters, shall predict the results of the proposed development on water quality, water quantity, and thermal regime (where appropriate).
- 7.4.9.4 Stormwater management may not be required for small scale developments such as lots created through the consent process or developments subject to site plan control where there is no impact on the watershed.

#### **7.4.10 Watershed Planning**

- 7.4.10.1 The Township encourages the preparation of watershed and sub watershed studies where major development or redevelopment is proposed which could have a significant downstream impact upon a watershed. These studies are most needed in areas with both development pressures and highly sensitive natural environments to provide some understanding of the relationship between water resources and land use activities. The development of sound watershed and sub watershed plans will require cooperation between all affected municipalities, Mississippi Valley Conservation, government agencies and interested groups to ensure that potential cross-boundary environmental impacts are addressed. The results of watershed studies should be incorporated into the Township's Official Plan whenever practical.

#### **7.4.11 Waste Management**

##### **Solid Waste Disposal**

- 7.4.11.1 Development shall be reviewed to ensure that appropriate solid waste disposal services can be provided in a manner which is consistent with environmental considerations.
- 7.4.11.2 Solid waste disposal sites are identified on Schedule B. The establishment of new sites or the enlargement of existing sites shall be in accordance with Ministry of the Environment guidelines and regulations and shall require an amendment to the Official Plan.
- 7.4.11.3 Solid waste disposal sites shall be appropriately zoned.



- 7.4.11.4 The most significant contaminant discharges and visual problems are normally within 500 metres of the perimeter of a fill area of landfill site. This distance should be used as a study area for land use proposals and the proponent must evaluate the impact of any adverse effects or risks to health and safety resulting from the landfill site. Guideline D-4 should be consulted to determine the factors to be considered when undertaking environmental studies near open and closed landfills.
- 7.4.11.5 Separation distances shall normally be measured from the periphery of the odour producing source or structure to the property line of the sensitive land use for a waste water treatment facility or from the boundary of the fill area (footprint) specified in the Certificate of Approval (or property line for closed sites where no Certificate of Approval is available) to the property line of the sensitive land use for a solid waste management site.
- 7.4.11.6 In reviewing development proposals adjacent to such disposal sites the approval authority shall consult Guideline D-4 issued by the Ministry of the Environment.
- 7.4.11.7 The Zoning By-Law shall zone adjacent lands appropriately, prohibiting new incompatible uses which cannot be reasonably mitigated.

#### Waste Water Disposal

- 7.4.11.8 Separation distances shall normally be measured from the periphery of the odour producing source or structure to the property line of the sensitive land use for a waste water treatment facility specified in the Certificate of Approval.
- 7.4.11.9 Waste Water treatment sites shall be appropriately zoned.
- 7.4.11.10 In reviewing development proposals adjacent to such disposal sites the approval authority shall consult Guideline D-2 issued by the Ministry of the Environment.
- 7.4.11.11 The Zoning By-Law shall zone adjacent lands appropriately, prohibiting new incompatible uses which cannot be reasonably mitigated.

#### **7.4.12 Energy**

- 7.4.12.1 It is a policy of this Plan to encourage the use of alternate energy sources, such as wind, solar, biomass and energy from waste heat or gases. Such development shall occur in accordance with the Green Energy and Green Economy Act.

#### **7.4.13 Utility and Communication Facilities Corridors**

- 7.4.13.1 Utility and communications facilities and corridors include a wide variety of utilities owned and operated by both public and private entities. The well being of Lanark Highland's economy is closely linked to the presence of hydroelectric corridors, telecommunications networks and energy pipelines.
- 7.4.13.2 The development of hydro-electric power generation and supply facilities, telecommunications facilities and local utilities shall not require an amendment to this Official Plan provided that they are in full compliance with applicable Provincial and/or Federal legislation.



- 7.4.13.3 The development of hydro-electric power generation and supply facilities, telecommunications facilities and local utilities shall be subject to the provisions of local zoning by-laws.
- 7.4.13.4 The development of hydro-electric power generation and supply facilities, telecommunications facilities and local utilities is not permitted in the Habitat of Endangered and Threatened Species.
- 7.4.13.5 Utility installations that may pose a hazard shall be located away from residential areas.
- 7.4.13.6 The multiple use of corridors for utility and transportation uses shall be encouraged.

#### **7.4.14 Other Infrastructure Corridors**

- 7.4.14.1 Council recognizes the importance of other infrastructure corridors, such as hydroelectric transmission corridors, oil pipelines, natural gas pipelines, abandoned rail lines and fibre-optic corridors. The expansion, maintenance and preservation of these and other infrastructure corridors are important to continued economic development and diversification, and will not require an amendment to this Plan.
- 7.4.14.2 Development within 200 metres (656 feet) of a Trans-Canada pipeline is subject to the review and permitting requirements of the National Energy Board. A setback of 7 metres from the limits of the pipeline right-of-way shall be required for all permanent structures and excavations.

#### **7.4.15 Recreational Facilities**

- 7.4.15.1 Recreational, snowmobile and ATV trails will be protected and expanded where desirable and where such expansion is economically feasible and can occur with minimal impacts on existing land uses.
- 7.4.15.2 Council may acquire lands to facilitate expansions to the existing trails network.
- 7.4.15.3 Council shall consider the impact of any non-recreational development on existing trails prior to granting any Planning Act approvals.
- 7.4.15.4 Prior to any trail development Species at Risk mapping shall be consulted to determine if the proposed trail will adversely impact any identified species at risk. If the proposed trail falls within identified areas, consultation with the Ministry of Natural Resources to determine compliance with the Endangered Species Act (2007) will be required.
- 7.4.15.5 Any trail development within 120 metres (396 feet) of any identified natural heritage feature will require an Environmental Impact Statement to determine no adverse impacts to the feature.

## **8.0 IMPLEMENTING THE PLAN – THE PLANNING TOOLKIT**

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### **8.1 INTRODUCTION**

The following policies are provided to guide the implementation of the Official plan. The policies are divided into five categories as follows:

1. General
2. Land Use Control
3. Development Control
4. Economic Development
5. Social and Cultural Policies

### **8.2 GENERAL**

#### **8.2.1 Authority**

- 8.2.1.1 The policies of this Plan shall be implemented by the Township of Lanark Highlands through the powers conferred upon them by the *Planning Act*, R.S.O. 1990, the *Municipal Act*, 2001, the *Development Charges Act, 1997*, the *Building Code Act*, R.S.O. 1992, as amended, the Green Energy Act, 2009 and any other applicable statutes of the Province of Ontario. The decisions of Township Council must be consistent with and in conformity to the relevant policies of this Official Plan.
- 8.2.1.2 Pursuant to Section 24(1) of the *Planning Act*, R.S.O. 1990, no public work shall be undertaken and no by-law shall be passed by the Township for any purpose that does not conform to the intent and policies of this Official Plan.
- 8.2.1.3 Township Council may acquire, hold, or dispose of land for the purposes of implementing any policies of this Official Plan subject to the provisions of the *Planning Act*, R.S.O. 1990, the *Municipal Act*, 2001, and any other applicable statutes of the Province of Ontario.
- 8.2.1.4 All forms of development agreements regarding subdivisions, consents, condominiums, variances and site plans are required to conform to the policies of this Official Plan.

### **8.3 LAND USE CONTROL**

#### **8.3.1 Accessory Uses**

- 8.3.1.1 Wherever a use is permitted in the land use designation, it is intended that uses, buildings or structures incidental, accessory or essential to the use shall also be permitted.
- 8.3.1.2 Accessory Dwelling Units: It is a policy of this Plan to provide opportunities for accessory dwelling units such as apartments in detached dwelling units on the same lot as the principal single detached dwelling. In substantiating the appropriateness of a proposed accessory dwelling the proponent shall:

1. Demonstrate compliance to the Ontario Building Code;
2. Demonstrate compliance with applicable zoning standards for lot size, setbacks and parking.

### **8.3.2 Existing Land Uses and Non-Conforming Uses**

- 8.3.2.1 All uses which were legally in existence at the effective date of this Plan shall be allowed to continue as such.
- 8.3.2.2 Existing uses which do not conform to the relevant provisions contained in this Plan shall be deemed non-conforming uses. The long-term objective of this Plan is to relocate, eliminate, or replace these non-conforming uses with uses which are permitted in the relevant land use designation.
- 8.3.2.3 Council may recognize a non-conforming use and zone it in accordance with the existing use provided that:
1. The Zoning By-Law does not permit any change of use or performance standard that might aggravate, increase or enlarge the non-conforming status;
  2. The use does not constitute a danger to surrounding uses or persons by virtue of its hazardous nature or the traffic flow generated;
  3. The use does not pollute the air, water or soil to the detriment of the health or comfort of the surrounding land uses;
  4. The use does not interfere with the orderly development of adjacent lands.
- 8.3.2.4 Where a non-conforming use is discontinued, the lot may be rezoned in accordance with the policies and intent of this Plan, or to permit a similar use provided that the Council is satisfied that the use is similar to the discontinued use and provided that the provisions of section 8.3.2.3 above are met.
- 8.3.2.5 Existing non-conforming buildings or structures which are destroyed or damaged may be reconstructed to their former dimensions provided work is commenced within 12 months of the date of destruction.
- 8.3.2.6 Non-conforming uses located in a flood plain area which are damaged or destroyed by flooding may only be reconstructed in accordance with the requirements of Mississippi Valley Conservation or the Ministry of Natural Resources.

### **8.3.3 Extension or Enlargement under Section 34(10) of the Planning Act, R.S.O.1990**

- 8.3.3.1 Where a property is not zoned in accordance with the existing use, the extension or enlargement of such use may be considered by Council through the passing of a Zoning By-law Amendment pursuant to Section 34(10) of the *Planning Act* or by the Committee of Adjustment under Section 45 of the *Planning Act* subject to the following guidelines:
1. The extension or enlargement should not aggravate the non-conforming situation for neighbouring uses.
  2. The extension or enlargement should be in a reasonable proportion to the existing use and to the land on which it is to be located.

3. Any extension or enlargement involving land should be minor in relation to the total property. Any major change or adjustment shall require an amendment to this Plan.
4. The proposed extension or enlargement shall not create undue noise, vibration, fumes, smoke, dust, odours, traffic generation nor glare from lights.
5. Adequate buffering, setbacks and other measures necessary to reduce or mitigate any impact shall be required and where possible shall be extended to the existing use.
6. Traffic and parking conditions in the vicinity will not be adversely affected by the application and traffic hazards will be kept to a minimum by appropriate design of ingress and egress points to and from the site and by improvement of site conditions especially in proximity to intersections.
7. Adequate provisions have been or will be made for off-street parking and loading facilities.
8. Municipal services such as storm drainage, roads, sewer and water are adequate or can be made adequate.
9. Neighbouring land owners will be notified of the proposed extension or enlargement of the non-conforming use before the final decision on the application is made.

#### **8.3.4 Existing Undersized Lots**

- 8.3.4.1 The development of existing vacant lots having an area of less than required in the implementing Zoning By-law shall be permitted provided that the lot is held under distinct and separate ownership from adjoining lots and provided it can be adequately serviced including consideration of the size, configuration and, where applicable, the soil structure of the lot, and that all other applicable provisions in the Zoning By-law can be met. Where any of the zoning standards cannot be met, relief may be granted through the Minor Variance process.
- 8.3.4.2 A lot addition or enlargement to an existing undersized lot may be permitted even though the addition does not bring the lot up to the standard required in the zoning by-law. In such cases the lot does not lose its non-conforming status and may be developed in accordance with the relevant provisions of the Zoning By-Law.
- 8.3.4.3 The creation of new undersized lots by consent or plan of subdivision shall not be permitted.
- 8.3.4.4 Existing waterfront lots should also refer to the policies within Sections 3.1.5.5 and 3.1.5.6 for additional guidance.

#### **8.3.5 Minor Variance or Permission**

- 8.3.5.1 Section 45 of the *Planning Act* authorizes a Committee of Adjustment to grant variances and permission for enlargements or extensions or changes in the use of lands, buildings or structures to a similar or more compatible use. A Committee may approve applications provided that (1) general intent and purpose of the Official Plan are maintained, (2) the general intent and purpose of the Zoning By-law are maintained, (3) the variance is minor and (4) the proposed use of land, building or structure is desirable for appropriate development.

**8.3.6 Lots Of Record**

8.3.6.1 Except for lots which are subject to development constraints such as flooding or unstable slopes, and subject to section 8.3.4, lots of record which are vacant may generally be used for building purposes in accordance with the policies of this Plan and the regulations of local zoning by-laws provided they front on a year round publicly maintained road or have an alternate means of access either by deeded access or an existing private roadway and can be adequately serviced. Lots of record which are subject to development constraints may be developed provided the constraint can be mitigated in accordance with other relevant policies in this Plan.

**8.3.7 Public Uses**

8.3.7.1 Public utility facilities subject to the requirements of the *Environmental Assessment Act* may be permitted in all land use designations of this Plan and are not subject to the restrictions listed in section 8.3.7.2 below.

8.3.7.2 Other public utility and municipal services and facilities are permitted in all land use designations as shown on the accompanying land use schedules, provided that:

1. Such use is necessary in the area, that it can be made compatible with its surroundings and that adequate measures are taken to ensure land use compatibility;
2. Adequate off-street parking and loading facilities are provided;
3. The construction of permanent buildings is discouraged in all areas which have been identified as environmentally sensitive;
4. The general intent of the policies of this Plan is satisfied.

8.3.7.3 Notwithstanding the power of the Federal and Provincial Governments to undertake public works by authority granted under statutes other than the *Planning Act*, Council shall endeavour to ensure that such development follows the general intent of this Plan and is compatible, as far as practicable, with the type, quality and character of development in the area in which it is proposed. Council encourages the Federal and Provincial Governments to consult with them whenever a use of land or public work is proposed which is not permitted by this Plan, in order that the proposal may be evaluated with regards to its effect on the achievement of the goals and objectives of this Plan and on the provision of Township's services and facilities.

8.3.7.4 Public uses are not permitted in areas of Endangered or Threatened Species habitat. Where public uses are to be located on lands adjacent to natural heritage or resource designations, such public uses shall not result in a negative impact on the natural features or ecological functions for which the area is identified.

**8.4 DEVELOPMENT CONTROL****8.4.1 Plans of Subdivision**

8.4.1.1 A plan of subdivision application will be reviewed on the basis of technical, environmental and planning and design considerations. The following is a list of some of the types of studies which may be required. Though this list summarizes the types of studies commonly required for plans of subdivision it is not necessarily exhaustive, and other studies may be required in certain situations.

- 8.4.1.2 Technical considerations relate to the following requirements:
1. The application must be complete in accordance with the requirements of Section 51 (17) and applicable regulations under the *Planning Act*, R.S.O.1990;
  2. The application must conform to the policies of this Official Plan;
- 8.4.1.3 Environmental documentation which should accompany the submission of application for draft plan approval, relate to the following requirements:
1. Evidence respecting the availability and suitability of water and waste water services including where appropriate the preparation of a hydrogeological study, terrain analysis and an Environmental Impact Statement in accordance with the Ministry of Environment guidelines and regulations;
  2. Preparation of a servicing options statement;
  3. Preparation of a stormwater drainage plan
  4. Preparation of a grading plan
  5. Preparation of a sediment and erosion control plan
  6. Completion of studies required under the environmental and development constraints policies in sections 5.0 and 6.0 of this Plan.
- 8.4.1.4 Planning and Design Considerations include the following:
1. Lot and block configuration
  2. Compatibility with adjacent uses
  3. Road access, street layout and pedestrian amenities
  4. Parks and open space amenities
  5. Easement and right-of-way requirements
  6. Justification of the need for the Subdivision
  7. In considering a draft plan of subdivision, regard shall be had to, among other matters, the criteria of Section 51 (24) of the *Planning Act*, R.S.O. 1990
  8. Emergency and secondary accesses
- 8.4.1.5 Where a draft plan of subdivision is proposed adjacent to a provincial highway, the layout of the subdivision should be designed such that lots back onto the provincial highway and front on to a local internal street. Subdivision layouts where a local road runs parallel to a provincial highway, with no lots between the local road and provincial highway, often restrict the province from effectively acquiring land for future highway improvement. Ideally, rear yards should back on to a provincial highway.
- 8.4.1.6 The Approval authority will, in giving draft approval to plans of subdivision or condominium which have access to full or partial municipal water and/or sewage services, provide that approval will lapse not more than 3 to 5 years from the date draft approval is given, in accordance with section 51 (32) of the *Planning Act*, R.S.O. 1990, as amended. The Approval authority may, in giving approval to plans of subdivision or condominium which will employ private services, provide that approval will lapse at the expiration of a period of time to be specified by the approval authority in accordance with section 51 (32) of the *Planning Act*, R.S.O. 1990, as amended.

**8.4.2 Consents**

- 8.4.2.1 Lot creation by consent shall take place in accordance with Sections 3.2.3 and 3.3.3 and the following subsections.
- 8.4.2.2 Consents may also be granted to permit a lot enlargement, clarification of title or for any legal or technical reason which does not result in the creation of a new lot. Vertical consents (commonly known as Strata Plans) are not permitted.
- 8.4.2.3 The following criteria shall apply when considering consent applications.
  - 1. The size, configuration and, where applicable, the soil structure of a proposed lot shall be appropriate for the long term provision of services and the applicant shall provide sufficient information to the consent authority to this effect. The Township may require that this information shall be in the form of a hydro-geological study, prepared by a qualified professional, and must demonstrate that the aquifer can provide a long term sustainable water supply of acceptable quality and quantity, as well as providing evidence through testing, that the soil conditions can accommodate the effluent load from a septic field along with its replacement area. Such a study shall recommend a minimum lot size, which shall be used in evaluating the proposed consent. Regardless of the recommendation contained in such a study, the Township may impose a minimum lot size in the implementing Zoning By-Law.
  - 2. The consent granting authority will ensure that there is sufficient capacity in existing water and waste water services including capacity to treat hauled sewage from private communal or individual septic systems prior to granting a consent to create a new lot.
  - 3. All lots created shall have frontage on a public road with at least one side of the lot which physically abuts the public road or demonstrate alternate means of access that is acceptable to the Township.
  - 4. The proposed lot shall be compatible with adjacent land uses and shall not result in a traffic hazard as a result of limited sight lines on curves or grades.
  - 5. All consents shall comply with the Minimum Distance Separation formulae developed by the Ontario Ministry of Agriculture, Food and Rural Affairs.
  - 6. A consent which has the effect of land locking another parcel is not permitted.
  - 7. Access to interior land will be protected by ensuring that 20 metre (66 feet) wide openings for future road allowances are provided at strategic locations.
  - 8. Consents will not be granted in areas which may be affected by development constraints.
  - 9. The lot being severed and the lot being retained shall conform to the provisions of this Plan and the implementing Zoning By-law.
  - 10. A maximum of one new lot may be created per consent application.
  - 11. In considering a consent, regard shall be had to, among other matters, the criteria of Section 51 (24) of the *Planning Act*, R.S.O. 1990 with necessary modifications.

**8.4.3 Site Plan Control**

**8.4.3.1 General Intent**

8.4.3.2 It is the intent of this plan that an appropriate policy framework be provided which will allow and encourage Council to use site plan control to enhance the quality of new



development or redevelopment in conjunction with other applicable controls such as zoning, development permits and the Ontario Building Code.

8.4.3.3 The objective is to provide for the use of site plan control to ensure functional and aesthetically pleasing, safe development and redevelopment throughout the Township.

8.4.3.4 In order to achieve the goal, Council shall adopt a Site Plan Control By-law which provides for the following:

1. The submission of site plans for review;
2. The application of appropriate engineering and site development standards;
3. Reducing or eliminating land use incompatibility between new and existing development;
4. Ensuring that approved developments are built and maintained as set out in the site plan agreement;
5. Ensuring that the development occurs in accordance with any required Environmental Impact Statement recommendations where required.

#### Site Plan Control Area

8.4.3.5 Council may by by-law designate specific areas or uses as a Site Plan Control Area pursuant to the provisions of Section 41(2) of the *Planning Act, R.S.O. 1990*. Should Council implement a Development Permit System, the area subject to Site Plan Control would be amended to reflect the regulatory requirements of the Development Permit By-law. Council recognizes that the adoption of a Development Permit By-law requires extensive public and agency consultation and as such there is no requirement to amend the Site Plan Control policies of this Plan where development control is transferred from Site Plan Control to the Development Permit system.

#### Application of Site Plan Control

8.4.3.6 Site Plan Control shall apply to the following land uses:

1. All uses permitted within any commercial, industrial or institutional zone;
2. A residential structure consisting of three (3) or more dwelling units;
3. All development located in the Waterfront Communities as described in section 3.1.1;
4. Heritage properties designated under the *Ontario Heritage Act*.

#### Exemption

8.4.3.7 The following uses are exempt from site plan control:

1. One and two-unit dwellings and buildings, structures accessory thereto and additions or alterations thereto which are within zones which permit residential uses unless such dwellings are located in areas described in 3.1.1;

8.4.3.8 In imposing site plan control, Council will seek to regulate the general site design of the property and, when appropriate, the conceptual design of all buildings and structures on the property. The Site Plan Control By-law shall stipulate when and what type of drawings are required. Floor plan, elevation and cross-section drawings

of each proposed building may be required. In accordance with the provisions of Section 41(7) of the *Planning Act, R.S.O. 1990*, Council may require the owner of land to provide to the satisfaction of and at no expense to the municipality any or all of the following:

1. Widenings of highways that abut the land;
2. Access to and from the land;
3. Off-street vehicular loading and parking facilities;
4. Pedestrian and/or bicycle pathways or access;
5. Lighting facilities; add something about night sky issue and applicability in some areas over others
6. Landscaping and other facilities for the protection of adjoining lands;
7. Facilities and enclosures for the storage of garbage and other waste material;
8. Required municipal easements;
9. Grading of lands and disposal of storm water;
10. Emergency and secondary accesses

8.4.3.9 Site plan control may be used to require the dedication of land for road widenings as indicated on Schedule A. Land for road widenings will be taken equally from either side and will not exceed a width of 5 metres (16 feet) from either adjacent property. Additional lands for widening to provide corner triangles at all road intersections may also be required.

8.4.3.10 In the review of site plan applications the municipality may circulate to public bodies and/or qualified professional for their comments prior to the approval of any site plan or site plan agreement.

8.4.3.11 Council shall have regard for the enabling authority of Section 41 of the *Planning Act* with respect to the matters which may be addressed under site plan control, the entering into one or more agreements for the provision of any or all of the facilities, works or matters as provided for by the Act and the maintenance thereof and for the registration of such agreements against title to the land. Council will also have regard to the requirements of the Public Works Departments of both the Township and County and the Ministry of Transportation with respect to road widenings, safe access and the provision of storm drainage facilities.

#### **8.4.4 Determination of Waterfront Communities Evaluation Criteria**

To assist in the determination of which lands are subject to the policies of Section 3 of this plan, all development applications in proximity to a water body shall be required to undertake a screening evaluation. To this end an evaluation checklist is included below, which checklist shall be required to be completed as part of a complete application for development applications adjacent to, or in proximity to all water bodies as follows:

1. Within 150 metres of any waterbody; or
2. Where development is proposed on a lot which has any lot line within 150 metres of the waterbody; or
3. Where Municipal staff determines that the proposed development may have the potential to impact the waterbody.

In order to properly assess whether or not the Waterfront Communities policies apply, pre-consultation with municipal staff prior to the submission of a development application shall be required.

WATERFRONT COMMUNITIES DESIGNATION EVALUATION CHECKLIST			
Number	Development Context	Yes/No	Criteria Evaluation
1	The subject land is within 150 metres (500 feet) of a waterbody?		If yes then Section 3 applies
2	The subject land is more than 150 metres (500 feet) of a waterbody but generally drains to the waterbody?		If yes then Section 3 applies
3	The subject land is less than 150 metres (500 feet) of a waterbody but:  Is separated from the waterbody by a hardened surface such as a roadway; or  Is separated from the waterbody by a cliff and drainage generally runs away from the waterbody; or  There are man made features which orient the proposed use of land away from the waterbody and provide an obstruction with respect to access to the waterbody		If yes then Section 3 does not apply
4	The development is located beyond 150 metres (500 feet) from the waterbody but depends on the ability to access or use the waterbody either directly or indirectly.		If yes then Section 3 applies.
6	There are topographic or terrain constraints which would limit or orient the proposed use of the lands toward or away from the waterbody		If toward then section 3 applies if away then the policies of the underlying designation apply.

**8.4.5 Site Evaluation Reports**

8.4.5.1 Where this Plan requires a Site Evaluation Report be completed, the report shall consist of the following elements and shall be prepared to the satisfaction of the Township:

1. location of building envelopes which meet setback requirements defined in Zoning By-law;
2. adequate area, depth and suitability of soils for supporting an appropriate on-site sewage system;
3. the availability of a potable water supply;
4. the provision of appropriate access to the site;
5. the location of water access and all shoreline structures and pathways which limit erosion and slope instability;
6. maintenance of vegetation on slope faces and within 15 metres (49 feet) of the high water mark;
7. construction mitigation measures and stormwater management techniques that address slope stability, soil erosion, surface drainage, groundwater infiltration and water quality;
8. the protection of significant wildlife habitat, significant wetlands, fisheries and other environmentally sensitive areas on or adjacent to the site; and,
9. addresses all components of the development proposal and its construction which have potential on-site or off-site impacts.

8.4.5.2 A Site Evaluation Report shall be prepared by a professional qualified to address the specific site evaluation criteria. The municipality may choose to require a peer review of the report with all related costs to be borne by the applicant.

#### **8.4.6 Environmental Impact Statement**

8.4.6.1 Potential negative impacts will be examined through a process of Environmental Impact Statement, carried out on a case by case basis, prior to development approval.

8.4.6.2 The preparation of an Environmental Impact Statement (EIS) study may be required for submission prior to the approval authority making a formal decision on a planning application (e.g. Official Plan amendment, zoning amendment, site plan control, subdivision, consent, etc.) to assess the negative impacts on the natural features and the ecological functions of the area in question. The EIS shall be completed by a qualified individual or company and shall fulfill each of the following steps:

8.4.6.3 Research, identify, map, and prioritize the characteristics of the natural heritage features that made it significant.

8.4.6.4 Describe and map the proposed development activities, including building location, excavation, site grading, landscaping, roadway construction, paving, drainage works, and sewer and water servicing in relation to the natural heritage feature.

8.4.6.5 Predict the effects that the proposed development may have on various components of the environment, such as wildlife, fish, vegetation, soil, surface water, ground water, and air, taking into consideration effects during and after development or site alteration.

8.4.6.6 Evaluate the significance of all predicted negative and positive effects on the various environmental components.

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

- 8.4.6.8 Evaluate the cumulative effect that the project (and any other projects or activities) may have on the characteristics of the natural heritage feature which made it significant, after mitigation.
- 8.4.6.9 Evaluation of the ecological function of adjacent lands is required and that negative impacts on the ecological functions of adjacent lands do not result from the proposed development.
- 8.4.6.10 Conclude with a professional opinion on whether negative impacts will prevail, and on the significance of the impacts, if any, and if ongoing monitoring is required.
- 8.4.6.11 The approval authority may require that the EIS be peer reviewed prior to making a decision on the development application.
- 8.4.6.12 The approval authority may use various planning and other approvals (eg. site plan control, site specific zoning, site alteration by-laws, etc.) to ensure that the development or site alteration occurs in accordance with the Environmental Impact Statement recommendations.

#### **8.4.7 Best Management Policies**

- 8.4.7.1 Council is committed to the best management of the Township's significant natural heritage features, and to other natural heritage features that may become significant over time. Council acknowledges that it does not always have legislative authority to control the management or use of all natural heritage features in the Township, particularly those located on private lands. However, Council will pursue the implementation of the following best management practices, through its own activities, and through landowner education, public awareness, demonstration projects, and regulation, where possible.
- 8.4.7.2 Council shall strive to ensure that programs enacted and decisions taken regarding the natural heritage of the Township shall be made with the involvement of stakeholders including local municipalities, land owners, government agencies, and the public, and shall pursue the education of all regarding the benefits of best environmental management practices.
- 8.4.7.3 Council shall encourage the conservation and rehabilitation of lands for native wildlife habitat. The variety of species in the Township is an indicator of a diverse and healthy environment. Best management practices include: controlling diseases and invading species, conserving larger patches of woodlands and wetlands, connecting natural areas, reducing forest fragmentation, and retaining a variety of landscape features.
- 8.4.7.4 Council shall ensure that its approval of all development projects, and designs for infrastructure projects in the Township, consider the potential environmental effects and the opportunities for plan modification or mitigation. The approval of Plans of Subdivision will require applicants to demonstrate how the plan will be designed and constructed to mitigate effects on woodlands, wetlands, watercourses, fish and wildlife habitat, soils, and other natural features.
- 8.4.7.5 Council shall encourage the implementation of agricultural practices that are least detrimental to the natural environment. Best management practices to be pursued include: leaving non-cultivated buffer strips adjacent to water features, rotating crops,

avoiding overgrazing, retaining windbreaks, restricting livestock access to river and stream bank areas, diverting manure storage or runoff from watercourses, the preparation of nutrient management plans and properly controlling the use and storage of chemicals, fuels, and fertilizers.

8.4.7.6 Council shall encourage activities and infrastructure development that leads to an overall improvement of surface and ground water quality in the Township during the planning period. Clean water is an indicator of a healthy environment. Best management practices to be pursued include: managing stormwater, installing sediment and erosion controls in construction projects, stabilizing sensitive slopes, vegetating shorelines, improving agricultural practices, regulating topsoil removal or peat mining, ensuring efficient wastewater treatment facilities, assessing solid waste management options, rehabilitating contaminated lands, and controlling the use of chemicals that may enter the water system.

8.4.7.7 Council shall encourage the rehabilitation and enhancement of watercourses for fish habitat and productivity. Partnerships and volunteers will play a large role in this activity, which should focus on the improvement of fish nurseries and spawning areas, and the reduction of turbidity, temperature, and nutrient loading.

#### **8.4.8 Development Criteria**

8.4.8.1 Council shall consider the following development criteria when reviewing the compatibility and appropriateness of any new development or redevelopment, when considering amendments to the Zoning By-law and in considering, where applicable, the requirements for site plan control under Section 41 of the Planning Act:

1. The provision of safe access onto or from a local, private or Township road or provincial highway.
2. Adequate access to, and provision of, off-street parking.
3. Barrier-free access to public and commercial buildings and the designation of parking spaces for physically challenged persons.
4. Access and maneuvering of emergency vehicles in providing protection to public and private properties.
5. The availability of municipal services and the cost of upgrading such services including water, sewage treatment facilities, fire and police protection, street lighting, roads and winter maintenance, waste disposal, community facilities and recreation.
6. Adequate grade drainage or storm water management and erosion control.
7. The screening, buffering or fencing of aesthetically displeasing or dangerous land uses or open storage. A buffer may be open space, a berm, a wall, a fence, plantings, a land use different from the conflicting uses but compatible with both, or any combination of the aforementioned sufficient to accomplish the intended purpose.
8. The provision of landscaping, the creation of privacy and/or open space areas around buildings and other uses, and the establishment of setbacks to maintain proper distance separation between new development and natural heritage sites, natural hazards and resource areas and development constraints such as noise and vibration.

9. Adequate exterior lighting for access and parking areas for public or private use such as in commercial, industrial, institutional and multiple residential development.
10. The control of signs and advertising such that they are in scale with the intended use and with surrounding uses.
11. Protection of the environment by avoiding air, soil or water pollution.
12. The adequacy of school board facilities to accommodate new development or redevelopment and the provision or availability of school bussing.
13. Protection or enhancement of natural resource values.
14. Conserving cultural heritage resources.
15. The physical suitability of the land for the proposed use.

8.4.8.2 When reviewing development applications, ensure that safety and security measures are considered through such means as:

1. Sufficient lighting in spaces intended for public use after dark to support the kind of activities envisioned for that space;
2. Signs and an overall pattern of development that supports users' sense of orientation and direction;
3. Preservation of clear lines of sight for persons passing through the space;
4. Attention to the proposed mix of uses and their proximity to each other to ensure they are complementary;
5. The routing and design of pedestrian routes so that they are accessible to populated areas.

#### **8.4.9 Minimum Distance Separation Calculation (MDS)**

8.4.9.1 All uses permitted in the Agricultural Resource Policy Area shall be subject to the Minimum Distance Separation (MDS) calculation as developed by the Ontario Ministry of Agriculture, Food and Rural Affairs and amended from time to time, The MDS I and II calculation will be implemented in the Zoning By-law which may contain provisions exempting properties from the application such as: non-voluntary building destruction, development within Village and Hamlet Communities and development on existing lots of record. The Municipality may require that restrictive covenants and/or notices be registered on title as a condition of an approval of planning applications.

#### **8.4.10 Cash-in-lieu**

8.4.10.1 Cash-in-lieu of parkland may be used to acquire or develop public parks or public recreational uses. Cash-in-lieu may be required for residential severances or residential subdivisions at the rate of up to 5% or for commercial or industrial severances at the rate of up to 2% of the value of land as set out in Section 42 or 51 of the Planning Act.

8.4.10.2 Cash-in-lieu of Parking: Council may enter into an agreement to exempt an owner or occupant from the need to provide and maintain parking facilities as required under the Zoning By-Law. Such agreement shall provide for the making of one or more payments of money to the municipality as consideration for the granting of the exemption and shall set forth the basis upon which such payment is calculated.



**8.4.11 Holding Provisions**

- 8.4.11.1 The use of Holding provisions in accordance with Section 36 of the Planning Act R.S.O. 1990 is permitted. A municipality may adopt holding provisions and when doing so shall clearly state the conditions which must be met prior to the removal of the “H” designation by Council. The use of holding provisions shall conform to the policies of this Official Plan.
- 8.4.11.2 The following have been established as objectives for using holding provisions in a Zoning By-law:
1. To assist in the phasing of development and/or redevelopment;
  2. To co-ordinate development and/or redevelopment with the provision of water, sanitary sewage, storm sewer and other services;
  3. To control development and/or redevelopment which may necessitate special design considerations;
  4. To forestall development and/or redevelopment until such time that stated planning related criteria can be satisfied.
  5. To aid in the selection of sites or areas that may be subject to holding provisions, the following locational criteria are identified:
  6. lands in a built-up area which are undeveloped;
  7. lands which are unserved;
  8. lands which do not have adequate access or frontage onto a public roadway;
  9. lands which are adjacent to hazardous, noxious, temporary or otherwise undesirable uses or activities; and
  10. Lands which are near or fronting onto public roads which are subject to hazardous conditions or are inadequate to handle current traffic volumes.
  11. Removal of the holding provisions shall be accomplished by the adoption of an amending By-law in accordance with the provisions of Section 36 of the Planning Act, R.S.O. 1990 and related regulations.
  12. Removal of the holding provisions shall occur only after Council is satisfied that all prescribed conditions or criteria have been satisfied.
- 8.4.11.3 It is intended that holding provisions shall be implemented by means of the implementing Zoning By-law. Land or lands shall be zoned for its/their intended use and the holding symbol (H) shall be added as a suffix, separated from the principal zone by a hyphen. The Zoning By-law shall specify the uses of land permitted and any regulations applying to the land during the time for which the holding provisions are in place. Conditions or criteria that are to be satisfied before the holding provisions can be removed shall be clearly stated in the Zoning By-law.

**8.4.12 Temporary Use By-laws**

- 8.4.12.1 A Temporary Use By-law is a By-law passed by Council for the purpose of allowing a use that is otherwise prohibited by the Zoning By law. A Temporary Use By-law must define the land or lands to which it applies and it shall prescribe the period of time during which it is in effect, which period of time shall not exceed three years from the day of passing of the By-law except in the case of a “Garden Suite” where a Temporary Use By law cannot exceed a period of ten years. Council may extend the period of time during which a temporary use is permitted by passing further By-laws, each of which shall not be in effect for more than three years.

- 8.4.12.2 The following criteria shall apply where a Temporary Use By-law, pursuant to the authority of Section 39 of the Planning Act, R.S.O. 1990, is used in the implementation of the Official Plan:
- 8.4.12.3 Temporary Use By-laws may be passed to permit uses which do not conform with the Official Plan provided that the temporary use will not affect the ability of the land in question to be used for the purposes intended in the Official Plan;
- 8.4.12.4 The proposed use shall be compatible or can be made compatible with the surrounding land uses;
- 8.4.12.5 Required services shall be adequate for the proposed use;
- 8.4.12.6 Access and parking shall be appropriate for the proposed use;
- 8.4.12.7 The proposed use is of a temporary nature and will not require any major construction or extensive capital investment on the part of the owner or that the owner will not experience undue hardship in reverting the original use upon termination of the temporary provisions.

**8.4.13 Interim Control By-laws**

- 8.4.13.1 Interim Control By laws may be passed by Council in accordance with the provisions of Section 38 of the Planning Act for the purpose of controlling the use of land, buildings and structures within specifically identified areas for a specific period of time (i.e. not exceeding one year in length with provision for extending the time period for a total time period of not more than two years).
- 8.4.13.2 Prior to passing an Interim Control By law, it is first necessary for Council to pass a resolution directing that a review or study be undertaken in respect to land use planning policies in the municipality or in any area or areas thereof. It is intended that any Interim Control By law be passed in order to adequately control development in a designated area while the review or study is being completed. Where an Interim Control By law ceases to be in effect, Council may not for a period of three years pass a further Interim Control By law that applies to any lands to which the original Interim Control By law applied.

**8.4.14 Complete Applications**

- 8.4.14.1 The following chart identifies the type of study or report which could be required in order for the Township to proceed with the processing of an application. As every development proposal is considered on its own merit, a pre-submission consultation with municipal planning staff will be required in order to confirm the need for additional information, studies or reports. The following chart provides a summary of required studies or reports and is divided by type of planning application and further qualifies the study as Required (R) or Possibly Required (P).

Complete Application Information Requirements						
Information Type	Trigger	Planning Act Applications				
		Official Plan	Zoning By-law	Subdivision	Consent	Site Plan
Planning Justification/ Rationale	Where development is proposed that will result in intensification, change in use or requires multiple applications	R	R	R	P	R
Natural hazard Studies	Where development is proposed within the boundaries of hazardous lands	R	R	R	R	R
Mineral Aggregate Studies	Where development is proposed within 300 metres of an identified Pit, 500 metres of an identified aggregates operation or 500 metres of any lands identified as Bedrock Constraints	R	R	R	R	R
Environmental Impact Statement	Where application provides for development in an environmentally sensitive area or on adjacent lands within 120 metres of the area	R	R	R	R	R
Traffic Study	Where application provides for development which may result in increased traffic or the need to alter roads or intersections	R	R	P	P	R
Land Use Compatibility Study	Where development is proposed adjacent a sensitive land use and vice versa	R	R	R	R	P
Heritage Impact Assessment	Where development is proposed within 300 metres of a designated Heritage site	R	R	R	R	R

Complete Application Information Requirements						
Information Type	Trigger	Planning Act Applications				
		Official Plan	Zoning By-law	Subdivision	Consent	Site Plan
Storm Water Management Plan	Where development will result in site alteration	P	P	P	P	P
Servicing Options Report	Where development requires services	R	R	R	P	P
Air, Noise or vibration study	When required by a provincial guideline	R	R	R	R	R
Illumination Plans	Where development increases the possibility of light pollution	P	P	P	P	P
Hydrogeology and Terrain Analysis Report	Development on private services or: Development within an area subject to vulnerable or sensitive surface water or sensitive groundwater features	R	P	P	P	P
Geotechnical Studies	Areas of unstable slopes	R	R	R	R	R
Erosion Control	Development along shorelines or hazard areas.	R	R	P	P	P
Archaeological Assessment	Development proposed on lands located within 300 metres of a shoreline	R	R	R	P	R
Tree Preservation Plan	Where development could result in the loss of significant street trees or designated wooded areas.	P	P	P	P	P
Waterfront Communities Designation Evaluation Checklist	Where development is proposed that may impact a waterbody	R	R	R	R	R

**8.4.15 Development Permit By-laws**

8.4.15.1 Council may allocate any lands within the Township of Lanark Highlands as an area subject to a Development Permit By-law. The Development Permit approval framework combines existing systems of zoning, site plan control, tree cutting by-laws and site alteration by-laws into one approval or permitting system. Provisions for new development, infill and construction are outlined within the Development Permit By-law and are consistent with Official Plan designations and directions. It differs from traditional land use regulations by allowing discretionary uses, conditional approvals, and variations to standard requirements, control of exterior design elements and removal of vegetation. This provides staff and Council with flexibility within the context of the By-law to review development proposals and provide approvals without further site specific amendments to the By-law. The Development Permit By-Law shall clearly articulate and establish development and design requirements, provisions and standards which must be demonstrated to the satisfaction of the Township prior to the granting of any approval. The Development Permit By-Law will generally provide for a streamlined approach to the review and approval of development applications and allow for flexibility within a clearly articulated context. The Development Permit By-law shall establish specific designations on the basis of consistency and compatibility of land uses, neighborhood characteristics and architectural and functional design and compatibility.

Area

8.4.15.2 A Development Permit By-law may be developed and adopted for a specific area of the Township or for the entire corporate limits of the Township. Where a Development Permit By-Law has been enacted and approved the Zoning By-Law and Site Plan Control By-Law will not apply.

Objectives

8.4.15.3 The objectives of the Township in implementing the development permit system include but are not limited to the management of growth through a balanced approach that acknowledges economic and environmental sustainability, the preservation of the waterfront and the enhancement of recreational opportunities.

8.4.15.4 Except for those types of development for which the Development Permit By-law specifies that no development permit is required, a development permit will be required prior to undertaking any development.

Application Requirements

8.4.15.5 All applications for Development Permit are required to submit a full drawing and plan set which includes elevation and cross section drawings for any proposed building or structure. More specifically all applications for Development Permit must include;

1. The name, address, telephone number and, if applicable, the email address of the owner of the subject land, and of the agent if the applicant is an authorized agent and if known the date the land was acquired.

2. The current designation of the subject land in the official plan and the land uses the designation authorizes.
3. The current designation of the subject land in the Development Permit By-Law and the land uses the designation authorizes.
4. Whether the proposed use is,
5. A permitted use; or
6. A use that may be permitted subject to criteria as set of in the development permit by-law and how the applicable criteria have been addressed.
7. Whether a variation is requested within the provisions set out in the development permit by-law and how the proposed variation meets the criteria as set out in the development permit by-law.
8. A description of the subject land, including such information as the legal description of the subject land including lot and concession numbers, registered plan and lot numbers, reference plan and part numbers and street names and numbers.
9. The frontage, depth and area of the subject land, in metric units.
10. How access to the subject land is achieved and the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public traveled road, a private road or a right-of-way.
11. The location and nature of any easement or restrictive covenant affecting the subject land.
12. The existing uses of the subject land and the length of time such use has existed if known.
13. Whether there are any buildings or structures on the subject land and if so the following information for each building or structure must be provided;
14. The type of building or structure;
15. The setbacks from the building or structure from all lot lines, the height of the building or structure and its dimensions or floor area;
16. The current use of the building or structure and the date of construction if known.
17. The proposed uses of the subject land.
18. The current land uses adjacent to the subject land.
19. The approximate location of all natural and artificial features (for example, buildings, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells and septic tanks) that are located on the subject land and on land that is adjacent to it.
20. Whether any development is proposed for the subject land and if so the following information must be provided;
21. The type of development proposed including whether or not any buildings or structures are proposed and the setbacks from all lot lines, height and dimensions or floor area.
22. Plans that show the location of all buildings and structures to be erected, the location of all facilities and works to be provided in conjunction with the buildings and structures, and the location of all facilities and works.
23. Whether water is provided to the subject land by a publicly owned and operated piped water system, a privately owned and operated individual or communal well, a lake or other water body or other means.
24. Whether sewage disposal is provided to the subject land by a publicly owned and operated sanitary sewage system, a privately owned and operated individual or communal septic system.
25. Whether storm drainage is proved by sewers, ditches, swales or other means.

26. Drawings that show plan, elevation and cross-section views for each building or structure to be erected and are sufficient to display;
27. The massing and conceptual design of the proposed building,
28. The relationship of the proposed building to adjacent buildings, streets, and exterior areas to which members of the public have access,
29. The provision of interior walkways, stairs, elevators and escalators to which members of the public have access from streets, open spaces and interior walkways in adjacent buildings;
30. Matters relating to exterior design, including without limitation the character, scale, appearance and design features of the proposed building.
31. Design elements on any adjoining highway under the Township's jurisdiction, including without limitation trees, shrubs, hedges, plantings or other ground cover, paving materials, street furniture, curb ramps, waste and recycling containers and bicycle parking facilities and any facilities designed to have regard for accessibility for persons with disabilities.

8.4.15.6 Plans and drawings shall not include the following;

1. Interior design;
2. The layout of interior areas, other than interior walkways, stairs, elevators and escalators.
3. The manner of construction and standards for construction.

8.4.15.7 Additional required information, if known, should include:

1. Whether the subject land has ever been the subject of an application under the Act for approval of a plan of subdivision or a consent and if yes the file number and status of the application;
2. Whether the subject land has ever been the subject of an application under section 34, 41 or 45 of the Act and if yes the file number and the status of the application.

#### Pre-Consultation

8.4.15.8 Applicants are encouraged to consult with municipal staff prior to submitting a Development Permit application. Pre-consultation will provide important information including the identification of required studies and /or reports in support of an application. Failure to consult with municipal staff prior to submitting an application may result in delays related to incomplete applications.

#### Supporting Studies and Reports

8.4.15.9 Technical reports/plans or studies may be required to assist in the review process of a Development Permit application. Applications for a Development Permit may be required to submit the following studies or reports;

1. A servicing options report;
2. A hydrogeological study;
3. Site Evaluation Report
4. A drainage and/or stormwater management report;
5. An Environmental Impact Statement for a natural heritage feature or area;
6. An Archaeological Assessment;



7. Heritage Impact Assessment;
8. An influence area study for development in proximity to a waste management facility or industrial use;
9. A traffic study;
10. A mine hazard rehabilitation assessment;
11. A Phase I Environmental Study and if necessary further investigation as required;
12. A noise and/or vibration study;
13. A source water protection study;
14. An MDS I or II calculation
15. A minimum separation distance calculation for an industrial use or a waste management facility;
16. Confirmation on sufficient reserve sewage system capacity and reserve water system capacity.
17. Vegetation Inventory and /or Tree Preservation Plan.

#### Discretionary Uses

8.4.15.10 As may be provided in the Development Permit By-Law, a development permit may be issued to permit, as a discretionary use, any use not specifically listed as a permitted use in the Development Permit By-Law, provided that the proposed use is similar to and compatible with the listed permitted uses, would have no negative impact on adjoining properties, and would maintain the intent, principles and policies of this Plan.

8.4.15.11 In addition, the Development Permit By-law may provide that a development permit may be issued to permit, as a discretionary use, an extension to a legal non-conforming use or change in use of a legal non-conforming use, provided that the proposal is desirable in order to avoid hardship, that it would have no negative impact on adjoining properties, and that it would maintain the intent, objectives, principles and policies of this Plan.

#### Variations

8.4.15.12 The Development Permit may allow for defined variations to the standards and provisions outlined in the Development Permit By-Law. Such variations will only be permitted if they are consistent with the policies of this plan.

8.4.15.13 Any proposal for a use which is not listed as a permitted use or which does not qualify as a discretionary use in the Development Permit By-law and in accordance with the relevant policies in the Official Plan will require an amendment to the Development Permit By-Law.

#### Delegation of Approval Authority

8.4.15.14 Council may delegate to staff the approval or issuance of development permits. Limits on and criteria for such delegation will be established in the Development Permit By-Law.

#### Development Permit Not Required

8.4.15.15 A Development Permit shall not be required for single dwelling units and semi-detached dwelling units provided that such development or proposed development is

deemed to be in conformity with the requirements, standards and provisions within the designated Residential Development Permit Area, and which is also in full conformity with all of the following standards:

1. Development is setback a minimum 30 metres (98.4 feet) from any natural watercourse.
2. No site alteration or vegetation removal is required or proposed within 30 metres (98 feet) of any lake or waterbody or natural heritage feature.
3. In addition a Development Permit shall not be required for the following:
4. Any Development that has a Plan approved through prior Site Plan Control may proceed with Development in accordance with the approved Site Plan.
5. Any necessary repairs or maintenance to existing development.
6. The placement of a portable classroom on a school site of a district school board is exempt from the requirement for a development permit if the school site was in existence on January 1, 2007.

#### Conditions

- 8.4.15.16 The Corporation may impose conditions and grant provisional approval prior to final approval.
- 8.4.15.17 The proposed development shall in all cases be required to occur as illustrated on the approved and stamped drawings including all grading and drainage, servicing, lighting, landscaping, and elevation designs. A development agreement, registered on title may be required prior to final approval for any development application.
- 8.4.15.18 Technical reports may be required to assist in the review process and any recommendations therein may be imposed as conditions of Development Permit Approval. In the event that any recommendations within a submitted Technical report exceed the minimum requirements of any section of the By-Law the stricter requirement will be imposed prior to approval.
- 8.4.15.19 As a condition to the approval of the plans and drawings the Township of Lanark Highlands may require the owner of the lands to provide to the satisfaction of and at no expense to the Township of Lanark Highlands any or all of the following:
1. Widenings of highways that abut on the land.
  2. Subject to the Public Transportation and Highway Improvement Act, facilities to provide access to and from the land such as access ramps and curbing and traffic direction signs.
  3. Off-street vehicular loading and parking facilities, either covered or uncovered, access driveways, including driveways for emergency vehicles, and the surfacing of such areas and driveways.
  4. Walkways and walkway ramps, including the surfacing thereof, and all other means of pedestrian access.
  5. Facilities designed to have regard for accessibility for persons with disabilities.
  6. Facilities for the lighting, including floodlighting, of the land or of any buildings or structures thereon.
  7. Vaults, central storage and collection areas and other facilities and enclosures for the storage of garbage and other waste material.
  8. Easements conveyed to the municipality for the construction, maintenance or improvement of watercourses, ditches, land drainage works, sanitary sewage

- facilities and other public utilities of the municipality or local board thereof on the land.
9. Grading or alteration in elevation or contour of the land and provision for the disposal of storm, surface and waste water from the land and from any buildings or structures thereon.
  10. maintain to the satisfaction of the municipality and at the sole risk and expense of the owner any or all of the facilities or works mentioned paragraphs 2, 3, 4, 5, 6, 7, 8 and 9 of clause a), including the removal of snow from access ramps and driveways, parking and loading areas and walkways;
  11. enter into one or more agreements with the municipality dealing with and ensuring the provision of any or all of the facilities, works or matters mentioned above and the maintenance thereof as mentioned in clause b) or with the provision and approval of the submitted plans and drawings or,
  12. enter into one or more agreements with the municipality ensuring that development proceeds in accordance with the approved plans and drawings.
  13. Convey part of the land to the municipality to the satisfaction of and at no expense to the municipality for a public transit right-of-way.

#### Agreements

- 8.4.15.20 The Owner or Applicant may be required to enter into a Development Permit Agreement with the Township, to be registered against the lands affected, which shall include but not be limited to:
1. The responsibility of each party to execute and complete all works envisioned in the Development Permit Approval,
  2. Detailed drawings and specifications of the work to be completed, including plans showing the physical relationship to the adjacent properties and public right-of-ways,
  3. The timing of construction, including commencement and completion,
  4. Any financial guarantees and/or fees required by the Township to ensure the completion of the works described on the Development Permit.
  5. Cash in lieu of parking.
  6. Cash in lieu of parkland.

#### **8.4.16 Community Improvement Area**

- 8.4.16.1 The entire Township shall be designated a Community Improvement Area.
- 8.4.16.2 Council may, by by-law, designate the lands within a Community Improvement Area as a Community Improvement Project Area whereupon Council shall undertake the preparation of a Community Improvement Plan for such area or areas. Prior to designating a Community Improvement Area, Council shall repeal all previous designating by-laws adopted under the Planning Act for Community Improvement purposes in the area to be designated as a Community Improvement Project Area.
- 8.4.16.3 Subject to Section 28 of the Planning Act, in pursuing the objectives of the Official Plan's Community Improvement Policies Council may:
1. Sell, lease or dispose of lands and buildings acquired or held by the municipality;
  2. Give loans and grants to owners, tenants and their assignees for rehabilitation purposes;

3. Provide tax assistance by freezing or canceling the municipal portion of the property tax on eligible properties for remediation purposes; and
4. Issue debentures with the approval of the Ontario Municipal Board.

Policy Objectives

8.4.16.4 The policy objectives are as follows:

1. To upgrade and maintain all essential municipal services and community facilities.
2. To ensure that community improvement projects are carried out within the built up areas of the Township.
3. To ensure the maintenance of the existing building stock.
4. To preserve heritage buildings.
5. To facilitate the remediation, rehabilitation and \or redevelopment of existing Brownfield sites;
6. To encourage private sector investment and the strengthening of the economic base.
7. To enhance the visual appearance of Community Improvement Areas.

Preparation and Adoption of a Community Improvement Plan

8.4.16.5 Council shall have regard for the following matters in the preparation and adoption of a Community Improvement Plan, namely;

8.4.16.6 The basis for selection of the community improvement project areas with specific consideration of the following:

1. That there is evidence of a need to improve municipal services such as roads, sidewalks, street lighting, parking, sanitary and storm sewers, water supply, parks and recreation, community facilities, the waterfront areas or streetscaping. Improvements may apply to some or all of the above services.
2. That the phasing of improvements corresponds to the timing of improvements by the Township and/or senior governments and is within the financial capability of the municipality.
3. That a significant number of buildings in an area show signs of deterioration and need of repair.
4. That there is evidence that a site can be classified as a Brownfield and that the adoption of a community improvement plan would assist in the remediation, rehabilitation and\or redevelopment of a property or area.
5. That improvement to the visual appearance or aesthetics be required.
6. That improvements will have a significant impact on strengthening the economic base of the community.
7. The boundary of the area and the land use designations contained in this Plan;
8. Properties proposed for acquisition and/or rehabilitation;
9. The estimated costs, means of financing and the staging and administration of the project;
10. The provision of sufficient flexibility, as circumstances warrant, where project and costing revisions are necessary;
11. The phasing of improvements and the means of their implementation; and
12. Citizen involvement during the preparation of a Community Improvement Plan.

Implementation of a Community Improvement Plan Policies

8.4.16.7 Council shall implement the general principles and policies of this Section as follows:

1. Through the identification of specific community improvement projects and the preparation of Community Improvement Plans;
2. Through participation in programs with senior levels of government;
3. Through enforcement of the Municipality's Property Standards Bylaw;
4. Through the acquisition of land to implement adopted Community Improvement Plans;
5. Through the encouragement of the orderly development of land as a logical and progressive extension of development which provides for the infilling of underutilized land;
6. Through the encouragement of the private sector to utilize available government programs and subsidies;
7. Through the enactment of a comprehensive Zoning By-Law which provides for a range of appropriate uses, for the intensification and integration of land uses, and which stimulates the economic and/or functional role of the areas or alternatively through the adoption of an area specific Development Permit System which streamlines development approval and which ensures that architectural and urban design considerations are implemented; and
8. By encouraging the rehabilitation of existing buildings and structures which will be used for a purpose compatible with the surrounding area.

8.4.16.8 Council shall have regard for the phasing of improvements in order to permit a logical sequence of events to occur without unnecessary hardship to area residents and the business community. The improvements should be prioritized having regard for available municipal funding.

**8.4.17 Maintenance And Occupancy Standards**

8.4.17.1 It is the policy of Council to maintain the physical condition of the existing building stock by adopting and enforcing a Municipal Property Standards By-law as enacted under Section 15.1 of the *Building Code Act*, R.S.O. 1990, as amended.

8.4.17.2 Council may further support property maintenance and safe occupancy by:

1. Utilizing available government programs, where applicable, to provide financial and administrative support to individuals seeking to improve their properties.
2. Maintaining municipally owned buildings, properties and community facilities and providing or maintaining municipal services in good repair.
3. Using or encouraging the use of associated legislation such as the Ontario Fire Code for the retrofit of buildings and Part 11 of the Ontario Building Code also respecting the retrofit of buildings.
4. Appointing a Property Standards Officer to enforce the By-law and by the appointment of a Property Standards Committee under the provisions of Section 15.6 of the *Building Code Act*, R.S.O. 1992, as amended.

**8.4.18 Building Permits**

8.4.18.1 In accordance with the provisions of Section 8 of the *Ontario Building Code Act, R.S.O. 1992*, as amended, it is a policy of this Plan that building permits will not be issued where the proposed construction does not conform to the provisions of the Zoning By-law.

**8.4.19 Zoning By-Law**

8.4.19.1 It is a policy of this Plan that the Zoning By-law shall conform to the policies of this Official Plan. Following adoption of this Plan and its subsequent approval by the Ministry of Municipal Affairs and Housing, the Zoning By-law shall be brought into conformity with the policies of this Plan. This may be accomplished through the Zoning By-law Amendment process or through a comprehensive update of the municipality's existing Zoning By-law.

**8.4.20 Economic Development**

Introduction

8.4.20.1 Council recognizes that the economic base of the Township is dependent upon a mix of commercial, service industries, recreational activities and tourism. Council's intent is to establish a framework in which to encourage new economic growth and new employment generation while sustaining existing economic strengths.

Goals and Objectives

8.4.20.2 Goal:

1. To sustain the strengths of the existing economic base and to broaden the Township's employment opportunities.

8.4.20.3 Objectives:

1. To sustain and to build on the existing strength of the recreational and tourism sectors of the economy.
2. To undertake initiatives to stimulate new employment generation.
3. To work cooperatively with senior governments and community groups in promoting and undertaking economic development activities.

General Policies

8.4.20.4 In addition to specific land use policies elsewhere in this Plan, Council will undertake several measures to sustain, strengthen and diversify the economic base including:

1. Providing a policy framework which facilitates the planning and delivery of municipal services necessary for the development or redevelopment of lands for commercial, industrial and other employment generating activities.
2. Expediting planning and other approvals necessary at the Township level to permit the development of lands or construction of new buildings associated with economic development.
3. Supporting community improvement programs.



4. Encouraging and facilitating employment in the construction industry through expediting the approvals of plans of subdivision, encouraging the rehabilitation of heritage buildings, encouraging the retrofit of the existing building stock and by encouraging the recycling of funds in the Financial Help for Home Repairs program provided by the Canadian Mortgage and Housing Corporation or any subsequent, similar program.
5. Introducing a program of community promotion through better signage on Township roads.
6. Encouraging an “Open for Business” philosophy towards economic opportunities in the design of municipal by-laws regulating and licensing businesses.
7. Encouraging the development of home based businesses.
8. Encouraging measures that will extend the length of the tourist season.

#### **8.4.21 Home Based Business**

- 8.4.21.1 Home based businesses are permitted in all areas where residential uses are permitted subject to the provisions of the implementing Zoning By-law and other by-laws established by Council as well as the principles set out herein. Permitted uses shall include, but are not limited to professional, administrative and consulting services, office uses, computer technology uses, instructional services, distribution sales offices and, arts and crafts. Home based businesses shall be:
1. Clearly accessory, secondary, incidental and subordinate to the permitted residential use;
  2. Compatible with surrounding residential and/or non-residential uses;
  3. Regulated by Council through provisions contained within zoning by-laws.
- 8.4.21.2 Home based businesses of an industrial nature, such as a carpentry shop, tinsmith shop, welding shop etc., may be permitted as an accessory use to a principal residential use. Council may however restrict these types of home based businesses to specific sectors through the Zoning By-law.

#### **8.4.22 Brownfield Redevelopment**

- 8.4.22.1 Brownfield sites are undeveloped or previously developed properties that may be contaminated. They are usually, but not exclusively, former industrial or commercial properties that may be underutilized, derelict or vacant.
- 8.4.22.2 From an economic perspective, brownfields can result in reduced property values, economic activity and employment. Vacant and underutilized properties in urban areas represent an opportunity to increase development densities. From an environmental perspective, brownfields can present a threat to ecological and human health and safety. From a social perspective, the existence of brownfields can lead to neighbourhood deterioration, threats to personal safety and security, and reduced quality of life.
- 8.4.22.3 The benefits that result from brownfield redevelopment are also environmental, economic and social. The economic benefits of brownfield redevelopment can include increased employment and increased property values. Environmental benefits can include the removal of threats to the health of residents and workers, the protection of groundwater resources and wildlife habitats and a reduction in unplanned growth. The social benefits of brownfield redevelopment can include neighbourhood revitalization,



improved safety and security, the provision of additional housing opportunities through intensification and infill, and an increased sense of community pride. Financial incentive programs that result in an increase in brownfield development will translate into economic, environmental and social benefits.

- 8.4.22.4 Accordingly the Township shall identify and promote opportunities for intensification and redevelopment of Brownfield industrial sites. Private sector investment in the re-use and/or redevelopment of underutilized and/or abandoned Brownfield industrial lands will be encouraged through the use of Community Improvement as described in section 5.5 and the related financial tools including property tax and building permit fee incentives.

## **8.5 SOCIAL AND CULTURAL POLICIES**

### **8.5.1 Affordable Housing**

- 8.5.1.1 Council will provide for affordable housing by enabling a full range of housing types and densities to meet projected demographic and market requirements of current and future residents of the Township by:

1. Monitoring the need for social assisted housing for households and seniors. Where specific needs are identified, Council will work with the Ministry of Municipal Affairs and Housing and the Social Services Department of the County of Lanark to meet identified needs.
2. Encouraging infill and housing intensification. This may be achieved through the conversion of single detached dwellings to multiple units, through re-development at higher densities, through land severances on large under-utilized lots which create opportunities for development on the severed lot (subject to the relevant policies elsewhere in this plan) and through infill on vacant lands.
3. Ensuring a minimum 10-year supply of residential land at all times.
4. Working with the development industry to ensure that a 3-year minimum supply of registered or draft approved lots and blocks for new residential development is available at all times.
5. Monitoring population projections and the residential development targets.
6. Making provision for alternative housing types such as accessory dwelling units.
7. Encouraging cost-effective development standards and densities for new residential development to reduce the cost of housing.
8. Council shall require a minimum of 25% of all new housing units to be “affordable” as defined by the Provincial Policy Statement, 2005.

### **8.5.2 Group Homes**

- 8.5.2.1 A group home is defined as a single housekeeping unit in a residential dwelling, which is registered with the municipality, in which 3 to 10 residents (excluding supervisory or operating staff) live together under responsible supervision consistent with the requirements of its residents. The home is licensed or approved under provincial statute and is in compliance with municipal by-laws.

- 8.5.2.2 A group home shall be permitted in all land use designations which permit residential uses.

- 8.5.2.3 A group home shall be permitted in a single detached dwelling or a semi-detached or duplex dwelling provided that both units are occupied by one group home operation and that the total number of residents does not exceed ten (10).
- 8.5.2.4 An accessory dwelling unit or a garden suite shall not be permitted on the same lot as a licensed group home.

### **8.5.3 Heritage Conservation**

The municipality will maintain a cultural heritage resource database resulting in a municipal register of significant heritage buildings, heritage districts, cultural heritage landscapes, archaeological sites, and archaeological potential areas located within the Township. The register may also consist of properties that are not designated but have been identified as being of cultural heritage value or interest.

- 8.5.3.1 The heritage resources policies of this plan shall apply when:
1. Conserving heritage buildings, cultural heritage landscapes and archaeological resources. Conserving and mitigating impacts to all significant cultural heritage resources, when undertaking public works;
  2. Respecting the heritage resources identified, recognized or designated by federal and provincial agencies;
- 8.5.3.2 Council may permit development and site alteration on adjacent lands located to protected heritage property where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved. A heritage impact assessment may be required if there are any adverse impacts to any significant cultural heritage resources resulting from development proposals. Mitigative measures and/or alternative development approaches may be required for the conservation of heritage attributes of a protected heritage property. The Ontario Heritage Act may be utilized to conserve, protect and enhance any significant cultural heritage resources located within the Township.
- 8.5.3.3 Council shall obtain updated archaeological site mapping from the Ministry of Culture under the provisions of a municipal-provincial data sharing agreement, and update this database as new archaeological sites are identified from land development and on the Provincial archaeological sites database. Council may undertake the preparation of an Archaeological or Cultural Heritage Master Plan with the assistance of the Ministry of Culture.
- 8.5.3.4 Areas of archaeological potential are determined through the use of provincial screening criteria, or criteria developed based on the known archaeological record within the Township. Such criteria include features such as proximity to water such as current or ancient shorelines, rolling topography, unusual landforms, and any locally known significant heritage areas such as portage routes or other places of past human settlement. All lands within 300 metres (984 feet) of any shoreline and/or area of archaeological potential are subject to a Phase I Archeological Review prepared by a licensed archaeologist. Subject to the review of the Phase I study the applicant may be requested to undertake further investigations if it is recommended in the Phase 1 report.
- 8.5.3.5 Council may consider archaeological preservation on site, to ensure that the integrity of the resource is maintained. The heritage integrity of archaeological resources can

be preserved by adopting Archaeological Zoning By-Laws under section 34 of the Planning Act, to prohibit any land use activities or the erection of buildings or structures on land which is a site of a significant archaeological resource.

- 8.5.3.6 Council shall consult appropriate government agencies, including the Ministry of Culture and the Ministry of Consumer and Business Services (MCBS), when an identified human cemetery, marked or unmarked human burial is affected by land use development. The provisions under the Heritage Act and the Cemeteries Act shall apply.
- 8.5.3.7 In considering applications for waterfront development Council shall ensure that cultural heritage resources both on shore and in water are not adversely affected. When necessary, Council will require satisfactory measures to mitigate any negative impacts on significant cultural heritage resources.
- 8.5.3.8 Council shall conserve cultural heritage resources when considering the establishment of new areas for mineral extraction or when considering the establishment of new operations or the expansion of existing operations. When necessary, Council will require satisfactory measures to mitigate any negative impacts on significant cultural heritage resources.
- 8.5.3.9 Council shall ensure that new development in older established areas of historic, architectural or landscape value shall be encouraged to develop in a manner consistent with the overall character of these areas and that infill in significant areas of historical, architectural or landscape merit is sensitive to the existing scale, massing and pattern of those areas; is consistent with the existing landscape and streetscape qualities; and does not result in the loss of any significant heritage resources.
- 8.5.3.10 Council may establish a municipal heritage committee to advise and assist council on matters related to Parts IV and V of the Ontario Heritage Act.
- 8.5.3.11 Pursuant to the Ontario Heritage Act and in consultation with the municipal heritage committee when properties of significant cultural value or interest are identified council may:
1. Designate these properties as having cultural value; or
  2. Define the municipality, or any area or area within the municipality, as an area to be examined for designation as a heritage conservation district; or
  3. Designate the municipality, or any area or areas within the municipality as a heritage conservation district.
- 8.4.25.12 Any alterations to known archaeological site shall only be performed by a licensed archaeologist, as per Section 48 of the Ontario Heritage Act.

## **9.0 ADMINISTRATION OF THE OFFICIAL PLAN**

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### **9.1 GENERAL**

#### **9.1.1 Amendments to This Official Plan**

9.1.1.1 Amendments to this Plan shall be considered in accordance with related policies elsewhere in this Plan. In general, amendments<sup>0</sup> will only be considered when they are justified and when the required supportive information is provided as stated in the policy sector proposed for revision. Proposed amendments to this Plan shall be accompanied by sufficient information to allow Council to fully understand and consider the following:

1. The impact of the proposed change on the achievement of the stated goals, objectives and policies expressed in this Plan;
2. The need for the proposed change;
3. The effect of the proposed change on the need for public services and facilities.

9.1.1.2 In addition when considering amendments which affect the use of a specific site or sites, Council shall consider:

1. Whether there is a need to add the site or sites to the lands already designated for the proposed use;
2. The physical suitability of the land for the proposed use.

#### **9.1.2 Consultation**

9.1.2.1 Council shall undertake a community consultation program for all amendments to and reviews of the Plan. The consultation process shall include timely provision of adequate information as well as opportunities for members of the public to discuss this information with Township's staff and to present views to Council.

#### **9.1.3 Review and Monitoring of the Official Plan**

9.1.3.1 Council shall at regular intervals of not more than five years, undertake a review of this Plan, or parts thereof, to ensure that:

1. The Plan's goals and objectives remain valid and realistic in light of prevailing circumstances;
2. The Plan's policies are adequate for the achievement of its goals and objectives.
3. The Plan continues to be consistent with the Provincial Policy Statement.

9.1.3.2 In order to facilitate the review of this Plan, Council will monitor the achievement of its objectives and the effectiveness of its policies.

### **9.2 LAND USE DESIGNATION BOUNDARIES**

The boundaries of the land use designations established by this Plan and as shown on the attached Schedules are intended to be approximate and shall be considered as absolute only

where they coincide with roads, railway lines, rivers, lot lines shown in an implementing Zoning By-law, or other clearly defined physical feature.

Where land use designation boundaries are considered as approximate, amendments to this Plan will not be required in order to make minor adjustments to the boundaries provided that the general intent and purpose of the Plan are maintained. Such minor adjustments shall be determined by Council and will not need to be incorporated into the land use schedules.

Where the land use boundaries are considered as absolute, the location of the boundaries is not open to interpretation and an amendment to this Plan will be required in order to deviate from or change these boundaries.

### **9.3 REFERENCES TO STATUTES**

Where any Act or portion of any Act is referred to in this Plan, such references shall be interpreted as referring to the stated Act or portion of the Act and any subsequent changes to or renumbering of these sections of such Act.

### **9.4 REFERENCES TO MINISTRIES AND REVIEW AGENCIES**

Throughout this Official Plan, references are made to various Provincial Ministries and agencies in regard to the review of and/or input on various types of planning issues and development proposals. While such references are considered to be current at the date of adoption of this Official Plan, it is acknowledged that changes may occur as a result of ongoing changes in the planning and application review processes in the Province of Ontario. No amendment to this Plan is required in order to acknowledge such changes; however, it is the intent to update such Ministry and agency references at the time that general reviews and updates of the Official Plan are undertaken.

### **9.5 INTERPRETATION OF FIGURES, QUANTITIES AND USES**

It is intended that all figures and quantities herein shall be considered as approximate unless stated otherwise. Amendments to the Official Plan will not be required where Council is satisfied that the variance from the figure or quantity is minor and that the intent of the policy in question is met.

Where examples of permitted uses are provided for in the land use polices of the Plan, it is intended that these be recognized as representative examples as opposed to a definitive and/or restrictive list of uses. The implementing zoning by-laws shall ensure that all permitted uses are consistent with the intent of this Official Plan.