



TOWNSHIP OF MACHAR

Always in Season

OFFICIAL PLAN

TOWNSHIP OF MACHAR

Adopted by Council December 3, 2012
Approved by MMAH June 20, 2013
Consolidated with Ministry Modifications
October 8, 2013
Consolidated with OPA 1, December, 2015

Table of Contents

INTRODUCTION	1
THE STRUCTURE OF THE PLAN	2
PART A - THE VISION AND LAND USE CONCEPT	3
A1 THE COMMUNITY VISION.....	3
A2 SUSTAINABILITY.....	4
A2.1 Environmental Sustainability	4
A2.2 Economic Sustainability	4
A2.3 Social Sustainability	5
A3 GOALS AND STRATEGIC OBJECTIVES.....	6
A4 THE LAND USE CONCEPT	8
A4.1 Rural.....	8
A4.2 Community	8
A4.3 Employment Commercial.....	8
A4.4 Natural Heritage Protection Areas	8
A4.5 Shoreline.....	8
PART B - LAND USE DESIGNATIONS	9
B1 RURAL	9
B1.1 Purpose	9
B1.2 Location.....	9
B1.3 PERMITTED USES.....	9
B1.4 IMPLEMENTING ZONING BY-LAW.....	10
B1.5 RURAL DEVELOPMENT POLICIES	10
B1.5.1 Permanent Residential	10
B1.5.2 Recreational Uses	10
B1.5.3 Home Occupations and Home Industries.....	10
B1.5.4 Accessory Apartments and Garden Suites	11
B1.5.5 Commercial Development	11
B1.5.6 Commercial Tourist Camps.....	11
B1.5.7 Industrial Development	11
B1.5.8 Agricultural Uses Including Hobby Farms	12
B1.5.9 Waste Disposal Sites	12
B1.5.10 Land Division.....	13
B1.6 AGGREGATE EXTRACTION	13
B1.6.1 Intent.....	13
B1.6.2 Relationship between this Plan and the Ministry of Natural Resources	13
B1.6.3 Development Adjacent to Existing Extractive Operations.....	13
B1.6.4 New Mineral Aggregate Operations or Expansions to Existing Operations	14
B1.6.5 Development of Other Uses in Proximity to Aggregate Resources	15
B1.6.6 Conservation and Reuse of Aggregate Resources.....	15
B1.6.7 Rehabilitation.....	16
B1.6.8 Wayside Pits and Quarries, Portable Asphalt Plants and Portable Concrete Plants	16
B2 COMMUNITY	17
B2.1 PURPOSE	17
B2.2 LOCATION.....	17
B2.3 PERMITTED USES.....	17
B2.4 DEVELOPMENT POLICIES	18
B2.4.1 Affordable Housing	18

B2.4.2	Commercial and Institutional Uses.....	18
B2.4.3	Medium Density.....	18
B2.4.4	Group Homes.....	19
B2.4.5	Accessory Apartments.....	19
B2.4.6	Land Division.....	19
B3	COMMERCIAL EMPLOYMENT	20
B3.1	PURPOSE	20
B3.2	LOCATION.....	20
B3.3	PERMITTED USES.....	20
B3.4	DEVELOPMENT POLICIES	20
B3.4.1	.....	20
B3.4.2	.....	21
B3.4.3	.....	21
B3.4.4	.....	22
B3.4.5	.....	22
B3.4.6	.....	22
B4	SHORELINE.....	23
B4.1	PURPOSE	23
B4.2	LOCATION.....	23
B4.3	PERMITTED USES.....	23
B4.4	GENERAL DEVELOPMENT POLICIES	23
B4.4.1	Preservation of Vegetation.....	24
B4.4.2	Maintaining Character.....	24
B4.4.3	Reduced Standards	25
B4.4.4	Sewage Systems	25
B4.5	MIKISEW PROVINCIAL PARK.....	25
B4.6	SHORELINE COMMERCIAL DEVELOPMENT POLICIES.....	25
B4.6.1	.....	26
B4.6.2	.....	26
B4.6.3	.....	26
B4.6.4	Fractional Ownership.....	26
B4.7	SHORELINE RESIDENTIAL DEVELOPMENT POLICIES	26
B4.7.1	.....	26
B4.7.2	.....	27
B4.7.3	Existing Lots.....	27
B4.7.4	Private Roads	27
B4.8	LAKE CAPACITY	27
B4.9	EAGLE LAKE	28
B.4.9.1	.....	28
B.4.9.2	.....	28
B4.10	Non Impact Development	28
B4.11	BRAY LAKE.....	28
B4.11.1	.....	28
B4.11.2	.....	29
B4.12	KING LAKE	29
B4.12.1	.....	29
B4.13	HAMILTON LAKE.....	29
B4.13.1	.....	29
B4.14	ENVIRONMENTAL IMPACT STUDY	29
B4.15	LEGAL NON-COMPLIANT LOTS AND BOUNDARY ADJUSTMENTS.....	29
B4.16	SHORELINE ALTERATIONS.....	29
B4.17	SHORE ROAD ALLOWANCE	30
B4.18	Land division	30

B5	NATURAL HERITAGE PROTECTION	31
B5.1	PURPOSE	31
B5.2	LOCATION.....	31
B5.3	PERMITTED USES.....	31
B5.4	GENERAL POLICIES.....	32
B5.4.1	Use of Lands in Private Ownership.....	32
B5.4.2	Adjacent Lands	32
B5.5	DESCRIPTION OF COMPONENTS OF THE NATURAL HERITAGE PROTECTION DESIGNATION.....	33
B5.6	REQUIREMENTS FOR AN ENVIRONMENTAL IMPACT STUDY.....	33
B5.6.1	Purpose of an EIS.....	33
B5.6.2	Contents of an EIS	34
B5.6.3	What an EIS Should Demonstrate.....	34
B6	ZONING BY-LAW	36
PART C - GENERAL DEVELOPMENT POLICIES		37
C1	GENERAL ENVIRONMENTAL POLICIES	37
C1.1	OBJECTIVES	37
C1.2	ENVIRONMENTAL FEATURES NOT INCLUDED IN THE NATURAL HERITAGE PROTECTION DESIGNATION	37
C1.2.1	Lakes, Rivers and Streams.....	37
C1.2.2	Fish Habitat	38
C1.2.3	Woodlands and Valleylands	38
C1.2.4	Areas of Significant Wildlife Habitat	38
C1.2.5	Source Water Protection.....	39
C1.2.6	Source Water Intake Protection Zone One (SW IPZ-1).....	40
C1.2.7	.....	40
C1.2.8	Stormwater Management	40
C1.2.9	Implementing Zoning By-law.....	41
C1.3	HAZARD LAND POLICIES.....	42
C1.3.1	Steep Slopes and Ravines	42
C1.4	Natural Hazards.....	42
C1.5	FLOOD PLAINS AND EROSION HAZARDS	43
C1.6	HAZARDOUS SITES	43
C1.7	CONTAMINATED SITES.....	43
C2	GENERAL DEVELOPMENT CRITERIA	45
C2.1	OBJECTIVES.....	45
C2.2	LAND USE COMPATIBILITY	45
C2.3	TRAFFIC IMPACT STUDIES.....	45
C2.4	MINIMUM DISTANCE SEPARATION FORMULAE	45
C2.5	ALTERNATIVE ENERGY SYSTEMS	46
C2.6	HOME OCCUPATIONS	46
C2.7	TECHNICAL STUDIES AND PEER REVIEWS	47
C2.8	ONTARIANS WITH DISABILITIES ACT	47
C2.9	PEAT EXTRACTION	47
C2.10	AGGREGATE RESOURCE POTENTIAL AREA.....	47
C2.11	PUBLIC USE	48
C2.12	SENSITIVE LIGHTING	48
C2.13	WASTE DISPOSAL SITES	49
C2.14	AFFORDABLE HOUSING	49
C2.15	ENERGY EFFICIENCY AND AIR QUALITY	49

C2.16 CULTURAL HERITAGE, ARCHAEOLOGICAL RESOURCES AND BUILT HERITAGE RESOURCES	49
C2.16.1 Objectives	49
C2.16.2 Municipal Heritage Committee	50
C2.16.3 Public Works	50
C2.16.4 Conservation of Cultural Heritage Resources	50
C2.16.5 Built Heritage and Cultural Heritage Landscape Inventory	50
C2.16.6 Designation under the Ontario Heritage Act	51
C2.16.7 Retention/Relocation of Heritage Buildings.....	51
C2.16.8 Alteration and Demolition of Built Heritage Resources	51
C2.16.9 Archaeological Assessments.....	52
C2.17 SUBDIVISION OF LAND.....	52
C2.17.1 Preferred Means of Land Division	52
C2.17.2 New Lots By Consent	53
C2.17.3 Subdivision/Condominium Development Policies	54
C2.17.4 New Infilling Lots.....	55
C2.18 PUBLIC PARKLAND	55
C2.18.1 Objectives	55
C2.18.2 Parkland Development Policies.....	56
C2.19 Cash in Lieu of Parkland.....	56
PART D - TRANSPORTATION AND UTILITIES	57
D1 OBJECTIVES.....	57
D1.1 ROADS	57
D1.1.1 Local Roads With Year Round Maintenance	57
D1.1.2 Local Roads Without Winter Maintenance	57
D1.1.3 Private Roads	58
D1.1.4 Unopened Municipal Road Allowances and Private Roads	58
D1.1.5 Right of Way Widths	59
D1.1.6 Development on Private Roads	59
D1.1.7 Closing and Conveyance of Road Allowances	59
D1.1.8 Haul Routes	60
D1.1.9 Provincial Highways	60
D1.2 UTILITY CORRIDORS	60
D1.2.1 Hydro Electricity	60
D1.2.2 Railways	61
D1.2.3 TransCanada Pipelines	61
D1.2.4 Telecommunications Facilities	61
PART E - PLAN IMPLEMENTATION AND ADMINISTRATION	63
E1 PLAN IMPLEMENTATION	63
E1.1 ZONING BY-LAWS	63
E1.2 TEMPORARY USE BY-LAWS.....	63
E1.3 HOLDING PROVISIONS.....	64
E1.4 SITE PLAN CONTROL.....	64
E1.4.1 Development on Private Roads	65
E2 NON-CONFORMING USES	66
E2.1 INTENT OF OFFICIAL PLAN.....	66
E2.2 ROLE OF THE IMPLEMENTING ZONING BY-LAW	66
E3 NON-COMPLYING BUILDINGS, STRUCTURES OR LOTS.....	66
E4 PRE-CONSULTATION AND COMPLETE APPLICATIONS	67
E4.1 STUDIES THAT MAY BE REQUIRED TO ACCOMPANY A PLANNING APPLICATION	68
E4.2 TECHNICAL STUDIES AND PEER REVIEWS	69

E5	AMENDMENTS TO THE PLAN - PUBLIC NOTICE	69
E6	INTERPRETATION OF LAND USE DESIGNATION BOUNDARIES	70
E7	DEFINITIONS	70
E8	OFFICIAL PLAN REVIEW PROCESS	70
E9	MONITORING	71

INTRODUCTION

The preparation of the Official Plan began in May 2011 and has involved many dedicated and committed people with an interest in the future of Machar.

The consultation process has resulted in a vision for the future of Machar that is expressed in this Plan. This vision is based on a series of planning principles that are intended to:

- Be consistent with the Provincial Policy Statement issued by the Province of Ontario (2005)
- Have regard for the Northern Ontario Growth Plan (2011)
- Protect the natural environment;
- Encourage economic development;
- Conserve natural resources;
- Protect agricultural uses;
- Protect the character of developed and undeveloped areas;
- Avoid land use conflicts and provide for the appropriate development of the community; and,
- Provide sufficient designated land to accommodate future residential, employment and open space lands to meet the needs of the Township for at least the next 20 years.

The goals, objectives and policies contained in this Plan are intended to guide the decisions of public authorities and private interests to 2032.

The data utilized to prepare this Plan has been provided by the Township, Provincial Ministries and other sources.

Upon the approval of this Plan by the Minister of Municipal Affairs and Housing, the Township of Machar Official Plan (1991) will be rescinded and this Plan will apply.

THE STRUCTURE OF THE PLAN

The Official Plan is divided into five parts, each of which is described below.

PART A (Vision, Goals and Strategic Objectives and Land Use Concept) contains the vision of the Plan. This vision was prepared through Community consultation and is based on an understanding of past and future trends and the values of Machar residents. The goals and strategic objectives that form the basis of the Plan flow from the vision. These goals and strategic objectives establish the framework for the remaining policies in the Plan. This section of the Plan also describes how the vision is implemented through a series of land use designations.

PART B (Land Use Designations) contains the land use policies that apply to lands in the Township. The Land Use designations are shown on Schedule A attached to and forming part of this Plan.

PART C (General Environmental and General Development Policies) contains the policies dealing with lakes, rivers and streams, floodplains and hazardous slopes throughout the Township, as well as policies that specify the requirements for water resource and storm water management reports and environmental impact studies. In addition, criteria that deal with land use planning matters such as affordable housing, cultural heritage resources and the subdivision of land are included in this section. These policies apply to the whole of the Township. Schedule B identifies the Environmental Features in the Township.

PART D (Transportation and Utilities) contains policies that deal with land use planning matters such as water and sewer servicing, and transportation. These policies apply to the whole of the Township. The transportation network of the Township is identified on Schedule C.

PART E (Plan Implementation and Administration) describes how the policies of the Official Plan will be implemented.

PART A - THE VISION AND LAND USE CONCEPT

A1 THE COMMUNITY VISION

The residents of Machar enjoy an excellent quality of life. This quality of life can be attributed to the natural environment, recreational opportunities, rural character, the community and the lakes. Machar will continue to be a community that respects these qualities while working to diversify the local economy to ensure the prosperity of the Township.

The community will continue to recognize and respect the importance of the lakes and to preserve their character and water quality as a part of the continuing objective to protect the area's natural and environmental features.

The Township will take steps to build the local economy and to promote the recreational and rural character of the community.

Steps to maintain and to improve the transportation infrastructure will continue to ensure that Machar is a safe and welcoming place to travel to and within.

The new Official Plan reflects the value placed in the high quality of life within Machar, and has the intent that this quality of life will be maintained and enhanced through the preservation of the Township's rural character and rich natural environment. While change is to be expected, this Plan provides Council and staff with the tools to evaluate change and to mitigate the impacts on the natural environment and social character of the community.

A2 SUSTAINABILITY

The goals of this Plan are premised on principles of sustainability. This means the Community will meet its needs today without unreasonably compromising opportunities for future generations to meet their own needs.

The policies of this Plan are founded on the premise that a sustainable community is composed of the following three principle elements in balance:

- i) The Environment: a connected system of environmental features that support a healthy ecosystem.
- ii) The Economy: a strong, diversified and resilient economy that provides a variety of employment opportunities for citizens and is attractive to commercial and industrial investment; and,
- iii) The Socio-Cultural Fabric: a strong sense of culture and heritage and the provision of affordable public services and amenities.

A2.1 ENVIRONMENTAL SUSTAINABILITY

This Plan identifies a number of defining environmental and topographical features that contribute to Machar's extensive natural heritage system. The protection of these features is a key underlying principle in this Plan.

This Plan contains policies that recognize the character of Machar's green spaces, agricultural lands, water resources, and terrestrial landscape as resources that contribute to the natural character of the Township.

The policies of this Plan also recognize Provincial interests in agricultural and natural areas and attempts to manage these issues. Machar will support innovative and sustainable development policies and practices to protect the natural environment and help reduce greenhouse gas emissions.

Energy conservation and the encouragement of innovative energy supply alternatives are components of Machar's vision for sustainable development.

A2.2 ECONOMIC SUSTAINABILITY

A sustainable economic future for Machar will be made possible by ensuring a stable and sound fiscal position for the Township to support programs and services for citizens, including those opportunities to service an aging population. In part, this will be achieved through self-sufficiency with a recognition of the role that Machar plays in a near-north Ontario economic environment as well as a recognition of the Township's small businesses, the creative community and the tourism related service industries.

The need for economic sustainability is strongly articulated through policies in this Plan that encourage entrepreneurial spirit and diverse employment opportunities based in resources, agriculture and rural development including recreation and tourism.

A2.3 SOCIAL SUSTAINABILITY

Social sustainability addresses the basic community need for housing, education, health care, employment, food, safety, security, and cultural and recreational opportunities. The policies of this Plan are intended to provide a good quality of life for all residents through the development of a healthy community and the provision of services and programs.

The provision of human services originates from several public service agencies including the Province. In addition, human services are provided by other private sector or quasi-public institutions, such as private schools, places of worship, and community or service groups. Continued co-ordination and partnerships among all human service providers in the Township is essential to the social-cultural health of Machar. The existing symbiotic relationship between the Township and the Village of South River is important for goods, services and shared social infrastructure. In recognition of this relationship, policies encouraging co-ordination of planning and public works are included in this Plan.

Character of a community is another element to be considered as part of social sustainability. This Plan recognizes the distinct character of the Shoreline Area and the Rural Area. Planning for growth while preserving the current character of the Township is an important foundation of this Plan

A3 GOALS AND STRATEGIC OBJECTIVES

General Goal

To respect and protect the rural character of Machar and to strive to ensure that new development and redevelopment is compatible with the established natural character of the community.

Economic Goals

To maintain and strengthen the commercial base of Machar while ensuring a varied commercial economy with appropriate flexibility to accommodate changes in the retail sector to serve the needs of the residents of Machar, adjacent communities and the traveling and vacationing public.

To recognize and market the recreational attributes of the community and to broaden tourism opportunities in Machar.

To develop an economic environment and capability in the Township that will provide new and continuing employment growth and opportunities effectively utilizing the skills and initiatives of current and future workforce.

To develop an attractive community that will encourage new commercial ventures.

Environmental Goals

To promote stewardship of the lakes and natural environment and encourage respect for the wildlife population and its needs.

To ensure the protection of a clean and healthy aquatic system while maintaining a healthy shoreline.

To ensure the protection of linkages and connectivity in the natural heritage system.

Infrastructure Goals

To maintain and develop the transportation infrastructure within and around Township.

To make the most efficient use of the existing infrastructure.

To protect water quality and quantity (ground and surface) when individual on-site services are being considered.

Residential Goals

To implement residential policies that take into consideration the capacity of the lakes as well as the high quality of life enjoyed by the residents along the shoreline.

To focus permanent residential growth in the existing settlement areas.

To promote infilling and intensification recognizing the limitations of private services.

To provide the present and future residents of Machar a full range of housing types and densities to meet projected demographic and market requirements.

Provide for the development of affordable rental and ownership housing in a variety of forms and locations in the designated community areas.

To provide housing for seniors and assisted living accommodation.

If there is any uncertainty in interpretation of policies contained in this Plan, refer to the Goals and Objectives section for clarification.

A4 THE LAND USE CONCEPT

The following land use designations are designed to reflect major land uses presently occurring or that are anticipated to occur in the Township.

A4.1 RURAL

The Rural designation generally includes all of the rural areas as well as aggregate extraction areas in the Township.

A4.2 COMMUNITY

The Community designation includes the settlement area adjacent to South River which includes residential and neighbourhood commercial uses.

A4.3 EMPLOYMENT COMMERCIAL

The Highway Commercial designation includes areas along Highway 124 (formerly Highway 11) with commercial uses servicing the local residents and traveling public and areas located at the interchange of Highway 11 and Tower Road that are suitable for commercial and / or industrial development.

A4.4 NATURAL HERITAGE PROTECTION AREAS

The Natural Heritage Protection Designation includes known wetlands, known habitat areas and it includes areas that are unsuitable for development due to physical or environmental constraints such as flooding, steep slopes or erosion.

A4.5 SHORELINE

The Shoreline Designation includes all lands within 300 metres of the Township's shoreline areas adjacent to Eagle Lake, Bray Lake, Hamilton Lake and King Lake, except for areas within the Natural Heritage Protection Designation and Crown Land.

PART B - LAND USE DESIGNATIONS

B1 RURAL

B1.1 PURPOSE

The purpose of the Rural designation is to:

- a) Preserve the rural character of the Township and to prevent the intrusion of land uses which are incompatible with the resource activities of the area or which will result in a net increase in costs of services provided by the Municipality;
- b) Prevent the intrusion of land uses which are incompatible with the rural character and/or resource activities in the area;
- c) Encourage rural land uses and associated activities that contribute to the economy of the Township;
- d) Permit uses which support the community;
- e) Ensure that the scale of development is compatible with the role and function of the rural area; and,
- f) Protect the agricultural uses in the area.

B1.2 LOCATION

The Rural land use designation applies to the majority of land within the planning area that is not otherwise placed in one of the other land use designations for this Official Plan as shown on land use schedules.

B1.3 PERMITTED USES

- a) Agricultural production;
- b) Forest management;
- c) Conservation works;
- d) Parkland;
- e) Fishery resource management;
- f) Mineral exploration and mining;
- g) Wayside pits and quarries;
- h) Golf courses;
- i) Small scale hunt camps;
- j) Residential Dwellings;
- k) Commercial Tourist Camps;
- l) Small scale commercial industrial or institutional developments;

- m) Waste disposal sites;
- n) Pits and Quarries;
- o) Portable asphalt plants and portable concrete plants; and

B1.4 IMPLEMENTING ZONING BY-LAW

The majority of lands in the *Rural* designation shall be placed in a Rural Zone in the implementing Zoning By-law. Industrial, Commercial and Aggregate uses will be placed in separate zones in the implementing Zoning By-law.

B1.5 RURAL DEVELOPMENT POLICIES

B1.5.1 Permanent Residential

New permanent residential development shall be encouraged to locate in the vicinity of other residential uses on roadways where school bussing and year-round maintenance is presently being provided. Scattered or isolated development shall be discouraged.

B1.5.2 Recreational Uses

New recreational development such as hunt camps and remote cabins may be permitted on roads which are not maintained year round by the Township provided that an agreement is registered on title acknowledging municipal services such as snowplowing, road maintenance, emergency services, garbage pick-up and school bussing will not be provided by the municipality. The conversion of an existing recreational residence on such roads into a permanent residence or the construction of a residence which will be used year round, will require Council to pass a By-law in accordance with Section D1.1.2 of this Plan.

B1.5.3 Home Occupations and Home Industries

This Plan will permit additional activities, such as home occupations and home industries in the Rural designation.

Home occupations are typically professional work and service activities that are carried out within the residential dwelling or accessory building that typically do not involve the retail sale of goods and services. In addition, such uses generally occupy no more than 30% of the gross floor area of the dwelling and do not change the character of the dwelling. Home occupations will be defined and regulated through provisions in the Township's Zoning By-law and shall be compatible with surrounding uses.

Home industries are small-scale industrial uses that are accessory to rural uses and/or a single detached dwelling. Such uses may also support the agricultural industry in the area. These uses should not detract from the primary use of the property for rural or residential purposes. Home industries may include welding, carpentry or machine shops, or agriculturally related uses that involve the processing or transportation of regionally produced agricultural crops or other products. The accessory retail sales of products produced in the home industry is also permitted. The repair, storage or sale

of motor vehicles is not considered to be a home industry. Home industries will be defined and regulated through provisions in the Township's Zoning By-law.

B1.5.4 Accessory Apartments and Garden Suites

Accessory apartments and garden suites are considered to be an affordable housing choice and may be permitted in single detached, semi-detached, and rowhouse dwellings and ancillary structures in the Rural designation. In considering such an application, Council shall be satisfied that:

- a) the unit will comply with the Ontario Building and Fire codes as well as applicable provisions of the Township's Zoning By-law;
- b) adequate parking is available on the lot for both dwelling units; and,
- c) the water supply and private sewage system are appropriate to sustain the accessory unit.
- d) An accessory apartment shall be permitted in an ancillary structure (such as a detached garage) only if the primary dwelling structure contains a single dwelling unit.

B1.5.5 Commercial Development

New commercial development may be permitted in the *Rural* designation through the process of rezoning. This type of development will be limited to those uses which serve the rural area and may not be considered compatible in the *Community*, *Highway Commercial* or *Shoreline* designations.

The development of commercial uses shall be subject to the entering into of a Site Plan Agreement that will provide buffering and design requirements as are necessary to minimize the impact on surrounding lands and uses. Minimum lot sizes, frontages, and parking requirements for commercial uses shall be established in the Zoning By-law.

B1.5.6 Commercial Tourist Camps

The expansion and development of existing or new commercial tourist camps may be permitted in the *Rural* designation subject to rezoning and Site Plan Control. Council shall discourage the expansion or development of Commercial Tourist Camps near residential uses and shall ensure that such uses are well buffered from surrounding lands, uses and roadways. The Zoning By-law shall establish minimum lot sizes and frontages and also require a minimum separation distance from residential uses. Water and sewage facilities in Commercial Tourist Camps require the approval of the Ministry of Environment or its designated agencies.

B1.5.7 Industrial Development

New industrial development may be permitted in the *Rural* designation through the process of rezoning. This type of development will be limited to those uses which require extensive amounts of space, serve the needs of the rural area, do not require

large amounts of water in their processes as per section B4.6 of this plan, or constitute a threat to groundwater resources in the event of a leak or spill and are considered incompatible with the uses located in the *Community* or *Commercial* Employment designations.

The industrial use of land in the *Rural* designation shall be for processing, assembly, servicing, salvaging, recycling and storing of goods and raw materials. Limited retail sales of products manufactured on the same premises may be permitted as a complementary use. Industrial uses shall have frontage on a maintained municipal roadway. The development of industrial uses shall be subject to the entering into of a Site Plan Agreement that will provide buffering and design requirements as are necessary to avoid or minimize the impact of noise, vibration, dust or other adverse impacts on surrounding lands. This Site Plan Agreement may also indicate the appropriate location of outside storage areas. The Ministry of Natural Resources and the Ministry of the Environment shall be consulted if Council determines that there may be negative impacts of the proposed industrial development on the environment or if Provincial policies or guidelines require such consultation.

B1.5.8 Agricultural Uses Including Hobby Farms

Council recognizes that hobby farming is a use that is in keeping with the character of the rural area. A hobby farm is defined as a farm with a residence where a limited number of domestic animals are kept primarily for recreational purposes and where buildings related to the hobby farm are clearly subordinate and incidental to the residential use. Uses including hobby farms are permitted in the *Rural* designation, provided the minimum lot size is 2.0 hectares. The maximum number of animals permitted on a hobby farm will be set out by the Township's zoning by-law.

B1.5.9 Waste Disposal Sites

Only those sites approved by the Ministry of the Environment and the Township shall be used for the disposal or storage of solid or liquid waste. All such sites shall be operated according to the standards established by the Ministry of the Environment and in accordance with a Waste Management Master Plan adopted by Council. Council will encourage the reduction of waste directed to waste disposal sites by actively encouraging the development of recycling programs.

New developments utilizing private sewage disposal and water systems shall not locate within 500 metres of the perimeter of the fill area of an existing waste disposal site unless a hydrogeological study indicates that the water supply of the proposed development will not be negatively affected by the waste disposal site.

Existing, closed or abandoned waste disposal sites shall be identified on Schedule 'C'. Lands so identified shall not be used for any purpose within a period of 25 years from the time the uses were discontinued without written consent from the Ministry of Environment.

B1.5.10 Land Division

The approximate number of new lots permitted within the Rural Area per year will be 8. Applications for consent or the subdivision of land shall be subject to the policies set out in Section C2.17 of this Plan.

B1.6 AGGREGATE EXTRACTION

B1.6.1 Intent

The geological composition of some land in the Township of Machar is characterized by unconsolidated mineral aggregates that are sought after by the aggregate industry and are considered to be a resource of Provincial Significance. This information has been identified on Schedule C as the Aggregate Overlay.

At the time this Plan was prepared, there were ten (10) licensed and permitted aggregate extractive operations in the Township. These sites are identified on Schedule C. New sites or expansions to existing sites in the Rural designation will not require an Amendment to this Plan, but where new areas become licensed under the ARA, such sites will be identified on Schedule C at the time of an Official Plan Update.

The following policies apply to the entire *Rural* designation and are intended to provide guidance to the community, Council and proponents of aggregate operations with respect to the establishment of new operations, the expansion of existing operations or new sensitive development proposed adjacent to these existing uses.

B1.6.2 Relationship between this Plan and the Ministry of Natural Resources

It is recognized that the Ministry of Natural Resources licenses and regulates mineral aggregate operations under the *Aggregate Resources Act* in the Township of Machar. It is the intent of this Plan to ensure that there is open and transparent consultation between the appropriate Provincial Ministries and agencies, the proponent(s) of the mineral aggregate operation, the community and Council before licenses are issued or modified. New mineral aggregate operations or expansions to existing operations shall be carried out in a manner that is consistent with the goals and objectives of this Plan.

B1.6.3 Development Adjacent to Existing Extractive Operations

When new development (through a Planning Act application) is proposed within 1000 metres of a pit or 1000 metres of a quarry within the *Rural* designation, Council shall be satisfied that the proposed use is compatible with the operation of the pit or quarry. A minimum separation distance of 300 metres between new development and existing pits and 500 metres between new development and existing quarries shall be maintained. In order to address this issue, the proponent will be required to retain a qualified professional to complete an impact assessment of noise and vibration levels in accordance Publication NPC-119, LU-131 and NPC-232 (MOE) or any successor this publication.

B1.6.4 New Mineral Aggregate Operations or Expansions to Existing Operations

All new mineral aggregate operations and/or expansions to existing mineral aggregate operations shall require an Amendment to the Zoning By-law. All such applications shall be supported by studies that address:

- a) the effect of the mineral aggregate extractive operation on:
 - i) the natural heritage features and functions on the site and in the area proximate to the proposed site. For the purpose of this subsection, natural heritage features include lakes and major navigable waterways;
 - ii) nearby residents within 500 metres from any licensed boundary;
 - iii) recreational resources and activities;
 - iv) the character of the area;
 - v) the quality and quantity of groundwater and surface water in the sub-watershed;
 - vi) the built or cultural heritage resources in the area including cultural heritage landscapes, archaeological sites and areas of archaeological potential as identified by Council or as confirmed by the Ministry of Culture;
 - vii) significant geologic formations on the site and in the area;
 - viii) where blasting is necessary as part of the operation, the groundwater recharge functions on the site and in the immediate area assessed by a hydrogeological study;
 - ix) surface water features in the area; and,
 - x) wells used for drinking water purposes which have the potential to be impacted by extractive activities.
- b) the location and suitability of the proposed haul routes;
- c) the effect of the noise, odour, dust and vibration generated by the proposed use and the use of the haul routes on adjacent lands assessed in accordance with the MOE's D-Series Guidelines and other applicable Provincial regulations;
- d) how the natural features and functions on the site and in the area can be protected and/or buffered during the operation of the facility and/or after the facility has been progressively rehabilitated;
- e) that the proposed facility will not impact Endangered Species or the habitat of Endangered Species as required by the Endangered Species Act;

- f) how the impacts from the proposed pit or quarry will be avoided and/or mitigated in order to lessen those impacts;
- g) the appropriate minimum distance separation between new development and existing pits and between new development and existing quarries will be maintained; and
- h) how the site will be progressively and finally rehabilitated to accommodate subsequent land uses after the extraction is complete.

B1.6.5 Development of Other Uses in Proximity to Aggregate Resources

Aggregate resources, as identified as Aggregate Resources on Schedule C, will be protected from development and land uses that would preclude or hinder the effective and/or economical extraction of aggregate in the future. The aggregate resources will also be protected from land uses which would be incompatible for reasons of public health, public safety or environmental impact. Aggregate resources will also be protected from development or land uses that may preclude or hinder the effective and/or economical extraction of aggregate in the future. However, there may be cases where the economical and/or physical extraction of aggregate is not feasible and/or appropriate. In such cases, development or land use permitted by this Plan on lands so designated may be permitted, if it can be shown to the satisfaction of Council that:

- a) the land use pattern in the area has reduced the feasibility of extraction; or,
- b) there is not enough aggregate in the area to justify its economical extraction; or,
- c) the proposed land use or development serves a greater long term public interest;
- d) issues of public health, public safety and environmental impact are addressed; and,
- e) the impact of new development within 1000 metres of all known mineral aggregate deposits will be considered.

B1.6.6 Conservation and Reuse of Aggregate Resources

The reuse and recycling of concrete, asphalt, brick, glass and other suitable materials should be utilized to conserve aggregate materials, provided such reuse and recycling is permitted in the Zoning By-law and the storage of such material can be accommodated in a manner that is safe and does not pose a contamination risk. Zoning provisions will limit the amount of recyclable material that may be brought into a licensed site to limits that can be utilized in a reasonable timeframe to prevent stockpiling and the potential abandonment of such material. For the purpose of this policy, the storage of tires and plastics will not be permitted.

B1.6.7 Rehabilitation

The progressive and final rehabilitation of all pits and quarries in the Township is an expectation of this Plan. Wherever possible, Council will work with pit and quarry operators and the Ministry of Natural Resources to ensure that all licenses have progressive rehabilitation plans and where applicable, are actively completing site rehabilitation and restoration.

If a site previously existed in a natural state, it is a requirement of this Plan that natural self-sustaining vegetation and hydrologic features be established and restored.

B1.6.8 Wayside Pits and Quarries, Portable Asphalt Plants and Portable Concrete Plants

Wayside pits and quarries, portable asphalt plants and portable concrete plants used on public authority contracts shall be permitted, without the need for an amendment to this Plan, rezoning, or development permit under the Planning Act in all areas of the Township, except those areas of existing development or particular environmental sensitivity which have been determined to be incompatible with extraction and associated activities.

B2 COMMUNITY

B2.1 PURPOSE

The purpose of the Community designation is to:

- a) Identify the existing settlement area in the Township;
- b) Protect the residential character of the existing neighbourhood in the Maeck Subdivision (Lot 2, Concession 6).
- c) To provide areas to focus and intensify new permanent residential development in the Township.
- d) To provide a broad range and mix of housing types and densities that will meet the needs of current and future residents.
- e) To promote a mix of land uses that will meet the needs of the current and future residents.

B2.2 LOCATION

The Community designation is shown on schedule A, the Land Use Plan.

B2.3 PERMITTED USES

Permitted Uses in the Community designation include the following:

- a) Low density residential;
- b) Medium density residential;
- c) Home occupations;
- d) Public uses;
- e) Institutional uses; and,
- f) Local commercial uses

Examples of Public, Institutional and Local Commercial uses include churches, day care centres, community centres, group homes, dwellings, senior citizens housing, assisted living facilities, and local commercial uses such as convenience stores which serve the immediate area only.

B2.4 DEVELOPMENT POLICIES

New development in the *Community* designation shall proceed by Plan of Subdivision on the basis of private water and sewage systems. Limited infilling, between existing development, may be permitted on the basis of private sewage and water systems.

Where a development of more than five units or lots is proposed, the applicant shall provide a report on servicing options prepared in accordance with the Ministry of Environment guideline including communal or municipal services, with a recommended preferred option. If the Servicing Options Report concludes that a development should proceed on municipal serving only, then that development would not be permitted.

Prior to the consideration of any new development for greater than four lots which is not on full municipal services, the applicant shall be required to submit an environmental impact assessment which is prepared in accordance with applicable guidelines, for approval to the applicable approval authority. The report may demonstrate potable groundwater quality, adequate groundwater yield, negligible groundwater interference, soil suitability and sufficient area for sewage disposal. A study will not be required if a minimum lot size of 1.0 hectare is proposed. A hydrogeological Study will be required as per the sub-division policies of this Plan.

B2.4.1 Affordable Housing

Residential development proposals in the Community designation should be designed to ensure that 25% of the units are affordable to at least 60% of the households in the Township in accordance with the Ontario Housing Policy Statement. In order to determine the price of an affordable home and an affordable rent in the Township, the Ministry of Municipal Affairs and Housing shall be consulted.

B2.4.2 Commercial and Institutional Uses

Commercial and Institutional uses shall locate in the vicinity of other similar uses and on major traffic routes.

B2.4.3 Medium Density

Medium density residential shall be defined as those buildings which comprise more than three dwelling units to a maximum density of 4 units per 0.4 ha (4 units per acre). All new medium density residential development may be approved subject to rezoning and Site Plan Control, and subject to the recommendations of a servicing options report and hydrogeological assessment which show no negative impacts on water quality or quantity, the environment, or public health. It is an objective of this Plan that by 2031, the amount of growth occurring through intensification by 10%.

B2.4.4 Group Homes

A group home is a single housekeeping unit in a residential dwelling for the accommodation of three to 10 persons, exclusive of staff, who live as a housekeeping unit under supervision consistent with the requirements of its residents and which is licensed or approved under Provincial or Federal statute. Group homes shall be permitted in the Community designation wherever residential dwellings are permitted. Once an implementing Zoning By-law is in effect, the municipality may pass a By-law pursuant to the Municipal Act requiring the registration of group homes with the municipality.

B2.4.5 Accessory Apartments

Accessory apartments are considered to be an affordable housing choice and may be permitted in single detached, semi-detached, and rowhouse dwellings and ancillary structures in the Community designation. In considering such an application, Council shall be satisfied that:

- a) the apartment will comply with the Ontario Building and Fire codes as well as applicable provisions of the Township's Zoning By-law;
- b) adequate parking is available on the lot for both dwelling units; and,
- c) the water supply and private sewage system are appropriate to sustain the accessory apartment.
- d) An accessory apartment shall be permitted in an ancillary structure (such as a detached garage) only if the primary dwelling structure contains a single dwelling unit.

B2.4.6 Land Division

Applications for consent or the subdivision of land shall be subject to the policies set out in Section C2.17 of this Plan.

B3 COMMERCIAL EMPLOYMENT

B3.1 PURPOSE

The purpose of the Commercial Employment Designation is to:

- a) provide lands for the creation of diverse employment opportunities;
- b) promote the development of commercial uses directly related to the traveling or vacationing public that are more appropriately located along a major highway;
- c) provide for increased assessment and employment opportunities for the Township of Machar;
- d) ensure that new industrial development occurs in an orderly and compatible manner;
- e) promote the development of commercial uses that will not detract from the importance of the Village of South River as the local centre; and,
- f) provide areas where entrepreneurs and skilled trades can grow and develop and serve the needs of Northern Ontario business.

B3.2 LOCATION

The Commercial Employment Areas are shown on Schedule A to this Plan.

B3.3 PERMITTED USES

Permitted uses in the *Commercial Employment* designation include supermarkets, shopping centres, offices, automobile service stations, restaurants and hotels and motels which cater to the traveling or vacationing public. Commercial Employment will include dry industrial uses characterized as low water users as defined in Section B3.4.3 that produce limited amounts of effluent. Employment uses may include small scale manufacturing, assembly, processing, fabrication, storage and/or warehousing uses and research establishments, wholesaling, service commercial establishments and similar uses. Accessory retail, commercial and office uses and commercial uses that service the permitted industrial uses are also permitted. Institutional uses that are compatible with other Commercial Employment use are also permitted.

B3.4 DEVELOPMENT POLICIES

B3.4.1

New development in the *Commercial Employment* designation shall proceed on the basis of a private water and private sewage systems. Limited infilling, between existing development, may be permitted on the basis of private sewage and water systems where lot sizes and site suitability are demonstrated through submission of appropriate studies.

The development or redevelopment of uses in the Commercial Employment designation may be subject to Site Plan Control. Any redevelopment of existing industrial uses which would involve an expansion of the floor area of more than 25% may also be subject to Site Plan Control. In reviewing an application for Site Plan approval, Council shall be satisfied that:

- a) The proposed use is compliant with the Ministry of Environment D-Series Guidelines to ensure the use is compatible with adjacent residential or other sensitive uses which are existing or are planned in accordance with this Official Plan. To address this issue Council may require the business owner to retain a qualified professional to complete an assessment which demonstrates that the proposed use is compliant with the MOE D-Series Guidelines;
- b) The use has access to a provincial or municipal road and is serviced by an approved private water supply and sewage system;
- c) Adequate parking and loading facilities are provided on the site;
- d) The proposed buildings or structures on unvegetated sites incorporate landscaping to enhance the site and surrounding area;
- e) Outdoor storage areas are substantially screened from view of passing traffic; and,
- f) Where a proposed use abuts or is in proximity to an existing sensitive land use, fencing, landscaping, berming or a combination of these features are utilized to ensure that there is adequate screening between the uses. It is anticipated that where a D-Series assessment is completed, recommendations for buffering will be required.

B3.4.2

Where a development of more than five units or lots is proposed, the applicant shall provide a report prepared in accordance with the Ministry of Environment guidelines on servicing servicing options including communal or municipal services, with a recommended preferred option. If the Servicing Options Report concludes that a development should proceed on municipal serving only, then that development would not be permitted.

B3.4.3

For lands located in the Commercial Employment designation only low water commercial and industrial uses shall be permitted.

For the purpose of this Official Plan, low water uses shall be defined as uses which generate less than 50,000 litres per day and the following servicing policies shall also apply:

- a) for uses that have an average daily flow greater than 4,500 litres per day, the Ministry of the Environment B-7 Guideline “Incorporation of the Reasonable Use Concept into Groundwater Management Activities” shall apply; and,
- b) for uses that generate sewage effluent of more than 10,000 litres per day, a Certificate of Approval from the Ministry of the Environment will be required. For uses that generate less than 10,000 litres per day, a *Building Code Act* permit shall be required from the appropriate approval body.

New uses requiring more than 50,000 litres of water per day shall require an amendment to the Official Plan and Zoning By-law as well as a Permit to Take Water under the *Ontario Water Resources Act*. An application to amend the Official Plan and Zoning By-law to permit a use requiring more than 50,000 litres of water per day shall be accompanied by a hydrogeological evaluation confirming that the required water quantity is available for the use and will not impact adjacent wells. Such an application shall also be accompanied by a Servicing Options Report and shall adhere to all applicable requirements of the Ministry of the Environment and follow their Guideline “Incorporation of the Reasonable Use Concept into MOE Groundwater Management Activities”.

B3.4.4

The Village of South River shall be consulted by the Township of Machar when considering development proposals within the Commercial Employment Area, to determine if cross-municipal concerns pertaining to source water protection, servicing, environmental considerations, or land use compatibility are addressed during the development review process.

B3.4.5

Where commercial or industrial developments abut residential uses, adequate buffering between the uses shall be provided through Site Plan Control. The Zoning By-law shall restrict the uses permitted in this designation to ensure that there are no conflicts between adjoining uses.

B3.4.6

Applications for consent or the subdivision of land shall be subject to the policies set out in Section C2.17 of this Plan.

B4 SHORELINE

B4.1 PURPOSE

The purpose of the Shoreline designation is to:

- a) ensure that new development is consistent with the scale and character of the shoreline residential area and preserve the visual quality of the shoreline;
- b) ensure that natural heritage features and groundwater resources are protected from new development and site alteration and to improve the natural characteristics of the shoreline;
- c) ensure the protection, improvement and restoration of groundwater and surface water;
- d) encourage improvements to the infrastructure in the shoreline area to maintain, protect, restore and improve water quality and quantity and improve sustainability; and,
- e) minimize the impact of any new development on the natural shoreline while maintaining or enhancing the extent of natural vegetation in the shoreline area.

B4.2 LOCATION

The areas designated Shoreline are illustrated on Schedule A, the Land Use plan.

B4.3 PERMITTED USES

Permitted uses in areas designated Shoreline on Schedule A shall include single dwellings, tourist commercial uses, marinas and recreational uses which existed on the date of approval of this Plan.

B4.4 GENERAL DEVELOPMENT POLICIES

All development on lands designated Shoreline and within 300 metres of the high water mark of the lake shall be deemed to have an impact on the lake unless it can be demonstrated otherwise.

Development may be subject to a Tree Cutting By-law passed by Council in accordance with Section 4 of the Trees Act. Council may also require that an Environmental Impact Report be prepared in accordance with Section B5.14.

The use of privately owned land for the purpose of providing communal access to the water shall require an Official Plan Amendment before the use commences. Lands used for communal access shall also be subject to provisions in the Zoning By-law and Site Plan control to restrict the intensity of the recreational use.

B4.4.1 Preservation of Vegetation

New development in the shoreline shall be sensitive to the preservation of tree cover and vegetation wherever possible so as to prevent erosion, siltation and possible nutrient migration and help maintain wildlife habitat. Development shall be set back a minimum of 23 metres from the high water mark. A greater setback may be required where necessary to address water quality, wetland, fish habitat or similar issues.

Natural features shall dominate the shoreline, with the Township generally requiring that up to 90 percent of the front 15 metres of a lot be maintained in a natural vegetative buffer. Site alteration and disturbance of vegetation within 15 metres of the shoreline shall be limited to minor alterations to accommodate access trails, docks, water pumping equipment or restoration work. Performance standards respecting the protection of the vegetative buffer and the amount and type of development permitted to encroach within the buffer shall be set out in the implementing Zoning By-law and through Site Plan Control. Approvals for new development or re-development will include requirements for landscape naturalization, improved on-site retention and treatment of wastewater and stormwater and improved compatibility with the natural environment.

B4.4.2 Maintaining Character

Buildings in the *Shoreline Area* will be designed and constructed to blend in to the natural environment and preserve the historic architectural characteristics of the area. The Zoning By-law implementing this Official Plan will include regulations that will:

- a) limit lot coverage up to a maximum of 10 percent of the lot area within the front 60 metres of the lot, and impose total coverage regulations which may be less than permissible lot coverage;
- b) limit the size of the waterfront dwellings based on the gross floor area and height of the dwelling;
- c) limit the expansion and additions to existing dwellings where the building does not comply with the By-law performance standards including shoreline setbacks;
- d) limit the height of buildings within the front 60 metres of a lot to ensure that the building height does not intercept the natural tree line when viewed from the water;
- e) limit the size of docks and other shoreline structures to a maximum percent of the shoreline frontage of the lot or a defined size, whichever is greater; and,
- f) prohibit boathouses from extending beyond the shoreline.

B4.4.3 Reduced Standards

Variances to the established maximum size of a dwelling or setbacks identified above may be considered where the applicant provides evidence satisfactory to the Township that the visual or environmental impact of the dwelling will not be significant. Such variances may be considered where they are supported by a Site Evaluation Report and architectural drawings that demonstrate how the visual and environmental impact will be managed implemented through a Site Plan Agreement and justify the reduced standards. The provision of mitigation measures or compensating features such as increased setbacks, additional screening and buffering from the shoreline may be required to off-set the impact of the variance required.

B4.4.4 Sewage Systems

New sewage systems are encouraged to be located as far back from the shoreline as possible, and shall be located a minimum of 30 metres from the shoreline, unless it is not physically possible (due to terrain features or lot depth) to locate the sewage system at such a distance, in which case the system shall be located as far back as possible and in accordance with current legislated minimum setback requirements. Where sewage systems cannot be set back 30 metres from the shoreline tertiary treatment systems shall be utilized. Tertiary treatment systems shall not be used as a means through which to permit new development on any at-capacity lake.

B4.5 MIKISEW PROVINCIAL PARK

Lands which are presently the site of Mikisew Provincial Park and administered by the Ministry of Natural Resources are not bound by the policies of this Official Plan. However, if the lands cease to be owned by the Crown, the lands which are within 300 metres of Eagle Lake shall be considered as being within the Shoreline designation.

B4.6 SHORELINE COMMERCIAL DEVELOPMENT POLICIES

New commercial uses within the Shoreline designation will require an Official Plan Amendment.

The expansion of the existing commercial uses which provide accommodation may be permitted on the basis of 6 metres frontage per unit on the waterbody and a maximum density that does not exceed 10 units per hectare where a unit is defined as a rental cottage or a camp site, or a room in a hotel or lodge.

In instances where the accommodation is provided in sleeping cabins or dormitories, the expansion or development of such commercial developments may be permitted on the basis of 2 metres per person frontage on a waterbody.

Notwithstanding any other policy of this Plan to the contrary, the commercial development located in Part of Lots 31 and 32, Concession 1, shall be permitted on the basis of 0.86 metres per person frontage on Eagle Lake.

B4.6.1

The expansion of commercial uses which provide accommodation above the densities provided in Section B5.6 shall only proceed by way of Amendment to the Official Plan and shall be subject to Site Plan Control. Approval of the development may be subject to additional requirements contained in the Zoning By-law.

B4.6.2

The implementing Zoning By-law shall limit the expansion of existing commercial developments that would increase docking or accommodation facilities, or result in additional sewage effluent due to the use.

B4.6.3

The development of new commercial uses may be permitted subject to a site specific amendment to the Official Plan and the Zoning By-law. The development shall also be subject to Site Plan Control. In considering such applications, Council shall also require that an Environmental Impact Report be prepared in accordance with Section B4.13.

B4.6.4 Fractional Ownership

Densities permitted for developments based on fractional ownership shall be based on the nature and built form of the development. Developments in the form of individual cottages shall meet the frontage and density requirements for residential uses. Developments in the form of tourist resorts with communal facilities and commercial services shall be based on the policies for tourist commercial developments.

B4.7 SHORELINE RESIDENTIAL DEVELOPMENT POLICIES

B4.7.1

New lots shall have a minimum frontage of 60 metres (200 feet) and generally be 1.0 ha (2.47 acres) unless a smaller lot size can otherwise be supported by technical information pertaining to the physical characteristics and hydrogeology of the site in accordance with the MOE D-Series guidelines or their successor documents.

New lots should be created only when it can be shown to the satisfaction of the approval authority that soil and drainage conditions are suitable to permit the proper siting of buildings, to obtain a sufficient and potable water supply and to permit the installation of an adequate means of sewage disposal. Consideration should be given to the adequacy of water supply and sewage disposal for both the severed and retained portions of the subject property and to impacts to neighbouring properties, and to the cumulative impacts of development on the sustainability of water resources.

B4.7.2

Residential development in the *Shoreline* designation shall generally occur as a single tier of development adjacent to the shoreline. A limited amount of second tier development in the form of residential backlots may be permitted provided the following criteria are met:

- a) the lot has a minimum area of 1.6 hectares;
- b) the lot has a minimum frontage of 105 metres;
- c) the lot is located within 350 metres of a maintained public access to the lake; and,
- d) the development is considered non-impact developmet in accordance with Section B5.10 and will not impact the water quality.

B4.7.3 Existing Lots

Existing lots in the *Shoreline* designation, which are unable to meet the minimum standards set out in this Plan and which existed legally at the date of adoption of this document, may be deemed to conform by Council. However, the zoning will establish a minimum size for lots that can be developed as of right. Variances to these regulations shall be considered in accordance with the General Development policies in this section. Where possible adjoining undersized vacant lots should be merged to create larger parcels.

B4.7.4 Private Roads

New recreational residential development may be permitted on roads which are not maintained year round by the Township provided that an agreement is registered on title acknowledging municipal services such as snowplowing, road maintenance, emergency services, garbage pick-up and school bussing may not be provided by the municipality. The conversion of an existing recreational residence on such roads into a permanent residence or the construction of a residence which will be used year round, will require Council to pass a By-law in accordance with Section D1.1.2 of this Plan.

B4.8 LAKE CAPACITY

The four lakes in the Township, Eagle Lake, Bray Lake, Hamilton Lake and King Lake are considered by Council to have unique characteristics and limited carrying capacities with respect to amount of shoreline development they can accommodate. To ensure that the basic objectives of the *Shoreline* designation are met, policies specific to each of the lakes have been formulated and are to be considered concurrently with the General Development Standards contained in Subsections B4.5, B4.7 and B4.8. For these four lakes, in addition to the requirement that new development shall not raise the phosphorus levels by greater than 50% above its natural level, development shall not cause the level of phosphorus in any of the lakes to exceed 20mg/L over the lifetime of this plan, even if such a level would be less than a 50% increase to the natural level of the lake.

B4.9 EAGLE LAKE

B.4.9.1

No new lots for residential use shall be created in the *Shoreline* designation surrounding both basins of Eagle Lake, unless the creation of the lot was allowed by the passage of a By-law prior to the date of the adoption of the Official Plan by Council or in accordance with Section B5.10. However, a limited amount of second tier development in accordance with the frontage and area requirements of Sub-section B4.7.2 may be permitted.

B.4.9.2

Council may apply Site Plan Control for residential developments that do not meet the minimum lot size or areas outlined in this Plan where the waterbody is considered to be sensitive to redevelopment and redevelopment by Council and the Ministry of the Environment.

B4.10 NON IMPACT DEVELOPMENT

New development may be permitted within 300 metres of Eagle Lake only under one of the following special circumstances:

- a) The tile fields on each new lot are set back at least 300 metres from the highwater mark of the lake, or such that drainage from the tile fields would flow at least 300 metres to the lake;
- b) The tile fields on each new lot are located such that they would drain into the drainage basin of another waterbody, which is not at capacity;
- c) To separate existing, habitable dwellings, each having a separate sewage system, provided that the land use would not change; or
- d) The proposed new use, has a scale and density that is less than or equal to that which currently exists on site, and shall demonstrate a net reduction of the phosphorus loading on the lake.

B4.11 BRAY LAKE

B4.11.1

Monitoring by the Ministry of the Environment indicates that the phosphorus level on Bray Lake is 13.2 mg./m³. In order to limit the lake's further water quality deterioration, new development shall not raise the phosphorus level on Bray Lake over the life of this Plan by more than 50% above its natural level. The creation of new lots shall be supported by lake capacity modeling in accordance with the guidelines of the Ministry of the Environment.

B4.11.2

Before building permits are issued, Hydro One should be consulted with respect to high water levels. This figure may be increased or decreased in consultation with the Ministry of Natural Resources without an Official Plan Amendment, but a minor variance to the Zoning By-law will be required.

B4.12 KING LAKE

B4.12.1

With the exception of development by way of consent, no development on King Lake shall be permitted until water quality modelling is provided to Council in accordance with the guidelines of the Ministry of the Environment. No development shall be permitted on King Lake which would result in an increase of 50% in the natural phosphorous level of the lake.

B4.13 HAMILTON LAKE

B4.13.1

With the exception of small development by way of consent, no development on Hamilton Lake shall be permitted until water quality modelling is provided to Council in accordance with the guidelines of the Ministry of the Environment. No development shall be permitted on Hamilton Lake which would result in an increase of 50% in the natural phosphorous level of the lake.

B4.14 ENVIRONMENTAL IMPACT STUDY

Environmental Impact Studies shall be required for all development requiring Planning Act approval within the Shoreline designation.

B4.15 LEGAL NON-COMPLIANT LOTS AND BOUNDARY ADJUSTMENTS

Legal non-complying lots which are made larger as a result of a boundary adjustment shall be deemed to comply with the frontage and area requirements of the implementing Zoning By-law and shall not be subject to a zoning amendment or minor variance, provided the area of the lot is to be increased to at least 929 square metres (10,000 square feet). This policy also applies to new lots that are created as a result of the merging of two or more lots in an existing Plan of Subdivision.

The creation of new lots for residential purposes shall also comply with Section C2.17.2 of this Plan.

B4.16 SHORELINE ALTERATIONS

Subject to the approval of Council, the Ministry of Natural Resources and/or the Federal Department of Fisheries and Oceans, development may be approved in shoreline areas, adjacent to and within 23 metres of the shoreline, subject to a satisfactory Environmental Impact Study being completed, which shows that development will not have a negative impact. Filling, dredging and/or other shoreline

alterations within 120 metres of fish habitat areas is prohibited and may be subject to enforcement by the Federal Department of Fisheries and Oceans.

B4.17 SHORE ROAD ALLOWANCE

In considering applications for the closure and sale of public road allowances along shorelines, Council shall have regard for the following:

- a) The portion of the shore road allowance proposed to be closed has not present or future use for public travel, public waterfront areas, public access or other municipal purpose;
- b) Only portion of the road allowance above the natural or regulated high water mark may be sold;
- c) Lands that are subject to flooding or that are located in the Natural Heritage Protection designation may not be sold,
- d) All costs incurred in the closing and transfer of a shore road allowance shall be paid for by the transferee; and,
- e) Abutting property owners shall be in agreement with respect to the alignment of the future boundary line.

B4.18 LAND DIVISION

Applications for consent or the subdivision of land shall be subject to the policies set out in Section C2.17 of this Plan.

B5 NATURAL HERITAGE PROTECTION

B5.1 PURPOSE

The purpose of the Natural Heritage Protection designation is to:

- a) maintain and enhance the ecological integrity of the natural heritage system;
- b) eliminate the potential for the loss or fragmentation of Provincially significant wetlands and the habitats and ecological functions they provide; and,
- c) provide the tools to properly assess development applications located in close proximity to environmentally sensitive features and areas.
- d) Protect human life and reduce property damage by controlling development on those lands which are physically unsuitable for development.

B5.2 LOCATION

The Natural Heritage Protection designation is intended to include the following components of the Township's Natural Heritage System:

- a) All significant wetlands evaluated and identified by the Ministry of Natural Resources;
- b) Significant habitat of endangered or threatened species; and,
- c) Any other area that has been determined to be environmentally significant as a result of a planning approval process.
- d) Lands that are unsuitable for development due to steep slopes, flooding or other physical conditions.

Lands designated Natural Heritage Protection are shown on Schedule A to this Plan. The individual components of the Natural Heritage Protection designation are shown on Schedule B to this Plan.

B5.3 PERMITTED USES

Permitted uses on lands designated Natural Heritage Protection are limited to conservation and passive recreational uses that do not require development or site alteration. For the purposes of B6.2 a) and c) above, works and infrastructure that by their nature must be located within the floodway, such as flood and erosion control works are permitted. For the purposes of this section, a golf course or other land use involving site alteration or utilizing motorized vehicles or equipment is not a passive recreational use. Proposals for the development of buildings and structures accessory to permitted uses are required to be accompanied by a supporting Environmental Impact Study which demonstrates, for the purposes of B6.2 a) and c), that no negative

impact on the natural features or their ecological functions will occur due to the proposed development.

Nothing in this Section is intended to limit the ability of existing agricultural uses to continue on lands that are designated Natural Heritage Protection. Similarly, existing forestry and existing woodlot management activities are not intended to be prohibited but are encouraged to comply with good forest management practices as recommended or endorsed by the Ministry of Natural Resources and the Ontario Forestry Association.

B5.4 GENERAL POLICIES

B5.4.1 Use of Lands in Private Ownership

Where any land within the Natural Heritage Protection system is held under private ownership, this Plan shall not be construed as implying that such areas are free and open to the general public.

B5.4.2 Adjacent Lands

Adjacent lands are the lands adjacent to an environmental feature within which impacts must be considered and within which the compatibility of the development proposal must be addressed. For the purposes of this Official Plan, adjacent lands are defined as all lands within:

- a) 120 metres of the boundary of a Provincially significant wetland that has been evaluated by the Ministry of Natural Resources.
- b) 120 metres of a significant habitat of any endangered or threatened species and where scientific data has determined a different setback the greater of the two will be required; and,
- c) 120 metres from the boundary of a fish habitat area.

No development or site alteration shall be permitted on these adjacent lands without Council approval of a zoning by-law amendment, site plan, or other appropriate planning approval. Council may require an Environmental Impact Study and/or a subwatershed study and/or a geotechnical study is completed and approved by Council, subject to the comments of the appropriate agencies. The requirements for an Environmental Impact Study are contained in Section B6.6 of this Plan.

The scale and the contents of the required studies shall be determined at the time the development is proposed. The width of the adjacent lands may be increased/decreased, depending on the feature and the nature of the proposed development. This determination shall be made in consultation with the appropriate agencies following the review of the EIS at the time the development is proposed.

B5.5 DESCRIPTION OF COMPONENTS OF THE NATURAL HERITAGE PROTECTION DESIGNATION

The Natural Heritage System represents a network of natural areas that continues to exist after the area was settled and the lands and waters that support the ecological functions critical to the survival of these areas. Components of the natural heritage system that are within the Natural Heritage Protection designation include the following from the PPS.

- Significant wetlands;
- Fish Habitat;
- Significant woodlands;
- Significant valleylands;
- Significant habitat of endangered and threatened species;
- Significant wildlife habitat; and,

B5.6 REQUIREMENTS FOR AN ENVIRONMENTAL IMPACT STUDY

Where the policies of this Plan require that an Environmental Impact Study (EIS) be prepared, such an EIS shall be prepared in accordance with the requirements of this section and as outlined in section C2.7 of this Plan.

B5.6.1 Purpose of an EIS

The purpose of an EIS is to:

- a) collect and evaluate all the appropriate information in order to have a complete understanding of the boundaries, attributes and functions of relevant natural heritage feature(s);
- b) make an informed decision as to whether or not a proposed use will have a negative impact on the significant natural features and ecological functions of the Township; and,
- c) evaluate the existing and potential forest resources on the property and the effect of the proposed uses on those resources.
- d) Where the focus of study is adjacent lands as defined by this Plan, the EIS shall evaluate the ecological function of the adjacent lands and demonstrate that there will be no negative impacts on natural features or ecological functions.

Any EIS required by this Plan must describe the significant natural features and ecological functions, identify their significance and sensitivities and describe how they could be affected by a proposed use. The EIS should give consideration to the relevant aspects and inter-relationships of various components of the natural heritage system on and off the site. In addition, the EIS must address how the proposed development will protect, maintain or restore the significant natural features and ecological functions of the natural heritage system.

Any EIS must be approved by Council, in consultation with other appropriate agencies, before a planning application that is subject to the EIS is accepted by Council.

B5.6.2 Contents of an EIS

The EIS shall include a description of:

- a) the proposed undertaking;
- b) the natural features and ecological functions of the area potentially affected directly and indirectly by the undertaking, and an assessment of their sensitivity to development;
- c) any lands that support environmental attributes and/or functions that may qualify the lands for designation within the Natural Heritage Protection designation;
- d) the direct and indirect impacts to the ecosystem that might be caused by the undertaking;
- e) any environmental hazards (i.e. slope, flooding contaminants) that need to be addressed as part of the design and how they will be addressed;
- f) any monitoring that may be required to ensure that mitigating measures are achieving the intended goals;
- g) how the proposed use affects the possibility of linking core areas of the natural heritage system by natural corridors that may or may not be identified on the schedules to this Plan; and,
- h) a Management Plan (MP) identifying how the adverse effects will be avoided or minimized over the construction period and the life of the undertaking and how environmental features and functions will be enhanced where appropriate and describing the net effect of the undertaking after implementation of the MP. The MP shall also establish the limits or buffers and setbacks adjacent to watercourses, waterbodies, valleys, significant wetlands and vegetation to protect the natural feature and its attributes and/or function from the effects of development.

B5.6.3 What an EIS Should Demonstrate

The EIS should demonstrate that the proposed use will:

- a) not discharge any substance that could harm air quality, groundwater, surface water and associated plant and animal life;
- b) be supplied by an adequate supply of water and that the groundwater taking associated with the use will not harm existing water supplies, surface water features and associated plant and animal life;

- c) not cause erosion or siltation of watercourses or changes to watercourse morphology;
- d) not interfere with groundwater recharge to the extent that it would adversely affect groundwater supply for any use;
- e) not be located where it would be subject to flooding or erosion and not cause an increase in flood or erosion potential on or off the site;
- f) maintain/enhance/restore/rehabilitate the natural condition of affected watercourses, and protect/enhance/restore/rehabilitate aquatic and fish habitat;
- g) not significantly affect the scenic qualities of the area;
- h) enhance and restore endangered terrestrial and aquatic and fish habitat where appropriate and feasible;
- i) not create noise that will have an adverse impact on the enjoyment of neighbouring properties;
- j) not interfere with the function of existing or potential natural corridors;
- k) not lead to a significant reduction in the forest resource or interior forest habitat in an area; and,
- l) not result in development or site alteration in significant habitat of endangered or threatened species or provincially significant wetlands, and not occur within 120 metres of such areas unless it has been demonstrated that there would be no negative impacts on the natural features or their ecological functions; and,
- m) not result in development or site alteration in or within 120 metres of significant wildlife habitat unless it has been demonstrated that there would be no negative impacts on the natural features or their ecological functions.

In addition, the EIS shall demonstrate that there will be no negative impacts resulting from the proposed use on the significant natural features that are identified on Schedule B to this Plan or the ecological functions for which the area is identified.

B6 ZONING BY-LAW

Boundaries of the Natural Heritage Protection designation, illustrated on Schedule A, represent the most accurate mapping available to the Township at the time this Plan was prepared. The same mapping is intended to be utilized in the implementing Zoning By-law however, minor changes to the boundary may be facilitated by a Zoning Amendment, provided the Official Plan is updated at the time of a five year review.

Where any application is made to correct the boundary of an area identified as Provincially Significant Wetland, in the Zoning By-law, the application shall be circulated to the Ministry of Municipal Affairs and Housing and Notice of application is to be given to MMAH pursuant to Ontario Regulation 545/06 (5(10)).

The proponent shall retain a person qualified in the Ontario Wetland Evaluation System - Northern Manual to identify and justify a proposal to correct the wetland boundaries. A Provincially Significant Wetland boundary cannot be revised without the approval of the Ministry of Natural Resources.

The implementing Zoning By-law shall also specify that all buildings and structures be set back an appropriate distance from the boundary of a Natural Heritage Protection Zone as required under B6.4.2. A reduction in the setbacks will require either an Amendment to the implementing Zoning By-law or a minor variance subject to the comments of the appropriate agencies. Matters to be considered in reviewing an application to reduce the setback include:

- a) the nature of the soils;
- b) the nature and stability of the vegetation and cover;
- c) the slope of the land;
- d) the nature of existing and proposed drainage patterns;
- e) the nature of the fish and wildlife that may be present; and,
- f) the scale of the proposed development.

Council shall be satisfied that the proposed development can be accommodated without there being a negative impact on the features and functions of the corridor and in a safe manner.

PART C - GENERAL DEVELOPMENT POLICIES

This section of the Plan presents the policies that are applicable throughout the Township regardless of the land use designation, unless otherwise indicated. These policies should be read in conjunction with the vision, principles, goals, objectives and policies contained in other sections of the Plan. Schedule B to this Plan illustrates the Natural Heritage Features in the Township.

The General Development Policies are grouped into two sub-sections:

- C1 - General Environmental Policies, and;
- C2 - Land Development Criteria

C1 GENERAL ENVIRONMENTAL POLICIES

C1.1 OBJECTIVES

It is the intent of this Plan to:

- a) recognize and protect all significant rivers, streams and other bodies of water and significant natural heritage features in the Township from development that may have an impact on their function as an important component of the natural heritage system. Significant natural heritage features include significant habitat of endangered and threatened species, provincially significant wetlands, significant wildlife habitat and fish habitat;
- b) ensure that development does not occur on lands that are unstable or susceptible to flooding;
- c) ensure that development does not occur on hazardous slopes;
- d) protect the quality of water available for drinking water purposes;
- e) identify criteria that shall be met to support an application for development in an area that is considered to be environmentally sensitive; and,
- f) identify what criteria shall be met to support an application that may have an impact on the hydrogeological resources of the Township.

C1.2 ENVIRONMENTAL FEATURES NOT INCLUDED IN THE NATURAL HERITAGE PROTECTION DESIGNATION

C1.2.1 Lakes, Rivers and Streams

All of the lakes, rivers and streams in the Township as shown on the schedules to this Plan are considered to be environmentally significant since they:

- a) contain fish habitat areas;

- b) function as corridors for migrating wildlife habitat movement and vegetation dispersal;
- c) serve to maintain the quality and quantity of surface and ground water resources; and,
- d) assist in the improvement of air quality.

It is the intent of this Plan to protect all lakes, rivers and streams from incompatible development to minimize the impacts of such development on their function.

C1.2.2 Fish Habitat

Fish habitat means spawning grounds and nursery, rearing, food supply and migration areas on which fish depend directly or indirectly in order to carry out their life processes. New development may be permitted within fish habitat if it can be demonstrated through an EIS that such development will have no negative impact on the feature and the Department of Fisheries has authorized such development or works in accordance with the Fisheries Act. Type 1 Fish Habitat is identified on the Schedules to this Official Plan, areas that are not identified as Type 1 fish habitat are of “unknown” significance; therefore applicants must consult with the appropriate authority (the Federal Department of Fisheries and Oceans) when proposing any development on lands adjacent to water. For the purpose of this section, lands adjacent to fish habitat are defined, as being within 150 metres of a fish habitat area.

Any new shoreline structures will be located outside areas mapped as “Unknown” or “Type 1” fish habitat, unless a study shows that they would be located in Type 2 habitat.

C1.2.3 Woodlands and Valleylands

There are wooded areas in the Township that are not within the Natural Heritage Protection designation primarily because of their large size and their location within the rural area. Similarly valleylands have not been specifically placed in the Natural Heritage Protection designation. However, these areas greatly contribute to the character of the Township as a whole and provide key wildlife habitat and important linkages to other environmental features such as wetlands. It is a policy of this Plan that such areas be retained in their natural state, whenever possible and appropriate.

Council may pass a tree cutting by-law to prevent the cutting of trees in sensitive areas. Such a by-law shall not be passed without a specific assessment of the impacts of a tree cutting by-law together with opportunity for public comment.

C1.2.4 Areas of Significant Wildlife Habitat

A wildlife habitat area is an area where plants, animals and other organisms live, and find adequate amounts of food, water, shelter and space needed to sustain their populations. In some cases, these areas may be considered significant due to the ecological importance of features, functions, representation or amount, thereby contributing to the quality and diversity of an identifiable geographic area.

Known wildlife habitat areas shown on the Schedule B to this Plan include significant wildlife habitat areas such as deer wintering areas, staging areas, and nesting sites. As new information becomes available, other wildlife habitat areas may become known and added to Schedule B. This new information will be considered at the time a development application is submitted and/or when the Official Plan is reviewed.

New development and site alteration may be permitted within or adjacent to areas of significant wildlife habitat or the adjacent lands only where it can be demonstrated through an EIS that such development or site alteration will have no negative impact on the feature or the ecological function. For the purposes of this plan, it is anticipated that development applications will require an EIS if proposed within 120 metres of a significant wildlife habitat.

New lots within winter deer habitat areas shall have a general minimum lot size of 90 metres width by 90 metres depth, for shoreline lots the minimum shoreline width shall be 90 metres. Where winter deer habitat is restricted to a narrow fringe along the lakeshore, a minimum of 120 metres shoreline width shall be required for new shoreline lots unless a study is done that indicates a lesser distance.

C1.2.5 Source Water Protection

At the present time, all areas of the Township obtain drinking water from private wells. It is a policy of this Plan to protect existing sources of drinking water for future use.

On this basis, all development applications for Plan of Subdivision or Plan of Condominium, new commercial, industrial, institutional and any use permitted in Section B5.3, shall be supported by a Water Resource Management (WRM) report.

The WRM Report shall be prepared by a hydrogeological professional to the satisfaction of the Township and the appropriate agencies. The purpose of the WRM Report is to investigate the impacts of the proposed development on water quality and quantity and provide recommendations on:

- a) how to maintain or enhance the natural hydrogeological characteristics of the water resource;
- b) how to minimize or eliminate the effect of the proposed use on the groundwater recharge function;
- c) how to minimize or eliminate the effect of the proposed use on the quality and quantity of drinking water in adjacent private and municipal wells;
- d) how to maintain or enhance sensitive groundwater recharge/discharge areas, aquifers and headwater areas;
- e) whether it is required to monitor water budgets for groundwater aquifers and surface water features; and,

- f) how to ensure that the quality of the watercourses affected by the development are maintained.

C1.2.6 Source Water Intake Protection Zone One (SW IPZ-1)

On the lands identified on Schedule "B" as Source Water Intake Protection Zone One (SW IPZ-1) The Municipality shall prohibit the future establishment of a land use that involved the storage of pesticides including the retail sale, manufacturing, processing, and wholesaling thereof where the threat from the storage of pesticides is significant. Further the Municipality shall prohibit the future establishment of a salt storage facility greater than 5,000 tonnes as the threat from the storage of road salt and as a snow storage facility or snow dump (areas where snow is likely to be transported from offsite) where the threat from their establishment could be significant.

C1.2.7

On the lands identifies on Schedule "B" as Source Water Intake Protection Zone One (SW IPZ-1) the Municipality shall prohibit the future uses specifically including , the storage of agricultural source material, the handling and storage of non-agricultural source material, the handling and storage of commercial fertilizer and the use of land as livestock grazing or pasturing land, an outdoor confinement area or farm-animal yard, as the threat from such uses would be significant. Further the Municipality shall prohibit the future use of land as a storage of tailings from mines or a mine tailings point, an area designated to be injected with liquid industrial waste, an area for land farming of petroleum refining waste and the land filling of hazardous or municipal waste and the land filling of solid non-hazardous industrial or commercial waste as the threat from the activity would be significant.

C1.2.8 Stormwater Management

All proposals for commercial, industrial, institutional and residential development of five lots or more shall be supported by a Stormwater Management (SWM) report. The content and depth of the SWM report shall be determined when the development is proposed.

The SWM Report shall be prepared by a qualified professional to the satisfaction of Council and the appropriate agencies and be prepared in accordance with The Stormwater Management Practices and Design Manual (1994) or its successor and shall:

- a) provide recommendations on a stormwater quantity system which ensures that post-development run-off rates will not be greater than the pre-development run-off rates for storms up to and including the 1:100 year Timmins storm event;
- b) document the possible impacts of development on watershed flow regimes including their interconnection with groundwater resources;
- c) provide recommendations on how to maintain pre-development water quality and improve run-off where appropriate;

- d) document the means by which stormwater volume control will be provided; and,
- e) determine and describe the necessary measures required to be undertaken during construction to mitigate the potential negative impact of development.

Stormwater management facilities for condominium developments and other large single uses may be privately owned and maintained. Agreements with Council may be required as a condition of approval, to provide for their continued maintenance.

C1.2.9 Implementing Zoning By-law

All stormwater management facilities in a Plan of Subdivision shall be placed in the Environmental Protection Zone in the implementing zoning by-law to reflect the potential for these lands to be flooded and to ensure that their intended use is recognized.

C1.3 HAZARD LAND POLICIES

C1.3.1 Steep Slopes and Ravines

The following policies shall apply to development proposed in association with steep slopes and ravines.

- a) Development will not be permitted on slopes that are subject to active erosion or historic slope failure;
- b) Development shall be sufficiently setback from the top of bank of slopes greater than 1 in 3. The development setback distance may be determined in consultation with an engineer and/or surveyor subject to the following criteria:
 - i) soil type and groundwater patterns;
 - ii) vegetation type and cover;
 - iii) severity of slope; and,
 - iv) nature of development.
- c) In some instances, where a sufficient development setback cannot be achieved, the proponent will be required to provide a slope stability analysis as a prerequisite to any development. The analysis shall be prepared by a qualified professional to the satisfaction of Council.

C1.4 NATURAL HAZARDS

Development will generally be directed to areas outside of hazardous land adjacent to the floodline elevations for inland lakes as well as river and stream systems which are impacted by flooding and/or erosion hazards, and hazardous sites. Hazardous sites may consist of steep slopes, unstable soils, organic soils, and unstable bedrock. Where development is proposed within or partly within these features, the development proponent shall submit a technical study prepared by a qualified professional to the satisfaction of the appropriate approval authority which demonstrates the following:

- a) the hazard can be safely addressed, and the development and site alteration is carried out in accordance with the established standards and procedures;
- b) new hazards are not created and existing hazards are not aggravated;
- c) no adverse environmental impacts will result;
- d) vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies; and,
- e) the development does not include institutional uses or essential emergency services or the disposal, manufacture, treatment or storage of hazardous substances.

Recommendations made in the technical report(s) will be implemented through the planning process. Where the technical report indicates that development within a particular hazard is not feasible, the development shall not proceed.

C1.5 FLOOD PLAINS AND EROSION HAZARDS

Development and site alteration within a floodplain is prohibited, except for that development and site alteration which, by its very nature, must be located within a floodplain. A floodplain consists of those areas, usually low lands adjoining watercourses, which have been or may be subject to flooding hazards. Schedule B to this Plan identifies flood plain areas that were identified based on interpretation of aerial photographs, and represent the best information available at the time that this Plan was prepared.

Where development and site alteration is proposed in the vicinity of flooding hazards, a detailed engineering study will first confirm the actual extent of the flooding hazard. Development and site alteration will only proceed if it has been demonstrated to the satisfaction of the approval authority that it can occur safely on the subject lands outside of the flooding hazard, and not upon lands which are high points surrounded by the flooding hazard. Lands impacted by flooding hazards will be zoned appropriately to prohibit development and site alteration, except for that development and site alteration which must, by its very nature, be located within a floodplain.

No development/site alteration is permitted within the flooding hazard limit, as defined by the 100 year flood, Regional Flood, or within the 100 year Erosion Hazard limit, as defined by a qualified person and sealed /stamped by a professional engineer in accordance with the provincial guidelines outlined in the Ministry of Natural Resources Guide to Understanding Natural Hazards (2001). The top of bank shall be determined by an Engineer and/or Surveyor

C1.6 HAZARDOUS SITES

Hazardous sites are defined as lands that could be unsafe for development due to naturally occurring hazards such as unstable soils on bedrock.

In the event that development is proposed within an area characterized by these conditions, a technical study shall be prepared to determine whether the risks created by the hazard can be managed or mitigated in accordance with Provincial standards. In doing so the criteria in Section C1.4 shall apply.

C1.7 CONTAMINATED SITES

Prior to any development approval on lands known to be contaminated, a Phase I, and if necessary, a Phase II Environmental Site Assessment shall be completed and a record of site condition must be obtained.

Where applications for the development or redevelopment of sites that are identified as being contaminated or potentially contaminated have been submitted, approval or condition of final approval will require the proponent to file a Record of Site Condition on the Environmental Site Registry to show that the site has been assessed and if

necessary, remediated in accordance with the requirements of Ontario Regulation 153.04 such that the site is suitable for the intended future use. Mandatory filing of a Record of Site Condition on the Registry is required for any change to a more sensitive land use such as a change of use from industrial to residential or parkland.

C2 GENERAL DEVELOPMENT CRITERIA

C2.1 OBJECTIVES

It is the intent of this Plan to:

- a) ensure that public health and the natural environment is protected;
- b) ensure that new development is carried out in a manner which respects the environmental policies of this Official Plan;
- c) identify the preferred means of servicing in the Township;
- d) ensure that all servicing options are considered when major new development is proposed; and,
- e) ensure that appropriate agreements are in place before development on private communal services occurs.

C2.2 LAND USE COMPATIBILITY

It is recognized that some uses may be sensitive to the odour, noise, vibration or other emissions associated with highways, and various type of industries in addition to uses adjacent to waste disposal sites or sewage treatment facilities. It is a policy of this Plan that incompatible land uses be separated or otherwise buffered from each other. Where a proposed development is located adjacent to a potentially incompatible land use, an assessment of the compatibility of the proposal shall be required by Council in accordance with the Ministry of Environment D-Series Guidelines, where a proposed use cannot satisfy the minimum requirements of the applicable MOE guidelines or its successor, or the potential impacts of the proposed use cannot be mitigated, the use will not be permitted. The approval of development proposals shall be based upon the achievement of adequate distances and the recommendations of the required studies. Where practical and enforceable, such distances or other recommendations may be implemented through zoning or site plan agreements.

C2.3 TRAFFIC IMPACT STUDIES

Traffic impact studies may be required by Council to support a development application. The intent of such a study is to ensure that the proposed development can be designed and sited to ensure that the impacts of the development on the adjacent road network are addressed. The Ministry of Transportation is required to review all studies for development adjacent to, or in close proximity to, provincial highways.

C2.4 MINIMUM DISTANCE SEPARATION FORMULAE

All farm and non-farm development will comply with the Minimum Distance Separation formulae, established by the Province and as amended from time to time, in order to protect existing agricultural operations and to minimize odour conflicts between livestock facilities and development.

C2.5 ALTERNATIVE ENERGY SYSTEMS

Alternative energy systems and infrastructure not considered renewable energy undertakings, as per section 62.0.2 of the Planning Act and/or schedule K of the Green Energy and Green Economy Act, 2009 shall be subject to a Zoning By-law Amendment.

In preparing an amendment to the Zoning By-law for an alternative energy system on the subject lands, the following issues will need to be addressed:

- a) Confirmation that the proposal has complied with the Ministry of the Environment's Environmental Screening Process for electricity projects;
- b) An assessment of the impacts such a facility would have on existing land uses and the future development of adjacent lands primarily with respect to issues of noise and character.
- c) An assessment of the operational feasibility of the utility, if the facility is to be publicly owned and operated;
- d) An assessment of the access and servicing requirements required for the facility; and,
- e) Other planning issues that may be considered at the time a proposal come forward.

Large scale power generation operations that develop and sell electricity for commercial purposes including solar and wind farms shall be considered an industrial use in accordance with the provisions of this Plan. These operations should be sited and regulated so that most of the safety and the noise effects, as regulated by the Ministry of the Environment, are contained on the subject property and the adverse visual effects of the property are minimized to the extent possible.

C2.6 HOME OCCUPATIONS

This Plan will permit additional activities, such as home occupations in the Community and Rural designation.

Home occupations are typically professional work and service activities that are carried out within the residential dwelling or accessory building that typically do not involve the retail sale of goods and services. In addition, such uses generally occupy no more than 30% of the gross floor area of the dwelling and do not change the character of the dwelling. Home occupations will be defined and regulated through provisions in the Township's Zoning By-law.

Entrances serving home occupations, industry or businesses located adjacent to provincial highways require the approval of the Ministry of Transportation. Typically, the Ministry of Transportation will require that the property owner obtain an entrance permit and a sign permit if necessary. As a condition of these permits, the Ministry of Transportation requires the property owner to acknowledge that the use of their existing entrance cannot be converted to a commercial entrance in the future and that an additional entrance will not be permitted to accommodate the home

occupations, industry or business. In addition, the Ministry of Transportation would not support a future severance that would result in a separate entrance to a business and one for the retained parcel.

C2.7 TECHNICAL STUDIES AND PEER REVIEWS

Where a policy in this Plan requires the submission of technical studies, such studies must be prepared at the applicant's expense by a qualified professional. When technical studies are submitted with a development application, Council may authorize a qualified professional to peer review such studies and provide advice to Council at the applicant's expense.

C2.8 ONTARIANS WITH DISABILITIES ACT

In accordance with the provisions of the Ontarians with Disabilities Act, 2001, the Township will prepare a Municipal Accessibility Plan to address the identification, removal and prevention of barriers to persons with disabilities in the municipality's by-laws and in its policies, programs, practices and services. The plan will assist the Township in making public facilities and private developments safe and accessible for use by all citizens in the Township.

C2.9 PEAT EXTRACTION

The extraction of peat soils shall only be permitted in the Rural Designation and on lands not identified as a Provincially Significant Wetland. The use may only occur after the preparation of an Environmental Impact Statement in Accordance with Section B6.6, a wetland evaluation report confirming that the feature is not a significant heritage area, and an Amendment to this Plan. If the lands are identified as a Provincially Significant Wetland as a result of the Environmental Impact Statement, peat extraction shall not be permitted.

C2.10 AGGREGATE RESOURCE POTENTIAL AREA

Areas having high aggregate or mineral resource potential are identified on Schedule C. These areas shall generally be protected for long-term use for resource extraction. The underlying land use designations shown on the Schedules to this Plan have generally been determined to be compatible with the long-term protection of these areas for resource extraction.

New development in these areas for purposes other than resource extraction will not be permitted except where it can be shown that the proposed development has a greater long-term public interest than the extraction of the resource and that the proposed use will not hinder or preclude the establishment of future extractive activities or that the extraction of the resource is not practical due to surrounding land uses or other physical or man-made features. Proponents of non-aggregate land uses in these area or adjacent to these areas, will be required to submit technical reports to the satisfaction of Council to support the application for alternate land uses.

Much of the Township is underlain by granite bedrock which is considered a significant aggregate resource. Given the amount of the resource in the Township, granite bedrock has not been identified as a Primary aggregate Resource on Schedule C. This resource will be protected by limiting growth in the Rural Areas of the Township.

C2.11 PUBLIC USE

The Township or any local board as defined in the Municipal Act and any telephone company, Department of the Government of Canada or the Province of Ontario including any hydro generation or distribution company, may use any land, erect, or use any building or structure for the purpose of public service in any land use designation subject to the following criteria:

- a) That any building or structure shall only comply with the height, coverage and yard requirements prescribed in the Zoning By-law for the zone in which it is located;
- b) That satisfactory parking standards are maintained;
- c) That outside storage of goods, material or equipment shall be permitted in zones that permit outdoor storage;
- d) That any building or structure in a residential area shall be designed and maintained in general harmony with the residential area.
- e) That public uses in areas of sensitive ecology, such as all areas designated "Natural Heritage Protection" will be limited unless studies are completed that would show impacts on sensitive resources/ environments would be minimized.

C2.12 SENSITIVE LIGHTING

The night time sky is a significant feature of the Township. The view of the night time sky is important to tourism and worth preserving for future generations. Sensible lighting practices that help preserve the night time sky are encouraged for all development in the Shoreline areas of the Township.

Sensitive lighting that is oriented downward, low wattage, energy efficient and minimizes glare will be encouraged, throughout the Township, in order to:

- i) Prevent conflicts with abutting uses and preserve privacy;
- ii) Minimize impacts on wildlife;
- iii) Minimize hazards to navigation; and
- iv) Preserve the night sky.

C2.13 WASTE DISPOSAL SITES

No development shall be permitted within 500 metres of the perimeter of the fill area of any landfill site.

Where new development is proposed within 500 metres of the perimeter of the fill area of an active or inactive landfill site, with the exception of a pit or quarry operation, a study shall be required that evaluates the presence and impact of any adverse effects or risk to health and safety and establishes appropriate remedial measures to meet Provincial Guidelines.

Development, including public parkland uses, is not permitted on closed landfill sites for a minimum of twenty-five years after closure and must have the approval from the Minister, in accordance with provincial legislation.

C2.14 AFFORDABLE HOUSING

It is a policy of this Plan to ensure existing and new residents have access to diverse and affordable housing choices. This Plan provides for accessory apartments and garden suites, which will contribute towards affordability objectives. In addition, it is a policy of this Plan that a sufficient supply of rural building lots be available in order to keep the cost of rural residential development more affordable.

C2.15 ENERGY EFFICIENCY AND AIR QUALITY

Council encourages subdivision design that promotes or derives energy efficiency and improved air quality through land use and development patterns which maximize the use of alternative or renewable energy, such as solar and wind energy as well as the mitigating effects of vegetation.

C2.16 CULTURAL HERITAGE, ARCHAEOLOGICAL RESOURCES AND BUILT HERITAGE RESOURCES

C2.16.1 Objectives

It is the intent of this Plan to:

- a) recognize that the maintenance of the Township's cultural heritage resources, which include cultural, archaeological and built heritage resources, that will contribute to the preservation of the Township's character.
- b) Ensure that the nature and location of heritage and archaeological resources are known and considered before land use decisions are made.
- c) Prevent the demolition, destruction, inappropriate alteration or use of cultural heritage resources and encourage development which is adjacent to significant cultural heritage resources to be of an appropriate scale and character.

- d) Consult and seek the advice of a Heritage Committee or other established heritage organizations when making decisions regarding the conservation of cultural heritage resources in the Township.

C2.16.2 Municipal Heritage Committee

A Municipal Heritage Committee may be established pursuant to Section 28 of the Ontario Heritage Act to advise Council on matters related to Parts IV and V of the Act. In addition, Council may wish to expand the role of the Municipal Heritage Committee to advise and assist Council on other matters of cultural heritage conservation.

C2.16.3 Public Works

Public authorities have the ability to make decisions affecting the public realm that can have a positive impact on cultural heritage resources. On that basis, the carrying out of any public work by any Public Authority shall have regard to the retention and protection of identified cultural heritage resources in accordance with the goals and objectives of this Plan.

C2.16.4 Conservation of Cultural Heritage Resources

It is the intent of this Plan to encourage the restoration or rehabilitation of identified cultural heritage resources by assisting with funding applications, establishing partnerships with agencies or associations. Council may also encourage the restoration and retention of heritage properties through the use of bonusing and density transfers and other means as permitted by the Planning Act. Council may also lead by example by restoring, rehabilitating, enhancing and maintaining municipally owned cultural heritage resources, through appropriate heritage stewardship practices.

C2.16.5 Built Heritage and Cultural Heritage Landscape Inventory

An inventory of heritage buildings, structures and cultural heritage landscapes within the Township should be maintained by the municipality. Landscapes such as existing rural and agricultural areas, historic hamlets, and heritage roads will be identified in the inventory. A cultural heritage landscape is a defined geographical area of heritage significance that has been modified by human activities. Such an area is valued by a community and is of significance to the understanding of the history of a people or place

Inventoried heritage resources may be considered for designation under the Ontario Heritage Act and/or conservation through the review of any proposed development, subject to all relevant legislation.

C2.16.6 Designation under the Ontario Heritage Act

Council may by by-law designate buildings of cultural heritage significance pursuant to the Ontario Heritage Act and the policies of this Section. Prior to the passage of such a by-law, council shall be satisfied that:

- a) the building or property is strongly associated with the life of a person who played an integral role in the development of the Township and/or is well-known locally, nationally or internationally.
- b) The building or property has historical value or associative value because it has direct associations with a theme, event, belief, activity, organization or institution that is significant to the community; it yields, or has the potential to yield information that contributes to an understanding of a community or culture;
- c) The buildings or property has design value or physical value because it is rare, unique, representative or early example of a style, type, expression, material or construction methods; displays a high degree of craftsmanship or artistic merit; demonstrates a high degree of technical or scientific achievement.
- d) The property has contextual value because it is important in defining, maintaining or supporting the character of an area; is physically, functionally, visually or historically linked to its surroundings, or is a landmark.

C2.16.7 Retention/Relocation of Heritage Buildings

The Township shall encourage the retention of buildings of architectural and/or historical significance in their original locations whenever possible. All options for on-site retention shall be considered before approval is given for relocation to another site. These options include: integration within new development areas, adaptive re-use of the building in its original location (e.g. use as a community centre within a residential subdivision), and relocation of the building on the development site.

Pursuant to the Ontario Heritage Act, Council may also refuse to permit the demolition of heritage buildings or structures that have been designated under the *Ontario Heritage Act*.

Council may require a Heritage Impact Assessment be submitted with a development application if the property is a heritage property as designated under the Ontario Heritage Act.

C2.16.8 Alteration and Demolition of Built Heritage Resources

Council shall ensure that all cultural heritage resources to be demolished or significantly altered are documented for archival purposes with a history, photographic record and measured drawings prior to demolition or alteration and that such documentation shall be the responsibility of the applicant in consultation with the Ministry of Tourism, Culture and Sport. Council shall ensure that significant

records and documentation will be located in an appropriate repository, such as a municipal archive or library.

C2.16.9 Archaeological Assessments

Council recognizes that there may be archaeological remnants of pre-contact and early historic habitation as well as archaeological sites in accordance with Provincial regulations set out by the Ministry of Tourism, Culture and Sport. The need for impact assessments will be determined in conjunction with development applications through the use of provincial screening criteria, qualified mapping or the inventories referenced earlier in the Section. Areas of archaeological potential can be found in areas close to water, current or ancient shorelines, rolling topography, unusual landforms or areas of known historic settlement.

Archaeological assessments must be conducted by a licensed Archaeologist in conjunction with a development application and must be submitted to the Ministry of Tourism, Culture and Sport for review and approval.

Council shall ensure adequate archaeological assessment and consult appropriate government agencies, including the Ministry of Culture and the Ministry of Consumer and Business Services when an identified historic human cemetery, marked or unmarked human burial is affected by land use development. In these cases, the provision of the Heritage Act and Cemeteries Act shall apply.

Council may also maintain the integrity of archaeological resources by adopting zoning by-laws under Section 34(1) 3.3. of the *Planning Act* to prohibit any land use activities or the erection of buildings or structures on land which is a site of significant archaeological resources.

C2.17 SUBDIVISION OF LAND

This section is intended to contain policies that are to be considered with every application to subdivide land in the Township. Regard shall also be had to the specific policies dealing with lot creation in each land use designation.

C2.17.1 Preferred Means of Land Division

Land division by Plan of Subdivision, rather than by consent, shall generally be deemed necessary if:

- a) the extension of an existing public road or the development of a new public road is required to access the proposed lots; or,
- b) the area that is proposed to be developed is not considered to be infilling; or,
- c) a Plan of Subdivision is required to ensure that the entire land holding or area is developed in an orderly and efficient manner; or,
- d) more than three new lots are being created

C2.17.2 New Lots By Consent

C2.17.2.1 General Criteria

Prior to considering an application to create a new lot for any purpose, council shall be satisfied that the proposed lot:

- a) fronts on and will be directly accessed by a public road that is maintained on a year round basis;
- b) Notwithstanding (a), a lot may be created through infilling on an existing private road, if the lot to be created is on a registered right-of-way which extends 500 metres or less from an assumed municipal road or as a unit in a plan of condominium where the condominium corporation owns and maintains the road to a standard approved by the Township;
- c) Will not cause a traffic hazard as a result of its location on a curve or a hill;
- d) Shall have a minimum lot size of 1.0 ha in absence of appropriate studies demonstrating that a smaller lot size is appropriate;
- e) Can be serviced with an appropriate water supply and means of sewage disposal, including septage disposal;
- f) Will not have a negative impact on the drainage patterns in the area;
- g) Will not affect the developability of the remainder of the lands, if they are designated for development by this Plan;
- h) In the Rural designation, new lots created by consent shall be limited to the following:
 - 1. Three new lots may be severed from an original Township lot (generally 40 hectares (100 acres));
 - 2. One lot may be created from a parcel of land of at least 20 hectares (50 acres) in size which existed as of December 13, 1982; and,
- i) Will not have a negative impact on the features or their ecological functions of any environmentally sensitive feature in the area or as identified in Schedule B; and,
- j) Considers proximity to natural and man made hazards, and if applicable, policies found within section C1.3 of this Plan;
- k) there is sufficient reserve sewage system capacity, including treatment capacity of disposal capacity for hauled sewage from private communal systems and individual on-site sewage services; and,

- l) a stormwater management report must be reviewed and approved by the Ministry of Transportation for those developments located adjacent to or in the vicinity of a provincial highway, where drainage would impact a highway downstream.

C2.17.2.2 Boundary Adjustments

A consent may be permitted for the purpose of correcting conveyances, enlarging existing lots or through acquisition by a public body, provided no new building lot is created. In reviewing an application for such a boundary adjustment, the Council shall be satisfied that the boundary adjustment will not affect the viability of the use of the properties affected as intended by this Plan.

C2.17.2.3 Lots for Utilities

The creation of new lots for public utilities, communication utilities and water and sewer infrastructure may be permitted, provided:

- a) the area of the proposed lot is minimized and reflects what is required for the use; and,
- b) the implementing zoning by-law, as a condition of Provisional Consent, only permits uses that are related to the utility on the lot.

C2.17.3 Subdivision/Condominium Development Policies

This section is intended to contain general Plan of Subdivision/ Plan of Condominium policies that are to be considered with every application for Plan of Subdivision / Plan of Condominium. Each Plan of Subdivision / Plan of Condominium shall comply with the specific policies dealing with lot creation in each land use designation.

Prior to the consideration of an application for Plan of Subdivision /Plan of Condominium, Council shall be satisfied that:

- a) the approval of the development is not premature and is in the public interest;
- b) the lands will be appropriately serviced with infrastructure, schools, parkland and open space, community facilities and other amenities;
- c) there is sufficient reserve sewage system capacity, including treatment capacity of disposal capacity for hauled sewage from private communal systems and individual on-site sewage services;
- d) the density of the development is appropriate for the area;
- e) the subdivision/condominium, when developed, will be integrated with other development in the area;
- f) the subdivision/condominium conforms with the environmental protection and management policies of this Plan;

- g) the proposal conforms to Section 51 (24) of the Planning Act, as amended; and,
- h) where new waterfront development is proposed by Plan of Subdivision or Condominium, the lands must be designated Shoreline.

Prior to the registration of any Plan of Subdivision, a Subdivision Agreement between the landowner and the Township will be required.

C2.17.4 New Infilling Lots

In addition to Section C2.17.2.1, one infilling lot may be created from a parcel in the *Rural* designation that existed on the date this Plan was approved, provided:

- a) the original lot has a minimum frontage of 120 metres and a minimum lot area of 2.0 hectares;
- b) the lot is to be located between two residences which existed on the date this Plan was approved on lots that are situated on the same side of the road and are not more than 300 metres apart;
- c) the lot to be created has a minimum area of 1 hectare and a minimum frontage of 60 metres on an improved public road maintained on a year round basis; and,
- d) the proposed lot complies with the policies in Section C2.17.2.1.

C2.18 PUBLIC PARKLAND

C2.18.1 Objectives

It is the objective of this Plan to:

- a) establish and maintain a system of public open space and parkland areas that meets the needs of present and future residents;
- b) enhance existing parkland areas wherever possible to respond to changing public needs and preferences;
- c) ensure that appropriate amounts and types of parkland are acquired by the Township through the development process;
- d) encourage the dedication and donation of environmentally sensitive lands into public ownership to ensure their continued protection; and,
- e) manage the public open space and parkland areas in a manner that is consistent with the environmental objectives of this Official Plan.

C2.18.2 Parkland Development Policies

C2.18.2.1 Parkland Siting and Design

All public parkland shall:

- a) be as accessible as possible and be open to view on as many sides as possible for safety purposes;
- b) have direct and safe pedestrian access;
- c) incorporate natural heritage features wherever possible into the design of the parkland;
- d) be connected, wherever possible to trail systems, cycling routes and natural heritage corridors.

C2.19 CASH IN LIEU OF PARKLAND

Council will accept cash in lieu of parkland where appropriate. The 5% parkland dedication, as part of a Plan of Subdivision or consent shall not include lands which are unsuitable for parkland development. Where parkland is to be dedicated to the municipality, Council shall generally require the dedication of waterfront lands for parkland purposes.

Council may pass a by-law to establish standard amounts for cash-in-lieu payments or may require the developer to provide a report from a qualified appraiser to determine the appropriate amount to be paid.

PART D - TRANSPORTATION AND UTILITIES

D1 OBJECTIVES

It is the intent of this Plan to:

- a) facilitate the safe movement of both people and goods to and from the Township;
- b) ensure that new development does not create a traffic hazard
- c) reduce the financial burden of road maintenance upon the general taxpayer by ensuring heavy users of local roadways share in maintenance costs;
- d) ensure appropriate right-of-way widths for all existing and proposed roads;
- e) restrict development on non-winter maintained roads, private roads and individual rights-of-way; and,
- f) To ensure that utilities are available to service development.

D1.1 ROADS

D1.1.1 Local Roads With Year Round Maintenance

Local roads are those roads that are assumed and maintained for public use by the Township of Machar and are identified on Schedule C to this Plan. Access to and usage of these roads is subject to the jurisdiction of the Township. Council will ensure that all year -round maintained roads, as indicated on Schedule C, will be maintained to a reasonable standard of construction over the life of this Plan.

D1.1.2 Local Roads Without Winter Maintenance

It is not the intent of Council to provide winter maintenance on roads which are not presently maintained in the winter months as indicated on Schedule C. Dwellings which are served by such roads will not receive year round services such as road maintenance and EMS service by virtue of being located in an area which cannot be readily accessed by these services throughout the year.

All applications for development or redevelopment in areas served by a non-winter maintained road that propose to permit the use of the dwelling during that time of the year in which road maintenance is not provided by the municipality, shall require Council approval by By-law to change the designation of the road from "Non-winter Maintained" to "Year Round". Prior to considering changing the level of maintenance of a road, Council shall be satisfied that:

- a) The road meets the Ministry of Transportation standards;

- b) the costs for upgrading the road to such a standard are borne by the residents on the road either directly or through local improvements;
- c) the yearly property assessment generated by the properties on the road shall off-set the cost of providing winter maintenance on the road; and,
- d) the re-designation of the road is appropriate from a planning perspective.

D1.1.3 Private Roads

It is not the intent of this Plan to provide municipal services such as snowplowing and maintenance to lots fronting on these types of roads.

In situations where landowners would like the Township to assume a private road and maintain it for year round usage, the affected lots will have to be rezoned, provided council is satisfied that the following criteria have been met:

- a) The private road that abuts the lot(s) to be re-zoned shall be confirmed by the Superintendent of Public Works to have been brought up to the Township's standard for new road construction at no cost to the Township;
- b) The lot(s) being re-zoned shall abut and have direct access to, the upgraded road;
- c) The dwelling on the lot(s) to be re-zoned shall be serviced by a private well on the same lot or an appropriate water supply;
- d) The dwelling on the lot(s) to be re-zoned shall be serviced by an appropriate means of sewage disposal;
- e) The lot(s) to be re-zoned complies with all applicable zone provisions in the implementing zoning by-law; and,
- f) The road has been surveyed by an Ontario Land Surveyor and assumed by Municipal Act By-law for year round maintenance.

D1.1.4 Unopened Municipal Road Allowances and Private Roads

It is not a policy of Council to maintain those roads which are not presently municipal roads nor will they necessarily be assumed for maintenance by the Township. No municipal responsibility exists for snow clearance or maintenance of these roads. The Township will assume, open and maintain new municipal roads only when:

- a) the roads meet the Ministry of Transportation standards; and,
- b) the benefits, financial and otherwise, of assuming and maintaining the road outweigh the municipal costs.

D1.1.5 Right of Way Widths

The minimum right of way width for all municipal roads shall generally be 20 metres. Every effort will be made to secure this right of way width as a condition of Planning Act approvals. In addition, where road deviations are known to exist, Council will secure such deviations through Planning Act approvals.

The right of way widths for a provincial highway will be determined by the Ministry of Transport.

D1.1.6 Development on Private Roads

All lots that front on a private road shall be placed in a Limited Service Residential (LSR) Zone in the implementing zoning by-law. These lots shall also be subject to Site Plan Control. Council may restrict new development on a vacant lot until an Agreement is entered into between the landowner and the local Township to address the road access issue.

D1.1.7 Closing and Conveyance of Road Allowances

Unopened road allowances may be retained by the Township and may be used to accommodate future transportation needs, if warranted.

Notwithstanding, Council may pass by-laws to close any portion of an opened or unopened road allowance in accordance with the Municipal Act, and in doing so, the Township may convey ownership of some or all of the lands.

Prior to considering the closure and conveyance of any road allowance, Council will consider the following criteria:

- a) If the road allowance to be closed provides an existing or potential public access to a lake or river by leading to the water's edge, Council must be satisfied that there is an adequate alternate public access to the water body in proximity to the road allowance to be closed; and,
- b) If the road allowance is used by a formalized recreational trail organization, as indicated on the Schedules or Appendices to this Plan, it must be demonstrated that the closure will not be detrimental to the greater trail network or the greater public interest.

Where the Township is requested to close and convey any portion of a road allowance, Council may, as a condition of such conveyance, require any of the following:

- a) The exchange of other property to provide appropriate land or water access;
- b) The subject lands be rezoned if required;
- c) The removal or structural repair of buildings or structures; or

- d) The prospective owner of such lands to assume responsibility for all costs associated with the closure including the preparation of a survey and all legal documents necessary to effect the land transfer.

D1.1.8 Haul Routes

The Township may pass a by-law under the Municipal Act to restrict the use of Township roads for the purpose of hauling aggregates through the Township. Where this is done the Township shall provide adequate notice and post signs advising of the use restrictions on the road.

D1.1.9 Provincial Highways

Council will encourage the continued upgrading of Highways 11 and 124 through the Municipality. Development adjacent to these roads should not reduce the effectiveness of these routes by reducing existing speed limits or creating traffic hazards. Properties must qualify for an entrance and sign permits, building and land use permits, and meet the minimum geometric and safety requirements of the Ministry of Transportation for access prior to any site development.

New entrances to Highway 11 will not be permitted. New entrances to Highway 124 where an alternative access to a side road is available will not be permitted. New entrances will be permitted where no alternative access exists and where safety and operational criteria can be met to the satisfaction of the Ministry of Transportation.

In addition to all the applicable municipal requirements, all proposed development located adjacent to and in vicinity of a provincial highway within the Ministry of Transportation's permit control area under the Public transportation and Highway Improvement Act will also be subject to Ministry of Transportation approval. Early consultation with the Ministry of Transportation is encouraged to ensure the integration of municipal planning initiatives with provincial transportation planning.

Any outdoor storage and loading areas associate with commercial and industrial uses that back onto provincial highways are to be visually screened or appropriately located so as to not be visible to the traveling public.

Where a draft plan of subdivision is proposed adjacent to a provincial highway, the layout of the subdivision should be designed so that the lots back onto the provincial highway and front onto an internal local road.

The right of way width for a provincial highway will be determined by the Ministry of Transport.

D1.2 UTILITY CORRIDORS

D1.2.1 Hydro Electricity

The development of electric power facilities shall occur in an orderly manner to facilitate the efficient and reliable provision of adequate electric power. As such, electric power facilities are permitted in all land use designations without an

amendment to the Plan provided the planning of all such facilities is carried out having regard to the other policies of this Plan. Any electric power facility which, by its nature, must be located adjacent to any body of water, shall not be subject to development setbacks as required in this Plan. However, proponents of the development or the redevelopment of electric generating stations and dams shall provide an Environmental Impact Report in accordance with B6.6, indicating what the impacts of development are to be on surrounding land use and the environment. Any electric power facility and dam which has satisfied the provisions of the Environmental Assessment Act, will be deemed not to be required to prepare an Environmental Impact Report.

D1.2.2 Railways

Any development adjacent to a railway line shall meet the requirements of the Ministry of the Environment with respect to setbacks, buffering and noise exposure.

Noise and vibration sensitive areas may be considered to be those areas of land abutting or adjacent to railway rights-of-way or highways having a passive recreation or residential component. Sensitive areas for noise generally include lands lying within 500 metres of railway rights-of-ways shall have regard for rail noise, vibration and safety and shall be subject to the approval of the Ministry of Environment. A noise feasibility study is recommended for development up to 500 metres from a principal or secondary railway mainline or a principal branch.

D1.2.3 TransCanada Pipelines

TransCanada Pipelines Limited operates two high-pressure natural gas pipelines within its rights-of-way that cross through the Township as identified on Schedule C to this Plan. Any development within 200 metres of TransCanada facilities may impact the pipelines.

TransCanada is regulated by the National Energy Board that, in addition to TransCanada, has a number of requirements regulating development in proximity to the pipelines. This includes approval requirements for activities on or within 30 metres of the right-of-way such as excavations, blasting and any movement of heavy equipment.

A setback of 7 metres shall be maintained from the limits of the right-of-way for all permanent structures and excavations. Accessory Structures shall have a minimum setback of at least 3 metres from the limit of the right-of-way. Reductions in the setbacks will only be considered if it can be demonstrated, to TransCanada's satisfaction, that it will not compromise the safety and integrity of the pipeline and if all necessary municipal approvals are obtained.

D1.2.4 Telecommunications Facilities

Telecommunication facilities including telecommunication antennas, towers and related structures are federally regulated and are not subject to the requirements of the *Planning Act*. When providing comments on proposals for telecommunications facilities Council will encourage the proponent to:

- a) Co-locate towers and antennas, where possible;
- b) Use existing towers and infrastructure, such as rooftops, water towers, utility poles, etc.;
- c) Blend the placement, style and colour of the antenna and equipment shelters into the surrounding environment;
- d) Maintain appropriate setbacks from road allowances;
- e) Maximize distances from residential areas;
- f) Maximize distances from public and institutional facilities such as schools, hospitals, community centres, daycare and seniors' residences;
- g) Avoid natural heritage features and hazard lands (floodplains, steep slopes);
- h) Avoid areas of topographical prominence, where possible, to minimize long/short range viewscales;
- i) Provide safe vehicular access locations; and,
- j) Generally be compatible with adjacent uses.

PART E – PLAN IMPLEMENTATION AND ADMINISTRATION

E1 PLAN IMPLEMENTATION

E1.1 ZONING BY-LAWS

The Township's Zoning By-law will be updated within three years of the approval of the Official Plan as required by Section 26(9) of the Planning Act.

Where appropriate, and subject to the proper authority under the Planning Act, the Township may use Zoning with Conditions as a planning tool to assist in achieving the goals and policies of this Plan.

E1.2 TEMPORARY USE BY-LAWS

The Township may pass temporary use by-laws permitting:

- temporary housing;
- temporary accommodation facilities;
- temporary tourist uses and facilities;
- garden suites;
- parking lots for a specific one-time event; and,
- industrial uses related to the resource and agricultural base of the area and other similar uses.

These temporary uses may be authorized for a specific time period up to three years and should be applied where it is considered inappropriate by Council to permit the proposed use on a permanent or continuing basis and where alternatives such as relocation are not practical. A garden suite may be permitted on a property for up to 10 years. Subsequent by-laws granting extensions of up to three years may be passed. However, once the by-law has lapsed, the use must cease or otherwise will be viewed as contravening the implementing zoning by-law.

Prior to the approval of a temporary use Zoning By-law, Council shall be satisfied that the following principles and criteria are met:

- a) The proposed use shall be of a temporary nature and shall not entail any major construction or investment on the part of the owner so that the owner will not experience undue hardship in reverting to the original use upon the termination of the temporary use;
- b) The proposed use shall be compatible with adjacent land uses and the character of the surrounding neighbourhood;
- c) The proposed use shall not require the extension or expansion of existing municipal services;

- d) The proposed use shall not create any traffic circulation problems within the area nor shall it adversely affect the volume and/or type of traffic serviced by the area's roads;
- e) Parking facilities required by the proposed use shall be provided entirely on-site;
- f) The proposed use shall generally be beneficial to the neighbourhood or the community as a whole; and,
- g) The owner has entered into an agreement with the Township and/or posted securities, if necessary, to ensure that structures associated with a temporary use provision can be removed upon expiry of the by-law.

E1.3 HOLDING PROVISIONS

In accordance with the Planning Act, Council may use a Holding (H) symbol in conjunction with the zoning of land to prohibit development until specific conditions of the Township have been met. These conditions may be set out in the policies applying to the land use designations in this Plan or may be specified within the language of a zoning by-law amendment. The objective of utilizing a Holding Provision is to ensure that:

- a) the appropriate phasing of development or redevelopment occurs.
- b) Development does not proceed until services and utilities are available to service the development; and/or,
- c) Agreements respecting the proposed land use or development are entered into.

E1.4 SITE PLAN CONTROL

All areas of the Township are designated as Site Plan Control areas under the provisions of the Planning Act. All commercial, industrial, institutional, recreational and residential uses may fall under Site Plan Control.

Council will pass a Site Plan Control By-law under Section 47 of the Planning Act to specify what areas and uses shall be subject to Site Plan Control. In considering such a By-law, Council will determine the extent to which Site Plan Control can be administered by the municipality.

The following items may be regulated under a site plan agreement:

- a) The massing and conceptual design of proposed buildings;
- b) The relationship of proposed buildings to adjacent buildings, streets, and public areas;

- c) The provision of interior walkways, stairs, elevators, and escalators accessible to the public from streets, open spaces and interior walkways in adjacent buildings;
- d) Exterior design including character, scale, appearance, and design features of buildings and their sustainable design;
- e) Sustainable design elements on any adjoining highway including trees, shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers and bicycle parking facilities;
- f) Facilities designed to have regard for accessibility for persons with disabilities; and,
- g) Preservation of shoreline vegetation and rehabilitation of shoreline buffer areas.

In addition, major projects related to the production or transmission of energy may also fall under Site Plan Control.

E1.4.1 Development on Private Roads

Prior to considering any development on a private road, Council shall be satisfied that:

- a) The use of the lot is permitted by the implementing zoning by-law;
- b) The lot and all buildings and structures on the lot comply with the implementing zoning by-law; and,
- c) The sewage disposal system is operating in accordance with current standards and that the use is serviced by appropriate water supply on the same lot.

The Site Plan Agreement shall contain wording that indicates that:

- a) the owner acknowledges and agrees that the lot in question does not front on an improved public road;
- b) the owner acknowledges and agrees that the Township does not or is not required to maintain or snowplow the said road or street;
- c) the owner acknowledges and agrees that the Township will not take over or assume a private road or street as a Township public road or street unless it has been built according to an appropriate road standard and provisions found under Section D1.1.2 of this Plan are met; and,
- d) the owner acknowledges and agrees that the Township is not liable for any injuries, losses or damages as a consequence of the Township issuing a building permit.

E2 NON-CONFORMING USES

E2.1 INTENT OF OFFICIAL PLAN

As a general rule, existing uses that do not conform with the policies of this Plan should gradually be phased out so that the affected land use may change to a use which is in conformity with the goals of the Official Plan and the intent of the implementing zoning by-law. In some instances, where issues of compatibility are not created, it may be necessary and practical to allow the replacement, extension or enlargement of non-conforming uses through the granting of a minor variance or by placing the use in an appropriate zone in the implementing zoning by-law. In such instances, Council shall have regard for the following principles:

- a) The feasibility of acquiring the property for holding, sale, lease or development by the Township for a more appropriate permitted use; and,
- b) The possibility of relocating the non-conforming use to a more appropriate location.

E2.2 ROLE OF THE IMPLEMENTING ZONING BY-LAW

Existing uses which do not conform with the policies of this Official Plan may be zoned in the implementing zoning by-law in accordance with their present use, provided that:

- a) the zoning will not permit any change of use or performance standard that may negatively impact adjoining uses;
- b) the uses do not constitute a danger to surrounding land uses, humans or animals by virtue of their hazardous nature;
- c) the uses do not interfere with the appropriate development of the surrounding lands; and,
- d) when the use is discontinued, re-zoning may only take place in accordance with the policies and intent of this Plan.

E3 NON-COMPLYING BUILDINGS, STRUCTURES OR LOTS

A non-complying building, structure or lot is such that it does not comply with the regulations of the implementing zoning by-law.

A non-complying building or structure may be enlarged, repaired or renovated provided that the enlargement, repair or renovation:

- a) does not further increase a situation of non-compliance;
- b) complies with all other applicable provisions of this Plan and the implementing zoning by-law;

- c) does not increase the amount of floor area in a required yard or setback area; and,
- d) will not pose a threat to public health or safety.

A non-complying lot in existence prior to the effective date of the implementing zoning by-law that does not meet the lot area and/or lot frontage requirements contained within the implementing zoning by-law, may be used and buildings thereon may be erected, enlarged, repaired or renovated provided the use conforms with the applicable policies of this Plan and the implementing zoning by-law, and the buildings or structures comply with all of the other provisions of the implementing zoning by-law.

In addition, as noted in Section C2.17.2, new lots that are created as a result of the merging of two or more lots in an existing Plan of Subdivision or lots that are made larger as a result of a lot addition shall be deemed to comply with the frontage and area requirements of the implementing zoning by-law.

E4 PRE-CONSULTATION AND COMPLETE APPLICATIONS

In order to ensure that all the relevant and required supporting information pertaining to a planning application is provided at the time of submission, Council may, by By-law, require a proponent to attend a pre-consultation meeting with staff prior to the submission of a planning application. Council may also establish a fee under Section 69 of the Planning Act to be paid by an individual requesting a pre-consultation meeting.

The purpose of pre-consultation is to ensure a prospective applicant is provided with a basic understanding of the local planning policy and regulation that may be applicable to a planning approval. Prior to attending any pre-consultation application, Council places a responsibility on the proponent to have reviewed applicable Provincial policy, regulation and legislation that may impact a planning application. Council also requires a proponent to attend a pre-consultation with clear and concise information, concept sketches, mapping and/or reference plans to assist in effectively communicating a proposal. The intent of pre-consultation discussions is not to provide an approval, nor certainty of approval. Subsequent to a pre-consultation meeting, the Township will determine what supporting information (i.e. reports and studies) is required as part of the complete application submission and inform the proponent of these requirements. Where the proponent requires pre-consultation comments to be provided in writing, such communication shall be circulated to Council as information and become part of the public record.

The following information, at a minimum, shall be required as part of a complete application:

- a) Prescribed application fee;
- b) Completed application form together with requisite authorizations;
- c) Prescribed information and material as required by Planning Act Regulations;

- d) Covering letter, which outlines the nature of the application and details of the pre-consultation meeting (if applicable);
- e) Concept plans and/or drawings; and,
- f) Any studies as identified as necessary through pre-consultation.

The supporting information may be required as part of a complete application, to be determined through pre-application consultation with staff:

E4.1 STUDIES THAT MAY BE REQUIRED TO ACCOMPANY A PLANNING APPLICATION

Further to Section E.4, the following are the types of studies that may be required to accompany a Planning Application.

- a) Transportation Impact Study;
- b) Functional Servicing Report;
- c) Stormwater Management Plan;
- d) Tree Preservation Report and Plan;
- e) Hydrogeological Assessment;
- f) Watershed or Subwatershed Study;
- g) Floodline Delineation Report;
- h) Architectural/Urban Design Study;
- i) Floodline Delineation Report;
- j) Environmental Site Assessment;
- k) Planning Justification Report;
- l) Ministry of the Environment (MOE) Record of Site Condition (RSC);
- m) Contaminant Management Plan;
- n) Environmental Impact Study;
- o) Lake Impact Study;
- p) Archaeological Assessment;
- q) Heritage Impact Assessment;
- r) Wind Study;

- s) Noise Study;
- t) Vibration Study;
- u) Geotechnical Study;
- v) Slope Stability Study;
- w) Market/Retail Impact Study or Analysis;
- x) Viewscape or Shadow Impact Assessment;
- y) Conceptual Site Plan and Building Elevations;
- z) Erosion and Sediment Control Plans;
- aa) A Lake Capacity Assessment;
- bb) A Methane/gas and Leachate Study and Noise/odour/dust/ vector/ vermin Study for development near landfills;
- cc) A Noise/odour/particulate Feasibility Study, a Feasibility Analysis and/or an Impact Assessment for land use compatibility; or
- dd) A Water Resource Management Report.

E4.2 TECHNICAL STUDIES AND PEER REVIEWS

Where a policy in this Plan requires the submission of technical studies, such as an Environmental Impact Study, such studies must be prepared at the applicant's expense by a qualified professional. When technical studies are submitted to the Township, Council may retain a qualified professional to peer review such studies and provide advice to Council at the applicant's expense.

E5 AMENDMENTS TO THE PLAN - PUBLIC NOTICE

Council is not required to proceed with an Official Plan Amendment for any change to the Official Plan which does the following:

- a) Changes the numbers of sections or the order of sections in the Plan, but does not add or delete sections;
- b) Consolidates previously approved Official Plan Amendments in a new document without altering any approved policies or maps;
- c) Corrects grammatical or typographical errors in the Plan which do not affect the intent or affect the policies or maps;
- d) Translates measurements to different units of measure or changes reference to legislation or changes to legislation where the legislation has changed.

In all other instances, notification to the residents of the Township of public meetings held by Council shall be given in accordance with the procedures of The Planning Act.

E6 INTERPRETATION OF LAND USE DESIGNATION BOUNDARIES

The boundaries between land uses designated on the Schedules to this Plan are approximate except where they meet with roads, railway lines, rivers, pipeline routes, transmission lines, lot lines or other clearly defined physical features and in these cases are not open to flexible interpretation. Where the general intent of the document is maintained, minor adjustments to boundaries will not require amendment to this Plan.

It is recognized that the boundary of the *Natural Heritage Protection* designation may be somewhat imprecise and difficult to confirm. Given this reality, Council shall use available resources to determine the extent of the environmental areas on a site-by-site basis when considering development proposals, in consultations with the appropriate agencies. Any minor refinement to the *Natural Heritage Protection* designation shall not require an Amendment to this Plan.

E7 DEFINITIONS

For the purposes of interpretation of this Plan, the definitions in the Planning Act, R.S.O. 1990, the Provincial Policy Statement 2005, and other applicable legislation shall apply. In all other instances terms shall be defined in accordance with common usage and if necessary, reference to the Canadian Oxford Dictionary, 2nd Edition.

E8 OFFICIAL PLAN REVIEW PROCESS

The assumptions, objectives and policies of this Plan shall be reviewed and revised no less than every five years after this Plan comes into effect at a meeting of Council, which shall be advertised in accordance with the Planning Act, as amended. The five-year review shall consist of an assessment of:

- a) the continuing relevance of the vision that forms the basis of all policies found in this Plan;
- b) the degree to which the objectives of this Plan have been achieved;
- c) the amount and location of lands available for urban development;
- d) whether the Township has increased its commercial and industrial assessment in relation to residential assessment;
- e) the Township's role within the District of Parry Sound and its relationship with other municipalities;
- f) development trends in the District of Parry Sound and their effect on development in Machar; and,
- g) the plan's regard to matters of provincial interest; conformity to provincial plans; and consistency with provincial policy statements.

E9 MONITORING

Following adoption of this Plan, the Clerk shall prepare an annual report outlining how the Plan is being implemented. This report shall include:

- i) the number of lots created in each designation and the proportion of lots created in the Municipality in relation to the Rural Areas and the Shoreline Development Areas;
- ii) the number of building permits issued for residential, industrial and commercial buildings;
- iii) a summary of applications for rezoning and amendments to this Plan;
- iv) population growth in the municipality; and
- v) the costs of any changes in the level of services provided by the Municipality as the result of development.

The Municipality will monitor water quality results obtained from all analysis received to determine if any significant changes to water quality as the result of development has occurred.