

OFFICIAL PLAN

# TOWNSHIP OF SOUTH ALGONQUIN

ONTARIO, CANADA



August 2012

MINISTER'S MODIFIED COPY

## TABLE OF CONTENTS

### ***PART I INTRODUCTION AND GENERAL POLICIES***

#### **Section 1: Introduction**

1.1	Background	5
1.2	Context for the Plan	6
1.2.1	Location and Geography of South Algonquin	6
1.2.2	Economic Characteristics of South Algonquin	6
1.2.3	Social and Demographic Characteristics	7
1.3	Title and Content of the Plan	8
1.4	Township Responsibilities	8
1.5	Approval Authority	8
1.6	Plan Objectives	8
1.7	Commitment to Comprehensive Planning Approach	9

#### **Section 2: General Development Standards**

2.1	Introduction	10
2.2	Types of Development	10
2.3	Federal and Provincial Legislation	10
2.4	Efficient Use of Infrastructure	10
2.5	Land Use Compatibility	10
2.6	Industrial Development	11
2.7	Compatibility with Residential Uses	11
2.8	Housing Supply	11
2.9	Accessory Dwelling Units	12
2.10	Garden Suites	12
2.11	Townhouses	13
2.12	Apartment Buildings	13
2.13	Condominiums	14
2.14	Mobile Homes	14
2.15	Mobile Home Parks	14
2.16	Travel Trailers	14
2.17	Affordable Housing	15
2.18	Special Needs Housing	15
2.19	Group Homes	16
2.20	Bed-and-Breakfast Establishments	16
2.21	Property Standards	16
2.22	Water and Sewage Services	17
2.23	Home-Based Businesses	17
2.24	Non-Conforming Activities	18
2.25	Site Plan Control	18
2.26	Cost of Studies and/or Assessments	19

## ***PART II    LAND USE DESIGNATIONS***

### **Section 3: Hamlets**

3.1	Introduction and Description	20
3.2	Permitted Uses	20
3.3	General Development Standards for Hamlets	20
3.4	Industrial Development in Hamlets	21
3.5	Boundary Adjustments to Hamlets	22

### **Section 4: Rural Areas**

4.1	Introduction and Description	23
4.2	Permitted Uses	23
4.3	General Development Standards for Rural Areas	24
4.4	Protection of Agricultural Land and Activities	24
4.5	Forestry	24
4.6	Aggregate and Mineral Extraction	24
4.7	Industrial Development	25
4.8	Rural Commercial Development	26
4.9	Rural Residential Development	26
4.10	Institutional Uses	27
4.11	Parks and Recreational Uses	27
4.12	Recreational Commercial Uses	27
4.13	Hunt Camps	27
4.14	Commercial Dog Kennels	27
4.15	Waste Disposal Sites	28

### **Section 5: Waterfront Areas**

5.1	Introduction and Description	29
5.2	Permitted Uses	29
5.3	General Development Standards for Waterfront Areas	29
5.4	Residential Development	32
5.5	Residential Conversions	33
5.6	Tourist Commercial Development	34
5.7	Lake Plans	35
5.8	Madawaska River Management Plan	35

### **Section 6: Hazard Areas**

6.1	Introduction	37
6.2	Permitted Uses	37
6.3	Conditions for Site Alteration and Development	37
6.4	Construction Restrictions	38
6.5	Mine Hazards	38
6.6	Contaminated Sites	38
6.7	Flood Plains	39

6.8	Setbacks	39
6.9	Mineral Aggregate Extraction	40
6.10	Non-Conforming Uses	40
6.11	Lands Under Private Ownership	40
6.12	Redesignation of Hazard Lands	40

### **Section 7: Crown Land**

7.1	Introduction	42
7.2	Co-operation with Province	42
7.3	Disposal of Crown Lands	42
7.4	Privatization or Leasing of Crown Land	42

## ***PART III FURTHER DEVELOPMENT POLICIES***

### **Section 8: Municipal Services**

8.1	Introduction	43
8.2	Construction of Public Works	43
8.3	Waste Management	44

### **Section 9: Transportation**

9.1	Introduction	45
9.2	General Policies	45
9.3	Infrastructure Corridors	45
9.4	Road Classifications	46
9.5	Provincial Highways	46
9.6	Municipal Roads	47
9.7	Private Roads	47
9.8	Roads over Crown Land	47
9.9	Shore Road Allowances	48
9.10	Recreational Trails	48
9.11	Other Road Policies	49
9.12	Road Realignments	50

### **Section 10: Environmental Protection**

10.1	Introduction	51
10.2	General Policies	51
10.3	<i>Environmental Protection Act</i>	51
10.4	Stormwater Control and Management	52
10.5	Forest Resources	53
10.6	Mineral Aggregates and Mineral Resources	53
10.7	Significant Natural Heritage Features	55
10.8	Areas of Natural Resource Interest	56
10.9	Fisheries Resources	57
10.10	Wildlife Resources	58

10.11	Wetlands	58
10.12	Cultural Heritage Resources	59
10.13	Archaeological Resources	60
10.14	Contaminated Sites	60

### **Section 11: Land Division**

11.1	Consents	61
11.2	Consents in Waterfront Areas	62
11.3	Subdivision	63

## ***PART IV    PLAN ADMINISTRATION***

### **Section 12: Plan Implementation and Monitoring**

12.1	Introduction	64
12.2	Land Use Designations	64
12.3	Land Use Compatibility	64
12.4	Uses	64
12.5	Accessory Uses	65
12.6	Zoning By-Law	65
12.7	Site Plan Control	65
12.8	Maintenance and Occupancy By-Laws	65
12.9	Pits and Quarries Control	66
12.10	Monitoring	66
12.11	Plan Review	66
12.12	Amendments to the Plan	66
12.13	Public Meetings	67
12.14	Interpretation of the Plan	68

# **PART I: INTRODUCTION AND BACKGROUND**

## **SECTION 1: INTRODUCTION**

### **1.1 Background**

An official plan describes a municipality's policies on how land in that community should be used. It is prepared with input from local residents and other stakeholders with the intention of ensuring that future planning and development decisions will meet the specific needs of the community. Although South Algonquin was created in 1998, through the amalgamation of the geographic townships of Airy, Sabine, Lyell, Murchison, and Dickens, it has not had an official plan in place to provide guidance for local planning and development activities before the adoption of this document.

In July 2007 the Township of South Algonquin formally commenced the process of creating its first-ever official plan. This plan was produced through a unique partnership between the Township of South Algonquin and the Department of Geography at Brock University. Led by Professor Christopher Fullerton, a total of seventeen undergraduate Geography students contributed to the making of the plan between 2007 and 2012. The students involved included:

- Stephanie Clarke
- Tyler Collins
- Amanda D'Agostino
- Alicia Davidson
- Dan Della Mora
- Sara Epp
- Hillary Even
- Erin Heibein
- Courtney Heron-Monk
- Sarah Holmes
- Katelyn James
- Michael Longmead
- Tiffany Onesi
- Samantha Papadakos
- Rebecca Smith
- Jillian Sparrow
- Samantha Zandvliet

The students worked to gather extensive community input in order to ensure that South Algonquin's official plan reflects, as much as possible, the values, goals and objectives of the Township's residents. Through this wide-ranging public consultation and other research, a great deal of information was collected between October 2007 and March 2012 about topics and issues such as:

- the Township's current population characteristics, such as socio-demographic and economic activity data, current land use activities, public health trends and issues, transportation infrastructure and patterns, and other relevant data;
- provincial government planning legislation and planning-related policies of provincial government Ministries; and
- Township residents' viewpoints regarding planning and development matters, which were collected through meetings with the Township Council and local residents,

community planning workshops, visits to local elementary schools, a questionnaire survey, and written submissions provided by interested stakeholders.

Using this information, the Township Council and other volunteer members of the Official Plan Committee, namely Ed Lentz, Ken Begbie, Georgina Bresnahan and Ron Wowk, worked with the Brock University project team to ensure that the Official Plan reflects the needs, wants, and responsibilities of the community. This Plan specifies the Township's planning objectives for the period between 2012 and 2032, as well as the policies intended to assist in achieving these ends.

## **1.2 Context for the Plan**

### **1.2.1 Location and Geography of South Algonquin**

The Township of South Algonquin is located in Northeastern Ontario, directly adjacent to the world-famous Algonquin Provincial Park. It is accessed from the east and west by Provincial Highway #60 and from the south by Provincial Highways #127 and 523. South Algonquin is the southernmost municipality in the District of Nipissing. To the south it borders Hastings County, and to the west and east, respectively, it borders Haliburton and Renfrew Counties.

South Algonquin can generally be described as a remote and sparsely populated municipality. Located on the Canadian Shield, the Township is comprised mainly of forested areas, as well as numerous water bodies. Approximately 80% of the Township's land base is composed of provincial Crown land, most of which is off-limits to new development. These factors, along with the Township's relatively remote location away from major urban centres, have limited the availability of local economic development opportunities over the past few decades.

### **1.2.2 Economic Characteristics of South Algonquin**

South Algonquin has a fairly narrow economic base, characterized by dependence on the forestry, tourism, and retail sectors. The number and variety of job opportunities within the Township are both quite limited. This has led to a relatively high unemployment rate in the municipality and, at the same time, many community members are underemployed due to their reliance on seasonal and/or part-time jobs. South Algonquin's economy is largely primary-resource based, with the logging industry providing, both directly and indirectly, approximately 49% of the employment opportunities found within the Township.

Due to the Township's location on the eastern edge of Algonquin Park, along with its own abundance of natural and recreational amenities, tourism has come to play an important role in the local economy. However, there is widespread belief that South Algonquin has great potential to further expand this sector.

### 1.2.3 Social and Demographic Characteristics

Census data for South Algonquin are only available for 2001 and 2006. However, the available statistics demonstrate trends of an aging and declining population within the municipality. The Township had a median age of 49.4 in 2006, making it the oldest population in the District of Nipissing. Population decline in the Township can largely be attributed to the out-migration of youth, who tend to leave South Algonquin after graduating from high school and rarely return. These trends and a corresponding decline in the number of children living in the Township have combined to result in South Algonquin's seniors population (65+) being larger than the municipality's child and youth populations combined. In South Algonquin, 22.5% of the population was aged 65 or higher in 2006, while only 21.6% of residents were less than 25 years old.

The population trends identified above – an aging population and significant youth out-migration – pose a number of planning and development challenges. The aging of the population suggests the need for land use planning policies that will support the provision of suitable and affordable housing, especially within the hamlets of Whitney and Madawaska, to meet the needs of local seniors. It is also important to ensure that the Township's planning policies support the retention and expansion of community services routinely needed by the elderly and other local residents, such as medical facilities and a pharmacy. A lack of such services can have serious transportation consequences for residents, particularly those who do not have easy access to an automobile. The issues identified above are important planning considerations as they can all have a significant impact on residents' quality-of-life.

In recent years, a large share of residential development in South Algonquin has been concentrated along the Township's water bodies. This has led to several concerns regarding lake capacity, privacy, and impacts on the natural environment. Accordingly, there is a need in this plan to balance both environmental and social factors with respect to future development.

The Township of South Algonquin also faces concerns regarding waste management. Most notably, residents often identified the lack of a local recycling program as an important environmental planning issue.

While South Algonquin must address numerous planning challenges, a number of development opportunities are available within the Township for residents and non-residents alike. For example, while the remoteness of the area has in some cases limited development, it also serves as an asset to the community. Residents enjoy the strong rural character of the Township, which provides a quiet and private atmosphere. Additionally, Algonquin Park contributes to the wilderness setting and provides opportunities for outdoor recreation and for the development of tourism-related businesses.



During the process of formulating this plan, it became clear that local residents often did not share the same vision of what South Algonquin might look like in the future. For some, the relatively unspoiled natural environment was something to be preserved, even if it meant placing restrictions on future development. For others, the desire for secure and well-paid employment was vital and, as a result, new development was actively encouraged. The goal of this plan is to find a balance that respects both of these visions. Overall, the main challenge has been to create policies that encourage community and economic development while also preserving South Algonquin's many positive attributes.

### **1.3 Title and Content of the Plan**

- 1.3.1 This document shall be known as "The Official Plan of the Township of South Algonquin" and shall apply to all lands within the Township of South Algonquin. The Plan consists of the written text of the Plan and Schedules A, B, and C.

### **1.4 Township Responsibilities**

- 1.4.1 The Township of South Algonquin has the responsibility to:
- a) prepare an Official Plan;
  - b) review the Official Plan at least once every five years and make amendments as necessary;
  - c) advise and secure the views of the public, local authorities, agencies and boards with respect to its Official Plan and any proposed amendments; and
  - d) review, consider and recommend local legislation, such as zoning by-laws, which implement the policies of the Official Plan.

### **1.5 Approval Authority**

- 1.5.1 In accordance with Provincial policy that aims to provide local autonomy and empowerment to municipalities, the Township of South Algonquin shall encourage and actively seek the delegation of consent granting authority and municipal plan review authority from the Ministry of Municipal Affairs and Housing.

### **1.6 Plan Objectives**

- 1.6.1 The policies and land use designations contained in the Plan are based on achieving the following objectives. In the event that clarification of the intent of these policies is required, the objectives listed in this section should be considered.
- To ensure the preservation of the rural character of the Township.
  - To provide cost-effective development and the efficient delivery of services within the Township.

- To stimulate economic development through the sustainable use of the Township's natural resources, by providing opportunities for future industrial and commercial development, and by encouraging the expansion of the local small business sector.
- To provide levels of service that enable economic development without placing undue strain on the Township's financial resources.
- To accommodate an appropriate range of housing types and densities required to meet projected requirements of current and future residents.
- To accommodate the majority of growth in the two Hamlets of Whitney and Madawaska, where appropriate in terms of servicing and other constraints.
- To accommodate growth in Rural and Waterfront areas.
- To allow residential lot severances within the Hamlet, Rural, and Waterfront areas, as determined in accordance with this plan's policies.
- To create a safe, efficient transportation network within the Township.
- To protect the environment by preserving natural features, ecological systems and natural resources.
- To ensure that all significant cultural heritage resources in the municipality are managed in a manner which perpetuates their functional use while maintaining their heritage value, integrity and benefit to the community.
- To protect people and property from environmental hazards that create risk to health and safety.
- To ensure that decisions of Council have regard to provincial interests as defined in Section 2 of the *Planning Act*.

## **1.7 Commitment to Comprehensive Planning Approach**

1.7.1 In its efforts to achieve the objectives outlined in section 1.6, the Township shall use a coordinated, integrated and comprehensive approach when dealing with planning matters. Accordingly, all planning decisions will involve consideration of:

- expectations of future population, housing and employment change;
- past, present and future development patterns; and
- any development limitations presented by natural and human-made hazards.

1.7.2 The Township will also consider the possible impacts of planning decisions:

- on natural heritage, water, agricultural, mineral, and cultural heritage and archaeological resources;
- for the provision, maintenance and/or expansion of infrastructure, public service facilities and waste management systems; and
- on ecosystems, shorelines and watersheds.

## **PART II: LAND USE DESIGNATIONS AND POLICIES**

### **SECTION 2: GENERAL DEVELOPMENT POLICIES**

#### **2.1 Introduction**

- 2.1.1 Although this plan includes sections pertaining to specific land use designations, the policies outlined below set forth development standards that apply to the entire Township.

#### **2.2 Types of Development**

- 2.2.1 In order to encourage economic development, a broad range of development types will be allowed throughout the Township, provided that development proposals meet the standards set forth in this Plan, in all implementing by-laws, and in any other relevant federal and provincial legislation.

#### **2.3 Federal and Provincial Legislation**

- 2.3.1 Proposed development shall satisfy the requirements of all relevant federal and provincial legislation, and regulations and policies made thereunder, such as (but not limited to) the *Planning Act*, *Fisheries Act*, the *Canadian Environmental Assessment Act*, the *Species at Risk Act*, the *Endangered Species Act*, and *Public Lands Act*.

#### **2.4 Efficient Use of Infrastructure**

- 2.4.1 Proposed development shall be appropriate to the infrastructure which is planned or available within that area of the Township, and shall not result in the need for unjustified and/or uneconomical expansion of this infrastructure.

#### **2.5 Land Use Compatibility**

- 2.5.1 It is the intent of this Plan to ensure that situations of land use incompatibility are not created by future development approvals. Accordingly, new residential, commercial, industrial, institutional, and recreational uses will generally be permitted only on the condition that Council is satisfied that the following criteria have been met:
- the proposed use is compatible with the area and the character of the community in general;
  - in cases where the use abuts or is in close proximity to one or more potentially sensitive or incompatible uses, the potential negative impacts can be mitigated through the combination of appropriate setback distances and such screening measures as fencing, landscaping or berming;
  - where necessary as part of the development, an adequate potable water supply can be provided with no danger of cross contamination from adjacent sewage disposal systems;

- where necessary as part of the development, adequate sewage disposal facilities can be provided with no adverse impacts on adjacent water supplies;
- local roads are capable of accommodating the traffic to be generated by the use and a minimum of additional traffic is generated on minor roadways; and
- adequate parking and, where applicable, loading facilities can be provided.

## **2.6 Industrial Development**

2.6.1 Industrial development shall especially be encouraged in, but not limited to, the Hamlet designation.

2.6.2 Industrial development shall be permitted in the areas of the Township deemed to be most compatible with the proposed land use, based on an assessment of:

- The size of the proposed facility;
- The Class and type of industry;
- The expected adverse effects; and
- The correct separation distance, as determined by the policies for Class I, II and III industrial lands, set forth in Ministry of Environment *Land Use Guidelines*.

## **2.7 Compatibility with Residential Uses**

2.7.1 Residential uses will be treated as exceptional cases when dealing with issues of land use compatibility. Accordingly, development proposals affecting existing residential development will be subject to the most stringent enforcement of these policies.

## **2.8 Housing Supply**

2.8.1 In the interest of ensuring that the housing needs of local residents are adequately served, and in order that residents are presented with suitable housing options as they move through the life-cycle, the Township shall permit an appropriate range of housing types and densities, as required to meet projected requirements of current and future residents.

2.8.2 For the purposes of this Plan, a dwelling unit is defined as a suite operated as a housekeeping unit, used or intended to be used as a place of residence by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities.

2.8.3 It is likely that most future residential development will continue to be in the form of single-detached dwellings. However, other forms of residential development will also be permitted, including:

- semi-detached and duplex dwellings;
- accessory dwelling units;
- garden suites;

- townhouses;
- apartments;
- condominiums;
- modular homes placed on permanent foundations; and,
- mobile homes.

2.8.4 The specific forms of housing permitted will depend upon the land use designation within which residential development is to take place.

2.8.5 Except where indicated in other policies of this Plan, only one single-detached dwelling unit will normally be permitted per lot.

## **2.9 Accessory Dwelling Units**

2.9.1 An accessory dwelling unit is a dwelling located within, and accessory to, a structure in which the principal use is residential. The accessory dwelling unit normally contains cooking, food preparation, sleeping, and bathroom facilities, which are physically separate from those of the principal dwelling unit, either from a common indoor landing or directly from the side or rear of the structure.

2.9.2 Where a single-detached, semi-detached, or townhouse dwelling is permitted, that dwelling may include an accessory dwelling unit, subject to the following conditions:

- the accessory dwelling unit is designed and located in such a manner to not have an impact on the character on the surrounding neighbourhood;
- there are no external alterations to the dwelling other than those normally associated with its dwelling type;
- adequate parking can be provided on the lot, for both dwelling units;
- the existing water and sewage systems can accommodate both dwelling units; and,
- the minimum floor area for the accessory dwelling unit and all other standards will comply with the Ontario Building Code, Ontario Fire Code, and all other applicable requirements.

2.9.3 Only one accessory dwelling unit will normally be permitted per lot.

## **2.10 Garden Suites**

2.10.1 Garden suites are one-unit, detached, portable, self-contained residential structures that include bathroom and kitchen facilities. They are accessory to, and separated from, an existing and permitted residential dwelling.

2.10.2 Garden suites may be permitted in accordance with the provisions of the *Planning Act*.

2.10.3 Garden suites will be permitted only on lots containing single-detached or semi-detached dwellings.

2.10.4 Garden suites will normally be permitted only in cases where:

- the property contains no more than two dwelling units in total;
- adequate parking can be provided on the lot, for both dwelling units;
- the existing sewer and water systems can accommodate both dwelling units;
- the garden suite is serviced through an extension from the existing dwelling unit.

2.10.5 Garden suites shall be portable and remain on the lot for no more than twenty years.

2.10.6 An agreement shall be entered into with the Township regarding the maintenance, alterations, improvements, and the eventual removal of a garden suite.

## **2.11 Townhouses**

2.11.1 Townhouses will be normally be permitted provided that they:

- respect the character of adjacent residential properties;
- contain a high level of amenity areas for residents including rear-of-dwelling private space for each dwelling unit;
- can be easily integrated with surrounding land uses;
- will not cause or create traffic hazards, or unmanageable levels of congestion on surrounding roads;
- are located on a site that has adequate land area to incorporate required parking;
- are designed to enable effective stormwater management; and
- shall be serviced by individual water and sewage systems.

## **2.12 Apartment Buildings**

2.12.1 Proposals for the development of apartment buildings are subject to Site Plan Control. Generally, apartment buildings will be permitted, provided that they:

- respect the character of adjacent residential properties in terms of height, bulk and massing;
- can be easily integrated with surrounding land uses;
- will not cause or create traffic hazards, or unmanageable levels of congestion on surrounding roads;
- are located on a site that has adequate land area to incorporate required parking, landscaping, and buffering on site;
- are designed to enable effective stormwater management;
- shall be serviced by private water and sewage systems;

- do not exceed two storeys (above ground) in height.

### **2.13 Condominiums**

- 2.13.1 Where a condominium development is proposed, the Township may enter into an agreement with the applicant for the provision of services or such other matters as are governed by Section 51 of the *Planning Act*.

### **2.14 Mobile Homes**

- 2.14.1 A mobile home means any dwelling that is designed to be made mobile, and that is constructed or manufactured to provide a permanent residence for one or more persons. This may include a park model unit, but does not include a trailer or travel trailer otherwise designed.
- 2.14.2 Mobile homes are not considered single-detached dwellings in the case of sections 2.9 and 2.10.

### **2.15 Mobile Home Parks**

- 2.15.1 The development of mobile home parks as an alternative to traditional forms of housing may be considered in appropriate locations.
- 2.15.2 All proposed mobile home parks will be subject to Site Plan Control.
- 2.15.3 Mobile home parks shall generally be developed, owned and operated as a single unit. Ownership and maintenance of internal roads, services, common elements, open space areas and buildings shall be the responsibility of the owner/operator.
- 2.15.4 In areas where the existing topography or vegetative cover affords only limited protection from adjacent boundary roads, tree screening and earthen berms may be required to supplement existing tree cover so as to buffer the proposed mobile home park development from traffic on boundary roads. Buffering shall be undertaken to create privacy and prevent the development from becoming a visually dominant element in the rural landscape.
- 2.15.5 Access points to and from a mobile home park development shall be limited in number and designed in a manner that will minimize danger to both vehicular and pedestrian traffic.

### **2.16 Travel Trailers**

- 2.16.1 In accordance with the general policies of this Plan, travel trailers are not acceptable substitutes for any of the dwelling types identified in section 2.8.3. This restriction does not apply to the placement of travel trailers on a property that has an existing allowable

dwelling, whereby the trailer functions as an accessory building or is placed on a property for storage or for sale.

- 2.16.2 The Township may allow the temporary use of a trailer on a property where a building permit may be issued for the construction of a permanent dwelling allowed under section 2.8.3. Such a trailer may be located on the subject property for the period required to construct the main dwelling, so long as the period does not exceed three years.

## **2.17 Affordable Housing**

- 2.17.1 It is a policy of this Plan to ensure that existing and new residents have access to diverse and affordable housing choices. Accordingly, the Plan will allow for a sufficient supply of housing which is affordable to low- and moderate-income households. The Township will also consider alternative requirements for residential lot standards which would support the provision of affordable housing provision.
- 2.17.2 The Township will place a particular emphasis on enhancing the supply of affordable housing available. However, the Township shall not necessarily provide such housing.
- 2.17.3 Efforts to create affordable housing opportunities will be undertaken primarily through redevelopment and intensification within the hamlets of Whitney and Madawaska.
- 2.17.4 To provide affordable housing that meets the needs of residents in South Algonquin, the Township shall aim to:
- maintain an on-going inventory of potential and appropriate sites;
  - give priority to such housing when disposing of municipally-owned surplus lands;
  - require the development of affordable housing for moderate and lower income households, people with disabilities, and seniors in the design and development of subdivisions and in planning larger-scale housing projects;
  - support the use of rehabilitation and affordable housing programs sponsored by the provincial and federal governments; and
  - provide administrative assistance to community groups in their efforts to obtain funding allocations that will address local housing needs.

## **2.18 Special Needs Housing**

- 2.18.1 Special Needs Housing, such as long-term care facilities and retirement homes, may be permitted provided that the Township is satisfied that:
- a) the site has access and frontage onto a municipally-maintained roadway, as shown on Schedule B to this Plan;
  - b) the site is large enough to accommodate the building, on-site parking and appropriate buffering in the form of landscaping, fencing and trees;



- c) the building does not exceed two storeys (above ground) and is buffered from adjacent low density residential uses by setbacks, landscaping, fencing and trees to ensure compatibility of the use with adjacent land uses;
- d) the use will not cause traffic hazards or an unacceptable level of congestion on surrounding roads; and,
- e) private water and sewage systems are adequate and available.

## **2.19 Group Homes**

- 2.19.1 A group home is a single housekeeping unit in a residential dwelling in which up to ten (10) persons, excluding staff or the receiving family, live as a unit under responsible supervision consistent with the requirements of its residents and which is licensed or approved under Provincial Statute.
- 2.19.2 Group homes shall be permitted in all designations that allow residential uses, and shall be subject to the applicable policies found within this plan for the proposed form of dwelling.

## **2.20 Bed-and-Breakfast Establishments**

- 2.20.1 Bed-and-breakfast establishments shall be permitted in single-detached dwellings where listed as a permitted use in the land use designations in this Plan, provided that the following criteria are met:
  - a) the use shall not have a negative impact on the enjoyment and privacy of neighbouring properties;
  - b) the use is clearly secondary to the primary use of the dwelling as a residence;
  - c) the bed-and-breakfast establishment must be the principal residence of the owner and operator;
  - d) the character of the dwelling as a private residence is preserved;
  - e) unobtrusive signage is used;
  - f) adequate parking facilities are available on the lot for the proposed use;
  - g) the use will not cause a traffic hazard;
  - h) the existing private sewage disposal system is acceptable to adequately service the principal residential dwelling unit and the proposed bed and breakfast establishment;

## **2.21 Property Standards**

- 2.21.1 Acceptable standards of property maintenance and occupancy shall apply to all properties within the municipality. Such will be established in the Township in the form of zoning, property maintenance and occupancy by-laws, and, where necessary, through site plan control.
- 2.21.2 Property standards to be developed with regard to the conditions of yards shall consider elements such as:

- the accumulation of rubbish or debris;
- the presence of proper on-site garbage containment facilities;
- the presence of abandoned and wrecked vehicles, boats and trailers;
- the unauthorized placement and storage of trailers;
- abandoned machinery and equipment;
- the storage of materials such as lumber, tires and pesticides;
- conditions contributing to pest infestation; and
- improper or inadequate site drainage.

2.21.3 Property standards to be developed with regard to the external and structural conditions of buildings, both principal and accessory, shall consider elements such as:

- abandoned or structurally unsafe buildings;
- lack of maintenance of exterior walls, roofs and other exterior features;
- improper or poorly maintained foundations;
- improper or poorly maintained porches, decks and exterior steps; and,
- conditions contributing to pest infestation.

2.21.4 The above reference to the storage or abandonment of such items as vehicles, machinery or materials does not apply to any properties where such activities or use of land is permitted, such as an approved wrecking yard.

## **2.22 Water and Sewage Services**

2.22.1 All development in the Township shall be on individual water and sewage services.

2.22.2 It must be demonstrated that there is sufficient reserve treatment capacity for hauled sewage from private servicing to accommodate new development, prior to the approval of any new development

## **2.23 Home-Based Businesses**

2.23.1 For the purposes of this Plan, a home-based business is defined as a privately operated legal business located within a residential dwelling and operated by an occupant or owner of that dwelling.

2.23.2 In order to recognize changing lifestyles and to provide for economic development opportunities within the community, it is the policy of the Township to permit a home-based business in a dwelling unit within the areas where residential uses are permitted. In permitting such uses, the Township's policy is to ensure that they do not create a nuisance for the surrounding neighbourhood and that they abide by all other policies of this Plan.

2.23.3 Home-based businesses must be compatible with the character of the residential setting or surrounding neighbourhood in which they are located, and must serve as an accessory use that is secondary to the principal residential use.

2.23.4 The home-based business shall:

- a) Employ not more than one person not residing therein;
- b) Clearly be secondary to the use of the dwelling as a private residence (e.g., in terms of the percentage of floor space occupied by the business);
- c) Not change the residential character of the dwelling unit;
- d) Generally be conducted indoors within the dwelling unit or in an accessory structure on the property, provided the type of business is appropriate to the setting and all other relevant policies are followed;
- e) Ensure that no evidence is apparent from the exterior that such use is conducted therein, aside from unobtrusive signage;
- f) Not create or become a public nuisance, in particular in regard to hours of operation, noise or vibration, traffic or parking, odour, fumes, dust, health or public safety, radiation, magnetic fields or electronic interference; and
- g) Not require the frequent delivery or storage of goods.

2.23.5 The incidental retailing of products specifically fabricated on-site shall be permitted. Products sold by a distributor (distribution sales) shall be permitted provided there is no on-site storage beyond that in the dwelling and any accessory structures typically associated with a residential property.

2.23.6 Prohibited uses include retail or wholesale stores, clinics, restaurants, nursing or convalescent homes, automotive uses (including repairing, body work or towing), adult entertainment parlours, video rental outlets, or taxi services.

## **2.24 Non-Conforming Activities**

2.24.1 Legally existing uses that do not comply with the land use designations outlined in this Plan at the time of its adoption may be continued. Also, limited expansion of such uses may be permitted provided that the objectives and development policies of this Plan are met.

2.24.2 Where a non-conforming use changes, the new use shall be in keeping with the intent of this Plan.

## **2.25 Site Plan Control**

2.25.1 In order to implement these policies and other related policies of this plan, new or significantly expanded commercial, industrial, institutional and recreational uses may be subject to site plan control in accordance with the policies found within Section 12 of this Plan.

## **2.26 Cost of Studies and/or Assessments**

- 2.26.1 The cost of all studies and/or assessments that must be completed by qualified consultants/professionals as part of a development proposal shall be incurred by the proponent(s). The Township shall assume no financial responsibility for the cost of these studies and/or assessments.

## **SECTION 3: HAMLETS**

### **3.1 Introduction and Description**

- 3.1.1 As the location of most commercial activity and municipal services, the hamlets of Madawaska and Whitney serve as focal points for community life in South Algonquin. In keeping with provincial planning policies, and in the interest of efficient land use planning, new development will be especially encouraged within these settings. At the same time, however, the plan recognizes that residents do not want to see the hamlets grow to a point where they lose their rural character and that much of the hamlets' potential for outward growth is limited by the presence of Crown land. However, there are numerous opportunities within Whitney and Madawaska for both the redevelopment of lands and the intensification of development.
- 3.1.2 As shown on Schedule A to this Plan, Whitney and Madawaska are designated as the Township's two Hamlets. The two Hamlets will serve as the Township's designated settlement areas. Accordingly, and in conformity with the *Provincial Policy Statement (2005)*, the Hamlets shall be the preferred location for new development within the Township.

### **3.2 Permitted Uses**

- 3.2.1 In the interest of promoting cost-effective and environmentally sustainable land use patterns, the integration of different activities will be encouraged in the Hamlets. Permitted uses shall include:
- residential uses, including low- and medium-density housing, mobile homes, special needs housing, and group homes;
  - home occupations;
  - small- and large-scale industrial uses;
  - commercial uses, including retail businesses and home occupations;
  - tourist commercial uses, such as hotels, motels, resorts, and bed-and-breakfast establishments;
  - institutional uses, such as schools, medical centres, post offices, and government offices; and
  - community facilities, such as day care facilities, libraries, parks, community centres, and recreational facilities;

### **3.3 General Development Standards for Hamlets**

- 3.3.1 All development proposed for the Hamlets shall adhere to the General Development Standards outlined in Section 2 of this Plan.

- 3.3.2 The Township shall identify and promote opportunities for intensification and redevelopment within the Hamlets, where this can be accommodated.
- 3.3.3 Notwithstanding the desire to integrate different activities within the Hamlets, large-scale commercial, industrial and institutional uses should normally be situated with direct access from an arterial road or the main road serving the Hamlet.
- 3.3.4 Wherever this can reasonably be accomplished, the Waterfront policies of this Plan shall normally apply to lands in the Hamlets designation that are physically and functionally related to a shoreline.
- 3.3.5 All development within the Hamlets shall be in keeping with the objective of conserving, preserving and enhancing the rural character of the Township as a cultural resource, as outlined in Section 1.6.

### **3.4 Industrial Development in Hamlets**

- 3.4.1 Council's objectives for industrial development in Hamlet area designations are as follows:
- To permit industrial uses which are compatible with the surrounding community;
  - To permit industrial development which can be appropriately serviced;
  - To help develop a range of local employment opportunities.
- 3.4.2 The following industrial uses shall generally be permitted in the Hamlet area designation:
- Class I manufacturing and processing;
  - Warehousing and wholesaling of bulk products;
  - Other appropriate or compatible industrial uses;
  - Related and/or accessory commercial uses; and
  - Public utility facilities.
- 3.4.3 Notwithstanding the above list of permitted uses, the Township may exclude some industrial uses from the permitted use section where the location or scale of such uses can reasonably be considered to present environmental problems and/or where the presence of industrial uses is incompatible with the surrounding community.
- 3.4.4 Employment lands in the form of Class I, Class II or Class III industrial uses, as defined by the Ministry of Environment *Land Use Guidelines*, may be permitted in the Hamlets designation, provided that they are appropriately separated from existing and future residential areas, subject to available infrastructures and amenity space, and subject to site plan control.
- 3.4.5 Site Plan Control, in accordance with the relevant policies in this Plan, shall apply to new or expanded industrial uses in order to regulate the physical character of industrial

development and to ensure compatibility with established land uses. Particular attention will be placed on appropriate buffering of industrial use from adjacent land uses, as well as ensuring whenever possible that there is efficient and immediate access to transportation links separating industrial traffic from normal community traffic.

### **3.5 Boundary Adjustments to Hamlets**

- 3.5.1 Adjustments to the boundaries of a designated Hamlet, other than minor changes, will be subject to an official plan amendment and will be implemented following the processes outlined in Section 12.11 of this Plan.

## **SECTION 4: RURAL AREAS**

### **4.1 Introduction and Description**

- 4.1.1 As noted earlier, the Township's rural character is widely appreciated by residents and non-residents alike, and thus serves as one of South Algonquin's most important qualities. It will be important to preserve this quality as planning and development activities take place over time. However, the limited availability of private lands available for development purposes within the Hamlets and the desire to prevent excessive development in the Waterfront areas both result in the need to accommodate some growth in the Township's Rural areas. Accordingly, this Plan generally permits limited development in the Rural areas, so long as this conforms to the standards laid out in this Plan. Within the Township's Rural areas, development in those locations where a previous history of settlement already exists – such as, for example, the Wallace settlement in Sabine Ward – will be particularly encouraged.

### **4.2 Permitted Uses**

- 4.2.1 Uses permitted in the Rural designation shall include:

- low-density year-round and seasonal residential dwellings;
- small- and large-scale commercial and industrial uses;
- tourist commercial uses, such as hotels, motels, resorts, and bed-and-breakfast establishments;
- mineral exploration and extraction;
- mineral aggregate operations, including wayside pits and quarries;
- portable asphalt plants;
- forest management areas;
- conservation areas and parklands;
- fishery resource management;
- hunting and fishing camps;
- commercial fur harvesting;
- agriculture;
- commercial dog kennels;
- utility corridors;
- recreational uses;
- small-scale institutional uses servicing the rural community;
- waste disposal, management and holding sites; and
- cemeteries.

- 4.2.2 Notwithstanding the inclusions identified above, any proposed development that will have an adverse impact on the rural character of the Township will not be permitted.



### **4.3 General Development Standards for Rural Areas**

- 4.3.1 All development proposals for Rural areas shall adhere to the General Development Standards outlined in Section 2 of this Plan, as well as those set forth throughout this section.
- 4.3.2 New commercial, industrial, institutional and kennel uses shall generally be permitted only if Council is satisfied that the proposed new or expanded use:
- a) complies with all of the applicable policies of this plan, particularly those relating to the protection of water resources and the minimization of environmental impact;
  - b) is compatible with the rural character of the area;
  - c) will have little or no impact on agricultural uses;
  - d) can be serviced with an appropriate on-site method of water supply and sewage disposal;
  - e) will be accessed by public roads capable of accommodating the related traffic;
  - f) will not cause a traffic hazard due to conditions such as inadequate sight lines at the point of access; and,
  - g) can be appropriately buffered or screened from adjacent sensitive or incompatible uses, such as residences.

### **4.4 Protection of Agricultural Land and Activities**

- 4.4.1 Due to the scarcity of workable farmland in the Township, development shall not be located in areas that would adversely affect existing agricultural operations. When considering development proposals in the vicinity of agricultural uses, the Minimum Distance Separation Formulae in the Provincial Policy Statement will be used.

### **4.5 Forestry**

- 4.5.1 When considering a development proposal, Council will consult with the Ministry of Natural Resources and any other relevant provincial ministry when forestry resources may be negatively affected.

### **4.6 Aggregate and Mineral Extraction**

- 4.6.1 The development of pits and quarries for commercial purposes is permitted in areas designated as "Rural". Wayside pits and quarries and portable asphalt plants shall be permitted throughout the Rural area, except in areas of existing sensitive land use, and in accordance with the policies of the Hazard Areas designation (Section 6) and the Natural Resources policies identified in Section 10.
- 4.6.2 Prior to considering development in areas of known aggregate resources, Council shall be satisfied that the proposed development will not affect the long-term availability of aggregate resources in the Township and surrounding area.

- 4.6.3 Extractive uses, including peat extraction and mineral exploration, shall be adequately screened from surrounding uses.
- 4.6.4 Council may require that the proponents of extractive uses enter into agreements with the Township:
- to ensure that the development does not have an adverse impact on municipal roads;
  - to provide for visual abatement; and
  - to plan for the rehabilitation and after use of the site.
- 4.6.5 New residential development should not occur in areas in close proximity to extractive operations where noise, dust and traffic from the extractive use may be incompatible with the residential use. For the purposes of this policy, the *influence area* and *minimum separation distance* for a sensitive use (such as a residential use) near an extractive operation shall respectively be 1000 metres and 300 metres from a class III industrial facility, and 300 metres and 70 metres from a class II industrial facility. The development of any sensitive use within the influence areas noted shall require noise and hydrogeological studies to confirm there will be no impact on the sensitive land use from the extractive operation. This policy will also apply in a reciprocal fashion in establishing or redesignating an extractive operation near an existing sensitive land use.
- 4.6.6 An archaeological assessment will be required for any construction activity associated with wayside pits and quarries if the subject property is located in an area of archaeological potential or near a known archaeological site.

#### **4.7 Industrial Development**

- 4.7.1 The industrial uses of land in the "Rural" designation shall be for manufacturing, processing, servicing and storing of goods and raw materials.
- 4.7.2 Industrial development in the "Rural" area will be limited to those uses which require extensive amounts of space, serve the needs of the rural area, are considered incompatible uses in the Township's Hamlets, or are considered dry industries. Dry industries are defined as those in which only the disposal of the domestic waste of employees is permitted and treated within septic systems, and into which the discharge of industrial liquid wastes, wash or cooling water or process wastes is prohibited unless otherwise permitted by the Ministry of Environment.
- 4.7.3 Industrial uses shall have frontage on a maintained municipal roadway. In addition, setbacks and buffering from natural features and sensitive land uses, such as residences, will be required as a condition of site plan approval.
- 4.7.4 Industrial uses shall screen areas of open storage from view and shall be compatible with adjacent commercial uses.

4.7.5 Where industrial uses generate noise, odours, dust, traffic or effluent that may adversely affect other land uses in the area, the development shall provide for buffering in the form of berms, landscaping or setbacks that will mitigate the impacts on neighbouring lands.

4.7.6 The retention, renewal and conservation of industrial buildings of historical and architectural merit will be encouraged if they are affected by an application for development or redevelopment. The impact of such development plans on the character of the surrounding area will also be considered.

#### **4.8 Rural Commercial Development**

4.8.1 Commercial uses in the Rural Area shall generally include those uses that rely on tourist traffic and highway access or provide goods and services to the travelling public and rural population.

4.8.2 Tourist and highway commercial uses may include such operations as tourist accommodation facilities, including campgrounds or trailer parks, spas, retreats, craft shops, service stations and restaurants.

4.8.3 As a condition for site plan approval, Commercial Tourist Camps and other tourist attractions shall be well screened from surrounding lands and roadways.

#### **4.9 Rural Residential Development**

4.9.1 In the interest of preserving the rural character of the Township, new permanent residential development within the Rural designation shall be encouraged to locate in the vicinity of other residential uses in the municipality where municipal services are already in place. Scattered or isolated development that would result in an increase in municipal servicing costs will be discouraged.

4.9.2 New rural residential development shall also be encouraged to locate in areas that:

- a) do not preclude the sustainable use of natural resources;
- b) do not have a negative effect on the Township's significant natural or cultural heritage and archaeological resources and features;
- c) have reasonable access to community facilities, such as schools and recreation centres;
- d) are accessible by municipally-owned and maintained year-round roads or roads owned and maintained by a registered Condominium Corporation; and
- e) do not consist of hazard lands and protected natural features.

4.9.3 Where larger scale residential developments are proposed, such as plans of subdivision or condominium, they shall be encouraged to locate:

- within or adjacent to existing nodes of residential development;

- where extensions or major improvements to municipal services are not required; and
- where the density, use and layout of the development is compatible with the surrounding uses.

#### **4.10 Institutional Uses**

4.10.1 The expansion of existing institutional uses in the Township should reflect the growth of population and services in the municipality.

#### **4.11 Parks and Recreational Uses**

4.11.1 Recreational uses such as playing fields, skating rinks, and other uses that depend on a large land base shall be permitted in the Rural areas provided that:

- a) they are compatible with surrounding land uses;
- b) do not create traffic impacts; and
- c) do not place additional demands on municipal services.

#### **4.12 Recreational Commercial Uses**

4.12.1 Development of golf courses or other significant recreational facilities shall be done in a manner that ensures that ground and surface water resources are not adversely affected due to landscape alteration and the application of chemicals to the lands.

#### **4.13 Hunt Camps**

4.13.1 The Township of South Algonquin is an area with a significant number of camps used for hunting and fishing. This plan recognizes that these camps are important to the recreational and economic base of the municipality. These uses often have special considerations that allow some flexibility in terms of access, building and related services. The Council of the Township of South Algonquin may make specific provisions for hunt camps and fishing camps in any by-law implementing this Official Plan.

#### **4.14 Commercial Dog Kennels**

4.14.1 Commercial dog kennels may be permitted in Rural areas, subject to the following conditions:

- a) the size of the proposed dog kennel is appropriate for the area;
- b) the building housing the dog kennel and the associated dog runs is set back at least 100 metres from lot lines;
- c) the use is located at least 1500 metres from existing rural residential development and from the hamlets of Whitney and Madawaska;

- d) the noise emanating from the kennel will not have an adverse impact on adjacent properties; and
- e) an appropriate animal waste management plan is put in place.

#### **4.15 Waste Disposal Sites**

- 4.15.1 As required by Section 46 of the *Environmental Protection Act*, no use shall be made of land or land covered by water which has been used for the disposal of waste within a period of twenty-five years from the year in which such land ceased to be so used unless the approval of the Minister of the Environment for the proposed use has been given.
- 4.15.2 Development proposed within 500 metres (1640 feet) of an existing or closed waste disposal cell shall be restricted unless it can be demonstrated to the satisfaction of the Ministry of the Environment and the Township of South Algonquin that there is no evidence of leachate, methane gas migration, or other contaminants present in the soils or ground water supply.
- 4.15.3 For proposals in the vicinity of landfills and dumps that have accepted liquid industrial, toxic or hazardous waste, proponents will be required to undertake further investigations and provide a report to the approving authority. Where there is evidence of off-site migration of contaminants, the Ministry of Environment shall require abatement measures to be put into place.
- 4.15.4 Factors to be considered when land use is proposed near an *operating* site include: landfill-generated gases, ground and surface water contamination by leachate, odour, litter, contaminant discharges from associated vehicular traffic, visual impact, dust, noise, other air emissions, fires, surface runoff, and vectors and vermin. Particular attention shall be given to the production and migration of methane gas.

## **SECTION 5: WATERFRONT AREAS**

### **5.1 Introduction and Description**

- 5.1.1 It is well recognized that the Township's Waterfront lands have played, and will continue to play, an important role in the municipality's physical development. Many cottages have been standing for generations, many more have been built in recent years, and many are also being converted to year-round residences.
- 5.1.2 As in other municipalities, the Township's Waterfront areas are those where there is the greatest potential for the emergence of land use conflicts, especially if proper planning controls are not put into place. As demand for waterfront living (either seasonal or year-round) increases – due, for example, to a growing population of retirees and the escalation of cottage prices in other regions of Ontario (such as Muskoka and the Kawarthas) – there is the risk that unbridled construction of new dwellings on Waterfront lots may lead to a wide range of consequences. These include losses of privacy, noise, overcrowding, loss of the Township's beloved rural character, environmental degradation, water and sewage problems, the overburdening of municipal services, and lake capacity impacts. Accordingly, balanced policies are needed that will allow some new development, but only where this can occur in ways that are compatible with existing activities, both human-driven and natural.
- 5.1.3 The Waterfront designation is intended to include lands that are physically and functionally related to the shoreline. Generally, land that is on the shoreline or which physically or visually relates to the waterfront is included within this designation. The waterfront designation also includes commercial uses, such as resorts or marinas, that have a functional relationship with the waterfront.

### **5.2 Permitted Uses**

- 5.2.1 Permitted uses in areas designated "Waterfront" shall include:
- single-detached dwellings located on individual lots along the shoreline; and
  - commercial tourist development, such as lodges, hotels, bed-and-breakfasts, marinas, cottage resorts, and recreational activities.
- 5.2.2 Mobile home parks will not be permitted in the "Waterfront" designation.

### **5.3 General Development Standards for Waterfront Areas**

- 5.3.1 Development in Waterfront Areas shall occur as a single tier of development adjacent to the shoreline except where development takes the form of clusters that provide public or private open space on the shoreline for the use of residents of the development.

5.3.2 Cluster forms of development shall be regulated through the subdivision or condominium approval process and site plan control. Where this form of development occurs:

- the shoreline open space should generally be provided at a rate of 8.0 metres (25 feet) of shoreline per unit;
- it should incorporate adequate buffers in the form of setbacks, berms, fences, and vegetation where it abuts a shoreline residential development in order to ensure that current landowners continue to enjoy their property;
- it should be setback a minimum of 30 metres from the water course or waterbody;
- it should involve the minimal disturbance of vegetation and soils; and
- a common dock should be generally used, which would accommodate up to 20 units and still allow room for swimming or other water activities.

5.3.3 The Township shall ensure that opportunities for public access to shorelines are provided.

5.3.4 No development will be permitted which would result in a waterbody being developed to a point of being over capacity as identified by the Ministry of the Environment, the Ministry of Natural Resources, or Council. When reviewing development proposals, Council shall consider:

- a) the biological capacity of the lake in terms of the number of cottages, dwellings or tourist units that can be accommodated on a water body while maintaining sufficient levels of fish habitat, water clarity and water quality; and
- b) the recreational capacity of the lake in terms of maintaining a reasonable level of enjoyment on the surface of the lake for persons presently using the lake for recreational purposes.

5.3.5 New lot creation is not permitted on “at capacity” lake trout lakes. However, Council may consider the creation of new lots in certain circumstances where it can be proven to the satisfaction of council, in consultation with the Ministry of the Environment and the Ministry of Natural Resources, through detailed environmental studies; that development shall result in no negative impact on the lake. The Ministry of the Environment and the Ministry of Natural Resources shall be consulted in situations where one or more of the following conditions exist:

- a.) the severance is to separate existing habitable dwellings, each of which has a separate septic system, provided the land use would not change; or
- b.) all new septic system tile fields are located such that they would drain into a drainage basin which is not at capacity; or
- c.) all new tile fields are set back at least 300 meters from the shoreline of the lake or permanently flowing tributary to the lake; or
- d.) the effluent pathway from a tile field would flow in a manner for a distance of at least 300 meters to the lake. This must be supported by a report prepared by a qualified

professional that is a licensed member of the Professional Engineers of Ontario who is qualified to practice geoscience; or

- e.) where a site-specific soils investigation prepared by a qualified professional demonstrates that phosphorus can be retained in deep, native, acidic soils on-site, to satisfaction of the Ministry of the Environment.

5.3.6 Lake trout lakes classified by the Ministry of the Environment and Ministry of Natural Resources as “not at capacity” can sustain additional development subject to the following criteria:

- a) development, including the septic system tile bed, must be set back a minimum of 30 metres from the high water of the lake with non-disturbance of the native soils and vegetation;
- b) modeling of the lake to determine whether it can accommodate additional development;
- c) stormwater management via infiltration galleries, redirection of surface water runoff away from the lake;
- d) large development proposals (i.e., greater than five lots or resort/condominium developments) must be supported with a study by a qualified consultant. This study is an impact assessment of a proposed development on a water body to ensure water quality protection. The study should take into consideration the existing water quality of the water body, surface water run-off, impact and loadings of phosphorous from septic systems, type of soils, stormwater management and nature of vegetation.

The classification of lakes in the Official Plan is subject to change and may change in the future based on factors such as an assessment of new water quality data and/or changes in water quality standards. Therefore, the possibility exists that a lake trout lake that is classified in the Official Plan as “not at capacity” or “at capacity” at a certain point in time may change during the life of the Official Plan. Any changes to the classification of lakes will require an Official Plan Amendment.

5.3.7 It is the responsibility of the property owners, including proponents of development proposals, to ensure that they are aware of the current classification of a lake at all times and, in particular, prior to submitting a planning application involving shore lands on lakes.

5.3.8 The Ministry of the Environment and the local municipality have the information on the current classification of a lake and it is recommended that either or both the Ministry and the local municipality be consulted prior to any actions being taken which may be affected by the classification of lake.

5.3.9 Should development be proposed which may bring a lake near the estimated biological or recreational capacity, Council shall only consider such a proposal after the developer has submitted an impact report prepared by a qualified professional, retained by the Township at the cost to the developer, that provides evidence to the satisfaction of Council that the development will not adversely affect the recreational and biological lake quality and meets



the requirements of any lake capacity study endorsed by Council as a relevant basis for planning and development.

5.3.10 To maintain an appropriate balance between a natural shoreline and built form, shoreline activity should be focused within a defined area of the shoreline frontage of the lot and minimized in extent.

5.3.11 The maintenance of shoreline vegetation is beneficial to:

- a) protect the riparian and littoral zones and associated habitat;
- b) prevent erosion, siltation and nutrient migration;
- c) maintain shoreline character and appearance; and
- d) provide fish habitat.

5.3.12 Clearing of natural vegetation along the shoreline should be restricted to that needed for access, recreational use, limited view of the water and safety of residents. The shoreline frontage of the lot should be maintained in natural shoreline vegetation, including trees, in the water and upland along the water's edge. The extent of removal in the shoreline areas will be considered within the following parameters:

- a) A maximum of 30% of the shoreline frontage or up to 15 metres, whichever is the lesser, for shoreline/linear residential development;
- b) A maximum of 30% of the shoreline frontage or up to 30 metres, whichever is the lesser, for commercial development or waterfront landings;
- c) A maximum of 50% of the shoreline frontage or up to 45 metres, whichever is lesser, for marinas.

5.3.13 The Township may require a marine archaeological survey to be conducted by a licensed marine archaeologist pursuant to the Ontario Heritage Act if partially or fully submerged marine features such as ships, boats, vessels, artifacts from the contents of boats, old piers, docks, wharfs, fords, fishing traps, dwellings, aircraft and other items of cultural heritage value are identified and impacted by shoreline and waterfront developments.

## **5.4 Residential Development**

5.4.1 New Waterfront residential developments should generally have a minimum frontage of 60 metres (200 feet) and a minimum lot area of one hectare (2.47 acres). With council approval, these minimum sizes may be increased:

- a) in areas of steep topography;
- b) in narrow bays and peninsulas;
- c) where there are significant natural heritage features discussed in Section 7 which require alternative development standards; and
- d) where the shoreline is not physically suitable for waterfront development.

- 5.4.2 Waterfront residential development on a lot area of less than one hectare may be permitted if a hydrogeological evaluation or other acceptable technical study supports a smaller lot area. Assessment of potential impacts on ground and surface water quality and quantity must be included in such a study.
- 5.4.3 New lots in deer wintering habitat must have a minimum lot frontage and depth of 90 metres. Where new lot creation is proposed in areas where there is a narrow conifer fringe on the shoreline that provides critical deer habitat, the minimum frontage shall be 120 metres and a minimum depth of 90 metres. Lesser lot sizes may be considered pending an evaluation prepared by a qualified specialist indicating that winter deer habitat does not exist.
- 5.4.4 Development and site alteration will be set back from all watercourses within the Township in order to protect the natural features and functions of the watercourse, provide riparian habitat, and minimize the risk to public safety and property. Buildings, structures and sewage disposal systems will be set back at least 30 m (100 feet) from the high water mark of all of lakes, rivers and streams.
- 5.4.5 Guest cabins (also commonly referred to as a “bunkie”) will be permitted on lots in the Waterfront designation so long as they remain secondary and incidental to the main residential dwelling on the lot.
- 5.4.6 Guest cabins will be limited in size and shall be smaller than, and incidental to, the main dwelling.
- 5.4.7 Guest cabins shall be connected to the same water and sewage facilities as the main dwelling.
- 5.4.8 The addition of more than one guest cabin to an existing lot will require the Township’s approval, which will be determined by factors such as water and sewage capacity, the size of the lot, and neighbouring land uses.

## **5.5 Residential Conversions**

- 5.5.1 There is a substantial proportion of the population of the Township of South Algonquin that is identified as seasonal given that their principal residence is located elsewhere. Ongoing trends suggest that some second-home owners will likely be interested in locating in the Township at their part-time residence on a full-time basis. Applications for such seasonal residential conversions will be considered by the Township.
- 5.5.2 While it is anticipated that the number of actual seasonal residential conversions to year-round use will be low, there may be some land use implications that arise as a result of this action. Residents intending to convert their seasonal dwellings into year-round homes shall

be aware that the conversion of a seasonal dwelling into a year-round home is insufficient, by itself, to encourage upgrading of municipal services to the home. The Township must evaluate all factors, including the costs to other taxpayers, before proceeding with any service upgrades. The Township may pass by-laws clearly identifying how such properties may be subject to limited services.

- 5.5.3 The conversions of seasonal dwellings to year-round use shall require proof that an approved sewage system has been installed.

## **5.6 Tourist Commercial Development**

- 5.6.1 Tourist Commercial developments shall be allowed within the Waterfront designation, provided that the developer has proven to Council's satisfaction, through an impact study:

- a) that there will be no negative impact on natural heritage features and the environment on or adjacent to the subject property;
- b) that there will be no negative impact on surrounding landowners' property values and enjoyment of their properties; and
- c) that the development lands can be adequately serviced to the satisfaction of the proper authority with regard to parking and on-site sewage and water services.

- 5.6.2 Ancillary uses and activities, such as indoor and outdoor recreational facilities, retail commercial uses of a convenience nature, or eating establishments which primarily serve the needs of persons using the tourist commercial use, shall also be permitted. Residential accommodation shall also be permitted for the accommodation of the owner or caretaker or other staff members.

- 5.6.3 The developer shall also enter into a Site Plan Agreement with the Township in order to effectively manage the provision of water-based amenities, such as boat docking and launching facilities, and land-based recreational facilities, such as tennis courts or swimming pools.

- 5.6.4 Golf courses shall be located outside of the Waterfront designation.

- 5.6.5 Tourist commercial activities shall be buffered from dwellings on neighbouring properties through a combination of distance and vegetation.

- 5.6.6 Septic systems shall be located at least 30 metres (100 feet) from a watercourse or a waterbody.

- 5.6.7 Regard shall be had for the layout and design of resort commercial areas such that the internal road pattern provides for the adequate movement of vehicular traffic. Access points to and from public roads shall be limited in number and designed in such a manner that will minimize the danger to both vehicular and pedestrian traffic.

## **5.7 Lake Plans**

- 5.7.1 Council supports in principle the preparation of Lake Plans that assess issues such as recreational carrying capacity, shoreline development, lake level management, fisheries, vegetation retention and health, shoreline erosion, cottage conversion and septic system maintenance and inspection, and other issues important to lake communities. Lake Plans may be used as a tool to establish and improve good land stewardship practices amongst those who share a lake community and to articulate lake-specific principles and goals outlined in this Plan. Such Plans are also encouraged to establish monitoring programs and/or remediation programs to be primarily implemented by local residents and stakeholders, such as provincial government ministries.
- 5.7.2 This Official Plan will continue to be the primary land use document to guide land use in the Township. Specific lake plans may be implemented as amendments to this Plan.
- 5.7.3 Any or all of the following components may be identified and addressed in a specific lake plan:
- location in relation to the watershed;
  - drainage basin and related watercourses;
  - size and shape of the lake;
  - distinct areas or neighbourhoods on larger lakes;
  - number and location of islands and narrow water bodies;
  - topography, landscape, shoreline features and hazards;
  - shoreline constraints and influences;
  - natural heritage and habitat;
  - allocation of water quality capacity;
  - cultural heritage, built heritage, and historic development;
  - existing land uses;
  - access;
  - open space, recreation areas and trails;
  - natural areas and landscape features to be preserved;
  - definition of character to be preserved; and,
  - specific policies and standards for development.

## **5.8 Madawaska River Water Management Plan**

When making decisions regarding waterfront development, including land severances, along the Madawaska River and its tributaries from the Bark Lake Dam upriver to a point approximately 10 kilometres upriver of the hamlet of Madawaska, decisions should be based on the Madawaska River Water Management Plan, as mandated by Ontario Power Generation. This area is referred to as Reach 2 in the Madawaska River Water Management Plan.

This reach has a normal maximum water level at the Bark Lake Dam of 313.62 metres above sea level in the summer, and a normal minimum water level of 304.80 metres above sea level in the winter. This difference of 8.82 metres is drawn down annually to control flooding in the lower reaches of the Madawaska River.

It should be noted that all water-reliant habitats and species, including mammals, reptiles, amphibians, fish and invertebrates, are devastated on an annual basis by this drawdown and that minor changes due to waterfront development will have little or no additional effect whatsoever on these species.

## **SECTION 6: HAZARD AREAS**

### **6.1 Introduction**

- 6.1.1 In the interest of public safety, it is recognized that there are certain areas within the township that are not suitable for development due to their physical characteristics. Growing concern about environmental aspects of development has prompted government bodies to be more cautious in the realm of land use planning, and it is also important to ensure that past uses of land do not create consequences for new development on those same lands.

### **6.2 Permitted Uses**

- 6.2.1 The uses and activities permitted within areas designated as “Hazard Areas” shall be limited to:
- agriculture;
  - conservation;
  - horticultural nurseries;
  - forestry and wildlife areas;
  - fishery resource management areas;
  - mineral exploration, mining and mineral aggregate extraction;
  - marinas;
  - public or private parks and trails; and
  - passive recreational uses which have minimal impact on the natural environment and require very little terrain or vegetation modification, including low impact trail uses and natural heritage appreciation.

### **6.3 Conditions for Site Alteration and Development**

- 6.3.1 Where an allowable form of development is proposed in a Hazard Area, the Township will be consulted to determine the nature of the hazard. Development and site alteration may be permitted in such an area if the effects and risk to public safety are minor so as to be managed or mitigated in accordance with provincial standards, as determined by the demonstration and achievement of all of the following:
- a) development and site alteration is carried out in accordance with flood-proofing standards, protection works standards, and access standards;
  - b) vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies;
  - c) new hazards are not created and existing hazards are not aggravated; and
  - d) no adverse environmental impacts will result.

- 6.3.2 Where the Hazard Areas also include important natural features identified in Section 10 of this Plan, any development shall only be permitted in accordance with the policies found within that Section.

#### **6.4 Construction Restrictions**

- 6.4.1 No buildings or structures, nor the placing or removal of fill of any kind whether it originates on site or elsewhere, shall be permitted in Hazard Areas. An exception to this occurs where such buildings, structures or fill are to be used in flood or erosion control and have been approved by the Township. Also, buildings or structures required for approved marina uses may also be permitted, though not for human habitation and only provided that they do not result in negative impacts on fish habitat.

#### **6.5 Mine Hazards**

- 6.5.1 There are a number of known mine hazards located in the Township. Known mine hazards located in the Township are shown on Schedule C.
- 6.5.2 It shall be policy to recognize past producing mines as areas where development should be restricted. Any proposed development within a one-kilometre radius of a past producing mine, as identified on Schedule C, will first be subject to a detailed site evaluation conducted by a qualified consultant. Documentation from this study shall demonstrate that:
- a) the development land is suitable for the type of development proposed; and
  - b) the mine hazard can be mitigated and remediated to properly address public health, safety, and environmental concerns to the satisfaction of the Township.
- 6.5.3 Development on, abutting and adjacent to lands affected by mine hazards may be permitted only if rehabilitation measures to address and mitigate known or suspected hazards are under way or have been completed.
- 6.5.4 Other mine hazards may exist in the Township. These sites, when identified by the Ministry of Northern Development and Mines, shall be added to Schedule C without the need for amendment to this plan.

#### **6.6 Contaminated Sites**

- 6.6.1 Contaminated sites shall be remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effects.
- 6.6.2 For contaminated sites, a record of site condition prepared by appropriately qualified professionals will be required and the appropriate site remediation will be completed before the development of these lands.

- 6.6.3 Mandatory filing of a Record of Site Condition in the Environmental Site Registry, by a qualified person, as defined in Ontario Regulation 153/04, is required for a change in use of a property from industrial or commercial to residential or parkland, as defined in the regulation, and will be acknowledged by the Ministry of the Environment. A site clean-up plan may be required and the site may need to be cleaned-up in accordance with the Ontario Regulation 153/04 and with Ministry of the Environment guideline “Records of a Site Condition – A Guide on Site Assessment, the Clean-up of Brownfield Sites and the Filing of Records of Site Condition” dated October 2004 or associated guidelines.

## **6.7 Flood Plains**

- 6.7.1 A flood plain is defined as the area adjoining a watercourse, usually low lands, which has been or may be subject to flooding. The Township supports the Natural Hazards policies contained in the *Provincial Policy Statement* relating to the regulation of development within flood plains. The following policies recognize the seriousness of flooding and actively attempt to minimize the threats to public health and safety in this regard.
- 6.7.2 In order to prevent the risk of loss of life and to minimize property damage, development and site alteration is prohibited on flood plain lands and lands subject to erosion hazards. However, exceptions may be made in the event that:
- a site-specific engineering study is carried out by a qualified consultant at the proponent’s expense to determine the exact location of the 1:100 year flooding elevations;
  - the flooding hazards can be safely addressed, and the development and site alteration is carried out in accordance with established standards and procedures;
  - new flooding hazards are not created and existing hazards are not aggravated;
  - no adverse environmental impacts will result;
  - vehicles and people have a way of safely entering and exiting the area during times of flooding; and
  - the development does not include institutional uses or essential emergency services or the disposal, manufacture, treatment or storage of hazardous substances.

The 1:100 year flood means that flood, based on analysis of precipitation, snowmelt, or a combination thereof, having a return period of 100 years on average, or having a 1% chance of occurring or being exceeded in any given year.

- 6.7.3 The Township shall undertake to ensure that, at a minimum, it has up-to-date air photo interpretation of potential floodplains for all areas for which there is no engineered flood elevation.

## **6.8 Setbacks**

- 6.8.1 Building setbacks may be imposed from the boundaries of the Hazard Areas in the



implementing zoning by-law. The severity of the hazard or the setback required to protect the natural feature is the determining factor.

6.8.2 Generally, thirty (30) metre building setbacks shall be imposed from the boundaries of Hazard Areas, except for:

- valley lands, where a 30 metre setback will be imposed from the stable top of bank; and
- permanent and intermittent streams, where a 30 metre setback will be imposed from the meander belt, or the land across which a stream shifts its channel from time to time.

## **6.9 Mineral Aggregate Extraction**

6.9.1 The removal or placement of fill may be permitted in conjunction with an established pit or quarry found within lands designated as Hazard Areas through a rezoning. This rezoning shall only be granted after an impact study, carried out by a qualified biologist/ecologist together with a hydrologist/hydrogeologist who are retained by the Township and paid by the proponent, has determined that the operation will not:

- alter the flood plain so as to cause detrimental impacts;
- have a negative impact on significant habitat areas and other natural features and areas;
- or
- affect the hydrogeological functioning of the feature.

## **6.10 Non-Conforming Uses**

6.10.1 The expansion of existing non-conforming uses located within areas that are subject to physical hazards such as flooding shall be discouraged. Where the expansion or replacement of existing buildings is permitted, the Township shall require the addition of measures to alleviate the hazard. Where strict compliance to flood-proofing measures required to alleviate flooding is not feasible, the Township may consider permitting minor additions with a lesser level of protection from the flood hazard.

## **6.11 Lands Under Private Ownership**

6.11.1 The designation of privately-owned lands as Hazard Areas does not imply that those lands are freely accessible to the general public nor that the Township will purchase those lands.

## **6.12 Redesignation of Hazard Lands**

6.12.1 Each application for redesignation of Hazard Areas for other purposes may be given consideration by the Township. The following will be considered in their final decision:

- a) existing environmental and physical constraints;

- b) the potential impact of the development on the natural features and functions of the area;
- c) the proposed design and engineering techniques and resource management techniques which may be used to alleviate these impacts; and
- d) the social, monetary and biological costs of those engineering techniques and resource management practices in relation to the proposed land use.

6.12.2 In the case where the development constraint is flooding, re-designation would be appropriate where it has been determined that a site would not be subject to flooding within the 1:100 year flood elevations. In considering these situations, the Township shall require a report prepared by a qualified consultant establishing the extent and intensity of flooding on the land.

6.12.3 Prior to redesignating Hazard lands that have been designated as such in order to recognize natural features and functions, a qualified ecologist or biologist should be retained to assess the potential impact of development on the natural features and functions of the area and determine proposed design and engineering techniques and resource management techniques used to alleviate and mitigate impacts.

6.12.4 Where the Township is satisfied that the lands may be developed in accordance with the above-noted criteria, and if in conformity with the policies in the “Natural Resources” section of this Plan (Section 10), where applicable, the lands may be zoned and used in accordance with the policies of the abutting designation.

## **SECTION 7: CROWN LAND**

### **7.1 Introduction**

- 7.1.1 Crown land is defined as land that is controlled and administered by the provincial or federal government. Approximately 80% of the Township of South Algonquin's land area consists of provincial Crown Land.

### **7.1 Co-operation with Province**

- 7.2.1 While the Crown is not bound by the policies or land use designations of this Plan, it is a policy of this Plan that the Township will work in close co-operation with the Province to determine the future use and development of the Crown Lands.

### **7.3 Disposal of Crown Lands**

- 7.3.1 There may be a number of opportunities to dispose of Crown lands not identified as protected areas that could be developed in a sustainable manner and that would contribute to the economic base of South Algonquin without compromising the environment or the quiet enjoyment of the inhabitants of the area. The Township supports Crown land dispositions in these instances.

### **7.4 Privatization or Leasing of Crown Land**

- 7.4.1 If Crown land should be patented or leased to private land owners, the Township's planning policies will be applied to these lands. In such cases, the use and development of those lands shall require an Amendment to this Plan.

## **PART III: FURTHER DEVELOPMENT POLICIES**

### **SECTION 8: MUNICIPAL SERVICES**

#### **8.1 Introduction**

- 8.1.1 There are a number of municipal services provided by the Township of South Algonquin. The safe and efficient provision of municipal services is an important part of effective land use planning.

#### **8.2 Construction of Public Works**

- 8.2.1 Prior to the construction of public works or undertakings, such as roads or waste disposal facilities, the Township shall follow procedures under the *Environmental Assessment Act*. Some types of undertakings may fall into a class environmental assessment (EA), which is a more streamlined process in reviewing the environmental impacts of the proposed work. Generally, the intent of this Plan is to ensure that the following procedures (generalized description) are followed prior to the construction of a project (undertaking):

1. Consult with affected parties:

- involve affected parties early in the process and continuously throughout;
- encourage the identification and resolution of issues before an EA is formally submitted; and
- promote mutually acceptable, environmentally sound solutions through consultation.

2. Consider reasonable alternatives: planning must consider alternatives to the undertaking which fulfil the purpose of the undertaking in functionally different ways and alternative methods of implementing a particular type of alternative. The “do nothing” alternative must also be considered.

3. Consider all aspects of the environment: the planning process must consider the effects on the natural or biophysical environment as well as effects on the social, economic and cultural conditions that influence the lives of humans of a community.

4. Systematically evaluate net environmental effects: evaluate alternatives in light of their advantages and disadvantages and the effects remaining after mitigation or enhancement measures have been addressed.

5. Provide clear, complete documentation: the EA should strive to represent accurately the process that was followed in a clear and understandable way and to communicate the results of that process.

6. The planning and construction of public works, such as local roads and infrastructure projects carried under the municipal Class Environmental Assessment process, shall protect cultural heritage resources and areas of archaeological potential.

7. When necessary, the construction of public works must be accompanied by heritage impact assessments and satisfactory measures to mitigate any negative impacts affecting identified significant heritage resources.

### **8.3 Waste Management**

8.3.1 The Ministry of the Environment has jurisdiction over waste management practices in the Township and requires that all waste must be disposed of at an approved waste disposal site.

8.3.2 All existing and new waste disposal sites within the Township shall meet the requirements of the Ministry of the Environment and may be subject to the requirements of the *Environmental Assessment Act*.

8.3.3 The Township will continue to utilize the Whitney and Madawaska landfill sites to dispose of solid waste. The capacity of the Whitney landfill site is expected to be sufficient until 2034, while the Madawaska landfill site will be sufficient until 2020.

8.3.4 New landfill sites for solid waste disposal or waste management facilities shall be located so as to provide adequate protection to residents against any adverse environmental effects, as determined by the Ministry of the Environment.

8.3.5 Where possible, the Township shall investigate opportunities for the development of cost-effective waste management programs.

## **SECTION 9: TRANSPORTATION**

### **9.1 Introduction**

- 9.1.1 Transportation management is an important issue for the Township, and in a number of ways. Given the highly rural nature of the Township, the automobile is and will likely continue to be the primary mode of transportation for residents and visitors. The dominance of the automobile notwithstanding, walking is an important mode of travel within the hamlets. With this in mind, residents have also indicated a desire to see improvements made to the pedestrian environments in Whitney and Madawaska. For example, Highway 60 is the busiest roadway in the Township, but it also bisects both Hamlets. Many walking trips to schools, churches, the post office, and local businesses involve crossing or walking along Highway 60, but in most cases there are no sidewalks or formal road crossings in place. With growth of outdoor recreation, this also means the official plan needs to consider those that use the trails and general maintenance for these trails.

### **9.2 General Policies**

- 9.2.1 The Township will ensure that the transportation systems provided are safe, energy efficient, facilitate the movement of people and goods, and are appropriate to address projected needs.
- 9.2.2 The Township will make certain that efficient use is made of existing and planned transportation infrastructure.
- 9.2.3 The Township will ensure that transportation and land use considerations are integrated at all stages of the planning process.

### **9.3 Infrastructure Corridors**

- 9.3.1 The Township will not permit development in planned corridors that could preclude or negatively affect the use of the corridor for the purpose(s) for which it was identified.
- 9.3.2 The preservation and reuse of abandoned corridors for purposes that maintain the corridor's integrity and continuous linear characteristics should be encouraged by the Township, wherever feasible.
- 9.3.3 When planning for corridors and rights-of-way for significant transportation and infrastructure facilities, the Township will ensure that consideration will be given to the significant resources outlined in Section 2 of the Provincial Policy Statement.

## **9.4 Road Classifications**

- 9.4.1 Schedule B to this plan identifies three types of roads serving the Township: provincial highways, municipal roads, and private roads. The policies relating to each of these road classifications are provided in the following three sections.

## **9.5 Provincial Highways**

- 9.5.1 All provincial highways serving the Township are designed and intended to be used to accommodate larger volumes of primarily through traffic at higher operating speeds traveling between major traffic generating areas or other arterial roads.
- 9.5.2 Access onto provincial Highways 60, 127 and 523 shall require the approval of the Ministry of Transportation and shall meet the Ministry's safety and geometric requirements.
- 9.5.3 New development proposed to have an entrance directly on to a provincial highway outside of any Hamlet will be required to have a minimum frontage that is twice the standard for a rural lot unless it can be demonstrated that the rural standard will not impair the functional qualities of the highway.
- 9.5.4 In addition to all the applicable municipal requirements, all proposed development located adjacent to, and in the vicinity of, a provincial highway within the Ministry of Transportation's permit control area under the *Public Transportation and Highway Improvement Act* (PTHIA) will also be subject to Ministry of Transportation approval. Early consultation with the Ministry of Transportation is encouraged in order to ensure the integration of municipal planning initiatives with provincial transportation planning. Any new areas in the municipality identified for future development that are located adjacent to, or in the vicinity of, a provincial highway or interchange/intersection within the Ministry of Transportation's permit control area will be subject to the Ministry of Transportation's policies, standards and requirements. Direct access will be discouraged and often prohibited.
- 9.5.5 Any development within 50 metres of a provincial highway right-of-way may be required to undertake noise studies to the satisfaction of the Township in consultation with the Ministry of the Environment.
- 9.5.6 The Township will not approve any development having frontage on a provincial highway without either an access permit or written approval in principal for such a permit from the Ministry of Transportation.
- 9.5.7 Home occupation businesses located on provincial highways require the approval of the Ministry of Transportation. Typically, the Ministry of Transportation will require that the property owner obtain an entrance and sign permit. 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 occupation business. In addition, the Ministry of Transportation would not support a future severance where a property owner wishes to separate the business from the property and therefore would require a new entrance from the highway for the new lot of record.

## **9.6 Municipal Roads**

- 9.6.1 All open roads under the jurisdiction of the Township are classified as “Municipal Roads”. The main function of these roads is to provide access to individual properties and to link those properties to the system of provincial highways.
- 9.6.2 Municipal roads are not intended to carry large volumes of traffic. Appropriate road allowance widths shall be provided to accommodate existing and anticipated traffic volumes and to reflect specific road and site characteristics. The minimum road allowance width shall be 20 metres (66 feet). Any required road widening should generally be taken equally from both sides of a road allowance unless there are site specific circumstances which make this difficult or inappropriate.

## **9.7 Private Roads**

- 9.7.1 The Township has no responsibility for the snow clearance or maintenance of Private Roads.
- 9.7.2 Developing a new, or extending an existing, Private Road is prohibited unless such road is part of an internal road within a condominium development. The creation of new lots on a Private Road is prohibited. Development on private roads is restricted to existing lots of record, in accordance with the policies of this plan.
- 9.7.3 Year-round road service will not be considered on seasonal roads until such roads are upgraded to year round standards, at the expense of the benefiting property owners.
- 9.7.4 Private roads are the principal means of access for a large number of waterfront property owners. The Township may consider waterfront development on an existing lot of record if it is on an existing private road, in accordance with the policies of this plan, and where it is demonstrated that the development does not require a publicly assumed and maintained road for year-round access.
- 9.7.5 Council may use the *Municipal Act* to require maintenance agreements for existing private roads. Development on existing lots of record will only be permitted on an existing private road if the private road is within a legal registered easement and the lot has a legal registered right of access to the easement.
- 9.7.6 All owners of properties that will be accessed by a private road, or an access road over Crown Lands, enter into an agreement with the Township, to be registered on the title of all of these affected properties, to indemnify the Township and all other public bodies of all



responsibility for any maintenance of the road and all liability for any use of the road and alleged failure to provide emergency services or any other public services that were not being provided at the time of the creation of the road.

## **9.8 Roads over Crown Land**

9.8.1 The Township has no objection to the establishment of roads over Crown land so long as:

- a) the proponent receives the necessary permit from the Ministry of Natural Resources; and
- b) it is understood that the Township has no responsibility for the maintenance of the road.

## **9.9 Shore Road Allowances**

9.9.1 Shore road allowances are present on a number of lakes in the Township. The Township is prepared to stop and sell these shore road allowances to the riparian land owners. However, the following will be retained by the Township:

- that part of the shore road allowance below the controlled high water mark; and
- that part of the shore road allowance identified as having any environmental feature.

9.9.2 No shore road allowance will be stopped up and sold to the riparian land owner where it is used for access by another property owner or where the sale will have a negative impact on another property owner.

## **9.10 Recreational Trails**

9.10.1 The Township currently contains a number of trail and corridor systems that encourage a wide range of linear recreational activities, including snowmobiling, all-terrain vehicle riding, walking, biking, and skiing. The Township recognizes local recreational trails as critical components of the area's tourism economy and transportation system. These trails are shown generally on Schedule B.

9.10.2 It is a goal of this Plan to encourage the protection, improvement and expansion of the network of trail and corridor systems within the Township. Council may develop a Trails Master Plan to provide the basis for the establishment of an expanded trail network in the Township.

9.10.3 New trails shall be designed and constructed in a manner that ensures that they are compatible with adjacent land uses and minimize impacts on environmentally sensitive features.

9.10.4 Additional approvals from the Ministry of Natural Resources may be required for trail development on Crown Lands.

9.10.5 Trail crossings of Provincial Highways require the approval of the Ministry of Transportation. Crossings may be permitted subject to restrictions. Trails running along MTO right-of-way will not be permitted.

9.10.6 In its assessment of any proposed development abutting the trail systems, Council:

- shall consider the impact of the development on the continued use and enjoyment of the trail system;
- may impose greater setbacks from the trails to ensure that land use conflicts are minimized; and
- may prescribe specific mitigation measures with respect to ensuring the continued operation of the trail.

## **9.11 Other Road Policies**

9.11.1 All new development shall have access from an open public road, except in the following circumstances:

- new lots created by a consent where the lot fronts upon a recreational waterbody with an appropriate private right-of-way, as determined by all other policies of this Plan;
- water access lots, provided that Council is satisfied that appropriate facilities for car parking and docking are available exclusively for the proposed waterfront access development;
- camps used in connection with hunting, fishing or maple syrup operations, so long as there is a legal means of access to a given property; and
- a business, industrial or resource use, so long as there is a legal right-of-way to the property from a publicly maintained, year round road.

9.11.2 The number of accesses to roads shall be minimized wherever possible in order to maintain an appropriate level of road safety. In this regard, access to individual lots in rural residential plans of subdivision will be provided from an internal road wherever possible and strip development shall be minimized wherever possible.

9.11.3 There is no requirement under the policies of this plan for the Township to open any unopened road allowance or to approve any land use or development proposed on an unopened road allowance.

9.11.4 The Township will open an unopened road allowance only when it has determined that such opening is in the public interest and in conformity with this plan.

9.11.5 If an applicant for development on an unopened road allowance proposes to build the road in said road allowance, they shall build the road to full municipal standards at their expense and in accordance with the terms of an agreement with the Township. The related

development shall not be approved until the road has been built to the Township's satisfaction and assumed as a public road by the Township.

9.11.6 The Township must be convinced that the assumption of a new road or an upgraded road is in the public interest before it commits to the assumption of the road.

9.11.7 Prior to upgrading the level of service on any road, the Township must be satisfied that the increase in servicing cost is balanced by an increase in assessment or other public interest such as improved emergency services. Council may refuse to approve a new road where the cost of maintenance is considered too high in relation to the projected revenues.

## **9.12 Road Realignments**

9.12.1 Where the Township realigns an existing road, the former roadbed will be conveyed to the abutting land owners in accordance with the *Municipal Act*.

## **SECTION 10: ENVIRONMENTAL PROTECTION**

### **10.1 Introduction**

- 10.1.1 Much of the township's valued rural character can be attributed to the presence of a highly unspoiled natural environment. The Township's land use planning policies reflect the importance of the natural environment, especially by setting out effective resource management strategies.

### **10.2 General Policies**

- 10.2.1 Environmental protection and effective resource management are important to the future of the Township. Generally, new development shall be sympathetic to natural resources and environmentally significant areas. The Township must exercise strong management in this regard, while recognizing there are a number of other public and private agencies that also have a mandate to concentrate on certain elements of this duty.
- 10.2.2 The Township will ensure that the diversity and connectivity of natural features in the municipality, and the long-term ecological function and biodiversity of the Township's natural heritage systems, will be maintained, restored, or, where possible, improved over time. The Township will also recognize linkages between and among natural heritage features and areas, surface water features and ground water features in its assessment of development proposals.
- 10.2.3 Environmental resources include inherently sensitive or environmentally-significant lands that are so described because of wildlife and their habitat, vegetation and natural features and may include deer wintering yards, bird nesting areas, fisheries habitat, significant vegetated areas and water resources.
- 10.2.4 Environmental resources are identified to manage, preserve and protect them from indiscriminate usage, irreversible damage, and depletion of natural resources or extinction.
- 10.2.5 The Ministry of the Environment has jurisdiction over water quality, soil contamination, waste management and air quality in the Township.
- 10.2.6 All proposed development in the Township of South Algonquin shall meet provincial standards for air, ground, light, noise, and water pollution control.

### **10.3 *Environmental Protection Act***

- 10.3.1 The *Environmental Protection Act (EPA)* provides control mechanisms for the protection of the environment that has application to the general public as well as to the Council of the Township. It is the intent of this Plan that the Township, in reviewing a planning

application or in undertaking a public works affected by the *EPA*, shall ensure that the appropriate approvals are in place prior to the commencement of the undertaking.

#### **10.4 Stormwater Control and Management**

10.4.1 The control and management of stormwater is of concern to the Ministry of the Environment, the Ministry of Natural Resources, and the Ministry of Northern Development and Mines. Stormwater control and management encompasses flooding, erosion, fisheries, groundwater recharge and water quality. The mandates of the three ministries include the prevention of loss of life, minimization of community destruction and property damage due to erosion and flooding, and the maintenance and enhancement of surface and groundwater resources sufficient for aquatic life, recreation and other uses.

10.4.2 It is the objective of the Ministry of the Environment to protect predevelopment hydrologic and water quality regimes. Development proponents will be required to develop stormwater control/management systems that appropriately address water quality control where the natural drainage is being altered or has the potential to introduce contaminants into the environment.

#### **10.5 Forest Resources**

10.5.1 Forest resources provide significant economic, social and environmental benefits in the form of:

- a) income from forest products;
- b) recreation;
- c) education;
- d) soil and water conservation;
- e) wildlife habitat;
- f) buffers between land uses; and
- g) natural amenities.

10.5.2 Property owners are encouraged to seek the assistance of the Ministry of Natural Resources in the management of their forest resources. Reforestation in areas where forest resources have been depleted is encouraged.

10.5.3 In order to direct and encourage proper forest management, the Township will encourage the retention of forest cover on stream and river banks and lake shores.

10.5.4 In order to ensure that forest resource activities can continue as a compatible and sustainable activity, new development should not occur in areas used primarily for forest management. When considering a development proposal, Council will consult with the Ministry of Natural Resources when the resource may be negatively affected.

10.5.5 The construction of forest access roads on Crown land within the Township is permitted, subject to the approval of the Ministry of Natural Resources.

## **10.6 Mineral Aggregates and Mineral Resources**

10.6.1 Mineral mining operations and petroleum resource operations shall be protected from development and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact.

10.6.2 All mineral aggregate operations and mineral exploration activities are permitted uses in areas designated as "Rural" and "Hazard Areas".

10.6.3 Existing mineral aggregate operations shall be permitted to continue without the need for an official plan amendment, rezoning or development permit under the *Planning Act*.

10.6.4 Where a new pit or quarry is proposed or an expansion is applied for, appropriate studies will be required to ensure that the impact is acceptable. The nature of the studies will depend on the location and the uses in the surrounding area. For examples, studies of the possible impact on natural heritage features, groundwater (quantity and quality), noise, dust, vibration and haul routes may be required. The Township may require a peer review of the studies to determine if the findings are acceptable.

10.6.5 Mineral aggregate operations should be undertaken in a manner which minimizes impacts on the physical environment, adjacent land uses, and landowners. Both surface and ground water shall be protected from adverse impacts of extraction.

10.6.6 The Township may pass a by-law under the *Municipal Act* to regulate extractive operations. This by-law would require that the applicant enter into an agreement with the Township respecting the following matters:

- a) arrangements for the progressive rehabilitation and final rehabilitation of the site in accordance with the *Aggregate Resources Act* and the *Provincial Policy Statement*;
- b) timing of blasting or crushing operations;
- c) the provision of visual buffers;
- d) the use of access roads;
- e) the retention or processing of waste water and other pollutants; and
- f) the provision of detailed site plans of the area as it will appear during use and after rehabilitation.

10.6.7 Mineral aggregate operations shall be protected from development and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact. Minimum distances for the purpose of this policy are 1000 metres from existing pits and quarries, or 300 metres when

site specific studies have been undertaken that demonstrate there would be no impact on an aggregate operations ability to operate.

10.6.8 In areas adjacent to, or in, known deposits of mineral aggregate and mineral resources, and areas of significant mineral aggregate and/or mineral resource potential, development and activities which would preclude or hinder the establishment of new operations or access to the resources shall only be permitted if:

- a) the use of said resources would not be feasible; or
- b) the proposed land use or development serves a greater long-term public interest; and
- c) issues of public health, public safety and environmental impact are addressed.

10.6.9 Progressive and final rehabilitation will be required to accommodate subsequent land uses, promote land use compatibility, and to recognise the interim nature of extraction. Final rehabilitation shall take surrounding land use and approved land use designations into consideration.

10.6.10 It shall be a policy that “past producing extraction operations” are considered to be sites that are under temporary closure and where there is remaining mineral potential. Resumption of extraction may be permitted subject to the approval of the Ministry of Northern Development and Mines. Rehabilitation shall take surrounding land uses and land use designations into consideration.

10.6.11 Development in areas of past extractive activity shall be permitted only if rehabilitation measures to address and mitigate known or suspected hazards are under-way or have been completed.

10.6.12 Existing pit and quarry operations are recognized on Schedule C. Areas of high potential for aggregate extraction that are identified in the aggregate study will be protected for future use.

10.6.13 The Ministry of Northern Development and Mines has interest in any planning application that has the potential to restrict mineral exploration and mining activities. Any planning applications within 1 kilometer of a Mineral Deposit Inventory (MDI) point or any planning application affecting lands within the one kilometre Mine hazard Buffer Zone (AMIS Sites) as shown on Schedule C must be provided to the Ministry of Northern Development and Mines for review and comment.

## **10.7 Significant Natural Heritage Features**

10.7.1 Schedules A and C indicate where a number of natural heritage features are known to be present within the Township. These include: wetlands, Areas of Natural and Scientific Interest (ANSIs), nesting sites, and lake trout lakes that are at or near development capacity.

10.7.2 Natural heritage features consist of the following:

- Significant Habitat of Endangered and Threatened Species;
- Fish Habitat;
- Provincially Significant Wetlands identified using the Ontario Wetland Evaluation System;
- Other Potentially Significant Wetlands;
- Areas of Natural and Scientific Interest (ANSIs), which include areas of land and water containing natural landscapes or features that have been identified as having life science (biological) or earth science (geological) values worthy of protection, scientific study, or education.
- Significant Wildlife Habitat

10.7.3 Development and site alteration shall not be permitted in:

- a) significant habitat of endangered species and threatened species; and
- b) significant wetlands.

10.7.4 Development and site alteration shall not be permitted in the following areas, unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions:

- a) significant wildlife habitat; and
- b) significant areas of natural and scientific interest.

10.7.5 There may be additional natural heritage features to be protected within the Township that are as yet unidentified. As such, when development or site alteration is proposed that has the potential to change the use of a site or significantly alter the physical condition of a site, a preliminary ecological site assessment shall be required to determine the potential location of natural heritage areas and features as per the Ministry of Natural Resources' *Natural heritage Reference Manual* and the *Significant Wildlife Habitat Technical Guide*.

10.7.6 Where natural heritage features are identified in a preliminary evaluation, development and site alteration will only be permitted adjacent to the feature where an Environmental Impact Study, prepared by a qualified professional, demonstrates that the development can occur without negatively impacting the identified natural heritage feature or their ecological functions.

10.7.7 The following areas of influence represent adjacent land distances where adjacent land uses, including aggregate operations, must be considered and no negative impacts on the natural feature or its ecological function must be demonstrated through required studies before approvals are granted.

Item	Constraint Feature	Adjacent Land Distance
1.	All water bodies and watercourses (streams, rivers, lakes, etc.)	30 metres



<b>2.</b>	Provincially / Locally Significant Wetlands	120 / 50 metres
<b>3.</b>	Significant Habitat of Endangered, Threatened or Special Concerned Species	120 metres
<b>4.</b>	Fish Habitat	120 metres
<b>5.</b>	Provincially Significant Areas of Natural or Scientific Interest (ANSIs) – Life Science	120 metres
<b>6.</b>	Provincially Significant Areas of Natural or Scientific Interest (ANSIs) – Earth Science	50 metres
<b>7.</b>	Environmentally Significant Areas	120 metres

## **10.8 Areas of Natural and Scientific Interest (ANSIs)**

10.8.1 Where development requiring any planning approval is proposed within 120 metres (394 feet) of the Areas of Natural and Scientific Interest shown on Schedule C, Council shall require an Environmental Impact Statement (EIS) to be submitted with the application.

10.8.2 The EIS shall be completed prior to Council or the appropriate approval authority granting approval of the application. Council or the approval authority shall be satisfied with the study and the recommendations prior to making the decision and may require a peer review to assist in this determination.

10.8.3 An EIS, when prepared for the Municipality in accordance with this Official Plan, will:

- a) Confirm the boundaries of the natural feature and adjacent lands to be protected and define the limits of all hazards, including erosion, flooding and slope instability hazards where not already determined;
- b) Carry out a detailed inventory of the natural feature including the verification of constituent vegetation communities and their respective floral and faunal compositions, physical site characteristics, and identification of its ecological functions and attributes, including habitats of any threatened or endangered species, and species and communities of concern to the Ministry of Natural Resources having regard to habitat, type, diversity, size and configuration, the degree of connection to other environmental resources;
- c) Assess the degree of sensitivity of the environmental conditions, including an evaluation of such conditions in relation to the proposed development;
- d) Assess the potential cumulative impacts of the proposed development on the natural area's ecological functions and attributes with respect to the criteria for which the area was originally designated as Environmental Protection; and
- e) Define the need for, and nature of, any mitigating measures required to protect the feature and ecosystem from the impacts of the proposed development.

10.8.4 The Municipality, in consultation with the Ministry of Natural Resources:

- a) shall identify the appropriate scope and study area for each required Environmental Impact Study;

- b) may alter the requirements for an Environmental Impact Study where appropriate studies and fieldwork have been prepared and accepted by the Municipality in connection with a previous development application or a previous development approval for the subject lands, or where site conditions warrant.

## **10.9 Fisheries Resources**

- 10.9.1 Fish habitat areas include spawning grounds and nursery, rearing, food and migration areas on which fish depend on in order to carry out their life cycle. Development and site alteration shall not be permitted in fish habitat areas, except in accordance with provincial and federal requirements.
- 10.9.2 Where development is proposed within 120 metres of fish habitat, the proponent will be required to prepare a report to the satisfaction of Council, in consultation with a qualified biologist, outlining the measures that need to be undertaken to ensure that there is no negative impact on fish habitat as the result of the development. In such cases, new development may be permitted provided:
  - (a) it does not harmfully alter, disrupt or destroy the fish habitat area; and
  - (b) there will be no net loss or net gain of productive capacity of the fish habitat area.
- 10.9.3 Where new lots are proposed abutting fish habitat, development will only be permitted if it has been demonstrated through an EIS that there will be no negative impacts on the feature or its ecological function. The Township may impose site plan control for residential uses adjacent to fish habitat in order to impose mitigation measures recommended by the biologist. In addition, site-specific zoning may be used to impose greater setbacks and place sensitive areas in a zone that will prohibit development.

## **10.10 Wildlife Resources**

- 10.10.1 Wildlife areas include wildlife habitat areas, feeding and nesting areas and areas that provide protection, cover and food, that combined contribute to self-sustaining wildlife populations.
- 10.10.2 Significant habitat of endangered and threatened species and significant wildlife habitat including deer wintering habitat, significant wetlands and wildlife management areas are to be protected from incompatible activities.
- 10.10.3 Development that would negatively impact on wildlife resources is restricted. An Environmental Impact Study may be required to assess the impacts of proposed development on wildlife resources.
- 10.10.4 Where residential subdivision, major commercial or industrial developments are proposed in the Township, a preliminary evaluation as per the Ministry of Natural Resources' Heritage Reference Manual and/or the Significant Wildlife Habitat Technical Guide shall

be required to determine if any significant wildlife habitat or the significant habitat of threatened or endangered species is present. Should the significant habitat of endangered or threatened species be identified in the Township, the Ministry of Natural Resources shall be contacted for technical advice.

- 10.10.5 Where identified in a preliminary evaluation that significant habitat of endangered or threatened species is present, no development or site alteration will be permitted within the significant habitat, as defined in a subsequent Environmental Impact Study. Development and site alteration may be permitted in the lands within 120 metres of the significant habitat of endangered and threatened species that is not considered significant, if the Environmental Impact Study, prepared by a qualified professional, demonstrates to the satisfaction of Council that there will be no negative impact on the feature or its ecological functions.
- 10.10.6 Where shown on Schedule C or identified in a preliminary evaluation that significant wildlife habitat is present, development or site alteration will only be permitted if an Environmental Impact Study, prepared by a professional qualified in the values being assessed, demonstrates to the satisfaction of Council that there will be no negative impact on the feature or its ecological functions.

## **10.11 Wetlands**

- 10.11.1 Wetlands mean lands that are seasonally or permanently covered by water, as well as lands where the water table is close to or at the surface. In either case, the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic or water tolerant plants. The four major types of wetlands are swamps, marshes, bogs and fens.
- 10.11.2 Wetlands are an important natural resource, and the ecological, social and economic benefits that can be attributed to them are substantial. Although there are currently no known provincially significant wetlands identified in the Township of South Algonquin, it is possible that provincially significant wetlands exist. Where a provincially significant wetland is identified, development and site alteration shall not be permitted.
- 10.11.3 Development and site alteration shall not be permitted on lands adjacent to provincially significant wetlands unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impact on the provincially significant wetland or on its ecological function.
- 10.11.4 Existing agricultural activities are permitted in provincially significant wetlands and adjacent lands.
- 10.11.5 New utilities/facilities shall be located outside provincially significant wetlands, where possible.

## **10.12 Cultural Heritage Resources**

- 10.12.1 Council will encourage the restoration, protection, maintenance and enhancement of cultural heritage resources, either individually or in groups. For the purpose of this plan, cultural heritage resources include buildings, structures, archaeological and historic sites, cemeteries, landscapes and landmarks, archaeological sites, cemeteries and burials, buildings and structural remains of historical and architectural value, and human-made rural, village, and urban districts or landscapes of historic interest.
- 10.12.2 Council may designate buildings, sites and structures of historical or architectural interest as Heritage Conservation Areas, pursuant to the *Ontario Heritage Act*, in order for conservation options to be considered when there are development related impacts. Alteration or demolition of designated property may also be postponed until such time as Council is satisfied that the heritage attributes of the property are protected by alternative or altered development proposals.
- 10.12.3 Where development occurs in the area of a cultural or heritage resource, the development should be designed to reflect that resource.
- 10.12.4 Council shall have regard for cultural heritage resources in the undertaking of municipal public works. When necessary, Council will require satisfactory measures to mitigate any negative impacts on significant heritage resources.

## **10.13 Archaeological Resources**

- 10.13.1 The Township recognizes that there may be archaeological remains of prehistoric and historic habitation, or areas containing archaeological potential, within the boundaries of the Township.
- 10.13.2 Areas of archeological potential shall be determined through the use of provincial screening criteria, or criteria developed based on the known archaeological record within the Township and developed by a licensed archaeologist. Such criteria shall include features such as proximity to water, current or ancient shorelines, rolling topography, unusual landforms, and any locally known significant heritage areas such as portage routes or other places of past human settlement.
- 10.13.3 If an archaeological assessment determines that significant archaeological resources are present on a site, the resource shall be documented and conserved to the satisfaction of the Ministry of Tourism and Culture through excavation or in situ preservation prior to final approval of the development proposal. In addition, any alterations to known

archaeological sites shall only be performed by licensed archaeologists, as per Section 48 of the *Ontario Heritage Act*.

- 10.13.4 Where a development is proposed in an area that contains a significant archeological resource or is within an area considered to have archeological potential, the proponent will be required to prepare an archeological impact assessment prior to the development being considered. Archeological reports must be prepared by a licensed archeologist in compliance with the guidelines established by the Ministry of Tourism and Culture.
- 10.13.5 Council shall ensure adequate archaeological assessment and consult appropriate government agencies, including the Ministry of Tourism and Culture and the Ministry of Government Services, when an identified historic human cemetery, marked or unmarked human burial is affected by land use development. The provisions under the *Ontario Heritage Act* and the *Cemeteries Act* shall apply.
- 10.13.6 The Township may pass archaeological zoning by-laws, pursuant to the *Planning Act*, for the protection of significant archaeological sites and features.

#### **10.14 Contaminated Sites**

- 10.14.1 Where a change to a more sensitive land use is proposed and the present use may have caused environmental contamination, an environmental site report shall be undertaken by a qualified consultant to assess the nature and extent of possible contamination. If deemed necessary based on this report, the site shall be decommissioned and/or cleaned up in accordance with the Ministry of the Environment's policies and guidelines, and in consultation with the Township. No development application shall be approved until the site has been decommissioned and/or cleaned up to the satisfaction of the Province.

## **SECTION 11: LAND DIVISION**

### **11.1 Consents**

- 11.1.1 Land division by consent will continue to be the primary form of development in the Township. This form of development shall generally be permitted to continue provided that it:
- a) does not result in unnecessary expansion of the present level of municipal services;
  - b) does not restrict the operation or expansion of aggregate extraction, forestry, or agricultural activities; and
  - c) does not result in negative impacts on natural heritage features, such as fish habitat and significant wildlife habitat, in accordance with the policies of Section 10 of this Plan.
- 11.1.2 If the property subject to a consent application is located partially or completely within a Natural Feature area discussed in Section 10, specific measures may be required to protect the natural feature(s) on, or in the vicinity of, the site.
- 11.1.3 Given the limited size of the Township's road network and the limited availability of private (i.e., patent or non-Crown) lands on which development may take place, a continuous row of limited residential development will be permitted on municipal roads provided that such development conforms to the policies of this Plan.
- 11.1.4 A limited number of new residential lots may be permitted in Rural areas that abut Waterfront Areas. However, these lots shall:
- be developed in a manner that reflects the community character of existing shoreline development;
  - be developed in areas within close proximity to locations where public access to waterfront lands is provided; and
  - require larger frontages than Waterfront lots.
- 11.1.5 The creation of new lots must take place with the understanding that new residential uses must coexist with existing activities, particularly those already under way at the time this Plan's adoption.
- 11.1.6 In accordance with provincial planning policies, the minimum size of all new lots shall be one hectare. Smaller lot sizes may be allowed in the event that a hydrogeological study conducted by a certified professional demonstrates that a smaller lot size will not prevent the proper servicing of the site by private on-site water and sewage disposal systems.

- 11.1.7 New lots must have frontage on a public road that is maintained year-round;
- 11.1.8 Water access lots shall only be permitted where there is confirmed mainland parking to service the lots.
- 11.1.9 Where new lots are created adjacent to a provincial highway, the Township may require noise impact studies and/or greater setbacks to mitigate noise impacts.
- 11.1.10 In all cases, entrances to new lots shall not create a traffic hazard.

## **11.2 Consents in Waterfront Areas**

- 11.2.1 New residential Waterfront lots shall front on a road maintained throughout the year by the Township. Notwithstanding any other provision in this Plan, only a seasonal residential lot may be permitted on an existing private road with a registered right-of-way.
- 11.2.2 The Township of South Algonquin has a number of lakes managed for lake trout by the Ministry of Natural Resources. These include:
- Aylen Lake
  - Balfour Lake
  - Cross Lake
  - Galeairy Lake
  - Gliskning (Joe) Lake
  - Lobster Lake
  - Lower Hay Lake
  - McCauley Lake
  - McKenzie Lake
- 11.2.3 In the case of lake trout lakes at their biological capacity, lot creation and land use changes which would result in a more intensive use will not be permitted. Consultation with the Ministry of the Environment and Ministry of Natural Resources is recommended to determine if a special case, as spelled out in Section 5.3, exists. This policy applies to lake trout lakes that have already been provincially identified to the Township for public information and use, including:
- Balfour Lake
  - Galeairy Lake
  - Gliskning (Joe) Lake
  - Lobster Lake
  - Lower Hay Lake
  - McCauley Lake
- 11.2.4 Any additional lake identified as being at biological capacity either by the Province or

during the assessment of a development proposal will also be subject to this policy.

### **11.3 Subdivisions**

- 11.3.1 Where more than four lots are proposed to be created at once from a single parcel of land existing as of the date of adoption of this Plan, a plan of subdivision or plan of condominium and an amendment to this Plan shall be required.
- 11.3.2 Applications for subdivision/condominium approval shall contain the following information:
- a) a survey plan with 1.0 metre contour lines;
  - b) a report from a qualified consultant describing the suitability of the lands for sewage disposal and the proposed water supply;
  - c) a hydrology report on the impact of the proposed development on the quality of any adjacent waterbody;
  - d) a utilities plan showing the location of hydro, telephone and other services to be brought to the lands;
  - e) a plan showing existing and proposed roads and any road improvements; and
  - f) a report from a professional planner assessing the proposal in relation to this Official Plan.
- 11.3.3 The Township shall hold a public meeting in relation to the proposed subdivision or condominium prior to providing comments to the approval authority.
- 11.3.4 In considering a proposed plan of subdivision/condominium, the Township shall ensure that all costs associated with the development of the land are borne by the developer.
- 11.3.5 All roads within a plan of subdivision shall be constructed to Township standards for subsidy and shall be dedicated to the Township. Road standards within plans of condominium shall meet the requirements of the fire department and other emergency service providers.
- 11.3.6 The Township shall ensure that conditions of consent and subdivision approval and agreements provide for the conservation and protection of cultural heritage resources or the mitigation and adverse effects on cultural heritage resources.



## **PART IV: PLAN ADMINISTRATION**

### **SECTION 12: PLAN IMPLEMENTATION AND MONITORING**

#### **12.1 Introduction**

- 12.1.1 In order for the policies of this plan to have their desired impact, it is essential that the proper mechanisms be put into place. It is also important that development activity within the Township be monitored on a regular basis in order to ensure that the plan's objectives are being achieved.

#### **12.2 Land Use Designations**

- 12.2.1 It is intended that the boundaries of the land use designations shown on Schedule A of this Plan shall be considered as approximate only, and are not intended to define the exact limits of such areas, except in the case of roads, railway lines, rivers, transmission lines, lot lines and other physical barriers that provide clearly definitive boundaries. Where the general intent of this document is maintained, minor changes may be made to these boundaries for the purpose of any zoning by-law without necessitating an amendment to this Plan. Other than minor adjustments, no areas or zones, except as provided in this Plan, shall be created that do not conform with this Plan.
- 12.2.2 Where a lot is located in more than one designation, the policies of the designation shall apply only to that portion where the designation occurs.

#### **12.3 Land Use Compatibility**

- 12.3.1 As much as possible, land use conflicts should be avoided. The encroachment of sensitive land uses and industrial land uses on one another is discouraged. Buffering and separation distances in accordance with the Ministry of the Environment's guidelines shall be incorporated between sensitive and industrial uses to minimize potential adverse effects, such as noise, odour, vibration, particulate and other contaminants.

#### **12.4 Uses**

- 12.4.1 Examples of permitted uses as included in this Plan are intended to illustrate a range of activities in each respective land use designation. Specific uses and related regulations for land use designations shall be provided in the implementing zoning by-law once it has been adopted.

## **12.5 Accessory Uses**

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

## **12.6 Zoning By-Law**

- 12.6.1 This Plan may be implemented through a new Comprehensive Zoning Bylaw adopted under Section 34 of the *Planning Act*. The implementing Bylaw shall implement the policies of this Plan.

## **12.7 Site Plan Control**

- 12.7.1 Council hereby designates the entire Township of South Algonquin as a Site Plan Control area.
- 12.7.2 The Township may utilize Site Plan Control to ensure that development in the Township is attractive and compatible with adjacent uses. Development along the Highway 60, 127 and 523 corridors shall be designed to create a positive first impression to visitors and residents.
- 12.7.3 Council shall utilize Site Plan Control as provided for in Section 41 of the *Planning Act* for multi-family residential in excess of four units, commercial and industrial uses in Rural, Hamlet and Waterfront designations where the proposed building exceeds 186 square metres (2000 square feet).
- 12.7.4 Site Plan Control may be applied to any development that is located in or adjacent to a significant natural feature or area, as identified through the policies of this Plan.
- 12.7.5 Council may require land to be dedicated for roadway purposes as a condition of Site Plan approval where the existing road allowance is less than 20 metres (66 feet) or where access is required to an otherwise land locked parcel of land.

## **12.8 Maintenance and Occupancy By-Laws**

- 12.8.1 Council may pass a by-law pursuant to the *Building Code Act* to provide standards for property maintenance and occupancy. This by-law may contain provisions related to such matters as establishing standards for the maintenance and occupancy of property and requiring property that does not conform to the standards to be repaired and maintained.

## **12.9 Pits and Quarries Control**

- 12.9.1 Council may pass a by-law under the *Municipal Act* to require the operators of pits, quarries and other extraction operations to obtain a permit from the Township prior to undertaking extractive operations. As a condition of obtaining a permit from the Township, the owner or operator shall be required to enter into an agreement with the Township to address haul routes, staging of extraction, rehabilitation and visual buffering. In addition, processing equipment shall have the appropriate approvals from the Ministry of Environment.
- 12.9.2 Wayside pits and quarries and portable asphalt plants shall be permitted without an amendment to this Plan or the implementing zoning by-law.

## **12.10 Monitoring**

- 12.10.1 The Township Clerk shall prepare an annual report to the Township to monitor the effectiveness of this Plan. This report shall include an assessment of:
- a) dwelling unit construction;
  - b) commercial and industrial growth;
  - c) areas where service levels have changed;
  - d) land division activities; and
  - e) Official Plan and Zoning By-law amendments.
- 12.10.2 In addition, the report shall outline any issues or conflicts that may arise between this Official Plan and the Provincial Policy Statement.
- 12.10.3 In those years where Census of Canada data have been released, the report shall also include an assessment of the Township's population change and composition.

## **12.11 Plan Review**

- 12.11.1 Following approval of this Plan by the Ministry of Municipal Affairs and Housing, the basis, objectives and policies of the Plan shall be reviewed at least once every five years at a meeting of Council. Should the monitoring of the Plan identify areas of the Plan that should be reconsidered, or economic or social changes occur which necessitate an earlier review, Council may direct such a review to be undertaken.

## **12.12 Amendments to the Plan**

- 12.12.1 An amendment to the text of this Plan and/or to Schedule A is required to permit the establishment of uses other than those permitted in this Plan. In considering an amendment to Schedule A with a view of designating additional areas for a particular use, changing the designated uses of a particular area, or changing the policies of this Plan, Council shall have regard to the following criteria:

- i) the need for the proposed use;
- ii) the extent to which the existing areas designated for the use are developed, and the nature and adequacy of such existing development;
- iii) the physical suitability of the land for such proposed use in relation to natural or man-made hazards; and,
- iv) the location of the areas under consideration with respect to:
  - the adequacy of the existing and proposed roadway system;
  - the convenience and accessibility of the site for vehicular and pedestrian traffic and traffic safety;
  - the adequacy of the water supply, sewage disposal facilities, and other municipal services in view of the policies contained in this Plan and in accordance with technical reports which the Council shall request from the developer and subject to the approval the Ministry of the Environment, the Medical Officer of Health and any other appropriate authority deemed advisable;
  - the compatibility of such proposed use with uses in the surrounding area and the natural environment;
  - the potential effect of the proposed use on the financial position of the Township; and
  - any policy statement issued under Section 3 of the *Planning Act*, R.S.O. 1990, as amended.

### **12.13 Public Meetings**

12.13.1 Council is not required to proceed with an official plan amendment or a zoning by-law amendment for any changes to the official plan or zoning by-law which do the following:

- changes the numbers of sections or the order of sections in the Plan, but does not add or delete sections;
- consolidates previously approved Official Plan Amendments in a new document without altering any approved policies or maps;
- corrects typographic, grammatical or mapping errors in the Plan which do not affect the intent or affect the policies or maps;
- 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 taken in accordance with the procedures of the *Planning Act*.

### **12.14 Interpretation of the Plan**

12.14.1 Although this document is a long-term comprehensive Official Plan, it is not intended that this Plan be inflexible and rigid in its interpretation. Where the meaning of any phrasing

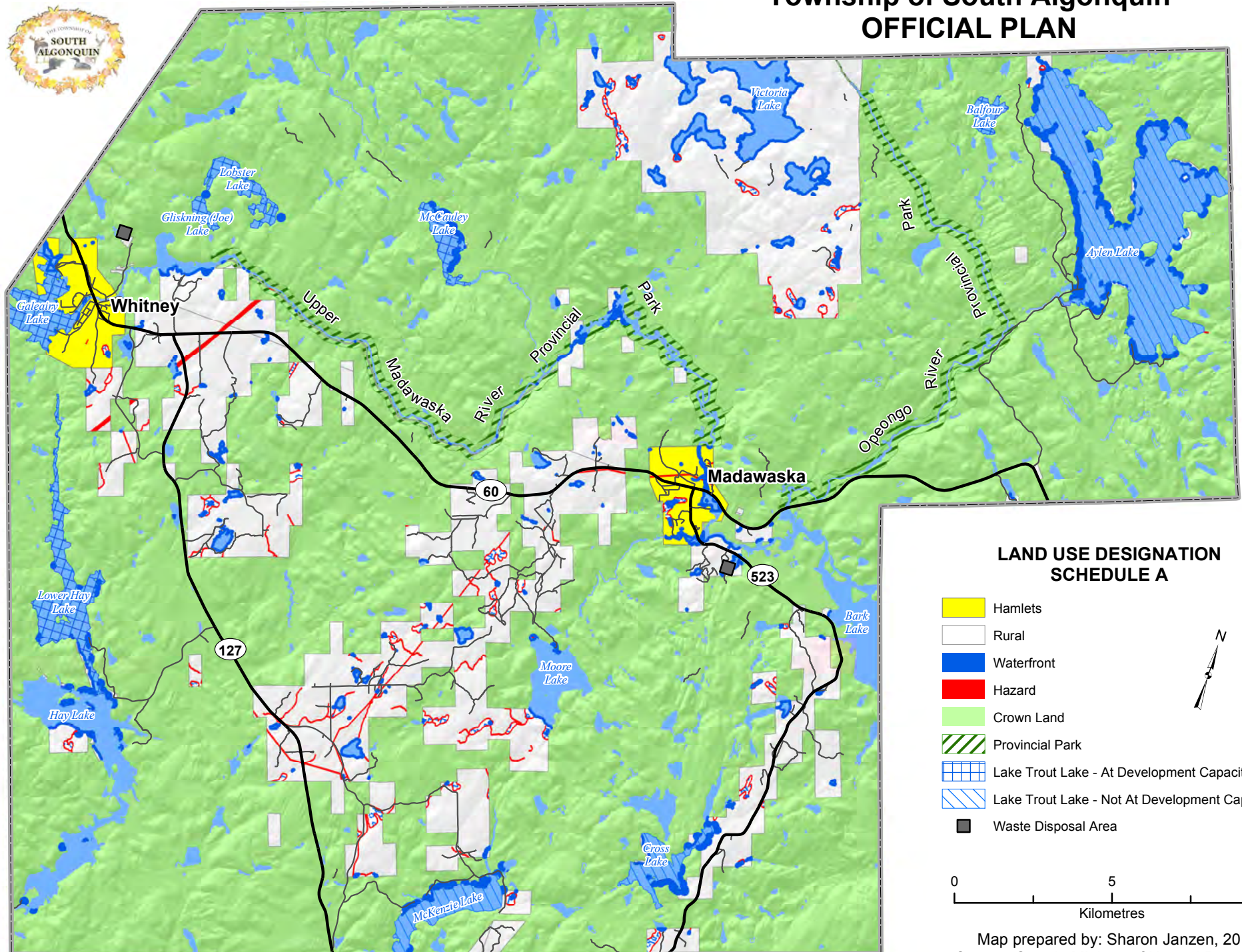
or any part of any section is unclear, the meaning of such will be determined within the context of the general policy direction provided by this Plan.

12.14.2 This document should be read with the understanding that the text and schedules represent general concepts and relationships rather than absolute and rigid conditions or standards. Accordingly:

- a) This Plan is intended to be flexible so long as the general spirit of the Plan and the objectives set forth in Section 1.6 are given due consideration in all planning and development decisions;
- b) Council shall be responsible for interpretation of this official plan, including the related schedules and maps that form a part of the official plan;
- c) Land use designations shall represent predominant land uses and intended future lands uses, and shall not preclude the existence of isolated occurrences of other land uses; and
- d) Statements of objectives or services shall not be viewed as being a commitment by the Township to act, construct, or otherwise provide such within any specific period. Rather, such commitments shall be subject to the decisions of Council in its annual capital budget considerations.

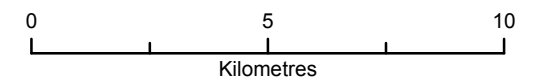


# Township of South Algonquin OFFICIAL PLAN



## LAND USE DESIGNATION SCHEDULE A

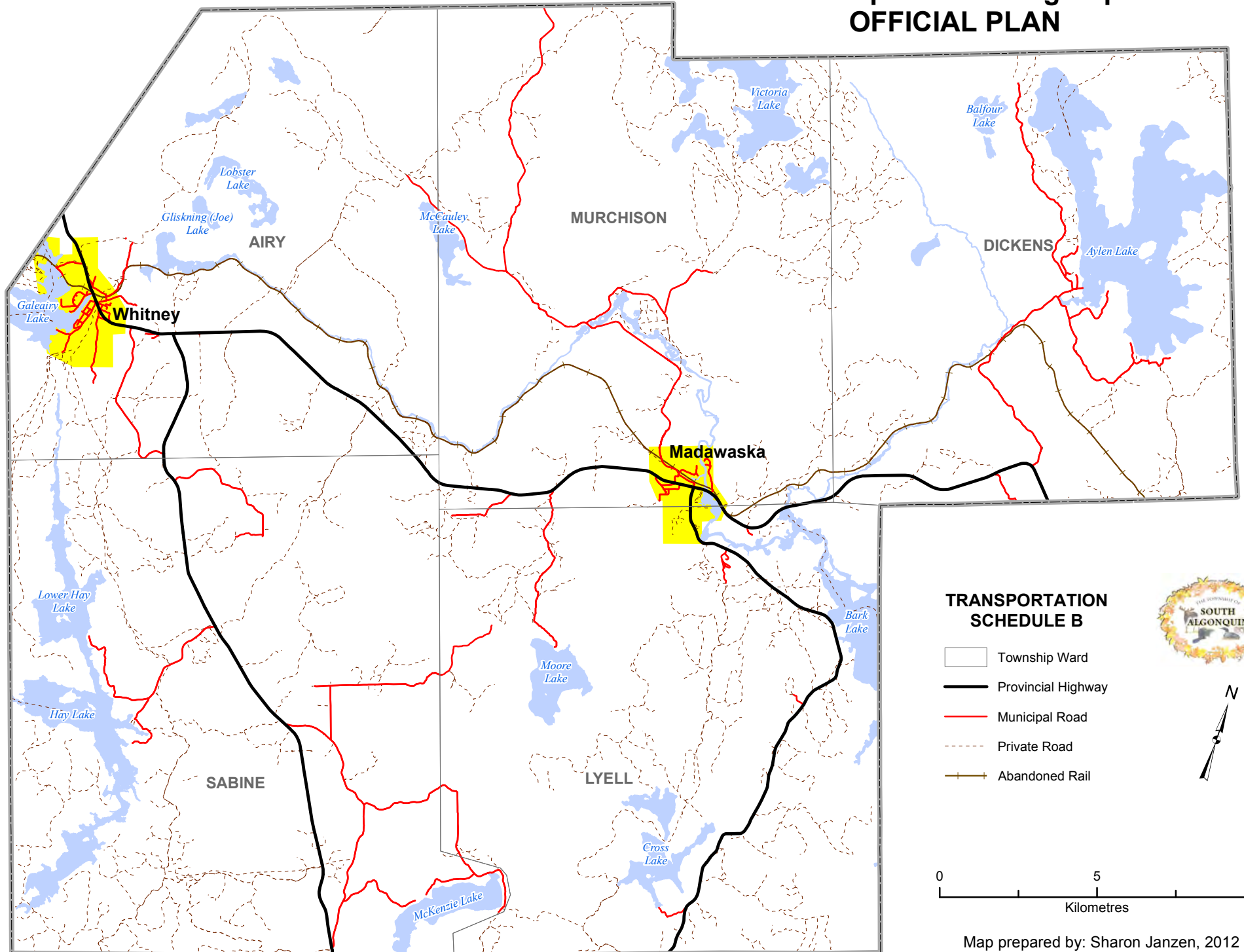
- Hamlets
- Rural
- Waterfront
- Hazard
- Crown Land
- Provincial Park
- Lake Trout Lake - At Development Capacity
- Lake Trout Lake - Not At Development Capacity
- Waste Disposal Area



Map prepared by: Sharon Janzen, 2012  
Source: Ontario Ministry of Natural Resources



# Township of South Algonquin OFFICIAL PLAN



## TRANSPORTATION SCHEDULE B

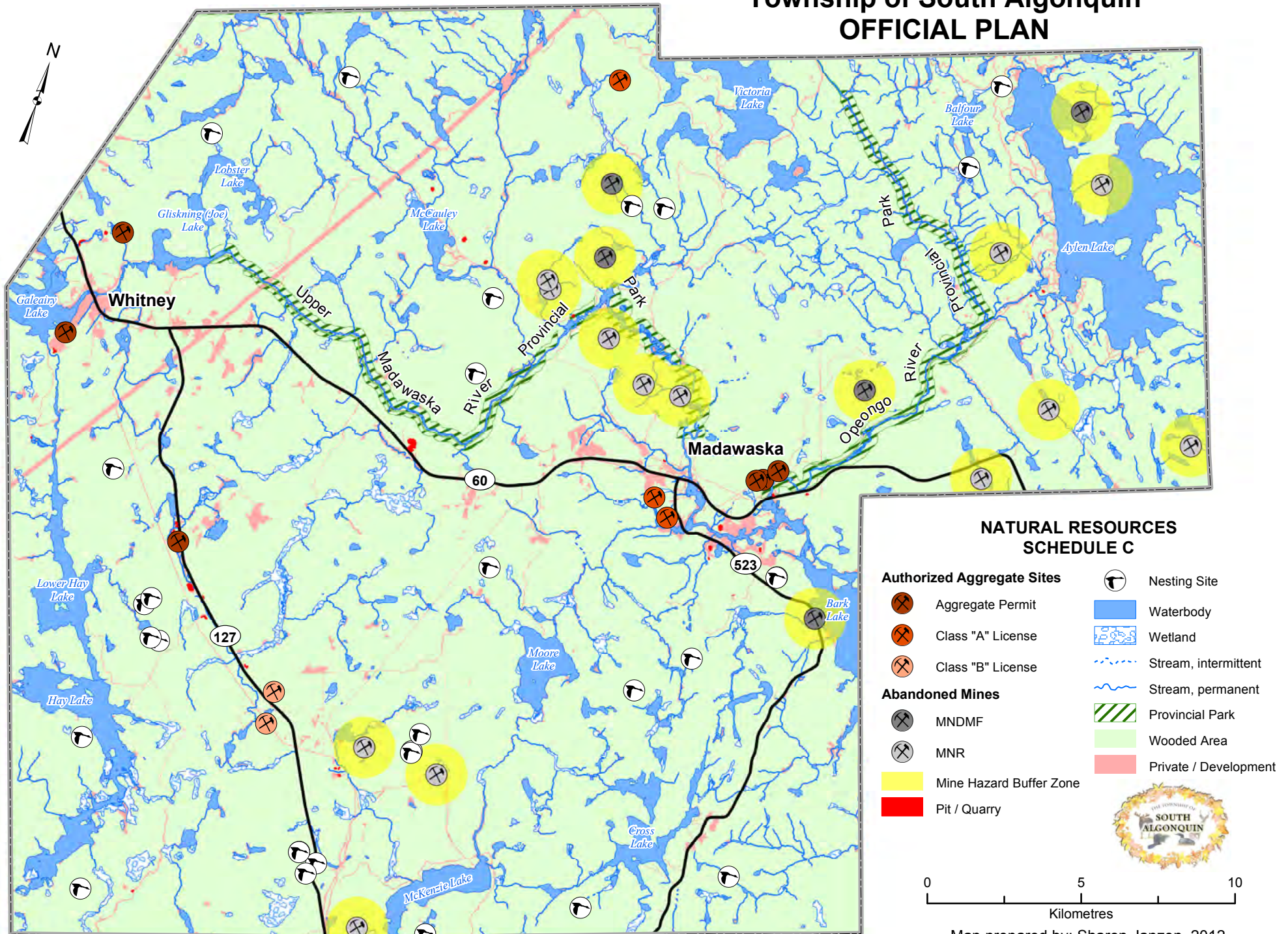
- Township Ward
- Provincial Highway
- Municipal Road
- Private Road
- Abandoned Rail



0 5 10  
Kilometres

Map prepared by: Sharon Janzen, 2012  
Source: Ontario Ministry of Natural Resources

# Township of South Algonquin OFFICIAL PLAN



Map prepared by: Sharon Janzen, 2012  
Source: Ontario Ministry of Natural Resources