



# AGENDA

## HUMAN RESOURCES, ADMINISTRATION & PUBLIC RELATIONS COMMITTEE

**June 20, 2023 Immediately following the Committee of Adjustment Meeting**

**Council Chambers  
Municipal Office  
7 Third Avenue  
Whitney, Ontario**

**And ZOOM Live Streamed to You Tube Channel: South Algonquin Council**

1. Open Meeting/Call to order
2. Additions/Amendments to the Agenda
3. Adoption of the Agenda
4. Disclosure of Pecuniary Interest
5. Presentation/Delegations
  - Forbes Symon, Senior Planner Jp2g Consultant Inc. – Review of Draft 2 Official Plan
  - Forbes Symon, Senior Planner Jp2g Consultant Inc. – Short Term Rental Policy Report and Draft Zoning By-Law Amendment for Short-Term Rental Licencing
6. Unfinished Business
  - Discussion & Review - Draft Yards Standard By-Law
7. New Business
  - Committee of Adjustment & AMO Training
8. Adjournment

THE TOWNSHIP OF  
**SOUTH ALGONQUIN**



**OFFICIAL PLAN**



Approved August 2012  
Updated \_\_\_\_\_, 2023

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# PART I: INTRODUCTION AND BACKGROUND

## 1.0 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~~

~~and was intended to ensure that~~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. The original 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.~~

~~In 2022 Council initiated a formal review and update of this Official Plan under Section 26 of the Planning Act, to bring the South Algonquin Official Plan into compliance with the 2020 Provincial Policy Statement.~~

## **1.1 Context for the Plan**

### **1.1.1 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.~~

~~This Official Plan acknowledges that the Township of South Algonquin is situated on unceded, and un-surrendered territory of the Algonquin Anishinabee. It is also acknowledged that there may be other First Nation interests in the Township.~~

### **1.1.2 Economic Characteristics of South Algonquin**

~~Council recognizes that the economic base of the Township is dependent upon a mix of forestry, other resource-based industries, tourism, and service and retail commercial. It is Council's intent to establish an environment which encourages new economic growth and new employment generation while sustaining existing economic strengths. 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.

It is a goal of this Plan to strengthen the existing economic base and to broaden the Township's employment opportunities. To realize this goal the following objectives are established:

1. To sustain and to build on and diversify the existing strength of the resource-based industries and Forestry sectors of the economy.
2. To sustain and to build on the existing strength of the recreational and tourism sectors of the economy.
3. To undertake initiatives to stimulate new employment generation.
4. To work cooperatively with senior levels of government and community groups in promoting and undertaking economic development activities.

The Township recognizes that scattered rural residential development generally does not generate positive net financial return for the Township and may result in incremental increases in municipal services.

The Township is fortunate to have an abundance of public crown lands. These lands represent an opportunity for a wide range of economic and resourced based activities and supports the Townships forestry and tourism industries.

#### ~~4.1.3~~ **1.1.3 Social and Demographic Characteristics**

The Township recognizes that the Anishinaabe peoples were the first to inhabit the Township of South Algonquin, specifically the Matouweskarini (people of the Madawaska River). It is acknowledged that the Algonquin People have been stewards of this land since time immemorial and the Township shall strive to treat the land along with the flora and fauna it supports, the people, their customs, and traditions, with honour and respect. Today, this area is home to people of all walks of life, and we acknowledge the shared opportunities and responsibilities to live, work, and survive within this beautiful territory. It is acknowledged that historically significant places that hold sacred importance for indigenous communities exist within the Township of South Algonquin.

Since Census data for South Algonquin are only available for 2001 South Algonquin has experienced a 17% decline in permanent population, with a 2021 Census total population of 1,055. 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+) representing roughly 60% of the total population. 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 ~~hamlet~~Villages 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.

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

- 1.2.1 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.

### 1.3 Township Responsibilities

1.3.1 The Township of South Algonquin has the responsibility to:

- a) prepare an Official Plan;
- b) review the Official Plan after 10 years and every ~~at least once every~~ five years after that 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.

1.3.2 The Township Council will work towards building a constructive, cooperative relationship through meaningful engagement with Indigenous communities to facilitate knowledge-sharing in land use planning processes and informed decision-making.

### 1.4 Approval Authority

1.4.1 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 t  
The Ministry of Municipal Affairs and Housing is the approval authority for the Township's Official Plan. The Township of South Algonquin is not governed by an upper-tier municipality, and as a result there are no prescribed upper-tier allocations of population, housing, and employment projections for South Algonquin.

### 1.5 Plan Objectives

1.5.1 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 plan for healthy, liveable, and safe communities, by preparing for regional and local impacts of climate change.
- To establish a pattern of development that supports public health and safety by avoiding

natural and human made hazards, and that is resilient to climate change.

- To accommodate an appropriate range of housing types and densities required to meet projected requirements of current and future residents, including additional residential units where appropriate.
- To accommodate ~~new the majority of~~ growth in the two Hamlet Villages 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 Village, 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 Township 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*.

## **1.6 Commitment to Comprehensive Planning Approach**

1.6.1 In its efforts to achieve the objectives outlined ~~above 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.

1.6.2 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

#### 2.0 Introduction

2.0.1 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.

#### 2.1 Types of Development

2.1.1 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.

#### 2.2 Federal and Provincial Legislation

2.2.1 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*.

#### 2.3 Community Health and Safety

2.3.1 Land-use planning decisions shape communities in many ways including walkability, access to public recreation areas, dark skies, protection of natural environment, access to nature, and preservation of First Nation and settler cultural history. Planning for a healthy community can support the physical, psychological, and social health of residents and contribute to reducing obesity, heart disease, and social isolation, and improving mental health, nutrition, and air quality.

2.3.2 Social determinants of health are recognized as being far more important to an individual's health than their genes and biology.

2.3.3 The Ontario Professional Planners Institute created a guide to planning for healthy communities called "Planning by Design: A Healthy Communities Handbook."

2.3.4 Community Health and Safety Objectives

1. To plan for healthy, liveable, and safe communities by preparing for regional and local impacts of climate change by promoting land use patterns that mitigate and maintain resilience to climate change, including energy efficient and water conserving building and landscape design, and the use and development of alternative and renewable energy systems where appropriate.
2. To promote active and healthy lifestyles through policies that encourage physical activity, decrease the Township's impact on climate change, provide equitable access to spaces for recreation and leisure in building and natural environments, preserve and protect the local



food system from production to waste management, protect the population from health hazards, and increase opportunities for people to gather and build on the Township's sense of community

3. To conduct planning with an open process that engages all stakeholders, including those most vulnerable, producing policies which are fair in their distribution of benefits as well as equitable and inclusive to diverse groups.
4. To work with local agencies to help ensure population health is prioritized through -land use and other public policies in this Plan, including health considerations in all policies to improve the health of all communities and people at a systemic level.
5. To help ensure equitable access to healthy food for all residents.
6. To incorporate vegetation and tree-planting in new, existing, and future developments to increase areas for shade and assist with dissipation of localized heat.
7. To encourage residents to compost food waste, thereby reducing the Township's greenhouse gas emissions by reducing carbon waste being directed to the landfill.
8. To develop and maintain sufficient parkland and trails, open space, and community facilities to meet the needs of the various age and socio-economic groups.

#### **2.32.4 Efficient Use of Infrastructure**

~~2.3.12.4.1~~ 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.

#### **2.42.5 Land Use Compatibility**

~~2.4.1~~ 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~~

~~2.5.1~~ adequate parking and, where applicable, loading facilities can be provided.

~~2.5.2~~ In reviewing any development application, the Township shall be satisfied that the proposed use will be, or can be, made to be compatible with surrounding uses in accordance with the

Provincial Guidelines.

- 2.5.3 Residential and other sensitive land uses such as hospitals, nursing homes, education facilities, and day care centres will be protected from other land uses which exhibit undesirable air quality and excessive noise/vibration. Existing industrial and commercial uses shall also be protected from the encroachment of sensitive land uses.
- 2.5.4 Where different land uses abut, every effort shall be made to avoid conflicts between different uses. Where deemed necessary, buffering will be provided for the purpose of reducing or eliminating the adverse effects of one land use upon the other. A buffer may be open space, a berm, wall, fence, plantings, or a land use different from the conflicting ones, compatible with both or any combination of the aforementioned and sufficient to accomplish the intended purpose.
- 2.5.5 In order to implement buffering principles, provisions may be established in the Zoning By-law providing for separation distances between potentially incompatible uses. Gravel pits and quarries, farm uses, kennels, Class 1, 2, and 3 industrial uses, and waste disposal sites, in relation to sensitive land uses and vice versa, shall generally be so regulated. Such regulations shall be established in accordance with applicable legislation and guidelines of Ministry of Environment, Conservation and Parks (e.g., D-1 Land Use Compatibility, D-2 Compatibility Between STF and Sensitive Land Uses, D-4 Land Use on or Near Landfills and Dumps, D-6 Compatibility Between Industrial Facilities and Sensitive Land Uses, Publication NPC 300: Environmental Noise Guideline, Stationery and Transportation Sources – Approval and Planning).
- 2.5.6 For the purposes of this Plan, compatible development means development that, although not necessarily the same as existing development in the vicinity, is capable of co-existing in harmony with existing developments without causing undue adverse impacts on surrounding properties. Compatibility should be evaluated in accordance with measurable and objective standards (e.g., MECP Guidelines).

## 2.5.2.6 Industrial Development

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

2.5.2.6.2 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, Conservation and Parks Land Use Guidelines.

## 2.6.2.7 **Compatibility with Residential Uses**

~~2.6.12.7.1~~ 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.

## 2.7.2.8 **Housing Supply Policy**

~~2.7.12.8.1~~ 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.

~~2.7.22.8.2~~ 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.

~~2.7.32.8.3~~ 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 residential~~ units (ARUs);
- tiny homes and garden suites;
- townhouses;
- apartments;
- condominiums;
- modular homes placed on permanent foundations; and,
- mobile homes.

~~2.7.42.8.4~~ The specific forms of housing permitted will depend upon the land use designation within which residential development is to take place and the ability to service the development with water and sanitary servicing.

~~2.7.5~~ ~~Except where indicated in other policies of this Plan, only one single-detached dwelling unit will normally be permitted per lot.~~

## ~~2.8~~ 2.8.5 **Accessory Dwelling Units Additional Residential Units (ARUs)**

~~2.8.5~~ ~~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.~~

~~2.8.6 Where a single detached, semi-detached, or townhouse dwelling is permitted, that dwelling may include an accessory dwelling unit, subject to the following conditions:~~

~~2.8.6.1 the accessory dwelling unit is designed and located in such a manner to not have an impact on the character on the surrounding neighbourhood;~~

~~2.8.6.2 there are no external alterations to the dwelling other than those normally associated with its dwelling type;~~

~~2.8.6.3 adequate parking can be provided on the lot, for both dwelling units;~~

~~2.8.6.4 the existing water and sewage systems can accommodate both dwelling units; and,~~

~~2.8.6.5 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.~~

~~2.8.7 Only one accessory dwelling unit will normally be permitted per lot.~~

2.8.5.1 Additional Residential Units (ARUs) are an efficient and cost-effective means of increasing the supply of affordable accommodation for rental purposes and for providing alternative living arrangements for those, by virtue of their personal circumstances, who may require the support of others to live on their own.

2.8.5.2 Additional residential units are considered a self-contained residential use with kitchen and bathroom facilities that are within or accessory to a permitted single detached, semi-detached, or row house dwelling. Additional dwellings are also permitted as separate, detached dwellings. Additional residential units must comply with any applicable laws and standards including the building code, the fire code and property standards By-laws.

2.8.5.3 The Zoning By-law shall identify and permit the following provisions for ARUs:

- a. a second residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;
- b. third residential unit in a detached house, semi-detached house or rowhouse on a parcel of land on which residential use, other than ancillary residential use, is permitted, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units; or
- c. one residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units.

~~2.8.1~~ 2.8.5.3 In conjunction with a single dwelling, semi-detached dwelling, or rowhouse, ARUs will be permitted ‘as of right’ in certain zones ~~of~~by the implementing Zoning By-law or by amendment to the implementing Zoning By-law. Building permits for ARUs on lands less than 1 ha in size may require supporting information that the ARU can be serviced by private well and septic system, including the need for a hydrogeological study, as may be required.

2.8.5.4 Standards may be established in the Zoning By-law to govern compatibility with the principal dwelling and surrounding land uses, requirement for year-round access, and servicing standards. The Zoning By-law may also include minimum standards for secondary dwelling units including (but not limited to): dwelling unit area, minimum lot area, parking, and servicing.

~~2.8.2~~

~~2.8.3~~ 2.8.5.5 Notwithstanding this policy, the implementation of ARUs does not supersede the need for all development to be in conformity with the natural hazard policies of this Plan. No new ARUs shall be permitted within lands identified as being floodplain or unstable slopes.

2.8.5.6 The zoning by-law may limit opportunities for ARUs in waterfront areas due to compatibility issues, environmental issues, and safe access concerns.

2.8.5.7 Mobile homes, travel trailers and recreational vehicles will not be considered as an ARU.

## ~~2.9~~ 2.8.6 **Garden Suites**

~~2.9.1~~ 2.8.6.1 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.

~~2.9.2~~ 2.8.6.2 Garden suites may be permitted in accordance with the provisions of the *Planning Act*.

~~2.9.3~~ 2.8.6.3 Garden suites will be permitted only on lots containing single-detached or semi-detached dwellings.

~~2.9.4~~ 2.8.6.4 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.

~~2.9.5~~ 2.8.6.5 Garden suites shall be portable and remain on the lot for no more than twenty years.

~~2.9.6~~ 2.8.6.6 An agreement shall be entered into with the Township regarding the maintenance, alterations, improvements, and the eventual removal of a garden suite.

## ~~2.10~~ 2.8.7 Townhouses

~~2.10.1~~ 2.8.7.1 Townhouses will ~~be normally~~ be permitted as a building typology 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.

## ~~2.11~~ 2.8.8 Apartment Buildings

~~2.11.1~~ 2.8.8.1 Proposals for the development of apartment buildings with more than 10 dwelling units 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.

## ~~2.12~~ Condominiums

~~2.12.12.9.1~~ ~~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*.~~

## ~~2.13~~ 2.8.9 Mobile Homes

~~2.13.1~~ 2.8.9.1 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.

2.8.9.2 Mobile homes are not considered single-detached dwellings for the purpose of this Plan in the case of sections 2.9 and 2.10.

2.13.2

### **2.8.10 Long-Term Care Facilities and Retirement Homes**

2.8.11.1 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 A 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.

### **2.8.11 Group Homes**

2.8.10.1 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.

2.8.10.2 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.

### **2.8.12 Affordable Housing**

2.8.10.3 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.

2.8.10.4 The Township will place a particular emphasis on enhancing the supply of affordable housing available. However, the Township shall not necessarily provide such housing.

2.8.10.5 Efforts to create affordable housing opportunities will be undertaken primarily through redevelopment and intensification within the Villages of Whitney and Madawaska.



2.8.10.6 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.

2.8.10.7 Council understands that it does not have the ability to address regional housing market demands to the same extent as communities developed on full municipal sewer and water services. This includes the inability to ensure a supply of residential lands and approved lots. That said, Council will strive to provide for affordable housing by enabling a full mix and range of housing types and densities to meet projected demographic and regional market requirements of current and future residents of the Township by:

- a) Monitoring the need for social assisted housing for households and seniors. Where specific needs are identified, Council will work with the Province and others to meet identified needs.
- b) Monitoring population projections and the residential development targets.
- c) Making provision for alternative housing types such as accessory residential units.
- d) Encouraging cost-effective development standards and densities for new residential development to reduce the cost of housing.
- e) Council shall encourage a minimum of 10% of all new housing units to be “affordable” as defined by the Provincial Policy Statement.

2.8.10.8 Council may, where a need for affordable housing has been identified, undertake all or some of the following:

- a) Identify areas of the Municipality for intensification and infill, subject to consideration of neighbourhood planning issues, adequate servicing, and potential impacts and mitigating measures.
- b) Provide density bonuses, where suitable, to proposals which have an affordable housing component.
- c) Provide financial relief, in the form of waived or deferred municipal fees (building permit etc.), for affordable housing projects.
- d) Give a higher priority to reviewing proposals which provide an affordable housing component.
- e) Seek assistance from senior levels of government, where required, to assist in the delivery of affordable housing.



- f) Consider development proposals that use innovative design features and servicing standards as a means of improving land use efficiency and providing affordable housing.
- g) Surplus municipal land shall be evaluated for their suitability for the development of affordable housing prior to their consideration for any other uses. Any surplus municipal lands to be considered for affordable housing should meet the following criteria:
  - i. Lands are of an adequate size to support the use;
  - ii. Lands are not isolated from existing residential areas and are located in proximity to public uses and infrastructure, including schools, parks, libraries, and other community amenities; and,
  - iii. Lands provide an opportunity for a mix of housing types and do not concentrate affordable housing in a single area of the Municipality.
- h) Council shall encourage the Federal and Provincial Governments to consider any government-owned, undeclared surplus land for affordable housing before any other use is considered.
- i) Council will work with the District of Nipissing Social Services Administration Board (DNSSAB) to addressing housing needs.

2.8.10.9 Council shall prioritize the provision of housing that is affordable and accessible to low and moderate-income households. For the purposes of the policies in this Section, ‘affordable’ is defined as housing, either ownership or rental, for which a low or moderate-income household pays no more than 30% of its gross annual income. Income levels and target rents and prices shall be determined by the Township on an annual basis and shall be informed by available data from the Canada Mortgage and Housing Corporation (CMHC). This policy recognizes that the province and CMHC may from time to time, have changes to the definition of affordable.

2.8.10.10 The Township may undertake a Housing Study to better understand the dynamics and needs of the local housing market.

2.8.10.11 When evaluating proposed developments for new residential development or redevelopment, the Township may require a proponent to provide a portion of the development as affordable housing units, in order to help meet Council’s minimum affordable housing target.

2.8.10.12 Council encourages the provision of non-profit housing by private or non-profit housing corporations at appropriate locations, consistent with good planning principles and in keeping with the general character of the area in which they are proposed.

2.8.10.13 Council shall encourage and promote the achievement of the minimum affordable housing target by implementing innovative measures to support affordable housing in the Township. These measures may include:

- a) Implementing site-specific zoning standards in suitable locations and conditions;
- b) Consideration of incorporating affordable housing in redevelopment opportunities;
- c) Consideration of innovative housing designs or concepts, such as tiny dwellings;
- d) Exploration of partnerships between the Township and public or private proponents in the provision of such housing;

- e) Encouraging infill development where private servicing permits;
- f) Encouraging additional residential units;
- g) Using available incentive programs, such as grants available through a Community Improvement Plan or other tools permitted by the Planning Act or Municipal Act, in order to implement the policies of this Plan related to the provision of affordable housing; and,
- h) Giving priority to processing of development applications from non-profit housing corporations and housing cooperatives, for housing intended for persons of low or moderate incomes.

2.8.10.14 Affordable housing is encouraged in the Township in the form of garden suites, additional residential units, and tiny dwellings, as well as other innovative forms of housing.

### **2.142.9 Mobile Home Parks**

~~2.14.12.9.10~~ The development of mobile home parks as an alternative to traditional forms of housing may be considered in appropriate locations.

~~2.14.22.9.11~~ All proposed mobile home parks will be subject to Site Plan Control.

~~2.14.32.9.12~~ 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.

~~2.14.42.9.13~~ 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.

~~2.14.52.9.14~~ 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.

### **2.152.10 Travel Trailers**

~~2.15.12.10.10~~ 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.

2.10.11 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.

2.15.22.10.12 It is the policy of the Plan that travel trailers may not be rented for profit or gain and shall not be used as tourist commercial accommodation unless specifically permitted under the zoning by-law.

## **2.162.11 Bed-and-Breakfast Establishments**

2.16.12.11.10 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;

A bed-and-breakfast establishment shall not be classed as a short term rental accommodation defined elsewhere in this Plan.

## **2.172.12 Property Standards**

2.17.12.12.10 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.

2.17.22.12.11 Property standards to be developed with regard to the conditions of yards shall consider elements such as:

- 2.12.11.1 the accumulation of rubbish or debris;
- 2.12.11.2 the presence of proper on-site garbage containment facilities;
- 2.12.11.3 the presence of abandoned and wrecked vehicles, boats and trailers;
- 2.12.11.4 the unauthorized placement and storage of trailers;
- 2.12.11.5 abandoned machinery and equipment;
- 2.12.11.6 the storage of materials such as lumber, tires and pesticides;
- 2.12.11.7 conditions contributing to pest infestation; and

- 2.12.11.8 improper or inadequate site drainage.

~~2.17.3~~2.12.12 Property standards to be developed with regard to the external and structural conditions of buildings, both principal and accessory, shall consider elements such as:

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

~~2.17.4~~2.12.13 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.

## ~~2.18~~2.13 **Water and Sewage Services**

~~2.18.1~~ 2.13.1 All development in the Township shall be on individual water and sewage services or communal services in accordance with the policies of this Plan.

~~2.18.2~~ 2.13.2 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

## ~~2.19~~2.14 **Home-Based Businesses**

~~2.19.1~~2.14.10 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.

2.14.11 Home based businesses are an important means of realizing small business start-ups and stay-at-home self-employment. Home based businesses are permitted subject to the requirements of the Zoning By-law. The Zoning By-law may provide home based business regulations which:

1. Include a detailed list of permitted home based business uses;
2. Limit the number of employees, other than residents of the house;
3. Provide a maximum percentage of the floor area of the residence which may be used for the home-based business, or the maximum floor area of an accessory structure;
4. Ensure the external appearance of the residence is maintained and regulate outdoor storage and signage;
5. Do not cause excess noise, vibrations, dust, or traffic issues;
6. Provide appropriate parking standards for such uses; and,
7. Limit traffic impact, ensure safe access, and prohibit uses that are deemed to be significant traffic generators.

~~2.19.2~~2.14.12 Permitted home based business shall be defined in the Zoning By-law and may include

such uses as; professional, administrative, and consulting services, office uses, telecommuting, knowledge-based businesses, computer technology uses, instructional services, distribution sales offices, and arts and crafts. As well, bed and breakfast tourist operations may be included as a form of home occupation that is detailed in the Zoning By-law.

2.14.13 Home based businesses shall be:

1. Clearly accessory, secondary, incidental, and subordinate to the permitted residential use;
2. Compatible with surrounding residential and/or non-residential uses; and,
3. Regulated by Council through provisions contained within zoning by-laws.

2.14.14 Home based businesses of an industrial nature, such as a contractor's shop, tinsmith shop, welding shop, light manufacturing, etc., may be permitted as an accessory use to a principal residential use.

~~2.19.3 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.~~

~~2.19.4 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.~~

~~2.19.5 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.~~

~~2.19.6 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.~~

~~2.19.7 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.~~

## **2.15 Non-Conforming Activities**

2.23.1 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.

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

## **2.16 Site Plan Control**

2.16.1 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.

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

2.17.1 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.

## **2.18 Economic Development**

~~2.17.2~~2.18.1 Council recognizes that the economic base of the Township is largely dependent upon a mix of forestry, other resource-based industries, tourism, and service, and retail commercial. It is Council's intent to establish an environment which encourages new economic growth and new employment generation while sustaining existing economic strengths. Specific effort should be made to encourage economic growth in sectors that appeal to younger demographic in hopes of retaining a younger segment of the population to live and work locally.

2.18.2 It is a goal of this Plan to strengthen the existing economic base and to broaden the Township's employment opportunities. To realize this goal, the following objectives are established:

1. To sustain, and to build on and diversify, the existing strength of the resource-based industries and Forestry sectors of the economy.
2. To sustain and to build on the existing strength of the recreational and tourism sectors of the economy.

3. To undertake initiatives to stimulate new employment generation.
4. To work cooperatively with senior governments and community groups in promoting and undertaking economic development activities.

2.18.3 It is acknowledged that Council has not identified a specific employment area within the Township. Rather, employment opportunities are located throughout the Township. In addition to specific land use policies elsewhere in this Plan, Council will undertake several measures to sustain, strengthen, and diversify the economic base including:

1. Providing a policy framework which facilitates the planning and delivery of municipal services necessary for the development or redevelopment of lands for commercial, industrial, and other employment generating activities.
2. Expediting planning and other approvals necessary at the Township level to permit the development of lands or construction of new buildings associated with economic development.
3. Supporting community improvement programs.
4. Encouraging and facilitating employment in the development industry through expediting the planning approvals, encouraging the rehabilitation of heritage buildings, and encouraging the retrofit of the existing building stock.
5. Introducing a program of community promotion through better signage on Township roads.
6. Encouraging an “Open for Business” philosophy towards economic opportunities in the design of Township by-laws regulating and licensing businesses. This should also include an “investment ready” approach to the economic development of the Township.
7. Recognize the importance of resource-based industries such as forestry, mineral aggregate, and mining to the historic economic base of the Township.
8. Encouraging the development of home-based businesses.
9. Encouraging measures that will promote a year-round tourist season.
10. Encourage the development and redevelopment of Village downtowns and main streets through the use of Community Improvement Plans (CIP).
11. Support programs which focus on youth retention and employment opportunities for young adults.

## 2.19 Short Term Rental Accommodation

This Plan recognizes short term rental accommodation as a form of tourist accommodation in the whole or part of a residential unit which is marketed or brokered by a short-term rental platform, and is not a rooming house, hotel, or bed and breakfast.

2.19.1 The Township may pass a by-law under the Municipal Act, S.O. 2001 and/or the Planning Act, S.O. 1990, to regulate and/or license short term rentals. Such by-laws may establish definitions of short-term rental accommodations and may place the use as permitted uses in certain zones, as well as set out site and building conditions that must be satisfied, identify ownership requirements, establish a renter code of conduct, set out licensing terms, detail enforcement and penalty provisions, and other relevant provisions.

2.17.32.19.2



## 2.20 Dark Skies

2.17.42.20.1 The high  
quality of darkness of the night skies and the ability to see stars is a defining element of the rural character of the Township of South Algonquin. Lighting that protects the night sky from light pollution, directs sufficient light downward, and minimizes light trespass and blinding glare (sometimes referred to as “Good Neighbour” lighting) will be encouraged. The resources of the International Dark Sky Association may be beneficial to the Township.

2.17.52.20.2 This Good  
Neighbor lighting enhances the safety of citizens and increases the security of property. Outdoor lighting is used to illuminate roadways, parking lots, yards, sidewalks and pathways, public meeting areas, work sites, homes, and building exteriors. Good Neighbor lighting increases the visibility of hazards, improves the safety of citizens, and provides a sense of security in the community.

2.20.3 The Township benefits from responsible, well-designed lighting in the following ways:

- it minimizes energy use;
- it reduces operating and maintenance costs;
- it increases the safety of citizens;
- it maintains and enhances the quality of darkness of the night skies;
- it can enhance property values and promote tourism.

2.20.4 The following “dark skies” policies shall be implemented in all development and redevelopment approvals:

- a) Subdivision development applications, commercial/industrial site plan development applications, and new institutional developments may be required to include a photometric plan of the site showing the proposed design light levels, along with details of the exterior light fixtures proposed to be used at the site.
- b) Light spillage from new development projects onto adjacent properties and roads shall be avoided. The target light levels at the development property’s boundaries shall be near 0.0 foot-candles.
- c) All exterior light fixtures should be properly shielded to prevent glare and to direct light downwards and onto a property.
- d) Light wattages may have to be reduced where reflective surfaces on the site may cause secondary (reflected) glare and light trespass.
- e) These policies may be implemented through the Subdivision and/or site plan approval processes.
- f) The Township may enact a Dark Skies By-Law in order to further implement these policies. Such a by-law may include regulations associated with public education as part of the implementation strategy.

## 2.21 Accessibility

2.17.62.21.1 The Township



shall establish Accessibility Guidelines and Standards intended to promote enhanced accessibility in public buildings, community facilities, parks and recreation amenities, roads, walkways, and housing intended to meet the needs of persons with disabilities in a meaningful way. Such Guidelines are to consider all persons who may have a spectrum of disabilities whether it be mobility, cognitive, hearing or vision impaired, limited dexterity, or stamina.

2.17.72.21.2 The Township will attempt to remain current with technological advances and new construction practices, as well as with changes to barrier free design requirements of the Ontario Building Code and other applicable standards that may apply.

2.17.82.21.3 It is the intent of Council to incorporate these design standards for all newly constructed and retrofitted facilities owned, leased, or operated by the Township, to the extent practical.

2.17.92.21.4 Development, whether new construction or retrofitted, will be encouraged to design to these standards to the extent practical.

2.21.5 At a minimum, facility accessibility design standards shall be consistent with the Ontario Building Code, as amended.

## **2.22 Emergency Management**

The Township shall maintain and update its Emergency Management Plan in accordance with the direction from Emergency Management Ontario. Infrastructure and public service facilities will be strategically located to support the effective and efficient delivery of emergency management services, and to ensure the protection of public health and safety. The Township will coordinate with neighbouring municipalities in the delivery of regional emergency planning services.

## **2.23 Biodiversity**

The Township shall promote biodiversity and conserve natural heritage features and recognize the economic value they provide with respect to natural storm water collection, water quality, sequestering carbon emissions, improving air quality, reducing localized heat, and preventing flooding.

## **2.24 Water Resources**

The Township shall strive to protect, improve, or restore the quality and quantity of water resources by:

- a) Considering the cumulative impacts of development;
- b) Minimizing potential negative impacts;
- c) Evaluating and preparing for the impacts of climate change to water resources;
- d) Identifying water resources systems consisting of ground water features, hydrologic functions, natural heritage features and areas, and surface water features including shoreline areas, which are necessary for the ecological and hydrological function of the water resource;
- e) Maintaining linkages and related functions among ground water features, hydrologic functions, natural heritage features and areas, and surface water features, including

shoreline areas;-

- f) Implementing necessary restrictions on development and site alteration to protect, improve, or restore vulnerable surface and ground water features and their hydrologic functions;-
- g) Planning for efficient and sustainable use of water resources, through practices for water conservation and sustaining water quality;-
- h) Ensuring consideration of environmental lake capacity, where applicable;-
- i) Ensuring stormwater management practices minimize stormwater volumes and contaminant loads; and maintain or increase the extent of vegetative and pervious surfaces; and;-
- j) Work with Ontario Power Generation (OPG) to establish policies and procedures that recognize OPGs role in the management of the Township's water resources.

## SECTION 3: HAMLET VILLAGES

### 3.1 Introduction and Description

~~3.1.1~~—As the location of most commercial activity and municipal services, the hamlet Villages 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 hamlet Villages grow to a point where they lose their rural character and that much of the hamlet Villages' potential for outward growth is limited by the presence of Crown land. There may be~~However, there are numerous~~ opportunities within Whitney and Madawaska for infill and intensification to support new development, however, Council is aware of the constraints on new development within the Villages due to existence of private servicing which may limit the scale of development.~~for both the redevelopment of lands and the intensification of development.~~

~~3.1.23.1.1~~As shown on Schedule A to this Plan, Whitney and Madawaska are designated as the Township's two Hamlet Villages. The two Hamlet Villages will serve as the Township's designated settlement areas. Accordingly, and in conformity with the *Provincial Policy Statement (2020)*~~(2005)~~, the Hamlet Villages shall be the preferred location for new development within the Township, provided private servicing constraints are addressed.

### 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 Hamlet Villages. 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;

Generally, public service facilities should be encouraged to be co-located in community hubs, where appropriate, to promote cost-effectiveness and facilitate service integration.

### 3.3 General Development Standards for Hamlet Villages

- 3.3.1 All development proposed for the Hamlet Villages 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 residential intensification and redevelopment within the Hamlet Villages, where this can be accommodated and servicing is appropriate. A full range of housing densities, types, and tenure options will be permitted subject to the ability to provide appropriate water and sanitary services to support the development.
- 3.3.3 Notwithstanding the desire to integrate different activities within the Hamlet Villages, 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 Village.
- 3.3.4 Wherever this can reasonably be accomplished, the Waterfront policies of this Plan shall normally apply to lands in the Hamlet Villages designation that are physically and functionally related to a shoreline.
- 3.3.5 All development within the Hamlet Villages 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 Hamlet Villages**

- 3.4.1 Council's objectives for industrial development in Hamlet Village 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 Village 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, Conservation, and Parks—Land Use Guidelines, may be permitted in the Hamlet Villages 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 Hamlet Villages

3.8.1 Adjustments to the boundaries of a designated Hamlet Village, 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.

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

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

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

Note this section may be revised as a result of recent announced changes to the Planning Act related to municipal boundary expansions.

## 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 Hamlet Villages 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, including uses which are secondary to a principal agricultural use and which add value to agricultural products or support the agricultural resource use, including agricultural-related uses and on-farm diversified uses;
- 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.

4.4.14.4.2 Existing and proposed agricultural operations and normal farm practices shall be governed by the Farm and Food Production Protection Act.

### 4.5 Forestry

4.5.1 When considering a development proposal, Council will consult with the Province 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 and concrete plants used on public authority contracts shall be permitted throughout the Rural area, without the need for an official plan amendment, rezoning, except in areas of existing sensitive land use which have been determined to be incompatible, 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 The following uses are permitted:

- Pits and quarries;
- Agricultural uses excluding any accessory building or structure;



- Conservation and natural resource management uses excluding any accessory building or structure;
- Uses accessory to an aggregate extraction operation such as crushing, screening and recycling operations, production of secondary related products, machinery storage facilities, and office space;

4.6.1• Permanent and portable asphalt and concrete plants

4.6.24.6.3 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.

4.6.34.6.4 Extractive uses, including peat extraction and mineral exploration, shall be adequately screened from surrounding uses.

4.6.44.6.5 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.

4.6.54.6.6 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.

4.6.64.6.7 An archaeological assessment ~~will~~may 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.

4.6.74.6.8 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 an amendment to the zoning by-law. rezoning. Applications for such activity ~~This rezoning~~ shall only be approved granted after an environmental 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.



## 4.7 Mineral Aggregates and Mineral Resources

4.7.1 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.

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

4.7.3 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*.

4.7.4 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.

4.7.5 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.

4.7.6 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.

4.7.7 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.

4.7.8 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:

g) the use of said resources would not be feasible; or

h) the proposed land use or development serves a greater long-term public interest; and

i) issues of public health, public safety and environmental impact are addressed.

- 4.7.9 Progressive and final rehabilitation will be required to accommodate subsequent land uses, promote land use compatibility, and to recognize the interim nature of extraction. Final rehabilitation shall take surrounding land use and approved land use designations into consideration.
- 4.7.10 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 ~~Province Ministry of Northern Development and Mines~~. Rehabilitation shall take surrounding land uses and land use designations into consideration.
- 4.7.11 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.
- 4.7.12 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.
- 4.7.13 The ~~Ministry Province 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.

## **4.8 Industrial Development**

- 4.8.1 The industrial uses of land in the "Rural" designation shall be for manufacturing, processing, servicing and storing of goods and raw materials.
- 4.8.2 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 ~~Hamlet Village~~, 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 ~~Province Ministry of Environment~~.
- 4.8.3 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.
- 4.8.4 Industrial uses shall screen areas of open storage from view and shall be compatible with adjacent commercial uses.
- 4.8.5 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.
- 4.8.6 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.

## **4.9 Rural Commercial Development**

4.9.1 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.

4.9.2 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.

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

## **4.10 Rural Residential Development**

4.10.1 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.

4.10.2 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.

4.10.3 New limited-services residential development shall be encouraged to locate in areas that:

- f) do not preclude the sustainable use of natural resources;
- g) do not have a negative effect on the Township's significant natural or cultural heritage and archaeological resources and features;
- h) are accessible by an existing public or private road. Private roads must meet the Township's private road standards; and
- i) do not consist of hazard lands and protected natural features.

4.10.34.10.4 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.

#### **4.11 Institutional Uses**

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

#### **4.12 Parks and Recreational Uses**

4.12.1 The Township is fortunate to have an abundance of public crown lands. These lands represent an opportunity for a wide range of economic and resourced based activities and supports the Township's forestry and tourism industries.

~~4.12.14.~~4.12.2 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.

#### **4.13 Recreational Commercial Uses**

4.13.1 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.

#### **4.14 Hunt Camps**

4.14.1 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.

#### **4.15 Commercial Dog Kennels**

4.15.1 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 ~~hamlet~~Villages 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.

#### **4.16 Waste Disposal Sites**

- 4.16.1 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.
- 4.16.2 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, [Conservation and Parks](#) 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.
- 4.16.3 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, [Conservation and Parks](#) shall require abatement measures to be put into place.
- 4.16.4 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

5.3.1 These policies shall apply to the creation of new lots or additions to existing lots, new development, and redevelopment of existing waterfront lands and buildings.

5.3-15.3.2 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.

5.3.25.3.3 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.

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

5.3.45.3.5 No development will be permitted which would result in a waterbody being developed to a point of being over capacity as identified by the ~~Province 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.

5.3.55.3.6 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 ~~Province 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 ~~Province 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 ~~Province~~ Ministry of the Environment.

~~5.3.65.3.7~~ Lake trout lakes classified by the ~~Province 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.

~~5.3.75.3.8~~ 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.

~~5.3.85.3.9~~ The ~~Ministry Province of the Environment Parks and~~ the local municipality have the information on the current classification of a lake and it is recommended that either or both the ~~Ministry Province~~ and the local municipality be consulted prior to any actions being taken which may be affected by the classification of lake.

~~5.3.95.3.10~~ 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.



~~5.3.105.3.11~~ 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.

~~5.3.115.1.1~~ The maintenance of shoreline vegetation is beneficial to:

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

~~5.3.125.1.1~~ 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) A maximum of 30% of the shoreline frontage or up to 30 metres, whichever is the lesser, for commercial development or waterfront landings;~~
- ~~e)a) 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.

5.3.12 The Township recognizes that there are numerous existing waterfront dwellings and accessory structures which do not comply with the zone provisions set out under the existing Zoning By-law. Such buildings and structures are recognized as being non-complying as they relate to current performance standards (e.g., water setbacks, lot coverage, yard setbacks, shoreline area occupancy, etc.). Some structures are also legal non-conforming as they relate to current permitted uses (e.g. Environmental Protection (EP) zone). The Township anticipates that many landowners will seek to repair, renovate, reconstruct, and/or enlarge these existing structures over time. To guide such activities the Township has established the following Waterfront Development Policies to be consulted prior to the submission of any Planning Act application involving Waterfront development.

5.3.13 This Plan is committed to the establishment of a "30 metre setback" from water and the "15 metre vegetated buffer" along shorelines as the key planning tools to minimize negative development impacts on waterfronts. Commonly referred to as a "ribbon of life", this 30 m setback area is intended to be a strip of unaltered, naturalized land abutting the shoreline, with provisions for a modest shoreline access path through this area. Within the 30 m setback, the

first 15 m abutting the shoreline is to be a natural, vegetative buffer of land. The 30 m setback and 15 m vegetative buffer are intended to help achieve the Official Plan's broader Waterfront Development and Environmental policies. It is understood that on numerous waterbodies, the shore road allowance constitutes a portion of the 30 m setback.

5.3.14 Generally, this Plan strives to limit expanded development within the 30 m setback and 15 metre buffer areas, particularly where other preferred development options may exist on the property. Expansions of development within the 30 m setback will require the approval of the Committee of Adjustment.

## **5.4 Preservation of Vegetation**

5.4.1 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.

5.4.2 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.

5.4.3 Projects involving development within the Waterfront Communities area shall incorporate measures to achieve a 30 m setback and 15 m vegetative buffer.

5.4.4 New development and the expansion or redevelopment of existing development in the Waterfront area shall be sensitive to the preservation of tree cover and native vegetation so as to prevent erosion, siltation, and possible nutrient migration, as well as to maintain the complex ecological functions of the shoreline and littoral zone environment. Development shall be setback a minimum of 30 metres (98 feet) from the high-water mark. Site alteration and disturbance of vegetation within 30 metres (98 feet) of the shoreline shall be limited to low-impact small scale structures identified in the zoning by-law, minor alterations to accommodate access trails, water pumping equipment, or restoration work and limited limbing of mature trees for health and safety reasons.

5.4.5 As a condition of development or redevelopment, the restoration of the natural vegetation and shoreline characteristics may be required. In these instances, undisturbed shorelines of the waterbody in question may be referenced as an example of how to restore and rehabilitate a

disturbed shoreline.

5.4.6 The Zoning By-law implementing this Official Plan will include regulations that will limit lot coverage within 30 metres (98 feet) shoreline setback, require the vast majority of the shoreline area be maintained in a natural vegetative state, and prevent further encroachment into this area. The Zoning By-law will also provide an allowance for a limited amount of the 30 m setback area (i.e., 30% to a maximum of 15 m wide) to be cleared and/or occupied for access to the water, for walkways, and for permitted shoreline structures such as a boat ramp, boat house, and deck.

## **5.5 Net Environmental Gain**

5.5.1 Waterfront development and redevelopment shall be required to demonstrate a net environmental gain in regard to increased setbacks, drainage design, new septic system, increased buffers, vegetation, and habitat.

5.5.2 Proponents for the development of vacant waterfront properties or developed properties which demonstrate a high level of environmental stewardship of the waterfront and natural environment, will be expected to demonstrate no net environmental loss for new development, other than the necessary disruption of the building/development envelop. Where the phrase “net environmental gain” is used throughout this Plan, it will be implied to reference “no appreciable net environmental loss” for properties which demonstrate a high level of environmental stewardship.

5.5.3 Proponents of waterfront development or redevelopment are encouraged to reference the “Municipal Site Evaluation Guidelines in Eastern Ontario” as a tool to help ensure that any of the development would reflect and address the variable constraints posed by site specific conditions (i.e., slope height, slope angle, soil depth and type, as well as vegetative cover).

a) Municipal Site Evaluation Guidelines are recognized as a valuable tool in managing the long-term health and integrity of the township's lakes and lake communities. These guidelines are intended to protect, improve, and restore water quality in the respective watersheds, consistent with the PPS and local Official Plan policies.

b) Site Evaluation Guidelines will be supported as a tool to identify site specific constraints and ensure that new development is conducted in a manner that reflects variable constraints imposed by site specific conditions.

## **5.6 Waterfront Servicing**

5.6.1 All new residential development shall be serviced by a private potable water system and a wastewater system approved by the appropriate approval authority.

5.6.2 Private wastewater systems shall be located a minimum of 30 metres (98 feet) from the high-water mark of the nearest water body. On an existing undersized lot where the minimum setback cannot be met, a reduced setback may be considered through the Committee of Adjustment or Zoning By-law Amendment processes. The incorporation of tertiary treatment systems and other technologies shall be explored when proposing development on waterfront lots which are physically constrained and/or situated in close proximity to sensitive natural heritage features or water resources. The Township may require specialized studies or reports from qualified professionals to identify all system- related options available to private landowners.

5.6.3 Where the lot size or configuration does not provide the opportunity for the installation of a septic system and there is an existing pit privy or holding tank, a replacement holding tank may be installed as long as it has been demonstrated by a qualified professional that no alternative system is feasible. Composting toilets are accepted as an alternative to pit privies where septic fields cannot be accommodated due to lot size and/or configuration and subject to the approval of the appropriate Approval Authority. Offsite disposal of the composted materials shall be required.

5.6.4 Holding tanks shall not be permitted for new vacant lot development.

5.6.5 Existing septic systems which are identified as being non-compliant with the requirements of the Township's Zoning By-law and/or the Ontario Building Code (OBC), may require replacement or upgrades when reviewed in conjunction with proposals to repair, renovate, reconstruct, or enlarge non-complying dwellings. Through its review of planning applications, the Township may require proof that an existing septic system is functioning properly. Additional information may be required to ensure the system is adequately sized and configured to comply with the requirements of the OBC.

## 5.5.7 Residential Development

~~5.3.15~~5.7.1 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.

~~5.3.16~~5.7.2 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.

~~5.3.17~~ 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.

~~5.3.18~~5.7.3 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.

~~5.5.1~~ One Guest cabins (also commonly referred to as a "bunkie") will be permitted on a lots in the

Waterfront designation so long as they remain secondary and incidental to the main residential dwelling on the lot. Guest cabins are not intended for occupation and gain, and shall not be utilized as rental accommodation or an additional residential unit. The zoning by-law shall contain provisions which Guest cabins will be limited the in size of guest cabins and ensures that they are and shall be smaller than, and incidental to, the main dwelling. The zoning by-law shall also include provisions which require -

5.5.2 Guest cabins to shall be connected to the same water and sewage facilities as the main dwelling.

~~5.3.19 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.~~

The maintenance of shoreline vegetation is beneficial to:

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

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

## 5.45.8 Residential Conversions

5.5.35.8.1 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.

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

## **5.65.9 Tourist Commercial Development**

**5.4.15.9.1** 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.

**5.4.25.9.2** 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.

**5.4.35.9.3** 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.

**5.4.45.9.4** Golf courses shall be located outside of the Waterfront designation.

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

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

**5.6.15.9.7** 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.



## **5.75.10 Lake Plans**

**5.4.75.10.1** 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.

**5.4.85.10.2** 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.

**5.4.95.10.3** 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.

## **5.85.11 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 Village 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. Currently, mapping showing the location of areas characterized by health and public safety hazards and/or by constraints for development does not exist for the Township. Efforts will be made to identify hazards on a case-by-case basis as development is proposed. Should new hazard mapping be prepared, efforts should be made to incorporate such mapping into Schedule B.~~ evolve.

~~6.1.1~~

### 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.

6.2.2 Where identified, development and site alteration shall be prohibited in flood plains, except in accordance with the following:

- Repairs and minor additions to buildings and accessory buildings, which do not affect flood flows, will be permitted where there is existing non-conforming development.
- Uses which by their very nature must be located within the flood plain and will not affect the hydrology or hydraulics of the flood plain may be permitted.
- Works required for flood and/or erosion control and passive recreational and/or open space non-structural uses which do not affect the hydrology or hydraulics of the flood plain may be permitted.
- In accordance with the underlying designation on Schedule A, development and site alterations may be permitted in areas subject to erosion related hazards which are not located in the flood plain.

- All new development and site alterations on hazardous lands must achieve all of the following:
  - i. the hazards must be safely addressed and the development and site alteration should be carried out in accordance with the established standards and procedures;
  - ii. new hazards are not created and existing hazards are not aggravated;
  - iii. no upstream or downstream adverse impacts will result; and,
  - iv. vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion, and other emergencies.

### 6.2.3 Prohibited Uses in Floodplain

Where identified, the following uses are prohibited in floodplains: Nursing homes, hospitals, homes for the aged, senior citizen apartments, group homes for the physically or intellectually disabled, day care centres, or other similar uses for which flooding could pose a significant danger to the inhabitants, schools, essential emergency services (fire, police, and ambulance stations), electrical substations, storage, or handling of hazardous substances.

## **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.~~

~~6.6.26.6.1 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.~~

~~6.6.1 Contaminated sites are defined as sites where the environmental condition of the property, (i.e., the quality of the soil or ground water) may have the potential for adverse effects to human health or the natural environment. Current mapping showing contaminated sites was not available at the time this Official Plan was drafted, however it is recognized that there may be contaminated sites located within the Township.:~~

~~6.6.2 In reviewing development applications, the approval authority may require the undertaking of an Environmental Site Assessment (ESA). An ESA shall be mandatory when a change of land use triggers an ESA in accordance with Ontario Regulation 153/04.~~

- 6.6.3 Where the ESA produces reasonable evidence to suggest the presence of site contamination, the proponent may be required to undertake appropriate technical studies as part of the development review process in order to identify the nature and extent of contamination, to determine potential human health and safety concerns as well as effects on ecological health and the natural environment, to demonstrate that the site can be rehabilitated to meet provincial standards and to establish procedures for site rehabilitation and mitigation of the contamination.
- 6.6.4 The proponent will be required to restore the site and to make it suitable for the proposed use in accordance with the recommendations of any required technical studies prior to development or land use change.
- 6.6.5 Filing of a record of site condition in the Registry; by a qualified person, as defined in O. Reg 153/04, is mandatory for a change of use of a property from industrial or commercial to residential or parkland.
- 6.6.6 The ESA and site restoration shall be undertaken according to Ontario Regulation 153/04 and with MOE guideline “Records of Site Conditions - A Guide to Site Assessment, the clean-up of Brownfield Sites and the Filing of Records of Site Conditions” dated October 2004 Record of Site Condition.
- 6.6.7 Closed Waste Disposal Sites have been identified on Schedule B on the basis of information provided by the Province.
- 6.6.8 Development in and around closed waste disposal sites may proceed in accordance with the policies of the underlying land use designation, subject to Ministry of the Environment, Conservation and Parks Guideline D-4 “Land Use on or near Landfills and Dumps” and the following policies:
- i. In reviewing development applications within 500 metres (1,640 feet) of a site identified as a closed waste disposal site, an Environmental Study shall be required by the approval authority in order to ensure that there is no evidence of potential safety hazards which may be caused by landfill-generated gases, ground and surface water, contamination by leachate, odour, or litter, potential fires, surface runoff and vectors, and vermin. Particular attention shall be given to the production and migration of methane gases. An Environmental Study documents the previous uses of the property and provides an assessment of the site to identify actual or potential hazards. The Environmental Study shall be undertaken using established principles and procedures.
  - ii. Where the Environmental Study confirms environmental problems, the proponent will be required to undertake additional studies which shall demonstrate that the site is appropriate for development or can be rehabilitated in order to mitigate known or suspected hazards, and to establish procedures for site rehabilitation prior to the final approval of the proposed development.
  - iii. Land or land covered by water which has been used for the disposal of waste within a period of twenty-five years from the year in which such land ceased to be so used, shall not be developed or re-developed unless an approval has been obtained under Section 46 of the Environmental Protection Act.

6.6.9 It is the intent of Council to ensure the proper decommissioning and clean-up of contaminated sites prior to their redevelopment or reuse.

- i. Prior to approval of an Official Plan Amendment and prior to the approval of a Zoning By-law amendment, subdivision, condominium, consent, or other planning application by the appropriate approval authority on a site that is potentially contaminated or is contaminated, the proponent shall document the present and past use of the site and surrounding lands, engage professional assistance in the analysis of soils, ground waters, and surface waters as required in consultation with the Province, and shall prepare a remedial action plan in accordance with “Ontario Regulation 153/04, Record of Site Condition”. Where the contaminants are in concentrations above Ministry established acceptable concentrations, a Ministry of the Environment, Conservation and Parks “Record of Site Condition” may be required to confirm that a site is suitable for its intended use. The proponent shall ensure the supervision of excavation and soil handling activities during site clean-up.
- ii. Where planning applications are not required, Council may require a proponent of development to consult with the Province on the suitability of site development.

## **6.7 6.7 Flood Plains**

~~6.7.16.6.2~~ 6.6.2 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.

~~6.7.26.6.3~~ 6.6.3 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) 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;
- b) the flooding hazards can be safely addressed, and the development and site alteration is carried out in accordance with established standards and procedures;
- c) new flooding hazards are not created and existing hazards are not aggravated;
- d) no adverse environmental impacts will result;
- e) vehicles and people have a way of safely entering and exiting the area during times of flooding; and
- f) 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.

~~6.7.36.6.4~~ 6.6.4 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.

### **6.86.7 Setbacks**

~~6.8.16.7.1~~ 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.

~~6.8.26.7.2~~ Generally, thirty (30) metre building setbacks shall be imposed from the boundaries of Hazard Areas, except for:

- a) valley lands, where a 30 metre setback will be imposed from the stable top of bank; and
- b) 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.

## **6.8 Wildland Fire**

~~6.8.36.8.1~~ The Provincial Policy Statement defines hazardous forest types for Wildland Fire as, forest types assessed as being associated with the risk of high to extreme wildland fire, using risk assessment tools established by the province, as amended from time to time. Development shall generally be directed to areas outside of lands that are unsafe due to the presence of hazardous forest types for wildland fire. However, development may be permitted in lands with hazardous forest types where the risk is mitigated in accordance with Wildland Fire assessment and mitigation standards as identified by the province.

~~6.8.46.8.2~~ Proponents submitting a planning application for lands that contain forested areas may be required to undertake a site review to assess for the risk of high to extreme wildland fire behaviour on the subject lands and adjacent lands (to the extent possible). A general indication of hazardous forest types for Wildland Fire are identified on Schedule B – Constraints and Opportunities, to this Plan. If development is proceeding where high to extreme or pine (needs assessment) risks for wildland fire is present, proponents are required to identify measures that outline how the risk will be mitigated.

~~6.8.56.8.3~~ Wildland fire mitigation measures shall not be permitted in provincially significant wetlands.

~~6.8.4~~ Wildland fire mitigation measures shall not be permitted in significant woodlands, significant valleylands, significant wildlife habitat, and significant areas of natural and scientific interest, unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

## **6.9 Non-Conforming Uses**

6.9.1 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.



## 6.10 Expansion or Additions to Existing Waterfront Development

- 6.10.2.1 This Plan recognizes the right to repair, restore, or rebuild an existing legal non-conforming and non-complying building or structure provided there are no increases to height, size, volume, or extent of non-conformity or non-compliance of the use, building, or structure, except as is required in order to comply with provincial or federal requirements. That said, proponents will be encouraged to relocate their development outside of the 30 m water setback whenever possible.
- 6.10.2.2 Where expansions or additions to existing structures are proposed, such additions shall be permitted where all zoning provisions are complied with.
- 6.10.2.3 This Plan encourages those wishing to reconstruct or expand an existing legal building or structure which does not meet the 30 m setback, to design the expansion to accommodate the 30 m setback and achieve net environmental gain. When considering expansions to existing structures, it will be expected that the proponent demonstrate that every effort has been made to locate the addition to the rear of the existing structure and minimize the amount of development within the 30 m setback. Additions which horizontally extend the existing dwellings into the shoreline setback will generally be discouraged.
- 6.10.2.4 Where expansions are proposed which are to the rear (i.e., landward side) of the existing non-conforming/non-complying structure, and where the proposed expansion or addition provides an opportunity for a net environmental gain in the shoreline area documented through conditions imposed by the minor variance process, approval for such expansions or additions may be sought from the Committee of Adjustment.
- 6.10.2.5 When reviewing applications before the Committee of Adjustment for the expansion or enlargement of legal non-conforming (Section 45(2) of Planning Act) and legal non-complying uses (Section 45 (1) of Planning Act) on or adjacent to the waterfront, the following criteria shall be considered in determining if the application represents good land use planning:
- a) The proposed extension or enlargement is located to the rear of the existing non-conforming/non-complying use, building or structure and maximizes the water setback;
  - b) The proposed extension or enlargement does not result in adverse impacts on adjacent properties or the natural environment, including the water resource;
  - c) The proposed extension or enlargement is of a scale consistent with the existing development (on-site and surrounding properties) and does not result in adverse visual impacts as seen from the water and/or adjacent properties;
  - d) The proposed extension or enlargement will result in a net environmental gain through measures such as decreasing the amount of impervious surfaces, controlling the quality and quantity of runoff, improvements to habitat, and/or restoring/enhancing the 15 m vegetative buffer;
  - e) The proposed extension or enlargement is located outside of natural hazards (including the extent of flooding and erosion hazards) and is in a location that reduces potential environmental impacts;
  - f) Safe access (ingress and egress) is provided;
  - g) The proposed extension or enlargement does not remove the ability for a future complying septic system to be located on the property away from sensitive

- environmental features;
- h) The proposed extension or enlargement does not create further non-complying standards related to lot intensity (i.e., lot coverage) or massing (i.e., height); and,
  - i) The proposed extension or enlargement will not result in any negative impacts towards relevant environmental features. The Township may require the applicant to submit an Environmental Impact Assessment completed by a qualified professional in order to ensure there are no negative impacts that cannot be mitigated.;
- 6.9.1j) The proposed extension or enlargement will be assessed on its ability to mitigate negative cumulative impacts through design measures that consider the topography, soil, drainage, vegetation, and waterbody sensitivity at or near the site.

## **6.11 Lands Under Private Ownership**

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.

### 7.2 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.

7.2.2 This Plan recognizes that large portions of the Township are subject to an on-going land claim settlement with First Nation communities. This Plan is intended to support the Land Claim settlement.

~~7.2.17.~~7.2.3 A number of boat launches located throughout the Township are located on Crown Lands and involves coordination with the Province.

### 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~~may 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 ~~Province 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 ~~Province 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. The Township will continue to promote waste diversion through its recycling program at each landfill site.

~~8.3.3~~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 Province of the Environment~~.

~~8.3.4~~—Where possible, the Township shall investigate opportunities for the development of cost-effective waste management programs.

8.3.5 Waste disposal sites shall be restricted to closed or open waste or a sanitary landfill site as identified on Schedule A. Ancillary uses such as recycling depots and transfer stations shall also be permitted. Disposal of liquid industrial, radioactive, or toxic waste shall not be permitted.

8.3.6 Where development is proposed within 500 m of the fill areas of open or closed landfill sites, the completion of technical studies to demonstrate that there will be no negative impacts on water supply, leachate, methane gas, rodents, vermin, or other related impacts.

8.3.7 Waste disposal sites shall be operated and maintained in accordance with the standards set by the Province.

8.3.8 No use shall be made of land used as a waste disposal site for a period of twenty-five years from the year in which the waste disposal use ceased without the approval of MECP.

8.3.9 Development of lands adjacent to a closed or open waste disposal site shall be subject to the Land Use Compatibility Assessment.

8.3.10 The establishment of any new waste disposal site shall require an amendment to the Official Plan and the Zoning By-Law.

8.3.11 The Township shall attempt to divert all organic material and recyclables from being landfilled.

8.3.12 The Township shall continue to expand the range of materials to be recycled and/or diverted from landfill.

## **8.4 Water, Wastewater and Stormwater Services**

~~8.3.58~~8.4.1 The need to ensure that water and wastewater infrastructure meet growth and development priorities is crucial to the long term economic and environmental health of the Township. Currently there are no centralized or decentralized municipal sewer or water services in the Township. Any future capital expenditures required for the introduction of water and wastewater systems are considered to be in full conformity with this Official Plan.

~~8.3.68~~8.4.2 This Plan acknowledges that municipal sewage and water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. The Township does not have any municipal sewage or water services at this time. Where such municipal services are not available, private communal services are a preferred form of servicing for multi- unit/lot developments, subject to the specific policies of this Plan. Where municipal services and private communal services are not available, planned, or feasible, individual on-site sewage and water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts.

~~8.3.78~~8.4.3 Where development is proposed on private services, the applicant must demonstrate that there is sufficient quantity and quality of potable water and must also demonstrate that a permit can be obtained for the proposed sewage system through the Ontario Building Code or the Province, whichever is applicable. In addition, the applicant must demonstrate that the proposed development will not result in increased costs to the Township for the provision of other required services such as road maintenance, school transportation, waste collection, etc.

~~8.3.88~~8.4.4 Partial services may be permitted where they are necessary to address failed individual on-site sewage services and individual on-site water services in existing development.

8.4.5 Communal services may be permitted provided that they are for the common use of more than five residential units/lots. Any such system will have to meet the requirements of the Township, this Official Plan, and the Province, as well as the approval processes under the Environmental Assessment Act, Ontario Water Resources Act, Safe Drinking Water Act, and the Planning Act. For the sake of clarity, private communal systems servicing five (5) or less residential units/lots are permitted but do not require a municipal responsibility agreement.

8.3.9

~~8.3.108~~8.4.6 It is recognized that the implications for municipal responsibility for communal systems resulting from Provincial policy can present challenges to both the developer and the Township, and as such, the Township is not obligated to approve the use of communal systems. Once a communal system is approved, the use and operation of the communal system and the role and responsibilities of the Township shall be governed by a responsibility agreement. The need to develop on private services may place limits on the amount, distribution, and type of development which may take place.

- 8.4.7 The Township, in approving any communal system, will have particular regard for the documented performance of the proposed system, the financial securities which are to be provided, the long-term maintenance requirements, and the operation and administration requirements for the system. In reviewing proposals for development on communal systems, the Township will also determine the number and types of communal systems that will be accepted by the Township. In general, the Township shall only accept developments on communal systems when it can be clearly demonstrated that such systems will not create an unacceptable financial burden on the Township.
- 8.4.8 Communal systems must be owned, operated, and managed by the Township or another public body if servicing freehold residential development. They may be owned, operated, and managed by a condominium corporation or single owned land if serving condominiums or mobile home parks respectively, provided an agreement has been entered into with the municipality or public body pursuant to Section 51 of the Planning Act.
- 8.4.9 Such agreement entered into under this Section shall provide for municipal/public body assumption of the communal services in the event of default by the owner. It is recognized that the Township may not have the financial or human resources to own, operate, and manage such systems and as such, the Township is not obligated to accept communal systems. Once a communal system is approved, the use and operation of the communal system and the role and responsibilities of the Township shall be governed by the agreement.
- 8.4.10 Council will encourage, support, and promote wastewater disposal systems which incorporate proven and innovative technologies to reduce wastewater volumes or which improve the quality of waste water effluents. This will include, but not be limited to, water conservation devices which reduce water usage, and innovative solutions to municipal or industrial wastewater treatment such as the design and construction of artificial wetlands and grey water treatment and re-use.

## 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 ~~hamlet~~Villages. 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 Hamlet Villages. 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: and are planned and designed to be able to withstand the anticipated impacts of climate change.

~~9.2.29.2.1~~The Township will make certain that efficient use is made of existing and planned transportation infrastructure.

~~9.2.39.2.2~~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~~Province'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~~Village will be required to meet the requirements of MTO to ensure that new development 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~~Province of the Environment.
- 9.5.6 The Township will not issue any building permit for ~~approve~~ any development having frontage on a provincial highway without either an access permit or written approval in principle for such a permit from the Ministry of Transportation. The Township will work closely with MTO on matters of road safety and access.
- ~~9.5.7—Home occupation businesses located on provincial highways may require the approval of the Ministry of Transportation and may result in the need to upgrade existing entrances to commercial standards. 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.~~

### 9.5.7

## 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~~9.7.3 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~~9.7.4 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~~9.7.5 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 Forestry; and
- b) it is understood that the Township has no responsibility for the maintenance of the road.

For the purpose of this Plan, roads over Crown land shall be treated as private roads not maintained by the Township.

## 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.

9.9.29.9.3 The Township may pass a by-law regulating the use and sale of shore road allowances.

## 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 multi-use 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 and Forestry 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 be regulated by MTO~~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;~~
- new limited-service residential lots created by a consent where the lot fronts on an existing private or crown road 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 New waterfront or limited services residential lots with frontage on a private road or crown road, may be permitted on the condition that the proponent enters into an agreement with the Township to be registered on title. The requirement for such an agreement shall be included as a condition of consent. Such an agreement shall indicate:

1. That the owner recognizes that the lot is located on a private road or crown road which is not maintained by the Township.
2. That the disposal of garbage, snowplowing and any other road maintenance is the responsibility of the property owner;
3. That the Township assumes no liability in the event that emergency vehicles are not able to access the lot because of impassable road conditions; and,
4. That the owner indemnifies the Township for any loss or damages.

In addition to the above, the proponent shall be required to place all new limited-service residential lots into the “Limited-Service Residential Zone”.

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, ~~financially viable and~~ in conformity with this Plan and the Township Road Allowance Policy.
- 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.

10.1.2 Environmental stewardship of the Township's natural heritage features is key to a sustainable future. Environmental stewardship conserves, protects, restores, and improves the natural environment for current and future generations.

10.1.3 The Township will provide for biodiversity protection, as required by the Provincial Policy Statement 2020, through the review of development applications and supporting documentations.

10.1.4 The Ministry of Natural Resources and Forestry (MNRF) provides technical advice related to species at risk and their habitat, including advice on survey protocols for site specific assessments and approval of delineated species at risk habitat.

~~10.1.4~~10.1.5 The Ministry of Environment, Conservation and Parks (MECP) regulates required authorizations under the Endangered Species Act, 2007 and the associated regulation (O. Reg. 242/08) if development or site alteration will impact endangered or threatened species or their habitat. Appendix XX provides a list of the Species at risk in the Township – which is subject to change and update. Any technical studies required to support development applications shall be conducted by a qualified professional and shall be subject to peer review. The MECP also has jurisdiction over water quality, soil contamination, waste management, and air quality in the Township.

~~10.1.2~~

10.1.6 This Plan recognizes that the natural environment is sacred for Indigenous communities. As a result, Indigenous communities have unique interest in the Natural Heritage policies of this Plan. There is a particular interest in the waterways and repairing the damage that have been done to waterways and near-water lands and helping restore the natural environment.

## 10.2 10.2 General Policies Natural Heritage Policies

~~10.2.1~~ 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~~ 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 Natural heritage features include: unevaluated wetlands; Provincially Significant Wetlands Woodlands, and Valleylands; Areas of Natural and Scientific Interest (ANSIs), fish habitat, and endangered and threatened species habitat and linkages. These features are important to the unique rural character and diversity of the natural environment found in the Township and possess or perform ecological functions and represent significant natural capital assets. (See Schedule C for a map of Natural Heritage Features.)

~~10.2.3~~10.2.4 While all natural heritage features are important to the Township, some have been identified by the Natural Resources and Forestry (MNR) as having Provincial significance.

~~10.2.4~~10.2.5 The policies of this Plan are intended to address the provincial and local requirements which must be met in order to ensure that natural heritage features are adequately protected. These policies may be amended from time to time as additional information is gathered with respect to the significance or sensitivity of various natural heritage features. ~~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.~~

~~10.2.5~~10.2.6 Environmental resources are identified to manage, preserve and protect them from indiscriminate usage, irreversible damage, and depletion of natural resources or extinction.

~~10.2.6~~10.2.5 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~~10.3.3 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**

~~10.1.2~~ 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.

~~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.~~

10.4.3 Stormwater management is an important part of the Township's broader interest in protecting water quality and responding to the threats of climate change. It is understood that development may affect the quality and quantity of storm runoff. Accordingly, the Township will ensure that adequate consideration is given to storm water management, including off-site impacts. Through proper storm-water management, the Township shall attempt to protect, improve, or restore the quality and quantity of water and plan for the impacts of climate change.

10.4.4 When considering development and redevelopment proposals, the Township shall promote stormwater systems which are resilient to climate change. This may involve the promotion of the use of low impact development (LID) approaches and technologies, such as the use of green infrastructure to manage stormwater runoff, on-site natural features to protect water quality, use of best management practices, and reducing hard surfaces to maximize site permeability.

10.4.5 For campground owners, reference should be made to the MECP document "Stormwater Best Management Practices for Camp Owners in Northeastern Ontario."

~~10.4.1~~10.4.6 In order to control flooding, ponding, erosion, sedimentation, and to protect water quality and natural habitat, stormwater management plans shall be required for some forms of new development. The consideration of Best Management Practices and alternatives to stormwater management ponds shall be encouraged.

10.4.7 Planning for stormwater shall:

- a) be integrated with planning for sewage and water services and ensure that systems are optimized, feasible, and financially viable over the long term;
- b) minimize; or, where possible, prevent increases in contaminant loads;
- c) minimize erosion and changes in water balance, and prepare for the impacts of a changing climate through the effective management of stormwater, including the use of green infrastructure;
- d) mitigate risks to human health, safety, property, and the environment;
- e) maximize the extent and function of vegetative and pervious surfaces; and
- f) promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development.

10.4.8 The following policies shall govern stormwater management.

- a) Prior to approval of any development consisting of 4 or more lots or any development with greater than 0.2 hectare in impervious area, the Township may request that storm water plans be prepared for review by the Township or their agent. The stormwater management plan will include a statement of the receiving stream and design objectives to be applied and a description of the storm water management practices to be applied, in accordance with the relevant Provincial policies and guidelines, specifically the `Storm water Management Planning and Design Manual`, MOECC, as amended, and Adaptive Management of Stream Corridors in Ontario`, NDNNRF, as amended. Applicants are encouraged to consult with the relevant ministries and agencies prior to submitting a draft plan of subdivision.

- b) Stormwater management may not be required for small scale developments such as lots created through the consent process or developments subject to site plan control where there is no impact on the watershed.
- c) Prior to approving any development proposal, the Township shall be satisfied that adequate storm water management and drainage to a suitable outlet are provided.
- d) Increases in runoff from the development shall be minimized in accordance with best management practices and watershed needs. The impact of any proposed development on local and area-wide drainage patterns shall be identified. An appropriate method of managing surface runoff shall be developed in consultation with the Township or its agent and implemented as a condition of approval according to the following policies:
  - i. developments shall incorporate methods of on-site storm water best management practices in accordance with the quality and quantity standards of the Township or its agent to ensure that post-development flow rates do not exceed pre-development rates.
  - ii. in order to meet storm water quality objectives, the retention of existing tree cover or natural vegetation and the provision of significant grassed and natural areas shall be encouraged to facilitate absorption of surface water into the ground, and erosion and siltation control measures will be incorporated into any grading and drainage scheme.
  - iii. developments which could have a significant impact on surface drainage shall provide comprehensive drainage plans showing methods of surface water disposal and any impacts on adjacent or affected properties.
  - iv. in order to achieve the Township’s objectives for stormwater management, it will be required that, prior to the start of development on any given site, the proponent submit a plan clearly demonstrating how sediment and erosion control is to be undertaken so as to eliminate off site impacts.
  - iv. Low Impact Development (LIDs) entails the use of design features that minimize runoff and maximize infiltration of surface water (precipitation, snow melt, and stormwater), providing resiliency to development and climate change related flood and drought impacts. LID measures can range from simple solutions that are easily implemented at the small, individual, lot scale (i.e., use of rain barrels, French drains, and grassed swales as opposed to concrete ditches, etc.) to more technically advanced measures for larger scale developments.
  - vi. For effective implementation of LIDs, the onus must be on the developer to identify LID techniques that are suitable for site specific conditions which have been assessed through the required site characterization and stormwater studies. This is not intended to be the municipality’s responsibility. Instead, the municipality’s role is to provide policy direction and guidance. The “Low Impact Development Stormwater Management Planning and Design Guide” (2019, LID SWMPDG)” prepared by Toronto and Region Conservation, Credit Valley Conservation, Lake Simcoe Region Conservation and the “City of Ottawa Low Impact Development Technical Guidance Report (DRAFT) Implementation in Areas with Potential Hydrogeological Constraints (2019)” are helpful reference guides.”



## 10.5 Forest Resources

~~10.1.3~~10.5.3 Forest resources provide significant economic, social and environmental benefits in the form of:

- 10.5.3.1 income from forest products;
- 10.5.3.2 recreation;
- 10.5.3.3 education;
- 10.5.3.4 soil and water conservation;
- 10.5.3.5 wildlife habitat;
- 10.5.3.6 buffers between land uses; and
- 10.5.3.7 natural amenities.

~~10.1.4~~10.5.4 Property owners are encouraged to seek the assistance of the Ministry of Natural Resources and Forestry in the management of their forest resources. Reforestation in areas where forest resources have been depleted is encouraged.

~~10.1.5~~10.5.5 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.

~~10.1.6~~10.5.6 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 Forestry when the resource may be negatively affected.

~~10.1.7~~10.5.7 The construction of forest access roads on Crown land within the Township is permitted, subject to the approval of the Ministry of Natural Resources Forestry.

## 10.6 Significant Natural Heritage Features

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.

~~10.6.1~~10.6.3 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;~~
- ~~Unevaluated 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

~~10.1.8~~10.6.4 Development and site alteration shall not be permitted in:

- 10.6.4.1 significant habitat of endangered species and threatened species; and
- 10.6.4.2 significant wetlands.

~~10.1.9~~10.6.5 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:

- 10.6.5.1 significant wildlife habitat; and
- 10.6.5.2 significant areas of natural and scientific interest.

~~10.1.10~~10.6.6 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 Resource and Forestry's *Natural heritage Reference Manual* and the *Significant Wildlife Habitat Technical Guide*.

~~10.1.11~~10.6.7 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. The Algonquins of Ontario and other First Nations shall be consulted on any Environmental Impact Studies related to proposed developments where areas of First Nations interest and/or Native Values and/or the potential for aboriginal artifacts to be encountered have been identified.

~~10.1.12~~10.6.8 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
2.	Provincially / Locally Significant Wetlands	120 / 50 metres
3.	Significant Habitat of Endangered, Threatened or Special Concerned Species	120 metres
4.	Fish Habitat	120 metres
5.	Provincially Significant Areas of Natural or Scientific Interest (ANSIs) – Life Science	120 metres
6.	Provincially Significant Areas of Natural or Scientific Interest (ANSIs) – Earth Science	50 metres

<u>7.</u>	<u>At Capacity Lake Trout Lakes</u>	<u>300 metres</u>
<u>7.</u>	<u>Environmentally Significant Areas</u>	

## 10.7 Endangered and Threatened Species Habitat and Adjacent Lands

10.7.3 The Township contains a wealth of natural features including habitat for endangered and threatened species. The Province requires that where development is proposed within areas which are potential habitat of endangered or threatened species, or within 120 meters of such areas, the following policies shall apply.

a. An Environmental Impact Statement shall be undertaken in consultation with MNRF to determine whether the habitat of endangered and threatened species is present.

a-b. Development and site alteration shall not be permitted in significant habitat of endangered or threatened species at certain times of the year.

b-c. Development and site alteration may be permitted within 120 meters of significant habitat of endangered or threatened species if it has been demonstrated through an Environmental Impact Statement, that there will be no negative impacts on the natural features or ecological functions for which the area is identified.

d. Should additional species be added to the Species At Risk Ontario (SARO) List, the policies of this section of the Plan shall apply as may be required.

10.7.4 The Township shall remain current with issues related to Species at Risk. Should any endangered and threatened species habitat be identified in the Township in the future, NDMNRF shall be contacted to develop a mutually acceptable protocol for the sharing of information regarding this natural heritage feature or area.

### 10.7.10.8 Areas of Natural and Scientific Interest (ANSIs)

10.8.3 Areas of Natural and Scientific Interest (ANSIs) represent high quality and unique life science and earth science features across a variety of landscapes throughout the Province. Life Science ANSIs are significant representative segments of Ontario's biodiversity and natural landscapes including specific types of forests, valleys, prairies and wetlands, their native plants and animals, and their supporting environments. Earth Science ANSIs include the best representatives of bedrock, fossils, and glacial landforms.

10.1.13 10.8.4 An ANSI is a natural heritage feature which has been identified and evaluated by MNRF based on specific natural functions and features which exist. 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.

~~10.1.14 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.~~

~~10.1.15 An EIS, when prepared for the Municipality in accordance with this Official Plan, will:~~

- ~~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;~~
- ~~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;~~
- ~~Assess the degree of sensitivity of the environmental conditions, including an evaluation of such conditions in relation to the proposed development;~~
- ~~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~~
- ~~Define the need for, and nature of, any mitigating measures required to protect the feature and ecosystem from the impacts of the proposed development.~~

~~10.1.16 The Municipality, in consultation with the Ministry of Natural Resources:~~

- ~~shall identify the appropriate scope and study area for each required Environmental Impact Study;~~
- ~~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. Fish resources have large value to the Township for their vital role in the food chain, their contribution to the diversity of species, their function as a natural water quality indicator, as well as their role in providing recreational sport fishing opportunities and associated economic benefits. As a consequence, and given the major significance of water bodies to the history and present character of the area, the Township has considerable interest in protecting fish habitat from harmful alteration, disruption, and destruction. Development and site alteration shall not be permitted in fish habitat areas, except in accordance with provincial and federal requirements.

10.9.1

~~10.9.2~~, The Township shall work with the Province to identify fish habitat.

~~10.1.17~~10.9.2

Where development is proposed within 120 metres of fish habitat, the proponent will be required to prepare an Environmental Impact Statement 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~~ 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.

~~10.9.4~~ 10.9.4 Where development or site alteration may potentially affect fish habitat, the Department of Fisheries and Oceans shall be consulted and required approvals obtained.

~~10.9.3~~ 10.9.5 It is recognized that storm water management and drainage measures, although frequently located some distance from fish habitat, have significant potential to affect it. When evaluating storm water and drainage activities, consideration shall be given to potential impacts upon fish habitat.

## 10.10 **Wildlife Resources Habitat & Adjacent Lands**

~~10.10.1~~ 10.10.1 The Township recognizes the importance of conserving wildlife habitat for the purposes of maintaining the ecosystem and its diversity. Additionally, many social and economic benefits accrue from maintaining habitat, related to tourism, nature observation, hunting, and trapping.

~~10.10.1~~ 10.10.2 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~~ 10.10.3 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.

~~10.10.4~~ 10.10.4 Where development is proposed within 120 metres of wildlife habitat, the proponent will be required to prepare an Environmental Impact Statement report to the satisfaction of Council, outlining the measures that need to be undertaken to ensure that there is no negative impact on the habitat as a result of the development. In such cases, new development may be permitted provided:

- (a) it does not harmfully alter, disrupt, or destroy the habitat area; and
- (b) there will be no net loss or net gain of productive capacity of the habitat area.

~~10.10.3~~ 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~~ 10.10.5 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 Provincially Significant Wetlands and Unevaluated Wetlands**

~~10.11.1~~ Wetlands mean lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case, the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic or water tolerant plants. The four major types of wetlands are swamps, marshes, bogs and fens. Wetlands are important for their role in climate change and carbon capture, the recharge and discharge of groundwater, water quality improvement, flood and erosion damage reduction, wildlife habitat, and recreational and tourism opportunities such as hunting, fishing, bird watching, hiking, and boating.

~~10.11.2~~ 10.11.1

~~10.11.3~~ 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.

Development or site alterations such as filling, grading, and excavating shall be prohibited within the Provincially Significant Wetland and unevaluated wetlands.

~~10.11.4~~ Development and site alteration shall not only be permitted on lands within 120- m of a provincial significant wetland or 30 m of an unevaluated wetland if it can be demonstrated through an Environmental Impact Statement (EIS) that there are no negative impacts on the wetland's natural features or ecological functions. ~~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.~~

~~10.11.5~~ Established agricultural uses ongoing at the date of adoption of this Plan are permitted to continue in or adjacent to all Wetland features and areas, but new or expanded agricultural buildings or structures or the clearing or draining of additional lands are only permitted subject to the Environmental Impact Assessments. Existing agricultural activities are permitted in provincially significant wetlands and adjacent lands.

~~10.11.6~~ 10.11.3 New utilities/facilities shall be located outside provincially significant wetlands, where possible.

## **10.12 Environmental Impact Statements/Studies**

10.12.1 Where required, an Environmental Impact Statement/Study (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.

10.12.2 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 Forestry having regard to habitat, type, diversity, size and configuration, and 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.

10.12.3 The Municipality, in consultation with the Ministry of Natural Resources and Forestry:

- 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; and,

a)c) May require that submitted EIS reports be peer reviewed by a subject matter expert.

### **10.12.10.13 Cultural Heritage Resources**

~~10.12.1~~10.13.1 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~~10.13.2 The Township recognizes the importance of these built heritage resources and cultural heritage landscapes and the role that they play in making the Township a place of historic and cultural interest, both to local residents and visitors to the area.

~~10.12.3~~10.13.3 The Township recognizes that Indigenous cultural resources include cemeteries, burial sites, travel corridors, pictographs, narrows, archeological resources, and sacred and ceremonial sites, as well as traditional sustainable hunting, fishing, harvesting, and gathering grounds.

~~10.12.4~~10.13.4 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.

~~10.12.5~~10.13.5 Where development occurs in the area of a cultural or heritage resource, the development should be designed to reflect that resource.

10.13.6 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. Council intends to set an example to the community by maintaining Township-owned buildings and properties of historic or architectural value in accordance with the intent of the policies of this section, whether or not such buildings or properties have been designated. Council may also implement a program to recognize outstanding achievements in the preservation of buildings and properties of historic or architectural value.

### **10.13.10.14 Archaeological Resources**

~~10.13.1~~10.14.1 The Township recognizes that there may be archaeological remains of prehistoric and historic habitation, or areas containing archaeological potential, located within the boundaries of the Township. The MHSTCI database identifies four registered archaeological sites in the Township. The Township appreciates that the lands adjacent to the many lakes and other water bodies, have the potential to contain significant

archaeological resources. These resources may include the remains of buildings, structures, activities, places, or cultural features which, due to the passage of time, are on or below the surface of land or water and are significant to the understanding of a people or place.

10.14.2 Areas of archeological potential shall be determined through the use of provincial screening criteria which includes lands that contain or are located within at least one of the following:

- a) 50 meters of a known archaeological site.
- b) 300 meters of a primary water source such as a lakeshore, river, or large creek.
- c) 300 meters of an ancient water source identified by a beach ridge or river bed.
- d) 200 meters of a secondary water source such as a wetland, marsh, small creek, or spring.
- e) 10 meters of a cemetery dating prior to 1945 (World War II).
- f) Elevated topography (knolls, drumlins, eskers, plateaus, etc.).
- g) Pockets of sandy soil in a clay or rocky area.
- h) Unusual land formations (mounds, caverns, waterfalls etc.).
- i) An extractive area (for food or scarce resources).
- j) Non-aboriginal settlement features (monuments, cemeteries).
- k) Historic transportation features (road, rail, portage).
- l) Designated property (refer to Municipal Heritage Committee).
- m) Local knowledge associated to property with historic events, activities, or occupations.

a) The Township should consult with local Indigenous communities to clarify provincial screening criteria to ensure indigenous cultural interests are addressed.

~~10.14.3 , 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~~

10.14.4 The Township shall require an archaeological assessments conducted by archaeologists licensed under the *Ontario Heritage Act*, when any of the triggers identified above are met. Where required, Stage 1 Archeological assessments will be required in support of a development proposal. Where a Stage 1 report recommends further Archeological assessment, the requirement for the additional assessment may be a condition of any development proposal. Archaeological assessment reports conducted by licensed archaeologists are to be in compliance with guidelines set out by the Ministry of Heritage, Sport, Tourism, and Cultural Industries (MHSTCI), as well as licensing requirements developed under the *Ontario Heritage Act*.

~~10.13.2~~10.14.5 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 ~~MHSTCI~~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*.

~~10.13.3~~ 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.

~~10.13.4~~ 10.14.6 Council shall ensure adequate archaeological assessment and consult appropriate government agencies, including the ~~MHSTCI 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.

10.14.7 The Township may pass archaeological zoning by-laws, pursuant to the *Planning Act*, for the protection of significant archaeological sites and features.

10.14.8 Where significant archaeological resources must be preserved on site, only development and site alterations which maintain the heritage integrity of the site will be permitted.

10.14.9 Pursuant to the relevant provisions of the *Planning Act*, sites containing archaeological resources may be zoned to restrict or prohibit uses which might conflict with the preservation of such resources.

10.14.10 The First Nation communities shall be consulted and provided an opportunity to provide input on all Archaeological Assessments related to proposed developments where areas of First Nations Interest and/or Native Values and/or the potential for aboriginal artifacts to be encountered have been identified. In addition, the First Nation communities shall be notified by the proponent and/or the Township should any burial sites or human remains be discovered which are to be of potential aboriginal origin.

~~10.13.5~~ 10.14.11

## 10.14 10.15 **Contaminated Sites**

10.15.1 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 Province's 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.

~~10.1.18~~

## 10.16 **Energy Conservation, Air Quality, and Climate Change**

~~10.14.1~~ 10.16.1 Energy conservation shall be considered in the siting, layout, and construction of buildings and in the design, landscaping, and designation of land use throughout the Township. Consideration will be given to the implementation of principles of energy

conservation in the design and layout of development with respect to the efficiency of access along streets and connecting links that could include bicycle routes and pedestrian walkways. Principles of energy conservation must also be considered in the design and siting of buildings and structures.

10.16.2 The Township shall support energy efficiency and improved air quality through land use and development patterns, including at the single lot level, which:

1. Permit alternative and/or renewable energy systems in all land use designations within the Township, subject to the development and use of the alternative and/or renewable energy systems being in accordance with federal and provincial requirements, including appropriate separation distances to address land use compatibility. Alternative and renewable energy systems shall be considered as accessory and standalone uses.
2. Increased energy supply should be promoted by providing opportunities for energy generation facilities to accommodate current and projected needs, and the use of renewable energy systems and alternative energy systems, where feasible.
3. Promote renewable energy systems and alternative energy systems in all new development and re-development projects.
4. Consider LEED (Leadership in Energy and Environmental Design) or similar certification for all new municipal buildings and for major renovations/expansions to existing municipal buildings.
5. Promote approaches to low impact development when considering development and redevelopment proposals.
6. Promote the protection and enhancement of tree canopies and natural areas in recognition of the benefits that trees provide in relation to energy conservation, air quality improvement, protection from sun exposure, reduced localized temperatures, increased carbon sequestration, and efforts towards managing climate change.
7. Consider potential impacts of climate change, including extreme and unpredictable weather events, that may increase the risk associated with development near natural hazards.
8. Facilitate the diversion of organic waste from the municipal garbage stream through household composting or other means in order to reduce greenhouse gas emissions from the landfill.
9. Support the reduction of waste from construction debris as a result of the demolition of buildings by promoting and encouraging the adaptive reuse of older and existing building stock.

10.16.3 The Township will encourage reduced energy use through shading and sheltering, the municipality will encourage tree planting, such as the development or protection of trees, and innovative green spaces. The municipality will encourage the planting of native tree species and vegetation that are resilient to climate change and provide high levels of carbon sequestration through new development and on municipally-owned land. The planting of gardens on public and private lands will be promoted to reduce surface water run-off.

## 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 and is generally deemed to be the appropriate process for the creation of up to three lots, not including the retained parcel. 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~~ 11.1.6 In general, a Hydrogeological assessment shall be required through the consent process when any one of the following apply:

- a) The development involves the creation of a lot less than one (1) hectare in size;
- b) The development is taking place in an area of potential or know hydrologic sensitivity

- or groundwater contamination;  
c) That development is located within 150 m of seven (7) other existing developments serviced with private well and septic.

The requirements or scoped requirements of hydrogeological and terrain assessments will be determined in discussions with the peer reviewer of hydrogeological assessments for the Township and will ensure a minimum standard review to address adequacy for wells and appropriate construction methods.

11.1.7 The Township will work with local services providers to ensure that hauled sewage from private communal or individual septic systems is treated in accordance with Provincial approvals.

11.1.8 New lots for permanent residential development must have frontage on a public road that is maintained year-round;

~~11.1.8~~ 11.1.9 New lots for waterfront development or limited service residential development may take place on existing private or crown roads and shall be subject to a limited services agreement.

~~11.1.9~~ 11.1.10 Water access lots shall only be permitted where there is confirmed mainland parking to service the lots.

~~11.1.10~~ 11.1.11 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.

~~11.1.11~~ 11.1.12 In all cases, entrances to new lots shall not create a traffic hazard.

## **11.2 Consents in Waterfront Areas & At Capacity Lakes**

11.2.1 New residential Waterfront lots shall front on a year round township maintained 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 Forestry. 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, Conservation and Parks and Ministry of Natural Resources and Forestry 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. The creation of up to three lots

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 Where a ~~subdivision or~~ 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*.

~~11.3.5~~

~~11.3.6~~11.3.7 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, Conservation and Parks'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 Permitted 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 commercial, industrial, institutional development and residential development greater than 10 units 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 ten (10), commercial ~~and~~, industrial and institutional uses in Rural, Hamlet Village and Waterfront designations, ~~where the proposed building exceeds 186 square metres (2000 square feet).~~

- 12.7.3 Should the Province change legislation related to the use of site plan control, there will be no need to modify this Plan to reflect the provincial changes. Provincial changes should be reflect in the Township's site plan control by-law.

### 12.7.4

- ~~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 Province 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 Province 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 ~~of the Province~~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 or Zoning By-law 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.

## **12.15 Phasing of Development**

### **12.15.1 Holding Provisions**

The use of Holding provisions in accordance with Section 36 of the Planning Act R.S.O. 1990 is permitted. The Township may adopt holding provisions, and when doing so shall clearly state the conditions which must be met prior to the removal of the “H” designation by Council. The use of holding provisions shall conform to the policies of this Official Plan.

The following have been established as objectives for using holding provisions in a Zoning By-law:

1. To assist in the phasing of development and/or redevelopment;
2. To co-ordinate development and/or redevelopment with the provision of water, sanitary sewage, storm sewer, and other services;
3. To control development and/or redevelopment which may necessitate special design considerations;
4. To forestall development and/or redevelopment until such time that stated planning related criteria can be satisfied;:-
5. Removal of the holding provisions shall be accomplished by the adoption of an amending By-law in accordance with the provisions of Section 36 of the Planning Act, R.S.O. 1990 and related regulations; and,-
6. Removal of the holding provisions shall occur only after Council is satisfied that all prescribed conditions or criteria have been satisfied.

It is intended that holding provisions shall be implemented by means of the implementing Zoning By-law. Land or lands shall be zoned for its/their intended use, and the holding symbol (H) shall be added as a suffix, separated from the principal zone by a hyphen. The Zoning By-law shall specify the uses of land permitted and any regulations applying to the land during the time for which the holding provisions are in place. Conditions or criteria that are to be satisfied before the holding provisions can be removed shall be clearly stated in the Zoning By-law.

### **12.15.2 Subdivision Agreements**

The Township has the ability to phase growth and development through terms and conditions in subdivision agreements. Specifically, the agreements can speak to phased registration of the subdivision, the terms and conditions under which future phases can advance, and financial terms and conditions associated with each phase of development.

### 12.15.3 0.3 m Reserves

Commonly associated with the phasing of subdivision development, the Township has the ability to use 0.3 m reserve to assist in phasing development. A 0.3m reserve is a strip of land 0.3m wide, running along the street frontage or perimeter of a property or perpendicularly across a road right-of-way with the primary intent to control access from a public road to private property. The reserve has the effect of legally denying access to a property, or adjacent lands, because the law requires that all land must have frontage on a public street to qualify for a building permit.

The 0.3 m reserve is used as a means to control development until such time as various conditions are met or to prohibit development on lands that are not yet scheduled for development. The lifting of the reserves can result in the dedication of land as public highways, the conveyance of land back to the owner or in some cases, both. If the conditions no longer apply, an application may be made to request that the Township “lift” the requirement for the reserve, giving the property owner direct access to a public street. For lifting of 0.3m reserves, Township staff prepare a By-law and forwards the By-law to Council for consideration. There is no opportunity to appeal a decision of Council on a By-law to lift a 0.3 m reserve.

## 12.16 Definitions

**Access standards:** means methods or procedures to ensure safe vehicular and pedestrian movement, and access for the maintenance and repair of protection works, during times of *flooding hazards, erosion hazards, and/or other water-related hazards.*

**Active transportation:** means human-powered travel, including but not limited to, walking, cycling, inline skating, and travel with the use of mobility aids, including motorized wheelchairs and other power-assisted devices moving at a comparable speed.

**Adjacent lands:** means

- a) for the purposes of PPS policy 1.6.8.3, those lands contiguous to existing or planned corridors and transportation facilities where *development* would have a negative impact on the corridor or facility. The extent of the *adjacent lands* may be recommended in guidelines developed by the Province or based on municipal approaches that achieve the same objectives;
- b) for the purposes of PPS policy 2.1.8, those lands contiguous to a specific *natural heritage feature or area* where it is likely that *development* or *site alteration* would have a *negative impact* on the feature or area. The extent of the *adjacent lands* may be recommended by the Province or based on municipal approaches which achieve the same objectives;
- c) for the purposes of PPS policies 2.4.2.2 and 2.5.2.5, those lands contiguous to lands on the surface of *known petroleum resources, mineral deposits, or deposits of mineral aggregate resources* where it is *likely that development* would constrain future access to the resources. The extent of the *adjacent lands* may be recommended by the Province; and
- d) for the purposes of PPS policy 2.6.3, those lands contiguous to a *protected heritage property* or as



otherwise defined in the municipal official plan.

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

- a) impairment of the quality of the natural environment for any use that can be made of it;
- b) injury or damage to property, plant, or animal life;
- c) harm or material discomfort to any person;
- d) an adverse effect on the health of any person;
- e) impairment of the safety of any person;
- f) rendering any property or plant or animal life unfit for human use;
- g) loss of enjoyment of normal use of property; and
- h) interference with normal conduct of business.

**Affordable:** means

- a) in the case of ownership housing, the least expensive of:
  - 1. housing for which the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual household income for *low and moderate income households*; or
  - 2. housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the *regional market area*;
- b) in the case of rental housing, the least expensive of:
  - 1. a unit for which the rent does not exceed 30 percent of gross annual household income for *low and moderate income households*; or
  - 2. a unit for which the rent is at or below the average market rent of a unit in the *regional market area*.

**Agricultural uses:** means the growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur, or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including, but not limited to livestock facilities, manure storages, value-retaining facilities, and accommodation for full-time farm labour when the size and nature of the operation requires additional employment.

**Agri-tourism uses:** means those farm-related tourism uses, including limited accommodation, such as a bed and breakfast, that promote the enjoyment, education, or activities related to the farm operation.

**Agriculture-related uses:** means those farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity.

**Airports:** means all Ontario airports, including designated lands for future airports, with Noise Exposure Forecast (NEF)/Noise Exposure Projection (NEP) mapping.

**Alternative energy system:** means a system that uses sources of energy or energy conversion processes to produce power, heat, and/or cooling that significantly reduces the amount of harmful emissions to the environment (air, earth, and water) when compared to conventional energy systems.

**Archaeological resources:** includes artifacts, archaeological sites, marine archaeological sites, as defined under the *Ontario Heritage Act*. The identification and evaluation of such resources are based upon

archaeological fieldwork undertaken in accordance with the *Ontario Heritage Act*.

**Areas of archaeological potential:** means areas with the likelihood to contain *archaeological resources*. Criteria to identify archaeological potential are established by the Province. The *Ontario Heritage Act* requires archaeological potential to be confirmed by a licensed archaeologist.

**Areas of mineral potential:** means areas favourable to the discovery of *mineral deposits* due to geology, the presence of known *mineral deposits*, or other technical evidence.

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

**Brownfield sites:** means undeveloped or previously developed properties that may be contaminated. They are usually, but not exclusively, former industrial or commercial properties that may be underutilized, derelict, or vacant.

**Built heritage resource:** means a building, structure, monument, installation, or any manufactured or constructed part or remnant that contributes to a property's cultural heritage value or interest as identified by a community, including an Indigenous community. *Built heritage resources* are located on property that may be designated under Parts IV or V of the *Ontario Heritage Act*, or that may be included on local, provincial, federal, and/or international registers.

**Comprehensive rehabilitation:** means rehabilitation of land from which *mineral aggregate resources* have been extracted that is coordinated and complementary, to the extent possible, with the rehabilitation of other sites in an area where there is a high concentration of *mineral aggregate operations*.

**Comprehensive review:** means

- a) for the purposes of PPS policies 1.1.3.8, 1.1.3.9, and 1.3.2.4, an official plan review which is initiated by a planning authority, or an official plan amendment which is initiated or adopted by a planning authority, which:
  1. is based on a review of population and employment projections and which reflect projections and allocations by upper-tier municipalities and *provincial plans*, where applicable; considers *alternative directions for growth or development*; and determines how best to accommodate the development while protecting provincial interests;
  2. utilizes opportunities to accommodate projected growth or development through *intensification and redevelopment*; and considers physical constraints to accommodating the proposed development within existing *settlement area* boundaries;
  3. is integrated with planning for *infrastructure* and *public service facilities*, and considers financial viability over the life cycle of these assets, which may be demonstrated through asset management planning;
  4. confirms sufficient water quality, quantity, and assimilative capacity of receiving water are available to accommodate the proposed development;
  5. confirms that sewage and water services can be provided in accordance with PPS policy 1.6.6; and
  6. considers cross-jurisdictional issues.
- b) for the purposes of PPS policy 1.1.6, means a review undertaken by a planning authority or comparable body which:

1. addresses long-term population projections, *infrastructure* requirements, and related matters;
2. confirms that the lands to be developed do not comprise *specialty crop areas* in accordance with PPS policy 2.3.2; and
3. considers cross-jurisdictional issues.

In undertaking a *comprehensive review*, the level of detail of the assessment should correspond with the complexity and scale of the settlement boundary or development proposal.

**Conserved:** means the identification, protection, management, and use of *built heritage resources, cultural heritage landscapes, and archaeological resources* in a manner that ensures their cultural heritage value or interest is retained. This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment, and/or heritage impact assessment that has been approved, accepted, or adopted by the relevant planning authority and/or decision-maker. Mitigative measures and/or alternative development approaches can be included in these plans and assessments.

**Cultural heritage landscape:** means a defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an Indigenous community. The area may include features such as buildings, structures, spaces, views, archaeological sites, or natural elements that are valued together for their interrelationship, meaning, or association. *Cultural heritage landscapes* may be properties that have been determined to have cultural heritage value or interest under the *Ontario Heritage Act*, or have been included on federal and/or international registers, and/or protected through official plan, zoning by-law, or other land use planning mechanisms.

**Designated growth areas:** means lands within *settlement areas* designated in an official plan for growth over the long-term planning horizon provided in PPS policy 1.1.2, but which have not yet been fully developed. *Designated growth areas* include lands which are *designated and available* for residential growth in accordance with PPS policy 1.4.1(a), as well as lands required for employment and other uses.

**Designated vulnerable area:** means areas defined as vulnerable, in accordance with provincial standards, by virtue of their importance as a drinking water source.

**Development:** means the creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the *Planning Act*, but does not include:

- a) activities that create or maintain *infrastructure* authorized under an environmental assessment process;
- b) works subject to the *Drainage Act*; or
- c) for the purposes of PPS policy 2.1.4(a), underground or surface mining of *minerals* or advanced exploration on mining lands *insignificant areas of mineral potential* in Ecoregion 5E, where advanced exploration has the same meaning as under the *Mining Act*. Instead, those matters shall be subject to PPS policy 2.1.5(a).

**Ecological function:** means the natural processes, products, or services that living and non-living environments provide or perform within or between species, ecosystems, and landscapes. These may include biological, physical, and socio-economic interactions.

**Employment area:** means those areas designated in an official plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and

ancillary facilities.

**Endangered species:** means a species that is classified as “Endangered Species” on the Species at Risk in Ontario List, as updated and amended from time to time.

**Erosion hazard:** means the loss of land, due to human or natural processes, that poses a threat to life and property. The *erosion hazard* limit is determined using considerations that include the 100 year erosion rate (the average annual rate of recession extended over a one hundred year time span), an allowance for slope stability, and an erosion/erosion access allowance.

**Essential emergency service:** means services which would be impaired during an emergency as a result of flooding, the failure of floodproofing measures, and/or protection works, and/or erosion.

**Fish:** means fish, which as defined in the *Fisheries Act*, includes fish, shellfish, crustaceans, and marine animals, at all stages of their life cycles.

**Fish habitat:** as defined in the *Fisheries Act*, means spawning grounds and any other areas, including nursery, rearing, food supply, and migration areas on which *fish* depend directly or indirectly in order to carry out their life processes.

**Flood fringe:** for *river, stream, and small inland lake systems*, means the outer portion of the *flood plain* between the *floodway* and the *flooding hazard* limit. Depths and velocities of flooding are generally less severe in the flood fringe than those experienced in the *floodway*.

**Flood plain:** for *river, stream, and small inland lake systems*, means the area, usually low lands adjoining a watercourse, which has been or maybe subject to *flooding hazards*.

**Flooding hazard:** means the inundation, under the conditions specified below, of areas adjacent to a shoreline ~~or a~~, river, or stream system, and not ordinarily covered by water:

a) along river, stream, and small inland lake systems, the *flooding hazard* limit is the greater of:

1. the flood resulting from the rainfall actually experienced during a major storm such as the Hurricane Hazel storm (1954) or the Timmins storm (1961), transposed over a specific watershed and combined with the local conditions, where evidence suggests that the storm event could have potentially occurred over watersheds in the general area;
2. the one hundred year flood; and
3. a flood which is greater than 1. Or 2., which was actually experienced in a particular watershed or portion thereof, as a result of ice jams and which has been approved as the standard for that specific area by the Minister of Natural Resources and Forestry.;

except where the use of the *one hundred year flood* or the *actually experienced event* has been approved by the Minister of Natural Resources and Forestry as the standard for a specific watershed (where the past history of flooding supports the lowering of the standard).

**Floodproofing standard:** means the combination of measures incorporated into the basic design and/or construction of buildings, structures, or properties to reduce or eliminate *flooding hazards, wave uprush, and other water-related hazards* along the shorelines of *large inland lakes*, and *flooding hazards* along *river, stream, and small inland lake systems*.

**Floodway:** *for river, stream and small inlandlake systems, means the portion of the floodplain where development and site alteration would cause a danger to public health and safety or property damage. Where the one zone concept is applied, the floodway is the entire contiguous flood plain.*

**Freight-supportive:** *in regard to land use patterns, means transportation systems and facilities that facilitate the movement of goods. This includes policies or programs intended to support efficient freight movement through the planning, design and operation of land use and transportation systems. Approaches may be recommended in guidelines developed by the Province or based on municipal approaches that achieve the same objectives.*

**Green infrastructure:** *means natural and human-made elements that provide ecological and hydrological functions and processes. Green infrastructure can include components such as natural heritage features and systems, parklands, stormwater management systems, street trees, urban forests, natural channels, permeable surfaces, and green roofs.*

**Ground water feature:** *means water-related features in the earth's subsurface, including recharge/discharge areas, water tables, aquifers and unsaturated zones that can be defined by surface and subsurface hydrogeologic investigations.*

**Habitat of endangered species and threatened species:** *means habitat within the meaning of Section 2 of the Endangered Species Act, 2007.*

**Hazardous forest types for wildland fire:** *means forest types assessed as being associated with the risk of high to extreme wildland fire using risk assessment tools established by the Ontario Ministry of Natural Resources and Forestry, as amended from time to time.*

**Hazardous lands:** *means property or lands that could be unsafe for development due to naturally occurring processes. Along the shorelines of large inland lakes, this means the land, including that covered by water, between a defined offshore distance or depth and the furthest landward limit of the flooding hazard, erosion hazard or dynamic beach hazard limits. Along river, stream, and small inland lake systems, this means the land, including that covered by water, to the furthest landward limit of the flooding hazard or erosion hazard limits.*

**Hazardous sites:** *means property or lands that could be unsafe for development and site alteration due to naturally occurring hazards. These may include unstable soils (sensitive marine clays, organic soils) or unstable bedrock (karst topography).*

**Hazardous substances:** *means substances which, individually, or in combination with other substances, are normally considered to pose a danger to public health, safety, and the environment. These substances generally include a wide array of materials that are toxic, ignitable, corrosive, reactive, radioactive, or pathological.*

**Heritage attributes:** *means the principal features or elements that contribute to a protected heritage property's cultural heritage value or interest, and may include the property's built, constructed, or manufactured elements, as well as natural landforms, vegetation, water features, and its visual setting (e.g., significant views or vistas to or from a protected heritage property).*



**Housing options:** means a range of housing types such as, but not limited to single- detached, semi-detached, rowhouses, townhouses, stacked townhouses, multiplexes, additional residential units, tiny homes, multi- residential buildings. The term can also refer to a variety of housing arrangements and forms such as, but not limited to life lease housing, co-ownership housing, co-operative housing, community land trusts, land lease community homes, *affordable* housing, housing for people with *special needs*, and housing related to employment, institutional or educational uses.

**Hydrologic function:** means the functions of the hydrological cycle that include the occurrence, circulation, distribution, and chemical and physical properties of water on the surface of the land, in the soil and underlying rocks, and in the atmosphere, and water's interaction with the environment including its relation to living things.

**Impacts of a changing climate:** means the present and future consequences from changes in weather patterns at local and regional levels including extreme weather events and increased climate variability.

**Individual on-site sewage services:** means sewage systems, as defined in O. Reg. 332/12 under the *Building Code Act, 1992*, that are owned, operated and managed by the owner of the property upon which the system is located.

**Individual on-site water services:** means individual, autonomous water supply systems that are owned, operated and managed by the owner of the property upon which the system is located.

**Infrastructure:** means physical structures (facilities and corridors) that form the foundation for development. *Infrastructure* includes: sewage and water systems, septage treatment systems, stormwater managementsystems, waste management systems, electricity generation facilities, electricity transmission and distribution systems, communications/ telecommunications, transit and transportation corridors and facilities, oil and gas pipelines and associated facilities.

**Institutional use:** for the purposes of PPS policy 3.1.5, means land uses where there is a threat to the safe evacuation of vulnerable populations such as older persons, persons with disabilities, and those who are sick or young, during an emergency as a result of flooding, failure of floodproofing measures or protection works, or erosion.

**Intensification:** means the development of a property, site or area at a higher density than currently exists through:

- a) *redevelopment*, including the reuse of *brownfield sites*;
- b) the development of vacant and/or underutilized lots within previously developed areas;
- c) infill development; and
- d) the expansion or conversion of existing buildings.

**Legal or technical reasons:** means severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot.

**Low and moderate income households:** means in the case of ownership housing, households with incomes in the lowest 60 percent of the income distribution for the *regional market area*; or in the case of rental housing, households with incomes in the lowest 60 percent of the income distribution for renter

households for the regional market area.

**Major facilities:** means facilities which may require separation from *sensitive land uses*, including but not limited to airports, manufacturing uses, transportation infrastructure and corridors, *rail facilities*, *marine facilities*, sewage treatment facilities, *waste management systems*, oil and gas pipelines, industries, energy generation facilities and transmission systems, and resource extraction activities.

**Major goods movement facilities and corridors:** means transportation facilities and corridors associated with the inter- and intra- provincial movement of goods. Examples include: inter-modal facilities, ports, *airports*, *rail facilities*, truck terminals, freight corridors, freight facilities, and haul routes and primary transportation corridors used for the movement of goods. Approaches that are *freight-supportive* may be recommended in guidelines developed by the Province or based on municipal approaches that achieve the same objectives.

**Marine facilities:** means ferries, harbours, ports, ferry terminals, canals and associated uses, including designated lands for future *marine facilities*.

**Mine hazard:** means any feature of a mine as defined under the *Mining Act*, or any related disturbance of the ground that has not been rehabilitated.

**Minerals:** means metallic minerals and non-metallic minerals as herein defined but does not include *mineral aggregate resources* or *petroleum resources*. Metallic minerals means those minerals from which metals (e.g. copper, nickel, gold) are derived. Non-metallic minerals means those minerals that are of value for intrinsic properties of the minerals themselves and not as a source of metal. They are generally synonymous with industrial minerals (e.g., asbestos, graphite, kyanite, mica, nepheline syenite, salt, talc, and wollastonite).

**Mineral aggregate operation:** means

- a) lands under license or permit, other than for *wayside pits and quarries*, issued in accordance with the *Aggregate Resources Act*;
- b) for lands not designated under the *Aggregate Resources Act*, established pits and quarries that are not in contravention of municipal zoning by-laws and including adjacent land under agreement with or owned by the operator, to permit continuation of the operation; and
- c) associated facilities used in extraction, transport, beneficiation, processing or recycling of *mineral aggregate resources* and derived products such as asphalt and concrete, or the production of secondary related products.

**Mineral aggregate resources:** means gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite, rock or other material prescribed under the *Aggregate Resources Act* suitable for construction, industrial, manufacturing and maintenance purposes but does not include metallic ores, asbestos, graphite, kyanite, mica, nepheline syenite, salt, talc, wollastonite, mine tailings or other material prescribed under the *Mining Act*.

**Mineral aggregate resource conservation:**

means

- a) the recovery and recycling of manufactured materials derived from mineral aggregates (e.g., glass, porcelain, brick, concrete, asphalt, slag, etc.), for re-use in construction, manufacturing, industrial or



- maintenance projects as a substitute for new mineral aggregates; and
- b) the wise use of mineral aggregates including utilization or extraction of on-site mineral aggregate resources prior to development occurring.

**Mineral deposits:** means areas of identified *minerals* that have sufficient quantity and quality based on specific geological evidence to warrant present or future extraction.

**Mineral mining operation:** means mining operations and associated facilities, or, past producing mines with remaining mineral development potential that have not been permanently rehabilitated to another use.

**Minimum distance separation formulae:** means formulae and guidelines developed by the Province, as amended from time to time, to separate uses so as to reduce incompatibility concerns about odour from livestock facilities.

**Municipal sewage services:** means a sewage works within the meaning of section 1 of the *Ontario Water Resources Act* that is owned or operated by a municipality, including centralized and decentralized systems.

**Municipal water services:** means a municipal drinking-water system within the meaning of section 2 of the *Safe Drinking Water Act, 2002*, including centralized and decentralized systems.

**Natural heritage features and areas:** means features and areas, including *significant wetlands, fish habitat, habitat of endangered species and threatened species, significant wildlife habitat, and significant areas of natural and scientific interest*, which are important for their environmental and social values as a legacy of the natural landscapes of an area.

**Negative impacts:** means

- a) in regard to PPS policy 1.6.6.4 and 1.6.6.5, potential risks to human health and safety and degradation to the quality and quantity of water, sensitive surface water features and sensitive ground water features, and their related hydrologic functions, due to single, multiple or successive development. Negative impacts should be assessed through environmental studies including hydrogeological or water quality impact assessments, in accordance with provincial standards;
- b) in regard to PPS policy 2.2, degradation to the quality and quantity of water, sensitive surface water features and sensitive groundwater features, and their related hydrologic functions, due to single, multiple or successive development or site alteration activities;
- c) in regard to fish habitat, any permanent alteration to, or destruction of fish habitat, except where, in conjunction with the appropriate authorities, it has been authorized under the Fisheries Act; and
- d) in regard to other natural heritage features and areas, degradation that threatens the health and integrity of the natural features or ecological functions for which an area is identified due to single, multiple or successive development or site alteration activities.

**Normal farm practices:** means a practice, as defined in the *Farming and Food Production Protection Act, 1998*, that is conducted in a manner consistent with proper and acceptable customs and standards as established and followed by similar agricultural operations under similar circumstances; or makes use of innovative technology in a manner consistent with proper advanced farm management practices. Normal farm practices shall be consistent with the *Nutrient Management Act, 2002* and regulations made under

that Act.

**Oil, gas and salt hazards:** means any feature of a well or work as defined under the *Oil, Gas and Salt Resources Act*, or any related disturbance of the ground that has not been rehabilitated.

**On-farm diversified uses:** means uses that are secondary to the principal agricultural use of the property, and are limited in area. *On-farm diversified uses* include, but are not limited to, home occupations, home industries, *agri-tourism uses*, and uses that produce value-added agricultural products. Ground-mounted solar facilities are permitted in *prime agricultural areas*, including *specialty crop areas*, only as *on-farm diversified uses*.

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

**One hundred year flood level:** means for large inland lakes, lake levels and wind setups that have a 1% chance of being equaled or exceeded in any given year, except that, where sufficient water level records do not exist, the one hundred year flood level is based on the highest known water level and wind setups.

**Other water-related hazards:** means water-associated phenomena other than *flooding hazards* and *wave uprush* which act on shorelines. This includes, but is not limited to ship-generated waves, ice piling and ice jamming.

**Partial services:** means

- a) municipal sewage services or private communal sewage services combined with individual on-site water services; or
- b) municipal water services or private communal water services combined with individual on-site sewage services.

**Planned corridors:** means corridors or future corridors which are required to meet projected needs, and are identified through *provincial plans*, preferred alignment(s) determined through the *Environmental Assessment Act* process, or identified through planning studies where the Ontario Ministry of Transportation, Ontario Ministry of Energy, Northern Development and Mines or Independent Electricity System Operator (IESO) or any successor to those ministries or entities is actively pursuing the identification of a corridor. Approaches for the protection of *planned corridors* may be recommended in guidelines developed by the Province.

**Portable asphalt plant:** means a facility

- a) with equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material, and includes stockpiling and storage of bulk materials used in the process; and
- b) which is not of permanent construction, but which is to be dismantled at the completion of the construction project.

**Portable concrete plant:** means a building or structure

- a) with equipment designed to mix cementing materials, aggregate, water, and admixtures to produce concrete, and includes stockpiling and storage of bulk materials used in the process; and

b) which is not of permanent construction, but which is designed to be dismantled at the completion of the construction project.

**Prime agricultural area:** means areas where *prime agricultural lands* predominate. This includes areas of *prime agricultural lands* and associated Canada Land Inventory Class 4 through 7 lands, and additional areas where there is a local concentration of farms which exhibit characteristics of ongoing agriculture. *Prime agricultural areas* may be identified by the Ontario Ministry of Agriculture and Food using guidelines developed by the Province as amended from time to time. A *prime agricultural area* may also be identified through an alternative agricultural land evaluation system approved by the Province.

**Prime agricultural land:** means *specialty crop areas* and/or Canada Land Inventory Class 1, 2, and 3 lands, as amended from time to time, in this order of priority for protection.

**Private communal sewage services:** means a sewage works within the meaning of section 1 of the *Ontario Water Resources Act* that serves six or more lots or private residences and is not owned by a municipality.

**Private communal water services:** means a non-municipal drinking-water system within the meaning of section 2 of the *Safe Drinking Water Act, 2002* that serves six or more lots or private residences.

**Protected heritage property:** means property designated under Parts IV, V or VI of the *Ontario Heritage Act*; property subject to a heritage conservation easement under Parts II or IV of the *Ontario Heritage Act*; property identified by the Province and prescribed public bodies as provincial heritage property under the Standards and Guidelines for Conservation of Provincial Heritage Properties; property protected under federal legislation, and UNESCO World Heritage Sites.

**Protection works standards:** means the combination of non-structural or structural works and allowances for slope stability and flooding/erosion to reduce the damage caused by *flooding hazards*, *erosion hazards* and *other water-related hazards*, and to allow access for their maintenance and repair.

**Provincial and federal requirements:** means

- a) in regard to PPS policy 2.1.6, legislation and policies administered by the federal or provincial governments for the purpose of fisheries protection (including *fish* and *fish habitat*), and related, scientifically established standards such as water quality criteria for protecting lake trout populations; and
- b) in regard to PPS policy 2.1.7, legislation and policies administered by the provincial government or federal government, where applicable, for the purpose of protecting species at risk and their habitat.

**Provincial plan:** means a provincial plan within the meaning of section 1 of the *Planning Act*.

**Public service facilities:** means land, buildings and structures for the provision of programs and services provided or subsidized by a government or other body, such as social assistance, recreation, police and fire protection, health and educational programs, long-term care services, and cultural services. *Public service facilities* do not include *infrastructure*.

**Quality and quantity of water:** is measured by indicators associated with hydrologic function such as minimum base flow, depth to water table, aquifer pressure, oxygen levels, suspended solids, temperature,

bacteria, nutrients and hazardous contaminants, and hydrologic regime.

**Recreation:** means leisure time activity undertaken in built or natural settings for purposes of physical activity, health benefits, sport participation and skill development, personal enjoyment, positive social interaction and the achievement of human potential.

**Redevelopment:** means the creation of new units, uses or lots on previously developed land in existing communities, including *brownfield sites*.

**Regional market area:** refers to an area that has a high degree of social and economic interaction. The upper or single-tier municipality, or planning area, will normally serve as the *regional market area*. However, where a *regional market area* extends significantly beyond these boundaries, then the *regional market area* may be based on the larger market area. Where *regional market areas* are very large and sparsely populated, a smaller area, if defined in an official plan, may be utilized.

**Renewable energy source:** means an energy source that is renewed by natural processes and includes wind, water, biomass, biogas, biofuel, solar energy, geothermal energy and tidal forces.

**Renewable energy system:** means a system that generates electricity, heat and/or cooling from a *renewable energy source*.

**Reserve sewage system capacity:** means design or planned capacity in a centralized waste water treatment facility which is not yet committed to existing or approved development. For the purposes of PPS policy 1.6.6.6, reserve capacity for *private communal sewage services* and *individual on-site sewage services* is considered sufficient if the hauled sewage from the development can be treated and land-applied on agricultural land under the *Nutrient Management Act*, or disposed of at sites approved under the *Environmental Protection Act* or the *Ontario Water Resources Act*, but not by land-applying untreated, hauled sewage.

**Reserve water system capacity:** means design or planned capacity in a centralized water treatment facility which is not yet committed to existing or approved development.

**Residence surplus to a farming operation:** means an existing habitable farm residence that is rendered surplus as a result of farm consolidation (the acquisition of additional farm parcels to be operated as one farm operation).

**Residential intensification:** means intensification of a property, site or area which results in a net increase in residential units or accommodation and includes:

- a) redevelopment, including the redevelopment of *brownfield sites*;
- b) the development of vacant or underutilized lots within previously developed areas;
- c) infill development;
- d) development and introduction of new *housing options* within previously developed areas;
- e) the conversion or expansion of existing industrial, commercial, and institutional buildings for residential use; and
- f) the conversion or expansion of existing residential buildings to create new residential units or accommodation, including accessory apartments, additional residential units, rooming houses, and other *housing options*.

**River, stream and small inland lake systems:**

means all watercourses, rivers, streams, and small inland lakes or waterbodies that have a measurable or predictable response to a singlerunoff event.

**Rural areas:** means a system of lands within municipalities that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and resource areas.

**Rural lands:** means lands which are located outside settlement areas, and which are outside prime agricultural areas.

**Sensitive:** in regard to surface water features and ground water features, means areas that are particularly susceptible to impacts from activities or events including, but not limited to, water withdrawals, and additions of pollutants.

**Sensitive land uses:** means buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse effects from contaminant discharges generated by a nearby major facility. Sensitive land uses may be a part of the natural or built environment. Examples may include, but are not limited to: residences, day care centres, and educational and health facilities.

**Settlement areas:** means urban areas and rural settlement areas within municipalities (such as cities, towns, villages and hamlets) that are:

- a) built-up areas where development is concentrated, and which have a mix of land uses; and
- b) lands which have been designated in an official plan for development over the long-term planning horizon provided for in PPS policy 1.1.2. In cases where land in designated growth areas is not available, the settlement area may be no larger than the area where development is concentrated.

**Sewage and water services:** includes municipal sewage services and municipal water services, private communal sewage services and private communal water services, individual on-site sewage services and individual on-site water services, and partial services.

**Significant:** means

- a) in regard to wetlands, coastal wetlands and areas of natural and scientific interest, an area identified as provincially significant by the Ontario Ministry of Natural Resources and Forestry using evaluation procedures established by the Province, as amended from time to time;
- b) in regard to woodlands, an area which is ecologically important in terms of features such as species composition, age of trees and stand history; functionally important due to its contribution to the broader landscape because of its location, size or due to the amount of forest cover in the planning area; or economically important due to site quality, species composition, or past management history. These are to be identified using criteria established by the Ontario Ministry of Natural Resources and Forestry;
- c) in regard to other features and areas in PPS policy 2.1, ecologically important in terms of features, functions, representation or amount, and contributing to the quality and diversity of an identifiable geographic area;
- d) in regard to mineral potential, an area identified as provincially significant through evaluation procedures developed by the Province, as amended from time to time, such as the Provincially



Significant Mineral Potential Index; and  
e) in regard to cultural heritage and archaeology, resources that have been determined to have cultural heritage value or interest. Processes and criteria for determining cultural heritage value or interest are established by the Province under the authority of the *Ontario Heritage Act*.

Criteria for determining significance for the resources identified in sections (c)-(d) are recommended by the Province, but municipal approaches that achieve or exceed the same objective may also be used. While some significant resources may already be identified and inventoried by official sources, the significance of others can only be determined after evaluation.

**Site alteration:** means activities, such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of a site. For the purposes of PPS policy 2.1.4(a), *site alteration* does not include underground or surface mining of *minerals* or advanced exploration on mining lands in *significant areas of mineral potential* in Ecoregion 5E, where advanced exploration has the same meaning as in the *Mining Act*. Instead, those matters shall be subject to PPS policy 2.1.5(a).

**Special needs:** means any housing, including dedicated facilities, in whole or in part, that is used by people who have specific needs beyond economic needs, including but not limited to, needs such as mobility requirements or support functions required for daily living. Examples of *special needs* housing may include, but are not limited to long-term care homes, adaptable and accessible housing, and housing for persons with disabilities such as physical, sensory or mental health disabilities, and housing for older persons.

**Special Policy Area:** means an area within a community that has historically existed in the *flood plain* and where site-specific policies, approved by both the Ministers of Natural Resources and Forestry and Municipal Affairs and Housing, are intended to provide for the continued viability of existing uses (which are generally on a small scale) and address the significant social and economic hardships to the community that would result from strict adherence to provincial policies concerning *development*. The criteria and procedures for approval are established by the Province. A *Special Policy Area* is not intended to allow for new or intensified *development* and *site alteration*, if a community has feasible opportunities for *development* outside the *flood plain*.

**Specialty crop area:** means areas designated using guidelines developed by the Province, as amended from time to time. In these areas, specialty crops are predominantly grown such as tender fruits (peaches, cherries, plums), grapes, other fruit crops, vegetable crops, greenhouse crops, and crops from agriculturally developed organic soil, usually resulting from:

- a) soils that have suitability to produce specialty crops, or lands that are subject to special climatic conditions, or a combination of both;
- b) farmers skilled in the production of specialty crops; and
- c) a long-term investment of capital in areas such as crops, drainage, infrastructure and related facilities and services to produce, store, or process specialty crops.

**Surface water feature:** means water-related features on the earth's surface, including headwaters, rivers, stream channels, inland lakes, seepage areas, recharge/discharge areas, springs, wetlands, and associated riparian lands that can be defined by their soil moisture, soil type, vegetation or topographic characteristics.

**Threatened species:** means a species that is classified as "Threatened Species" on the Species at Risk in

Ontario List, as updated and amended from time to time.

**Transportation system:** means a system consisting of facilities, corridors and rights-of-way for the movement of people and goods, and associated transportation facilities including transit stops and stations, sidewalks, cycle lanes, bus lanes, high occupancy vehicle lanes, *rail facilities*, parking facilities, park'n'ride lots, service centres, rest stops, vehicle inspection stations, inter-modal facilities, harbours, *airports*, *marine facilities*, ferries, canals and associated facilities such as storage and maintenance.

**Vulnerable:** means surface and/or ground water that can be easily changed or impacted.

**Waste management system:** means sites and facilities to accommodate solid waste from one or more municipalities and includes recycling facilities, transfer stations, processing sites and disposal sites.

**Watershed:** means an area that is drained by a river and its tributaries.

**Wave uprush:** means the rush of water up onto a shoreline or structure following the breaking of a wave; the limit of wave uprush is the point of furthest landward rush of water onto the shoreline.

**Wayside pits and quarries:** means a temporary pit or quarry opened and used by or for a public authority solely for the purpose of a particular project or contract of road construction and not located on the road right-of-way.

**Wetlands:** means lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic plants or water tolerant plants. The four major types of wetlands are swamps, marshes, bogs, and fens. Periodically soaked or wet lands being used for agricultural purposes which no longer exhibit wetland characteristics are not considered to be wetlands for the purposes of this definition.

**Wildland fire assessment and mitigation standards:** means the combination of risk assessment tools and environmentally appropriate mitigation measures identified by the Ontario Ministry of Natural Resources and Forestry to be incorporated into the design, construction and/or modification of buildings, structures, properties and/or communities to reduce the risk to public safety, infrastructure and property from wildland fire.

**Wildlife habitat:** means areas where plants, animals and other organisms live, and find adequate amounts of food, water, shelter and space needed to sustain their populations. Specific wildlife habitats of concern may include areas where species concentrate at a vulnerable point in their annual or life cycle; and areas which are important to migratory or non-migratory species.

**Woodlands:** means treed areas that provide environmental and economic benefits to both the private landowner and the general public, such as erosion prevention, hydrological and nutrient cycling, provision of clean air and the long-term storage of carbon, provision of wildlife habitat, outdoor recreational opportunities, and the sustainable harvest of a wide range of woodland products. *Woodlands* include treed areas, woodlots or forested areas and vary in their level of significance at the local, regional and provincial levels. *Woodlands* may be delineated according to the *Forestry Act* definition or the Province's Ecological Land Classification system definition for "forest".



# PLANNING REPORT



**Meeting Date:** June 12, 2023  
**Agency:** Township of South Algonquin  
**Staff Contact:** Tracy Cannon, Planning & Building Administrator  
**Agenda Title:** Short Term Rental Accommodation (STRA)  
**Agenda Action:** Initiate Zoning By-law Amendment & Licensing By-law to Regulate STRA

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## **Recommendation**

That Council for the Township of South Algonquin initiate an amendment to their Zoning By-law No. 2017-527 to establish zoning provisions related to short term rental accommodations. And Further that Council initiate a new licensing by-law to regulate the establishment and operation of short-term rental accommodations. And Further that both the Zoning By-law Amendment and the Licensing By-law be presented to the public at a joint public meeting.

## **Background**

The matter of short-term rental accommodations has been elevated in recent years with the introduction of “Air B&B” like on-line booking platforms and an increased number of inquiries to establish such short-term tourist accommodations. Although this form of accommodation is similar in many ways to other forms of tourist accommodations (i.e. tourist cabin, motel, B & B) it has been deemed appropriate in many jurisdictions to recognize the use in Zoning By-laws and to further regulate the activities through licensing by-laws.

The following report provides a brief summary of the current provisions in the Township’s planning documents (Official Plan & Comprehensive Zoning By-law), a recommendation to update the planning documents, along with some preliminary background information on the issue and potential options for approaches to regulation/licensing of short-term accommodation for Council to consider.

## **South Algonquin Official Plan**

The Official Plan for South Algonquin contains general statements in Sections 1.2.2 and 1.6 which promotes the tourist economy as being a key economic sector for the future of the South Algonquin economy. The Objectives speak to stimulating the local tourist economy. The Plan also contains general statements on land use compatibility in Section 2.5.1, and policies on garden suites and bed and breakfast. Section 5.6 also sets out policies related to tourist commercial development.

The South Algonquin Official Plan is silent on the matter of short-term rental accommodations (STRA). However, there are broad statements that encourage additional tourism infrastructure which are supportive of STRA in a general sense. It may be beneficial to have additional

policies related to STRAs in the update of the Official Plan currently before Council. It is felt however, that the Township can proceed with changes to the zoning by-law and a licensing system for short-term rental accommodations under the current policy framework of the Official Plan.

### **South Algonquin Zoning By-law 2017-527**

The Zoning By-law for the Township of South Algonquin is structured with general provisions, zone specific provisions, and definitions for various terms. The Zoning By-law is currently silent on the matter of short-term rental accommodations. Going forward it is suggested the STRAs be treated in the Zoning By-law the same way as bed and breakfast establishments – the use is defined, has general provisions, parking requirements and is identified as a permitted use in various zones.

In order to recognize STRAs in the zoning by-law, it is recommended that a zoning by-law amendment would:

1. Establish general provisions for STRAs;
2. Establish parking provisions for STRAs;
3. Provide a definition of STRAs;
4. Recognize the zones in which STRAs are permitted.

In terms of the recommended general provisions for short-term rental accommodations it is suggested that the following elements be considered:

- Requirement for licensing under Township’s new Licensing By-law;
- Restricted STRAs to principal dwelling and not in any accessory structure or dwelling unit.
- Require the dwelling unit be owner occupied.
- Require provision of parking per number of guest rooms
- Require that the qualifying property be located within the “Rural (RU)” or “Settlement Area Residential (R1)”.
- That the subject property be in compliance with the minimum lot area and minimum lot frontage requirements of the zone in which the property is located.

There is a question as to whether STRAs are appropriate for the “Settlement Area Shoreline Residential (R2)” zone and the “Shoreline Residential (SR)”. The Council should provide directions on where such uses are appropriate.

A draft Zoning By-law Amendment is attached to this report as Appendix A for reference.

### **Planning Analysis**

Short Term Rental Accommodations has emerged in the last 5 years as a new form of tourist accommodation that has the potential to create positive benefits (more accommodation for traveling public) and potential negative impacts (increased traffic on lakes, noise, scale of activity, loss of rental housing stock). In order to advance the positive and mitigate the negative

impacts, it is appropriate to contain regulations in the zoning by-law and establish a licensing requirement.

As part of a review of existing literature on short term accommodation in Ontario, one of those documents reviewed was the “Home-Sharing Guide for Ontario Municipalities” released by the Ontario Ministry of Finance in 2018. The full guide is available at <https://www.ontario.ca/page/home-sharing-guide-ontario-municipalities>. This document was referenced when drafting the proposed zoning by-law amendment.

Going forward it must be understood that regulating STRAs through the Township’s Zoning Bylaw and establishing a licensing requirement will require additional staff time. However, it must also be understood that without such steps there will be staff time dedicated to addressing complaints from neighbours of STRAs. It is better to be proactive and set out the regulations for the proper orderly establishment of STRAs and ensure compliance than not regulating and having to deal with complaints on a case-by-case basis.

The availability of affordable rental housing in South Algonquin is an important objective given current pressures within the housing market, and especially related to rental accommodation. There are concerns that STRAs have a negative impact on rental housing as an increasing number of rental units are being offered on a short-term rental basis versus long term. This, in turn, negatively impacts the long-term housing supply by reducing the number of rental units available within the rental market; thereby increasing rental rates and making housing less affordable. This may be particularly concerning for those seeking seasonal rental accommodation and working in the recreation/tourist sector.

The impact of the more STRAs on housing availability and affordability is difficult to assess, however, it is highly likely that short-term rentals are having an impact on long-term rentals by reducing housing availability and increasing the difficulty for residents in finding rental housing options such as accessory apartment units, secondary suites and other affordable units. STRAs can be highly lucrative and can be a financial incentive for landlords to convert to short-term rentals.

Homeowners/occupants may choose to offer available rooms or suites to rent on a short-term basis rather than long-term affordable housing, with the underlying motivation being able to earn more income, while avoiding stricter landlord-tenant regulations associated with long-term rentals. For example, landlords would not have to deal with rules and regulations under the Residential Tenancies Act, such as eviction, and operating as a STRA would allow for more flexible rental arrangements.

Many municipalities have attempted to protect the long-term affordable housing supply by limiting the number of nights that a STRA can be rented between 28 and 30 nights, with an additional limit on the total number of days that a STRA can be rented in a given year. This is the approach proposed in the draft ZBA and licensing documents.

## **Conclusion and Recommendation**

It is the conclusion of this report that now is an appropriate time to consider an amendment to the Township's Zoning By-law and the establishment of a licensing system to regulate the establishment of short-term rental accommodations. The draft documents before you have been researched to identify best practices and the most appropriate response for South Algonquin.

It is recommended that a public meeting be scheduled to consider both the update to the Zoning By-law and the establishment of a licensing by-law for short-term rental accommodation.

All of which is respectfully submitted.

Jp2g Consultants Inc.

ENGINEERS ▪ PLANNERS ▪ PROJECT MANAGERS

A handwritten signature in black ink, appearing to read 'F. Symon', with a large, sweeping underline.

Forbes Symon, MCIP, RPP  
Senior Planner | Planning Services

# CORPORATION OF THE TOWNSHIP OF SOUTH ALGONQUIN

## BY-LAW NO. 2023-\_\_\_\_\_

### Being a By-law to amend Comprehensive Zoning By-law No. 2017-527 Short Term Rental Accommodations

**WHEREAS** the Corporation of the Township of South Algonquin has deemed it appropriate to amend Zoning By-law No. 2017-527 for the purpose of establishing zoning provisions to regulate Short Term Rental Accommodations;

**AND WHEREAS** authority is provided pursuant to Section 34 of the Planning Act, R.S.O 1990, c.P.13 to pass this By-law;

**AND WHEREAS** a Public Meeting was held on \_\_\_\_\_, 2023, pursuant to the provisions of Section 34 (12) of the Planning Act, R.S.O., 1990;

**AND WHEREAS** the matters hereinafter set forth are consistent with provincial policy and conforms to applicable plans currently in force and effect;

**NOW THEREFORE** the Corporation of the Township of South Algonquin enacts that By-law No. 2017-527 shall and is hereby amended as follows:

1.0 Section 10, Definitions, is hereby amended with the addition of the following Short Term Rental Accommodation definition,

***Short-Term Rental Accommodation*** means the secondary use of a residential Dwelling Unit that offers a place of accommodation or temporary residence, or occupancy by way of concession, permit, lease, license, rental agreement, or similar arrangement for fewer than twenty-eight (28) consecutive calendar days with no on-site management throughout all or part of the year. Short-Term Rental Accommodation uses shall not mean a motel, hotel, bed and breakfast establishment, tourist establishment, tourist cabin establishment, or similar commercial accommodation use. For the purposes of this definition, a secondary use shall mean secondary in terms of time the Dwelling Unit is used as a Short-Term Rental Accommodation. For the purpose of this definition only, a Dwelling Unit shall include a “cottage” but shall not include any “Accessory” building or structure, a tent, a vehicle, recreation vehicle, or a boat.

2.0 Section 4, General Provisions, is hereby amended with the addition of the following new Short Term Rental Accommodation provisions as a new Section 4.33

#### **“4.33 Short-Term Rental Accommodations**

Short-term rental accommodations, as defined, shall be regulated by the following provisions, in addition to any licencing requirements of the Township.

- a) Short-term rental accommodations shall only be permitted in a principal dwelling unit and shall not be permitted in an accessory structure.
- b) Short-term rentals shall only be permitted on lands which are in compliance with the lot area and frontage requirements of the respective zone.
- c) Short-term rental accommodations must be the principal residence of the owner and operator;
- d) Short-term rental accommodations shall provide the necessary parking in accordance with Table 4.2 of this By-law.
- e) The existing private sewage disposal system is acceptable to adequately service the principal residential dwelling unit and the proposed bed and breakfast establishment;
- f) Short-term rental accommodations may be licenced by the Township.”

3.0 Section 5, Residential Zones, Table 5.1, Permitted Uses Table, is hereby amended with the addition of a new use “Short Term Rental Accommodation” in Column 1 and a black circle in Columns 2 and 3.

- 4.0 Section 8, Other Zones, Table 8.1, Permitted Use Table is hereby amended with the addition of a new use “Short Term Rental Accommodation” in Column 1 and a black circle in Column 2.
- 5.0 Section 4.19, Table 4.2, Parking Requirements, is hereby amended with the addition of a new type of building “Short Term Rental Accommodation” in Column 1 “Type of Building” and “1 parking space per bedroom rented” in Column 2, “Minimum Parking Requirements”.
- 6.0 This By-law shall come into force and effect in accordance with the provisions of the Planning Act, R.S.O 1990, c.P.13.

This By-law shall take effect and come into force from the date of its passage by Council.

**READ A FIRST AND SECOND TIME on \_\_\_\_\_, \_\_\_\_\_, 2023**

\_\_\_\_\_  
**MAYOR,**

\_\_\_\_\_  
**CAO/CLERK-TREASURER,**

**READ A THIRD TIME, PASSED AND ENACTED on \_\_\_\_\_, \_\_\_\_\_ 2023**

\_\_\_\_\_  
**MAYOR,**

\_\_\_\_\_  
**CAO/CLERK-TREASURER,**

THE CORPORATION OF THE TOWNSHIP OF SOUTH ALGONQUIN  
BY-LAW

**A By-law to License, Regulate and Govern  
Short-Term Rental Accommodation**

**WHEREAS** the Council of the Township of South Algonquin may, pursuant to the *Municipal Act*, 2001, S.O. 2001, c.25. as amended, enact by-laws for the licensing, regulating, and governing of businesses and occupations in the Township of South Algonquin;

**AND WHEREAS** pursuant to *Municipal Act*, Part 11, Section 8(1), a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

**AND WHEREAS** pursuant to *Municipal Act*, Part II, Section 8(3), authorizes a municipality to:

- (a) regulate or prohibit respecting the matter;
- (b) require persons to do things respecting the matter;
- (c) provide for a system of licenses respecting the matter;

**AND WHEREAS** pursuant to *Municipal Act*, Part 11, Section 9, a municipality has the capacity, rights, powers, and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

**AND WHEREAS** pursuant to *Municipal Act*, Part II, Section 11(2), paragraph 6 of the *Municipal Act*, authorizes a municipality to pass a By-law respecting the health, safety, and well-being of persons;

**AND WHEREAS** pursuant to *Municipal Act*, Part 11, Section 23.1 authorizes a municipality to delegate its powers and duties;

**AND WHEREAS** pursuant to *Municipal Act*, Part IV, Section 151, provides that a municipality may provide for a system of licenses with respect to a business and may:

- (a) prohibit the carrying on or engaging in the business without a license;
- (b) refuse to grant a license or to revoke or suspend a license;
- (c) impose conditions as a requirement of obtaining, continuing to hold or renewing a license;
- (d) impose special conditions on a business in a class that have not been imposed on all the businesses in that class in order to obtain, continue to hold or renew a license;
- (e) impose conditions, including special conditions, as a requirement of continuing to hold a license at any time during the term of the license; and
- (f) license, regulate or govern real and personal property used for



the business and the persons carrying it on or engaged in it;

**AND WHEREAS** the Council of the Corporation of the Township of South Algonquin deems it desirable that such licensing, regulation, and governing takes place with regard to short-term rental accommodations as defined in this By-law;

**NOW THEREFORE** the Council of the Corporation of The Township of South Algonquin hereby ENACTS AS FOLLOWS:

**1. Title:**

1.1 This By-law shall be known and may be cited as the "Short-Term Rental Accommodation Licensing By-law".

**2. DEFINITIONS:**

2.1 "**Accessory Building or Structure**" means a detached building or structure, the use of which is naturally and normally incidental to, subordinate to, or exclusively devoted to, the principal use of the main building on the same lot.

2.2 "**Applicant**" means the Owners of the Premises applying for a License or renewal of a License under this By-law.

2.3 "**Bedroom**" means a room offered for Short-Term Rental Accommodation intended primarily for overnight occupation, which complies with the standards for a bedroom, as set forth by the Ontario Building Code, and/or a room with one or more beds, murphy beds, pullout beds, sofa beds, day beds, futons, or similar places for sleeping.

2.4 "**Boat**" means any vessel, container on water, or floating accommodation, regardless of whether or not it is docked, affixed to land, or can be driven.

2.5 "**Building**" means a structure occupying an area greater than 160 sq feet or as amended in the Ontario Building Code consisting of a wall, roof, and floor or any of them or a structural system serving the function thereof, including all plumbing, works, fixtures and service systems related thereto.

2.6 "**Chief Fire Official**" means the assistant to the Fire Marshal who is the Municipal Fire Chief or a member or members of the fire department appointed by the Municipal Fire Chief or a person appointed by the Fire Marshal.

2.7 "**Committee**" means a committee of individuals which has been delegated, by Township of South Algonquin Council, the responsibility of handling appeals, suspensions and revocations of

**Commented [IC1]:** As the OP has Bed and Breakfast within does this bylaw over this type of STR as well?

**Commented [BM2R1]:** No this is just dealing with STR

**Commented [IC3]:** Would this include trailers?

**Commented [BM4R3]:** Trailers are not structures under the OBC

Licenses under this By-law.

- 2.8 **"Corporation"** means a body incorporated pursuant to the laws of Ontario or Canada.
- 2.9 **"Council"** means the Council of the Corporation of the Township of South Algonquin.
- 2.10 **"Dwelling Unit"** means one or more rooms used, designed, or intended for the domestic use of one or more individuals living as a single housekeeping unit, with living, sleeping and sanitary facilities, and kitchen facilities, having a private entrance from outside the building or from a common hallway or stairway inside or outside the building. For the purpose of this By-law, a Dwelling Unit does include a cottage but does not include an Accessory Building or Structure or a tent, trailer, mobile home, vehicle, Boat, room or suite of rooms in a boarding or rooming house, hotel, or motor home.
- 2.11 **"Fee"** means a Fee as set forth in the Township of South Algonquin Fee By- law, which is not prorated and non-refundable.
- 2.12 **"Guest"** means any person on the Premises who is not a Renter.
- 2.13 **"License"** means the license issued under this By-law as proof of licensing under this By-law.
- 2.14 **"Licensed"** means to have in one's possession a valid and current License issued under this By-law and "Unlicensed" has the contrary meaning.
- 2.15 **"Licensee"** means the Owner of a Premises who holds a License or is required to hold a License under this By-law for those Premises.
- 2.16 **"Licensee Code of Conduct & Acknowledgment"** means a document, as set forth in Schedule "B", that has been prepared by the Township that prescribes the roles and responsibilities of the Licensee, including but not limited to behavioural expectations as they relate to non-disturbance of neighbours; compliance with applicable Township by-laws; and adherence to the provisions of this By-law.
- 2.17 **"Licensing Officer"** means any person or persons provided the authority by the Township to issue a License under this By-law.
- 2.18 **"Officer"** means a Municipal By-Law Enforcement Officer, Chief Building Official Inspector, Police Officer, Fire Chief or other person appointed by by-law to enforce the provisions of Township by-laws.

**Commented [i5]:** Think it should include mobile home as there is lots of existing mobile homes in township. Need to address trailers being rented on properties.

**Commented [iC6R5]:** I agree although I see it deleted here

**Commented [BM7R5]:** Yes we do need to ensure we capture the mobile homes that are being used as STR

**Commented [i8]:** Change to be consistent with his title

**Commented [BM9R8]:** Agreed

- 2.19 "Owner" means the Person holding title to the Premises where the Short-Term Rental Accommodation is located, and "Ownership" has a corresponding meaning.
- 2.20 "Parking Area" means an area on the Premises provided for the parking of motor vehicles and may include aisles, parking spaces, pedestrian walkways, and related ingress and egress lanes, but shall not include any part of a public street.
- 2.21 "Person" means any singular or plural human being, association, firm, partnership, incorporated company, corporation, agent or trustee, and the heirs, executors, or other legal representatives of a person to whom the context can apply, according to law.
- 2.22 "Premises" means the Property upon which a Short-Term Rental Accommodation is operated, inclusive of buildings or structures or any part thereof used for such purpose.
- 2.23 "Property" means the land upon which Short-Term Rental Accommodation is operated, exclusive of buildings or structures or any part thereof.
- 2.24 "Renter" means a person that intends to use the Short-Term Rental Accommodation for overnight lodging but shall not include daily visitors to the Premises.
- 2.25 "Renter's Code of Conduct" means a document, as set forth in Schedule "A", that has been prepared by the Township that prescribes the roles and responsibilities of the Renters and Guests, including but not limited to behavioural expectations as they relate to non-disturbance of neighbours; compliance with applicable Township by-laws, and adherence to the provisions of this By-law;
- 2.26 "Responsible Person" means an Owner or a Person, 18 years of age or older if an individual, duly appointed by an Owner to act on its behalf, and being responsible for ensuring the Short-Term Rental Accommodation is operated in accordance with the provisions of this By-law, the License, and applicable laws.
- 2.27 "Short-Term Rental Accommodation" means the secondary use of a residential Dwelling Unit that offers a place of accommodation or temporary residence, or occupancy by way of concession, permit, lease, license, rental agreement, or similar arrangement for fewer than twenty-eight (28) consecutive calendar days with no on-site management throughout all or part of the year. Short-Term Rental Accommodation uses shall not mean a motel, hotel, bed and breakfast establishment, tourist establishment, tourist cabin establishment, or similar commercial accommodation use. For the purposes of this definition, a secondary use shall mean secondary

**Commented [IC10]:** Businesses would not be included in this right? Should we clarify this statement to state registered business.

**Commented [BM11R10]:** That is correct business properties such as Bongos are not addressed in this

in terms of time the Dwelling Unit is used as a Short-Term Rental Accommodation.

2.28 "Township" means The Corporation of the Township of South Algonquin.

2.29 "Zoning By-law" means the Township's Comprehensive Zoning By-law 2017-527, as amended, or any successor comprehensive Zoning By-law, as amended.

### 3. ADMINISTRATION:

3.1 The By-Law Enforcement Officer shall be responsible for the administration of this By-law;

3.2 Officers shall be responsible for the enforcement of this By-law;

3.3 Upon receipt of an application for a License, a Licensing Officer shall perform the following functions:

- a) receive and review the application in conjunction with any provision of this By-law; and
- b) ensure the relevant Officers have carried out the necessary inspections to satisfy the Township that the Premises is in compliance with the provisions of this by-law.

3.4 Applications for a License and issued Licenses will be posted on the Township's website, including personal information such as the legal description, civic address, and Owners' and Responsible Person's contact information.

3.5 Licensees may apply for renewal of their License, however shall not exceed 100.

### 4. PROHIBITIONS

4.1 No Person shall operate a Short-Term Rental Accommodation unless the Person holds a current License issued pursuant to this By-law.

4.2 No Person shall use or rent an Unlicensed Short-Term Rental Accommodation.

4.3 No Person shall advertise nor permit:

- a) the use of a Short-Term Rental Accommodation without a License;
- b) the rental or use of a greater number of Bedrooms than permitted by the License;
- c) a greater number of Renters or Guests than is permitted by the License;
- d) the use of more than one building with Bedrooms on the Premises;

**Commented [IC12]:** Keeping that information is a must within the office but why post?

**Commented [BM13R12]:** This makes the owners responsible and hopefully will allow neighbours to be aware of the airbnb next door and the contact for issues hopefully deter some calls to bylaw

**Commented [i14]:** What does 100 mean?

**Commented [IC15R14]:** Yes what does it mean. Number of STR accommodations?

**Commented [BM16R14]:** This is an attempt to limit STR and is an arbitrary number at this time. I know another municipality found it necessary to limit the number of licenses. This can be in or out and could always be added if we continue to have concerns with volume of STR's

**Commented [IC17]:** Did I miss the number of bedrooms for rent permitted

**Commented [IC18]:** Greater number of renters per booking?

**Commented [BM19R18]:** Yes there is a limit of 2 per bedroom

**Commented [IC20]:** Like this statement. Would solve the issue of several trailers on property but should include tents, bunks

- e) the rental of the Premises for fewer than 6 consecutive days between April 15 - October 15;
- f) the rental of the Premises more often than once in every six-day period from October 16 - April 14; or
- g) the rental of the Premises for more than 92 combined days per calendar year.

**Commented [i21]:** Is there a reason why we care how long they rent for?

**Commented [IC22R21]:** Good question. We have the rental open from April to November. Many bookings are for longer stays - 5-7

**Commented [BM23R21]:** This is to encourage longer stays and reduce daily turnover. This can be changed or eliminated. It is harder to police daily turnovers and it discourages long term rentals.

4.4 No Person shall violate the provisions of the Renter's Code of Conduct attached as Schedule "A" to this By-law.

4.5 No Person shall violate the provisions of the Licensee Code of Conduct & Acknowledgment attached as Schedule "B" to this By-law.

4.6 No Person shall fail to produce a copy of the signed Renter's Code of Conduct or Licensee Code of Conduct & Acknowledgment upon the request of an Officer.

4.7 No Licensee or Renter shall permit more than 2 Renters on the Premises for each Bedroom identified and approved as such on the floor plans submitted with the application for the Short-Term Rental Accommodation License, at any one time.

**Commented [IC24]:** Our place has one bedroom and pull out couch. We often have families, 3-4 people. As well if using Airbnb it post what is available.

4.8 The maximum number of Guests at the Premises at any one time shall not exceed 1 Guest per Bedroom approved as such on the floor plans submitted with the application for the Short-Term Rental Accommodation License, at any one time.

**Commented [BM25R24]:** We should consider septic capacities. A house with 3 bedrooms isn't designed for 12 people

**Commented [IC26]:** One person or one booking ?

4.9 The maximum number of Renters on Premises shall not exceed ten (10).

**Commented [BM27R26]:** Booking. We allow 2 guests per bedroom

4.10 No Licensee shall rent any room other than a Bedroom that was identified and approved as such on the floor plans submitted with the application for the Short-Term Rental Accommodation License.

4.11 The provisions of Section 4 shall not apply when the Premises are not rented for Short-Term Rental Accommodation.

**Commented [i28]:** Should this section further specify when being used by the owner of the property Section 4 shall not apply?

4.12 No Person shall contravene the Site Requirements found at Section 7 of this By-law.

**Commented [BM29R28]:** I think that this is the intent of the existing language as it would not be rented at that time

4.13 Short-Term Rental Accommodations shall comply with all applicable Municipal by-laws and provincial legislation.

## 5. TERM OF LICENSE:

5.1 A License that has been issued pursuant to this By-law shall expire upon the earliest of the following events:

- a) December 31st of the year issued;
- b) Upon the sale or transfer of the Premises. For clarity, a License cannot be assigned or transferred to another Person; or
- c) The License has been revoked in accordance with the provisions of this By-law.

5.2 The Licensing Officer shall have the right to extend any active License for up to 1 calendar year, should there be a declared emergency that directly effects the Licensee.

5.3 Only one License per Premises shall be permitted.

5.4 A License may only be issued to the Owner of the Premises.

## 6. LICENSING REQUIREMENTS:

6.1 Every application for a new License, or the renewal of an existing License, shall include:

- a) a completed application in the form required by the Township, which shall include each Owner's name, address, telephone number, and email address;
- b) proof of Ownership for the Premises;
- c) a statutory declaration signed by each and every Owner stating that the Premises is used primarily for residential purposes and that each and every Owner understands their responsibilities as a Licensee;
- d) a site diagram and floor plan, drawn to scale and fully dimensioned of the Premises identifying:
  - i. the location of all Buildings and structures on the Property;
  - ii. the location of wells, and all components of sewage systems;
  - iii. the use of each room;
  - iv. the location of smoke and carbon monoxide alarms and early warning devices;
  - v. the location of fire extinguishers;
  - vi. the location of records of tests and maintenance of smoke and carbon monoxide alarms, early warning devices and fire extinguishers;
  - vii. the location of all gas and electric appliances;
  - viii. the location of all fireplaces and fuel-burning appliances;
  - ix. all entrances/exits to and from the buildings; and
  - x. the exterior decks and related site amenities including dimensioned parking spaces, and other Buildings or structures on the Property;

**Commented [IC30]:** Is this necessary? A list of what is required for safety etc may be more applicable. We do have fire safety devices but as our own home check twice a year. Would never keep a record and I will assume a local motel or hotel doesn't either.

**Commented [BM31R30]:** I believe this is important and is in the other STR bylaws I've reviewed. It ensures all safety devices are in place as well as meets the needs for fire and building to ensure they meet code requirements. Floor plans are on the back of the doors in hotels so people know where the nearest exist is.

e) a certificate of insurance which includes a liability limit of no less than two million dollars (\$2,000,000.00) per occurrence for property damage or bodily injury. Such insurance policy must identify that Short-Term Rental Accommodation is being operated on the Premises. The insurance coverage required herein shall be endorsed to the effect that the Township shall be given at least 10 days' notice in writing of any cancellation or material variation to the policy;

f) an electrical general inspection performed by a licensed electrical contractor dated less than 5 years old;

g) where there are wood burning appliances, a Wood Energy Technical Transfer (WETT) report dated less than 5 years old issued by a certified WETT inspector;

h) an annual inspection report, provided with the annual application, indicating that the chimney, flue pipes etc. have been inspected by a WETT certified chimney sweep and are safe to be utilized;

i) an HVAC inspection report issued by an HVAC Technician. An updated report shall be required each year;

j) the name and contact information of the Responsible Person who can be readily contacted within thirty (30) minutes and respond to an emergency or contravention of any Township by-law, including attendance on site of the Premises within sixty (60) minutes of being notified of the occurrence; and

k) at time of renewal: maintenance and record of tests for all smoke and carbon monoxide alarms along with the guest log/register.

6.2 An Applicant shall provide payment of the applicable Fee as noted within the Township's Fee By-law.

6.3 An Applicant or Licensee shall be responsible for informing the Township, in writing, of any changes to the information contained within the application or any deviation to the approved plans within (7) days of such change or deviation.

6.4 Nothing herein allows a Licensee to rent Bedrooms other than those identified and approved on the floor plans submitted with the application unless the Township has approved same.

6.5 An Applicant shall confirm that an occupancy permit, also known as "permission to occupy" has been issued for the Premises if the building was constructed on or after ????. Where this is not available, the Township Building Department shall be consulted. A License

**Commented [IC32]:** Why would township require this? If required I would assume these things would be covered under owners own insurance. Should we just be satisfied with copy of their insurance.

**Commented [BM33R32]:** In licensing a property we need to ensure that properties meet the required standards similar to what a commercial property would have and mitigates township liability. Also 2 million in insurance today is likely no where near enough for civil liability

**Commented [IC34]:** This is good but may not cover the actual owner of some of the properties. I believe we have a few dwellings owned by someone who lives in Toronto. Responsible person is great but if looking to deter properties being bought by non residences and used for STR then we may want to change wording.

**Commented [BM35R34]:** Must be owner occupied.

**Commented [IC36]:** Again are we over reaching.

**Commented [BM37R36]:** Again it is about safety and liabilities

**Commented [j38]:** Need to add fees in by-law

**Commented [BM39R38]:** Agreed.



shall not be issued until the Township is satisfied that the necessary inspections and reports have been completed or that a safety site inspection was completed to ensure the safety of persons.

- 6.6 A Licensee must ensure that any listing, advertisement, etc. of the Premises includes the corresponding License number issued by the Township.
- 6.7 A Licensee shall be an Owner who is an individual or group of individuals and not a corporation, partnership, or business, except where section 6.8 applies.
- 6.8 Corporate Owners may be permitted to become a Licensee at the discretion of the Licensing Officer, if staff is satisfied in its sole discretion that the property is used and held primarily for residential purposes.

## 7. SITE REQUIREMENTS

- 7.1 The provision of parking on the required site diagram shall include the following:
- a) location of the Parking Area with a minimum number of parking spaces as set out in the Zoning By-law;
  - b) that Renters and Guests are permitted no more cars than there are designated parking spaces in the Parking Area; and
  - c) compliance with all other parking provisions as set out in the Township Zoning By-law, as amended.
- 7.2 A Parking Area shall consist of a hard-surfaced driveway (gravel, paved, concrete, interlock, or similar hard surface). Vehicles may only park in the Parking Area.
- 7.3 The following shall be made available to Renters:
- a) A copy of the current License retained on site of the Premises and available for inspection by Township staff;
  - b) A copy of the site diagram showing the current Parking Area and parking provisions for the Premises;
  - c) A copy of the approved floor plans identifying the rooms and showing exits and fire escape routes;
  - d) A copy of the Renter's Code of Conduct;
  - e) A copy of the current Township Noise By-law;

**Commented [i40]:** This is common in our twp. A lot of recent purchases are Corporate companies.

**Commented [IC41R40]:** Not sure I understand this

**Commented [BM42R40]:** Some people have their company purchase the home. Rather than in their personal name.

**Commented [IC43]:** This is where I go WOW! I am all about safety and providing guests with information but this provision as taken it from an extra income to a business.

**Commented [BM44R43]:** These properties still need to meet the requirements of our zoning. Currently all of them are illegal as we don't permit them in the zoning bylaw in residential properties.

**Commented [IC45]:** I will assume this code is a part of the Airbnb - not the township

**Commented [BM46R45]:** It is appended to this draft

- f) A copy of the current Open-Air Burning By-law;
- g) A copy of the current Fireworks By-law;
- h) The occupant load of the residence, posted in a conspicuous location;
- i) Emergency "911" instructions with the address of the Property clearly printed and posted in a conspicuous location;
- j) A copy of the smoke and carbon monoxide maintenance and use instructions; and
- k) Name and contact information of the Responsible Person.

7.4 All Short-Term Rental Accommodations must provide a class A ULC listed portable fire extinguisher with a minimum rating of 2A 5B:C in any cooking area and on each floor of the building.

7.5 Portable extinguishers shall be:

- a) kept operable and fully charged;
- b) located so that they are easily seen and shall be always accessible;
- c) tested and maintained in conformance with NFPA 10, "Portable Fire Extinguishers"; and
- d) inspected monthly.

7.6 The Licensee shall maintain a guest register which indicates the Renters' and Guests' names, addresses, telephone numbers, number of Renters and Guests, length of stay, and confirmation that the smoke and carbon monoxide alarms have been checked and are in working condition after a Renter leaves. This guest register must be provided to the Township within 24 hours upon request.

## 8. INSPECTION

8.1 It is the responsibility of any Applicant to contact the Township for an inspection, which shall ensure compliance with the following, where applicable:

- a) the provisions of this By-law;
- b) the Ontario Building Code Act, 1992, S.O. 1992 c.23; including Sewage System;
- c) the Ontario Fire Protection and Prevention Act, 1997, S.O. 1997, c.4;
- d) the Zoning By-law; and
- e) any other municipal by-laws or provincial legislation that may affect the safety and well-being of persons or eligibility of the application or License.

8.2 During the inspection process, all relevant departments of the Township may be circulated and provide comments on any known matters that would assist with the determination of License eligibility.

**9. ISSUANCE OF LICENSE AND GROUNDS FOR REFUSAL:**

9.1 The Licensing Officer shall have the authority to issue, refuse to issue or renew a License, to revoke or suspend a License, or to impose terms and conditions on a License.

9.2 The Licensing Officer may refuse to issue or renew a License where:

- a) there are reasonable grounds for belief that the operation of the Short-Term Rental Accommodation may be averse to the public interest;
- b) a License has been previously revoked, suspended, or made subject to terms and conditions;
- c) an Applicant has presented a history of contravention with this By-law;
- d) the proposed use of the Premises is not permitted by the Zoning By-law;
- e) the Owner is indebted to the Township in respect of fines, penalties, judgements, or any other amounts owing, including awarding of legal costs, disbursements, outstanding property taxes and late payment charges, against an Owner's Property; or
- f) the Premises does not conform with applicable federal and provincial law and regulations or municipal by-laws, including, but not limited to, the Zoning By-law, Yard Standards By-law, the Building Code Act, the Fire Protection and Prevention Act, and the Electricity Act.

9.3 The Licensing Officer, if satisfied that the continuation of a License poses a danger to the health or safety of any person, may suspend a License for not more than 14 days. If, after this period, the Licensing Officer is satisfied that the continuation of a License will continue to pose a danger to the health or safety of any person, the Licensing Officer may suspend a License for further terms of not more than 14 days or may revoke the License.

9.4 The License Officer may revoke a License if it was issued in error or granted based on incorrect or false information.

**10. APPEAL:**

10.1 Where the Licensing Officer has denied an Applicant a License, a renewal of a License, or has suspended or revoked a License, the Licensing Officer shall inform the Applicant or Licensee by way of written notice setting forth the grounds for the decision with

reasonable particulars and shall advise of the right to appeal such decision to the Committee.

- 10.2 An Owner may appeal to the Committee in relation to a matter set forth in a notice delivered pursuant to Section 10.1. Appeals will not be permitted for the issuance of demerit points until they have resulted in the suspension or revocation of a License. Appeals will not be permitted for any matters that have already been heard by the Committee.
- 10.3 A request for an appeal must be made within 14 business days of service of the written notice. An appeal shall be made in writing to the Licensing Officer, setting forth the reasons for the appeal, with payment of the required appeal fee as set out in the Township Fees and Charges By-law.
- 10.4 Where no request for an appeal is received in accordance with Section 10.3, the decision of the Licensing Officer shall be final and binding.
- 10.5 Where a request for an appeal is received, a hearing of the Committee shall be convened, and the Owner shall be provided reasonable written notice thereof.
- 10.6 After such an opportunity to be heard is afforded, the Committee shall make a decision. When making its decision, the Committee may consider any matter pertaining to this By-law, or other matter that relates to the health, safety, and well-being of the public. When making its decision, the Committee may refuse to issue or renew a License, or revoke, suspend, or impose any condition to a License. The Committee's decision is final and binding.
- 10.7 Where the Committee conducts a hearing, the rules set out in the Statutory Powers Procedure Act, R.S.O. 1990, c. S.22 shall apply.

## 11. ORDERS:

- 11.1 If an Officer is satisfied that a contravention of this By-law has occurred, the Officer may make an order requiring the Renter, or Person who contravened this By-law, or Person who caused or permitted the contravention, or the Licensee to take actions to correct the contravention.
- 11.2 The order shall set out:
- a) reasonable particulars of the contravention adequate to identify the contravention and the location of the contravention; and
  - b) the work to be done and the date by which the work must be

**Commented [i47]:** We should determine what committee?

**Commented [IC48R47]:** Should we look to establish a bylaw committee? Or Administration committee? The existing bylaws may need to be reviewed and updated.

**Commented [BM49R47]:** Yes council will need to establish an appeals committee as council's procedural bylaw doesn't currently have one. Unless council wished to defer it to the hr/admin/pr committee. This would need some council direction.

done, if any.

- 11.3 An order may be served personally upon the Person to whom it is directed to or sent by regular mail to the address shown on the last revised assessment roll or to the last known address.
- 11.4 An order under Section 11.1 may require action to be taken even though the facts which constitute the contravention of this By-law were present before this By-law came into force.
- 11.5 No Person shall fail to comply with an order issued pursuant to Section 11.1.
- 11.6 If an Officer is satisfied that a contravention of this By-law has occurred, the Officer may make an order, known as a "Discontinue Activity Order" , requiring the Renter, or Person who contravened this By-law, or Person who caused or permitted the contravention, or the Licensee to discontinue the contravening activity.
- 11.7 The Discontinue Activity Order shall set out:
  - a) reasonable particulars of the contravention adequate to identify the contravention and the location of the contravention;
  - b) the date by which there must be compliance with the Discontinue Activity Order.
- 11.8 A Discontinue Activity Order may be served personally upon the Person to whom it is directed to or sent by regular mail to the address shown on the last revised assessment roll or to the last known address.
- 11.9 No Person shall fail to comply with a Discontinue Activity Order issued pursuant to Section 11.6.
- 11.10 In the event the Officer is unable to serve any order under the provisions of this By-law, the order shall be posted in a conspicuous place on the Premises, and the placing of the order shall be deemed to be sufficient service of the order on the Renter or Licensee/Owner.
- 11.11 An order under this By-law may require work to be done even though the facts which constitute the contravention of this By-law were present before this By-law came into force.
- 11.12 Any violations of this By-law shall be addressed pursuant to their respective remedies. In addition, demerit points will be levied against the Premises and Licensee as per Appendix "B" to this By-law.

## 12. ENTRY AND INSPECTION

- 12.1 An Officer, ~~or~~, Chief Fire Official ~~or Building Inspector~~ may, at any time, enter onto any land to determine whether this By-law is being complied with.
- 12.2 Every Owner shall permit the Officer, ~~or~~ Chief Fire Official ~~Inspector~~ to inspect any part of the Premises for the purpose of determining compliance with this By-law.
- 12.3 Notwithstanding any provision of this By-law, an ~~Officer~~ ~~or Chief Fire Official~~ ~~Building Inspector~~ shall not enter or remain in any room or place being used as a Dwelling Unit, unless:
- a) the consent of the occupier is obtained after the occupier has been informed that the right of entry may be refused and, if refused, may only be made under the authority of a warrant issued under the Provincial Offences Act, R.S.O.1990, c.P.33, as amended; or
  - b) a warrant is issued under the Provincial Offences Act, R.S.O.1990, c. P.33, as amended, is obtained.
- 12.4 A ~~Chief Fire Official or designate fire inspector~~ may, without a warrant, enter and inspect land and premises for the purpose of assessing fire safety pursuant to section 19(2) of the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4, as amended.

## 13. OBSTRUCTION:

- 13.1 No Person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer, ~~or~~ Chief Fire Official ~~or Building Inspector~~ exercising a power or performing a duty under this By-law.
- 13.2 Any person who has been alleged to have contravened any of the provisions of this By-law, shall identify themselves to the Officer ~~or~~, Chief Fire Official ~~or Building Inspector~~ upon request, failure to do so shall be deemed to have obstructed or hindered the Officer ~~or~~, ~~Chief Fire Official~~ ~~or Building Inspector~~ in the execution of their duties.

## 14. PENALTY:

- 14.1 Every Person who contravenes any of the provision of this By-law and every Director or Officer of a Corporation who knowingly concurs in the contravention by the Corporation is guilty of an offence under the provisions of the Municipal Act, 2007, S.O. 2001, c. 25, as amended.

**Commented [j50]:** I took of CBO and added Chief Fire Official as CBO are included in Officer description and Chief Fire Official has its own description. We'll have to watch for those.

**Commented [BM51R50]:** thanks

**Commented [IC52]:** Fines are hefty! I will assume this would be if property owner decided to go ahead and operate without a license. Would there be others?

**Commented [BM53R52]:** This would be for any provision in the bylaw and would require the courts to determine as these are not set fines under a part 1 order they are a part 3 order which, requires attendance in court. We would have a demerit system for those that have a license to discourage bad behaviours.

14.2 Every Person who contravenes the provisions of this By-law and every Director or Officer of a Corporation who knowingly concurs in the contraventions by the corporation is guilty of an offence and liable:

- a) upon a first conviction, to a fine of not less than \$300 and the maximum shall not exceed \$100,000, exclusive of costs under the provisions of the Municipal Act, 2001, S.O. 2001, c. 25, as amended; and
- b) upon a second, or subsequent conviction, to a fine of not less than \$500 and the maximum shall not exceed \$100,000, exclusive of costs under the provisions of the Municipal Act, 2001, S.O. 2001, c. 25, as amended.

14.3 For the purpose of continuous offences, every Person who contravenes any provision of this By-law and every Director or Officer of a Corporation who knowingly concurs in the contravention of a by-law of the Corporation is guilty of an offence and liable on conviction to a penalty not exceeding \$10,000, exclusive of costs under the provisions of the Municipal Act, 2001, S.O. 2001, c. 25, as amended.

14.4 Despite Section 14.3 and the provisions of the Municipal Act, 2007, S.O. 2001, c. 25, as amended, the total of all daily fines for an offence is not limited to \$100,000.

14.5 For the purpose of multiple offences, every Person who contravenes any provision of this By-law and every Director or Officer of a Corporation who knowingly concurs in the contravention of a by-law of the Corporation is guilty of an offence and liable on conviction to a penalty not exceeding \$10,000, exclusive of costs under the provisions of the Municipal Act, 2001, S.O. 2001, c. 25, as amended.

14.6 Despite Section 14.5 and the provisions of the Municipal Act, 2007, S.O. 2001, c. 25, as amended, the total of all daily fines for an offence is not limited to \$100,000.

## 15. DEMERIT POINT SYSTEM

15.1 A Demerit Point System has been established in accordance with [Schedule "C", Table 1](#), without prejudice to options otherwise available to enforce this By-law or any other by-laws of the Township, provincial act or regulation, including, but not limited to, actions pursuant to the Building Code Act, Fire Protection and Prevention Act, and the Provincial Offences Act.

- a) The number of Demerit Points referenced in Column 3 of Table 1 will be assessed against a Short-Term Rental



Accommodation Premises and Licensee in respect of the

- i) the expiry of the period for appealing a fine imposed pursuant to Part I or Part III of the Provincial Offences Act;
- (ii) the expiry of the period for appealing against a conviction in the Ontario Court of Justice;
- (iii) an Order not complied with;
- (iv) an Order not complied with resulting in Township remediation; or
- (v) an observation by an Officer.

15.2 A License may be suspended for a period of six months if the total Demerit Points in effect respecting a Short-Term Rental Accommodation is seven or more.

15.3 A License may be revoked if the total of all Demerit Points in effect respecting a Short-Term Rental Accommodation is fifteen or more.

15.4 Notice of the suspension or revocation of a License shall be provided to the Licensee in accordance with this By-law and a Licensee may appeal the suspension or revocation in accordance with Section 11 of this By-law.

15.5 Demerit Points shall remain in place until the two-year anniversary of the date of which the Demerit Points were assessed.

15.6 The Township shall not be liable for economic or other losses claimed by a Licensee for any reason, so long as good faith efforts were made by the Township or its representatives in exercising their judgment, or fulfilling their responsibilities, under this By-law.

**16. SEVERABILITY:**

16.1 If any court of competent jurisdiction declares any section or part of this By-law to be invalid, such section or part of a section thereof shall be deemed to be severable and all other sections or parts of this By-law shall be deemed to be separate and independent therefrom and to be enacted as such and the remainder of this By-law shall be valid and shall remain in force.

**17. EFFECTIVE DATE:**

17.1 This By-law shall come into force and effect on

**BY-LAW READ A FIRST, A SECOND AND THIRD TIME AND FINALLY PASSED THIS DAY OF , 2023.**

**THE CORPORATION OF THE TOWNSHIP OF SOUTH ALGONQUIN**

**Commented [i54]:** Should Chief Fire Official be included here as well?

**Commented [BM55R54]:** Included in definition of Official

**Commented [i56]:** Do we need wording that this by-law is effective for all rented properties even those that were involved in renting prior to the passing of this by-law.

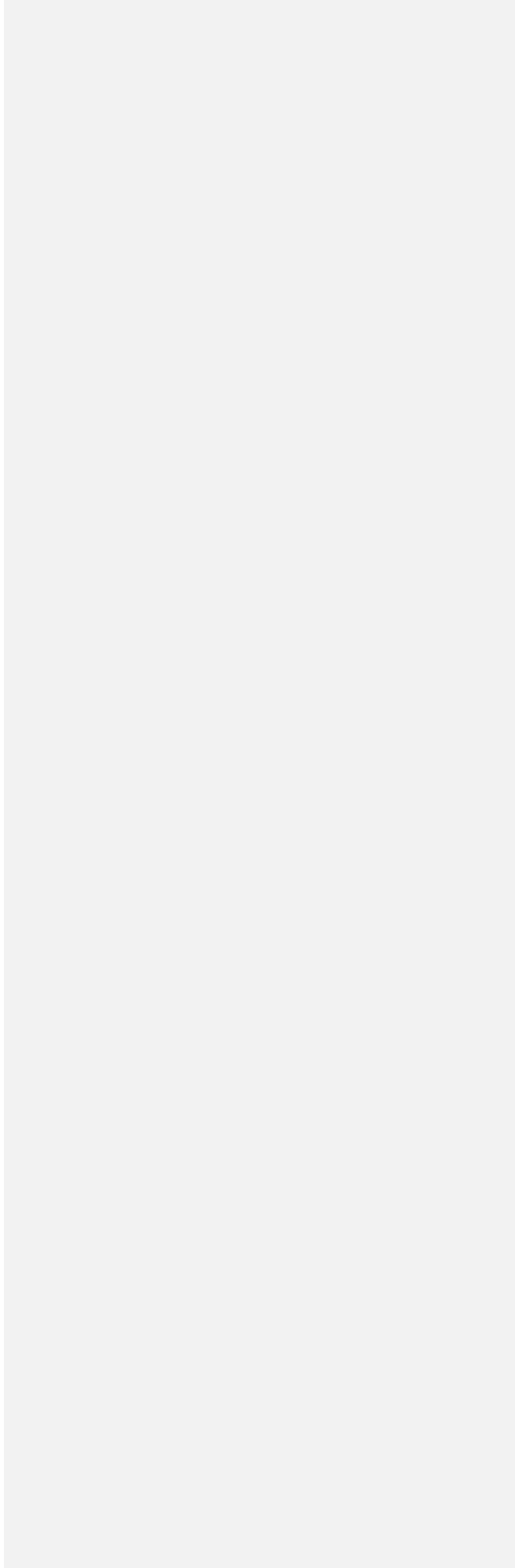
**Commented [IC57R56]:** Agree with the above statement. Should not have a grandfather clause.

**Commented [BM58R56]:** There is no grandfathering but if language is preferred to confirm that we can add it in.

\_\_\_\_\_  
Mayor Ethel Lavalley

\_\_\_\_\_  
CAO/Clerk-Treasurer Bryan Martin

DRAFT



Schedule "A"  
SHORT-TERM RENTAL ACCOMMODATION  
Renter's Code of Conduct

Licensed Premises

Municipal Address:

All Owner Names:

Responsible Person's Name:

Responsible Person's phone number:

1. Purpose of the Code

The purpose of the Renter's Code of Conduct is to acknowledge that Short-Term Rental Accommodation Premises is permitted in residential neighbourhoods and that other residents of these neighbourhoods have the right to enjoy their properties without nuisance. It also outlines specific requirements for Short-Term Rental Accommodations and imposes responsibilities for both Licensees and Renters of such Premises and that Licensees bear the primary responsibility of conveying this information to Renters of the Premises.

2. Objectives of this Code

The objective of this Code is to establish acceptable standards of behaviour for Owners and Renters to minimize any adverse impacts on their neighbours and the neighbourhood while protecting the health, safety, and well-being of people.

3. Residential Area

The Renters acknowledge for themselves and on behalf of Guests that they will be occupying Short-Term Rental Accommodation that is located in a residential area.

4. Guiding Principles

The guiding principles for Short-Term Rental Accommodation Renters are:

- The Premises that you are occupying is a home;
- Treat the Premises as your own;
- Respect the neighbours of the Premises; and
- Leave the Premises as you find it.

5. Maximum Number of Renters and Guests:

The maximum number of Renters including Guests permitted at a Short-term Rental Accommodation premises shall be limited as per the Short-term Rental Accommodation Licensing By-law.

6. Noise and Residential Amenity:

No person shall make noise to cause a disturbance or conduct themselves in a way that is likely to disturb others. Examples of noise that is likely to disturb others at any time include:

- a) Loud music;
- b) Outdoor or backyard gatherings or activities involving excessive noise or disruptive behaviour;
- c) Late evening/early morning disturbances; and
- d) Yelling, shouting, singing, or conversing loudly.

Renters and Guests are not allowed to disturb neighbours or interfere with the enjoyment of their properties, or the public realm, at any time of the day or night. Failure to comply with the conditions of the **Township Noise By-law** may result in charges or legal action being taken.

7. Access and Parking:

Please familiarize yourself and your Guests with the on-site parking available on the Premises to ensure ease of access with minimum disturbance to neighbours. All Short-Term Rental Accommodation Premises have vehicle parking requirements as part of the licensing process.

8. Garbage and Recycling:

Please familiarize yourself and your Guests with the provisions that have been made for waste management and the day of the week in which waste collection is scheduled. It should be noted that the "putting out" of waste on a non-scheduled day is regulated by the Township of South Algonquin Waste Management By-law. [Household Waste](#) collection information and pick up days are available on the Township of South Algonquins website.

9. Dwelling Units on Lots on Private Sewage Disposal Systems:

Note: Maximum occupancy of Short-Term Rental Accommodation is based on a maximum of two persons per Bedroom. Exceeding the maximum occupancy may result in the malfunctioning of the septic system and pollution of the ground water system.

10. Fire and Safety Precautions:

All Short-Term Rental Accommodations must have operating smoke alarms in accordance with the provisions of the Ontario Fire Code. In Short-Term Rental Accommodations which have a fuel-fired appliance or solid fuel-fired appliance installed or an attached storage garage, the Licensee must ensure that the building is equipped with carbon monoxide alarms installed outside of the sleeping areas in accordance with the provisions of the Ontario Fire Code. Further, the Licensee must regularly test the alarms to ensure that they are operational. If a Renter discovers that any of the alarms are not operational, the Renter shall immediately notify the Licensee of the deficiency. No person shall disable a smoke and/or carbon monoxide alarm.

I, \_\_\_\_\_ having read the above, acknowledge that I am renting this Premises from a valid Licensee in the Township of South Algonquin and undertake to conduct myself and those that are occupying this Premises at the same time in accordance with this Code and all other applicable by-laws. I understand that my action, if found in contravention of a by-law, may subject the Licensee to Demerit Points against their License and may include enforcement measures against myself, Guests, or the Licensee(s).

\_\_\_\_\_  
Signature of Renter(s)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Renter(s)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Renter(s)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Renter(s)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Renter(s)

\_\_\_\_\_  
Date

Schedule "B"  
SHORT-TERM RENTAL ACCOMMODATION  
Licensee Code of Conduct & Acknowledgment

Licensed Premises:  
Municipal Address:  
Name of Licensees:

- 1) The Premises identified above shall be operated in accordance with the Short-Term Rental Accommodation Licensing By-law, and all applicable acts, regulations, and other municipal by-laws.
- 2) The Licensee shall ensure that a copy of the Renter's Code of Conduct and copy of the License are always posted inside the Premises and visible for inspection by the Renters.
- 3) Nothing herein allows the Licensee to rent part of the Premises other than those identified in the License, based on the submitted documentation and site diagram.
- 4) The Licensee will be held responsible for contraventions of any municipal by-law, act or regulation by people found using the Premises, and may be subject to demerit points, fines, or other enforcement measures.
- 5) Entry and inspection by any Officer or their designate and any accompanied authorities or agent of the Township may occur as outlined in the By-law and for the purposes of:
  - a) carrying out any inspection; or
  - b) determining compliance with any by-law; or
  - c) verifying complaints received under a by-law; or
  - d) verifying compliance with an order issued or License; or
  - e) requiring a matter or thing to be done.
- 6) The Licensee is responsible for renewing a License by forwarding any required application and supporting documents as per the By-law prior to the expiry date of the License.
- 7) The Licensee is responsible for informing the Township in writing of any changes to a Premises within seven (7) days of such change or deviation.
- 8) The submission of false or misleading information to the Township may void an application, cause the current License to be revoked or cause a Licensee to be subject to further enforcement measures.
- 9) All Licensees are responsible for compliance with all other Township of South Algonquin by-laws (including, but not limited to, the following: Noise By-law, Open Air Burning By-law, Parking By-law, etc.).
- 10) All Short-Term Rental Accommodations must have operating smoke alarms in accordance with the provisions of the Ontario Fire Code. In Short-Term Rental Accommodations which have a fuel-fired appliance or solid fuel-fired appliance installed or an attached storage garage, the Licensee must ensure that the building is equipped with carbon monoxide alarms installed outside of the sleeping areas in accordance with the provisions of the Ontario Fire Code. Further, the Licensee must regularly test the alarms to ensure that they are operational. If a Renter discovers that any of the alarms are not operational, the Renter shall immediately notify the Licensee of the deficiency.

I, \_\_\_\_\_ having read the above, and the terms of the Short-Term Rental Accommodation Licensing By-law and License, undertake to provide Renters with a copy of the Renter's Code of Conduct and to require signatures as necessary. I also realize that a violation of the Short-Term Rental Accommodation Licensing By-law may result in the suspension or revocation of the Short-Term Rental Accommodation for the Premises.

Signature of Renter(s)	Date
Signature of Renter(s)	Date
Signature of Renter(s)	Date
Signature of Renter(s)	Date

**Commented [i59]:** No Parking By-Law

**Commented [BM60R59]:** Yes we still need a parking bylaw to address street parking in the winter. I have drafted one but will bring it forward later

Signature of Renter(s)

Date

Schedule "C"  
Demerit Point System

Table 1

Infraction	Reference	Type	Demerit Points
Fire Protection and Prevention Act/Fire Code	FPPA/OFC	Order not Complied With	4
		Part 1 or Part III conviction	8
Open Air Burning Violation	Township Open Air Burning By-law	Cost Incurred for Illegal Fire	2
		Part 1 or Part III conviction	4
Operating without a license	Short-Term Rental Accommodation Licensing By-law	Order not Complied with	3
		Part 1 or Part III conviction	5
Building Code Act (Order to Comply)	BCA	Order not Complied with	4
		Part 1 or Part III conviction	8
Property Standards	Township Yard Standards By-Law	Order not Complied with	2
		Part 1 or Part III conviction	4
Host does not respond within 1 hour of request by Township	Short-Term Rental Accommodation Licensing By-law	Observed by an Officer	1
		Order not Complied with	2
		Part 1 or Part III conviction	4
Violation of any Provision of this By-Law	Short-Term Rental Accommodation Licensing By-law	Observed by an Officer	1
		Order not Complied with	2
		Part 1 or Part III conviction	4
Violation of Renter's Code of Conduct	Short-Term Rental Accommodation Licensing By-law	Observed by an Officer	1
		Order not Complied with	2
		Part 1 or Part III conviction	4
Obstruction of Officer or Chief Fire Official	Short-Term Rental Accommodation Licensing By-law	Observed by an Officer	7
		Part 1 or Part III conviction	15

# THE CORPORATION OF THE TOWNSHIP OF SOUTH ALGONQUIN

## BY-LAW NUMBER 2023 - ???

### A BY-LAW TO PROVIDE FOR YARD STANDARDS IN THE TOWNSHIP OF SOUTH ALGONQUIN

**WHEREAS** the Official Plan of the Township of South Algonquin adopted by The Corporation of the Township of South Algonquin includes provisions relating to property conditions;

**AND WHEREAS** Section 127 of the *Municipal Act, 2001*, permits the Township to pass by-laws to:

- (a) Require the owner or occupant of land to clean and clear the land, not including buildings, or to clear refuse or debris from the land, not including buildings;
- (b) Regulate when and how matters required under clause (a) shall be done;
- (c) Prohibit the depositing of refuse or debris on land without the consent of the owner or occupant of the land; and
- (d) Define "refuse".

**AND WHEREAS** Section 131 of the *Municipal Act, 2001*, permits a Township to pass by-laws to prohibit and regulate the use of any land for the storage of used motor vehicles for the purposes of wrecking or dismantling them or salvaging parts from them.

**AND WHEREAS** Section 446. (1) of the *Municipal Act, 2001* provides that the municipality has the authority under this or any other Act or under a by-law under this or any other Act to direct or require a person to do a matter or thing, the municipality may also provide that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense.

**AND WHEREAS** Section 446 (3) of the *Municipal Act, 2001* provides that the municipality may recover the costs of doing a matter or thing under subsection (1) from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF SOUTH ALGONQUIN ENACTS AS FOLLOWS:

#### 1.0 SHORT TITLE

This By-Law may be cited as the "Yard Standards By-Law."

#### 2.0 DEFINITIONS

In this By-Law:

- a) **"Council"** means the Council of the Corporation of the Township of South Algonquin.
- b) **"Commercial Property"** means any property zoned commercial as detailed in the Township's Comprehensive Zoning Bylaw and all derivatives thereof.
- c) **"Fence"** shall mean any structure constructed of posts, boards, palings, rails, wire, masonry or similar materials or any combination thereof used to define a property boundary or to enclose any outdoor area.
- e)d) **"Graffiti"** shall mean writing or drawings scribbled, scratched, or sprayed illicitly on a wall or other surface in a public place.
- e)e) **"Highway"** includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof
- e)f) **"ICI waste"** means waste produced by Industrial, Commercial, and Institutional operations, and may include household waste generated by such operations.
- e)g) **"Inoperative"** means not in working condition;
- e)h) **"Maintain"** means the preservation or keeping in repair of a property as required by this By-Law and any applicable regulations.
- e)i) **"Municipal By-law Enforcement Officer"** means the designated by-law enforcement officer(s) of the Township of South Algonquin.
- e)j) **"Property"** means a building or structure or part of a building or structure and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures and outbuildings erected thereon.

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j)k) **“Residential Property”** means any property zoned as residential as detailed in the Township’s Comprehensive Zoning Bylaw and all derivatives thereof.

k)l) **“Rural Property”** means any property zoned as rural as detailed in the Township’s Comprehensive Zoning Bylaw and all derivatives thereof.

l)m) **“Township”** Shall mean the **Corporation of the Township of South Algonquin**.

m)n) **“Standards”** means the standards of physical condition prescribed for property by this By-Law.

n)o) **“Unused”** means stored or kept for the purpose of scrap or salvage;

o)p) **“Unlicensed”** means, in the case of a vehicle, without current and valid plates;

p)q) **“Vehicle”** means any type of motor vehicle, recreational vehicle, snowmobile, trailer or other type of vehicle or equipment drawn, propelled, or driven by any kind of power.

q)r) **“Waste”** means any domestic, commercial, or industrial waste or refuse and includes all wastes as designated in Ontario Regulation 347

r)s) **“Yard”**

- (i) On any property zoned Residential, yard shall mean the land around or adjoining the whole or any part of a residential building; and for residential lots, it generally refers to the front, back and side lawn portions of a property.
- (ii) On any property zoned Rural, Yard shall mean the one-half acre of land immediately around or adjoining a residential, commercial, industrial or institutional building or buildings, but excludes Barnyards and land under farm operations.
- (iii) On any property zoned Commercial, Yard shall mean the one-half acre of land immediately around or adjoining to the commercial, industrial or institutional building or buildings.

### 3.0 GENERAL DUTIES AND OBLIGATIONS ALL PROPERTIES

3.1 Every yard shall, always, be kept in a neat, clean and orderly condition, and free from any objects or conditions that might create a health, fire or accident hazard or any other condition as detailed in this bylaw.

### 4.0 WASTE

4.1 All yards shall be maintained in accordance with the following standards:

- (a) Every yard shall be kept free of waste, except as provided in this section.
- (b) All waste stored outside at any residential property shall be stored in a container in such a fashion as to prevent the harboring of rodents, vermin or other wildlife and the scattering of debris.
- (c) All ICI waste shall be stored in a shed or waste container approved for the storage of the waste material or deemed appropriate by the Municipal By-Law Enforcement Officer that is:
  - (i) Constructed in such a fashion as to be easily accessed and emptied by the Municipal waste department where such service is provided;
  - (ii) Constructed In such a fashion as to be sealed against intrusion by rodents, vermin, or other wildlife;
  - (iii) Have a solid cement, concrete or other impermeable material floor; and
  - (iv) Cleaned or sterilized on a regular basis to minimize the odour and risk of health hazards.
- (d) No person, corporation or business shall store or accumulate any waste for any period greater than 7 days where such waste could create a health, safety, accident, or fire hazard or encourage scavengers or vermin.

## 5.0 STORAGE

- 5.1 The warehousing or storage of material or equipment that is required for the continuing operation of the permitted use of any property shall be in accordance with the following standards:
- a. Stored materials shall be arranged in a neat and orderly manner;
  - b. Stored materials shall not create a fire or accident hazard: and
  - c. Stored materials shall be arranged so that unobstructed access for emergency vehicles is ensured.
- 5.2 Storage, salvage, and scrap yards shall be effectively screened from all other properties or highways by a solid wall or fence or solid hedge not less than 2.0 meters in height.
- 5.3 No person shall store or allowed to be stored in any yard any discarded or unused material or items, including but not limited to lumber, plywood, drywall, shingles, insulation, flooring, carpeting, windows, glass, bricks, stone, or any other construction material; Household furniture, appliances, tools, bicycles, snow mobiles, equipment, firewood, machinery or any parts thereof.

## 6.0 VILLAGE OF WHITNEY & MADAWASKA

- 6.1 In addition to all other provisions of this By-law, all residential properties including yards, parking lots or vacant land located within the geographical territory of the Villages of Whitney and Madawaska shall be maintained in accordance with the following standards:
- (a) All properties shall be kept free of:
    - (i) weeds or noxious plants;
    - (ii) grass more than 15 cm in height except where such growth is part of a landscaping design approved by the Township of South Algonquin.
    - (iii) Dead or damaged/dangerous trees or shrubbery.
  - (b) Where a building or structure is undergoing construction or renovation all construction materials and equipment and other related items to be used in the construction or renovation may be stored in the yard for a reasonable amount of time providing such materials are:
    - (i) Piled in an organized manner; or
    - (ii) Stored in an area to the rear of the main structure and stored in such a manner as to not create an unsightly condition to adjoining properties.
  - (c) Where a building or structure is undergoing demolition or renovation all waste materials resulting from that demolition or renovation shall be removed from the property within 30 days of the generation of the material.
  - (d) Where a building or structure is undergoing demolition or renovation all materials slated for recycle or reuse shall be stored in such a fashion as to not create an unsightly condition on the property and shall be removed within 30 days of completion of the project.
- 6.2 Fences
- (a) Every person who erects a fence or causes a fence to be erected on or around any yard shall keep such fence,
    - (i) in good repair,
    - (ii) in a safe and structurally sound condition and free from hazards: and
    - (iii) Unsightly markings, stains, or other defacements on the exterior surfaces of fences shall be removed and the surface shall be refinished when necessary.

**Commented [i1]:** Councillor Rodnick: Suggestion to not specify length and revise to "every person shall keep yards and vacant property free from heavy undergrowth, excessive growth of grass, weeds, noxious plants in accordance with the Weed Control Act."

## 7.0 STORAGE OF MOTORIZED VEHICLES COMMERCIAL PROPERTIES

All properties zoned to permit commercial uses shall comply with the following standards:

- (a) Establishments that are licensed through the Ontario Motor Vehicle Industry Council to sell new or used motor vehicles may have unlicensed vehicles stored in the yard, provided they are for sale in accordance with the Motor Vehicle Dealers Act and are not in a wrecked, discarded, dismantled, inoperative or abandoned condition;
- (b) Establishments licensed and operating as a Vehicle Repair Facility may store unlicensed motor vehicles where such vehicles are awaiting repair or sale. The unlicensed motor vehicles must be stored in a neat and orderly condition;
- (c) The storage of wrecked, dismantled or any motor vehicles kept for the purpose of providing parts for other vehicles is only permitted on properties that the zoning by-law has zoned as a motor vehicle wrecking yard or salvage yard;
- (d) Establishments licensed and operating as a vehicle repair facility may store up to 100 used tires on that property at any given time provided that the tires are not visible from any highway or residential property and the tires are stored in a neat and orderly condition; and
- (e) Where vehicles, tires or other materials are stored in a neat and orderly fashion but are still visible from either a residential property or highway, the storage area shall be enclosed by a solid wall or a solid board or metal fence not less than ~~1.82~~ meters in height and maintained in good repair.

**Commented [i2]:** Change to 2 metres to be consistent with Seciton 5.2.

## 8.0 STORAGE OF MOTORIZED VEHICLES RESIDENTIAL PROPERTIES

Despite any provision of this By-law to the contrary, for residential properties:

- (a) No unlicensed vehicle shall be parked or stored in any yard.
- (b) No vehicle that is in a wrecked, dismantled, or inoperative, condition shall be parked or stored in a yard except in accordance with the following:
- (c) Despite section 8(a) and (b) above, the owner or occupant of a residential property may park or store a maximum of two (2) unlicensed, or inoperative vehicles on their property, provided:
  - (i) The vehicle(s) is registered in the name of the owner or occupant of the property;
  - (ii) The vehicle is stored for the purpose of repairing or restoring the vehicle or the vehicle is stored for the owner's or occupant's own personal use; and
  - (iii) Said vehicles:
    - (1) Are parked in a driveway or designated parking area; and
    - (2) Do not have the appearance of being derelict or abandoned or;
    - (3) Are covered with a car cover or tarpaulin in good condition; or
    - (4) Are parked in a yard or area where it is not visible to the adjoining property owners or visible from a highway.
- (c) The owner or occupant may make application to Council to park, place, or store more than 2 unlicensed vehicles on property owned or occupied by them. Such application shall be made in writing and shall state the:
  - (i) Name, address, telephone number of applicant
  - (ii) Name of registered owner of the property (If other than above)
  - (iii) Letter of permission from the registered owner (If other than (i))
  - (iv) Reason for request to keep more than 2 unlicensed vehicles.
  - (v) Civic Address where the vehicles will be stored (if other than (i))
- (ci) Council shall review all applications for permission to park or store more than 2 vehicles and shall issue a permit where the parking or storing of the unlicensed vehicle(s) will comply with the requirements of this by-law and is not likely to be visually offensive to a reasonable person. Council may impose such conditions as it deems necessary when issuing a permit under this section.

**Commented [i3]:** Councillor Rodnick: Section seems lengthy compared to others that has been reviewed, possibly consider editing.

**9.0**

**GRAFFITI**

- (a) No person shall place or cause or permit graffiti to be placed on property.
- (b) Every owner of property shall maintain their property free of graffiti.

**10.0 ADMINISTRATION, ENFORCEMENT & APPEAL**

**10.1 Administration and Enforcement**

- (a) This By-Law shall be administered by the Municipal Bylaw Enforcement Officer or any other person appointed by council to enforce such regulations.
- (b) Where an inspection of the property by the Municipal Bylaw Enforcement Officer reveals that the property does not conform to the standards prescribed by this by-law, the Township may give written notice to any owner and occupant of the property ordering that the owner or occupant comply with this By-law.
- (c) An order issued under this By-law shall set out:
  - i. The owner's or occupant's name, address, and location of the contravention;
  - ii. Sufficient particulars of the contravention to adequately identify the contravention and the location on the property of the contravention;
  - iii. An order to cease the contravention and a date by which the contravention must cease;
  - iv. An order to remedy the contravention, indicating the particulars of what must be remedied, which remedy may include removing any object or material and grading and leveling the property;
  - v. The date by which the contravention must be remedied; and
  - vi. A statement that if the contravention is not remedied within the period of time stipulated in the order, the Township may carry out the necessary work at the owner's expense.
- (d) Any order given by the Township in accordance with any section of this bylaw shall be served personally or by registered mail sent to the last known address of the person to whom the order is to be given in which event the service shall be deemed to have been made on the third day after mailing.
- (e) If the owner or occupant of a property to whom an order has been given in accordance with this by-law does not comply with the order within the time prescribed, the Township may, in addition to all other remedies, cause the property to be brought into a condition that conforms to this by-law at the owner's or occupant's expense and, for this purpose, the Township's employees or agents may enter onto the property at any reasonable time without further notice to the owner or occupant in order to do such work and rectify any contravention of this by-law.
- (f) The Township may recover the costs of doing any work required to rectify non-compliance with any order issued under this By-law from the person directed to do the work.
- (g) The Township may remove items from any property where the item is part of the contravention of this By-law. Where any item is removed from a property in accordance with this By-law, the Township may, in its absolute discretion, elect to store, or cause to be stored, any or all such items for a maximum of 30 days in order to permit the owner of such items to recover them and the costs of such removal and storage shall be the responsibility of the owner of such items.
- (h) At the end of the 30-day period referred to above, the Township may dispose of any items removed from property and retain any proceeds from the disposal.
- (i) All costs incurred by the Township to remove, store, and dispose of any items removed in accordance with this By-law shall be the responsibility of the owner of the property where the items were stored in contravention of this By-law.
- (j) Despite any actions taken in respect to this bylaw, the Township shall not be liable to compensate the owner, occupant, or any other person by reason of anything done by or

on behalf of the Township in the reasonable exercise of its powers under this by-law.

#### 10.2 Appeal of an order

- (a) Any person wishing to appeal any order issued under this Bylaw shall:
  - (i) Within 7 days of receipt of the order file an appeal in writing to the Council of the Township of South Algonquin, who shall hear the appeal at the next regularly scheduled meeting of council or as soon as is practical.
  - (ii) The notice of appeal shall contain:
    - (1) A copy of the order that was issued.
    - (2) A brief statement as to why the appellant feels the order was issued wrongly.
  - (iii) Council on receiving the request for an appeal shall within 7 days of receipt of the appeal contact the appellant to schedule a hearing.
- (b) Council may approve the order, rescind the order, or modify the order on any terms that it deems reasonable in all of the circumstances.

#### 11.0 OFFENCES

- (a) Any person who fails to comply with an order issued under this By-Law is guilty of an offence.
- (b) Any person who breaches any provision of this By-law is guilty of an offence.
- (c) Upon conviction, the maximum fine shall be as set out in Schedule "A" attached to and forming part of this By-law.
- (d) If this By-law is contravened and a conviction is entered, the court in which the conviction was entered or any Court of competent jurisdiction may, in addition to any other remedy and to any other penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.

#### 12.0 VALIDITY

A decision of a competent court that one or more provisions of this By-Law are invalid in whole or in part does not affect the validity, effectiveness or enforce ability of the other provisions or part of provisions of this By-Law.

#### 13.0 APPLICABILITY

This by-law shall apply to all property within the limits of the Township of South Algonquin.

#### 14.0 EFFECTIVE DATE

This By-Law shall come into effect from the date of its passing by Council.

READ A FIRST AND SECOND TIME THIS    day of June 2023

READ A THIRD TIME AND PASSED THIS    day of June 2023

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Ethel LaValley, Mayor

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Bryan Martin, CAO/Clerk Treasurer

Schedule "A" to Bylaw 2023-

Being a bylaw to provide for Yard Standards in the

Township of South Algonquin Part 1 Provincial Offences Act

<i>Item</i>	<i>Short Form Wording</i>	<i>Provision creating or defining offence</i>	<i>Set Fine</i>
1	Allow objects or conditions that might create a health, fire or accident hazard.	3.1	\$125.00
2	Allow accumulation of waste	4.1 (a)	\$100.00
3	Household waste improperly stored	4.1 (b)	\$100.00
4	Improper waste storage facility	4.1 (c)	\$125.00
5	Accumulate waste more than 7 days	4.1 (d)	\$100.00
6	Improper Storage creating a fire or accident hazard	5.1 (b)	\$150.00
7	Storage creating obstructed access for emergency vehicles	5.1 (c)	\$200.00
8	Storage, salvage or scrap yard not screened	5.2	\$200.00
9	Property not maintained weeds or noxious plants	6.1 (a) (i)	\$ 100.00
10	Property not maintained grass in excess of 15 cm	6.1 (a) (ii)	\$50.00
11	Property not kept clear of dead or damaged trees or shrubbery	6.1 (a) (iii)	\$75.00
12	Construction or demolition waste not removed	6.1 (c)	\$100.00
13	Construction or demolition waste improperly stored	6.1 (d)	\$100.00
14	Fence not maintained	6.2 (a)	\$50.00
15	Store unlicensed vehicles on commercial property	7.0 (a)	\$200.00
16	Improper storage of motorized vehicles on commercial property	7.0 (b)	\$200.00
17	Store unlicensed vehicles for parts not zoned as a wrecking or salvage yard	7.0 (c)	\$200.00
18	Improper storage of tires on commercial property	7.0 (d)	\$200.00
19	More than 2 unlicensed vehicles residential property	8.0 (b)	\$100.00
20	Improper storage of unlicensed vehicles on a residential property	8.0 (c)	\$75.00
21	place or cause or permit graffiti to be placed on property	9.0 (a)	\$75.00
22	fail to maintain property free of graffiti	9.0 (b)	\$75.00

NOTE: the general penalty provisions for the offences listed above are section 11 of by-law 2023- a certified copy of which has been filed and s.61 of the Provincial Offences Act, R.S.O 1990, c.P.3