



# EDWARDSBURGH CARDINAL

## Official Plan

of the

## Township of Edwardsburgh Cardinal

NOVEMBER 2019

**Prepared for:**

Township of Edwardsburgh Cardinal  
PO Box 129, 18 Centre Street  
Spencerville, ON K0E 1X0  
Tel: (613) 658-3055  
Fax: (613) 658-3445  
[www.twpec.ca](http://www.twpec.ca)

**Official Plan Update Prepared by:**

NOVATECH Engineers, Planners & Landscape Architects  
Suite 200, 240 Michael Cowpland Drive  
Ottawa, ON K2M 1P6  
Tel: (613) 254-9643  
Fax: (613) 254-5867  
[www.novatech-eng.com](http://www.novatech-eng.com)

## TABLE OF CONTENTS

1.0	INTRODUCTION.....	1
1.1	LEGISLATIVE CONTEXT.....	1
1.2	STRUCTURE OF THE OFFICIAL PLAN.....	2
1.3	PLANNING PERIOD.....	4
1.4	APPLICATION.....	4
2.0	VISION AND GUIDING PRINCIPLES.....	5
2.1	VISION.....	5
2.2	GUIDING PRINCIPLES.....	5
3.0	LAND USE DESIGNATIONS.....	7
3.1	SETTLEMENT POLICY AREA.....	7
3.1.1	Goals and Objectives.....	7
3.1.2	Distribution of Growth and Development.....	8
3.1.3	Residential Development Policies.....	8
3.1.4	Community Core Development Policies.....	9
3.1.5	Commercial Development Policies.....	11
3.1.6	Industrial Development Policies.....	12
3.1.7	Expansions to Settlement Policy Area Boundaries.....	13
3.2	INDUSTRIAL PARK POLICY AREA.....	13
3.2.1	Goals and Objectives.....	14
3.2.2	Permitted Uses.....	14
3.2.3	Policies.....	14
3.3	HIGHWAY COMMERCIAL POLICY AREA.....	16
3.3.1	Goals and Objectives.....	16
3.3.2	Permitted Uses.....	16
3.3.3	Policies.....	16
3.4	RURAL POLICY AREA.....	17
3.4.1	Goals and Objectives.....	18
3.4.2	Residential Land Use Policies.....	18
3.4.3	Non-Residential Land Use Policies.....	19
3.5	AGRICULTURAL RESOURCE POLICY AREA.....	20
3.5.1	Goals and Objectives.....	20
3.5.2	Permitted Uses.....	21
3.5.3	Policies.....	21
3.6	MINERAL AGGREGATE RESOURCE POLICY AREA.....	22

3.6.1	Goals and Objectives.....	23
3.6.2	Permitted Uses .....	24
3.6.3	Policies .....	24
3.7	NATURAL HERITAGE RESOURCE POLICY AREA .....	26
3.7.1	Goals and Objectives.....	27
3.7.2	Permitted Uses .....	27
3.7.3	Policies .....	27
4.0	PUBLIC HEALTH AND SAFETY .....	29
4.1	INTRODUCTION .....	29
4.2	GOALS AND OBJECTIVES.....	29
4.3	IDENTIFYING HAZARD AREAS.....	29
4.4	NATURAL HAZARDS .....	30
4.4.1	Flooding Hazards.....	30
4.4.2	Unstable Soils and Unstable Bedrock .....	31
4.4.3	Steep Slopes and Erosion Hazards .....	32
4.4.4	Wildland Fire Hazards.....	33
4.5	HUMAN-MADE HAZARDS .....	34
4.5.1	Contaminated Sites.....	34
4.5.2	Closed Waste Disposal Sites .....	35
4.5.3	Abandoned Mines and Petroleum Wells .....	35
4.6	OTHER HEALTH AND SAFETY CONCERNS.....	36
4.6.1	Incompatible Land Uses .....	36
5.0	INFRASTRUCTURE.....	37
5.1	INTRODUCTION .....	37
5.2	GOALS AND OBJECTIVES.....	37
5.3	TRANSPORTATION.....	37
5.4	WATER AND WASTEWATER SERVICES .....	41
5.5	STORMWATER MANAGEMENT.....	44
5.6	WATERSHED PLANNING.....	45
5.7	SOURCE WATER PROTECTION .....	45
5.7.1	General.....	45
5.7.2	Vulnerable Areas .....	46
5.8	WASTE MANAGEMENT.....	47
5.9	UTILITY AND COMMUNICATION FACILITY CORRIDORS .....	48
5.10	OTHER SERVICES .....	49
6.0	GENERAL DEVELOPMENT POLICIES .....	50

6.1	ACCESSORY USES.....	50
6.2	SPECIAL RESIDENTIAL USES.....	50
6.2.1	Second Units .....	50
6.2.2	Group Homes .....	51
6.2.3	Bed and Breakfast Establishments .....	51
6.3	EXISTING USES AND NON-CONFORMING USES.....	51
6.4	CHANGES TO NON-CONFORMING USE AND EXTENSIONS OR ENLARGMENTS.....	52
6.5	LOTS OF RECORD .....	53
6.6	PUBLIC USES AND INSTITUTIONAL USES.....	53
6.7	CONVERSION OF PUBLIC BUILDINGS .....	54
6.8	DEVELOPMENT CRITERIA .....	54
6.9	CASH-IN-LIEU.....	55
6.10	ENVIRONMENTAL IMPACT ASSESSMENTS .....	56
6.11	ECONOMIC DEVELOPMENT .....	57
6.12	HOME-BASED BUSINESS.....	58
6.13	BROWNFIELD REDEVELOPMENT .....	58
6.14	HOUSING AND AFFORDABILITY .....	59
6.15	CULTURAL HERITAGE CONSERVATION AND ARCHAEOLOGICAL RESOURCES..	60
6.15.1	Cultural Heritage.....	60
6.15.2	Archaeological Resources .....	61
6.16	LAND USE COMPATIBILITY .....	63
6.16.1	Development Adjacent to Mineral Aggregate Resource Designations, Operations or Mineral Aggregate Reserves .....	63
6.16.2	Development Where Agricultural and Non-Agricultural Uses are Adjacent.....	64
6.16.3	Development Adjacent to Open or Closed Waste Disposal Sites and Sewage Treatment Facilities.....	65
6.16.4	Other Land Use Compatibility Policies .....	65
6.17	NATURAL HERITAGE FEATURES .....	66
6.17.1	Natural Heritage System.....	66
6.17.2	Endangered or Threatened Species Habitat .....	67
6.17.3	Areas of Natural and Scientific Interest (ANSI's) .....	68
6.17.4	Significant Wildlife Habitat.....	69
6.17.5	Significant Woodlands .....	70
6.17.6	Significant Valleylands .....	72
6.17.7	Fish Habitat .....	72
6.18	DEVELOPMENT ADJACENT TO WATER BODIES .....	73
6.19	ENERGY CONSERVATION, AIR QUALITY AND CLIMATE CHANGE ADAPTATION.....	75

6.20	ROAD ACCESS.....	75
6.21	CROWN AND CONSERVATION USES .....	76
6.22	PARKS, TRAILS AND RECREATION FACILITIES.....	76
6.23	EDUCATIONAL FACILITIES .....	77
6.24	WAYSIDE PITS AND QUARRIES AND PORTABLE ASPHALT AND CONCRETE PLANTS.....	77
6.25	USES NOT CONTEMPLATED BY PLAN .....	77
7.0	IMPLEMENTATION.....	79
7.1	LAND DIVISION .....	79
7.1.1	General Policies.....	79
7.1.2	Plans of Subdivision and Condominium Policies.....	81
7.1.3	Consent Policies .....	81
7.1.4	Deeming Plans of Subdivision .....	82
7.2	ZONING BY-LAWS.....	82
7.2.1	General.....	82
7.2.2	Holding Provisions .....	83
7.2.3	Temporary Use By-laws.....	84
7.2.4	Interim Control By-laws.....	84
7.2.5	Conditional Zoning.....	84
7.3	SITE PLAN CONTROL .....	85
7.4	SITE PLANNING AND DESIGN GUIDELINES .....	86
7.5	COMMUNITY IMPROVEMENT .....	87
7.6	COMPLETE APPLICATIONS .....	89
7.7	COMMITTEE OF ADJUSTMENT.....	90
7.8	MUNICIPAL ACT .....	90
7.9	MAINTENANCE AND OCCUPANCY BY-LAW .....	91
7.10	PUBLIC WORKS AND CAPITAL WORKS PROGRAMS .....	92
8.0	ADMINISTRATION OF THE OFFICIAL PLAN.....	93
8.1	AMENDMENTS TO THIS OFFICIAL PLAN .....	93
8.2	CONSULTATION AND PUBLIC NOTICE PROCEDURES .....	93
8.3	REVIEW AND MONITORING OF THE OFFICIAL PLAN .....	93
8.4	LAND USE DESIGNATION BOUNDARIES .....	94
8.5	REFERENCES TO STATUTES AND AGENCIES .....	94
8.6	INTERPRETATION OF FIGURES, QUANTITIES AND USES.....	94

# 1.0 INTRODUCTION

---

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

## 1.1 LEGISLATIVE CONTEXT

Section 17 of the *Planning Act*, R.S.O., 1990, Chapter P.13, as amended, requires that Council prepare and adopt an Official Plan which covers the full extent of its territory. Pursuant to Section 26 of the *Planning Act*, Council is required to review its Official Plan from time to time, but not less than once every ten years, to determine the need to review it. This Plan, which replaces the 2010 Official Plan, has been prepared in response to these requirements.

The Official Plan is a policy document and not a by-law or a regulation. However, it is a legal document and the policies in this Plan have a basis in the *Planning Act*. There is therefore a need for all decision-making authorities to ensure that any by-laws, permits and authorizations they issue will conform to the intent and direction provided by the policies of this Official Plan.

The *Planning Act* also identifies matters of Provincial interest which are further defined by the Provincial Policy Statement (PPS) and with which the Township's Official Plan must be consistent. This Official Plan has been prepared and adopted in conformity with the requirements of the *Planning Act* and the content of the Plan is consistent with the 2014 Provincial Policy Statement issued under Section 3 of the *Planning Act*.

The *Planning Act* also provides that an Official Plan for a lower-tier Municipality shall conform to the Official Plan for any upper-tier Municipality. This Plan contains policies which are intended to conform to the policies of the Official Plan for the United Counties of Leeds & Grenville (UCLG). The reader is, however, also encouraged to refer to the UCLG Official Plan.

Pursuant to Section 26 of the *Planning Act*, as amended, Council shall also adopt an implementing Zoning By-law. Such Zoning By-law shall be adopted, or amended, as the case may be, no later than three years after any comprehensive update to this Plan that comes into effect.

The *Planning Act* also provides that, where an Official Plan is in effect, no public work shall be undertaken and no By-law shall be passed for any purpose that does not conform to the Official Plan, with certain exceptions as provided by Section 24 of the *Planning Act*. This Plan will guide Council in its future decision-making pursuant to this requirement.

The Provincial Policy Statement includes definitions of numerous significant terms used in its policies. Where any term used in this Plan is meant to address matters of Provincial interest, the definition in the 2014 Provincial Policy Statement shall be consulted.

This Official Plan was prepared by the Township of Edwardsburgh Cardinal in partnership with the residents of the Township, its community organizations, the UCLG, the Provincial government and its agencies. As such, the policies of the Official Plan represent a balance of interests and points of view.

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

This document shall be known as the *Official Plan for the Corporation of the Township of Edwardsburgh Cardinal*. It is divided into eight major Sections as follows:

### **Section 1 Introduction**

Section 1 of the Plan provides an overview of the planning area and the organization of the Plan and explains the political and administrative framework within which land use planning is carried out in the Province of Ontario.

### **Section 2 Vision and Guiding Principles**

Section 2 of the Plan provides an overview of the principles, goals and objectives developed during the initial consultation component of the 2010 Official Plan program and which provides the basis for the formulation of the policies of the Plan.

### **Section 3 Land Use Designations**

Section 3 of the Plan is the core of the Official Plan and provides the main policies that are specific to the seven land use designations shown on Schedule A. These policies will guide decisions for the use of land in Edwardsburgh Cardinal for the next 20 years.

#### **3.1 Settlement Policy Area**

This subsection of the Plan applies to the Township's villages and hamlets. The Plan provides for maintaining the character of these areas while facilitating an evolution to a mix of uses. It will address residential, commercial and other uses typically found in built up areas.

#### **3.2 Industrial Park Policy Area**

This subsection of the Plan focuses on the Township's Industrial Park and provides for its continued development as a locally and regionally significant employment area.

#### **3.3 Highway Commercial Policy Area**

This subsection of the Plan addresses commercial development around the 400 series highway interchanges in the Township.

#### **3.4 Rural Policy Area**

This subsection of the Plan applies to areas outside of resource lands and settlement areas where limited residential and non-residential development can occur.

### 3.5 Agricultural Resource Policy Area

This subsection of the Plan contains policies that apply to areas that have been identified as being predominately characterized by soils designated as Classes 1 to 3 in the Canadian Land Inventory for Agricultural Capability, as well as those lower capability agricultural lands historically used and protected for such uses.

### 3.6 Mineral Aggregate Resource Policy Area

This subsection of the Plan contains policies relating to the identification, protection and utilization of mineral aggregate resources and applies to areas containing pits and quarries that have been licensed under the *Aggregate Resources Act*.

### 3.7 Natural Heritage Resource Policy Area

This subsection of the Plan applies to Provincially Significant Wetlands and provides policies which address the need to maintain and enhance these wetlands in the Township and to ensure that development can be sustainable.

## Section 4 Public Health and Safety

Section 4 of the Plan provides for the protection of public health and safety and includes policies on natural hazards, human-made hazards and other health and safety land use considerations.

## Section 5 Infrastructure

Section 5 of the Plan provides policies that address the need to provide appropriate infrastructure to ensure sustainable development for the health, well-being, safety and security of residents. Policies include water, wastewater, surface water and transportation infrastructure as well as waste management, source water protection, and utility services.

## Section 6 General Development Policies

Section 6 of the Plan sets out various general policies which apply to development, regardless of the land use designation in which it is situated. Among other matters, a number of the policies in this Section relate to considerations that must be addressed in undertaking development or site alteration due to the existence of various on-site or adjacent area features, constraints, existing uses or land use designations.

## Section 7 Implementation

Section 7 of the Plan explains the various policy and regulatory tools available to ensure that the Official Plan's policies are properly implemented.

## Section 8 Plan Administration

Section 8 of the Plan provides technical information on administration of the Official Plan.

Schedule A sets out the land use designations and transportation network.



Schedule B identifies various features and development constraints referred to throughout the Plan that should be considered in the planning process.

It is noted that lands in abutting municipalities near the municipal boundary may also contain various features and development constraints that should be considered in the planning process. Accordingly, the reader is advised that when reviewing lands for the presence of development constraints, it may be necessary to screen for relevant features and development constraints on nearby lands in abutting municipalities.

Appendices which are used by the Township for screening purposes in relation to planning applications are attached to this Plan. These Appendices are provided solely for ease of reference and do not form part of the Plan.

### **1.3 PLANNING PERIOD**

The Edwardsburgh Cardinal Official Plan is intended to guide land use until the year 2031, on a basis consistent with the UCLG Official Plan. The reader is cautioned, however, that the Plan has been prepared on the basis of existing conditions and information available at the time of the Plan's preparation. An Official Plan should be viewed as a work in progress and it is intended that as conditions change, as new information becomes available, and as our understanding of issues and priorities changes, there will be a need to review various policies from time to time. Pursuant to Section 26 of the *Planning Act*, Council intends to hold a public meeting not less than once every ten years to determine the need to review the Plan.

### **1.4 APPLICATION**

This Official Plan applies to the entirety of the Township of Edwardsburgh Cardinal.

## **2.0 VISION AND GUIDING PRINCIPLES**

---

The Township's Official Plan, initially developed in 2010, contains policies that were formulated on the basis of existing conditions, past development patterns, then-present development trends and projections of future conditions. Considering the fact that the policy directions in the 2010 Plan continue to be regarded as being relevant by Council, and residential development has remained both stable and modest in amount over the past decade as reflected in relatively low numbers of lots created and building permits issued, this Plan maintains the planning philosophy and direction of the 2010 Official Plan.

Moreover, this Plan includes new policies to implement the policies of the 2014 Provincial Policy Statement, as well as to conform to the policies of the United Counties of Leeds & Grenville Official Plan. In addition, with the potential for considerably more new residential and commercial growth in the Township, in large part arising from development of the Industrial Park, this Plan is intended to provide guidance to Council and its delegates in consideration of their responsibilities when decision-making on land use matters, as well as to provide direction and certainty to the Township's residents and businesses.

Future development in the Township of Edwardsburgh Cardinal must proceed in a manner which is consistent with the policies of this Official Plan. It is recognized that from time to time there will be land use or development proposals which may not appear to be in full conformity with one or more policies in this Official Plan. On such occasions it will be necessary to ensure that ultimately the decision taken can be reconciled with the long-term vision and guiding principles of the Plan as well as all of the other relevant policies.

### **2.1 VISION**

Long-term planning starts with a vision for the future. Attaining that vision requires that everyone who participates in the long-term development of the Township adhere to a set of guiding principles which in turn are at the core of the policies in this Plan. The following statement developed in 2010 is intended to be the expression of Council's vision for the future of Edwardsburgh Cardinal, and is regarded by Council as still being relevant:

*Our Vision:*

*We will preserve and enhance our Township's unique character, scenic rural landscapes, vibrant communities and valued natural heritage as we move towards a future of balanced and sustainable growth and improved quality of life for all residents of Edwardsburgh Cardinal.*

### **2.2 GUIDING PRINCIPLES**

The following key principles are at the core of the Official Plan's policies. They were developed through consultation with the citizens of Edwardsburgh Cardinal and all of the policies in this Official Plan are consistent with these guiding principles.

## Our Guiding Principles

1. We will ensure that growth and development occurs through sustainable and economically viable land use development patterns.
2. We will ensure that development in our communities will include a broad range of uses and a balanced mix of appropriate residential densities.
3. We will support waterfront development having regard to public spaces, recreation and access including interconnected facilities through the development of pathways and parklands.
4. We will continue to focus on our Industrial Park as an economic centre and actively seek out new opportunities for trade and development in a future expanded Industrial Park Policy Area.
5. We are committed to increasing the number and diversity of employment opportunities by promoting our industrial properties and the introduction of a mixed employment uses approach to encourage business clusters and varied economic activities in our employment areas.
6. We are committed to the preservation of our cultural heritage including historical connections to the Rivers, the traditional thoroughfares of the waterways, the Galop Canal, 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.
7. We will protect our natural environment.
8. We will ensure public involvement in the planning process to ensure the protection of everyone's property rights.
9. We will continue to protect and value our agricultural lands.
10. We value energy efficiency and will guide development to ensure long-term energy sustainability and self-sufficiency.

## 3.0 LAND USE DESIGNATIONS

---

### 3.1 SETTLEMENT POLICY AREA

The Settlement Area policies apply to the Township's villages and hamlets, which include the Urban Settlement Area of Cardinal, as well as the Rural Settlement Areas of Brouseville, Groveton, Hyndman, Johnstown, New Wexford, Shanly, Spencerville, Pittston, and Ventnor. The Settlement Policy Area designation is intended to be the areas of the Township where growth will be focused in order to optimize the use of public services and infrastructure, and to minimize the outward sprawl of development into areas of natural resources and natural heritage.

Historically, the villages of Cardinal and Spencerville served as focal points and economic centres for the area. Today Cardinal, being an urban-serviced village, continues to provide opportunities for commerce, employment, recreation, and housing. To a lesser extent, the village of Spencerville also serves this function, subject to servicing constraints associated with not having full municipal water and waste water services. While both villages play a vital role in serving as residential, social, cultural, and business hubs for the Township, the majority of the non-residential growth today will be directed to the Township's employment area, in accordance with the policies of the **Industrial Park Policy Area** section of this Plan.

Notwithstanding the economic importance of the Industrial Park, the Township seeks to encourage more concentrated residential and commercial growth and development in the Settlement Policy Areas than would typically be found or permitted within the Rural Policy Area. Accordingly, this Plan recognizes that the focus of residential and commercial growth will occur in Cardinal and Spencerville, where there are full municipal and partial municipal services, respectively, and to a lesser extent, in the other eight designated villages.

The amount of development in all settlement areas will be consistent with the maintenance of the character of these areas. Where possible, the Township will promote intensification, infill and redevelopment of vacant and/or underutilized sites, subject to appropriate servicing as outlined in the **Water and Wastewater Services** section of the Plan.

#### 3.1.1 Goals and Objectives

**Goal:** To create sustainable mixed-use communities where the unique local character of each of the Township's villages and hamlets will be maintained and where the vitality and regeneration of the Township's communities will be promoted and encouraged.

**Objectives:**

- Protect and enhance existing residential uses, including opportunities for affordable housing;
- Encourage new medium and high density residential uses where servicing permits;
- Protect and enhance existing viable businesses;
- Encourage the rehabilitation and/or conversion of vacant buildings;
- Encourage appropriate new, street-related retail and commercial uses;
- Protect and enhance existing recreation, tourism and cultural uses;
- Provide opportunities for new waterfront development;
- Enhance pedestrian and cycling circulation and orientation;
- Encourage appropriate cultural activities and facilities.

### 3.1.2 Distribution of Growth and Development

In order to encourage and facilitate the regeneration of existing Settlement Policy Areas and to achieve the long-term objectives listed above, it is a policy of this Plan that over the next 20 years, new development on existing lots and lots to be created by consent or plan of subdivision shall occur primarily within the limits of the Settlement Policy Area designations.

Accordingly, Council has set a target of 60% of new development to occur within the Settlement Policy Area designations. To ensure this target is achieved, Council will monitor the distribution of growth and development on an annual basis and encourage new subdivisions to locate in the Settlement Policy Areas. The Township may re-evaluate the established growth target at the time of the regulatory review of the Official Plan or where a comprehensive review is undertaken in accordance with the **Expansions to Settlement Policy Area Boundaries** section of this Plan. Any re-evaluation of growth distribution targets shall take into consideration the Township's inventory of vacant residential lots of record.

### 3.1.3 Residential Development Policies

3.1.3.1 Council's objectives for residential development in the Township's Settlement Policy Areas are as follows:

- To ensure the provision of an adequate supply of residential land;
- To provide for a range and mix of low, medium and high density housing types, subject to servicing constraints;
- To provide for neighbourhood facilities and amenities which are appropriate to a residential living environment;
- To ensure the provision of safe and accessible transportation routes and other municipal services necessary to the development of functional neighbourhood areas.

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

- Low density residential uses
- Medium density residential uses
- High density residential uses
- Schools and places of worship
- Parks and open space

In the case of the Rural Settlement Areas, the maximum number of dwelling units in a multiple residential building shall be five (5).

3.1.3.3 Local neighbourhood-serving commercial uses may be permitted in residential areas provided that such uses are located on an appropriate road to accommodate the use, are appropriately zoned and provided that they are not detrimental to the economic well-being of the village or hamlet.

3.1.3.4 In order to meet the varied housing requirements of Edwardsburgh Cardinal residents and to provide for orderly residential development, it is the policy of this Plan that, subject to the availability of water and wastewater services, zoning

regulations be designed to provide for a mix of 70% low density residential development, 20% medium density residential development and 10% high density residential development in the Settlement Policy Areas.

3.1.3.5 For the purposes of this Section, low density development is defined as 8 to 12 units per net hectare. Medium density development is up to 12 to 24 units per net hectare and high density is defined as more than 24 units per net hectare. A net hectare is defined as the actual land used for the development of residential land use exclusive of land required for roads, parks or other amenities.

3.1.3.6 The implementation of this Official Plan through zoning regulations and development approvals shall be based on the following principles:

1. The Zoning By-law shall identify and zone areas exclusively reserved for residential development;
2. Adequate buffering of residential areas from incompatible non-residential uses shall be provided through separation distances, landscaping or other appropriate means;
3. The Zoning By-law shall identify and zone permitted non-residential uses;
4. Where applicable, the Zoning By-law shall identify and zone mixed-use areas in selected areas of the village or hamlet;
5. Permit increased housing densities through redevelopment of existing residential and non-residential buildings;
6. Provide for open space and parkland and the protection of natural heritage features;
7. Residential infill and redevelopment shall be encouraged, provided there is sufficient reserve capacity in water and wastewater facilities;
8. Through zoning and site plan approval, where applicable, the physical character of infill or redevelopment projects shall be carefully regulated to ensure their compatibility with established neighbourhoods;
9. When reviewing applications for redevelopment or infill, consideration shall be given to the impact of the proposed development on the neighbourhood in terms of parking, traffic, open space, and proposed uses;
10. When reviewing development applications, consideration shall be given to the criteria set out in the **Development Criteria** section of this Plan.

#### **3.1.4 Community Core Development Policies**

Community core areas are generally older neighbourhoods characterized by a main traffic artery and mixed land uses, located in the traditional downtown areas of Cardinal and Spencerville. These areas historically served as the social, cultural, and economic centers of the Township, that continue to be of local importance.

In Cardinal, the Community Core area is generally described as the area south of County Road No. 2, bounded by John Street to the south, Walter Street in the east and West Street to the west. The Community Core area in Spencerville is generally described to be the area along Spencer Street and Bennett Street, extending from the bridge northward to approximately Henderson Street, and along Centre Street westward to Ryan Street. The community core areas are not meant to be a rigid geographic area, but rather, intended to generally describe the areas that form the traditional cores of the community.

- 3.1.4.1 Council's objectives for the community core areas in Cardinal and Spencerville are as follows:
- Provide the framework for long-term planning efforts which can, over time, help to establish accessible, compact, mixed-use and pedestrian and cycle-friendly activity nodes in Spencerville and Cardinal;
  - Support the preservation and adaptive re-use of existing historic buildings, while encouraging appropriate infill and intensification;
  - Support a diverse mix of pedestrian-oriented commercial, residential, and public uses that meet the existing and future residents.
- 3.1.4.2 The following types of commercial uses shall generally be permitted in community core areas:
- Institutional uses such as churches, schools, nursing or senior's homes and medical clinics
  - Community facilities such as community centres, libraries, Township Halls, day care centres
  - Retail, service and business uses
  - Low density residential uses associated with commercial development
  - Medium and high density residential uses including senior's dwellings
  - Recreational facilities such as arenas and public swimming pools
  - Open space suitable for public gatherings
  - Other appropriate or compatible core area uses
- 3.1.4.3 Council, through the Zoning By-law and Site Plan Control, shall endeavor to regulate the character and scale of development in the core commercial areas and to ensure appropriate regulatory control.
- 3.1.4.4 The implementation of this Official Plan through zoning regulations and development approvals shall be based on the following principles:
1. The Zoning By-law shall define the community core areas and permit and zone a range of residential and non-residential uses;
  2. Permit increased housing densities through redevelopment of existing residential and non-residential buildings;
  3. Permit accessory apartments, subject to available infrastructure and amenity space;
  4. Provide for the protection of natural heritage and cultural heritage features in accordance with the relevant sections of this Plan;
  5. Regulate the physical character of infill or redevelopment projects to ensure their compatibility with the community core area;
  6. When reviewing applications for redevelopment or infill, consider the impact of the proposed development on the area in terms of parking, traffic, open space, and proposed uses;
  7. When reviewing development applications for residential and/or commercial infill in areas of significant historical, architectural or landscape merit, new development must consider the existing scale, massing, and pattern and demonstrate consistency with existing landscape and streetscape qualities and ensure that the proposed development does not result in the loss of any significant heritage resources;

8. When reviewing development applications, consideration shall be given to the criteria set out in the **Development Criteria** section of this Plan.

### 3.1.5 Commercial Development Policies

3.1.5.1 Council's objectives for commercial development in the Settlement Area Policy designation are as follows:

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

3.1.5.2 The following types of commercial uses shall generally be permitted in the Settlement Policy Areas:

- Retail uses and retail complexes
- Service commercial
- Office commercial
- Restaurants and eating establishments
- Entertainment facilities
- Vehicle sales and repair
- Commercial trade shops
- Recreational uses
- Tourist commercial
- Parks and open space
- Other appropriate or compatible commercial uses

3.1.5.3 Council, through the Zoning By-law and Site Plan Control, shall endeavor to regulate the character and scale of development and to ensure appropriate regulatory control.

3.1.5.4 The implementation of this Official Plan through zoning regulations and development approvals shall be based on the following principles:

1. The Zoning By-law shall permit and zone a range of commercial uses;
2. Permit accessory apartments, subject to available infrastructure and amenity space;
3. Provide for the protection of natural heritage features and cultural heritage features in accordance with the relevant sections of this Plan;
4. Regulate the physical character of commercial uses to ensure their compatibility with the surrounding area;
5. Consider the impact of the proposed development on the area in terms of parking, traffic, pedestrian access, functionality and other site-specific issues;
6. When reviewing development applications, consideration shall be given to the criteria set out in the **Development Criteria** section of this Plan.



### 3.1.6 Industrial Development Policies

The industrial use of lands along the St. Lawrence River in the village of Cardinal has long been a distinguishing feature of the village of Cardinal waterfront. Notwithstanding that this Plan generally directs new industrial development to the Industrial Park Policy Area, new industry in the village of Cardinal and other Settlement Policy Areas is expected.

3.1.6.1 Council's objectives for industrial development in the Settlement Area Policy designation are as follows:

- To permit industrial uses which are compatible with the surrounding community in accordance with the Ministry of Environment, Conservation and Parks D-Series Guidelines;
- To permit industrial development which can be appropriately serviced;
- To help develop a range of local employment opportunities;
- To recognize the existing Class 3 industrial facility located in the heart of Cardinal's waterfront as being a major employer and contributor to the local and regional economy.

3.1.6.2 The following industrial uses shall generally be permitted in the Settlement Policy Area designation:

- Class 1 manufacturing and processing facilities, as defined by the Ministry of Environment, Conservation and Parks, as being a small-scale plant or building which has low probability of fugitive emissions
- Warehousing and wholesaling of bulk products
- Other appropriate or compatible industrial uses which do not ordinarily create a nuisance by way of noise, illumination, odour, dust vibration, fumes or smoke
- Related and or accessory commercial uses

3.1.6.3 Notwithstanding the above list of permitted uses, Council may exclude some industrial uses from the permitted use Section of the Zoning By-law which implements this Section of the Plan where the location or scale of such uses can reasonably be considered to present environmental problems, where the presence of industrial uses is incompatible with the community or where, in Council's view, such use would be better located in the Industrial Park designation.

3.1.6.4 Council, through the Zoning By-law and Site Plan Control, shall endeavor to regulate the character and scale of development and to ensure appropriate regulatory control.

3.1.6.5 The implementation of this Official Plan through zoning regulations and development approvals shall be based on the following principles:

1. The Zoning By-law shall permit and zone a limited range of industrial uses;
2. Provide for the protection of natural heritage and cultural heritage features in accordance with the relevant section of this Plan;
3. Regulate the physical character of industrial uses to ensure their compatibility with the surrounding area;
4. Consider the impact of the proposed development on the area in terms of parking, traffic, functionality and other site-specific issues;
5. When reviewing development applications, consideration shall be given to the

criteria set out in the **Development Criteria** section of this Plan.

### **3.1.7 Expansions to Settlement Policy Area Boundaries**

- 3.1.7.1 The existing boundaries of the Settlement Policy Area designations are intended to include some allowance for development to occur and it is anticipated that these areas will continue to experience some moderate growth through infilling and development of vacant lands.
- 3.1.7.2 The Township may identify a new Settlement Policy 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, are financially viable over their life-cycle, and protect public health and safety and the natural environment;
  3. In prime agricultural areas:
    - the lands do not comprise specialty crop areas;
    - alternative locations have been evaluated, and
      - there are no reasonable alternatives which avoid prime agricultural areas; and
      - there are no reasonable alternatives on lower priority agricultural lands in prime agricultural areas;
  4. Impacts from new or expanding settlement areas on agricultural operations which are adjacent or close to the settlement area are mitigated to the extent feasible;
  5. All other criteria set out in the UCLG Official Plan have been addressed.

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

- 3.1.7.3 While Settlement Policy Area expansions are not anticipated over the horizon of this Plan, where adjustments to boundaries are considered which would not increase the aggregate amount of developable land within the designation, the Township may undertake a review of the local municipal growth allocation in accordance with the requirements set out in the UCLG Official Plan. Such adjustments to the Settlement Policy Area designation will not require a comprehensive review but will require an amendment to both the UCLG and Township Official Plans.

## **3.2 INDUSTRIAL PARK POLICY AREA**

The globalization of the economy, in combination with regional economic trends, have and will continue to impact the Township's industrial and employment land base. The Industrial Park

Policy Area designation applies to lands designated as a Regionally Significant Employment Area in the UCLG Official Plan. The policies of this designation are intended to not only create a planning framework to guide development in the Township's primary employment area, but given its ideal location near the Highway 401 / Highway 416 interchange and convenient access to the USA via the International Bridge, the Industrial Park Policy Area also serves a wider market area by providing economic opportunities on a basis consistent with regional economic growth. The Industrial Park Policy Area includes the Johnstown Port, which is owned and operated by the Township, and which provides port services that support local, regional and international markets.

### **3.2.1 Goals and Objectives**

**Goal:** To support the expansion of the Township's and Counties' employment base through flexible land use policies which recognize the dynamic nature of a changing regional economy.

**Objectives:**

- To provide for commercial and industrial uses which require larger land areas;
- To ensure safe and efficient access to transportation links including highways and the St. Lawrence Seaway;
- To provide for a range of commercial and industrial development opportunities which will not result in land use conflicts;
- To promote an appropriate mix of employment uses that enhance economic development opportunities within the Township in order to increase local and regional market competitiveness.

### **3.2.2 Permitted Uses**

3.2.2.1 The following uses shall generally be permitted:

- Manufacturing and processing
- Warehousing and wholesaling of bulk products
- Offices, laboratories and research and development facilities
- Transportation depots and bulk terminals
- Heavy equipment and recreational vehicle sales and service
- Automobile and commercial vehicle service centres
- Ancillary service commercial uses such as restaurants, entertainment facilities and personal services that complement the employment uses
- Large scale retail
- Trade schools
- Open storage associated with a primary use
- Other employment uses that are appropriate or compatible with an industrial/commercial mixed use area or business park as described in the implementing Zoning By-law and subject to any other related policies in this Plan

### **3.2.3 Policies**

3.2.3.1 Council, through the Zoning By-law and Site Plan Control, shall endeavor to regulate the character and scale of development in the Industrial Park Policy Area designation

and to ensure appropriate regulatory control. Regard shall be given to aesthetic, functional, safety and land use compatibility considerations. Whenever possible, Council shall encourage the development of recreational uses to be integrated into the Industrial Park in order to provide for balance and lifestyle benefits.

- 3.2.3.2 Adequate off-street parking, including accessible parking, loading spaces, accessory structures, and other facilities, shall be provided in accessible and convenient locations. In addition, vehicular access shall be carefully controlled in terms of the design and number of access points, as well as to ensure that there is efficient and immediate access to transportation links.
- 3.2.3.3 Existing residential land uses located on leased lands along the St. Lawrence River are permitted subject to the terms of existing lease agreements. However, it is Council's intent that these uses will be phased out as lease agreements expire. Leases may be extended for a maximum period of five years at Council's discretion.
- 3.2.3.4 In order to address potential land use conflicts between various types of employment uses and other land uses on adjoining lands, special zoning and/or site plan requirements may be applied where employment uses would abut residential or other sensitive land uses.
- 3.2.3.5 The removal of land from the Industrial Park Policy Area designation as shown on Schedule A shall require a comprehensive review. Proposals to remove lands from the Industrial Park designation may be initiated by the Township or the UCLG in accordance with the criteria set out in the UCLG Official Plan.
- 3.2.3.6 The Township will monitor employment growth and associated employment lands needs associated with the Industrial Park Policy Area. It is a policy of this Plan that the Township will work closely with the Counties to expand the Industrial Park Policy Area. In this regard, areas for future Industrial Park Policy Area expansion are indicated on Schedule A. In the interim, on such lands, only uses existing as of the date of approval of this Plan shall be permitted and the lands shall be placed in a holding zone in the Comprehensive Zoning By-law.
- 3.2.3.7 The implementation of this Official Plan through zoning regulations and development approvals shall be based on the following principles:
  - 1. The Zoning By-law shall permit and zone a range of employment uses that are appropriate for an industrial park / business park setting;
  - 2. Development shall provide for the protection of natural and cultural heritage features, in accordance with the relevant policies of this Plan;
  - 3. The Zoning By-law shall regulate the physical character of development to ensure compatibility with the surrounding area;
  - 4. Site approvals shall consider the impact of the proposed development on the area in terms of parking, traffic, functionality and other site-specific issues to ensure high quality development;
  - 5. When reviewing development applications, consideration shall be given to the criteria set out in the **Development Criteria** section of this Plan.

### **3.3 HIGHWAY COMMERCIAL POLICY AREA**

The Highway Commercial designation is intended for large format retail and service commercial uses that serve the Township, the region and the travelling public. The lands designated for this type of commercial development are located at Provincial highway interchanges and along the International Bridge corridor which serve as important commercial gateways to the Township. The designation seeks to take advantage of transportation infrastructure, and accordingly, reserves those lands exclusively for commercial uses.

#### **3.3.1 Goals and Objectives**

**Goal:** To take advantage of transportation infrastructure at community gateway locations by accommodating commercial uses that support local residents and the travelling public.

**Objectives:**

- To provide for a range of commercial uses that serve the travelling public;
- To ensure safe and efficient access to transportation links;
- To promote an appropriate mix of highway commercial uses that enhance economic development opportunities;
- To recognize Highway Commercial areas as gateways to the Township and require quality design when reviewing and approving development applications.

#### **3.3.2 Permitted Uses**

3.3.2.1 The following uses shall generally be permitted:

- A wide range of commercial uses oriented to the travelling public such as retail stores, commercial lodging, restaurants and automotive-related uses
- Heavy equipment sales and services
- Transportation depots
- Other highway commercial uses appropriate or compatible with the location along a major transportation artery

#### **3.3.3 Policies**

3.3.3.1 Council, through the Zoning By-law and Site Plan Control, shall endeavor to maintain the Highway Commercial designation as important commercial gateways to the Township by carefully controlling the character and scale of development. Particular regard shall be given to aesthetic, functional, safety and land use compatibility considerations.

3.3.3.2 Highway commercial development or redevelopment shall occur in a manner which minimizes potential off-site impacts on adjacent residential uses or other sensitive land uses through buffering and screening. Site development plans shall ensure mitigation of site impacts as well as ensuring that the final development will have aesthetic appeal.

3.3.3.3 Adequate parking, including accessible parking, loading spaces, accessory structures, and other facilities, shall be provided in accessible and convenient locations. In addition, vehicular access shall be carefully controlled in terms of the

design and number of access points, as well as to ensure that there is efficient and direct access to transportation links.

- 3.3.3.4 Council may undertake the preparation of design guidelines to address the potential for entry features, streetscape designs, signage, lighting, landscaping, and architecture.
- 3.3.3.5 Development of Highway Commercial lands that are within the Ministry of Transportation's permit control area will require review and approval from the Ministry as part of the development review process. Pre-consultation with the Ministry is required prior to acceptance of any application for development within the Ministry's permit control area.
- 3.3.3.6 The implementation of this Official Plan through zoning regulations and development approvals shall be based on the following principles:
  - 1. The Zoning By-law shall permit and zone a range of commercial uses that are appropriate for a highway commercial setting, including accessory apartment units;
  - 2. Development shall provide for the protection of natural and cultural heritage features, in accordance with the relevant policies of this Plan;
  - 3. The Zoning By-law shall regulate the physical character of development to ensure compatibility with the surrounding area;
  - 4. Site approvals shall consider the impact of the proposed development on the area in terms of parking, traffic, functionality and other site-specific issues to ensure high quality development;
  - 5. When reviewing development applications, consideration shall be given to the criteria set out in the **Development Criteria** section of this Plan.

### 3.4 RURAL POLICY AREA

Edwardsburgh Cardinal is characterized by its largely rural and agricultural nature and its historical role in accommodating farming and rural communities. Council shall ensure the conservation, preservation and enhancement of the rural character of the Township for its value as a natural resource and as a sustainable and economically viable area for recreational, limited residential and commercial/industrial development.

The Rural Policy Area is composed of lands which are located outside of the primary development and resource areas. Lands in the Rural Policy Area designation represent the bulk of lands within the Township and include a wide variety of land uses and activities at a relatively low density. In order to maintain and protect the character and identity of the Rural Policy Area, it will be important to avoid inefficient land use patterns such as strip or scattered development to minimize incompatibility between land uses and to minimize adverse environmental impacts.

The Rural Policy Area is not the principal sector for development, as the majority of population and economic growth is intended to be directed to the Settlement Policy Area and to the Industrial Park Policy Area designations. Within the Rural Policy Area, the intent of this Official Plan, however, is not to prohibit residential or economic development in the rural areas, but rather, to provide a framework for appropriate land use which will support the objective of

preserving the identity and character of the rural landscape where development can be sustained by rural service levels. To this end, this Plan contains policies aimed at limiting residential lot creation in the rural area and avoiding inefficient land use patterns such as strip or scattered development. The overall amount of development permitted will be consistent with the retention of the natural and cultural landscapes within the designation, including the maintenance of its characteristic tree-covered open spaces.

Within the Rural Policy Area, a variety of land uses shall be permitted. The primary use of land will be for the management and use of resources such as forestry, conservation, resource-based recreational uses (including seasonal dwellings), home occupations, home industries, and cemeteries. Agricultural uses (including agriculture-related uses, on-farm diversified uses and normal farm practices), as well as commercial, industrial, and limited residential uses are also permitted, subject to the use-specific policies set out below.

### **3.4.1 Goals and Objectives**

**Goal:** To provide for the long-term orderly development of the rural lands in a manner which is consistent with ensuring the protection of natural and environmental resources, while providing opportunities for a modest amount of compatible development and a diversified rural economy.

**Objectives:**

- To promote a wide range of development opportunities that diversify the Township's rural economy;
- To provide opportunities to locate new or expanding uses that require separation from other uses;
- To provide for the protection of natural heritage features and their ecological functions.

### **3.4.2 Residential Land Use Policies**

It is a policy of this Plan that Rural Policy Area lands are intended for limited, low density residential development that complements the character of the rural environment.

3.4.2.1 The following residential uses are permitted in the Rural Policy Area subject to other relevant policies in this Plan:

- Single dwelling units
- Semi-detached and duplex dwellings
- Second units
- Multiple residential, limited to a maximum of five (5) dwelling units

Notwithstanding the foregoing, the existing multiple residential building consisting of seven (7) dwelling units located at 2039 County Road 44 shall be permitted.

3.4.2.2 The implementation of this Official Plan through zoning regulations and development approvals shall be based on the following principles:

1. The Zoning By-law shall permit and zone a range of housing types and sizes, including second units, subject to servicing constraints;

2. Land division for the creation of residential lots is intended to be limited in nature and shall be permitted in accordance with the **Land Division** section of this Plan.
3. Special regard shall be given to ensure adequate separation between residential uses and incompatible non-residential uses, including the application of Minimum Distance Separation formulae, where appropriate;
4. Development shall provide for the protection of natural and cultural heritage features in accordance with the relevant policies of this Plan;
5. When reviewing development applications, consideration shall be given to the criteria set out in the **Development Criteria** section of this Plan.

### **3.4.3 Non-Residential Land Use Policies**

Non-residential uses in the Rural Policy Area are varied in nature as is their potential for offsite impacts. The policies in this Section are designed to provide for a broad range of uses which are appropriate for the rural countryside.

- 3.4.3.1 The following non-residential uses are permitted in the Rural Policy Area, subject to other relevant policies in this Plan:

#### **Resource Uses**

- All agricultural uses as set out in the Agricultural Resource Policy Area
- Parks and open spaces
- Conservation uses and recreational trails

#### **Commercial and Industrial Uses**

- Agriculture-related and on-farm diversified uses
- Non-agricultural industrial and commercial uses which meet the needs of the travelling public, or which relate to local resources
- Custom workshops, veterinary establishments, kennels, service shops
- Motor vehicle sales and service establishments
- Tourism commercial uses (motel, hotel, eating establishments, bed and breakfast, etc.)
- Recreational commercial uses such as marinas, golf courses and campgrounds
- Communication towers

#### **Institutional Uses**

- Recreational uses
- Places of worship and cemeteries
- Tourism related facilities, such as public spaces and interpretative centres along the St. Lawrence River and Galop Canal, and may include theme parks, trails, parking areas and other associated facilities

#### **Infrastructure Uses**

- Waste disposal facilities, subject to the relevant policies set out in the **Waste Management** section of this Plan



3.4.3.2 The implementation of this Official Plan through zoning regulations and development approvals shall be based on the following principles:

1. The Zoning By-law shall permit and regulate a range of appropriate non-residential uses;
2. The Zoning By-law shall ensure the protection of resources from incompatible uses through the imposition of appropriate zoning standards;
3. The Zoning By-law shall ensure that uses are appropriate and compatible with the existing adjacent area uses. Special regard shall be given to ensure adequate separation between non-residential development and existing residential uses;
4. Development shall provide for the protection of natural heritage and cultural heritage features, in accordance with the relevant policies of this Plan;
5. When reviewing development applications, consideration shall be given to the criteria set out in the **Development Criteria** section of this Plan.

### **3.5 AGRICULTURAL RESOURCE POLICY AREA**

Agriculture has historically played a significant role in the local economy, and consequently, the Township's Official Plan will act to protect, improve and promote the use of lands favourable to agriculture.

The loss and fragmentation of good agricultural land can result in the creation of incompatible uses and negative impacts on food and agricultural production. Incompatible development often results in conflict and problems related to odours, noise, traffic, dust, fences, weeds, inflated land prices, speculation and the direct loss of agricultural land. The frequency of these problems will inevitably increase if residential expansion and unplanned development continue in prime agricultural areas. It is therefore important to recognize that agriculture is an industry like any other, one which can produce a variety of negative impacts on residential or non-farm uses. The agricultural community must be assured that their investments and commitment will not be compromised by incompatible land uses.

The Agricultural Resource Policy Area has been placed on prime agricultural areas which are predominantly characterized by soils designated Classes 1 to 3 in the Canada Land Inventory for Agricultural Capability, as well as those lower capability lands historically used and protected for such purposes. The Township intends that these lands will be protected and preserved for agricultural uses. It is recognized however, that within the designation, there may be small pockets of soils with marginal productive quality due to their size, shape, slope, topography, drainage, or other conditions. The use of such pockets for uses permitted in the Agricultural Resource Policy Area that do not require sites with high potential for agriculture, such as commercial or industrial uses which provide agriculture-related services, shall be encouraged.

#### **3.5.1 Goals and Objectives**

**Goal:** To identify and protect areas of prime agricultural soils for long-term agricultural use.

**Objectives:**

- To identify those lands which have contiguous areas of Class 1, 2 and 3 soils and to protect these lands for long-term agricultural use;

- To permit a range of agricultural uses and to protect agricultural uses from incompatible land uses.
- To support and encourage sound agricultural land management and soil conservation practices that minimize or eliminate the amount of pesticides, nutrients, sediments and other contaminants that can enter the ground and surface water systems.

### 3.5.2 Permitted Uses

The following uses are permitted in the Agricultural Resource Policy Area:

- Agricultural uses, which means uses that include the growing of crops, including nursery, biomass and horticultural crops; the raising of livestock and other animals for food, fibre or fur, including poultry and fish; aquaculture; apiaries; agroforestry; maple syrup production; and associated on-farm buildings and structures.
- Agriculture-related uses which 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. Examples of permitted agriculture-related uses include grain drying, handling and storage facilities, abattoirs, livestock marketing or sales yards, seed cleaning plants, agricultural produce warehouses and similar agri-businesses.
- On-farm diversified uses which means those uses that are secondary to the principal agricultural use of the property and are limited in area. Examples of permitted on-farm diversified uses include home occupations, home industries, and those uses which add value to farm produce such as the processing, preserving, storing and packaging of the farm's products on the farm property. In addition, agri-tourism uses such as bed and breakfasts, pick-your-own, produce markets, farm tours, farm gate sales and small-scale farm theme rural events are also permitted.
- A dwelling accessory to any of the foregoing uses and located on the same lot shall be permitted. Residential accommodation for farm employees may also be permitted on the same lot, subject to the provisions of the Zoning By-law, provided that the size and nature of the operation requires additional employment; the secondary farm residence is on the same lot, is accessory to the main farm operation and is used for full-time farm help; and servicing can be appropriately accommodated. Farm-related residential uses on separate lots shall be permitted, subject to the policies of this designation and the section of the Plan dealing with Land Division.
- Uses related to the conservation or management of the natural environment.

### 3.5.3 Policies

3.5.3.1 All uses permitted in the Agricultural Resource Policy Area shall be subject to the Minimum Distance Separation (MDS) formulae, as set out in the **Land Use Compatibility** section of this Plan.

3.5.3.2 The creation of new residential building lots in the Agricultural Resource Policy Area shall not be permitted. Lot creation is permitted for the following uses only, and subject to the following provisions:

1. New lots for agricultural uses shall be of a size appropriate to the type of agriculture common in the area and to allow flexibility for future changes to the type of the agricultural operation. In general, lots shall be a minimum of 40 hectares in area.
2. New lots for agriculture-related uses shall be limited to the minimum size required to accommodate the use and the appropriate sewage and water services.
3. New lots for existing dwellings that are surplus to a farming operation as a result of farm consolidation, subject to the following conditions:
  - The retained farm parcel will be zoned so as to prohibit the construction of any additional dwellings;
  - The new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and
  - The surplus dwelling will be zoned to recognize the non-farm residential use, as required.
4. New lots for infrastructure, provided that such infrastructure facilities and corridors cannot be accommodated through the establishment of easements, rather than lot creation.
5. Lot adjustments may be permitted for legal or technical reasons and will be interpreted to prohibit the creation of new residential or non-farm parcels.

3.5.3.3 Mineral aggregate resource extraction is permitted as an interim use provided that the site will be rehabilitated back to an agricultural condition.

3.5.3.4 The stockpiling and removal of topsoil is generally prohibited and may be regulated through a municipal by-law prepared and adopted in accordance with Section 142 of the *Municipal Act*.

3.5.3.5 Council recognizes that intensive livestock operations such as dairy or beef cattle, poultry or swine farms are increasingly important in the agricultural sector in terms of food production and in terms of the local economic impacts. Council also recognizes the potential for land use concerns generated by the development or expansion of such operations.

It is a policy of this Plan that new or expanded intensive livestock operations shall be subject to requirements of the *Nutrient Management Act*.

3.5.3.6 A site-specific Official Plan amendment to an Agricultural Resource Policy Area-special exception designation will be required in order to accommodate a non-agricultural use. The Township shall be satisfied that there is a demonstrated need for the proposed use for which the amendment is sought and that it cannot be reasonably located on land outside the Agricultural Resource Policy Area designation or within the designation on lands with a lower agricultural capability. An amendment to the UCLG Official Plan will not be required.

### **3.6 MINERAL AGGREGATE RESOURCE POLICY AREA**

Mineral aggregate resources are important to all facets of development in the Township as these materials are used in the construction of roads, water and sewer infrastructure, homes,

schools and commercial buildings and landscaping projects. Sand, gravel and crushed rock are a non-renewable resource, and as such, this Plan must make provision for the protection of mineral aggregate resources for their long-term use.

The Township contains considerable areas of surficial sand and gravel resource, as well as areas of bedrock resource. On the basis of the Aggregate Resources Inventory of the United Counties of Leeds & Grenville, Southern Ontario, Paper 183 (2009), surficial deposits that are categorized as being of tertiary significance predominate throughout the Township, while surficial deposits of secondary significance are exceedingly limited in extent. Bedrock resources are expansive throughout the Township and could play an important role in the supply of bedrock-derived aggregates where suitable resources exist and access to the resource is feasible.

Many of the areas of tertiary deposits are small and fragmented, and others are significantly larger and/or represent areas where deposits are concentrated. Given that the sand and gravel resources are primarily of tertiary significance and many are small and fragmented, it is recognized that not all deposits are suitable to support commercial activity for aggregate extraction. Similarly, not all bedrock resources may be suitable to support commercial activity.

Areas of potential surficial sand and gravel resources and areas of potential bedrock resources are identified as mineral aggregate reserves on Schedule B. In certain cases, these resources have been excluded from Schedule B due to contextual considerations such as proximity to provincially significant wetlands and/or incompatible land uses such as settlement areas and other built up areas.

For the purposes of protecting aggregate resources, the Mineral Aggregate Resource Policy Area designation on Schedule A has been assigned to known areas of mineral aggregate resources. Lands licensed under the *Aggregate Resources Act* are categorized according to the extraction type (pit or quarry) and are identified as such on Schedule A using the symbols "P" and "Q" for licensed pits and licensed quarries, respectively.

It is anticipated, however, that upon completion of the UCLG Aggregate Resources Master Plan, an Official Plan amendment may be required. On a basis consistent with the Aggregate Resources Master Plan, amendments may be necessary to designate additional lands on Schedule A as Mineral Aggregate Resource Area and to refine the extent of mineral aggregate reserves identified on Schedule B.

### **3.6.1 Goals and Objectives**

**Goal:** To provide for the protection, management and expansion of aggregate resources in order to ensure proper utilization of the resource.

**Objectives:**

- To designate areas of known viable aggregate deposits and licensed operations;
- To ensure that the utilization of the resource takes place in an orderly and controlled manner;
- To restrict development on and adjacent to known aggregate deposits to those uses which are compatible with the aggregate industry;

- To prohibit sensitive land uses on known aggregate resources or within the influence area of the resource;
- To require timely and satisfactory rehabilitation of lands once the resource is exhausted.

### 3.6.2 Permitted Uses

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

- Pits and quarries
- Wayside pits and quarries
- Portable asphalt plants and concrete plants
- Agricultural uses, excluding any accessory building or structure
- Conservation and natural resource management uses, excluding any accessory building or structure
- Uses accessory to an aggregate extraction operation, such as crushing and screening operations, machinery storage facilities and office space
- Permanent asphalt and concrete plants may be permitted subject to a Zoning By-law amendment

### 3.6.3 Policies

3.6.3.1 On lands designated Mineral Aggregate Resource Policy Area and on adjacent lands, development and activities which would preclude or hinder the establishment of new operations or access to the resources shall only be permitted if:

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

3.6.3.2 All pits and quarry operations shall be licensed by the Ministry of Natural Resources and Forestry under the *Aggregate Resources Act*. The licensed area of pits and quarries shall be zoned for extraction and associated accessory uses. Licensed areas may also be zoned for aggregate-related uses, such as portable asphalt plants and concrete plants.

3.6.3.3 Aggregate extraction shall be undertaken in a manner which minimizes social, economic and environmental impacts.

3.6.3.4 The establishment of a new licensed operation or the enlargement of an existing licensed extraction operation shall be permitted, provided the new area or enlargement area is located entirely within an area designated as a Mineral Aggregate Resource Policy Area. Any expansion proposal involving lands beyond the limits of the designated area shall require an amendment to this Plan, be subject to the requirements of the *Aggregate Resources Act*, and an amendment to the Zoning By-law.

3.6.3.5 Where an Official Plan amendment is proposed which would result in the re-designation of lands to Mineral Aggregate Resource Policy Area, such proposed

amendment shall be supported by sufficient information to evaluate the application, including the following:

1. The quality and quantity of mineral resource;
2. The type and location of neighbouring land uses, having regard to land use compatibility with the rural character and landscape, including visual impacts;
3. The location and adequacy of proposed access routes, any proposed improvements and the traffic flow and volume;
4. Proposed operational plans and site plans for extraction activities;
5. Potential sources and sensitive receptors of noise, dust and vibration;
6. Hydrogeology and surface water quality and quantity, predicted changes and sensitivity to such changes;
7. The location of natural heritage features and ecological functions, their type, value and sensitivity to change;
8. The appropriateness of the progressive and final rehabilitation plan;
9. The adequacy of proposed screening, buffering and other mitigation measures;
10. The presence of archaeological remains or cultural heritage resources;
11. Requirements under the *Aggregate Resources Act*.

Information that may be required shall not include any demonstration of need for mineral aggregates (i.e. any type of supply and demand analysis).

3.6.3.6 An application for an amendment to the Official Plan to change the designation from Mineral Aggregate Resource Policy Area to another designation shall be supported by a report, prepared by a qualified professional, which demonstrates that:

1. A mineral resource use would not be feasible; or
2. The proposed land use or development serves a greater long-term public interest; and
3. All issues related to public health and safety and environmental impact are addressed; and
4. The proposed re-designation shall not preclude the potential to use adjacent lands designated Mineral Aggregate Resource Policy Area for mineral aggregate extraction; and
5. The existing aggregate operation has ceased and the aggregate license has been surrendered.

Where an aggregate impact assessment demonstrates to the satisfaction of the Township that there is no viable material present within the areas designated Mineral Aggregate Resource Policy Area, development may occur in accordance with the policies of the Rural designation, or other relevant designation, where applicable, without an Official Plan amendment.

3.6.3.7 Areas of potential surficial sand and gravel resources and bedrock resources are identified as “Mineral Aggregate Reserves” on Schedule B. It is the intent of this Official Plan that mineral aggregate reserves be protected by directing permanent development away from these areas. In areas identified as Mineral Aggregate Reserves, and on adjacent lands, development and activities which would preclude or hinder the establishment of new extractive operations or access to the resources shall only be permitted if:

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

For the purpose of this policy, adjacent lands are those lands lying within 300 metres of lands identified on the basis of sand and gravel resources or 500 metres of lands identified on the basis of bedrock resources.

- 3.6.3.8 The establishment of a mineral aggregate operation within the lands identified as “Mineral Aggregate Reserves” shall require an amendment to the Official Plan.
- 3.6.3.9 It is a policy of this Plan that existing sensitive land uses such as residences, day care centres and educational and health facilities shall be protected from the establishment of new mineral aggregate operations or expansions where such establishment or expansion would be incompatible for reasons of public health, public safety or environmental impact. Similarly, established pits and quarries and resource areas are the beneficiaries of reciprocal policies contained in the **Land Use Compatibility** section of this Plan intended to protect them from encroachment by sensitive land uses. Influence areas in relation to pits are 300 metres, except in the case of Class B pits where excavation is above the water table, in which case the influence area is 150 metres. The influence area in relation to quarries is 500 metres.
- 3.6.3.10 Progressive rehabilitation of extraction sites to accommodate subsequent land uses is a requirement of this Plan. Where extraction is ongoing, rehabilitation is to be carried out on a progressive basis and shall be in accordance with the approved rehabilitation plan submitted to the Ministry of Natural Resources and Forestry as part of the site plan for licensing purposes. Comprehensive and coordinated rehabilitation planning is encouraged where there is a concentration of mineral aggregate operations.
- 3.6.3.11 Once a licensed operation is exhausted and the license surrendered, an amendment to this Plan and the Zoning By-law may be granted. It is a policy of this Plan that all subsequent land uses be consistent and compatible with surrounding land uses.

### 3.7 NATURAL HERITAGE RESOURCE POLICY AREA

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

The Natural Heritage Resource Policy Area designation is only assigned to Provincially Significant Wetlands identified by the Province, as locally significant wetlands are not included

in the designation. The Ministry of Natural Resources and Forestry's wetland evaluation system is based on the biological, hydrological, social and special characteristics of a wetland area. Wetlands that meet Ministry criteria are classified as Provincially significant, and development and site alteration is prohibited in Provincially Significant Wetlands. Other natural heritage features which also require protection include significant woodlands, significant valleylands, ANSIs, fish habitat, significant wildlife habitat and endangered and threatened species, all of which are addressed in the **Natural Heritage Features** section of this Plan.

### 3.7.1 Goals and Objectives

**Goal:** To provide for the protection of the Township's Provincially Significant Wetlands.

**Objectives:**

- To protect the Township's Provincially Significant Wetlands from the negative impacts of development by prohibiting development within these areas and ensuring that development on adjacent lands will not have negative impacts on the feature or on its ecological function;
- To recognize that Provincially Significant Wetlands are a key component of a healthy landscape and that these wetlands potentially contain many other natural heritage features that make up the landscape.

### 3.7.2 Permitted Uses

3.7.2.1 The following uses are permitted in Provincially Significant Wetlands:

- Open space and open air recreational uses, conservation uses which improve the ecological functions of the wetland
- Uses of a scientific or educational nature
- Established agricultural uses ongoing at the time of adoption of this Plan. However, new or expanded structures or the clearing and draining of additional lands within the limits of the wetland are not permitted.

### 3.7.3 Policies

- 3.7.3.1 Provincially Significant Wetlands are identified on Schedule A. The designation is based on the wetland mapping prepared by the Ministry of Natural Resources and Forestry, that may be revised from time to time.
- 3.7.3.2 Wetland boundaries as shown on Schedule A may be amended or adjusted without the need for an Official Plan amendment provided that such adjustments are identified through the application of the most current wetland evaluation manual of the Ministry of Natural Resources and Forestry and subject to the confirmation and approval by the Ministry.
- 3.7.3.3 Development or site alteration within a Provincially Significant Wetland is not permitted. Development on a lot of record which includes a wetland or part of a wetland must take place outside of the wetland area and such development shall be subject to the provisions of the **Environmental Impact Assessments** section of this Plan. Activities that create or maintain infrastructure within the requirements of the Environmental Assessment process or works subject to the *Drainage Act* are not



- considered to be development for the purposes of this Section, however, wherever possible, such uses shall be located outside of designated wetlands.
- 3.7.3.4 Development or site alteration within 120 metres of a Provincially Significant Wetland shall not be permitted unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the wetlands or their ecological functions, in accordance with the **Environmental Impact Assessments** section of this Plan.
  - 3.7.3.5 Development or site alteration adjacent to a Provincially Significant Wetland is subject to the Section 28 Regulation made pursuant to the *Conservation Authorities Act* and administered by the South Nation Conservation Authority.
  - 3.7.3.6 Lot creation for all permitted uses stated above is permitted where the purpose is to facilitate the transfer of lands to a public agency or to a conservation organization dedicated to the preservation and enhancement of natural heritage areas.

## 4.0 PUBLIC HEALTH AND SAFETY

---

### 4.1 INTRODUCTION

Our natural landscape and resources are constantly being shaped by naturally occurring physical and ecological processes. These landscapes and resources only become a hazard when people and structures are located within them or are affected by them. These hazardous areas may represent significant constraints to development of land due to the threat to people's health and safety, damage to the natural environment and economic consequences. Constraints to development are primarily related to natural hazard conditions such as the existence of floodplains, erosion hazards or the presence of unstable slopes, organic soils and geological formations such as karst topography where the bedrock is subject to the development of sinkholes. To a lesser extent, development may be restricted on the basis of human-made hazards such as site contamination and abandoned mines and mineral resource operations.

The preparation of these public health and safety policies was undertaken with the objective of integrating them with other policy areas. It is recognized that issues surrounding water quality and quantity, wetlands, fisheries and woodlands are closely related to development constraints, and as such, these policies should not be read in isolation.

### 4.2 GOALS AND OBJECTIVES

**Goal:** To identify natural and human-made hazards in the Township and to direct development away from areas having inherent environmental hazards or conditions that could endanger human life and property.

**Objectives:**

- To minimize risks to persons and property arising from natural hazards such as flooding, organic soils, steep slopes and unstable slopes;
- To ensure that, in reviewing development proposals, adequate attention is paid to human-made hazards such as contaminated sites, closed waste disposal sites, and abandoned mine and mineral resource operations;
- To permit only suitable development, which does not pose a danger to public safety or health or result in property or environmental damage, in areas subject to development constraints.

### 4.3 IDENTIFYING HAZARD AREAS

Mapping showing the location of areas characterized by public health and safety hazards and/or by other development constraints is of crucial importance in order to ensure informed decisions by approval authorities when considering development applications. The natural and human-made hazard areas shown on Schedule B were identified on the basis of information provided by the Ontario Ministry of Natural Resources and Forestry, the Ministry of Energy, Northern Development and Mines and the South Nation Conservation Authority. Since not all hazard lands and hazardous sites are mapped, the mapping of hazardous lands and hazardous sites may be added to over time as additional information delineating hazardous lands and sites becomes available.

These hazardous areas are identified on the basis of the particular characteristics which pose a threat to public health and safety. The constraints could include areas subject to flooding, areas affected by unstable slopes, organic soils and unstable bedrock, erosion hazards, contaminated sites and abandoned mines, and mineral aggregate operations.

Where hazardous lands and hazardous site mapping is available, it is shown on Schedule B. However, it is recognized that hazardous conditions may exist which are not shown on Schedule B, and as such, it is important to ensure that appropriate consultation be included in any development review process. Development applications may trigger a technical review and/or study by a qualified professional for the presence of hazardous lands in unmapped areas. Hazardous lands may be included in the County's geographic information system (GIS) data base as mapping becomes available.

In addition to the Natural Hazards policies contained in this Plan, all flood plain lands and any lands subject to steep or unstable slopes that have been identified as hazard lands through an existing technical study are subject to the Section 28 Regulation made pursuant to the *Conservation Authorities Act* and administered by the South Nation Conservation Authority. Under these regulations, construction and site alteration is prohibited unless prior written consent has been received from the South Nation Conservation Authority.

## **4.4 NATURAL HAZARDS**

### **4.4.1 Flooding Hazards**

- 4.4.1.1 Flooding is a natural occurrence along all waterbodies and watercourses in the Township. It becomes a hazard when buildings and structures are placed where there is a risk of inundation. Minor flooding occurs on a seasonal basis. The 1:100 year flood elevation, plus an allowance for wave uprush and other water-related hazards where appropriate, is used for planning purposes in this area of the Province. Flood plain management policies are intended to prevent the loss of life, to minimize property damage and social disruption, and to encourage a coordinated approach to the use of land and the management of water.
- 4.4.1.2 The areas within existing mapped 1:100 year flood lines, as well as within defined portions of the 1:100 year flood level along the St. Lawrence River, are identified as Flood Plain on Schedule B. The floodplain elevation along the St. Lawrence River ranges from 75.6 metres above sea level (MASL) at the west end of the Township to 75.3 metres MASL at the east end.
- 4.4.1.3 Lands within and adjacent to lands subject to flood hazards are subject to the Ontario Regulation 170/06 made pursuant to Section 28 of the *Conservation Authorities Act* and administered by the South Nation Conservation Authority. While these lands are designated for various land uses, no buildings or structures shall be constructed or enlarged, and no development or site alteration such as filling, grading and excavating shall occur without the written permission of the South Nation Conservation Authority in accordance with the Section 28 Regulation. Other regulated areas may also apply (i.e. erosion hazards).
- 4.4.1.4 The flooding hazard limit along the St. Lawrence River is based on a 1:100 year water level, plus 5 metres to account for wave uprush. New development and site

alteration in the flooding hazard limit is prohibited, except for those uses that by their nature must be located within the flood plain.

- 4.4.1.5 Notwithstanding the underlying designation on Schedule A, development and site alteration is prohibited in flood plains, except in accordance with the following:
1. Repairs and minor additions to buildings and accessory buildings, which do not result in negative effects on flooding, may be permitted where there is existing non-conforming development;
  2. Uses which by their very nature must be located within the flood plain and will not affect the hydrology or hydraulics of the flood plain may be permitted;
  3. Works required for flood and/or erosion control and passive recreational and/or open space non-structural uses which do not affect the hydrology or hydraulics of the flood plain may be permitted;
- 4.4.1.6 Development that includes hospitals, long-term care homes, retirement homes, pre-schools, school nurseries, day cares and schools, essential emergency services such as those provided by fire, police, ambulance stations and electrical substations and uses associated with the disposal, manufacture, treatment or storage of hazardous substances shall not be permitted.

#### **4.4.2 Unstable Soils and Unstable Bedrock**

- 4.4.2.1 Lands with the potential for unstable soils include those lands identified as possessing organic soils from the Canada Land Inventory for Agricultural Capability. Organic soils are shown on Schedule B to the Plan, which shall be used as a screening tool by the Township for organic soils. Where lands that are the subject of development proposals have been identified as potentially possessing organic soils, the approval authority may request sufficient soils and geotechnical engineering information to indicate that the lands are either suitable or can be made suitable for development.
- 4.4.2.2 Lands with the potential for unstable bedrock (i.e. karst topography) are not shown on Schedule B as there are no known areas of karst topography in the Township. Where lands that are the subject of development proposals have been identified as possessing unstable bedrock, the approval authority may request sufficient geotechnical engineering information to indicate that the lands are either suitable or can be made suitable for development.
- 4.4.2.3 Development that includes hospitals, long-term care homes, retirement homes, pre-schools, school nurseries, day cares and schools, essential emergency services such as those provided by fire, police, ambulance stations and electrical substations and uses associated with the disposal, manufacture, treatment or storage of hazardous substances shall not be permitted.
- 4.4.2.4 Development and site alteration in areas containing unstable soils and/or unstable bedrock shall only be permitted in accordance with the underlying designation where the effects and risk to public safety are minor, could be mitigated in accordance with Provincial Standards, as determined by the demonstration and achievement of all of the following:

1. Development and site alteration is carried out in accordance with floodproofing standards, protection works standards, and access standards;
2. New hazards are not created and existing hazards are not aggravated;
3. No adverse environmental impacts will result; and
4. Vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies.

#### 4.4.3 Steep Slopes and Erosion Hazards

- 4.4.3.1 Lands characterized by steep slopes can pose risks to persons and property as a result of potential slope instability or erosion. Steep slopes along portions of the St. Lawrence River are of some concern in this regard, as are concerns related to the protection of matters addressed in the **Natural Heritage Features** and **Development Adjacent to Water Bodies** sections of this Plan. In addition to the obvious potential dangers to persons and property, development on steep slopes or erosion-prone lands can have significant negative impacts on features such as fish and wildlife habitat, soils and vegetation, surface water quantity and quality, wetlands and ANSIs, and other resources discussed in the **Natural Heritage Features** section of the Plan.
- 4.4.3.2 Lands within and adjacent to lands subject to steep slopes and erosion hazards may be subject to the Section 28 Regulation made pursuant to the *Conservation Authorities Act* and administered by the South Nation Conservation Authority. Where such lands are subject to the Section 28 Regulation, no buildings or structures shall be constructed or enlarged, and no development or site alteration such as filling, grading and excavating shall occur without the written permission of the South Nation Conservation Authority in accordance with the Section 28 Regulation.
- 4.4.3.3 Development that includes hospitals, long-term care homes, retirement homes, pre-schools, school nurseries, day cares and schools, essential emergency services such as those provided by fire, police, ambulance stations and electrical substations and uses associated with the disposal, manufacture, treatment or storage of hazardous substances shall not be permitted.
- 4.4.3.4 Appropriate setbacks from steep slopes and erosion-prone lands are important to minimizing risks to persons and property. Setbacks will be imposed from steep slopes and erosion hazards relative to the extent or severity of the hazard and in consultation with the South Nation Conservation Authority. In considering development and/or planning applications, the approval authority will ensure that erosion potential is included in the issues to be considered and may require a geotechnical analysis by a qualified professional.
- 4.4.3.5 Sites possessing steep slopes represent a challenge, since they are often regarded as desirable for development, particularly where they abut water bodies. Lot creation or development on a portion of a site where the applicable stable slope and erosion allowances are not met shall require the submission of a geotechnical report prepared by a qualified expert to ensure that the property is suitable for development. Such report shall be prepared to the satisfaction of the approval authority and the South Nation Conservation Authority. Development and site alteration shall only be permitted in accordance with the underlying designation if all of the following can be achieved:

1. Development and site alteration is carried out in accordance with floodproofing standards, protection works standards, and access standards;
2. New hazards are not created and existing hazards are not aggravated;
3. No adverse environmental impacts will result; and
4. Vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies.

4.4.3.6 It is a policy of this Plan that lot creation and development and site alteration shall be undertaken so that a fit into the natural contours of the land is achieved. This will affect the massing and location of buildings, structures, driveways and other features, limit the extent of alteration to the landscape and natural vegetation, and necessitate more complex stormwater management techniques than might ordinarily be required. In general, the greater the slope, the more emphasis shall be placed on these elements of site development.

#### **4.4.4 Wildland Fire Hazards**

4.4.4.1 Certain lands within the Township have been identified as areas that may be unsafe for development due to the presence of hazardous forest types for wildland fire. Wildland fire hazard lands mapping prepared by the Province, is shown on Appendix A of this Plan. Wildland fire hazard lands are categorized according to the degree of risk and are provided as a screening tool for identifying areas potentially at risk for wildland fire in the Township. In the absence of detailed mapping, not all lands identified on Appendix A will represent wildland fire hazards. Where updated mapping becomes available, Appendix A may be revised without requiring an amendment to this Plan.

4.4.4.2 Development shall generally be directed to areas outside of lands that are unsafe for development due to the presence of hazardous forest types for wildland fire. Accordingly, areas that are classified on Appendix A as having a high to extreme wildland fire hazard potential, are also shown on Schedule B, and development will generally be directed to areas that are outside of those identified as a high to extreme risk for wildland fire. Development may be permitted on lands identified as having a high to extreme wildland fire hazard potential where risk is mitigated in accordance with wildland fire assessment and mitigation standards as identified by the Ministry of Natural Resources & Forestry's "Wildland Fire Risk Assessment and Mitigation Reference Manual". Notwithstanding the wildland fire classification indicated on Appendix A, in the absence of detailed mapping, the Township may require the proponent of a development application under the *Planning Act* to evaluate the subject lands for the presence of hazard forest types for wildland fires.

4.4.4.3 Proponents of development applications within lands shown as wildland fire hazard lands on Schedule B shall undertake an assessment of the presence of high to extreme risk for wildland fire on the subject lands and on adjacent properties. In some cases, a site assessment for wildland fire risk may be completed in conjunction with the requirements for an environmental impact assessment. Where a site has been assessed as possessing potential for wildland fire risk, the assessment shall identify the measures to be implemented to mitigate the risk of wildland fire. Prior to approving development, the Township may consult with the Ministry of Natural

Resources and Forestry regarding the proposed mitigation and management approaches to mitigate risk.

- 4.4.4.4 Wildland fire mitigation shall not be permitted in significant wildlife habitat unless it has been demonstrated that there will be no negative impacts on the natural features or ecological functions.

## **4.5 HUMAN-MADE HAZARDS**

### **4.5.1 Contaminated Sites**

- 4.5.1.1 Contaminated sites are those sites where the environmental condition of the property (i.e. the quality of the soil or groundwater), may have the potential for adverse effects to human health or the natural environment. Contaminated sites are not indicated on Schedule B of this Plan although it is recognized that contaminated sites may exist throughout the Township.
- 4.5.1.2 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 according to Ontario Regulation 153/04.
- 4.5.1.3 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, determine potential human health and safety concerns as well as effects on ecological health and the natural environment, demonstrate that the site can be rehabilitated to meet Provincial standards and establish procedures for site rehabilitation and mitigation of the contamination.
- 4.5.1.4 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. The ESA and site restoration shall be undertaken according to Ontario Regulation 153/04, Record of Site Condition.
- 4.5.1.5 The Township will develop an inventory of sites where current or past uses may have, or are known to have, contributed to the presence of contaminants. The Township will encourage owners of potentially contaminated sites to remediate their sites so that they may be reintegrated into the community.
- 4.5.1.6 Development may only be permitted on abutting or adjacent to contaminated sites if rehabilitation or other measures to address and mitigate known or suspected hazards are underway or have been completed such that there will be no adverse effects.
- 4.5.1.7 It is the intent of Council to ensure the proper decommissioning and clean-up of contaminated sites prior to their redevelopment or reuse. Prior to approval of an Official Plan amendment, Zoning By-law amendment, subdivision, condominium, consent or other planning application approval by the appropriate approval authority in relation to a site that is potentially contaminated or is contaminated, the proponent

shall engage qualified professionals to document the present and past use(s) of the site and surrounding lands, engage professional assistance in the analysis of soils, groundwater and surface waters as required in consultation with the Ministry of Environment, Parks and Conservation 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 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 by a qualified professional.

- 4.5.1.8 Where planning applications are not required, Council may require a proponent of development to consult with the Ministry of Environment, Conservation and Parks on the suitability of site development.
- 4.5.1.9 Mandatory filing of a "Record of Site Condition" in the Provincial Registry is required where a development application is made for the change of use of a property from industrial or commercial to residential, institutional or parkland. A Phase I Environmental Site Assessment shall be carried out on any site which may be contaminated and a Phase 2 ESA shall be completed, if required. Clean-up of contaminated sites should be done in accordance with the Record of Site Condition Regulation (O. Reg. 153/04) and with the Ministry guideline "Records of 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.

#### **4.5.2 Closed Waste Disposal Sites**

- 4.5.2.1 Approximate locations of closed waste disposal sites have been identified on Schedule B. Development may proceed in accordance with the policies of the underlying land use designation subject to Ministry of Environment, Conservation and Parks Guideline D-4 "Land Use on or near Landfills and Dumps".
- 4.5.2.2 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 from the Ministry of Environment, Conservation and Parks. Use of any closed disposal site will be in accordance with the Certificate of Approval.
- 4.5.2.3 Development of lands adjacent to a closed waste disposal site shall be subject to the **Land Use Compatibility** section of this Plan.

#### **4.5.3 Abandoned Mines and Petroleum Wells**

- 4.5.3.1 Abandoned mine hazards include any feature of a mine as defined under the *Mining Act* or any related disturbance of the ground that has not been rehabilitated. Abandoned sites may vary widely in nature, from little more than minor ground disturbance to major excavations and/or shafts. In the case of more major disturbances, a risk to public safety may exist.
- 4.5.3.2 The Ministry of Energy, Northern Development and Mines maintains the Abandoned Mines Inventory System (AMIS), which contains information relating to potential mine sites and known abandoned mines sites in the Township. The approximate locations



of such sites are identified on Schedule B, and some of the sites may pose a constraint to proposed development in the vicinity of identified sites. There are no petroleum wells in the Township.

- 4.5.3.3 Development on, abutting or adjacent to lands affected by former mines may proceed in accordance with the policies of the underlying land use designation only if rehabilitation or other measures to address and mitigate known or suspected hazards are underway or have been completed to the satisfaction of the Township and the Province. In reviewing development applications, the Township shall require that the Ministry of Energy, Northern Development and Mines be consulted in relation to any new development within a one kilometre radius of an abandoned mine site identified on Schedule B.

## **4.6 OTHER HEALTH AND SAFETY CONCERNS**

### **4.6.1 Incompatible Land Uses**

- 4.6.1.1 Every effort shall be made to prevent or minimize health and safety concerns and future land use conflicts which can arise when incompatible land uses develop in close proximity to one another. Accordingly, development shall address land use separation and compatibility, as set out in the **Land Use Compatibility** section of this Plan.

## 5.0 INFRASTRUCTURE

---

### 5.1 INTRODUCTION

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

The provision of transportation, water, wastewater, solid waste, energy and communication infrastructure are crucial to ensuring that Edwardsburgh Cardinal can continue to accommodate growth in a manner which is environmentally, socially and economically sustainable.

### 5.2 GOALS AND OBJECTIVES

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

**Objectives:**

- That the road network within Edwardsburgh Cardinal, regardless of which level of government is responsible, will function in a cost-effective, efficient and safe manner for the movement of people (including pedestrian, cyclist, and personal vehicles) and goods throughout the territory;
- That water, wastewater and stormwater will be managed in a fiscally and environmentally responsible manner, at a level consistent with the expectations of Township residents and the ability of the Township to provide such services;
- That waste management is carried out in a manner which is environmentally sustainable and to provide appropriate waste management infrastructure which supports on-going development;
- To provide for the protection of both natural heritage resources and cultural heritage resources when undertaking the development of new municipal infrastructure and public works projects.

### 5.3 TRANSPORTATION

The management of the roadway infrastructure in the Township of Edwardsburgh Cardinal is shared between the Province, the County and the Township. The transportation system is composed of Provincial highways, County Roads, local roads and private roads and is shown on Schedule A. The following policies shall apply in relation to the provision of the transportation network:

## Provincial Highways

- 5.3.1 There are three Provincial Highways in Edwardsburgh Cardinal - Highways 401, 416 and 16. Development that is within the Ministry's permit control area around provincial highways as defined by the *Public Transportation and Highway Improvement Act* must be approved by the Ministry. The Ministry controls development through the issuance of permits that must be obtained prior to obtaining building permits under the *Building Code Act*. Pre-consultation for any planning application within the Ministry's permit control area is required prior to the submission of a development application.
- 5.3.2 Development proponents will be required to consult with the Ministry of Transportation prior to the submission of a development application adjacent to or in the vicinity of a Provincial Highway. Prior to the issuance of any building permit by the Township, proof of Ministry of Transportation permits or written acceptance of the work shall be provided.
- 5.3.3 The Township shall ensure through Site Plan Control, that outdoor storage and loading areas of commercial and industrial uses adjacent to a Provincial Highway are visually screened or appropriately located and are not visible to the travelling public.
- 5.3.4 The minimum right-of-way width shall be as determined by the Ministry of Transportation.

## County Roads

- 5.3.5 County Roads have the capacity to carry large traffic volumes, which link two or more communities or which function as an integral part of the County and Provincial transportation network through linkages to Provincial highways. They must maintain a high level of efficiency for the movement of vehicles while also providing limited opportunities for commercial and industrial development which can benefit from high traffic volumes.
- 5.3.6 County Road Nos. 2, 21, 22 and 44 presently serve the Township and are under the jurisdiction of the United Counties of Leeds & Grenville. Where development is proposed adjacent to a County road, approval for an entrance must be obtained from the United Counties of Leeds & Grenville.
- 5.3.7 Within the limits of a Settlement Policy Area, residential subdivision entrances, and commercial or industrial development with frontage on a County Road may be permitted in accordance with the policies of this Plan.
- 5.3.8 Lot creation for any purposes with direct access to a County Road is subject to review by the United Counties of Leeds & Grenville and a permit is required.
- 5.3.9 The minimum right-of-way width to be maintained for County Roads is 26.2 metres, except in the case of County Road No. 2, in which case the right-of-way width is 30.5 metres, and where, in consultation with the UCLG, circumstances may necessitate a wider road allowance or where there is insufficient land to obtain the widening without having to demolish existing buildings. These requirements and policies shall be used in determining building setbacks from County Roads.

## **Township Roads**

- 5.3.10 Township roads are those roads which are owned and maintained by the Township. Where development is proposed adjacent to a Township road, approval for an entrance must be obtained from the Township. Access shall only be permitted in locations that can accommodate traffic in a safe manner. Where sight deficiencies exist due to curves, grades or other factors, no new access will be permitted unless the deficiency is corrected at the owner's expense and to the satisfaction of the Township.
- 5.3.11 Township roads shall generally have a minimum right-of-way width of 20 metres, however, reduced right-of-way widths may be accepted through the subdivision or condominium review process provided that the right-of-way widths can accommodate all of the required servicing infrastructure for the proposed development, the Township is satisfied that the reduced widths will not result in lower quality development and that required infrastructure including snow storage space can be accommodated.
- 5.3.12 Land may be acquired by the Township for road widening, road extensions, rights of way, intersection improvements or railway crossing improvements. Such land may be acquired through the subdivision or consent process, through Site Plan Control or through formal agreements at no cost to the Township. Land for the widening of an existing public road shall generally be sought equally from both sides of the right-of-way, however, in certain situations site-specific conditions may necessitate taking widening on an unequal basis.
- 5.3.13 Extensions to existing roads may proceed without amendment to this Plan provided that the extension is required to improve the Township road system. Minor extensions may be permitted for development purposes provided that the roadway extension is constructed to municipal standards at no cost to the Township and provided that Council is satisfied that the extension and the subsequent maintenance costs are justified.
- 5.3.14 The Township values all road allowances that abut water bodies for their ability to provide both physical and visual access to the water. Where road allowances abut shores of lakes and rivers, the Township intends to retain ownership of such road allowances.
- 5.3.15 For policy purposes, the Township considers unmaintained Township roads to be private roads.

## **Private Roads**

- 5.3.16 Private roads are rights-of-way which provide access to two or more properties but which have not been assumed by the Township for maintenance purposes. Some private roads have been established as registered rights-of-way and are precisely defined on legal plans while others are not clearly identified with respect to their location.

- 5.3.17 The creation or extension of a private road is not permitted. For the purposes of interpreting this policy, the establishment of a right-of-way to provide shared driveway access for two abutting properties, each of which has frontage on a public road, shall not constitute the creation of a private road. In addition, a consent application for which the sole purpose of which is to legally identify the location of an existing private road shall not constitute the creation of a new private road.

Notwithstanding the foregoing policy prohibiting the creation or extension of a private road, the creation of a new private condominium road shall be permitted where such road is within a registered plan of condominium pursuant to the *Condominium Act*, 1998, as amended, and where it connects directly to an existing public road and where the subject land has legal frontage on the same existing public road.

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

- 5.3.19 Where access to properties is provided by private roads, municipal services such as snow ploughing or road maintenance and improvement are neither available nor the responsibility of the Township. Additionally, in some cases other public services such as school bussing and protection to persons/property from services including police, fire and ambulance may be unavailable or limited in nature. The Township shall attempt to recognize such limitations through the mechanisms of the Zoning By-law and/or municipal agreements.

## **Bridges**

- 5.3.20 Bridges and culverts are an integral component of the Edwardsburgh Cardinal transportation system. The maintenance, repair, replacement or expansion of these structures, in accordance with permit requirements, as applicable, is an on-going and necessary activity and is considered consistent with the policies of this Official Plan.

## **Rail Systems**

- 5.3.21 The Canadian National Railway (CNR) mainline runs east-west, roughly parallel to Highway 401. The former Ottawa and Prescott Railway runs north-south between Ottawa and Prescott. In addition, local spur lines connect to the St. Lawrence River through Cardinal and the Township Industrial Park. It is the intention that railroad crossings be improved where warranted by the appropriate railway regulatory authority. Improvements may be in the form of grade separations or other protective measures such as day lighting triangles, signals or gates, or combinations thereof.
- 5.3.22 Development adjacent to rail facilities will be carefully controlled to eliminate land use conflicts and to ensure the safe and continued operation of the rail line. Proposed residential or other sensitive land uses within 300 metres of a railway right-of-way will be required to undertake noise studies, and any proposed residential or sensitive land use or development within 75 metres of a railway right-of-way will be required to undertake noise and vibration studies. In both cases, the studies shall be completed to the satisfaction of the Township in consultation with the railway authority, and the proponent shall undertake to mitigate any identified adverse effects from noise or vibration through the implementation of appropriate measures.

- 5.3.23 In order to address potential land use conflicts, development adjacent to railways shall comply with the **Land Use Compatibility** section of this Plan.

### **Marine Systems**

- 5.3.24 The Port of Johnstown, which is owned and operated by the Township, plays an important economic role as part of the Township's Industrial Park Policy Area. The mission of the Port of Johnstown is to provide local, national and international businesses with an efficient, reliable and affordable intermodal dry bulk infrastructure in support of foreign and domestic trade, and to contribute actively to regional economic development. It is a policy of this Plan to support and promote the Port so as to leverage this asset in creating both local and regional economic opportunities.

### **Active Transportation**

- 5.3.25 Pedestrian and bicycle pathways are an integral component of the active transportation infrastructure, particularly in more built up areas of the Township such as in Cardinal, Johnstown and along the St. Lawrence River in general. The Township will endeavor to maintain, repair, replace and expand its municipal infrastructure as part of its long-term commitment to active transportation.
- 5.3.26 The Township will also support the further development of an active transportation network and implementation of a local municipal trails strategy, including connectivity with other local, regional and provincial trail systems.

## **5.4 WATER AND WASTEWATER SERVICES**

The need to ensure that water and wastewater infrastructure are properly maintained and expanded to meet growth and development priorities is crucial to the long-term economic and environmental health of the Township. As such, any capital expenditures required for water and wastewater system maintenance and expansion are considered to be in full conformity with this Official Plan.

Other than in Cardinal where there are full municipal water and wastewater services, the Township's villages and hamlets are primarily serviced by individual private wells and individual private septic systems. Some villages however, such as New Wexford and Spencerville, have partial services.

In the case of Spencerville, development is serviced by individual private wells and the municipally-owned sewage treatment facility (i.e. lagoon stabilization ponds) located on the east side of Highway 416. There is also a communal well serving a small apartment building owned and operated by the United Counties.

In New Wexford on the other hand, development is serviced on the basis of municipal water supplied from the Town of Prescott and individual private septic systems.

The Industrial Park area has both municipal water and municipal wastewater services provided through an agreement with the Town of Prescott. The sewage treatment facility for the Town of Prescott is located in the Industrial Park and is shared by both municipalities.

It is important to ensure that any proposed development will be considered and reviewed in accordance with its ability to ensure appropriate levels of water and wastewater services over the long-term.

The following policies shall apply in relation to the provision of water and wastewater services:

- 5.4.1 New development, in the case of where municipal water services and municipal sewage services are provided, shall be permitted only where it is confirmed that there is sufficient reserve capacity in the municipal water and sewage services in accordance with Ministry of Environment, Conservation and Parks guidelines and regulations.
- 5.4.2 The establishment of new municipal water and municipal sewage services shall be subject to Ministry of the Environment guidelines and provincial regulations.
- 5.4.3 Development shall generally be directed to areas where municipal water services and municipal sewage services can reasonably be extended. Development will not be encouraged where such development would result in, or could lead to, unplanned expansions to existing municipal water and municipal sewage infrastructure. Intensification and redevelopment on existing municipal water and municipal sewage services is promoted, wherever applicable.
- 5.4.4 Communal water and sewage servicing options that would accommodate certain more intense forms of development in the rural areas are of limited interest to the Township, as the implications for municipal responsibility agreements resulting from Provincial policy requirements render communal servicing options problematic. As a consequence, it is anticipated that new development outside of areas where there are full municipal services will continue to occur on the basis of private on-site water supply and sewage disposal services in accordance with the requirements of the approval authority having jurisdiction. A small quantity of residential developments utilizing shared or common services involving five or less residential units/lots may be permitted, however the Township shall not consider residential development proposals of more than five residential units/lots serviced with communal services as the Township does not wish to enter into responsibility agreements with the owner-operator of the services, as required by Provincial policy.  
  
Notwithstanding the foregoing, residential development consisting of more than five units/lots served by common sewage and/or water systems, may be permitted only where there is no requirement for a municipal responsibility agreement, such as in cases where there is no requirement for a Provincial approval under the *Water Resources Act*. In such cases, the proponent shall satisfy all financial, technical and other requirements of the Township and other relevant approval authorities.
- 5.4.5 Development on partial services shall only be permitted where they are necessary to address failed individual on-site water services and individual on-site sewage services in existing development. Within the village of Spencerville and New Wexford, development may proceed on the basis of partial services only to allow for

infilling and minor rounding out of existing development, provided that site conditions are suitable for the long-term provision of such services with no negative impacts.

- 5.4.6 Development on the basis of individual on-site water and individual sewage services (i.e. private services) is permitted provided that site conditions are suitable for the long-term provision of such services with no negative impacts. In Settlement Policy Areas, private services may only be used for infilling and minor rounding out of existing development if it can be demonstrated that the aquifer can provide a long-term sustainable groundwater supply of acceptable quality in accordance with Ministry of Environment, Conservation and Parks guidelines and regulations, and that there is no negative environmental impact (or cumulative negative impact) resulting from the use of on-site private water and sewage services.
- 5.4.7 The determination of site suitability for proposed sewage disposal systems and the environmental sustainability of development (i.e. long-term protection of groundwater) are important considerations in development. Required servicing reports such as hydrogeological investigations, terrain analysis, impact assessments and servicing options reports shall be provided to the satisfaction of the approval authority, including the relevant approval authority for water supply and sewage disposal systems.
- 5.4.8 Prior to granting approval of a plan of subdivision, confirmation shall be provided that there is sufficient reserve capacity in existing water and wastewater service systems, including capacity to treat hauled sewage from private communal or individual septic systems.
- 5.4.9 Throughout the Township, high water users should locate where municipal water services and municipal sewage services are available. In addition, uses with significant potential to contaminate groundwater sources should be discouraged, particularly where they would be adjacent to residential areas and other sensitive land uses.
- 5.4.10 The minimum lot size for development shall be in accordance with the requirements of this Plan and the implementing Zoning By-law, although the approval authority may require larger lots or impose special conditions or restrictions on development where deemed necessary to address health, safety, or other issues related to the proper functioning of water and sewage services.
- 5.4.11 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 wastewater effluents. This will include, but not be limited to:
- water conservation devices which reduce water usage;
  - innovative solutions to municipal or industrial wastewater treatment such as new and alternative sewage treatment technologies, and the design and construction of artificial wetlands and grey water treatment, and re-use.
- 5.4.12 The Township will encourage the regular maintenance of individual on-site sewage disposal systems and the upgrading or replacement of substandard systems. Where the upgrading or replacement of an existing system cannot reasonably be undertaken in compliance with the policies of this Plan with respect to water setbacks



due to site-specific constraints, such sewage system improvements may be permitted with reduced setbacks, subject to meeting the requirements of the *Building Code Act*. The Township may also consider the establishment of an individual on-site sewage disposal system inspection program and/or septic system education and awareness program throughout the Township.

## 5.5 STORMWATER MANAGEMENT

Stormwater management is an important part of the Township's broader interest in protecting water quality. Stormwater management is also important for flood control, maintaining baseflow in watercourses, water temperature regulation, erosion and sediment control, limiting nutrient and bacteria loading, maintaining fish habitat, providing groundwater recharge and preventing groundwater contamination. Accordingly, the Township will ensure that adequate consideration is given to stormwater management, including off-site impacts.

- 5.5.1 Stormwater management shall be required for some forms of new development consisting of more than four lots or for commercial or industrial developments with large amounts of impervious area. Stormwater management will be undertaken in accordance with the Ministry of Environment, Conservation and Parks guideline entitled "Stormwater Management Planning and Design Manual, 2003". Stormwater management may not be required for small scale developments such as lots created through the consent process or development subject to Site Plan Control where there is no impact on the watershed. Where the subject development is within the Ministry of Transportation's permit control area as defined by the *Public Transportation and Highway Improvement Act*, Ministry of Transportation stormwater requirements shall apply since the Ministry of Transportation is the first approval authority for development. Any stormwater management plans within the permit control area must meet the Ministry's requirements in order for the development to qualify for permits from the Ministry and therefore qualify for a building permit under the *Building Code Act*.
- 5.5.2 Prior to recommending plans of subdivision for draft approval, the Township may request that conceptual stormwater management plans be prepared for review by the South Nation Conservation Authority and approval authorities. The conceptual plan will include a statement of the design objectives to be applied and a description of the stormwater management practices to be applied, in accordance with the relevant Provincial policies. Applicants are encouraged to consult with the approval authority and the South Nation Conservation Authority prior to submitting a draft plan of subdivision.
- 5.5.3 Prior to final approval of plans of subdivision, detailed stormwater management plans will be required. Such plans will be prepared in accordance with the requirements of the South Nation Conservation Authority and approval authorities. Design criteria will be based upon methods and procedures contained in the relevant Provincial planning and design manuals used by these agencies.
- 5.5.4 The Township will evaluate site plans according to an approved stormwater management plan, or where no such plan exists, may request the following:
- A design for the provision of stormwater drainage facilities;

- A determination of the impact of the development on the receiving watercourse or stormwater management facility, both during and after construction, in respect of flooding, pollution, erosion, and sedimentation; and
- Measures for mitigating any adverse impacts if such are likely to result from the proposed development.

5.5.5 Development applications having potential impacts on the storm drainage system along County Roads or Provincial highways shall be circulated to the County Engineer or the Ministry of Transportation, as applicable.

5.5.6 The Township shall encourage stormwater management practices that:

- Minimize or, where possible, prevent increases in contaminant loads;
- Minimize changes in water balance and erosion;
- Do not increase risk to human health and safety and property damage;
- Maximize the extent and function of vegetative and pervious surfaces; and
- Promote stormwater management best practices, including stormwater attenuation and re-use, and low impact development.

## 5.6 WATERSHED PLANNING

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

## 5.7 SOURCE WATER PROTECTION

### 5.7.1 General

Uncontaminated and plentiful surface and groundwater resources are essential to the safe and adequate provision of drinking water. In order to meet the present and future needs of residents, businesses and the natural environment, it is the policy of this Plan to ensure sustainable surface and groundwater resources through the protection, conservation and careful management of the quality and quantity of drinking water sources.

As water contamination is extremely difficult, costly and sometimes impossible to rectify, prevention of contamination is the most appropriate strategy. Surface and groundwater sources shall be protected from a full range of drinking water threats.

Source water protection policies in this Official Plan are consistent with the intent of policies included in the Source Protection Plan for the Raisin-South Nation Source Protection Region (2016) made under the *Clean Water Act*, 2006. For clarification and policy detail, the Source

Protection Plan must be referenced. The terms used in this section carry the same meaning as those in the Source Protection Plan and the *Clean Water Act*, 2006.

In the event of conflict between long-term protection of drinking water sources and other considerations, drinking water shall take priority. The Source Water Protection Plan is intended to protect vulnerable areas including wellhead protection areas and intake protection zones around municipal drinking water supplies, as well as significant groundwater recharge areas and highly vulnerable aquifers from activities identified as drinking water threats, per the *Clean Water Act*, 2006.

As an implementation body identified in the Source Protection Plan, the Township will comply with significant drinking water threat land use planning policies, have regard for all other land use planning policies and provide due consideration for other non-binding recommendations in the Source Protection Plan, as applicable, to realize source water protection.

Monitoring and reporting consistent with requirements and/or recommendations in the Source Protection Plan, and in a format specified by the Source Protection Authority, as applicable, and the Province of Ontario will be completed by the Township.

### **5.7.2 Vulnerable Areas**

The Provincial Policy Statement accounts for municipal drinking water supplies and designated vulnerable areas. Accordingly, the Township will adapt municipal operations, consider program development, and work in partnership with the Source Protection Authority and others to comply with or support source water protection within vulnerable areas, as per the details and timeframes included in the Source Protection Plan.

The *Clean Water Act*, 2006, defines a vulnerable area as a wellhead protection area, intake protection zone, significant groundwater recharge area, or highly vulnerable aquifer. In Edwardsburgh Cardinal, there is one intake protection zone which is associated with the village of Cardinal municipal water supply located on Legion Way. There is one wellhead protection area associated with a communal well that serves the Maples, a small apartment building in the village of Spencerville that is owned and operated by the United Counties of Leeds & Grenville. The Maples is serviced with a treated water supply from a communal well. Virtually the entire Township is considered to be a highly vulnerable aquifer and significant groundwater recharge area. The following policies shall apply to vulnerable areas:

- 5.7.2.1 The Intake Protection Zone and Wellhead Protection Areas are shown on Schedule B and are intended to be used as overlays to Schedule A. New planning and building permit applications on lands within the Cardinal Intake Protection Zone (IPZ) and Spencerville Wellhead Protection Areas (WHPAs), for land uses that could be associated with significant threat activities, will require a Notice from the Risk Management Official as required under Section 59 of the *Clean Water Act* unless the applicant demonstrates to the satisfaction of the approval authority that a significant drinking water threat will not occur.
- 5.7.2.2 Development, site alteration, and proposed land uses that involve the storage or manufacture of potential contaminants (that could include Dense Non-Aqueous Liquids (DNAPLs), organic solvents, commercial fertilizers, liquid fuel, pesticides, sewage and road salt) shall be prohibited in the Cardinal IPZ and Spencerville WHPAs where they are considered a significant threat per the criteria of the *Clean*

*Water Act*. The Zoning By-law shall prohibit or restrict land uses that constitute drinking water threats in the Cardinal IPZ and Spencerville WHPAs.

- 5.7.2.3 As with many areas throughout eastern Ontario, thin soils and fractured bedrock dominate the majority of the landscape within the Township of Edwardsburgh Cardinal. These conditions result in widespread recharge and high groundwater vulnerability. For the most part, the entire Township is considered to be a highly vulnerable aquifer and a significant groundwater recharge area.
- 5.7.2.4 Highly vulnerable aquifers and significant groundwater recharge areas are not shown on Schedule B, however, groundwater impacts will be considered in planning decisions. Major development applications within these areas will demonstrate that the quality and quantity of groundwater and the function of the recharge areas will be protected, improved, or restored. A risk management plan may be required, but may be waived if a hydrogeological sensitivity study, prepared by a qualified professional, demonstrates that the subject lands do not exhibit the characteristics of a highly vulnerable aquifer or a significant groundwater recharge area.

## **5.8 WASTE MANAGEMENT**

- 5.8.1 Development shall be reviewed to ensure that appropriate solid waste disposal sites and sewage treatment facilities can be provided in a manner which is consistent with environmental considerations.
- 5.8.2 Approximate locations of open and closed solid waste disposal sites are shown on Schedule B. Sewage treatment facilities, including the lagoon stabilization ponds that serve the village of Spencerville and the sewage treatment plants that serve the village of Cardinal and the Township Industrial Park, are also identified on Schedule B. The establishment of new sites shall be in accordance with Ministry of Environment, Conservation and Parks regulations and shall require an amendment to the Official Plan and Zoning By-law. The enlargement of existing sites shall not require an amendment to the Official Plan but shall be in accordance with the requirements of the *Environmental Assessment Act*.
- 5.8.3 Waste disposal sites shall be restricted to existing closed or open waste sites as identified on Schedule B. 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.
- 5.8.4 Waste disposal sites and sewage treatment facilities shall be operated and maintained in accordance with the standards set by the Ministry of Environment, Conservation and Parks.
- 5.8.5 Solid waste disposal sites and sewage treatment facilities shall be appropriately zoned in the comprehensive Zoning By-law.
- 5.8.6 Development on lands adjacent to open or closed waste disposal sites and sewage treatment facilities shall be in accordance with the policies of the **Land Use Compatibility** section of this Plan.

- 5.8.7 The Zoning By-law shall zone adjacent lands appropriately, prohibiting new incompatible uses within the influence area which cannot be reasonably mitigated.

## **5.9 UTILITY AND COMMUNICATION FACILITY CORRIDORS**

- 5.9.1 Utility and communications facilities and corridors include a wide variety of utilities owned and operated by both public and private entities. The Township's economy is closely linked to the presence of efficient, safe and reliable hydroelectric corridors, telecommunications networks and energy pipelines.
- 5.9.2 Council recognizes the importance of infrastructure corridors such as hydroelectric transmission corridors, oil pipelines, natural gas pipelines, abandoned rail lines and fibre optic corridors. The expansion, maintenance, and preservation of these and other infrastructure corridors are important to continued economic development and diversification and will not require an amendment to this Plan.
- 5.9.3 Corridors and rights-of-way for infrastructure, including energy generation and distribution systems, shall be protected. Where development is proposed adjacent to existing or planned infrastructure corridors such as pipelines and hydro or communications infrastructure, such development should be compatible with, and supportive of, the long-term purposes of the corridor and should be designed to avoid, mitigate or minimize negative impacts on and from the corridor. Development proponents shall be encouraged to undertake early consultation with the relevant operating authority to ensure compliance with applicable regulatory requirements.
- 5.9.4 The development of hydro-electric power generation facilities and transmission and distribution systems shall be subject to the provisions of the Zoning By-law.
- 5.9.5 The development of utility, communications, and hydro-electric power generation facilities and transmission and distribution systems will be permitted in all areas of the Township, including floodplains or environmentally significant areas, where it is clearly demonstrated through an environmental assessment process under the *Environmental Assessment Act*, including an environmental impact study, that it is the preferred location for the infrastructure.
- 5.9.6 Utility installations that may pose a hazard shall be located away from residential areas.
- 5.9.7 The multiple use of corridors for utility and transportation uses shall be encouraged in order to be efficient, cost-effective and to minimize disruption.
- 5.9.8 The development of new communications towers should be undertaken in accordance with Industry Canada's Radio Communication and Broadcasting Antenna Systems protocol, or an alternative Township-initiated protocol.
- 5.9.9 Secondary uses, such as recreation, agriculture and outdoor storage that is accessory to adjacent land uses are encouraged, where compatible with surrounding land uses and subject to any required technical approvals from the relevant operating authority.

- 5.9.10 Development within 200 metres of a Trans-Canada pipeline is subject to the review and permitting requirements of the National Energy Board. A setback of 7 metres from the limits of the pipeline right of way shall be required for all permanent structures and excavations.

## **5.10 OTHER SERVICES**

- 5.10.1 Development shall be encouraged to take place in the Settlement Policy Areas where other services are either already available to can be readily provided. Among others, such services may include but are not limited to public roads, waste collection, disposal and recycling, fire protection, ambulance service, education, school bussing and parks and other recreational facilities.

## **6.0 GENERAL DEVELOPMENT POLICIES**

---

The policies of this Section deal with development considerations that are generally applicable to various land uses within the Township and should be read in conjunction with the specific land use policies contained in the **Land Use Designations** section of the Plan.

### **6.1 ACCESSORY USES**

- 6.1.1 Wherever a use is permitted in the land use designation, it is intended that uses, buildings or structures incidental, accessory or essential to the use shall also be permitted. The comprehensive Zoning By-law that implements this Plan shall provide zone standards applicable to the location and use of accessory structures.
- 6.1.2 It is a policy of this Plan to provide opportunities for accessory dwellings and dwelling units such as apartments associated with commercial or industrial uses where such residential use is directly related to the non-residential principal use, except where incompatible for reasons of public health, public safety or environmental impact.
- 6.1.3 Certain structures, such as docks, boathouses, and other marine facilities are only permitted subject to permit requirements of approval authorities such as the Ministry of Natural Resources and Forestry and the South Nation Conservation Authority. Such structures shall be designed and located in a manner which addresses such matters as non-interference with navigation, fish and wildlife habitat, the natural flow of water, potential damage from water levels and ice, narrow water body constraints, access from land and water and privacy impacts associated with projecting property lines into the water. Where structures extend beyond the high water mark so that they are located partly or entirely in the beds of water bodies, they shall be constructed and maintained in accordance with the regulations and conditions of the Federal or Provincial authority having jurisdiction.

### **6.2 SPECIAL RESIDENTIAL USES**

#### **6.2.1 Second Units**

- 6.2.1.1 Second units are self-contained dwelling units, often with a separate entrance, located within and subordinate to an existing dwelling, that contains its own separate cooking and bathroom facilities in addition to the usual living quarters. Second units are an efficient and cost-effective means of increasing the supply of affordable housing and for providing alternative living arrangements for those, by virtue of their age or a disability, that require the support of others to live on their own.
- 6.2.1.2 In conjunction with a single dwelling, semi-detached dwelling or townhouse dwelling, second units are permitted on the basis of one second unit per dwelling, except in relation to residential uses where access is obtained by private roads. Second units are also permitted in a detached accessory building, provided the principal dwelling does not already contain a second unit.

- 6.2.1.3 Standards shall be established in the Zoning By-law to govern compatibility with both the main dwelling and with surrounding land uses, as well to ensure a secondary relationship to the main dwelling.
- 6.2.1.4 Second units shall be appropriately serviced. In the case where the primary dwelling is supported by private services, the second unit shall be required to share the private service.

## **6.2.2 Group Homes**

- 6.2.2.1 A group home is defined as a single housekeeping unit in a residential dwelling, which is registered with the Township, in which 3 to 10 residents (excluding supervisory or operating staff) live together under responsible supervision consistent with the requirements of its residents. The home is licensed or approved under provincial statute and is in compliance with municipal by-laws.
- 6.2.2.2 A group home shall be permitted in all land use designations which permit residential uses.
- 6.2.2.3 A group home shall be permitted in a single detached dwelling or a semi-detached or duplex dwelling provided that both units are occupied by one group home operation and that the total number of residents does not exceed ten (10).
- 6.2.2.4 An accessory dwelling unit shall not be permitted on the same lot as a licensed group home.
- 6.2.2.5 No person shall operate a group home without registering the group home with the Township Clerk in accordance with the Township of Edwardsburgh Cardinal Group Home Registration By-law, if any.

## **6.2.3 Bed and Breakfast Establishments**

- 6.2.3.1 Bed and breakfast establishments are small-scale temporary lodging facilities typically conducted within the operator's dwelling. Bed and breakfasts are an important component of the Township's tourism strategy and are consistent with a low key, small-is-beautiful approach to tourism that emphasizes development that is compatible with, and complementary to, the picturesque landscapes and other natural and cultural heritage resources found throughout the Township.
- 6.2.3.2 A bed and breakfast establishment shall generally be permitted in land use designations that permit single-detached dwellings, provided that the physical character of such dwellings is not substantially altered. Pursuant to this policy, the implementing Zoning By-law shall define a bed and breakfast use, as distinct from a rooming or boarding house, and shall establish zone provisions which restrict the bed and breakfast use so that it is clearly an accessory use to the single dwelling.

## **6.3 EXISTING USES AND NON-CONFORMING USES**

- 6.3.1 All uses which were legally in existence at the effective date of this Plan shall be allowed to continue as such.



- 6.3.2 Existing uses which do not conform to the relevant provisions contained in this Plan shall be deemed non-conforming uses. The long-term objective of this Plan is to relocate, eliminate, or replace these non-conforming uses with uses which are permitted in the relevant land use designation.
- 6.3.3 While the Township supports initiatives by property owners to replace non-conforming uses with uses that conform to the Zoning By-law that implements this Plan, it is recognized that Section 34(9) of the *Planning Act* accords non-conforming uses certain rights to continue. In addition, the Township recognizes that it may be desirable to permit changes to non-conforming uses or extensions or enlargements or non-conforming uses in order to avoid unnecessary hardship.
- 6.3.4 Council may recognize a non-conforming use and zone it in accordance with the existing use provided that:
1. The Zoning By-law does not permit any change of use or performance standard that might aggravate, increase or enlarge the non-conforming status;
  2. The use does not constitute a danger to surrounding uses or persons by virtue of its hazardous nature or the traffic flow generated;
  3. The use does not pollute the air, water or soil to the detriment of the health or comfort of the surrounding land uses;
  4. The use does not interfere with the orderly development of adjacent lands.

#### **6.4 CHANGES TO NON-CONFORMING USE AND EXTENSIONS OR ENLARGEMENTS**

- 6.4.1 Where a property is not zoned in accordance with the existing use, the extension or enlargement of such use may be considered by Council through the passing of a Zoning By-law pursuant to Section 34(10) of the *Planning Act* or by the Committee of Adjustment under Section 45 of the *Planning Act*, subject to the following guidelines:
1. The extension or enlargement should not aggravate the non-conforming situation for neighbouring uses;
  2. The extension or enlargement should be in a reasonable proportion to the existing use and to the land on which it is to be located;
  3. Any extension or enlargement involving land should be minor in relation to the total property. Any major change or adjustment shall require an amendment to this Plan;
  4. The proposed extension or enlargement shall not create undue noise, vibration, fumes, smoke, dust, odours, traffic generation nor glare from lights;
  5. Adequate buffering, setbacks and other measures necessary to reduce or mitigate any impact shall be required and where possible shall be extended to the existing use;
  6. Traffic and parking conditions in the vicinity will not be adversely affected by the application and traffic hazards will be kept to a minimum by appropriate design of ingress and egress points to and from the site and by improvement of site conditions especially in proximity to intersections;
  7. Adequate provisions have been or will be made for off-street parking and loading facilities;
  8. Services such as storm drainage, roads, sewer and water are adequate or can

- be made adequate;
- 9. Neighbouring land owners will be notified of the proposed extension or enlargement of the non-conforming use before the final decision on the application is made;
- 10. Applications for changes to non-conforming uses or enlargements or extensions to such use within hazardous lands will only be considered where the change results in development in an area of no or low risk, and in consultation with the South Nation Conservation Authority.

- 6.4.2 The development of existing undersized lots may be permitted in accordance with the relevant provisions of the Zoning By-law provided that where the development is on private services, the size, configuration and, where applicable, the soil structure of the lot is appropriate for the long-term provision of services.
- 6.4.3 A lot addition or enlargement to an existing undersized lot may be permitted even though the addition does not bring the lot up to the standard required in the Zoning By-law. In such cases the lot does not lose its non-conforming status and may be developed in accordance with the relevant provisions of the Zoning By-law.

## 6.5 LOTS OF RECORD

- 6.5.1 Except for lots which are subject to development constraints such as flooding or unstable slopes, lots of record which are vacant may generally be used for building purposes in accordance with the policies of this Plan and the regulations of the implementing Zoning By-law, provided they front on a year-round publicly maintained road or an existing private road and can be adequately serviced. Lots of record which are subject to development constraints may be developed provided the constraint may be mitigated in accordance with other relevant policies in this Plan.
- 6.5.2 Development on vacant existing lots of record located within the Natural Heritage Resource Policy Area designation is not permitted. In addition, development within the floodplain shall only be permitted in accordance with the **Natural Hazards** section of this Plan.

## 6.6 PUBLIC USES AND INSTITUTIONAL USES

- 6.6.1 Public utility facilities subject to the requirements of the *Environmental Assessment Act* may be permitted in all land use designations of this Plan.
- 6.6.2 Other public utility and municipal services and facilities, including community, institutional or quasi-institutional uses which provide services such as education, government, hospitals, protection to persons and properties, electricity, road, airports, railways, wired and wireless telephone, gas cable, but excluding waste disposal, to the general public, are permitted in all land use designations as shown on the accompanying land use schedules, provided that:
  - 1. Such use is necessary in the area, that it can be made compatible with its surroundings and that adequate measures are taken to ensure land use compatibility;

2. Adequate off-street parking and loading facilities are provided, where applicable;
3. The construction of permanent buildings is discouraged in all areas which have been identified as environmentally sensitive;
4. The general intent of the policies of this Plan are satisfied.

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

6.6.4 Public and institutional uses shall be encouraged to locate within or near lands designated Settlement Policy Area and should co-locate in community hubs, except where the characteristics of such uses would clearly be incompatible with surrounding land uses.

6.6.5 Public uses are not permitted in areas of endangered or threatened species habitat, except in accordance with provincial and federal requirements. Where public uses are to be located on lands adjacent to natural heritage features or areas, such public uses shall not result in a negative impact on the natural features or ecological functions for which the area is identified, in accordance with the **Environmental Impact Assessments** section of this Plan.

6.6.6 Development that includes institutional uses (including schools, hospitals, long-term care homes, pre-schools, school nurseries, day cares and school), essential emergency services or the disposal of hazardous substances shall not be permitted on hazardous lands or hazardous sites, as set out in the **Natural Hazards** section of this Plan.

## 6.7 CONVERSION OF PUBLIC BUILDINGS

6.7.1 Public holdings which are no longer required for their original purpose such as schools, churches and community centres may be converted to alternative uses subject to a Zoning By-law amendment, and where applicable, Site Plan Control. Such conversions may occur in accordance with the policies of this Plan.

## 6.8 DEVELOPMENT CRITERIA

6.8.1 Council shall consider the following development criteria when reviewing development applications under the *Planning Act*:

1. The provision of safe access onto or from a Township or County Road or Provincial Highway;
2. Adequate access to, and provision of, off-street parking;

3. Barrier-free access to public and commercial buildings and the designation of parking spaces to address accessibility standards;
4. Access and maneuvering of emergency vehicles in providing protection to public and private properties;
5. The availability of municipal services and the cost of upgrading such services including water, sewage treatment facilities, fire and police protection, street lighting, roads and winter maintenance, waste disposal, community facilities and recreation;
6. Adequate grade drainage or stormwater management and erosion control;
7. The screening, buffering or fencing of aesthetically displeasing or dangerous land uses or open storage. A buffer may be open space, a berm, a wall, a fence, plantings, a land use different from the conflicting uses but compatible with both, or any combination of the aforementioned sufficient to accomplish the intended purpose;
8. The provision of landscaping, the creation of privacy and/or open space areas around buildings and other uses;
9. The establishment of appropriate setbacks to maintain proper distance separation between new development and natural heritage sites, natural hazards and resource areas and development constraints such as noise and vibration;
10. The adequacy of exterior lighting for access and parking areas for public or private use such as in commercial, industrial, institutional and multiple residential development;
11. The control of signs and advertising such that they are in scale with the intended use and with surrounding uses;
12. Protection of the environment by avoiding air, soil or water pollution;
13. The preservation and protection, whenever possible, of street trees, street tree canopies and the urban forest;
14. The adequacy of school board facilities to accommodate new development or redevelopment and the provision or availability of school bussing and active transportation routes;
15. Protection and/or enhancement of natural heritage resources;
16. Conservation of cultural heritage resources;
17. The physical suitability of the land for the proposed use;
18. Safety and security considerations, such as:
  - sufficient lighting in spaces intended for public use after dark to support the kind of activities envisioned for that space;
  - signs and an overall pattern of development that supports users' sense of orientation and direction;
  - preservation of clear lines of sight for persons passing through the space;
  - attention to the proposed mix of uses and their proximity to each other to ensure they are complementary;
  - the routing and design of bicycle and pedestrian routes so that they are accessible to populated areas.

## **6.9 CASH-IN-LIEU**

- 6.9.1 Cash-in-lieu of parkland may be used to acquire or develop public parks or public recreational uses. Cash-in-lieu may be required for residential severances or

residential subdivisions at the rate of up to 5% or for commercial or industrial severances at the rate of up to 2% of the value of land as set out in Section 42 or 51 of the *Planning Act*.

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

## **6.10 ENVIRONMENTAL IMPACT ASSESSMENTS**

- 6.10.1 The various interrelated features that comprise the natural heritage system vary considerably in terms of their sensitivity to development. Some features and areas may accommodate some development while others are highly sensitive. The process of undertaking environmental impact assessments is intended to assist in making that determination.
- 6.10.2 The nature and scale of proposed development, its physical location relative to the natural feature(s) or area(s) and the contextual environment (i.e. built versus natural) in which it is to occur are important considerations in the context of establishing the appropriate level of study to be associated with an environmental impact assessment. Additionally, the number, nature, and sensitivity of natural heritage features within an area will have a significant bearing on the extent of study required.
- 6.10.3 Potential negative impacts will be examined through a process of environmental impact assessment, carried out on a case by case basis, prior to development approval. The scope and scale of an environmental impact assessment shall be determined by the approval authority, in consultation with the South Nation Conservation Authority, but shall be appropriate to both the type and size of the proposed development, the nature of the natural feature(s) to be assessed, and whether the proposed development is to occur within or adjacent to the identified natural feature(s) or area(s). In all cases, an environmental impact assessment must demonstrate that there will be no negative impacts on the natural features or ecological functions for which the area or features and associated lands is identified.
- 6.10.4 Depending on the nature of the development and/or site alteration, and in circumstances where there is known likelihood of negative impact on the natural heritage feature or area, the Township, in consultation with the South Nation Conservation Authority, may either waive the requirement for an environmental impact assessment, require a scoped environmental impact assessment, or require the completion of an environmental screening checklist to be submitted to the approval authority as part of a planning application. The purpose of the checklist is to provide a screening for the likelihood of negative impacts, and in consultation with the South Nation Conservation Authority, may satisfy the requirement for an environmental impact assessment.
- 6.10.5 In situations where a comprehensive environmental impact assessment is warranted from the outset, or, in situations where a more detailed review is deemed necessary from the outcome of a scoped environmental impact assessment or screening

checklist, a full environmental impact study will be required. The environmental impact study shall be completed by a qualified individual and shall fulfill each of the following steps:

1. Research, identify, map, and prioritize the characteristics of the natural heritage features, ecological functions, and values on, or adjacent to the site;
2. Describe and map the proposed development activities, including building location, excavation, site grading, landscaping, roadway construction, paving, drainage works, and sewer and water servicing in relation to the natural heritage feature;
3. Predict the effects that the proposed development may have on various components of the environment, such as wildlife, fish, vegetation, soil, surface water, groundwater, and air, taking into consideration effects during and after development or site alteration;
4. Evaluate the severity of all predicted negative and positive effects on the various environmental components;
5. Itemize and recommend all measures that can be taken to reduce or mitigate the predicted negative impacts;
6. Evaluate the cumulative effect that the project (and any other projects or activities) may have on the characteristics of the natural heritage feature which made it significant, after mitigation;
7. Conclude with a professional opinion on whether negative impacts will result from the development once the proposed mitigation has been implemented.

6.10.6 The approval authority may require that the environmental impact assessment be peer reviewed prior to making a decision on the development application.

6.10.7 Where development and/or site alteration is approved by the approval authority, the approval authority may use various planning and other approvals (e.g. site plan control, site specific zoning, site alteration by-laws, etc.) to ensure that the development or site alteration occurs in accordance with the environmental impact assessment study recommendations.

## **6.11 ECONOMIC DEVELOPMENT**

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

6.11.2 It is a goal of this Plan to sustain the strengths of the existing economic base and to broaden the Township's employment opportunities. The Township's objectives with respect to economic development are as follows:

- To sustain and to build on the existing strength of the commercial, industrial, agricultural and tourism sectors of the economy;
- To undertake initiatives to stimulate new employment generation;
- To work cooperatively with senior governments and community groups in promoting and undertaking economic development activities.

- 6.11.3 In addition to specific land use policies elsewhere in this Plan, Council will undertake several measures to sustain, strengthen and diversify the economic base including:
1. Providing a policy framework which facilitates the planning and delivery of municipal services necessary for the development or redevelopment of lands for commercial, industrial and other employment generating activities;
  2. Expediting planning and other approvals necessary at the Township level to permit the development of lands or construction of new buildings associated with economic development;
  3. Supporting community improvement programs;
  4. Encouraging and facilitating employment in the construction industry, through efforts to expedite planning and building approvals;
  5. Encouraging an “Open for Business” philosophy towards economic opportunities in the design of municipal by-laws regulating and licensing businesses;
  6. Encouraging the development of home-based businesses;
  7. On-going development of the Industrial Park, including future expansions, where appropriate, in accordance with the UCLG Official Plan.

## **6.12 HOME-BASED BUSINESS**

- 6.12.1 Home-based businesses are permitted in all areas where residential uses are permitted subject to the provisions of the implementing Zoning By-law and other by-laws established by Council, as well as the principles set out herein. Permitted uses shall include, but are not limited to professional, administrative and consulting services, office uses, computer technology uses, instructional services, private home daycares, distribution sales offices and arts and crafts. Home-based businesses shall be:
- clearly accessory, secondary, incidental and subordinate to the permitted residential use;
  - compatible with surrounding residential and/or non-residential uses;
  - appropriately regulated by Council through provisions contained within the implementing Zoning By-law.
- 6.12.2 Home-based businesses of a commercial or industrial nature, such as a carpentry shop, tinsmith shop, welding shop etc., may be permitted in a building accessory to a principal residential use. Council shall, however, generally restrict these types of home-based business uses to areas outside of the Settlement Policy Areas.

## **6.13 BROWNFIELD REDEVELOPMENT**

- 6.13.1 Brownfield sites are undeveloped or previously developed properties that may be contaminated. They are usually, but not exclusively, former industrial or commercial properties that may be underutilized, derelict or vacant.
- 6.13.2 From an economic perspective, brownfields can result in reduced property values, economic activity and employment. Vacant and underutilized properties in serviced urban areas represent an opportunity to increase development densities. From an

environmental perspective, brownfields can present a threat to ecological and human health and safety. From a social perspective, the existence of brownfields can lead to neighbourhood deterioration, threats to personal safety and security, and reduced quality of life.

6.13.3 The benefits that result from brownfield redevelopment are also environmental, economic and social. The economic benefits of brownfield redevelopment can include increased employment in urban areas and increased property values. Environmental benefits can include the removal of threats to the health of residents and workers, the protection of groundwater resources and wildlife habitats and a reduction in unplanned growth. The social benefits of brownfield redevelopment can include neighbourhood revitalization, improved safety and security, the provision of additional housing opportunities through intensification and infill, and an increased sense of community pride. Financial incentive programs that result in an increase in brownfield development will translate into economic, environmental and social benefits.

6.13.4 Accordingly, the Township shall identify and promote opportunities for intensification and redevelopment of brownfield sites. Private sector investment in the re-use and/or redevelopment of underutilized and/or abandoned brownfield lands will be encouraged through the use of Community Improvement Plans as set out in the **Community Improvement** section of this Plan.

#### **6.14 HOUSING AND AFFORDABILITY**

6.14.1 The provision of new housing is encouraged to take place in the more built up areas of the Township such as in the designated Settlement Policy Areas. Policies have been included in this Plan to provide for a range of housing options for present and future residents, including those that require special needs, housing for persons with physical, sensory or mental health disabilities and housing for older persons.

6.14.2 Council will provide for affordable housing by enabling a full range of housing types and densities, including “tiny houses”, to meet projected demographic and market requirements of current and future residents of the Township by:

1. Monitoring the need for housing for those with special needs including social assisted housing for households and seniors. Where specific needs are identified, Council will work with the Ministry of Municipal Affairs and Housing and the Social Services Department of the United Counties of Leeds & Grenville to meet identified needs.
2. Encouraging infill and housing intensification with a view towards achieving an overall minimum target that 20% of the dwelling unit growth will take the form of residential intensification and redevelopment in Settlement Policy Areas, subject to the limitations imposed by servicing and environmental considerations. This may be achieved through the conversion of single detached dwellings to multiple units, through re-development at higher densities, through land severances on large under-utilized lots which create opportunities for development on the severed lot (subject to the relevant policies elsewhere in this Plan) and through infill on vacant lands.
3. Ensuring a minimum 10-year supply of residential land at all times.



4. Working with the development industry to ensure that a 3-year minimum supply of registered or draft approved lots and blocks for new residential development is available at all times.
5. Monitoring population projections and the residential development targets.
6. Making provision for alternative housing types such as accessory dwelling units.
7. Encouraging cost-effective development standards and densities for new residential development to reduce the cost of housing. The Township shall ensure that the Zoning By-law does not require standards which preclude the development of affordable housing, especially as it relates to house and lot size.

6.14.3 Council shall endeavor to achieve an overall minimum of 25% of all new housing units to be “affordable” as defined by the Provincial Policy Statement. It is recognized that the target may not be achievable on a yearly basis, therefore, a five-year average shall be used to evaluate the Township’s success in meeting its affordable housing objective. The Township may consider the use of inclusionary zoning as a tool to achieve affordable housing objectives.

## **6.15 CULTURAL HERITAGE CONSERVATION AND ARCHAEOLOGICAL RESOURCES**

### **6.15.1 Cultural Heritage**

6.15.1.1 Cultural heritage resources consist of built heritage resources such as historical buildings, structures, and other human-made features, as well as cultural heritage landscapes, all of which have importance to the Township. The Township possesses many examples of both built and cultural heritage landscapes such as the Galop Canal, as well as areas of importance to First Nation peoples. The Township recognizes the importance of built heritage resources, together with cultural heritage landscapes, and the role they play in making the Township a place of historic and cultural interest, both to local residents and visitors to the area. The Township shall provide for the conservation, retention and enhancement of significant heritage resources, including ruins, districts, landscapes, and archaeological features of the Township.

6.15.1.2 The Township will cooperate with the Ministry of Tourism, Culture and Sport to maintain a cultural heritage resource database, resulting in the registration of significant heritage buildings, heritage districts, cultural heritage landscapes, archaeological sites, and areas of archaeological potential located within the Township.

6.15.1.3 In reviewing development applications, the Township will consider the relationship of proposed development to the contextual environment of existing buildings and landscapes having cultural heritage interest. New development will be planned so as to conserve, complement and enhance cultural heritage resources.

6.15.1.4 Development and site alteration shall not be permitted on lands adjacent to protected heritage properties, except where it has been demonstrated through the preparation of a Heritage Impact Assessment prepared by a qualified professional, that the heritage attributes of the protected heritage property will be conserved. Mitigative measures and/or alternative development approaches may be required.

- 6.15.1.5 The Township, in consultation with the Ministry of Tourism, Culture and Sport, may, by by-law adopted pursuant to the *Ontario Heritage Act*:
1. Designate properties for the conservation of heritage attributes that are of cultural heritage value or interest;
  2. Define parts of the Township, or any area or areas within the Township, as an area to be examined for designation as a heritage conservation district;
  3. Designate the Township, or any area or areas within the Township, as a heritage conservation district in order to control any development that may adversely affect the heritage features of the area; and
  4. Develop a municipal register of all properties of cultural heritage value or interest designated under the *Ontario Heritage Act*.
- 6.15.1.6 The Township may establish a Municipal Heritage Committee (MHC) pursuant to Section 28 of the *Ontario Heritage Act*, to seek advice and to assist Council on matters related to Parts IV and V of the Act.
- 6.15.1.7 The *Ontario Heritage Act* may be utilized to conserve, protect and enhance any significant cultural heritage resources located within the Township.
- 6.15.1.8 Council will take necessary measures to ensure that it has accurate and adequate architectural, structural and economic information to determine the feasibility of rehabilitation and adaptive re-use versus demolition when considering demolition applications of designated heritage properties.
- 6.15.1.9 In the context of site planning, the Township shall consider the massing of buildings and structures so as to not conflict with existing built heritage resources, particularly in areas such as villages and hamlets. New development and redevelopment should complement the character of existing buildings, structures and the surrounding landscape.
- 6.15.1.10 It is recognized that elements such as architectural style and building cladding and colour are important components in the design of development that is sensitive to and reinforces the contextual environment. To the extent that the legislation provides for controls such as those pursuant to the *Ontario Heritage Act*, as well as through the Township's support for the development and distribution of appropriate design guidelines by relevant agencies and organizations, the Township will endeavor to encourage development that is contextually supportive. Where appropriate, the Township will ensure cultural landscape conservation and sympathetic design through the policies of the **Site Planning and Design Guidelines** section of this Plan.
- 6.15.1.11 The interests of Aboriginal communities will be considered in conserving cultural heritage resources.

## **6.15.2 Archaeological Resources**

- 6.15.2.1 The Township recognizes that there may be many archaeological remains of prehistoric and historic habitation and areas containing archaeological potential within the Township. Some of these resources are of particular interest as they may provide an enhanced understanding of the history of First Nations peoples and the

early settlement of the Township. The Township aims to protect and conserve all archaeological resources within its jurisdiction.

- 6.15.2.2 It is a policy of this Plan that Council will require the preparation of an archaeological assessment for properties with known archaeological sites and/or potential for archaeological resources which may be affected by a development potential. An archaeologist licensed by the Ministry of Tourism, Culture and Sport must perform all archaeological work according to the terms and conditions of their license to the satisfaction of the Township and the Ministry of Tourism, Culture, and Sport.
- 6.15.2.3 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved. Any alterations to known archaeological sites shall only be performed by licensed archaeologists, as per Section 48 of the *Ontario Heritage Act*.
- 6.15.2.4 Council shall obtain updated archaeological site mapping from the Ministry of Tourism, Culture and Sport under the provisions of a municipal-provincial data sharing agreement and update this database as new archaeological sites are identified from land development and on the Provincial archaeological sites database. Council may undertake the preparation of an Archaeological or Cultural Heritage Master Plan by a licensed archaeologist in its efforts towards conserving cultural heritage and archaeological resources.
- 6.15.2.5 Applications for Official Plan amendments, Zoning By-law amendments, plan of subdivision, plan of condominium or consent, as well as for the undertaking of new infrastructure works will be screened for their archaeological potential, using the criteria established by the Ministry of Tourism, Culture and Sport. At the time of adoption of this Plan, the criteria have been set out in the document entitled “Criteria of Evaluating Archaeological Potential: A Checklist of the Non-Specialist” which identifies a site as having archaeological potential when one of the following are present:
1. A known archaeological site on or within 300 metres of the property or project area;
  2. Aboriginal or local knowledge of archaeological sites on or within 300 metres of the property or project area;
  3. Aboriginal knowledge or historically documented evidence of past Aboriginal use on or within 300 metres of the property or project area;
  4. A known burial site or cemetery on the property or adjacent to the property or project area;
  5. The property or project area has been recognized for its cultural heritage value;
  6. A past or present water source within 300 metres of the property or project area;
  7. Evidence of two or more of the following on the property or project area:
    - Elevated topography
    - Pockets of well-drained sandy soils
    - Distinctive land formations
    - Resource extraction areas
    - Early historic settlement
    - Early historic transportation routes

The Township will endeavor to evaluate for the presence of archaeological potential on the basis of the current Provincial screening criteria and may consult with the Ministry and/or a licensed archaeologist from time to time in making such determination. Development proponents are encouraged to consult the Ministry checklist to screen for archaeological potential. Where archaeological potential has been identified on lands within the Algonquin Traditional Territory, as delineated on Appendix B and based on mapping obtained from the Algonquins of Ontario, engagement with the Algonquins of Ontario is encouraged.

- 6.15.2.6 Where significant archaeological resources are found, the evaluation must contain mitigation measures relating to their preservation or removal. Where significant archaeological resources are found, Council may consider archaeological preservation in situ, to ensure the integrity of the resource. The heritage integrity of archaeological resources can be preserved by adopting a Zoning By-law under Section 34 of the *Planning Act*, to prohibit any land use activities or the erection of buildings or structures on land which is a site of a significant archaeological resource.
- 6.15.2.7 Council shall consult appropriate government agencies, including the Ministry of Tourism, Culture and Sport and the Ministry of Government and Consumer Services, when an identified 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.
- 6.15.2.8 In considering applications for shoreline or waterfront development, Council shall ensure that cultural heritage resources, both onshore and in the water, where within their jurisdiction, are not adversely affected. Council may require a marine archaeological assessment if partially or fully submerged marine features or cultural heritage value are identified and may be impacted by shoreline and waterfront developments.
- 6.15.2.9 The interests of Aboriginal communities will be considered in conserving archaeological resources. The Algonquins of Ontario shall be consulted prior to the approval of any site-specific Official Plan Amendment where a Stage 2 Archaeological Assessment has shown the potential for Aboriginal artefacts to be encountered.

## **6.16 LAND USE COMPATIBILITY**

### **6.16.1 Development Adjacent to Mineral Aggregate Resource Designations, Operations or Mineral Aggregate Reserves**

- 6.16.1.1 It is a policy of this Plan that existing mineral aggregate operations and potential mineral aggregate reserves will be protected from activities that would preclude or hinder their establishment, expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact. For this reason, the development of sensitive land uses such as residences, day care centres and educational and health facilities within the influence area of existing pits and quarries, and lands that are designated Mineral Aggregate Resource on

Schedule A or identified as a Mineral Aggregate Reserves constraint on Schedule B, shall be permitted only if it can be demonstrated to the satisfaction of the approval authority that all issues relating to public health, public safety and environmental impacts can be addressed through setbacks or other mitigation measures without precluding or hindering the use of, or access to, the resource.

- 6.16.1.2 An influence area is not a strict buffer or setback area where development adjacent to Mineral Aggregate Resource designation or Mineral Aggregate Reserves constraint is automatically prohibited. The influence area is that area where impacts may occur or be experienced. The proponent of the development would be required to identify the potential impacts and to assess whether they can be mitigated to an appropriate level when measured against Provincial standards. The influence area applies between a sensitive land use and extractive operations and vice versa.

For policy purposes, the influence area in relation to pits is 300 metres, except in the case of Class B pits where excavation is above the water table, in which case the influence area is 150 metres. The influence area in relation to quarries is 500 metres.

- 6.16.1.3 The influence areas for resource lands designated Mineral Aggregate Resource, but which are not licensed for pits or quarries shall be dependent upon the nature of the resource. The influence area shall be 300 metres for lands designated on the basis of sand and gravel resources or 500 metres for lands shown as a bedrock resources.

- 6.16.1.4 Development and activities which would preclude or hinder the establishment of new operations or access to mineral or mineral aggregate resources will only be permitted if:

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

- 6.16.1.5 Land use compatibility studies, prepared by a qualified professional, shall be required in accordance with Provincial standards in relation to any proposal to develop lands within the influence area of an existing pit or quarry and on lands that are designated Mineral Resource or shown as Mineral Aggregate Reserves. Land use compatibility studies may be required to address such matters as hydrogeology, noise, and blast impacts, as well as conducting mineral or mineral aggregate quality and quantity assessments to determine the extent of the resource.

## **6.16.2 Development Where Agricultural and Non-Agricultural Uses are Adjacent**

- 6.16.2.1 It is a policy of this Plan to address land use compatibility issues related to non-agricultural and agricultural uses through the application of the Minimum Distance Separation I (MDS I) and Minimum Distance Separation II (MDS II) formulae, as may be amended from time to time, to new non-agricultural uses and agricultural uses, respectively.

- 6.16.2.2 The implementing Zoning By-law may include provisions exempting properties from the application of MDS I and MDS II, as applicable, under certain situations such as when rebuilding after non-voluntary building destruction, development within Settlement Policy Areas, development in proximity to cemeteries, and development on existing lots of record. The Township may require that restrictive covenants and/or notices be registered on title as a condition of an approval of a planning application, where deemed appropriate.

### **6.16.3 Development Adjacent to Open or Closed Waste Disposal Sites and Sewage Treatment Facilities**

- 6.16.3.1 The approximate locations of all known open and closed waste disposal sites and sewage treatment facilities are identified on Schedule B to this Plan.
- 6.16.3.2 Waste disposal sites, whether open or closed, have the potential to generate impacts on the surrounding area related to such issues as air and water quality, aesthetics, noise and traffic. For policy purposes, the influence area of a waste disposal site is 500 metres. A land use compatibility study shall be required in relation to any proposal to develop new sensitive land uses such as residences, day care centres, educational and health facilities and other uses requiring potable water within the influence area. The study shall be prepared in accordance with the relevant Ministry of Environment, Conservation and Parks D-series Land Use Compatibility Guidelines, as may be updated by the Province, in order to address contamination by leachate, surface runoff, ground settlement, visual impact, soils contamination, hazardous waste and landfill-generated gases.
- 6.16.3.3 Sewage treatment facilities such as waste stabilization ponds and sewage treatment plants have the potential to generate impacts on the surrounding area related to such issues as air and water quality, aesthetics, noise and traffic. Consequently, separation distances between sewage treatment facilities and new sensitive land uses such as residences, day care centres, educational and health facilities and other uses requiring potable water are normally required. The minimum separation distance for a sewage treatment plant shall be 100 metres, however, this distance may be increased or decreased as a consequence of site-specific investigations and conditions, as well as the application of the relevant Ministry of Environment, Conservation and Parks D-series land use compatibility guideline, as may be updated by the Province. For waste stabilization ponds the recommended separation distance varies from 100 to 400 metres or more, depending upon the type of pond and characteristics of the waste.
- 6.16.3.4 The implementing Zoning By-law shall include provisions to prohibit the establishment of new incompatible uses within the influence area of waste disposal sites or within the recommended separation distance for sewage treatment facilities.

### **6.16.4 Other Land Use Compatibility Policies**

- 6.16.4.1 It is a policy of this Plan to minimize conflicts between incompatible land uses. To this end, distance separations and buffering will be provided for the purpose of mitigating the adverse effects of one land use upon the other. A buffer may be a simple horizontal separation, a berm, a wall, a fence, planting materials, a land use different from the conflicting uses, but compatible with both, or any combination of

the aforementioned sufficient to accomplish the intended purpose. This policy shall be implemented through various provisions in the implementing Zoning By-law, as well as the mechanism of Site Plan Control, as appropriate.

- 6.16.4.2 In addition, certain land uses such as residences, day care centres and educational and health facilities may be particularly sensitive to the effects of odour, noise, vibration and other emissions associated with facilities such as rail and road transportation corridors and various classes of industries. Recommended separation distances for these classes of industries are included in the relevant Ministry of Environment, Conservation and Parks D-series Land Use Compatibility Guideline, as may be updated by the Province. Where proposed development is likely either to have or to be subject to a significant influence relating to an adjacent incompatible land use, a feasibility study, prepared by a qualified professional, which includes mitigation measures shall be undertaken in accordance with the relevant D-series guideline and to the satisfaction of the Township. Where required, a legally-binding commitment to implement mitigation measures shall be secured.

## **6.17 NATURAL HERITAGE FEATURES**

### **6.17.1 Natural Heritage System**

The landscape of Edwardsburgh Cardinal is a mosaic of cleared lands, forests, wetlands, watercourses, and settled areas. This diversity plays an important role in defining the rural character and natural environment of the Township. Within this diverse landscape, there are many “natural heritage features” including wetlands, woodlands, valleylands, areas of natural and scientific interest (ANSIs), fish habitat, wildlife habitat and portions of the habitat of endangered and threatened species. Natural heritage features are not islands on the landscape, but rather, they are interconnected systems that contribute to the biodiversity and ecological health within the Township and outlying regions.

This Plan recognizes that these features should not be viewed in isolation, but rather, they form part of a natural heritage system that is linked by natural corridors and that they are an essential part of the maintenance of biological and geological diversity, natural functions, and viable populations of indigenous species and ecosystems. Since all natural heritage features possess and perform important ecological functions, the Township will promote the enhancement, restoration, or, where possible, the improvement of these natural features and their linkages between surface and groundwater features. Council will encourage communication and relationships with upper levels of government and the South Nation Conservation Authority to ensure the preservation and ecological health of the natural environment systems.

Provincially significant wetlands are identified through the Natural Heritage Resource Policy Area land use designation indicated on Schedule A, while other features and areas are indicated using a constraints overlay approach on Schedule B. In some cases, such as endangered species, locational information is not indicated in order to protect the species. In the case of fish habitat, locational information is not indicated because fish habitat is potentially present in all water features. In addition to the natural heritage features and areas identified on Schedules A and B of this Plan, the Township’s natural heritage system also includes natural heritage corridors, linkages, and surface and groundwater features found throughout the Township. Collectively, and through policy protection afforded to these natural heritage

components, these natural features and areas comprise the key components of the Township's natural heritage system.

Accordingly, this Plan recognizes that natural corridors such as hedgerows and watercourses are integral components in maintaining connectivity and ecosystem diversity over the broader landscape scale. While many of these natural corridor features are not specifically identified on Schedule B as natural heritage features, these features are afforded policy protection through policies contained in this section of the Plan and the **Development Adjacent to Water Bodies** section of the Plan. It is the intent of this Plan to recognize the importance and significance of natural corridors and linkages between natural heritage features and areas.

Where development is proposed within or adjacent to lands within the natural heritage system, the Township will require an environmental impact assessment prepared in accordance with the **Environmental Impact Assessments** section of this Plan. Depending on the nature of the development and site alteration, and in circumstances where there is a low likelihood of negative impact on the natural heritage system, the Township, in consultation with the South Nation Conservation Authority, may waive the requirement for an environmental impact assessment.

The Counties-wide Natural Heritage System Strategy is intended to reinforce the conservation, restoration, and enhancement of identified natural heritage features and areas and to promote the overall diversity and interconnectivity of natural heritage features and areas. Until such time that the UCLG prepares a refined Natural Heritage System Strategy, the natural heritage features and areas identified in this Plan shall comprise the key components of the natural heritage system for the Township. The Township will endeavor to contribute to the development of the Counties-wide Natural Heritage System Strategy.

The policies of this Plan are intended to address the 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.

As a general policy, established agricultural uses ongoing at the date of adoption of this Plan are permitted to continue in or adjacent to all natural heritage 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** section of this Plan.

### **6.17.2 Endangered or Threatened Species Habitat**

Endangered and threatened species are those species listed as such on the Species at Risk in Ontario list under the *Endangered Species Act, 2007*. Endangered and threatened species can encompass any of the many types of living things: birds, mammals, plants, fish, reptiles, amphibians and invertebrates. The significant habitat of endangered and threatened species is protected through the *Endangered Species Act, 2007* and through the policies of this Plan.

The existing habitat sites of any endangered or threatened species in the Township are not identified in this Plan in order to protect endangered or threatened flora or fauna, and in some cases, identifying endangered or threatened species habitat is not reasonable. The Township will consult with the Ministry of Natural Resources and Forestry to develop a mutually acceptable protocol for sharing available information regarding endangered and threatened species habitat. A screening map, prepared by the Ministry of Natural Resources and Forestry



showing areas of documented occurrences of endangered and threatened species and their related habitats, may be used to identify where this policy applies.

The following policies apply in relation to endangered and threatened species habitat:

- 6.17.2.1 Where endangered or threatened species habitat is identified, development and site alteration shall not be permitted except in accordance with Provincial and Federal requirements.
- 6.17.2.2 It is the policy of Council not to identify the location of such habitats on Schedule B in order to afford the greatest possible protection to the species in question. Accordingly, the Township encourages property owners to consult the *Endangered Species Act* and related O. Reg 230/08 as well as consult the Natural Heritage Information Centre database prior to undertaking development or site alterations. The Centre makes data available to the public on the Province's rare species, vegetation communities, and natural areas and includes information on the occurrence of endangered and threatened species. The database is an important screening tool for assessing the likelihood of the presence of endangered and threatened species habitat.
- 6.17.2.3 Where endangered or threatened species habitat has been identified through an environmental impact assessment or screening process, the proponent shall retain a qualified professional to conduct a preliminary ecological site assessment to delineate the significant habitat within or adjacent to the area of proposed development. The Township may consult with the Ministry of Natural Resources and Forestry on the findings of the report as to the extent of significant habitat present. If significant habitat of endangered or threatened species is identified, no development or site alteration shall be permitted within the significant habitat, except in accordance with Provincial and Federal requirements.
- 6.17.2.4 A site inventory for butternut will be required prior to disturbance or removal of trees. Where harm to (cutting of branches, root disturbance, etc.) or removal of butternut is proposed, prior assessment of the health of the species by a qualified Butternut Health Assessor is required. If the butternut is determined to be "not retainable" a certificate will be issued by the assessor and the tree can be removed/harmed. If, however, the butternut is "retainable" a permit will be required for its removal pursuant to the *Endangered Species Act, 2007*.

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

According to the PPS, Areas of Natural and Scientific Interest (ANSIs) are defined as areas of land and water containing natural landscapes or features that have been identified as having life science or earth science values related to protection, scientific study or education. Significant ANSIs are those sites that have been identified by the Ministry of Natural Resources and Forestry as being representative of the most significant and best examples of natural heritage or geological features found in Ontario. At the time of adoption of this Plan, the Groveton Bog, a candidate life science ANSI, is the only ANSI that has been identified in the Township. The ANSI is indicated on Schedule B.

The following policies apply in relation to Areas of Natural and Scientific Interest:

- 6.17.3.1 Development and site alteration such as filling, grading and excavating on lands within an ANSI shall not be permitted unless it has been demonstrated that there will be no negative impacts on the ANSI or their ecological functions. An environmental impact assessment will be required in accordance with the requirements of the **Environmental Impact Assessments** section of this Plan.
- 6.17.3.2 Development and site alteration such as filling, grading and excavating on lands adjacent to an ANSI shall not be permitted unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the ANSI or on their ecological functions. An environmental impact assessment will be required in accordance with the requirements of the **Environmental Impact Assessments** section of this Plan.
- 6.17.3.3 For the purpose of this Plan, adjacent lands are those lands lying within 120 metres of any ANSI – Life Science and 50 metres of any ANSI – Earth Science identified on Schedule B.
- 6.17.3.4 The implementing Zoning By-law shall include provisions to regulate development within and adjacent to ANSIs identified on Schedule B.
- 6.17.3.5 Notwithstanding the policy above, existing agricultural activities including ploughing, seeding, harvesting, grazing, animal husbandry, and minor expansions to existing buildings and structures associated with farming operations are permitted on adjacent lands without an environmental impact assessment.

#### **6.17.4 Significant Wildlife Habitat**

According to the PPS, wildlife habitat is defined as areas where plants, animals and other organisms live, and find adequate amounts of food, water, shelter, and space needed to sustain their population. Specific wildlife habitats of concern may include areas where species concentrate at a vulnerable point in their annual or life cycle, and areas which are important to migratory or non-migratory species. Wildlife habitat, and particularly significant areas, have many values that warrant its conservation:

- wildlife contributes to a diversity of species in the Township;
- wildlife forms a fundamental component of the ecosystem and the food chain by providing areas where flora and fauna live and the latter find food, shelter and physical space sufficient to sustain their population, particularly at time during the life cycle when they may be more vulnerable;
- wildlife represents social and economic benefit, through nature observation, hunting, and trapping.

The “Significant Wildlife Habitat Technical Guide” prepared by the Ministry of Natural Resources and Forestry provides detailed technical information on the identification, description, and prioritization of significant wildlife habitat. Significant wildlife habitat may include areas where there are seasonal concentrations of animals, rare vegetation communities and specialized habitats for wildlife, habitats of species of special concern and animal movement corridors. The Township recognizes the importance of conserving wildlife habitat for the purposes of maintaining the ecosystem and its diversity and seeks to preserve the function of significant wildlife habitat without unduly restricting development.

Significant wildlife habitat areas are identified on Schedule B to this Plan, however it is recognized that significant wildlife habitat may exist within any of the natural heritage features and areas described in this Plan, as well as outside of the identified natural heritage areas. In determining the significance of wildlife habitat within these features and areas, the process for identifying and confirming significant wildlife habitat shall follow the process and methodology found in the “Natural Heritage Reference Manual for Natural Heritage Policies of the Provincial Policy Statement”.

The following policies apply in relation to significant wildlife habitat:

- 6.17.4.1 Development and site alteration such as filling, grading and excavating on lands within significant wildlife habitat shall not be permitted unless it has been demonstrated that there will be no negative impacts on the wildlife habitat or their ecological functions. An environmental impact assessment will be required in accordance with the requirements of the **Environmental Impact Assessments** section of this Plan.
- 6.17.4.2 Development and site alteration such as filling, grading and excavating on lands adjacent to significant wildlife habitat shall not be permitted unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the wildlife habitat or on their ecological functions. An environmental impact assessment will be required in accordance with the requirements of the **Environmental Impact Assessments** section of this Plan.
- 6.17.4.3 For the purpose of this Plan, adjacent lands are those lands lying within 120 metres of any significant wildlife habitat identified on Schedule B.
- 6.17.4.4 Notwithstanding the above policy, agricultural activities including ploughing, seeding, harvesting, grazing, animal husbandry, and minor expansions to existing buildings and structures associated with farming operations are permitted on adjacent lands without an environmental impact assessment.

### **6.17.5 Significant Woodlands**

According to the PPS, woodlands are defined as treed areas that provide environmental and economic benefits to both the private land owner 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. Significant woodlands in the Township provide the following benefits:

- help to moderate climate, as temperature and moisture are influenced by respiration of trees and shrubs and by their shading;
- provide oxygen to the atmosphere while reducing carbon dioxide, via photosynthesis;
- clean air pollutants;
- prevent soil erosion and stabilize slopes;
- help to maintain good surface water quality;
- provide habitat for a diverse range of species;
- retain water and may recharge groundwater;
- yield economic products including lumber, firewood, maple syrup and mushrooms;

- provide recreational activities such as wildlife observation, hiking, and hunting;
- contribute to the beauty and visual diversity of the urban and rural landscape;
- provide an attractive setting for rural residential development.

The Township of Edwardsburgh Cardinal is heavily wooded. The Ministry of Natural Resources and Forestry has provided resource mapping which identifies significant woodlands using the criteria and methodology found in the “Natural Heritage Reference Manual for Natural Heritage Policies of the Provincial Policy Statement”. These criteria include woodland size, woodland interior, proximity to other woodlands, linkages, uncommon woodland characteristics and woodland age. This resource mapping was developed by the Ministry to assist municipalities in the identification and preservation of woodlands based on scientific data, in addition to local standards and needs. The Township recognizes the importance of woodland features and has deemed it appropriate to establish land use policies on the basis of this information, which will help preserve significant woodland areas. In addition, the Township believes it is appropriate to recognize that woodlands located on publicly owned lands should be recognized as a significant feature and afforded a measure of protection.

Significant woodlands are identified on Schedule B to this Plan. The boundaries of significant woodlands as shown on Schedule B were not field checked for accuracy, and in this regard, site assessments will be an integral part of the environmental impact assessment to verify the presence of significant woodlands. Woodland areas contiguous with the Settlement Policy Areas, Industrial Park Policy Area, Highway Commercial Policy Areas and Mineral Aggregate Resource Areas where a license is in effect, have been excluded.

The following policies apply in relation to significant woodlands:

- 6.17.5.1 Development and site alteration such as filling, grading and excavating on lands within significant woodlands shall not be permitted unless it has been demonstrated that there will be no negative impacts on the woodlands or their ecological functions. An environmental impact assessment will be required in accordance with the requirements of the **Environmental Impact Assessments** section of this Plan.
- 6.17.5.2 Development and site alteration such as filling, grading and excavating on lands adjacent to significant woodlands shall not be permitted unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the woodlands or on their ecological functions. An environmental impact assessment will be required in accordance with the requirements of the **Environmental Impact Assessments** section of this Plan.
- 6.17.5.3 For the purpose of this Plan, adjacent lands are those lands lying within 120 metres of any significant woodland identified on Schedule B.
- 6.17.5.4 Notwithstanding the foregoing, agricultural activities including ploughing, seeding, harvesting, grazing, animal husbandry, expansion of fields and planting areas and expansions to existing buildings and structures associated with existing farming operations are permitted on adjacent lands without an environmental impact assessment.
- 6.17.5.5 Where development is proposed on lands identified as significant woodlands, and where ground verification is used to confirm that significant woodlands have been identified in error, development may proceed in accordance with the underlying designation.

### **6.17.6 Significant Valleylands**

According to the PPS, a valleyland is a natural area that occurs in a valley or other landform depression that has water flowing through or standing for some period of time. Valleylands are only considered significant if they are considered to be ecologically important in terms of features, functions, representation or amount, and contributing to the quality and diversity of an identifiable geographic area or natural heritage system, using the criteria set out in the “Natural Heritage Reference Manual for Natural Heritage Policies of the Provincial Policy Statement”.

The Township acknowledges that the Provincial Policy Statement requires the identification and protection of significant valleylands, but given the topography of Edwardsburgh Cardinal, the Township is of the opinion that there are no significant valleylands within its jurisdiction. Until such time that the UCLG establishes the criteria for determining significance in relation to significant valleylands, it is considered that the Township does not contain any significant valleylands. This Plan shall be amended to identify significant valleylands and provide appropriate policies to protect such feature, if and when significant valleylands are identified within the Township through the preparation of the UCLG Natural Heritage System Strategy.

### **6.17.7 Fish Habitat**

According to the PPS, fish habitat is defined as the 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. Fish resources provide much value to the Township, including:

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

Fish habitat is not identified on Schedule B to this Plan, although most of the Township’s rivers, streams, watercourses, lakes and wetlands may contain fish habitat. The Township has considerable interest in protecting fish habitat from harmful alteration, disruption and destruction.

The following policies apply in relation to fish habitat:

- 6.17.7.1 All applications for development or site alteration such as filling, grading and excavating adjacent to a water body will be screened for the presence of fish habitat.
- 6.17.7.2 Where such fish habitat is identified, development and site alteration shall not be permitted in fish habitat except in accordance with Provincial and Federal requirements.
- 6.17.7.3 Development and site alteration such as filling, grading and excavating on lands adjacent to fish habitat shall not be permitted unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the fish habitat or on their ecological functions. An

environmental impact assessment will be required in accordance with the requirements of the **Environmental Impact Assessments** section of this Plan.

- 6.17.7.4 For the purpose of this Plan, adjacent lands are those lands lying within 120 metres of any fish habitat.
- 6.17.7.5 Where development or site alteration may potentially affect fish habitat, the Department of Fisheries and Oceans, or their delegate, as applicable, shall be consulted and the required approvals obtained.
- 6.17.7.6 Although stormwater management and drainage measures are often located some distance from a watercourse, these measures can impact the water quality and quantity of the watercourse and affect fish habitat. When evaluating stormwater management and drainage proposals, consideration should be given to impact upon fish habitat.

## **6.18 DEVELOPMENT ADJACENT TO WATER BODIES**

An adequate water setback serves as an important function in relation to the protection of the natural and cultural heritage characteristics and water quality of the lakes and rivers of the Township. The intent of the water setback is to prevent the disturbance of the shoreline area as a result of the placement of building and structures, including septic systems, or the removal of the soil mantle and natural vegetation. The Township has a direct interest in managing surface water impacts related to water-oriented development.

Development along the St. Lawrence River waterfront and along other shorelines, including rivers and lakes, is subject to the policies outlined below:

- 6.18.1 Development or site alteration such as filling, grading, and excavating shall generally occur a minimum distance of 30 metres from the normal high water mark of any water body, with minimal disturbance of the native soils and very limited removal of shoreline vegetation. The quantitative element of this setback shall be implemented through the comprehensive Zoning By-law, while the qualitative elements shall be addressed through the Site Plan Control process.
- 6.18.2 Development or site alteration may be permitted less than 30 metres from a water body in situations where existing lots or existing developments preclude the reasonable possibility of achieving the setback. In such cases, proponents will be required to achieve the greatest possible/feasible setback for all development and site alteration, including septic systems, given existing site constraints such as lot size, lot shape and terrain. Extensions and enlargements to existing structures within the 30 metre water setback will be regulated through the Zoning By-law and shall not have the effect of further reducing a deficient waterbody setback. Any proposal for development or site alteration proposed to occur less than 30 metres from a water body shall be subject to the policies of the **Fish Habitat** and **Environmental Impact Assessments** sections of this Plan.
- 6.18.3 Applications to further reduce an existing water setback of less than 30 metres will not be permitted. In order to achieve the greatest setback possible, proponents will be encouraged to seek variances to reduce minimum yards not adjacent to water

rather than reducing existing water setbacks. Consideration shall also be given to maximizing the setback through building design and orientation, and the siting of the septic system.

- 6.18.4 New lots shall be capable of accommodating the 30 metre water setback for all new development, including septic systems, except for those proposed lots where the presence of an existing building means that the 30 metre setback cannot be achieved. In these instances, the policies of this Plan shall apply to ensure that any subsequent development does not further reduce the deficient setback of the existing dwelling and that the greatest possible setback is achieved. The creation of a new lot with an existing dwelling should be large enough to accommodate redevelopment of the lot at a location that achieves the 30 metre setback.
- 6.18.5 It is the intention of this Plan to encourage increased water setbacks for replacement septic systems, where they are less than 30 metres from a waterbody.
- 6.18.6 Water setback requirements shall not apply to permitted encroachments, docks, and boathouses situated partly or entirely below the high water mark, pump houses, and other marine facilities accessory to a permitted use. Depending upon their location in relation to the water, such structures may require permits from approval authorities such as the Department of Fisheries and Oceans, Ministry of Natural Resources and Forestry, and the South Nation Conservation Authority.
- 6.18.7 In addition to protection of the shoreline, new development along the waterfront shall, whenever possible be designed to minimize any loss of river views from adjacent properties.
- 6.18.8 Through the mechanism of Site Plan Control, the Township shall attempt to ensure that a buffer of substantially undisturbed and naturally-vegetated area abutting the length of the shoreline on waterfront properties, interrupted only by water-related structures such as docks, pump houses and boathouses. This buffer will contribute to protecting the riparian and littoral zones and their associated habitat, prevent erosion, siltation and nutrient migration, and assist in maintaining the natural appearance of the shoreline.
- 6.18.9 The minimum water frontage for any new waterfront lot, except in the case of Cardinal, shall generally be 60 metres.
- 6.18.10 Water Lots, being those lots that extend beyond the shoreline into the river where ownership has been legally confirmed to include the bed of the river, may be developed in accordance with the following:
1. When reviewing compliance to the Zoning By-law, only those lands located above the high water mark may be used to establish zoning conformity;
  2. All other relevant policies of this Plan shall apply; and
  3. Docking facilities and marinas shall be permitted subject to the provisions of the Zoning By-law.

## 6.19 ENERGY CONSERVATION, AIR QUALITY AND CLIMATE CHANGE ADAPTATION

- 6.19.1 This Plan supports and encourages alternative and renewable energy systems, provided that they are designed and constructed to ensure compatibility with surrounding land uses and in accordance with provincial and federal requirements.
- 6.19.2 The use of alternative energy systems that reduce harmful emissions, as well as renewable energy systems such as wind, water, biomass, solar, and geothermal shall be supported, provided that such systems comply with all applicable governmental requirements.
- 6.19.3 In reviewing planning applications such as site plans and plans of subdivision, Council shall encourage the development of plans that support energy conservation and efficiency through techniques such as green building design or orientation, lot orientation, and the use of vegetation.
- 6.19.4 The Township will consider LEED (Leadership in Energy and Environmental Design) certification for all new municipal buildings and for major renovations/expansions to existing municipal buildings.
- 6.19.5 The Township will promote approaches to low impact development when considering development and redevelopment proposals.
- 6.19.6 The Township will 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, and efforts towards managing climate change.
- 6.19.7 In reviewing planning applications, potential impacts of climate change, including extreme and unpredictable weather events, that may increase the risk associated with development near natural hazards, will be considered.

## 6.20 ROAD ACCESS

- 6.20.1 A year-round, publicly-maintained road represents the optimal means of providing access to properties from the perspective of convenience, safety and general welfare of users. Historically, some waterfront development has occurred with private road access. Additionally, some waterfront properties have been developed on the basis of water access only. Finally, some isolated uses related to agriculture, forestry, conservation and mineral resource exploitation have obtained access by private roads.
- 6.20.2 The Township views public road access as the preferred form of access to properties and it will normally be required in order for development to proceed, except in the following situations:
- A limited amount of infill waterfront development in existing waterfront areas may continue to occur with access by existing private road or water, as set out in the **Consent Policies** and **Transportation** sections of the Plan.
  - Agriculture, forestry, mineral resource and conservation uses not having an accessory dwelling or any building or structure to which the public has access



may also be developed on the basis of private road or water access, notwithstanding the policies of the **Transportation** section of this Plan.

## 6.21 CROWN AND CONSERVATION USES

- 6.21.1 Crown and conservation lands include lands under Federal or Provincial jurisdiction and managed by agencies such as the Ministry of Natural Resources and Forestry and Conservation Authorities. In addition, some conservation lands, such as the Limerick Forest, are owned and managed by the United Counties of Leeds & Grenville, or other not-for-profit organizations. Crown and conservation lands are of major importance to the Township for their value as natural and cultural heritage resources, as well as recreational and tourist resources that generate significant economic benefits.
- 6.21.2 This Plan recognizes that there are considerable tracts of Crown land in the Township held under Provincial jurisdiction and that the future divestiture of Crown lands is of economic interest to the Township. Where a change to either the type or intensity of land use on Crown or conservation lands is contemplated, the managing agency is expected to consult with the Township prior to such change occurring. Similarly, where any consideration to the possibility of disposing of significant holdings of Crown or conservation lands is given, consultation with the Township at the outset is expected.
- 6.21.3 Where development or site alteration is proposed adjacent to crown or conservation lands, the Township shall consult with the relevant agency.

## 6.22 PARKS, TRAILS AND RECREATION FACILITIES

- 6.22.1 Parks, trails and recreational facilities shall generally be permitted in all land use designations. Where active parks or active recreational facilities are proposed within the Agricultural Resource Policy designation, however, they shall only be permitted if there is no reasonable alternative location either outside the designation or within the designation but on lands having a lower Canada Land Inventory soil capability rating. Where such amenities are to be provided in the Natural Heritage Resource designation, they shall be subject to all relevant policies of this Plan.
- 6.22.2 It is the Township's intention to provide park and recreation facilities on a basis consistent with the needs of the Township and to cooperate with other public, quasi-public and private agencies in the provision of parks, trails and recreational facilities.
- 6.22.3 The Township may request the dedication of parkland or cash-in-lieu thereof as a condition of the approval of planning applications, pursuant to the provisions of the *Planning Act* and as set out in the **Cash-in-Lieu** section of this Plan.
- 6.22.4 In the development of parks, trails and recreational facilities by the Township or other public agencies, adequate parking areas shall be provided and facilities such as ramps and walkways to enable persons with disabilities to reach amenities and facilities shall be provided where possible.

- 6.22.5 The Township views the development of recreational trail systems as an important resource providing opportunities for active transportation, outdoor leisure and recreation, tourism and interpretation of the natural environment.
- 6.22.6 The Township shall investigate the public acquisition of abandoned railway rights-of-way, or sections thereof, for alternate uses by the public. Acquisition of such lands will be based upon the availability of public monies.
- 6.22.7 In reviewing development applications for lands abutting or adjacent to parks, trails and recreational facilities, the approval authority shall have regard to proposed land uses and their physical relationship. The Township shall encourage uses that are complementary and shall attempt to ensure that site layout and design is appropriate to the preservation and enhancement of the park, trail or recreational facility.
- 6.22.8 When developing, maintaining, and improving parks, trails and recreational facilities, consideration shall be given to the protection and enhancement of cultural heritage resources, including potential impacts on archaeological sites and areas of archaeological potential.

### **6.23 EDUCATIONAL FACILITIES**

- 6.23.1 It is the intention of the Township to work closely with the relevant school boards in determining the need and location for future educational facilities, and in integrating educational facilities with the Township's other community facilities. Where development applications could significantly affect present or future educational facilities, the School Boards will be consulted.

### **6.24 WAYSIDE PITS AND QUARRIES AND PORTABLE ASPHALT AND CONCRETE PLANTS**

- 6.24.1 A wayside pit or quarry is a temporary pit or quarry opened and operated by or for a public authority solely for the purpose of a particular project or contract of road construction or maintenance. Wayside pits and quarries, portable asphalt plants and portable concrete plants used on public authority contracts are permitted throughout the Township without amendments to the Official Plan or Zoning By-law, except within the Settlement Policy Area, Natural Heritage Resource Policy Area, other areas characterized by concentrated existing development or environmental sensitivity that is incompatible with extraction and associated activities.
- 6.24.2 Lands used for the purposes of wayside pits, wayside quarries, portable asphalt plants or portable concrete plants shall be rehabilitated upon the completion of the project for which they were required. In the case of lands designated Agricultural Resource Policy Area, this shall include rehabilitation of the site to substantially the same area and same average soil capability for agriculture as existed prior to the establishment of the wayside pit, wayside quarry, portable asphalt plant or portable concrete plant.

### **6.25 USES NOT CONTEMPLATED BY PLAN**

- 6.25.1 It shall be a policy of this Plan that any proposed new development which would

introduce a land use, different from those uses described in this Plan in terms of scale, purpose or nature, and neither envisioned nor contemplated by Council, shall be subject to detailed land use and environmental impact studies, and any other studies deemed necessary by Council. Such studies will be conducted at the proponent's expense. The intent of this policy is to place the onus on the proponent to demonstrate that the introduction of a new use into the community would not be to the detriment of the Township's economic, social, cultural, environmental and financial base, would not have an adverse impact on municipal services, and would not require additional municipal or community services.

- 6.25.2 In addition, Council will encourage the proponent of such a use to consult informally with the public to provide information concerning the proposed development, as well as to obtain public input, prior to the submission of a formal application.
- 6.25.3 Any new use not contemplated by this Plan shall only be permitted through an Official Plan amendment.

## 7.0 IMPLEMENTATION

---

This Official Plan shall be implemented by means of the powers conferred upon the Council by the *Planning Act*, the *Municipal Act*, and such other statutes as may be applicable. In particular, this Plan shall be implemented through Zoning By-laws, Site Plan Control, legislation pursuant to the *Municipal Act*, and the preparation of a Public Works and a Capital Works Plan.

### 7.1 LAND DIVISION

The United Counties of Leeds & Grenville is the approval authority for plans of subdivision, plans of condominium and consent applications. The division of land can take place in two ways: by plan of subdivision and by the consent (severance) process. The division of land by the consent process is intended for the creation of not more than two new lots, and for situations not related to the creation of new lots such as lot line adjustments and the creation of easements. Except in circumstances specifically contemplated in this Plan, where the division of land results in the creation of three or more new lots, it will likely be necessary to proceed by plan of subdivision.

There are certain general policies that apply to all lot creation, other policies that are specific to plans of subdivision, and others that apply exclusively to consents.

#### 7.1.1 General Policies

- 7.1.1.1 The frontage, size and shape of any lot created shall be appropriate for the proposed use and conform to the provisions of the Zoning By-law. With the exception of the village of Cardinal where there are full municipal water and sewage services, the minimum lot area shall be generally no less than 1.0 hectare. A smaller lot size may be permitted in exceptional situations, such as in the case of lands within the Settlement Policy Area designation, or where the nature or siting of existing uses or buildings precludes the possibility of achieving the 1.0 hectare minimum lot area. A larger lot size may be required depending upon the nature of the use, the topography and/or other development constraints.
- 7.1.1.2 No land division shall result in the landlocking of any parcel of land. Further, no land division shall result in a situation where a lot would have unusually limited road frontage relative to its width or area, such that the existing or potential ability to use the lot in an appropriate fashion is significantly undermined by such limited road frontage.
- 7.1.1.3 No land division shall be permitted where safe vehicular access from the proposed lot to the adjacent road cannot be provided due to conditions such as limited sight lines, traffic volumes, grades or proximity to intersections or rail crossings, in accordance with the policies of the **Transportation** section of this Plan.
- 7.1.1.4 No land division shall create a financial burden on the Township with respect to the provision of municipal services or facilities.

- 7.1.1.5 All land division shall meet the requirements of this Plan for the dedication of parkland or cash-in-lieu thereof, as set out in the **Parks, Trails and Recreational Facilities** section of this Plan.
- 7.1.1.6 All land division shall address land use separation and compatibility concerns, as set out in the **Land Use Compatibility** section of this Plan.
- 7.1.1.7 No land division shall result in the creation of a lot subject to natural hazards such as flooding, organic soils or steep slopes with potential for instability or erosion, unless development would be permitted by the **Natural Hazards** section of this Plan.
- 7.1.1.8 No land division shall result in the creation of a lot affected by soil contamination or hazards related to former mining or mineral resource operations, unless development would be permitted by the **Human-made Hazards** section of this Plan.
- 7.1.1.9 No land division shall result in a negative impact on the natural features or the ecological functions for which the area is identified such as wetlands, areas of natural and scientific interest (ANSIs), woodlands, fish habitat, wildlife habitat and endangered and threatened species habitat. The policies of the **Natural Heritage Features** section will be adhered to in this regard.
- 7.1.1.10 The creation of new lots that extend into, or fragment ownership of natural heritage features and areas and, where appropriate, lands subject to natural hazards, should be discouraged in consideration of the long-term management concerns related to risks to life and property and natural heritage protection.
- 7.1.1.11 In considering land division applications, regard shall be had to the **Cultural Heritage Conservation and Archaeological Resources** section of the Plan, including requirements with respect to the identification and preservation of significant cultural heritage resources.
- 7.1.1.12 All land division shall comply with the **Water and Wastewater Services** section of the Plan concerning the provision of appropriate water and sewage services and the availability of other services.
- 7.1.1.13 No land division shall create a lot which cannot comply with the minimum water setback and minimum water frontage requirements contained in the **Development Adjacent to Water Bodies** section of this Plan.
- 7.1.1.14 Road widening dedications may be requested by the County or Township as a condition of the approval of any land division application.
- 7.1.1.15 The preservation of existing vegetation, such as significant or mature trees, may be a condition of approval of any land division application.
- 7.1.1.16 In considering a draft plan of subdivision or consent application, regard shall be had to, among other matters, the criteria of Section 51(24) of the *Planning Act*.

## **7.1.2 Plans of Subdivision and Condominium Policies**

- 7.1.2.1 Development by plan of subdivision shall be permitted in the Settlement Policy Area, Industrial Park Policy Area, Highway Commercial Policy Area and Rural Policy Area designations.
- 7.1.2.2 All development by plan of subdivision shall meet the policies and requirements set out in the **Water and Wastewater Services** and **Stormwater Management** section of this Plan.
- 7.1.2.3 Access to a proposed plan of subdivision shall be from a maintained public road, built to an adequate standard to accommodate the additional traffic requirements. Where, in the opinion of the Township or approval authority, such public road access is not adequate, upgrading of the road shall be a condition for final approval of the subdivision.
- 7.1.2.4 Access to individual lots in a plan of subdivision shall be by internal public roads, built to Township standards. Where design considerations necessitate it, limited direct access to an existing public road abutting the subdivision may be granted. The road layout within a plan of subdivision shall avoid cul-de-sacs, where possible, and provide opportunities for future road connections to abutting lands, where requested by the Township.
- 7.1.2.5 The approval authority will, in giving draft approval to plans of subdivision or condominium, apply lapsing provisions pursuant to the provisions of the *Planning Act*.
- 7.1.2.6 The approval authority may include provisions for the phasing of development within a plan of subdivision to ensure that it proceeds in an orderly, cost-efficient pattern.
- 7.1.2.7 In reviewing parkland dedication requirements for plans of subdivision, preference will be given for parklands which provide connections to existing public parks, trails, bikeways, and other recreational facilities, as well as to water bodies, where applicable.
- 7.1.2.8 The policies of this Plan shall also apply to plans of condominium, as appropriate.

## **7.1.3 Consent Policies**

- 7.1.3.1 It is a policy of this Plan that the creation of a maximum of two new lots by consent, excluding the retained original lot, may be considered subject to the other relevant policies of this Plan. Any additional new lot creation shall occur by plan of subdivision. For the purpose of this policy, an original lot is defined as the lot as it existed as of December 6, 2003.
- 7.1.3.2 Where a land holding is situated partly or wholly in the Settlement Policy Area or Industrial Park Policy Area designation, this maximum shall not apply, provided that such new lots are situated wholly within the Settlement Policy Area or Industrial Park Policy Area designation, as applicable, and it is deemed that a plan of subdivision is not necessary for the orderly development of the land.

- 7.1.3.3 Consents may also be granted to permit a lot enlargement, clarification of title or for any legal or technical reason which does not result in the creation of a new lot. Vertical consents (i.e. strata plans) are not permitted in the Rural Policy Area designation.
- 7.1.3.4 In determining the necessity of lot creation in the Rural Policy Area designation, Council shall take into consideration the number of existing vacant lots of record within the Township.
- 7.1.3.5 Within lands designated Agricultural Resource Policy Area, consents shall only be permitted in accordance with the policies of the **Agricultural Resource Policy Area** section of this Plan.
- 7.1.3.6 Consents in the Rural Policy Area designation should not have the effect of creating or extending areas of strip development. Consents requiring direct access to County Roads shall be restricted, and wherever possible, new lots shall obtain access from Township roads.
- 7.1.3.7 Lots created by consent shall front onto existing maintained public roads, however, consents may be permitted for waterfront residential lots on existing private roads, subject to the **Development Adjacent to Water Bodies** and **Transportation** sections of this Plan. Consents may also be permitted to accommodate conservation uses, as set out in the **Crown and Conservation Uses** section of the Plan, provided that such lots have frontage on an existing private road or an existing or proposed private right-of-way registered on title.
- 7.1.3.8 The size, configuration and, where applicable, the soil structure of a proposed lot shall be appropriate for the long-term provision of services as set out in the **Water and Wastewater Services** section of this Plan.
- 7.1.3.9 A maximum of one new lot may be created per consent application.

#### **7.1.4 Deeming Plans of Subdivision**

- 7.1.4.1 Under the authority of the *Planning Act*, the Township may pass a deeming by-law which has the effect of declaring part or all of a plan of subdivision not to be registered for conveyance purposes, provided that the subdivision is a registered plan within the meaning of the *Planning Act* and that it has been registered for a period of eight or more years.

## **7.2 ZONING BY-LAWS**

### **7.2.1 General**

- 7.2.1.1 It is intended that a comprehensive Zoning By-law to implement this Plan shall be prepared and adopted in accordance with the provisions of the *Planning Act*. Such by-law shall contain land use zones in accordance with the policies contained within this Plan and will establish regulations to control the use of land and the character, location, and use of buildings and structures. In accordance with the *Planning Act*, Council shall amend the Zoning By-law no later than three years after any comprehensive update to this Plan that comes into effect.

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

## 7.2.2 Holding Provisions

7.2.2.1 The use of holding provisions in accordance with Section 36 of the *Planning Act* 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” provision by Council. The use of holding provisions shall conform to the policies of this Official Plan.

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

1. To assist in the phasing of development and/or redevelopment;
2. To co-ordinate development and/or redevelopment with the provision of water, sanitary sewage, storm sewer and other services;
3. To control development and/or redevelopment which may necessitate special design considerations;
4. To forestall development and/or redevelopment until such time that stated planning related criteria can be satisfied;
5. To ensure that proper financial and other agreements are in place;
6. To aid in the selection of sites or areas that may be subject to holding provisions, the following locational criteria are identified:
  - lands in a built-up area which are undeveloped;
  - lands which are un-serviced;
  - lands which do not have adequate access or frontage onto a public roadway;
  - lands which are adjacent to hazardous, noxious, temporary or otherwise undesirable uses or activities;
  - lands which are near or fronting onto public roads which are subject to hazardous conditions or are inadequate to handle current traffic volumes.

7.2.2.3 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*, and related regulations.

7.2.2.4 Removal of the holding provisions shall occur only after Council is satisfied that all prescribed conditions or criteria have been satisfied.

7.2.2.5 It is intended that holding provisions shall be implemented by means of the implementing Zoning By-law. Land or lands shall be zoned for the 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.



### **7.2.3 Temporary Use By-laws**

- 7.2.3.1 A Temporary Use By-law is a By-law passed by Council for the purpose of allowing a use that is otherwise prohibited by the Zoning By-law. A Temporary Use By-law must define the land or lands to which it applies and it shall prescribe the period of time during which it is in effect, which period of time shall not exceed three years from the day of passing of the By-law. Council may extend the period of time during which a temporary use is permitted by passing further By-laws, each of which shall not be in effect for more than three years.
- 7.2.3.2 The following criteria shall apply where a Temporary Use By-law, pursuant to the authority of Section 39 of the *Planning Act*, is used in the implementation of the Official Plan:
1. Temporary Use By-laws may be passed to permit uses which do not conform with the Official Plan provided that the temporary use will not affect the ability of the land in question to be used for the purposes intended in the Official Plan;
  2. The proposed use shall be compatible or can be made compatible with the surrounding land uses;
  3. Required services shall be adequate for the proposed use;
  4. Access and parking shall be appropriate for the proposed use;
  5. The proposed use is of a temporary nature and will not require any major construction or extensive capital investment on the part of the owner or that the owner will not experience undue hardship in reverting the original use upon termination of the temporary provisions.

### **7.2.4 Interim Control By-laws**

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

### **7.2.5 Conditional Zoning**

- 7.2.5.1 Conditional Zoning is a tool that may be utilized to impose conditions on the use of lands or the erection of buildings or structures. Conditional Zoning is intended to allow a more flexible zoning process and provides the Township with the authority to secure conditions in agreements that may be registered on title and enforced against both current and future owners of the lands.

- 7.2.5.2 When regulations have been enacted by the Province to authorize the use of Conditional Zoning By-laws in accordance with the *Planning Act*, Council may, in a Zoning By-law, permit the use of land or the erection, location or use of buildings or structures subject to one or more prescribed conditions on the use, erection or location.
- 7.2.5.3 Prior to the enactment of a Zoning By-law under the Conditional Zoning policies of this Plan, Council may require the owner to enter into one or more legal agreements to be registered on title against the lands to which it applies, dealing with the said conditions and matters related to implementation.

### **7.3 SITE PLAN CONTROL**

- 7.3.1 It is the intent of this Plan that an appropriate policy framework be provided which will allow and encourage Council to use Site Plan Control to enhance the quality of new development or redevelopment in conjunction with other applicable controls such as zoning, development permits and the Ontario Building Code.
- 7.3.2 The objective is to provide for the use of Site Plan Control to ensure functional and aesthetically pleasing, safe development and redevelopment throughout the Township.
- 7.3.3 It is the intent of this Plan to provide for barrier-free design elements and universal design to support accessibility.
- 7.3.4 In order to achieve the goal, Council may adopt a Site Plan Control By-law which provides for the following:
1. The submission of site plans for review;
  2. The application of appropriate engineering and site development standards;
  3. Reducing or eliminating land use incompatibility between new and existing development;
  4. Ensuring that approved developments are built and maintained as set out in the site plan agreement;
  5. Ensuring that the development occurs in accordance with any required environmental impact assessment study recommendations or risk management measures, where required.
- 7.3.5 The entire geographical area of Edwardsburgh Cardinal shall be considered a Site Plan Control Area pursuant to the provisions of Section 41(2) of the *Planning Act*.
- 7.3.6 The following types of land uses may be exempt from Site Plan Control:
- Agricultural Uses;
  - Public infrastructure uses including pipelines, telecommunications, electricity generation facilities and transmission and distribution systems, transportation corridors and facilities;
  - Single detached, semi-detached and duplex dwellings and buildings or structures accessory thereto, in cases where no development or site alteration is

proposed adjacent to a water body or lands designated as Natural Heritage Resource Policy Area;

- Minor additions or alterations to existing buildings and structures.

7.3.7 In imposing Site Plan Control, Council will seek to regulate the general site design of the property and, when appropriate, the conceptual design of all buildings and structures on the property. The Site Plan Control By-law shall stipulate when and what type of drawings are required. Floor plan, elevation and cross-section drawings of each proposed building may be required. In accordance with the provisions of Section 41(7) of the *Planning Act*, Council may require the owner of land to provide to the satisfaction of and at no expense to the Township, any or all of the following:

- Widening of highways that abut the land;
- Access to and from the land;
- Off-street vehicular loading and parking facilities;
- Pedestrian and/or bicycle pathways or access;
- Lighting facilities;
- Landscaping and other facilities for the protection of adjoining lands;
- Facilities and enclosures for the storage of garbage and other waste material;
- Required municipal easements;
- Grading of lands and disposal of stormwater;
- Emergency and secondary accesses

7.3.8 Site Plan Control may be used to require the dedication of land for road widenings in accordance with the policies of the **Transportation** section of this Plan. Land for road widenings will be taken equally from either side and will not exceed a width of 5 metres from either adjacent property. Additional lands for widening to provide corner triangles at all road intersections may also be required.

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

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

## 7.4 SITE PLANNING AND DESIGN GUIDELINES

7.4.1 A comprehensive Zoning By-law is a major tool in the implementation of an Official Plan and sets many quantitative-type performance standards that are important in achieving the Township's development objectives. It is also recognized that site planning and architectural design are important and complementary components in a successful Official Plan implementation strategy. It is primarily through meticulous

attention to site planning and architectural elements that qualitative matters related to development are addressed.

7.4.2 In recognition of the importance of good site planning and in order to ensure that Site Plan Control applications adequately address the technical requirements and design objectives of the Township, site plan application guidelines may be developed. These guidelines would be used as a tool by both applicants and approval authorities for the preparation and processing of applications, respectively. The guidelines would address various functional, safety, aesthetic and other issues relevant to the appropriate development of various land uses.

7.4.3 In addition to developing site plan guidelines, the Township may prepare architectural design guidelines for specific areas of the Township such as core areas within Settlement Policy Areas or the Township's Industrial Park Policy Area. The Township would encourage the use of the guidelines as a tool in developing lands and buildings in a contextually-sensitive manner.

## 7.5 COMMUNITY IMPROVEMENT

7.5.1 The entire Township is designated a Community Improvement Area.

7.5.2 Council may, by by-law, designate the lands within a Community Improvement Area as a Community Improvement Project Area whereupon Council shall undertake the preparation of a Community Improvement Plan for such area or areas. Prior to designating a Community Improvement Area, Council shall repeal all previous designating by-laws adopted under the *Planning Act* for Community Improvement purposes in the area to be designated as a Community Improvement Project Area.

7.5.3 Subject to Section 28 of the *Planning Act*, in pursuing the objectives of the Official Plan's Community Improvement Policies, Council may:

- Sell, lease or dispose of lands and buildings acquired or held by the Township;
- Give loans and grants to owners, tenants and their assignees for rehabilitation purposes;
- Provide tax assistance by freezing or cancelling the municipal portion of the property tax on eligible properties for remediation purposes; and
- Issue debentures with the approval of the Local Planning Appeal Tribunal.

7.5.4 The policy objectives for community improvement are as follows:

- To foster the improvement of businesses and public spaces to remove barriers which may restrict their accessibility;
- To upgrade and maintain all essential municipal services and community facilities;
- To encourage residential intensification and potential affordable housing opportunities such as mixed use and infill developments, second units, and residential conversion of upper floors of commercial buildings;
- To ensure that community improvement projects are carried out within the built up areas of the Township;
- To ensure the maintenance of the existing building stock;

- To preserve heritage buildings;
- To facilitate the remediation, rehabilitation and/or redevelopment of existing brownfield sites;
- To encourage private sector investment and the strengthening of the economic base;
- To enhance the visual appearance of Community Improvement Areas.

7.5.5 Council shall have regard for the following matters in the preparation and adoption of a Community Improvement Plan:

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

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

1. Through the identification of specific community improvement projects and the preparation of Community Improvement Plans;
2. Through participation in programs with senior levels of government;
3. Through the acquisition of land to implement adopted Community Improvement Plans;
4. Through the encouragement of the orderly development of land as a logical and progressive extension of development which provides for the infilling of underutilized land;
5. Through the encouragement of the private sector to utilize available government programs and subsidies;
6. Through the enactment of a comprehensive Zoning By-law which provides for a range of appropriate uses, for the intensification and integration of land uses,

- and which stimulates the economic and/or functional role of the areas; and
7. By encouraging the rehabilitation of existing buildings and structures which will be used for a purpose compatible with the surrounding area.

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

## 7.6 COMPLETE APPLICATIONS

7.6.1 In addition to the information and materials required pursuant to the *Planning Act* and associated Ontario Regulations, and any other legislation, as amended, the Township may require development proponents to provide additional information to accompany applications as part of a complete application. Notwithstanding the generality, additional studies and materials may be required for Official Plan amendment, Zoning By-law amendment, Minor Variance, Site Plan Control, consent, subdivision, and condominium applications.

7.6.2 The number and scope of studies and assessments to be required for the submission of a complete application shall be appropriate and in keeping with the scope and complexity of the application.

7.6.3 The additional information that may be required in support of an application includes, but is not limited, to the following:

- Aggregate Studies
- Agricultural Soils Assessment
- Archaeological Assessment
- Boat Capacity Study
- Contaminated Site Assessment / Environmental Site Assessment
- Cultural Heritage Assessment
- Environmental Impact Assessment/Study
- Environmental Site Assessment
- Erosion and/or Sedimentation Plan
- Floodplain Analysis
- Geotechnical Report
- Grading and Drainage Plan
- Groundwater Impact Assessment
- Heritage Impact Assessment
- Hydrogeological Assessment
- Lake Capacity Assessment
- Landscaping Plan
- Land Use Compatibility Assessment
- Minimum Distance Separation (MDS) Calculations
- Noise/Vibration/Blast Study
- Parking Study
- Photometric Plan / Lighting Plan
- Planning Rationale
- Record of Site Condition

- Risk Reduction Plan
- Servicing Options Report
- Slope Stability Analysis
- Species At Risk Assessment
- Stormwater Management Plan
- Surface Water Impact Assessment
- Terrain Analysis
- Traffic Impact Assessment
- Tree Conservation and Protection Plan
- Visual Impact Assessment
- Wildland Fire Hazard Assessment
- Other information or studies relevant to the development of lands impacted by the proposed development approval application

7.6.4 The Township may require any of the required studies to be peer-reviewed on behalf of the Township, at the sole expense of the proponent.

7.6.5 The Township encourages development proponents to consult with the Township prior to submitting planning applications. Failure to do so may result in the application being deemed incomplete in accordance with the *Planning Act*.

## 7.7 COMMITTEE OF ADJUSTMENT

7.7.1 A Committee of Adjustment has been appointed to consider applications for relief from any Zoning By-law implementing this Plan. The Committee will be guided by Section 44 of the *Planning Act*, and by the rules of procedure and regulations issued from time to time by the Minister of Municipal Affairs and Housing.

7.7.2 The **Changes to Non-Conforming Uses and Extension or Enlargements** section of this Plan sets out policies for dealing with applications to change or enlarge non-conforming uses, as well as for minor variance applications where existing or proposed uses conform to the Zoning By-law but are non-complying with respect to zoning provisions such as building setbacks. The Committee will have regard to the relevant non-conforming use policies.

7.7.3 Where existing or proposed uses that conform to the use provisions of the Zoning By-law implementing this Plan are non-complying with respect to performance standards, the Committee of Adjustment may authorize minor variances from the provisions of the implementing Zoning By-law provided that the general intent and purpose of the Official Plan and Zoning By-law are maintained and that the variances are minor and desirable for the appropriate development of the lands. The Township may, by by-law, establish additional criteria to be considered by the Committee of Adjustment in the review of minor variance applications.

## 7.8 MUNICIPAL ACT

7.8.1 The *Municipal Act* provides significant opportunities for the Township in relation to regulatory control over a range of matters and interests. These include various land uses, signs, trees, site alteration, economic development and a wide range of other matters of relevance to planning. Where necessary and desirable, the Township

shall amend existing By-laws or pass new By-laws as may be required to ensure such matters are properly regulated and controlled.

## **7.9 MAINTENANCE AND OCCUPANCY BY-LAW**

- 7.9.1 It is the policy of Council to encourage the maintenance of the Township as a pleasant environment in which to live, work or visit. Continued maintenance of property is essential to the welfare of the Township.
- 7.9.2 It is the intention of the Township to support the private efforts of property maintenance and to eliminate any existing hazards to building occupants through the introduction of by-laws specifying standards for all properties within the Township for property maintenance and occupancy under Section 15.1 of the *Building Code Act* and/or under the *Municipal Act*.
- 7.9.3 Council will endeavour to support further property maintenance and safe occupancy by:
- Utilizing available government programs, where applicable, to provide financial and administrative support to individuals seeking to improve their properties;
  - Undertaking education and public relations programs as needed to demonstrate the benefits of property maintenance;
  - Maintaining municipally-owned buildings, properties and community facilities, and providing or maintaining municipal services in good repair.
- 7.9.4 In the event that Council adopts a maintenance and occupancy by-law, Council will appoint a Property Standards or Property Officer who will be responsible for administering and enforcing the by-law.
- 7.9.5 Council will also appoint a Property Standards or Property Committee for the purpose of hearing appeals against an order of the Property Standards or Property Officer.
- 7.9.6 The by-law will be administered using a standard recording form for building or property condition to provide a clear and equitable procedure for evaluating building condition.
- 7.9.7 The maintenance and occupancy by-law may prescribe standards for the following matters and any others that may be considered necessary:
1. The keeping of yards, vacant lands, parks, waterfront areas, laneways and passageways, free from debris, rubbish, weeds, abandoned or derelict vehicles, trailers, boats, barges, mechanical equipment or similar material;
  2. The adequacy of sanitation control, including garbage disposal, sewage and drainage;
  3. The maintenance of parking and storage areas;
  4. The maintenance of all buildings and structures, including structural standards of walls, floors, ceilings, foundations, insulation, electrical systems, plumbing, heating, adequacy of protection from weather, natural lighting and ventilation, condition of chimneys, fire protection standards and general cleanliness and



- upkeep;
5. The maintenance of fences, swimming pools, accessory buildings and signs;
  6. The establishment of occupancy standards including pest prevention, adequacy of food preparation facilities, access, ventilation, maximum number of persons per dwelling unit, minimum floor spaces and room heights; and
  7. The maintenance of heritage attributes for properties designated under the *Ontario Heritage Act*.

## **7.10 PUBLIC WORKS AND CAPITAL WORKS PROGRAMS**

- 7.10.1 The implementation of the policies of this Plan which require the provision of municipal facilities and services will involve the Township directly in the financing of such projects, as resources permit. Project areas may include activities such as the development of park and recreational facilities, the upgrading of roads, the improvement of intersections and the enhancement of drainage facilities.
- 7.10.2 It is intended that Council, on the basis of the policies of this Plan dealing with municipal facilities, will establish a priority list for the implementation of these projects with estimates of cost (land acquisition, construction and maintenance costs wherever possible). A five-year capital works program will then be developed which the Council should carry out systematically.
- 7.10.3 It is intended that the program will be reviewed annually as part of the capital budget procedure.

## **8.0 ADMINISTRATION OF THE OFFICIAL PLAN**

---

### **8.1 AMENDMENTS TO THIS OFFICIAL PLAN**

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

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

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

- whether there is a need to add the site or sites to the lands already designated for the proposed use;
- the physical suitability of the land for the proposed use.

Typographical, grammatical, and formatting modifications to this Plan may be undertaken without an Official Plan amendment, provided that such modifications do not, in the opinion of the Township, affect the intent of the Plan.

### **8.2 CONSULTATION AND PUBLIC NOTICE PROCEDURES**

The *Planning Act* sets out the required processes and procedures for amendments to Official Plans. Council shall be guided by these requirements in dealing with applications for Official Plan amendments, including those initiated by Council, and shall undertake a community consultation program for all amendments and reviews of the Plan. The consultation process shall include timely provision of adequate information as well as opportunities for members of the public to discuss this information with Township staff and to present views to Council.

### **8.3 REVIEW AND MONITORING OF THE OFFICIAL PLAN**

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

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

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

#### **8.4 LAND USE DESIGNATION BOUNDARIES**

The boundaries of the land use designations established by this Plan and as shown on Schedule A are intended to be approximate and shall be considered as absolute only where they coincide with roads, railway lines, rivers, lot lines or other clearly defined physical feature.

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

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

#### **8.5 REFERENCES TO STATUTES AND AGENCIES**

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

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

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

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

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