

# THE OFFICIAL PLAN OF THE TOWNSHIP OF STONE MILLS



**November 2014 Office Consolidation**

Approved: December 9, 2011

This is an Office Consolidation of the approved  
Official Plan of the Township of Stone Mills including  
All Minister's Modifications and Amendment No. 1

## TABLE OF CONTENTS

<b>PART 1: BASIS OF THE PLAN .....</b>	<b>1</b>
1.1. FOREWORD.....	1
1.2. PURPOSE.....	1
1.3. APPLICATION OF THE PLAN AND POLICIES.....	2
1.4. APPROACH.....	2
1.5. COMMUNITY STRATEGY.....	3
1.5.1. The Community.....	3
1.5.2. Strategy.....	5
1.6. USERS.....	6
1.7. COMPOSITION.....	6
1.8. STATUS.....	6
1.9. REVIEW AND AMENDMENT .....	7
1.10. TIME PERIOD .....	7
<b>PART 2: PRINCIPLES AND ASSUMPTIONS .....</b>	<b>8</b>
2.1. BASIC PRINCIPLES.....	8
2.2. PRINCIPLES AND ASSUMPTIONS .....	9
<b>PART 3: GOALS AND OBJECTIVES .....</b>	<b>12</b>
3.1. INTRODUCTION .....	12
3.2. ECONOMIC AND FINANCIAL GOAL.....	13
3.2.1. Economic and Financial Objectives .....	13
3.3. ENVIRONMENTAL GOAL .....	14
3.3.1. Environmental Objectives.....	14
3.4. RESOURCE MANAGEMENT GOAL .....	15
3.4.1. Resource Management Objectives .....	15
3.5. SETTLEMENT GOAL .....	16
3.5.1. Settlement Objectives.....	16
3.6. COMMUNITY IMPROVEMENT GOAL.....	17
3.6.1. Community Improvement Objectives .....	17
3.7. SERVICING GOAL.....	18
3.7.1. Servicing Objectives.....	18
3.8. TRANSPORTATION GOAL .....	19
3.8.1. Transportation Objectives .....	19
3.9. COMMUNITY, CULTURAL, AND RECREATION GOAL .....	20
3.9.1. Community, Cultural, and Recreation Objectives.....	20
3.10. MUNICIPAL COOPERATION AND COORDINATION GOAL .....	21
3.10.1. Municipal Cooperation and Coordination Objectives .....	21

---

3.11.	SUSTAINABILITY GOAL .....	21
3.11.1.	Sustainability Objectives .....	21
3.12.	IMPLEMENTATION GOAL.....	22
3.12.1.	Implementation Objectives.....	22
<b>PART 4:</b>	<b>LAND USE POLICIES.....</b>	<b>24</b>
4.1.	INTRODUCTION .....	24
4.2.	RURAL AREA.....	24
4.2.1.	General Principles.....	24
4.2.2.	Permitted Uses.....	24
4.2.3.	Policies for Agricultural Uses (outside of the Agricultural Designation)..	25
4.2.4.	Rural Residential .....	26
4.2.5.	Seasonal Residential (Cottage) Development.....	27
4.2.6.	Conversion of Seasonal Uses to Year Round Uses.....	28
4.2.7.	Estate Residential Development.....	30
4.2.8.	Rural Commercial and Industrial Uses.....	31
4.2.9.	Conservation Forestry and Recreational Uses .....	33
4.2.10.	Resort Commercial Development.....	33
4.3.	HAMLETS .....	36
4.3.1.	General Principles.....	36
4.3.2.	Permitted Uses.....	37
4.3.3.	General Policies in Hamlets .....	37
4.3.4.	Policies for Residential Uses in Hamlets.....	40
4.3.5.	Policies for Commercial and Industrial Uses in Hamlets .....	41
4.3.6.	Newburgh Constraints .....	42
4.3.7.	Implementation.....	43
4.4.	RESOURCE LANDS POLICIES .....	44
4.4.1.	General Principles.....	44
4.4.2.	Agricultural .....	44
4.4.3.	Mineral Aggregates.....	48
4.4.4.	Mineral Resource Constraint Overlay.....	54
4.5.	INDUSTRIAL (BUSINESS PARK) .....	56
4.5.1.	General Principles.....	56
4.5.2.	Permitted Uses.....	56
4.5.3.	General Policies.....	57
4.5.4.	Implementation.....	58
4.6.	WASTE MANAGEMENT .....	59
4.6.1.	General Principles.....	59
4.6.2.	Permitted Uses.....	59
4.6.3.	General Policies.....	59
4.6.4.	Salvage Yards .....	62
4.6.5.	Implementation.....	64
4.7.	ENVIRONMENTAL PROTECTION AREAS AND NATURAL HAZARDS.....	64

---

---

4.7.1.	Environmental Protection Areas .....	64
4.7.2.	Planning Principles.....	66
4.7.3.	An Environmental Impact Assessment (EIA).....	67
4.7.4.	Salmon River.....	69
4.7.5.	Natural Hazards.....	70
4.7.6.	Other Natural Hazards .....	71
<b>PART 5: POLICIES WITH NO SPECIFIC LAND USE DESIGNATION .....</b>		<b>72</b>
5.1.	INTRODUCTION .....	72
5.2.	FORESTRY.....	72
5.2.1.	Policies .....	72
5.3.	GROUP HOMES .....	73
5.3.1.	Policies .....	74
5.4.	HERITAGE .....	74
5.4.1.	General Policies .....	74
5.4.2.	Heritage Master Plan .....	75
5.4.3.	Heritage Conservation Districts.....	76
5.5.	HOME BASED BUSINESSES, BED AND BREAKFAST ESTABLISHMENTS .....	79
5.5.1.	Policies .....	79
5.6.	HOUSING POLICIES .....	80
5.6.1.	Policies .....	80
5.7.	INSTITUTIONAL .....	81
5.7.1.	Policies .....	81
5.8.	CROWN LAND.....	82
5.8.1.	General Principles.....	82
5.8.2.	Crown Land Policies.....	82
5.9.	WAYSIDE PITS AND QUARRIES .....	83
5.10.	PORTABLE ASPHALT AND PORTABLE CONCRETE PLANTS .....	83
5.11.	DECOMMISSIONING OF SITES .....	84
5.11.1.	Re-Use of Potentially Contaminated Sites .....	84
5.12.	POLICIES FOR ENERGY AND AIR QUALITY .....	86
5.12.1.	Energy Conservation.....	87
5.12.2.	Outdoor Furnaces.....	87
5.13.	SOURCE PROTECTION .....	88
5.13.1.	Purpose and Scope .....	88
5.13.2.	Policies .....	88
5.13.3.	Lake Capacity .....	95
5.14.	OPEN SPACE.....	96
5.14.1.	General Principles.....	96
5.14.2.	Permitted Uses .....	96
5.14.3.	Policies .....	96
5.14.4.	Trail Systems .....	98
5.15.	DARK SKIES .....	99

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5.15.1. Purpose and Scope .....	99
5.15.2. Policies .....	99
<b>PART 6: COMMUNITY IMPROVEMENT.....</b>	<b>101</b>
6.1. GENERAL PRINCIPLES .....	101
6.2. CRITERIA FOR COMMUNITY IMPROVEMENT AREA DESIGNATION.....	101
6.3. SELECTION OF COMMUNITY IMPROVEMENT AREAS.....	103
6.4. COMMUNITY IMPROVEMENT POLICIES .....	104
6.5. PHASING OF IMPROVEMENTS .....	105
6.6. IMPLEMENTATION .....	106
<b>PART 7: DEVELOPMENT POLICIES .....</b>	<b>108</b>
7.1. INTRODUCTION .....	108
7.2. BUFFERING AND CONFLICTING USES .....	108
7.2.1. Separation Distances .....	108
7.2.2. Minimum Distance Separation Formulae.....	109
7.3. PLANS OF SUBDIVISION .....	110
7.3.1. Deeming of Plans of Subdivision.....	112
7.4. CONDOMINIUMS .....	113
7.5. CONSENTS .....	113
7.5.1. Applications and Number of Lots that may be Created.....	113
7.5.2. General Consent Policies .....	114
7.6. DEVELOPMENT ADJACENT TO WATER BODIES .....	117
7.6.1. Flood Plain Mapping.....	119
7.7. SUBWATERSHED PLANNING.....	119
7.7.1. The Bay of Quinte Remedial Action Plan (QRAP).....	119
7.7.2. Stormwater Management .....	120
7.8. SECONDARY PLANS .....	122
<b>PART 8: TRANSPORTATION AND PUBLIC UTILITIES.....</b>	<b>124</b>
8.1. INTRODUCTION .....	124
8.2. ROADS.....	124
8.2.1. General.....	124
8.2.2. Classification Principles .....	124
8.2.3. Classification of Roads .....	125
8.2.4. Development Policies.....	127
8.2.5. Road Improvements .....	128
8.2.6. Impact Studies .....	128
8.2.7. Cycling.....	129
8.3. ENERGY AND UTILITIES.....	129
8.3.1. General.....	129
8.3.2. Energy .....	130
8.3.3. Public Utilities.....	130

8.3.4.	Communal Services .....	131
8.4.	RAILWAYS.....	132
8.4.1.	Policies .....	132
<b>PART 9: IMPLEMENTATION AND INTERPRETATION.....</b>		<b>133</b>
9.1.	INTRODUCTION .....	133
9.2.	PROVINCIAL POLICIES.....	133
9.3.	COMMITTEES .....	133
9.3.1.	General.....	133
9.3.2.	Planning Advisory and Site Plan Control Committee .....	133
9.3.3.	Committee of Adjustment .....	134
9.4.	ZONING BY-LAW.....	134
9.4.1.	Use of the "H" Symbol .....	134
9.4.2.	Development Zones.....	136
9.4.3.	Existing Non-Conforming Uses.....	136
9.5.	TEMPORARY USE BY-LAWS .....	139
9.6.	INTERIM CONTROL BY-LAW .....	140
9.7.	CONDITIONAL ZONING.....	141
9.8.	SITE PLAN CONTROL .....	141
9.9.	PROPERTY CONDITIONS.....	143
9.10.	SUBDIVISION, PART LOT CONTROL BY-LAWS.....	145
9.11.	PLANS OF SUBDIVISION .....	145
9.12.	EXISTING VACANT LOTS OF RECORD .....	145
9.13.	VALIDATION.....	146
9.14.	LAND ACQUISITION .....	147
9.15.	MUNICIPAL ACT LEGISLATION .....	147
9.16.	FINANCE AND PUBLIC WORKS PROGRAM .....	147
9.17.	PUBLIC OPEN SPACE AND PARKLAND DEDICATION.....	149
9.18.	PUBLIC PARTICIPATION AND NOTICE PROCEDURES .....	149
9.19.	OFFICIAL PLAN AMENDMENTS AND REVIEW AND COMPLETE APPLICATIONS	152
9.20.	CHANGES TO AGENCY NAMES, RESPONSIBILITIES, AND LEGISLATION.....	154
9.20.1.	Agency Names and Responsibility.....	154
9.20.2.	Legislation .....	154
9.21.	INTERPRETATION: BOUNDARIES AND QUANTITIES .....	155
9.22.	DEVELOPMENT CHARGES ACT, 1997 .....	156
9.23.	DEFINITIONS .....	157

## **PART 1: BASIS OF THE PLAN**

### 1.1. FOREWORD

The Official Plan provides a policy framework intended primarily to manage and direct physical development and its effects on the social, economic and natural environment of Stone Mills Township until the year 2021. It concentrates on physical planning.

The plan outlines the Township's goals and objectives, states the policies to be followed and outlines the means for carrying out the policies. These policies indicate positions to which Township Council is committed. They also describe processes to be followed in arriving at decisions.

The Official Plan is a legal document. However, this plan is not intended to, nor is it to be interpreted as, in any way infringing upon the statutory rights, powers or prerogatives of any other legal jurisdiction except as the Township has the legal authority to do so.

The Official Plan does not, in itself, control or regulate the development of land by private interests. The Plan provides a basis for the passing of municipal by-laws, including the Zoning By-law, and the administration and evaluation of planning and other applications.

The Plan utilizes words or terms defined in the Provincial Policy Statement of March 2005. These definitions shall apply in the interpretation of the policies of this Plan and their application to development proposals and planning applications. These terms are shown as *italicized bold script* in the Plan.

Where reference is made in this Plan to an original document which provides more accurate information in the interpretation of this Plan, reference shall be made to the original document, where necessary, in implementing the policies of this Plan.

### 1.2. PURPOSE

The Official Plan provides a framework intended to reduce the element of uncertainty as to the manner and sequence of growth and change so that coordination and cooperation in public and private investment can occur. This plan:

- Is a five-year update of the 2000 Official Plan, which in turn is a consolidation and update of the previous official plans;

- The five (5) year review (2007-2008) of the Plan establishes a number of modifications designed to respond to changing circumstances in the Township, to ensure the Plan is consistent with the Provincial Policy Statement (2005)) and to improve planning procedures;
- Provides for consistency in policy, approval, and coverage throughout the whole of the Township of Stone Mills while recognizing specific needs within the Township of Stone Mills.

The policies adopted by the Council for the Township of Stone Mills are to guide changes in the physical structure of the Township. Changes in the physical structure should be in harmony with social needs, economic needs, municipal financial capabilities, environmental considerations and the proper management of natural resources. This Plan attempts to provide the most desirable environment for a variety of lifestyles for present and future residents. The Official Plan, therefore, contains much more than a set of land use controls.

### 1.3. APPLICATION OF THE PLAN AND POLICIES

The policies contained in this Plan shall be regarded as the minimum requirements designed to secure the health, safety, convenience or welfare of the inhabitants of the Township of Stone Mills.

### 1.4. APPROACH

The approach used in the preparation and revisions to this Plan was one of identifying issues and a Township role; consulting with the public to identify community interests and direction; collecting and analyzing data; evaluating alternatives; consulting with those with special knowledge about the subjects in this Plan; formalizing goals and objectives; recognizing and having regard to provincial policies, strategies and guidelines; formulating policies; and finally, analyzing policies and describing generally how they can be carried out.

A five (5) year review was conducted from July 2006 to February 2010. Activities during the review included:

- A visioning session with council, planning committee, and the committee of adjustment;
- A soil classification review with the assistance of the Ministry of Agriculture, Food and Rural Affairs to assess the appropriateness of the designation of *Prime Agricultural* lands;



- A core-team meeting with provincial officials in a discussion of their mandates and resources they could bring to the table;
- An in-house staff review of the policies of the plan coupled with an external (provincial) review of the wording of policies and potential changes;
- The preparation of a Community Profile involving extensive consultation with effected ministries and outside agencies and the collection of information from the Township;
- Several review sessions with Council and the Committee of Adjustment;
- Several public consultation sessions (Open House and Public Meetings).

## 1.5. COMMUNITY STRATEGY

### 1.5.1. The Community

In 2006 the population of the Township of Stone Mills stood at 7,568. This is an increase from 7,337 only 5 years prior, and 7,229 in 1996. In the years between 2001 and 2006 Stone Mills experienced a population growth of 3.1% (0.6% per year), or 231 people. The community is expected to experience moderate growth over the planning period (to 2021) with a projected population of 8,000 to 9,000.

Every community is unique. Stone Mills is no different in this regard. It offers the pastoral charm of a large rural landscape dotted by small riverfront hamlets and scenic vistas. Stone Mills is within a convenient commuting distance from Kingston, Belleville and Greater Napanee and offers the amenities of rural living with the convenience of large urban centre services close at hand.

The hamlets are close-knit neighbourhoods, each with a rich heritage that dates to the Loyalist and Irish settlement of this area in the late 18<sup>th</sup>-century. It is a diverse community with its manufacturing (Goodyear and Strathcona), intensive factory agricultural operations, smaller dairy, beef and cash-cropping operations, specialty business and home-based businesses, garden and studio tours interspersed on a large rural landscape. It is geophysically divided between the Canadian Shield, which covers much of the geographic townships of Sheffield and part of Camden, and the limestone plains that cover the balance of the Township. The Township is bisected by the Salmon and Napanee Rivers which are keystone yet highly sensitive natural features. Stone Mills is a community of transportation and natural corridors defined by a mature County road system, township road network, major rivers, and the Trans-Canada (Cataraqui)

Trail. These are conveniently connected or in close proximity to Highway 401 and the CN main line.

Stone Mills has a diversity of resources with a mix of minerals, forests, sand and gravel, and prime agriculture lands. These are a part of the backbone of the economy and the basis for 'Century Farms', pit and quarry operators, and loggers. The rural resource base is complemented by a large land area in the southwest corner of the Township designated for a 'Business Park.'

The endowment of its natural heritage has been enhanced by its cultural and social heritage with such notable features as one of the oldest agricultural fairs in Ontario (Centreville), community events like Hayday (Tamworth), spring and fall studio tours, the scenic beauty of Simcoe Falls (Yarker), and its many heritage buildings that harkens back to the original settlements (Newburgh, Erinsville, Yarker, Clarks Mills (Camden East), Tamworth, Moscow, Enterprise, Croydon, Centreville, Strathcona, Colebrook)

Stone Mills offers a variety of residential living environments in its many hamlets, rural and waterfront residential areas. These are home to long-time residents, young families and professional couples, artisans, and seasonal dwellers. The residential settlement pattern is characterized by low density, predominantly single-detached dwellings developed on wells and septic tanks.

Stone Mills has its challenges and its opportunities. The challenges are to provide for a growth management strategy that protects the rural resource base yet recognizes the servicing constraints in the hamlet areas. The challenges are to conserve the many river corridors and natural heritage features and areas to ensure there is a balance between ecology and settlement. The challenges are to sustain and support the growth of the hamlets as healthy communities offering commercial, social, recreational and educational services to the residential neighbourhoods they support. The challenges are to protect the groundwater and surface water resources from land-use activities that could contaminate this precious resource.

The opportunities are vested in the diversity of the landscape with its many lakes and rivers, rolling countryside and river hamlets that are gems and are an attraction to residents and newcomers alike. The opportunities are in the land base that provide for a rural resource-based economy on the one hand and the development of industrial, commercial and service industries on the other. The opportunities are to build on the diversity of the community's social, cultural and heritage amenities. The opportunities are to foster a rural image but highlight the proximity to major urban communities, to major transportation corridors and features, and to be 'open for business.'

### 1.5.2. Strategy

Council's strategy for growth management is to provide opportunities for development in both the Rural Area and the Hamlets. The Hamlets will be important areas for future residential development based on a density which promotes a sustainable and efficient use of the land. Limited residential development will be permitted in the Rural Area, since the focus in the Rural Area will be on resource-based and resource-related land uses.

The strategy for non-residential development is to direct major employment uses to the 'Business Park' in the south-west quadrant of the Township between Strathcona and along the Good Year Road to the boundary with Greater Napanee. Industrial uses may be permitted elsewhere where justified by the location and provided such uses are compatible with surrounding land uses.

Hamlets will be planned as integrated communities with healthy 'downtowns' designed for mixed-use (commercial, institutional, residential) surrounded by residential neighbourhoods characterized by low density housing types, supportive institutional uses and good access to public open space (i.e. parks, trails, water).

Council will monitor population changes, housing developments and employment growth and their impact on the growth management strategy.

Residential development, in the form of recreational and permanent, will continue around a number of lakes including Varty Lake, Camden Lake, Beaver Lake, Inglesby Lake, Sheffield Lake, and along the Napanee River and Salmon River where it is environmentally sustainable.

Resource areas such as *prime agricultural lands*, woodlands, sensitive groundwater aquifers, and aggregate deposits will be protected from incompatible development.

*Environmental protection areas* such as wetlands, habitat of endangered and threatened species, wildlife and fish habitat, areas of natural and scientific interest, valley lands and woodlands will be protected, and where feasible enhanced. Development will be directed away from *natural hazards* and *hazardous sites*.

Approximately one sixth of the Township will remain as Crown land under the jurisdiction of the Ministry of Natural Resources or the Conservation Authority.

Council will encourage economic development through such measures as:

- Developing a business retention strategy

- Expediting planning approvals that comply with the Township's planning documents
- Marketing the Township as a community that is 'open for business'
- Encouraging the development of home based businesses and by encouraging secondary uses and value-added uses on farms
- Fostering healthy downtowns in the Hamlets.

Council recognizes the importance of sustainable development throughout the Township and intends to encourage progressive and innovative land use planning solutions to design, development and redevelopment within the Township.

#### 1.6. USERS

The Plan will be used:

- a. By the Council for the Township of Stone Mills as the basis for decisions and actions on matters within its jurisdiction;
- b. By other government agencies and departments in preparing plans and programs which may affect the Township of Stone Mills;
- c. By Township administrators, Council, and the Committee of Adjustment;
- d. By business, industry, private organizations, and citizens in considering and preparing their own plans and programs.

#### 1.7. COMPOSITION

The planning area comprises all lands within the corporate limits of the Township of Stone Mills.

#### 1.8. STATUS

This Plan has been prepared and adopted in accordance with and pursuant to The *Planning Act* (R.S.O., 1990, as amended from time to time). This provides, among other things, that all public works and by-laws conform to the Official Plan of the Township of Stone Mills.

1.9. REVIEW AND AMENDMENT

The Official Plan will be reviewed at regular intervals to reflect the changing needs of the people of the Township of Stone Mills.

Particular attention will be paid in the future to providing more comprehensive policies, where deemed necessary, and to making revisions to the Plan where additional information indicates a need to update policies. Furthermore, new issues will prompt future reconsideration of the policies adopted with this Plan.

Amendments to the Official Plan may be instigated by Council, either on its own initiative or at the request of local land owners, other levels of government, or private corporations or organizations. After consultation with affected agencies and the public, amendments may be adopted by Council. Amendments are then subject to the approval of the Minister of Municipal Affairs and Housing.

Council will, in accordance with Section 26(1) of the *Planning Act*, will revise its official plan every five years as required to conform to any applicable provincial plans, to have regard to matters of provincial interest and to be consistent with the Provincial Policy Statement.

1.10. TIME PERIOD

This Plan is established for a planning period to the year 2021, and will be reviewed in 2016.

## **PART 2: PRINCIPLES AND ASSUMPTIONS**

### **2.1. BASIC PRINCIPLES**

In preparing the Plan, a basic question had to be answered: What issues should be addressed in the Official Plan for the Township of Stone Mills? The answer was developed during discussions with the Council and ratepayers, whose contributions to the set of principles, goals, and objectives listed here, have been used as a guide in determining the policies of the Plan.

Township Council recognized that there are land use issues for which land use policies must be developed to ensure a pattern of orderly and environmentally sensitive development and redevelopment. The Official Plan will, therefore:

- 2.1.1 Ensure that new development takes place in accordance with accepted environmental, planning, resource management, and engineering practices.
- 2.1.2 Identify growth areas and provide a development strategy to ensure that settlement needs of the population are met.
- 2.1.3 Outline land use policies which ensure the maximum economic benefit and wise utilization of resources.
- 2.1.4 Delineate the requisite transportation system and development policies affecting it.
- 2.1.5 Outline significant natural features/areas and satisfy appropriate protection policies.
- 2.1.6 Outline *environmental protection areas* and specify their relationship vis-à-vis settlement patterns and resource protection.
- 2.1.7 Establish policies to allow for rehabilitation and ongoing community improvements where conditions warrant.
- 2.1.8 Provide for appropriate buffering between incompatible land uses.
- 2.1.9 Combine the above elements in a way which provides for a land use pattern which permits the evolution of land use change in an orderly and desirable manner consistent with community aspirations.

- 2.1.10 Outline the servicing standards for *sewage* and *water services* for new development and for redevelopment.
- 2.1.11 Develop minimum standards for the supply of potable water (quality and quantity) with respect to new lot creation and redevelopment on existing lots.
- 2.1.12 Develop standards and guidelines for alternative energy systems in accordance with the Green Energy and Green Economy Act, 2009.

## 2.2. PRINCIPLES AND ASSUMPTIONS

The principles and underlying assumptions inherent in this Plan are based on a Background Study designed to give a broad overview of existing conditions and detailed information to identify specific issues and concerns.

2.2.1 Given past trends, current development pressures, need to maintain the environment, and likely direction of future growth and change, certain principles have been established. The following premises are basic to this Plan:

- 2.2.1.1. The existing land use pattern has evolved slowly over a long period of time and is based on historical, economic and social development patterns applicable to the Township.
- 2.2.1.2. There is a strong historical character to the Township and there are features worthy of historic preservation.
- 2.2.1.3. It is the intent of this Plan to provide for the orderly management of growth in striking a balance of opportunities between the Hamlets and the Rural Area. Hamlets will, however, be important areas for residential development (see **Section 4.3.1**). The intent is to provide a planning environment in which anticipated change takes place in an orderly manner, subject to public scrutiny so as to best determine and safeguard the public interest.
- 2.2.1.4. Provision is made for a range of lifestyles by allowing for a variety of land use opportunities, bearing in mind the physical limitation of the land.
- 2.2.1.5. Population growth is based predominantly on previous trends and allowing for continued out-commuting of workers. This plan is intended to provide for a population of 8,000 to 9,000 within the planning period (to 2021) and 525 to 600 new housing starts. New residential development will be directed to the Hamlets provided that ground and surface water resources are proven to be capable of sustaining the impacts of development on on-

site sewage and water services. Groundwater aquifers have a high degree of vulnerability to contamination in the Township and warrant particular management strategies to ensure their conservation in providing a potable water supply for the community.

- 2.2.1.6. The predominant means of lot creation has been through consent as opposed to the registered plan of subdivision process. Future residential development will be promoted by development of subdivisions and by *intensification* in the Hamlets where sustainable, by *infill* on existing lots of record or building lots in the Rural Area and by limited new lot creation in the Rural Area.
- 2.2.1.7. Some areas in the Township of Stone Mills contain Class 1, 2, and 3 soils under the Canada Land Inventory of Soil Capability for Agriculture. Lands to the west and northwest of the hamlet of Moscow will be conserved as *prime agricultural land*. Other farming operations in the Rural Area of the Township will be supported for the economic value to the community and adjacent development will only be permitted where it is compatible with farming operations. Normal farming practices will be encouraged.
- 2.2.1.8. The wise utilization of natural resources for agriculture, forestry, minerals, mineral aggregates, and recreational uses will be encouraged on land best suited for those purposes.
- 2.2.1.9. Future residential growth, particularly non-farm residential uses, should be encouraged to develop within those areas capable of sustaining such growth, and by *intensification*, thereby enhancing community structure.
- 2.2.1.10. The Township is serviced by a relatively well defined road transportation system to serve existing land uses and provide connections to areas outside the Township.
- 2.2.1.11. Single detached dwellings are the predominant form of housing. There are no piped municipal services.
- 2.2.1.12. Rehabilitation work will continue to be carried out within the various areas of the Township both by private and public interests. Development and redevelopment may be enhanced through such measures as tree preservation or tree conservation plans, tree planting, restoration of shorelines and wildlife habitat.



- 2.2.1.13. Lands with environmental hazards and/or physical limitations such as poor drainage, organic soils, flood susceptibility, erosion and steep slopes are recognized and appropriately designated in order to protect and conserve the natural and man-made environment.
- 2.2.1.14. Technological changes are likely to alter the present modes of transportation and servicing over the planning period. Increased energy costs will result in the use of more energy-efficient vehicles, car pooling and shuttle services, cycling and sustainable and energy-efficient housing designs. Community design will place greater emphasis on tele-commuting, home based businesses, sustainable live/work/play neighbourhoods and the supply of local services and agricultural products as measures to reduce energy costs.
- 2.2.1.15. Technological change and servicing will be monitored and, if necessary, the Plan will be amended to reflect the changed realities.
- 2.2.1.16. *Renewable energy systems* and *alternative energy systems* will play an increasingly important role in providing sources of energy in Stone Mills and will be encouraged. These may take the form of wind energy, solar power, biomass, geothermal and small hydro facilities. Conservation practices will also be promoted in urban and rural design, through building retrofits and community improvement, through domestic consumption practices and in all forms of non-residential development.
- 2.2.2 This Plan is also based on input from the public and various local and provincial government agencies solicited at various stages of Plan preparation and input.
- 2.2.3 The Plan reflects interpretations and decisions made by Council based on the background information, local knowledge, and public input.
- 2.2.4 The ultimate responsibility for the policies contained herein rests with the Township Council.

## **PART 3: GOALS AND OBJECTIVES**

### **3.1. INTRODUCTION**

The goals and objectives of this Plan build on the community strategy and planning principles and provide direction to guide policies and programs. The goals, as much as possible, reflect the present and future needs of the Township as perceived by the Council of the Township of Stone Mills. A “goal” may be defined as a desired state which reflects the long term purpose of the Plan and which is related to a major area of concern. An “objective” is a short range step towards a goal. An objective is concrete, realistic, action-oriented and attainable within a short period of time. The achievement of an objective should move the goal closer to realization.

It is emphasized that all goals and objectives may not be fully attained since planning involves the reconciliation and balancing of diverse interests with limited resources in circumstances that are often complex. Choices must therefore be made regarding the relative importance of the aims and needs of the Township.

Based on the study of the planning aspects and consideration of the view of the residents, Council recognizes ten (10) principal areas of concern. The areas of concern are not presented in any order of priority. These concerns are:

- a. The Township’s economic and financial well-being;
- b. The management of resources;
- c. The settlement needs of existing and future residents as well as the community improvement and revitalization of existing communities in a planned and fiscally responsible manner;
- d. The provision of municipal and community services;
- e. The provision of transportation;
- f. The protection of the environment, in particular the integrity of the Napanee and Salmon River systems, and existing water bodies and groundwater resources;
- g. The community, cultural, and recreational needs of the residents;

- h. The need for municipal cooperation and coordination with surrounding municipalities and the Province of Ontario;
- i. Sustainable development that conserves energy, protects and enhances the natural environment including water resources and optimizes the use of existing municipal and community resources;
- j. The implementation measures needed to carry out the intent of this Plan.

### 3.2. ECONOMIC AND FINANCIAL GOAL

This Plan acknowledges the importance of developing the Township's economic potential to the fullest and thereby ensuring an appropriate commercial/residential assessment balance in order to maintain a healthy tax base by encouraging the continued expansion of economic opportunities and diversification of the economic base.

#### 3.2.1. Economic and Financial Objectives

- 3.2.1.1. To promote growth and development of the Township in a manner which is orderly, efficient, and consistent with the financial ability to absorb new growth and development.
- 3.2.1.2. To undertake the provision of necessary information and related services to assist and encourage businesses to locate in Stone Mills Township.
- 3.2.1.3. To require that new development pay its fair share of growth related costs.
- 3.2.1.4. To seek funding alternatives to supplement the property tax base and other traditional funding sources.
- 3.2.1.5. To monitor the fiscal impacts of growth and development.
- 3.2.1.6. To encourage the development of future employment generating uses such as office, commerce, and industry, as a means of diversifying the municipal tax base, and establishing local employment opportunities.
- 3.2.1.7. To require the preparation and annual update of one, five, and ten year capital works forecast.

- 3.2.1.8. Encourage the development of home based businesses, personal service industries and the production of agricultural products geared to service local needs and which promote a live/work/play community.
- 3.2.1.9. Encourage the development of secondary uses and value-added industries as part of farming operations.
- 3.2.1.10. Market the Township for its lifestyle as a place to live/work/play.
- 3.2.1.11. Develop a strategy to ensure the retention of existing businesses.
- 3.2.1.12. Achieve sustainable and healthy downtowns in the Hamlets.
- 3.2.1.13. Achieve a conservation-oriented community built on energy sources from *alternative energy systems, renewable energy systems* and conservation practices.

### 3.3. ENVIRONMENTAL GOAL

To enhance and protect the quality of the environment and the long-term health of the ecosystems represented in the Township while providing for the changing needs of the population. All other goals should attempt to satisfy the requirements of the environmental goal so as to maintain and enhance biodiversity and improve the quality of life for the people of Stone Mills Township.

#### 3.3.1. Environmental Objectives

- 3.3.1.1. To promote an ecosystem approach as an integral component of the land use planning process in order to ensure sustainable development.
- 3.3.1.2. To encourage development to locate in areas which will not conflict with environmental land use priorities.
- 3.3.1.3. To prevent increased phosphorous loading to water bodies and enhance water quality wherever possible.
- 3.3.1.4. To identify and protect all significant features and areas from incompatible development (significant wetlands, significant ANSI's, significant woodlands, significant valley lands, significant wildlife habitat, fish habitat and significant habitat of endangered and threatened species).

- 3.3.1.5. To maintain and, where possible, enhance surface and groundwater resources in sufficient quality and quantity to meet existing and future uses on a sustainable basis.
- 3.3.1.6. To identify and protect sensitive groundwater discharge and recharge areas, aquifers, and headwaters.
- 3.3.1.7. To direct development away from areas having inherent environmental hazard such as flood susceptibility, erosion, steep slopes, or other physical condition which, under certain conditions, could endanger human life and property.
- 3.3.1.8. To encourage the correction of existing, and the prevention of potential, sources of pollution of water, land and air in conjunction with other levels of government and by applying acceptable standards as established by appropriate government agencies.
- 3.3.1.9. To encourage resource agencies to monitor acid rain impacts on lakes.
- 3.3.1.10. To plan for the maintenance and enhancement of linear or open space systems along streams and water bodies such as the Napanee River and Salmon River.
- 3.3.1.11. To specify appropriate “adjacent lands” policies which will provide for the maintenance and protection of the *environmental protection areas* natural heritage features and areas identified.

#### 3.4. RESOURCE MANAGEMENT GOAL

To ensure the sustainable development of the Township’s natural resources through management based on sound economic, social and environmental guidelines.

##### 3.4.1. Resource Management Objectives

- 3.4.1.1. To recognize wetland areas, and areas with high potential for agriculture, mineral resources and mineral aggregates, forestry, and recreation.
- 3.4.1.2. To strengthen the agricultural function through land use policies which protect farmlands from incompatible uses and from the fragmentation of the land base into uneconomic units.

- 3.4.1.3. To recognize existing aggregate operations and protect areas of high quality aggregates from incompatible land uses to allow for potential future extraction.
- 3.4.1.4. To require all extraction and processing operations be located and operated in such a way as to minimize their impact on the natural and built environments, and require pit and quarry operators to undertake a program of rehabilitation compatible with the long-term uses permitted by this Plan.
- 3.4.1.5. To preserve and enhance the quality and quantity of open space and recreational opportunities through sound management of natural resources in the Township in cooperation with the Ministry of Natural Resources and the Conservation Authority.
- 3.4.1.6. To promote the wise management of *environmental protection areas* in order to provide social and economic benefits to the Township.
- 3.4.1.7. To recognize and protect Loyst Lake as a highly sensitive lake trout lake.
- 3.4.1.8. To protect, improve, conserve or restore the quality and quantity of water resources in the Township through measures for the protection of vulnerable aquifers, source protection for surface and groundwater, best management practices for stormwater, retention of wetlands and watershed management.

### 3.5. SETTLEMENT GOAL

To provide for a variety of identifiable communities which satisfy people's settlement needs and provide for a range of housing types which are accessible, affordable, and appropriate to the needs of the community.

#### 3.5.1. Settlement Objectives

- 3.5.1.1. To promote the growth and development of the Township at suitable locations in a planned orderly manner consistent with the Township's ability to absorb such development while ensuring safe and healthy distances between uses for servicing purposes.

- 3.5.1.2. To encourage compact energy efficient forms of development so as to minimize future energy requirements bearing in mind the methods of servicing in the Township.
- 3.5.1.3. To require all year round residential development be served by year round maintained roads.
- 3.5.1.4. To encourage development forms which are compatible with existing development, which are environmentally sustainable and which enhance the existing physical form in the Hamlets.
- 3.5.1.5. To ensure compatibility between new development proposals and existing built-up areas.
- 3.5.1.6. To encourage a pattern of development whereby new development represents logical extensions from, and is well integrated with, the general building form, scale and profile of uses adjacent thereto. To facilitate *intensification* and the redevelopment of brownfields.

### 3.6. COMMUNITY IMPROVEMENT GOAL

To promote the coordinated implementation of community improvement by way of the maintenance, rehabilitation, and redevelopment of the physical environment in a coordinated and fiscally prudent manner while having regard to improvements to the economic potential and social environment.

#### 3.6.1. Community Improvement Objectives

- 3.6.1.1. To encourage participation in programs for the improvement, rehabilitation and renewal of existing residential structures, municipal infrastructure, community services and facilities.
- 3.6.1.2. To implement community improvement in a planned and coordinated manner which stimulates economic development, and responds to local problems, priorities and financial resources, so as to optimize the results to be achieved through capital expenditures.
- 3.6.1.3. To participate, where feasible and appropriate, in Federal and/or Provincial assisted housing initiatives and in the rehabilitation of existing housing and other public buildings.

- 3.6.1.4. To identify those deficiencies in the public infrastructure which represent realistic and attainable opportunities for community improvement.
- 3.6.1.5. To promote, rehabilitate and restore the existing building stock.
- 3.6.1.6. To provide a safe and healthy community for both residents and visitors, by providing an appropriate level of recreational and social facilities, at appropriate locations, and ensuring that municipal services such as roads and sidewalks are sufficient to ensure the safety and welfare of local residents and tourists.
- 3.6.1.7. To encourage the development or reuse of vacant lands or buildings to accommodate activities of value or benefit to the community.
- 3.6.1.8. To incorporate sustainable elements in community improvement such as to improve or upgrade infrastructure, public service facilities and to maintain, restore or renew buildings and properties, improvement of energy efficiency, construction and the provision of affordable housing.
- 3.6.1.9. To provide for the identification, repair, restoration or redevelopment of brownfield sites, environmental site assessment, environmental remediation, development and redevelopment, construction and reconstruction of lands and buildings for rehabilitation purpose or for improving energy efficiency, buildings, structures, works improvements or facilities.
- 3.6.1.10. To use financial incentives as provided for under the *Planning Act*.

### 3.7. SERVICING GOAL

To provide and maintain a level of municipal services to the various areas of the Township in accordance with economic, social, and environmental considerations.

#### 3.7.1. Servicing Objectives

- 3.7.1.1. To encourage the orderly development of the Township thereby avoiding unnecessary financial hardship on the Township.
- 3.7.1.2. To ensure that all development is adequately serviced with *water* and *sewage services*, that servicing options are considered in planning for



new development or redevelopment and that the servicing is environmentally sustainable over the long-term.

- 3.7.1.3. To ensure that where large scale development is proposed overall servicing, stormwater management, and transportation studies are prepared and submitted to the satisfaction of the Township and relevant approval agencies prior to proceeding with development approvals.
- 3.7.1.4. To consider the use of communal water and/or sewage systems in those areas where private servicing is shown to be ineffective subject to demonstrated financial viability and where required, the entering into of a responsibility agreement or municipal ownership and operation where required.
- 3.7.1.5. To encourage the planned compatible development of utility corridors in a manner which minimizes the disruption of both the natural and man-made environment.
- 3.7.1.6. To promote waste management initiatives which support the principles of waste reduction, re-use and recycling.

### 3.8. TRANSPORTATION GOAL

To promote the continued development of a safe integrated and efficient transportation system.

#### 3.8.1. Transportation Objectives

- 3.8.1.1. To develop a transportation network consistent with identified demands at the Township and County levels while minimizing the time, distance and costs involved in the movement of people and goods.
- 3.8.1.2. To enhance accessibility to future industrial and commercial areas while preventing and/or mitigating traffic conflicts between conflicting land uses.
- 3.8.1.3. To allow for new right-of-ways, future road widenings, and setbacks consistent with the identified function of the road.
- 3.8.1.4. To ensure adequate parking through the ongoing development of off and on street parking, and encouraging onsite parking when new development occurs.

- 3.8.1.5. To ensure that transportation facilities are planned and developed with minimum environmental and community disruption.
- 3.8.1.6. To promote the development of people ways which allow for the movement of people within the Township or to abutting municipalities by walking and bicycling in addition to automotive travel.
- 3.8.1.7. To ensure that all forms of year round residential development together with all commercial, industrial and institutional development, excluding buildings and structures associated with: the production and transportation of public utilities and power generation; the management or conservation of natural resources; and agricultural operations occurs only along improved publicly maintained roads in the Township.
- 3.8.1.8. To integrate off-road and recreational trails into the transportation system wherever feasible; however these features shall not be construed to be a part of the municipal transportation system for the purposes of the Township's road maintenance program.

### 3.9. COMMUNITY, CULTURAL, AND RECREATION GOAL

To maximize the use of existing facilities and provide for a range of community institutional, recreational, cultural, and emergency services and facilities while eliminating duplication and achieving cost effectiveness in the delivery of human services, within the limits of available resources.

#### 3.9.1. Community, Cultural, and Recreation Objectives

- 3.9.1.1. To cooperate with other agencies and levels of government in the provision of educational, cultural, recreational, protection, health and welfare facilities and services in response to the needs of the Township including but not limited to retaining existing schools as integral features of community life, providing for the delivery of health unit services to residents, retaining professional medical services and facilities and maintaining and improving community recreational facilities such as parks, playgrounds, sports fields and community halls.
- 3.9.1.2. To ensure passive and active recreation facilities are provided in areas of population concentration consistent with the needs of the residents and is within convenient walking distance or access to users.

- 3.9.1.3. To encourage and foster public awareness, participation, and involvement in the conservation of *cultural heritage landscapes* and *built heritage resources*. To ensure that all *significant cultural heritage resources* are identified and conserved and managed in a way that perpetuates their heritage value, functional use, integrity and benefit to the community.
- 3.9.1.4. To promote the use of *environmental protection areas* and associated open space elements for passive recreation and educational purposes.

### 3.10. MUNICIPAL COOPERATION AND COORDINATION GOAL

To promote cooperation and coordination of Township goals and actions with those of surrounding municipalities.

#### 3.10.1. Municipal Cooperation and Coordination Objectives

- 3.10.1.1. To investigate and promote the intermunicipal provision of services in cooperative ventures with adjoining municipalities where economic and appropriate to do so.
- 3.10.1.2. To investigate joint ventures or partnerships with other municipalities, government agencies or the private sector to ensure maximum benefit is derived by Township taxpayers in the provision of physical and social services.

### 3.11. SUSTAINABILITY GOAL

To plan for land and resource uses that aim to meet human needs while preserving the environment so that these needs can be met not only in the present, but in the indefinite future.

#### 3.11.1. Sustainability Objectives

- 3.11.1.1. To encourage the planning, design and development of *renewable energy systems and alternative energy systems* as a means to reducing the dependence on fossil fuels and to protect the environment.
- 3.11.1.2. To encourage conservation practices through reduction, reuse and recycling practices in waste management systems.

- 3.11.1.3. To encourage the adaptive reuse of the existing building stock.
- 3.11.1.4. To encourage modes of transportation that reduces dependency on the automobile.
- 3.11.1.5. To maintain and enhance *environmental protection areas* such as wetlands, woodlands and shoreline habitat.
- 3.11.1.6. To encourage sustainable development through such measures as water conservation, water recycling, green roof design, programs such as LEED (Leadership in Energy and Environmental Design), energy audits and similar measures.
- 3.11.1.7. To ensure that land use decisions include sustainable design measures for transportation, infrastructure, waste management, water resources, energy systems and the harvesting and use of natural resources.
- 3.11.1.8. To provide leadership as a Township in sustainability practices through energy and water conservation; through recycling of waste, highway construction and building materials; through cost-effective and cost efficient building design; through the use and replacement of energy efficient transportation equipment and rolling stock, and by minimizing the consumption of resources.

### 3.12. IMPLEMENTATION GOAL

To develop a program to facilitate the coordinated implementation of this Plan, recognizing the financial capabilities of the Township.

#### 3.12.1. Implementation Objectives

- 3.12.1.1. To implement the Plan through the use of powers conferred upon the Township under the *Planning Act*, the *Municipal Act*, the *Building Code Act*, the *Aggregate Resources Act*, the *Development Charges Act*, and other applicable legislation.
- 3.12.1.2. To monitor residential growth relative to the economic development of the Township.
- 3.12.1.3. To implement the Plan by updating the comprehensive zoning bylaw and other appropriate by-laws.

- 3.12.1.4. To participate in other government programs which comply with this Plan and are appropriate to and benefit the residents of Stone Mills Township.
- 3.12.1.5. To develop one, five and ten year municipal capital works programs to enable sound municipal planning and budgeting.
- 3.12.1.6. To provide an adequate system of development charges.
- 3.12.1.7. As a matter of general principle, this Plan encourages development within identified communities of the Township by way of the subdivision approval process.
- 3.12.1.8. To ensure that planning applications are complete and are accompanied by the applicable studies or information essential to the review by the Township and any approval authority.
- 3.12.1.9. To provide for pre-consultation with the Township, agencies and approval authorities, as required, as part of the planning application review process.

## **PART 4: LAND USE POLICIES**

### 4.1. INTRODUCTION

Policies and land use designations are the key to carrying out the Township's community strategy, and carrying out the basic aims expressed in the goals and objectives. The following policies are intended to guide primarily the physical development of the Township of Stone Mills from a land use planning perspective. Several kinds of policies are advanced. Where policies express the Township's attitude about a land use, expressions such as "endorse", "encourage", "ensure", or "monitor" are used. Some of the policies express a requirement of the Township in which case the words "shall" or "will" are most often used.

### 4.2. RURAL AREA

#### 4.2.1. General Principles

There is a significant amount of rural land within the Township of Stone Mills. Land designated as Rural is shown on Schedule 'A' to this Plan. Within the Rural designation there are agricultural activities but they tend to be dispersed. There has been much pressure in the past to develop rural areas for residential, seasonal residential and other non-farm uses. It is expected that such pressures will continue. Use of lands for these purposes is desirable as long as it takes place within a rational planning framework consistent with the overall strategy of the Plan.

It is the intent of this Plan that the Rural Area be conserved primarily for the management or use of resources and resource based recreational activities. Limited residential development may be permitted provided it retains the rural character (e.g. low density, large lots and frontages) of the Township while ensuring there are no demands placed on the Township for services which are expensive or difficult to deliver. New lot creation for residential development will be limited.

#### 4.2.2. Permitted Uses

The predominant use of the land in rural areas shall be for agriculture, forestry, public and private recreation. The extraction of minerals and mineral aggregates are also important resource activities to be encouraged in the Rural Area and are

subject to the policies of **Section 4.4.3** of this Plan. The Rural designation is intended to maintain the natural and scenic qualities of the Township by preserving the rural character and lifestyle. Other uses permitted include limited residential development, institutional, open space, conservation, agriculturally-related commercial and industrial uses related to the Township's economy, and residential uses accessory to the above permitted uses in accordance with the policies contained below. There are also Crown Lands, lands owned and maintained by the Conservation Authority, and lands owned and maintained by the County of Lennox and Addington. Home Based Businesses including bed and breakfast establishments are also permitted, as are wayside pits, wayside quarries, *portable concrete plants* and *portable asphalt plants* in accordance with the policies of **Part 5, Section 10** of this Plan.

A bed and breakfast establishment or a farm vacation use may be permitted in a single detached dwelling provided there is an adequate area for parking and health unit approvals, where required, are obtained.

#### 4.2.3. Policies for Agricultural Uses (outside of the Agricultural Designation)

Existing and new agricultural uses as defined in **Section 4.4.2.1** will be encouraged (see also **Section 7.2.2**)

- a. New development in proximity to livestock facilities shall comply with the *minimum distance separation formulae* as set out in **Section 7.2.2**.
- b. New livestock facilities and expansions to livestock facilities shall conform to the *minimum distance separation formulae* as set out in **Section 7.2.2**.
- c. In the interest of protecting the quality of ground and surface waters, new farms for raising animals shall comply with the applicable requirements of the *Nutrient Management Act, 2002*. *Normal farm practices* shall be promoted.
- d. New or expanding agricultural uses which may reduce or draw down the available quantity of water required to meet the projected water supply needs of an adjacent or down-gradient settlement area may be required to undertake a hydrogeologic investigation or to provide other technical evidence which demonstrates that an adequate water supply is or will be made available and that the proposed agricultural development complies with the applicable legislation (e.g. *Clean Water Act, Safe Drinking Water Act*).

- e. New agricultural buildings and/or structures proposed on a parcel of land may be permitted if the parcel where the buildings are to be erected does not have frontage upon an improved and publicly maintained road, provided that all other requirements of this Plan have been complied with.

#### 4.2.4. Rural Residential

- a. Residential development in the Rural Area shall be limited to single detached dwellings with a minimum lot area that complies with Section 5.13.2 of this Plan and may include an apartment-in-a-house in accordance with Section 16(3) and Section 35.1 of the Planning Act. New residential development in the Rural Area will be strongly encouraged to locate in areas of existing clusters, or as *infill*. Remote or scattered development will be discouraged. In the review of planning applications consideration will be given to the protection of renewable and non-renewable resources, the availability of school bussing, fire response time, and the condition and maintenance of the access road.
- b. New lots shall comply with the Consent Policies in Part 7 of this Plan (see also **Section 7.2.2**).
- c. New lots shall comply with the *minimum distance separation formulae*, as amended from time to time (see also **Section 7.2.2**).
- d. Existing lots of record may:
  - i. Be used for a single unit dwelling house provided the lot fronts on an open and publicly maintained road and meets the requirements of **Part 9, Section 12.0** of this Plan; and
  - ii. Be used for a seasonal dwelling house where access is via an un-maintained municipal road, an existing private road, or a right-of-way constructed to a standard acceptable to the Township.
- e. The lot shall be serviced with individual on-site water and sewage services where site conditions are suitable for the long-term provision of such services. The provisions of **Section 5.13.2** shall apply in the protection of water resources.
- f. Consideration will be given to energy efficient and sustainable design in decisions affecting the planning and siting of housing and for accessibility by those with physical and other challenges.



4.2.5. Seasonal Residential (Cottage) Development

Seasonal residential development may be permitted on water bodies in the Township. Despite the above seasonal residential development on Beaver Lake, Inglesby (White) Lake and Varty Lake shall be restricted to existing lots of record. Development proposed along the corridor of the Salmon River shall also be consistent with the policies of **Section 4.7.4** of this Plan.

- a. Seasonal residences are permitted along waterbodies provided:
  - i. New lots comply with either the Subdivision or Consent Policies in part 7 of this Plan.
  - ii. New lots comply with the Minimum Distance Separation formulae, as amended from time to time (see **Section 7.2.2**).
  - iii. Existing lots of record fronting on a water body may be used for a seasonal single unit dwelling house provided there is legal ingress and egress via a public road (year-round or seasonally maintained), an existing private road, or an existing right-of-way.
  - iv. The lot is serviced with a groundwater well constructed in accordance with Ontario regulation 903 of the *Ontario Water Resources Act*.
- b. The lot is serviced with individual on-site water and sewage services where site conditions are suitable for the long-term provision of such services. The provisions of **Section 5.13.2** shall apply in the protection of water resources. New lots shall have a minimum lot area that complies with **Section 5.13.2** of this Plan.
- c. New lots shall be created in accordance with the land division policies of **Section 7.3, 7.4 or 7.5**; and access to new lots shall be provided in accordance with **Section 8.2.3**.
- d. Where an existing access road is less than 20 m [66 ft.] in width, the applicant shall dedicate to the Township, as a condition of approval, an access road of 20 m [66 ft.] in width across the entire width of the lot.
- e. Development, including a dwelling, sewage disposal system, or a non-residential use or building, shall be setback a minimum of 30 meters from the high water mark of any waterbody. Any proposal for lot creation

adjacent to a waterbody must ensure that the minimum 30-meter development setback can be accommodated.

On existing lots of record where the minimum setback cannot be achieved, all development, including a sewage disposal treatment and redevelopment of existing buildings, shall be setback the greatest possible distance and shall not have the effect of further reducing an existing deficient setback. Furthermore, any reduced setback on an existing lot of record shall only be permitted where it has been demonstrated through a technical report undertaken by a qualified professional that there will be no adverse impacts on the waterbody. Reductions in the minimum setback will be reflected in the implementing Zoning bylaw. For the purposes of demonstrating the appropriateness of a lesser setback, a qualified professional may include a Professional Engineer, a Professional Geoscientist, a Professional Geotechnical Engineer, an Ecologist, a Biologist or such other accredited professional who is capable of providing expert opinion on matter related to water quality, plant and animal habitat, slope stability, and flood hazard protection; the expertise of the professional shall be relevant to the features warranting assessment.

Reduced setbacks may be compensated by such measures as retaining or increasing the percentage of vegetation coverage on the lot, requiring the installation of a sewage disposal system with a higher level of phosphorus removal (i.e. 90% or more), limiting the construction of accessory buildings or docks on the shoreline, or other measures which serve to minimize the impact on the lake.

- f. Development on lakes and water bodies shall be planned with the intent of preserving the shoreline area in its natural state. Vegetation within 30 m [98.4 ft.] should be left undisturbed except for a narrow access to the lake. Where the shoreline vegetation has been removed through past land use activities, a program of replanting will be encouraged or required through such means as conditional zoning, site plan control or a development agreement. Council will consult with the Conservation Authority on applications for waterfront development.

#### 4.2.6. Conversion of Seasonal Uses to Year Round Uses

- a. Where a conversion is proposed the following criteria shall apply:
  - i. The lot shall have a lot area and frontage such that it can be serviced or retrofitted with individual on-site water and sewage services where site conditions are suitable for the long-term

provision of such services. The provisions of **Section 5.13.2** shall apply in the protection of water resources;

- ii. The building envelope for any residential use shall be located outside of *natural hazards* (i.e. lands subject to flooding, steep and/or unstable slopes or other physical hazard which renders the site unsuitable for development) and in compliance with **Section 4.7.5** of this Plan;
  - iii. The converted dwelling unit conforms to local by-laws and the *Ontario Building Code*;
  - iv. The conversion will not result, singly or in conjunction with other uses, in demands for services which are not economic or feasible to provide, improve, or maintain;
  - v. The properties being converted are rezoned from a seasonal category to another appropriate category;
  - vi. Conversion will be permitted only along public roads maintained year round by the Township or other public road authority;
  - vii. Steps will be taken, where mutually agreed to by Council and residents, on methods for bringing existing roads up to municipal standards; and
  - viii. A Certificate of Occupancy under Section 34(6) of the Planning Act is obtained from the Township of Stone Mills.
- b. Where lands are already substantially developed Council may, at its discretion, recognize the existing use at the date of adoption of the Official Plan as either seasonal or permanent residential. Where such uses are located along private roads, the Township does not assume any responsibility for the lack of public road access nor shall the Township assume such private roads or rights-of-ways or unassumed roads or undertake capital works or maintenance along such private roads unless otherwise decided by Council.
- c. Conversions shall comply with **Section 5.13.3** of this Plan.
- d. Buildings, wherever feasible shall be relocated to meet the minimum setbacks for permanent buildings and shoreline structures.

- e. Derelict buildings, debris and toxic building materials or structures (i.e. railway ties) shall be removed.
- f. Wells shall be retrofitted or replaced including the proper decommissioning of abandoned wells.

#### 4.2.7. Estate Residential Development

- a. Estate residential development is intended for land with physical attributes which lend themselves to the development of a low density residential area by plan of subdivision.
- b. Development will be directed to sites where residential structures will blend with the landscape. Such development is encouraged to locate in areas possessing substantial physical attributes such as rolling topography tree cover or areas of water. Building location is to be carefully planned to ensure that the tree cover and the unique qualities of the landscape are preserved for the visual enjoyment of the entire community.
- c. Development shall be limited in scale so as not to detract from the rural character of the landscape. Such development is not intended to become a visually dominant element in the rural landscape. The Township will monitor the number of vacant lots suitable for estate residential development.
- d. Estate development shall only be permitted by registered plan of subdivision. Subdivisions will be designed as a cluster with a maximum of 5-6 lots.
- e. Estate development shall be serviced by internal public roads. The development should be connected to "black topped" public road maintained on a year round basis.
- f. The minimum lot area shall comply with **Section 5.13.2** of this Plan. The building envelope shall be located outside hazardous areas (i.e. lands subject to flooding, steep and/or unstable slopes or other physical hazard which renders the site unsuitable for development). Greater lot areas may be required where soil and ground water conditions warrant.
- g. In considering proposals for estate residential development, Council shall have regard for the financial impact of the proposal and ensure it is within the financial means of the Township to provide services in the future. The site should be served by existing school bus routes.

- h. Estate residential uses shall comply with the Minimum Distance Separation Formulae, as amended from time to time (see also **Section 7.2.2**). The lots shall be serviced with *individual on-site water and sewage services* or private communal sewage and water services where site conditions are suitable for the long-term provision of such services. The provisions of **Section 5.13.2** shall apply in the protection of water resources. Applications for *development on individual on-site sewage services* or *private communal sewage services* generating more than 4,500 litres [989.8 gal.] of effluent per day as a result of the development shall require the submission of a servicing options report and a hydrogeological report.
- i. In keeping with the character of an approved estate residential development, other subdivision of the property into smaller parcels shall not be permitted.
- j. Consideration will be given to energy efficient and sustainable design in decisions affecting the planning and siting of housing in estate residential subdivisions and for accessibility by those with physical and other challenges.
- k. Estate residential development shall address the management of storm water run off as outlined in Part 7 of this Plan.

#### 4.2.8. Rural Commercial and Industrial Uses

- a. The primary area for the development of industrial uses shall be within the Business Park located in the southwest corner of the Township (see **Section 4.5**).
- b. While the Business Park is intended to be the primary area for industrial development in the Township, the policies of this Plan are intended to provide for industrial and commercial uses in the Rural Area and the Hamlets which are scaled to the respective needs of those areas and which comply with the relevant policies of this Plan.
- c. Small scale commercial and industrial uses serving or related to the rural economy may be permitted in the Rural Area. These uses may include farm implement sales or service establishments, farm supplies and produce outlets, feed and grain drying and cleaning operations, welding shops, woodworking shops, antique and craft shops and other similar uses

which may be deemed necessary and appropriate in the Rural Area by Council.

- d. ***Development*** of commercial and industrial uses may be permitted provided:
- i. The minimum lot area shall comply with **Section 5.13.2** of this Plan and shall be outside hazardous areas (i.e. lands subject to flooding, steep and/or unstable slopes or other physical hazard which renders the site unsuitable for development) in order to safely accommodate all buildings and structures, and to allow for the onsite provision of acceptable quantity and quality of water and for sewage disposal. Industrial uses may be permitted where they are compatible with nearby ***sensitive land uses*** having regard to the Ministry of the Environment Guidelines D-1 and D-6;
  - ii. The proposed use supports the rural lifestyle;
  - iii. Lot frontage is appropriate for the use and the area in which the lot is being created.
  - iv. Lands for industrial uses shall be serviced with individual on-site water and sewage services or communal services where site conditions are suitable for the long-term provision of such services. The provisions of **Section 5.13.2** shall apply in the protection of water resources. Applications for ***development*** on ***individual on-site sewage services*** or ***private communal sewage services*** generating more than 4,500 litres [989.8 gal.] of effluent per day as a result of the development shall require the submission of a servicing options report and a hydrogeological report;
  - v. The new lot complies with the ***minimum distance separation formulae***, as amended from time to time (see also **Section 7.2.2**); and
  - vi. The new lots conform to the Consent Policies in Part 7 of this Plan.
- e. Residential unit may be permitted where Council deems it appropriate as an accessory use provided the residential use is located on the same lot as the main commercial or industrial use and provided further that no other severance shall be permitted for the residential use. In such cases, the lot area requirement for the residential and non-residential use shall be the total of the minimum lot area required for each use individually.

- f. New Class II or III industries outside of the Business Park (Goodyear) shall require an amendment to this Plan, and to the a zoning by-law and will be subject to site plan control and shall only be permitted where the uses are compatible with *sensitive land uses* (i.e. residential) in the vicinity of the proposed development.

#### 4.2.9. Conservation Forestry and Recreational Uses

- a. Private landowners are encouraged to reforest idle lands. Landowners of properties with a high forestry potential are encouraged to enter into appropriate management programs with the Ministry of Natural Resources or Conservation Authority.
- b. Passive outdoor recreational uses, forestry, tree farms, conservation uses will be permitted. In addition to active recreational uses (excluding such uses as commercial resort uses, tourist camps, tent and trailer parks, marinas, golf course), such as riding and sport clubs, and municipal recreation facilities are permitted provided:
  - i. The uses are compatible with adjoining uses and do not adversely affect adjacent farming operations;
  - ii. Resort Commercial Development is subject to the policies of **Section 4.2.9** of this Plan.

#### 4.2.10. Resort Commercial Development

The riverine valleys, scenic vistas, lakes and rugged landscapes of Stone Mills are attributes on which to build tourism and resource-based recreational activities. Such development is encouraged within the parameters of accepted planning, resource management, and development practices.

##### 4.2.10.1. Permitted Uses

Uses permitted may include tourist accommodation such as motels, lodges or cabins, with accessory residential uses, tourist camps, tent and trailer parks, marinas, eco-tourism and resource-based recreational facilities including golf courses, as well as retail commercial establishments catering to the day to day needs of the tourists.

4.2.10.2. Policies

- a. New Resort Commercial Development will require an amendment to this Plan. The following criteria shall be considered in reviewing planning applications for new resort commercial development:
  - i. Adequacy of the lot size and configuration to accommodate the proposed use and the potential for future expansion;
  - ii. Suitability of site conditions for the long-term provision of sewage and water services (see **subsection 4.2.9.2.h.**);
  - iii. Compatibility of the proposed use with surrounding land uses with respect to traffic, noise, hours of operation, visual impacts. Resort commercial uses will be directed away from established residential areas;
  - iv. Integration, conservation and sustainability of the use with respect to ***environmental protection areas*** and the ecology of the natural environment of the lot and adjacent properties. A base line inventory of the natural heritage features (found both on site, and within the vicinity of the site) should be a requirement. An Environmental Impact Assessment (EIA) will be required where applicable under **Section 4.7.3** of this Plan;
  - v. Suitability of the access. Facilities designed for public access or use will generally be required to have frontage on a public road;
  - vi. Applicants will be required to prepare a site plan which illustrates the proposed development, phasing and ultimate build out and the relationship of the development to natural features, topography, existing and surrounding land uses and on-site services. Applicants may be required to identify measures for sustaining the natural environment and implementing programs for tree and habitat conservation, shoreline restoration and source water protection or enhancement. A sustainability statement should also require measures for energy conservation; and
  - vii. Applicants will be encouraged to develop a business plan in support of a proposal for development of Resort Commercial Development.
- b. Council may require any or all of the above requirements in support of the expansion of existing resort commercial development.



- c. Resort commercial development proposals will require supporting studies which assess the suitability of the site to sustain the impact of the proposed use and any other studies deemed appropriate from the list set out in **Section 9.19 (c)** of this Plan.
- d. New Resort Commercial development will necessitate an agreement with the Township to cover such items as road maintenance, garbage collection, or other appropriate matters of concern to the Township. A site plan containing the road layout, lot sizes, recreational facilities and any other information that the Township deems necessary shall be provided.
- e. Resort Commercial developments apart from uses such as motels, should be water oriented and in scenic areas. Such development shall conform to the policies of **Part 7, Section 6** of this Plan. An increased setback from the high water mark may be incorporated into the zoning amendment for a Resort Commercial development. When determining an appropriate setback, Council shall consider the density of the development, proposed shoreland uses, the sensitivity of the riparian and littoral zones, and natural hazards.
- f. The development should be sensitive to the preservation of trees, marshes and other significant features of the site.
- g. Resort Commercial development should not be in areas where it will conflict with existing farming operations. Areas to be designated as Resort Commercial shall comply with the *minimum distance separation formulae*.
- h. The lot size is appropriate for the intended use (i.e. accommodates all proposed buildings and structures, parking, loading, storage areas, on-site water, sewage and stormwater management facilities, landscaping, buffering and consideration for future expansion) and all such lots shall comply with **Section 5.13.2** of this Plan. The required lot area shall be outside *natural hazards* (i.e.: lands subject to flooding, steep and/or unstable slopes or other physical hazard which renders the site unsuitable for development) in order to safely accommodate all buildings and structures. Lands for resort commercial uses shall be serviced with individual on-site water and sewage services or communal services where site conditions are suitable for the long-term provision of such services. The provisions of **Section 5.13.2** shall apply in the protection of water resources. Applications for *development* on *individual on-site sewage services* or *private communal sewage services* generating more than 4,500 litres [989.8 gal.] of effluent per day as a result of the

development shall require the submission of a servicing options report and a hydrogeological report.

- i. When reviewing development proposals for a Resort Commercial development, consideration should be given to retaining or obtaining access to the waterfront for the public.

#### 4.2.10.3. Implementation

Resort Commercial Development shall be placed in separate zone categories in the implementing Zoning By-law and shall be subject to site plan control (see **Section 9.8** – Site Plan Control).

### 4.3. HAMLETS

#### 4.3.1. General Principles

Hamlets exist in Stone Mills Township as traditional rural service centres and residential areas, and present an alternative to both urban and rural lifestyles. Hamlets will be important areas for residential development. They are shown on Schedule 'A' to this Plan and include Newburgh, Erinsville, Tamworth, Enterprise, Camden East, Moscow, Yarker, Colebrook, Croydon, Centreville, and Strathcona. The hamlet designation is intended to strengthen the creation of communities within the Township by encouraging the limited grouping of residential, commercial and industrial uses.

Hamlets are intended primarily for residential use and commercial uses which meet local needs and strengthen the economic health and well-being of the hamlets, particularly their downtowns. While hamlets will continue to play an important role in the development of Stone Mills, the density of the built-form must be sustainable given the constraints attributed to the limestone geological character and associated risk to the contamination of the groundwater aquifer. The Township's development strategy for the hamlets is to use a risk management approach. Larger minimum lot areas will be required in areas identified as having high risk to potential groundwater as outlined under **Section 5.13.2** of this Plan. Development will not be permitted in significant groundwater recharge areas. Lesser lot sizes will only be permitted where proponents provide a justification report prepared by a qualified professional that addresses the criteria set out in **Section 5.13.2** of this Plan and is satisfactory to the Township.

The vacant land supply within the boundaries of the Hamlets shown on the Land Use Plan Schedule 'A' exceeds the projected growth requirements over the

planning period to 2021. It is recognized that not all of the lands within the hamlets is readily available for development and that there may also be physical or other constraints that affect the location of new development. It is the intent of this Plan to set out policies for the development of hamlets without the necessity of revising the boundaries established in the 2000 Plan. The emphasis will be on development which is contiguous and which does not compromise the groundwater aquifer.

#### 4.3.2. Permitted Uses

The Hamlet designation shall provide for a mixture of residential and local service uses that include commercial, day nurseries, senior citizen's housing, limited industrial uses which are primarily intended to serve the residents of the hamlet and the surrounding rural area; also home based businesses, bed and breakfast establishments, public and private parks, institutions and community facilities such as schools, churches, and municipally owned offices and facilities. Low density residential and limited multi-residential uses will be allowed to co-exist with other uses. In mixed use buildings, Council will encourage street level uses to be retained for commerce and other uses where public access is readily required.

Multi-residential forms of development including an apartment-in-a-house may be considered provided sewage and water services are sustainable and comply with **Sections 5.13.2 and 4.3.3 (c)** and provided the location of these forms of housing is compatible with surrounding land uses. Low profile buildings will be preferred.

#### 4.3.3. General Policies in Hamlets

- a. Development in Hamlets will only be permitted where site conditions such as soil and groundwater are suitable to support individual wells and sewage disposal services over the long-term or until such a time as communal water and/or sewage services are considered appropriate. In the case of Newburgh, development shall also be guided by **Section 4.3.6.**
- b. In evaluating development in Hamlets, the Township may require that detailed soil, groundwater, and drainage studies be undertaken by the prospective developer to ensure an acceptable quantity and quality of water, suitable soils for sewage disposal, and satisfactory management of surface runoff. Such studies should include the likely impact of proposed

development on existing water supplies. Development on areas which are not proven to be sustainable will not be permitted.

- c. The density and lot sizes for development in Hamlets will be based on soil and groundwater capability and compatibility of the proposed development with the existing character of the community. New *development* will be required to meet the provisions of **Section 5.13.2** of this Plan.
- d. The minimum lot area shall be outside *natural hazards* (i.e. lands subject to flooding, steep and/or unstable slopes or other physical hazard which renders the site unsuitable for development) to safely accommodate all buildings and structures, and to allow for the onsite provision of acceptable quantity and quality of water and for sewage disposal.
- e. Lot sizes or density may only be reduced where the risk assessment arising out of the study clearly indicates that there will be no detrimental reduction in water quality or water quantity to existing users arising from the proposed development and existing users in the vicinity of the lands to be developed.
- f. *Development* will not be approved which does not meet the Ministry of the Environment Technical Support Document for Ontario Drinking Water Standards, Objectives and Guidelines (revised June 2006) for health-related drinking water parameters. Where aesthetic exceedances are identified, the proponent of development shall provide for a water treatment and monitoring program satisfactory to the Township.

(Note: existing vacant lots of record may be developed where they comply with **Section 9.12** of this Plan and where Council is satisfied that development will not compromise water quality and quantity.)

- g. In addition to the requirements of **Section 5.13.2**, all private water supply and waste disposal systems must conform to the design and construction standards and regulations of the appropriate approval authority. Applications for *development* on *individual on-site sewage services* or *private communal sewage services* generating more than 4,500 litres [989.8 gal.] of effluent per day as a result of the development shall require the submission of a servicing options report and a hydrogeological report.
- h. Should future studies indicate services are needed, Council will require that new development be serviced by a piped water system and/or

sewage collection system. Studies should also evaluate the cost benefit of extending services from an urban area such as Greater Napanee. Private communal water and sewage services are the preferred means of servicing multiple lots/units in areas where full municipal sewage and water services are not or cannot be provided. *Partial services* will not be permitted except where necessary to address failed services or because of physical constraints. Prior to development occurring on such systems, a secondary plan in accordance with the policies of this Plan may be required and incorporated into this Plan by way of amendment.

- i. Commercial uses permitted in Hamlets are those considered compatible with the existing and planned residential function. The separation of commercial and residential uses and buffering required will depend on the uses involved.
- j. Access to existing roads shall comply with the standards of the road authority having jurisdiction.
- k. Opportunities for *intensification* and *redevelopment* shall be promoted where it can be accommodated in the Hamlets through existing building stock, *infill*, on existing lots of record and through the rehabilitation and redevelopment of *brownfield sites*. Consideration for such initiatives shall recognize the long-term sustainability of development on private water and sewage services or the servicing option selected for a hamlet or part thereof. (See also **Section 5.4 – Heritage**.) In this regard Council will provide wherever possible for the consolidation of smaller lots into larger holdings in the hamlets. The intent of this plan is to accommodate up to 75% of the future growth needs of the Township within the hamlets and that 5-10% of that growth should occur through intensification.
- l. The gradual build-out of the Hamlets will occur through an emphasis on *intensification* and secondly on contiguous development to the existing built form. Development on major blocks around the periphery of the hamlets will be deferred until areas closer to the core are more fully developed. To facilitate growth, development may be phased. Development by plan of subdivision is intended to be the predominant form of land division. Lot creation by consent may be permitted in accordance with the provisions of **Section 7.5.1**, taking into consideration such factors as cost-effectiveness, efficiency, impact on residual lands, consistency in the character of the lotting pattern, optimizing existing services and facilitating expeditious approvals.

The growth rate of the Hamlets will vary. It is expected that Hamlets which are located within the commuter shed of Kingston, Belleville and Greater Napanee will develop more quickly.

It is the intent of this Plan that distinctive downtowns or core areas will evolve or re-evolve as Hamlets are gradually built out. The well-being of these vital nodes of activity will be strengthened through such measures such as community improvement and an emphasis on mixed use.

- m. In the interest of protecting the quality of ground and surface waters, new and/or expanding farming operations shall comply with applicable requirements of the *Nutrient Management Act, 2002*. Existing farms are encouraged to prepare a Nutrient Management Plan.

#### 4.3.4. Policies for Residential Uses in Hamlets

- a. Residential activity is encouraged in depth rather than in strips along existing roads. Provision shall be made for access roads from existing roads to allow future development to take place beyond existing built-up areas. ***Intensification*** and ***redevelopment*** will be encouraged. Development will be controlled to ensure efficient and orderly urban form through contiguous and compact development that optimizes the use of the existing road pattern and land base, provides for easy access to parks and other community facilities and is generally consistent with the character of the existing built form.

Residential development and redevelopment shall include consideration for affordable housing. It is the intent of this Plan that 20-30% of housing units shall be ***affordable to low and moderate income households***.

- b. Lot frontages and setbacks should be consistent with surrounding development to help retain the historic development pattern of the hamlet, provided that sewage disposal and water services can be accommodated. Affordable housing types are intended to include medium and high density dwelling types and an apartment-in-a-house.
- c. New residential development within hamlets should occur primarily by plan of subdivision and wherever possible, contiguous to existing development.
- d. Development of senior citizen's housing is encouraged provided the following conditions are complied with:

- i. An amendment to the Zoning By-law to establish appropriate standards and density is approved;
- ii. The Hamlet under consideration for such a development has sufficient amenities and services, such as parks, churches, and commercial facilities, to meet the basic needs of the residents of the proposed development;
- iii. Council, in consultation with the appropriate agency, is satisfied that there is an adequate on-site supply of potable groundwater, and that on-site soils and lot sizes are adequate for the required sewage disposal system; and
- iv. The development should consist of low profile buildings, of a reasonably low density, so as to maintain the existing character, amenities, and values of the area. Adequate buffering should be provided between existing residential areas and any such multiple unit forms of housing.
- e. In the design of residential areas in the hamlet, complementary uses shall be considered such as schools, churches, and other compatible institutional and ***public service facilities***. Residential development shall be designed to include access and connectivity to parks and open space areas. Neighbourhood parks should be within a five minute walking distance.

#### 4.3.5. Policies for Commercial and Industrial Uses in Hamlets

- a. Commercial uses permitted are those which provide for the sale of goods and personal services which serve the residents of the Hamlet, the surrounding rural area, and the traveling public. These uses may include retail shops, automobile service stations, places of entertainment, hotels, motels, eating establishments, offices, studios, and accessory residential uses.
- b. Class I service industrial uses which are compatible with nearby ***sensitive lands uses*** having regard to the Ministry of Environment Guidelines D-1 and D-6 will be permitted. Class II or III industrial uses will be directed to the Business Park.
- c. New commercial and industrial uses are encouraged to locate in areas which are not predominantly residential or in the logical path of future residential development. Such uses will be encouraged to locate adjacent



to existing commercial and industrial uses or where their adverse effects on surrounding uses will be minimized.

- d. Commercial and industrial development in hamlets should be a visual and economic asset contributing to maintaining the historic character and identity of the community.
- e. One residential unit may be permitted as an accessory use in connection with an industrial use where required for security purposes only. If a commercial or industrial use is combined with a residential use, the minimum lot area shall not be less than that required for a residential use.
- f. Commercial and industrial development may occur by consent.
- g. New buildings are encouraged to locate closer to the existing building line at a maximum front setback and on frontages which are compatible with those surrounding development to ensure that buildings are located in a visually close, traditional relationship with the roadway.
- h. Parking is encouraged behind or beside buildings to screen the parking lot from the roadway.
- i. Appropriate lighting and signing shall be used.
- j. Buffering shall be provided where a commercial or industrial use abuts a residential use or zone.
- k. Open storage may be permitted, but shall be adequately screened.

#### 4.3.6. Newburgh Constraints

At the time of preparation of this Plan, nitrate levels elevated above the Ontario Drinking Water Objective were detected in some wells in the northwest quarter of the corporate limits of the former Village of Newburgh (see Figure 1). For this reason, creation of new lot(s) and other forms of intensification within the area identified as "Constraint Limits" will require the proponent to ensure, pursuant to the criteria set out under **Section 5.13.2** of this Plan, that a secure potable ground water supply has been established.



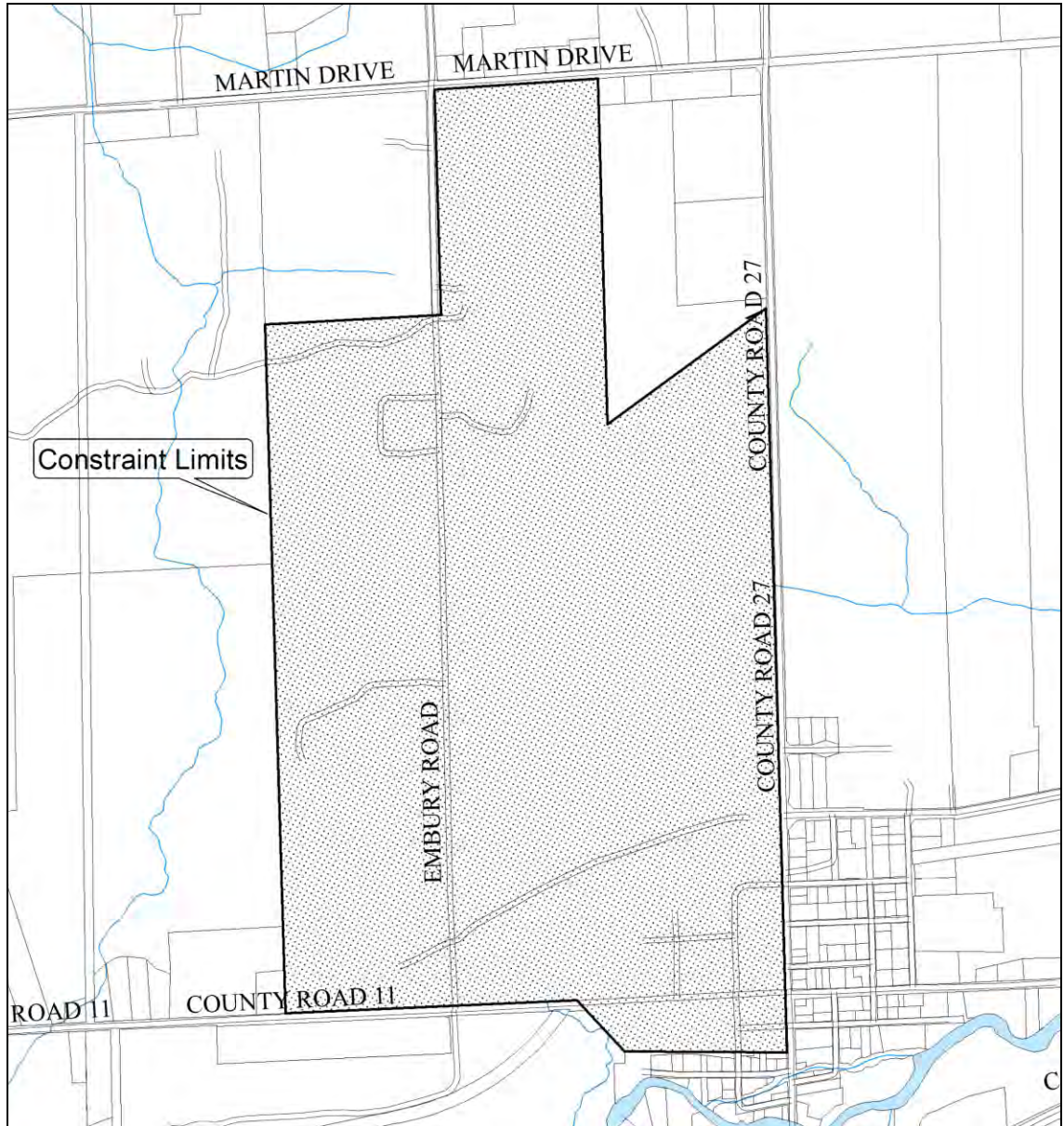


Figure 1: Newburgh Constraint Limits (elevated Nitrates)

4.3.7. Implementation

Uses permitted in hamlets shall be placed in a separate zone classification or classifications in the implementing Zoning By-law and shall be subject to site plan control as set out in **Section 9.8** of this Plan.

#### 4.4. RESOURCE LANDS POLICIES

##### 4.4.1. General Principles

The Township faces several dilemmas in setting priorities for land utilization. With a population which will continue to increase, albeit quite modestly in terms of absolute numbers, land must be set aside for human activities. Human settlement, predominantly the construction of residential dwellings will constantly bring pressure to bear on resource land by taking food producing soil out of production or neutralizing areas of potential aggregates and possibly resulting in the side by side location of conflicting uses. For this reason, this Plan contains policies designed to identify and manage resource lands for their economic benefit. Resource lands include *prime agricultural lands*, minerals and mineral aggregate areas and policies designed to manage these resources and to provide land use controls intended to avoid land use conflicts between incompatible uses.

*Prime Agricultural Areas*, licensed pits and quarries, mineral aggregate resource areas, and areas of mineral potential are shown on Schedule 'A' to this Plan. Policies affecting resource lands are as follows:

##### 4.4.2. Agricultural

*Prime agricultural lands* are areas with a high potential for agricultural production. The areas designated as Agricultural are shown on Schedule 'A' to this Plan. (Note: this designation does not include other agricultural lands which are not classified as *prime agricultural lands*, but still support agricultural activity. Reference should be made to **Section 4.2.2** of this Plan for agricultural uses in the Rural Area.)

It is the intent of this Plan to preserve *prime agricultural lands* in order to ensure its availability on a long term basis by protecting it from incompatible uses. Agricultural land is defined as that land which exhibits some or all of the following characteristics:

- i. *Prime agricultural lands* mean land that includes specialty crop areas and/or Canada Land Inventory Classes 1, 2 and 3 soils, in this order of priority for protection.
- ii. Additional areas where farms exhibit characteristics of ongoing viable agriculture; and

- iii. Additional areas where local market conditions ensure agricultural viability.

#### 4.4.2.1. Permitted Uses

Uses permitted shall include the use of land and associated farm buildings and structures, such as the farm residence and farm buildings, for crop production, tree farms, animal husbandry, poultry fish farming, aquaculture, maple syrup production operations, fruit production, green houses, apiaries, retail stands for the sale of agricultural products produced on the farm unit, and agricultural related uses being those farm related commercial and farm related industrial uses that are small scale, directly related to the farm operation and required in close proximity to the farm operation such as grain drying operations, animal husbandry services, farm machinery operations and livestock assembly areas.

Uses considered compatible and supportive to the principal agricultural use are also permitted. Such uses are small in scale and may include home occupations, home industries, and value added agricultural products such as farm vacations, pick-your-own operations, packing operations and processing and storage warehouses. This includes small scale farming which provides produce for local markets and/or area residents. Compatible uses also include forestry, passive outdoor recreation, conservation uses, and woodlots. Abattoirs and cheese plants are permitted provided suitable alternate locations within areas designated other than Agricultural are not available.

In addition, and subject to the policies contained in this Plan, accessory farm related residential uses, limited non-farm residential uses, secondary uses, home based businesses, wayside pits and quarries, and limited farm-related commercial and industrial uses are permitted.

#### 4.4.2.2. Policies for Agricultural Uses in the Agricultural Designation

- a. New land uses, including the creation of lots and new or expanding livestock operations, shall comply with the ***Minimum Distance Separation Formulae*** (MDS) as set out in **Section 7.2.2** of this Plan.
- b. The severing of farms to create new farm parcels in the Agricultural designation may be permitted if it can be established that both the severed and retained parcels would be suitable for the area.
- c. In the interest of protecting the quality of ground and surface waters, new intensive farms for raising animals and existing farms expanding to the scale of an intensive farm for the raising of animals shall comply with the

applicable requirements of the *Nutrient Management Act, 2002*. ***Normal farm practices*** shall be promoted.

- d. New and/or expanding livestock facilities that are greater than or equal to 300 nutrient units will be required to verify that there will be an adequate water supply available for such uses in accordance with Sections 64 through 68 of the *Nutrient Management Act*.
- e. New agricultural buildings and/or structures proposed on a parcel of land may be permitted if the parcel where the buildings are to be erected does not have frontage upon an improved and publicly maintained road, provided that all other requirements of this Plan have been complied with.

4.4.2.3. Policies for Land Severance in the Agricultural Designation

New lot creation on ***prime agricultural lands*** may only be permitted for:

- a. ***Agricultural uses***, provided the lot size is appropriate for the type of agricultural use common in the area and is sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;
- b. ***Agricultural-Related Uses*** provide that any new lot will be limited to a minimum size needed to accommodate the use and appropriate *sewage and water services*;
- c. ***A residence surplus to a farming operation*** as a result of farm consolidation provided that new residential dwellings are prohibited on any retained parcel of land created by the severance;
- d. ***Infrastructure*** where the facility or corridor cannot be accommodated through the use of easements or rights-of-way;
- e. Lot adjustments may be permitted for ***legal*** or ***technical reasons***.

4.4.2.4. Policies for Commercial and Industrial Uses

- a. Commercial and industrial uses will, where appropriate, be encouraged to locate in areas designated for growth such as hamlet areas and the Business Park so as to retain the integrity of agricultural lands and to promote the continuation of viable centers.
- b. Commercial and industrial uses should be of a dry nature (consume small amounts of water). Commercial and industrial uses which may be permitted within the Agricultural designation include value added

agricultural products such as retail stands for the sale of agricultural products produced on the farm unit, value added packing and processing operations, farm related commercial and farm related industrial uses that are small in scale, directly related to the farm operation and required in close proximity to the farm operations such as feed and grain drying operations, farm implement sales or service establishments, farm supplies and produce outlets, and produce processing and storage warehouses. Cheese plants and abattoirs are to be directed to designations other than *Prime agricultural lands*

- c. Where possible, commercial and industrial uses will be directed to lower capability agricultural lands.
- d. Severances in the Agricultural designation for agriculturally related commercial and industrial uses may be considered provided:
  - i. The proposed use requires close proximity to agricultural operations;
  - ii. Lot frontage is appropriate for the use;
  - iii. The new lot complies with the *minimum distance separation formulae* (see **Section 7.2.2**); and
  - iv. The new lot conforms to the Consent Policies in Part 7, of this Plan.
- e. The general principles to be considered in the development and zoning of agriculturally related commercial and industrial uses are as follows:
  - i. No uses considered to be a health hazard under the *Health Protection and Promotion Act* shall be permitted;
  - ii. Requirements of the appropriate approval agency related to water supply, disposal of waste materials, and emissions including noise, dust and vibration as determined through a study must be satisfied;
  - iii. Where such a residential use is proposed as an accessory use it must comply with the *minimum distance separation formulae* so as to minimize disruption of existing farm operations (see **Section 7.2.2**);
  - iv. The physical structure of commercial buildings should be in keeping with the scale and form of buildings in the Rural Area;

- v. Signage and outside storage of goods or materials will be controlled so as to minimize the visual impact of such uses from adjacent roads and properties;
- vi. Entrances and exits require the approval of the appropriate road authority; and
- vii. Adequate buffering shall be provided to any adjacent use considered non-compatible.

4.4.2.5. Policies for Conservation, Forestry, and Recreational Uses

Passive outdoor recreational uses which do not require the erection of buildings or structures, forestry and conservation uses such as tree farms and similar uses may be permitted provided the use does not adversely affect adjacent farming operation.

4.4.2.6. Implementation

Uses permitted in areas designated Agricultural shall be placed in an appropriate zone classification or classifications in the implementing Zoning By-law.

4.4.3. Mineral Aggregates

The Township of Stone Mills is designated under the *Aggregate Resources Act*. The Township recognizes the need to ensure a supply of aggregates for local, regional, and provincial needs at a reasonable cost for future development purposes while ensuring that environmental impacts have been addressed and that no segment of the Township experiences unreasonable impacts resulting from aggregate extractions. Areas have been identified where the establishment of aggregate uses may be appropriate. These are outlined on Schedule 'A' to this Plan by an Aggregate Reserve Constraint overlay and include lands that have been identified in Open File Report 5580, Mineral Aggregate Resources Inventory of the County of Lennox and Addington, Southern Ontario, Ontario Geological Survey, 1987 or by the Ministry of Natural Resources as having potential mineral aggregate resources value.

Licensed pits and quarries have been identified throughout the Township. Locations of these existing Aggregate uses are shown on Schedule 'A' to this Plan.



4.4.3.1. Permitted Uses

Within the Licensed Pits and Quarries designation the predominant use of lands shall be for the quarrying and extraction of gravel, sand, stone, and other aggregates. Associated operations such as blasting, crushing, screening, washing, aggregate blending, aggregate storage, aggregate recycling, and associated buildings may be permitted provided that these associated operations are compatible with other uses permitted by this Plan. Permanent concrete batching plants and permanent asphalt batching plants may be permitted by placement in a separate zone category provided these associated operations are compatible with other uses permitted by this Plan, and in no way retard the rehabilitation of these areas for other land use. The Zoning By-law will differentiate between permanent and portable asphalt and concrete batching plants and outline separate zone provisions applying thereto. *Development* in a Mineral Aggregate Constraint overlay of the Rural designation as shown on Schedule 'A' to this Plan may be permitted provided that no proposed use would preclude the economical future use of these lands for mineral aggregate extraction. All non-extractive uses will be discouraged until such time as the resource is substantially depleted. (See also **Section 4.2.1.1** with respect to *wayside pits, wayside quarries, portable concrete plants and portable asphalt plants.*)

4.4.3.2. Application of Policies

- a. The *Aggregate Resources Act* shall apply in addition to any municipal land use planning policies or regulatory controls, in the review and approval of applications for a *mineral aggregate operation*.
- b. The establishment of wayside pits and quarries is permitted throughout the Township in accordance with the policies in Part 5 of this Plan.

4.4.3.3. Existing Aggregate Operations

- a. The *Aggregate Resources Act* applies to all lands where a *mineral aggregate operation* exists or is proposed.
- b. All existing owners and/or operators shall deposit information with the Township as required in the *Aggregate Resources Act*. This information shall form the basis for the geographical definition of each site in the Township's implementing Zoning By-law.
- c. The limits of any lands designated as Licensed Pits and Quarries on Schedule 'A' are defined as the limit of the lands zoned for extraction and/or for which a license has been issued under the *Aggregate*

*Resources Act*. Expansion of an existing *mineral aggregate operation* beyond the lands so zoned and/or licensed will require an amendment to the Zoning By-law.

4.4.3.4. New Aggregate Operations

- a. Areas of aggregate reserve have been outlined by an Aggregate Reserve Constraint Overlay and Bedrock Resource Constraint Overlay, respectively on Schedule 'A' to this Plan. Proposals to establish new pit and quarry operations will preferably be located within the area of the Aggregate Reserve Constraint Overlay or Bedrock Resource Constraint Overlay. New operations outside the overlay will be considered and will be subject to the requirements of the *Aggregate Resources Act*, where applicable, and policies of this Plan. An amendment to this Plan will be required where lands are not licensed (i.e. part of the Aggregate Reserve Constraint Overlay, Bedrock Resource Constraint Overlay, an expansion of a licensed area or an area not designated or shown in an overlay).
- b. The identification of lands as an Aggregate Reserve Constraint Overlay or Bedrock Resource Constraint Overlay area on Schedule 'A' does not entitle the owner of such lands to make use of the land for extraction purposes other than as a legal wayside pit or wayside quarry unless a Zoning By-law amendment has been obtained that places the lands within the Licensed Pits and Quarries designation on Schedule 'A'. Furthermore, the identification of Constraint Overlay or Bedrock Resource Constraint Overlay area shall not bind the Township to pass the necessary amendment to the Zoning By-law to allow aggregate extraction if the criteria within this Official Plan are not satisfactorily addressed.
- c. Although it is the intention of this Plan to protect the potential for mineral - aggregate extraction within lands shown as Aggregate Reserve Constraint Overlay or Bedrock Resource Constraint Overlay on Schedule 'A' Council, after consultation with the appropriate government agencies, may allow non aggregate development within or adjacent to such areas if:
  - i. The extraction of aggregate is not feasible due to the quality or quantity of aggregate;
  - ii. The public need for the proposed land use or activity outweighs the value of the aggregate resource;
  - iii. Extraction can occur with or prior to the development of the land; or



- iv. The proposed land use or development would not significantly preclude or hinder future extraction; and
- v. Issues of public health, public safety and environmental impact are addressed.

4.4.3.5. Official Plan and Zoning By-law Amendments

- a. When considering applications for amendments to establish or expand aggregate operations, Council shall have regard for the following:
  - i. The compatibility of the proposed extractive use with adjacent land uses (see also **Section 4.4.3.6**);
  - ii. Compliance with the relevant standards set out in the *Aggregate Resources of Ontario, Provincial Standards*;
  - iii. The quantity and quality of the resource when application is being made for the extraction of more than 20,000 tonnes per annum;
  - iv. The impact on the physical environment, including the impact, if any, on ground water, surface drainage, and water courses;
  - v. Information submitted by the applicant as to the geographical extent of the proposal;
  - vi. The manner of site rehabilitation including the rehabilitation back to agricultural of any land designated as Agricultural. Such lands shall be rehabilitated to substantially the same area and same average soil quality for agriculture;
  - vii. Land uses located on adjacent lands in abutting municipalities;
  - viii. The comments of the appropriate Ministries and agencies concerning the application.
  - ix. Council shall take into account known *archaeological resources* and *areas of archaeological potential* when considering applications for establishing or expanding *mineral aggregate operations*.

- b. Applications for an Official Plan and/or Zoning By-law amendment to establish or expand aggregate operations shall be accompanied by a site plan which meets the requirements of the *Aggregate Resources Act*.
- c. When considering amendments to the Official Plan and/or Zoning By-law to establish or expand extractive operations Council may:
  - i. request information be provided as per the licensing of the operation pursuant to the *Aggregate Resources Act* and regulations there under; and
  - ii. Consult with the appropriate provincial Ministry, and such other agencies as have an interest.
  - iii. Where the situation warrants, the Township may request the licensing authority to consider a condition of a license which has the effect of limiting the hours of operation of extraction and/or hours of haulage. This may be considered desirable in order to minimize the impact on the surrounding environment depending on such factors as location of the site relative to *settlement areas* and potential impacts resulting from the operation of large *mineral aggregate operations*.
  - iv. In considering amendments to the Official Plan and/or zoning by-law, the evaluation will be premised on the fact notwithstanding need for aggregate resources, it is essential to ensure that *mineral aggregate operations* are carried out with minimal adverse impact.
  - v. Requests for Official Plan and/or zoning by-law amendment shall comply with the study impact requirement of **Part 8, Section 2.6** of this Plan.

#### 4.4.3.6. Adjacent Lands

This Plan recognizes the concept of an influence area surrounding Licensed Pits and Quarries designations and Aggregate Reserve Constraint Overlay or the Bedrock Resource Constraint Overlay in order to offer mutual protection from encroachment by incompatible uses for both residential uses and extractive activities and areas illustrated as Aggregate Reserve Constraint Overlay or as Bedrock Resource Constraint Overlay.

As the size of such an influence area is situation specific, each proposal will be considered on its own merits based on information regarding such matters as compatibility, groundwater, noise, dust, vibration, and traffic.

For purposes of this Plan, a minimum influence area of:

- a. 300 m [984.2 ft.] next to a licensed *mineral aggregate operation* (Licensed Pits and Quarries) or Aggregate Reserve where unconsolidated aggregate such as sand and gravel or may be excavated from a pit;
- b. 500 m [1,640 ft.] next to a licensed *mineral aggregate operation* (Licensed Pits and Quarries) where consolidated bedrock aggregate is being extracted (quarry) or to the boundary of a Bedrock Resource where quarry material is located;

shall apply. The influence area for an Aggregate Reserve, Licensed Pits or Quarries or Bedrock resources may be reduced for a specific site, in consultation with the Ministry of Natural Resources and/or the Ministry of the Environment, taking into consideration the size and type of operation, production levels, transportation routes, remaining services and existing development surrounding the site. In cases where the potential impacts of reducing the influence area cannot be readily established following consultation with MNR/MOE, a study may be requested showing how compatibility is to be achieved between the potentially conflicting uses. The influence area concept shall be applied on a reciprocal basis to the creation or expansion of a *mineral aggregate operation* or to the creation or development of a lot to be used for a *sensitive land use*. Any reduction in the influence area will require an amendment to the implementing zoning by-law.

#### 4.4.3.7. Implementation

Aggregate areas shall be placed in a separate zone category in the implementing Zoning By-law. Pits may be placed in a zone classification which does not permit their use for quarry purposes. Only existing permanent asphalt plants and concrete batching plants shall be recognized in the By-law and placed in an appropriate zone.

In considering any development applications for a mineral aggregate operation, information shall be provided on the progressive and final rehabilitation of the lands including subsequent land uses and measures or land use compatibility. Final rehabilitation shall take surrounding land use and approved land use designations into consideration. Any rehabilitation plan shall be subject to approval by the Ministry of Natural Resources.

#### 4.4.4. Mineral Resource Constraint Overlay

Mineral exploration and mine development will be encouraged through the protection of known *mineral deposits* and *areas of mineral potential* from incompatible uses. Areas of high to moderate mineral potential for mica, building stone, zinc, molybdenite, and wollastonite are shown on Schedule 'A' as Mineral Resource Constraint Overlay. For the purpose of this Official Plan, mining is understood to include above ground and underground work, pits and quarries used for mineral extraction, as well as associated processing, transportation, waste and tailings storage, and directly related activities. Mining excludes pits and quarries used for aggregate extractions as part of the aggregate policies.

##### 4.4.4.1. Permitted Uses

Development within the Mineral Resource Constraint Overlay may be permitted in accordance with the underlying land use designation on Schedule 'A' to this Plan, provided that no proposed use which would preclude the economical future use of these lands for mineral extraction is permitted.

##### 4.4.4.2. Policies

- a. Known existing and previously worked mine sites are designated on Schedule 'A'. These sites will continue, or may resume operation in accordance with the *Mining Act* and the *Planning Act*. Any restarting or expansion of a *mineral mining operation* shown on Schedule 'A' may be permitted in accordance with the *Mining Act* and by way of an amendment to this Plan.
- b. The use of lands for a *mineral mining operation* shall require an amendment to this Plan to designate the site and incorporate specific requirements related to the proposed *mineral mining operation*. Council may request detailed environmental studies prior to amending this Plan to redesignate the site, or passing of the implementing Zoning By-law.
- c. In considering an amendment to this Plan, Council shall require that:
  - i. Impacts on the environment such as noise, dust, air and water discharges, erosion, sedimentation and light, interference with wildlife and vegetation, hydro geology, roads and aesthetic appearance be minimal;

- ii. The operation be as self-contained as possible especially with respect to the use of water; and
  - iii. The requirements of all relevant agencies such as the Ministries of Health, Labour, Natural Resources, Environment, Transportation, Northern Development, Mines and Forestry, and the Conservation Authority are met.
- d. Council may request a proponent to supply studies or information on any matter that it considers necessary to determine whether the proposal complies with this Plan and will be environmentally acceptable.
- e. Council will require that the proponent enter into a Site Plan Control agreement as a condition of approval and will provide an opportunity for interested members of the public and agency representatives to review any proposed or revised Site Plan Control agreement.
- f. The policy of this Plan is to recognize the concept of an influence area surrounding mining sites in order to protect sensitive land uses from proposed or existing mining operation and protect mining operations from encroachment by incompatible uses. No subdivision of land shall take place within 1,000 m [3,280 ft.] of an active or closed mining site without prior communication with the Ministry of Northern Development, Mines and Forestry.
- g. Known existing mine sites are shown on Schedule 'B' as well as a 1,000 m [3,208 ft.] influence area. As better information becomes available, the Official Plan Schedules and policies will be amended to reflect the information on mine location and the associated influence areas.
- h. No building permits shall be issued for development of existing vacant lots of record within the 1,000 m [3,280 ft.] influence area of an active or closed mining site unless information is submitted to show there will be no significant adverse impact on the lot proposed to be developed.
- i. Sites shown by a special symbol on the Land Use Plan Schedules (i.e., Abandoned Mines Information System (AMIS) points) are recognized as former mine or extractive workings and are potentially unsuitable for development. No development shall be permitted on or in proximity to these *mine hazards* [Note: distance of 1,000 m [3,280 ft.] shall apply to a *mine hazard* site.] unless it can be demonstrated to the satisfaction of the Township and the Ministry of Northern Development Mines and Forestry that the *mine hazard* can be or has been overcome and that the site has been rehabilitated. Where it has been demonstrated that a

mine hazard no longer exists, the mine hazard or buffer area may be reduced or removed without an amendment to this Plan. The Township shall consult with the Ministry of Northern Development, Mines and Forestry upon receiving an application for development or rezoning of a site and may require a mine hazard rehabilitation study.

4.4.4.3. Implementation

Existing and closed mine sites will be placed in a separate zone category in the implementing Zoning By-law.

4.5. INDUSTRIAL (BUSINESS PARK)

4.5.1. General Principles

Stone Mills Township has experienced limited industrial growth in the past. Strathcona Paper remains the major industry in the Township. The Goodyear Tire Plant is located in the south western portion of the Township and in the neighbouring Town of Greater Napanee. In anticipation of future industrial development pressures, additional lands abutting the Goodyear site have been designated Industrial. It is the intent of this Plan that the lands between the existing Strathcona Paper establishment and the Goodyear Tire Plant be the dominant industrial area of the Township.

4.5.2. Permitted Uses

Within the area in the south-west quadrant of the Township designated Industrial on the Land Use Plan schedule Council intends to encourage the development of a mixed use employment area or 'Business Park'. Uses may include a mix and range of commercial, industrial and institutional uses and associated ancillary uses which are designed to meet the long-term employment needs of the community and to encourage tourism. Class I, II, and III industrial uses will be permitted where these are compatible with other land having regard to the Ministry of the Environment Guidelines D-1 and D-6. (Note: Classes of industrial uses are described in Guideline D-6.) The range of commercial uses may include retail, service commercial, highway commercial, personal service, recreational commercial and professional services which can be scaled and are compatible with adjacent uses. New commercial uses with a floor area exceeding 400 m<sup>2</sup> [4,305.7 ft.<sup>2</sup>] shall require a market study to assess their impact. Institutional uses may include any public service use, clubs and social, religious

and educational services. Redevelopment and intensification is encouraged where supported by sewage and water services.

#### 4.5.3. General Policies

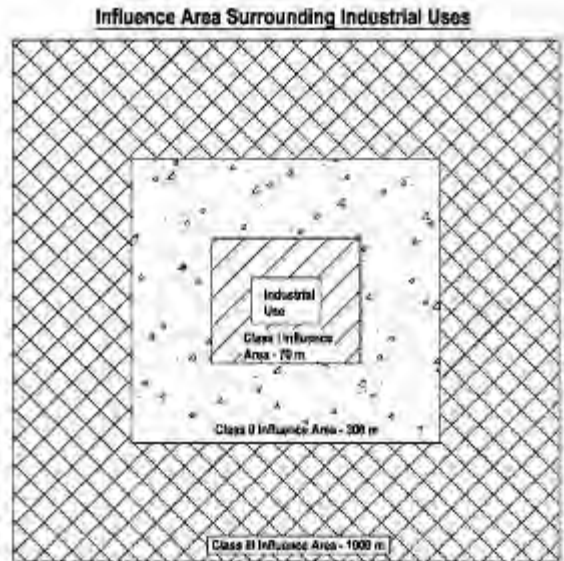
The following land use planning principles shall apply to the design and development of the Industrial (Business Park): The lot size and frontage shall be adequate for the intended use. This should include provision for parking, loading, landscaping, buffering, outside storage and the potential future expansion of any industrial or business park use.

- a. The desirability of the use at the proposed location. The layout of uses within the Industrial (Business Park) should be designed to cluster and separate Class II and III from other uses to minimize land use conflicts. Lands within the Industrial (Business Park) land use designation shall be serviced with individual on-site water and sewage services or communal services where site conditions are suitable for the long-term provision of such services. The provisions of **Section 5.13.2** shall apply in the protection of water resources. Applications for *development* on *individual on-site sewage services* or *private communal sewage services* generating more than 4,500 litres [989.8 gal.] of effluent per day as a result of the development shall require the submission of a servicing options report and a hydrogeological report;
- b. The traffic impacts shall be assessed to ensure that high volumes are directed to roads with greater design capacity such as County Roads, that access and egress points are designed for safe and efficient turning movements that tapered lanes for merging or deceleration are provided where required and that truck traffic movements are integrated with other vehicular traffic. A traffic engineering report may be required in association with an application as set out in **Section 9.19** of this Plan;
- c. Outdoor storage associated with industrial uses adjacent to a municipal road shall be subject to requirements for screening or buffering. Outdoor storage, parking, loading, waste receptacles, lighting and signage shall be visually screened and buffered (e.g. fence, vegetation) or appropriately located in a way as to not negatively affect adjacent properties and sensitive land uses.
- d. The compatibility of the use with existing and proposed developments shall have regard to the Ministry of the Environment Guidelines D-1 and D-6. An influence area describes an area where an adverse effect from an industry may be experienced by a sensitive land use. Development of an



industrial or *sensitive land use* or other land uses within an influence area may only be permitted where technical studies (e.g. noise and vibration, air quality) indicate the absence of a problem or where it can be mitigated or prevented to the level of a trivial impact (i.e. no adverse effect). The influence areas set out in the Ministry of the Environment guideline are: Class I - 70 m, Class II - 300 m and Class III - 1,000 m (see diagram). (See also **Section 7.2.1** for separation distances for industrial classifications.)

- e. Industrial uses permitted should not exert demands for water beyond those considered necessary for the private use of employees. Uses requiring considerable amounts of water must be accompanied by a hydrogeological report approved by the appropriate authority with respect to the adequacy of groundwater supply and soil suitability for disposal of wastes.



- f. Adequate off-street parking and loading facilities shall be provided and access points to such parking facilities will be limited in number and designed in a manner that will minimize impacts.
- g. An accessory dwelling unit for the owner or caretaker is not permitted.
- h. Development of the land designated Industrial in the south west corner of the Township shall be subject to the preparation of a Secondary Plan as outlined in **Section 7.8** of this Plan, to coordinate internal transportation routes, servicing, land use, etc. on an area-wide basis.

#### 4.5.4. Implementation

Industrial uses shall be placed in a separate classification or classifications in the implementing Zoning By-law. All development in the Industrial (Business Park) shall be subject to site plan control as set out in **Section 9.8** – Site plan Control of this Plan.



#### 4.6. WASTE MANAGEMENT

##### 4.6.1. General Principles

The Township of Stone Mills has several waste disposal sites within its municipal boundaries. Given the locational requirements for a new waste disposal site, Council recognizes that a new site may not be found within the Township's boundaries. Council is mindful of the costs incurred, and of the environmental impact which disposal of wastes may have. Council therefore wishes to take steps to ensure that costs and environmental impacts of waste disposal are minimized.

Existing operating sites and known closed sites are designated on Schedule 'A' to this Plan

##### 4.6.2. Permitted Uses

The uses permitted shall be limited to licensed municipally or privately operated waste disposal or management sites and may include transfer stations, waste processing facilities, landfill sites, compost sites, salvage yards, hauled sewage or sewage disposal sites and sewage lagoons. The types of wastes permitted shall be limited to municipal wastes and controlled wastes as defined by the Ministry of the Environment. Under no circumstances shall any waste disposal site be used for the storage or disposal of nuclear or toxic waste. Agricultural, open space, and forestry uses shall be permitted where such uses do not preclude or hinder the waste disposal operations.

##### 4.6.3. General Policies

- a. Council supports the principles of reduction, re-use and recycling as part of its waste management strategy. Council also supports and/or may provide programs for residential waste management such as the use of organic composters, hazardous waste disposal days, recycling of electronic equipment and similar initiatives.
- b. Council supports efforts to establish adequate waste management facilities to provide for future Township needs. To this end, Council will continue to explore the establishment of a new waste disposal site either within the Township or in conjunction with other area municipalities or the County.

- c. An amendment to the Official Plan and/or implementing Zoning By-law shall be required for the establishment or expansion of waste management or disposal sites. Waste disposal or management sites shall be subject to the approval of the Ministry of the Environment and shall conform to the requirements of the *Environmental Protection Act* and/or the *Environmental Assessment Act*. Prior to the approval of any Official Plan or Zoning By-law amendments, where deemed necessary by Council in consultation with the appropriate approval authority, studies shall be prepared which demonstrate to the satisfaction of Council or any approval agency that:
- i. A need exists for the proposed use;
  - ii. The site is physically suited to the proposed use particularly with regard to topography, relief, land forms, soils and surface and groundwater characteristics. Hydrology and hydrogeology studies shall be prepared which demonstrates the impact of the proposed operation on ground and surface water
  - iii. The proposed operation is compatible with adjacent land uses or land use designations having regard to Ministry of the Environment Guideline D-4, Land Use On or Near Landfills and Dumps;
  - iv. Adequate buffering will be provided;
  - v. Site access is acceptable to the road authority having jurisdiction and road systems are adequate to serve the site;
  - vi. The site is large enough to accommodate the proposed use and any mitigative measure necessary;
  - vii. Studies of gas, leachate, and other such studies as may be deemed necessary are carried out by a professional qualified in the appropriate field of investigation; and
  - viii. Other sites possessing less potential for impact on surrounding uses do not exist.
- d. When considering amendments to the Plan and to the implementing Zoning By-law to permit the establishment of new waste management sites or the expansion of an existing operation, Council shall ensure that the site is not closer than:

- i. 100 m [328 ft.] to a property boundary;
- ii. 100 m [328 ft.] from a road allowance;
- iii. 500 m [1,640 ft.] from any existing sensitive land use;
- iv. 150 m [492 ft.] from a commercial use; and
- v. 150 m [492 ft.] from surface water (i.e. lakes, creeks, streams, or rivers)

These distances may be varied in accordance with the policies of **Section 7.2** of this Plan.

- e. Waste Management sites shall be closed and rehabilitated in accordance with the standards established by the Ministry of the Environment to uses compatible with the area in which the site is located.
- f. The policy of this Plan is to recognize the concept of an influence area surrounding waste management uses in order to protect affected land uses from proposed or existing waste management uses. No development shall be permitted on, or within 30 meters of the licensed fill area of an active waste site or area, nor within 30 meters of the boundary of an abandoned site. Unless a specific setback distance is otherwise established by a Certificate of Approval, development proposed within 500 meters of the licensed fill area of an active waste disposal facility or area shall be accompanied by environmental studies, prepared by a qualified professional, that demonstrate that the proposed development will not be negatively impacted by the waste disposal site (i.e. leachate, methane gas, rodents, vermin, odours, fire, etc). Where recommended by the impact assessment, measures to mitigate any adverse impacts will be required as a condition of development approval. Reference shall be made to the Ministry of Environment Guideline D-4.
- g. No building permits should be issued for development of existing vacant lots of record within the 500 m [1,640 ft.] influence area of an active or closed waste management facility unless studies are submitted and approved by the approval authority to show there will be no *adverse effect* on the lot proposed to be developed and the waste disposal site identified on Schedule 'A' to this Plan.

- h. No uses except those approved by the Ministry of the Environment and Council shall be permitted on rehabilitated waste disposal sites until after the passage of a period of time considered appropriate by the Ministry of the Environment.
- i. Council will work with the Ministry of the Environment to identify and then designate closed waste management or disposal sites on Schedule 'A' to this Plan.
- j. No use shall be made of land formerly used as a landfill site within a period of 25 years, from the year in which the landfill ceased to be used, unless the approval of the Ministry of the Environment has been given for the proposed use.
- k. Waste management facilities shall be subject to site plan control.

#### 4.6.4. Salvage Yards

##### 4.6.4.1. Existing Salvage Yards

Existing *salvage yards* shall:

- a. Be operated in and comply with the guidelines of the Ministry of Labour regarding buffering, disposal of fluids, etc.; and
- b. Be adequately screened on all sides either naturally or by artificial means in order that no portion of the operation, including the storage area, may be seen from a public road.

Proposals to expand existing salvage yards shall be subject to the factors outlined under **Section 4.6.4.2** below.

##### 4.6.4.2. New Salvage Yards and Expansions to Existing Salvage Yards

- a. Due to the nature of their operations, salvage yards have the potential to generate adverse effects, including but not limited to ground water impacts, noise, odour, dust, and increased traffic. Such adverse effects may impact the use and enjoyment of nearby publicly or privately-owned lands and it is therefore commonplace that mitigative measures and land use controls are implemented with salvage yard facilities. If a proposal is received to create a new salvage yard, Council will ensure that as part of the evaluation of the request, the following minimum requirements are met:

- i. An amendment to the Official Plan and Zoning By-law is processed and supported by the submission of the following items:
  - a) Consideration of land use compatibility as evidenced through the preparation of a Planning Rationale Report in general accordance with Ministry of Environment Guideline D-6 Compatibility between Industrial Facilities and Sensitive Land Uses;
  - b) A Hydrogeological Study and Terrain Analysis completed by a Professional Geoscientist or Professional Engineer and undertaken with regard for Ministry of Environment Procedure D-5-4 (i.e., Technical Guideline for Individual On-Site Sewage Systems: Water Quality Impact Risk Assessment), MOE Procedure D-5-5 (i.e., Technical Guideline for Private Wells: Water Supply Assessment) and any other applicable assessment material as defined by the Township or other review agency; and
  - c) Other studies, which may include, but are not limited to, a Traffic Impact Study, Noise Study, Geotechnical Analysis, Servicing Options Report and Stormwater Management Plan; such studies shall be provided if deemed necessary by Council and any other review agency or approval authority.
- ii. Not be located within 300 m [984 ft.] of any sensitive receptor or sensitive use;
- iii. Be located a sufficient distance from a water body so as not to cause or contribute to the pollution of the water body;
- iv. Be located a sufficient distance from an aquifer discharge or recharge areas so that pollution to the groundwater does not occur;
- v. Be adequately buffered on all sides either naturally or by artificial means in order that no portion of the operation including the storage area, may be seen from a public road; and
- vi. Carry on all operations within the salvage yard in compliance with requirements of provincial legislation and regulations.

- b. The operations of salvage yards should be regulated through comprehensive Municipal salvage yard by-law.
- c. The items outlined under **Section 4.6.3.b** of this Plan shall be addressed to the satisfaction of Council and any other approval agency, as applicable;
- d. Site Plan Approval shall be achieved with consideration given to, amongst other matters, land use separation, screening, landscaping, stormwater management, buffering, noise controls, and traffic impacts;
- e. Development Agreements may be required in order to implement the recommendations of technical studies and site plan control;
- f. Certificates of Approval (Environmental Compliance Approvals) shall be received from the Ministry of Environment (MOE) as applicable.
- g. The Township may use a Holding "H" symbol to preclude the establishment of a salvage yard until such time as any of the above-described items are fully-satisfied, as appropriate.

#### 4.6.5. Implementation

Waste management uses shall be zoned in a separate category or categories in the implementing Zoning By-law.

#### 4.7. ENVIRONMENTAL PROTECTION AREAS AND NATURAL HAZARDS

##### 4.7.1. Environmental Protection Areas

*Environmental protection areas* are those features and areas which are important for their environmental and social values as a legacy of the natural landscapes of the area. *Environmental protection areas* may present physical obstacles to development and include:

- *significant wetlands* (provincially and locally significant)
- *fish habitat*
- *significant* habitat of *endangered species* and *threatened species*
- *significant wildlife habitat*
- *significant areas of natural and scientific interest*

- *significant woodlands*
- *significant valleylands*

Known Provincially Significant Wetlands (PSW) and Areas of Natural and Scientific Interest (ANSI) are designated as Environmental Protection Areas on Official Plan Schedule A and include:

- Beaver Lake PSW
- Beaver Lake Swamp PSW
- Bidy's Lake PSW
- Camden Lake PSW / ANSI
- Cameron Creek Swamp ANSI
- Enterprise Swamp PSW
- Goose Creek Fen PSW
- Goose Creek Ponds ANSI
- Hinch Swamp Complex PSW
- Ingle Bog PSW
- Kaladar Jack Pine Barrens ANSI
- Marlbank Esker ANSI
- Marlbank Esker-Ingle Section ANSI
- Mellon Lake PSW
- Milsap Swamp PSW
- Mud Creek PSW
- Pennell's Creek PSW
- Puzzle Lake ANSI
- Robin Hell Holes ANSI-Earth Science
- Robin Hell Holes ANSI-Life Science
- Varty Lake PSW
- White Lake Wetland PSW

Environmentally Sensitive Areas include locally significant wetlands, significant woodlands, significant valleylands, significant wildlife habitat including deer wintering yards, Conservation Areas, and the adjacent lands of all natural heritage features and areas. Some known Environmentally Sensitive Areas are illustrated on Official Plan Schedule B. Others shall be identified through site-specific investigations.

Information on known Threatened and Endangered Species found within the Township is available to the Township through the Ministry of Natural Resources. The Township will accept information regarding Threatened and Endangered Species habitat from the Ministry of Natural Resources as it becomes available and will use this information, in confidence, to screen all planning applications for potential development constraint.

Where this information indicates a potential for the presence of a Threatened or Endangered Species or its habitat, a site assessment undertaken by a qualified professional at the appropriate time of year shall be required to determine the presence of the species and its habitat. The assessment must identify if the proposed activities will have any impact on Threatened or Endangered Species or their habitat and should propose appropriate mitigation measures. The Ministry of Natural Resources must be consulted as necessary regarding site specific proposals and requirements. Occurrences of species at risk and their habitat are not illustrated on Schedule A due to data sensitivity.

The intent of this Plan is to conserve deer yards as part of the natural ecology of the Township and to ensure that land use decisions consider the conservation of Deer Wintering Yard Habitat.

#### 4.7.2. Planning Principles

- a. This Plan provides appropriate measures for protection of the features identified as a form of constraint on the land use plan schedules and encourages further study and classification. Other ***environmental protection areas*** may be identified from time to time and shall be considered in making planning decisions.
- b. The intent of this Plan is to identify, protect and enhance ***environmental protection areas*** as part of the land use decision making process.
- c. Council in association with the Ministry of Natural Resources, conservation authorities and other interested parties will continue to work towards the identification, classification, and evaluation of ***environmental protection areas***.
- d. Development and site alteration shall not be permitted in significant habitat of endangered species and threatened species and in significant wetlands. Development and site alteration shall not be permitted in significant woodlands, in significant valleylands, in significant wildlife habitat, and in significant areas of natural and scientific interest unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.
- e. ***Development and site alteration*** shall not be permitted on ***adjacent lands*** to the ***environmental protection areas*** listed in **Section 4.7.1** 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 natural features or their ***ecological functions***.



***Development and site alteration*** shall not be permitted in ***fish habitat*** except in accordance with ***provincial and federal requirements***. Development will generally be directed away from locally significant wetlands.

For the purposes of this Official Plan and associated policies, adjacent lands for ***environmental protection areas*** shall include lands within 120 meters of any natural feature identified in **Section 4.7.1**, except for Significant Areas of Natural and Scientific Interest - Earth Science, for which adjacent lands shall include lands within 50 meters.

- f. ***Woodlands*** south and east of the Canadian Shield have not been classified as to their significance. While recognizing the general importance of woodlands for their ***ecological functions*** and economic values, further evaluation is required to identify those woodlands which are ***significant*** and warrant a higher level of protection. It is the intent of this Plan that a more comprehensive evaluation be undertaken through the partnering with technical agencies (e.g. conservation authority, Ministry of Natural Resources) utilizing the ***Natural Heritage Reference Manual***. The intent will be to identify ***significant woodlands*** and establish protection measures. In the interim, on ***woodlands***, Council will encourage sustainable commercial timbering operations and agricultural activities. An Environmental Impact Assessment (see **Section 4.7.3**) may be required prior to permitting residential or other ***development*** or ***site alteration***. In general, the objective will be to minimize the building envelope and accessory uses so that as much of the woodland coverage as is feasible, will be maintained. Council may enact a tree cutting by-law, require a tree preservation or conservation plan or use site plan control as tools to retain woodland coverage or provide mitigation measures. Lands illustrated as Agreement Forests on Schedule 'B' are generally intended to be managed as ***woodlands***. (See also **Section 5.2** of this Plan.)
- g. ***Normal farm practices*** and agricultural activities occurring on ***adjacent lands*** will be permitted to continue without the need for an **Environmental** Impact Assessment study.

#### 4.7.3. An Environmental Impact Assessment (EIA)

An Environmental Impact Assessment study may be required for any of the ***environmental protection areas*** which are shown on the Land Use Plan schedules. Applicants will be required to make reference to technical sources in conducting these evaluations such as the Significant Wildlife Habitat Technical

Guide and the Natural Heritage Training Manual.<sup>1</sup> The determination of a need for an EIA will be made as part of the pre-consultation with the Township and if, necessary, the Conservation Authority. The EIA shall be undertaken by a qualified individual.

Environmental Impact Assessment (EIA) should include the following components:

- a. Description of the study area (including a map) and landscape context (including *environmental protection areas*, and ecological functions);
- b. Description of the development proposal;
- c. Identification of those natural heritage features (including their significance) and *ecological functions* likely to be affected by the development proposal;
- d. Assessment of the potential or cumulative impacts of the proposed development on key natural heritage features and their *ecological functions* for which they have been identified;
- e. Identification of mitigation requirements and monitoring requirements, where applicable;
- f. Quantification of residual impacts (those that cannot be mitigated) if any; and
- g. Recommendations including how to implement mitigation measures and monitoring requirements.

The cost of an Environmental Impact Assessment and any peer review will normally be borne by the applicant. Council may require a peer review of an Environmental Impact Assessment.

In certain instances, the Township, in consultation with other review agencies, may determine that a scoped Environmental Impact Assessment (EIA) is appropriate. Instances where a scoped EIA may be appropriate include, but are not limited to:

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<sup>1</sup> Ontario Ministry of Natural Resources, *Natural Heritage Reference Manual*, Second Edition (Queen's Printer for Ontario:2010)

- cases where minor new development is physically separated from a sensitive environmental feature by way of a public road, easement or other human-made barrier which has the effect of mitigating/controlling potential impacts; or
- instances where development will replace existing development thereby generating no new impacts (e.g. lot coverage, encroachment, etc.) to lands which abut *environmental protection areas*.

A planning application may not be deemed to be complete by the Township or approval authority where the applicant does not provide an Environmental Impact Assessment.

#### 4.7.4. Salmon River

The intent of this Plan is to conserve the Salmon River corridor as an important natural heritage feature. The following conservation principles will be built into land use planning decisions:

- a. An area called the Critical Function Zone or buffer around wetlands along this river should be protected for the maintenance of wetland functions and attributes. This zone is considered to be a distance of at least 100 m [328 ft.] around fens, marshes and swamps and may be incorporated as part of a shoreline buffer. Environmental Impact Assessments (see **Section 4.7.3**) associated with development will be required to consider the critical function zone, potential impacts and mitigation.
- b. A natural buffer of 30 m [98.4 ft.] in depth from the high water mark along the river should be protected by retaining shoreline vegetation in its natural state or providing for the reinstatement of vegetation in areas where it has been removed through land use activities.
- c. A narrow access window or pathway for individual properties may be permitted where such access (i.e. dock, wharf, boat launch or similar facility) is minor and does not cause erosion or sediment discharge and fish habitat will be protected. (See also **Sections 4.2.4 f., 7.6 e. and 9.8 b.**)
- d. In addition to the 100 meter Critical Function Zone, the adjacent lands policies of **Section 4.7.2** may apply and should be consulted for development applications adjacent to the Salmon River.

4.7.5. Natural Hazards

**Natural hazards** represent lands that are unsafe for development due to naturally occurring processes such as flooding or erosion. These lands have been designated *Natural Hazards* and are illustrated as such on Schedule 'A'.

- a. **Development** and **site alteration** in **Natural Hazards** which includes **flooding hazards** shall not be permitted except for flood control structures, approved **infrastructure** (e.g. storm water outlets) and marine structures (e.g. dock). In particular, no use, building or structure which involves the storage of hazardous or toxic materials e.g. ignitable, corrosive, reactive, radioactive or pathological materials and sewage facilities, nor any institutional use or essential service shall be permitted to be constructed, enlarged or expanded on lands susceptible to flooding hazards. For the purposes of this Plan, the **flooding hazard** of the Salmon River and the Napanee River has been partially mapped and are represented on the Land Use Plan schedules. Reference shall be made to original documents in interpreting the extent of the **flooding hazard** and through consultation with the Quinte Conservation Authority.
- b. This policy shall not prevent the reconstruction of a building damaged or destroyed by a natural cause, provided that it is reconstructed on the same building footprint and is flood proofed. Council shall, however, encourage reconstruction outside of **natural hazards**.
- c. Lands subject to **flooding hazards** have not been determined for most water bodies in the Township. In the absence of detailed mapping the setback of habitable buildings, non-residential buildings and sewage disposal systems from the shoreline or high water mark shall be set back a minimum of 30 m [98.4 ft.]. The setback provisions may be reduced or be waived without amendment to this Plan where technical evidence (i.e. a report or information submitted by a qualified professional such as an engineer and/or land surveyor) is provided that establishes a flood plain elevation and that development will be located above the said elevation. Lands may be rezoned to implement changes to the flood elevation.
- d. Where lands designated as **natural hazards** are under private ownership, this Plan does not intend that these lands will necessarily remain as such indefinitely, nor shall it be construed as implying that such areas are free and open to the general public or will be purchased by the Township or other public agency.

- e. Any lands designated as *natural hazards* may only be redesignated where technical evidence or studies are undertaken to demonstrate that the hazard does not exist or the hazard can be overcome through acceptable engineering techniques and that no adverse environmental impacts will result.
- f. There is no obligation to accept lands identified as *natural hazards* as park lands for the purposes of Section 42 of the *Planning Act*.
- g. A planning application may not be deemed to be complete by the Township or approval authority where the applicant does not provide information (i.e. survey, technical report) on the limits of the *flooding hazard* or the extent of *natural hazards* or the engineering measures required to address a particular hazard.

#### 4.7.6. Other Natural Hazards

*Development* shall generally be directed away from lands having significant development constraints such as steep or unstable slopes, organic soils, marshy or low lying lands or unstable bedrock unless the hazard can be overcome using acceptable engineering techniques and where applicable, the standards set out in the Building Code can be met and provided that no adverse environmental impact will result.

Karst topography can lead to hazards including sink holes, fissure widening, bedrock collapse and preferential pathways to groundwater. Such features have the potential to adversely impact water supplies through reduced filtration and rapid transport of contaminants and may present a hazard to human health and safety. Geotechnical and hydrogeological investigations, prepared by a qualified professional, may be required when development is proposed within areas of potential karst topography to determine the present of the hazard, whether development may proceed, and any required mitigation measures. Quinte Conservation shall be consulted during the review of such development proposals occurring within karst areas and in determining when a geotechnical and/or hydrogeological assessment is required.

## **PART 5: POLICIES WITH NO SPECIFIC LAND USE DESIGNATION**

### 5.1. INTRODUCTION

There are a number of policy areas which have an impact on the use of land but which are not represented by a specific land use designation. These are outlined below.

### 5.2. FORESTRY

Although there is no forestry designation on Schedule 'A' to this Official Plan, forestry is essential to land reclamation, erosion control, water retention, wildlife habitats, fiber production, fuel, furniture, recreation and aesthetic value of the Township. Hence it is the intention of this Plan to encourage forestry as a use of land. For the purposes of this Plan, forestry generally applies to commercial and wood fibre harvesting and silviculture activities undertaken by forest products industries. (See also **Section 4.7.2 (f)** of this Plan).

#### 5.2.1. Policies

- a. Due to the shallowness of soils, many areas of the Township are unsuitable for agricultural uses. Because of the benefits identified above, landowners are encouraged to enter into appropriate management agreements with the appropriate ministry and/or Conservation Authority to allow for the reforestation of idle lands.
- b. Council encourages the Ministry of Natural Resources and the Conservation Authorities to develop and more widely promote reforestation programs to ensure the continued long term production of wood fiber, while achieving environmental goals such as erosion control, land reclamation, and water recharge.
- c. Council encourages public and private landholders to maintain the forested appearance of the landscape.
- d. Council encourages forestry as an interim activity within areas suitable for Aggregate uses and as an end use when the resource extraction has been completed.

- e. Council endorses the protection and development of treed areas along water bodies, the conservation and enhancement of existing tree lines along property boundaries, roadways and in all *environmental protection areas*.
- f. Development should be carried out in a manner that encourages the protection and management of *woodlands*. Development applications affecting *significant woodlands* should:
  - i. Be accompanied by a strategy maximizing the woodland areas to be protected.
  - ii. Identify planning and economic construction measures which may be used in the retention of existing wooded areas (i.e. tree conservation or protection plans).
  - iii. Identify potential tree planting to mitigate losses.
  - iv. Identify and protect hedgerows along lot lines, as much as possible.
- g. Where *significant woodlands* are identified, they may be incorporated into this Plan by amendment. (See also **Section 4.7.2**).

### 5.3. GROUP HOMES

Detailed information and comprehensive policies governing group homes have been formulated by various levels of government, especially the Provincial level. This Plan reflects these policies and the concerns that residents of the Township of Stone Mills have for caring for those who are unable, whether temporarily or long term, to provide fully for their own well being.

Definition: A group home shall mean a single housekeeping unit in a residential dwelling, which is registered with the Township in which three (3) to ten (10) persons (excluding supervisory or operating staff) live together under responsible supervision consistent with the requirements of its residents for a group living arrangement and which is licensed and/or approved under Provincial Statutes and in compliance with municipal by-laws.

5.3.1. Policies

- a. Group homes shall be licensed and/or approved under Provincial statutes and shall exist in compliance with Municipal by-laws.
- b. Group homes must meet the requirements of the appropriate authorities regarding the provision of acceptable onsite quantity and quality of water and sewage disposal facilities. The provisions of **Section 5.13.2** shall apply in the protection of water resources.

5.4. HERITAGE

The Township of Stone Mills has a long heritage dating back to the United Empire Loyalists. The recognition of historical elements is important as they are representative of the Township's heritage and historical activities and events. Council's policy is to conserve *significant built heritage resources* and *significant cultural heritage resources* through their identification and implementing measures for their protection, restoration, maintenance and enhancement.

Historical elements may include, but are not restricted to old farmsteads and buildings recognized to be outstanding examples of mid-nineteenth century vernacular architecture; churches which exhibit high quality stone work and are examples of the regency tradition of the Lennox and Addington County Picturesque style; or Victorian red brick farmhouses which retain the work of skilled nineteenth century joiners in their porches, soffits, and fascia. Finally, there are archaeological sites scattered across the Township. Their study should be contemplated before development threatens their integrity.

It is the intention of this Plan to establish a development strategy that will guide the sensitive management of the Township's heritage features and will preserve that heritage. All new development within the Township will be accommodated in a manner which respects the Township's existing physical heritage character.

5.4.1. General Policies

- a. Pursuant to the *Ontario Heritage Act*, Council may establish a Municipal Heritage Committee to advise and assist Council on cultural heritage matters.
- b. Council may designate individual properties, at the request of a property owner or on the recommendation of the Municipal Heritage Committee,



where the property is considered as being of historic or architectural value or interest. Council may also examine areas within Stone Mills Township for possible designation as a Heritage Conservation District (HCD).

- c. Council recognizes that there may be archaeological remnants which constitute valuable records of past human settlement in the Township. Council, in consultation with the Ministry of, will require, where deemed necessary, that an archaeological assessment and the mitigation of any adverse impacts to significant archaeological resources be completed prior to development.
- d. Such archaeological impact assessment reports and impact mitigation reports are:
  - i. To be undertaken by a professional qualified archeologist licensed under the *Ontario Heritage Act*;
  - ii. To include implementation and impact mitigation measures which may form part of a development agreement.
- e. Council may provide for measures which enhance public appreciation of the Township's heritage resources and public efforts at heritage conservation.
- f. Council may coordinate with the Ministry of Tourism and Culture in conserving *archaeological resources* pursuant to Part VI of the *Ontario Heritage Act*. Council may also adopt by-laws under Section 34(1) 3.3 of the *Planning Act* for prohibiting of any land use activities on land that is the site of a *significant archaeological resource*.

#### 5.4.2. Heritage Master Plan

Council recognizes the importance of identifying the various heritage elements which exist in the Township. Heritage elements may include:

- a. Built heritage resources;
- b. Cultural heritage landscapes; and
- c. Areas of archaeological potential.

Council recognizes the need for a Master Plan to provide an inventory, mapping, documentation of heritage resources, heritage conservation/promotion policies, and other relevant recommendations and strategies for heritage conservation.

5.4.3. Heritage Conservation Districts

- a. Pursuant to the *Ontario Heritage Act*, Council may, by by-law:
  - i. Define the Township, or any area or areas within the Township as an area to be examined for designation as a Heritage Conservation District; and
  - ii. Designate the Township, or any areas within the Township, as a Heritage Conservation District.
- b. An area may be examined as a potential Heritage Conservation District if it satisfies at least one of the following criteria:
  - i. It represents a group of architecturally significant buildings due to their craftsmanship, originality, style, or age (representative of a particular period);
  - ii. It is associated with past events or distinguished individuals;
  - iii. It is locally recognized as an area of special interest;
  - iv. It can be associated with a former way of life which is of significance to the Township;
  - v. It is an aesthetically pleasing environment that contributes positively to the texture of a particular area within the Township by means of offering diversity and interest within its contemporary setting; or
  - vi. It contains human - modified heritage features which collectively constitute a significant *cultural heritage landscape*. (M.M.A.H - November 30, 2000)
- c. Once an area has been chosen as a potential Heritage Conservation District, Council may pass a by-law under The *Ontario Heritage Act*. Such a by-law shall identify the area to be studied and may:
  - i. Contain a brief description of the properties included in the area;

- ii. State those aspects of the area to be investigated; and
  - iii. State the manner in which the area is to be studied, giving reference to the policies of this Plan.
- d. Council, when undertaking the necessary studies for the preparation of a Heritage Conservation District Plan for an area selected, will be guided by the following principles:

- i. Contents of Study

Prior to the preparation of a Heritage Conservation District Plan, a study of the District shall be undertaken. Such a study should include an examination of such items as:

- Land use;
- Pedestrian and vehicular movement systems;
- The historical and/or architectural significance of individual buildings, *cultural heritage landscape* features, and sites;
- Identification of property owners
- The visual environment;
- The socio-economic characteristics of the area as a whole;
- Present and potential development proposals;
- Physical condition of the properties;
- Planning restrictions;
- Method of financing a proposed action; and
- Method of implementation.

Based on the foregoing studies, a Heritage Conservation District Plan may be prepared.

ii. Contents of District Plan

The District Plan will define those aspects of the District that contribute to its special character or sense of place and contain recommendations as to what actions or policy directions should be initiated to conserve the heritage of the District. These recommendations should relate to:

- the physical, social and economic aspects of the District;
- the financial support available and/or needed; and,
- the means of implementing the District Plan.

iii. Public Participation

Council may elicit the public's participation during the preparation of the Heritage District Conservation Plan. This may be accomplished through surveys, workshops, public meetings, or other suitable methods.

iv. Review of District Plan

Council may consult with the Ministry of Tourism and Culture in the preparation of a Heritage Conservation District Plan.

- e. Once a Heritage Conservation District Plan has been endorsed, Council may implement the Plan by passing an appropriate by-law under the *Ontario Heritage Act*.
- f. Should it be necessary for Council to amend the Zoning By-law under Section 34 of The *Planning Act*, (R.S.O. 1990 as amended), to implement the District Plan, Council will proceed with the appropriate amendments.
- g. ***Development*** and ***site alteration*** including any public work, private development, consent or zoning by-law amendment shall not be permitted on adjacent lands to a ***protected heritage property*** unless impacts on the property have been evaluated by a qualified heritage consultant (i.e. heritage impact assessment) and provisions are made to minimize or mitigate any impacts.
- h. Where necessary and appropriate, measures shall be undertaken to mitigate potential impacts to identified ***significant archaeological resources*** associated with development to meet provincial archaeological assessment standards and guidelines. Impact mitigation may include both

removal and documentation of the *archaeological resources*, or avoidance and preservation in-situ.

- i. It is the intent of this Plan that the Township will share the identification and mapping of any archaeological sites with the Ministry of Tourism and Culture under a data sharing agreement. The Township may undertake the preparation of an Archaeological Master Plan which would include the identification of *areas of archaeological potential*. The plan would also include policies, programs and strategies to protect *significant archaeological resources*.
- j. Council shall consult appropriate government agencies, including the Ministry of Culture (MCL) and the Ministry of Consumer Services – Cemeteries Regulation Unit and the OPP when an identified marked or unmarked cemetery is affected by land use development the provisions under the *Ontario Heritage Act* and *the Cemeteries Act* shall apply where appropriate.

#### 5.5. HOME BASED BUSINESSES, BED AND BREAKFAST ESTABLISHMENTS

Home based businesses are important generators of employment and income. They also act as incubators for businesses which may grow beyond the home location. Home based businesses refer to those economic activities conducted primarily by the occupants of the residential dwelling unit. Home based businesses are intended to allow people to set up offices and conduct small scale businesses from their home location. They are not intended to permit economic activities that are more appropriately located in commercial or industrial areas.

Bed and breakfast establishments also generate income and draw tourists, creating further economic spinoffs.

It is the intention of this Plan to support the location of home based businesses and bed and breakfast establishments in accordance with the following policies.

##### 5.5.1. Policies

- a. Home based businesses and bed and breakfast establishments are allowed in all hamlet, agricultural, and rural designations.
- b. In permitting a home based business it is Council's intent that:

- i. Home based businesses means a use which is clearly incidental or secondary to the residential use of a dwelling.
  - ii. It does not change the residential character of the dwelling.
  - iii. It does not create or become a public nuisance in regard to noise, noxious odours, emission of smoke, traffic, parking or signage.
  - iv. There are no goods, wares or merchandise publicly offered or exposed for sale on the premises outside of any buildings.
  - v. The home based business is carried on by a resident(s) of the dwelling unit and may include a maximum of two (2) employees not resident of the dwelling.
  - vi. Adequate off street parking is provided.
  - vii. The amount of the dwelling unit that may be occupied by the home based business will be specified in the zoning by-law.
- c. Home based businesses and bed and breakfast establishments shall be regulated by the implementing Zoning By-law which shall establish appropriate definition and provisions for home occupation uses.

## 5.6. HOUSING POLICIES

It is the intent of this Plan to encourage the provision of an adequate supply of housing by type, tenure, location, and cost to meet the needs of present and future residents of the Township.

### 5.6.1. Policies

- a. Council will:
  - i. Maintain a three year supply of draft approved and/or registered lots and blocks in plans of subdivision and through lands suitably zoned to facilitate *residential intensification* and *redevelopment* for new residential developments;
  - ii. Maintain a ten year supply of residentially developable land including areas for *residential intensification* and

*redevelopment* within the hamlets provided these can be serviced in accordance with accepted standards.

- b. When evaluating requests for new residential development or redevelopment, Council will:
  - i. Encourage the provision of a range of housing by price bearing in mind servicing capabilities;
  - ii. Encourage a minimum of 25% of new residential development to be affordable that is affordable to households within the lowest 60% of the income distribution as defined from time to time by the Ministry of Municipal Affairs and Housing.
- c. Council encourages the provision of non-profit housing by private or non-profit housing corporations.
- d. Council will make all reasonable efforts to ensure the time taken to process residential applications is kept to a minimum.
- e. Council will monitor:
  - i. The adequacy of the supply of lands designated for residential use; and
  - ii. The range of housing produced in the context of type, tenure and affordability.

## 5.7. INSTITUTIONAL

Institutional uses include, but are not necessarily limited to, schools, churches, assembly halls and clubs, cemeteries, fire halls, accessory offices, municipal yards, public uses and utilities systems.

### 5.7.1. Policies

- a. Institutional uses are encouraged to locate in lands designated in a hamlet category. They are also permitted in the Rural Area designation.
- b. Institutional uses shall be required to provide onsite servicing at levels acceptable to the appropriate approval authority.

- c. Institutional uses shall conform to the provisions of the implementing zoning By-law
- d. Buffering may be required between institutional uses and sensitive receptors.

## 5.8. CROWN LAND

### 5.8.1. General Principles

The Crown Land Policies include lands owned and/or managed by the Federal Government, Province of Ontario, the Quinte Conservation Alliance, and the County of Lennox and Addington.

### 5.8.2. Crown Land Policies

#### a. Permitted Uses

Crown lands are not subject to the policies of this Official Plan. However, it is the intent of this plan that the Township and the Ministry of Natural Resources will work collaboratively to encourage uses which contribute to the local economy and which will protect, preserve, and manage the areas to support good forestry practices, provide for the production of wood and wood products, provide for the proper environmental conditions for wildlife, recreation, erosion control, and the protection of water supplies.

#### b. Compatibility

This Plan recognizes that lands owned by the Crown are exempt from policies of the Plan and can be developed in accordance with the provisions of other Provincial Acts. However, it is the intent of this Plan that the fullest consultation possible with the Township will be undertaken to ensure that the development of Provincial Lands is compatible with the objectives of this Plan.

#### c. Adjacent Land

Applications for *development* or changes in land use, adjacent to public land will be considered by Council, in consultation with the Ministry of Natural Resources or other appropriate public agencies to assess:



- i. Concerns respecting the effect of the proposed development on public lands; and
- ii. Mitigative measures required to resolve adverse effects on public land.

d. Occupation of Crown Land

Appropriate authorization for occupation or use of public land may be required from the Ministry of Natural Resources or other public agencies.

e. Zoning

Crown Land areas will be placed in an appropriate category in the implementing Zoning By-law.

5.9. WAYSIDE PITS AND QUARRIES

The establishment of *wayside pits and quarries* is permitted in the Agricultural, Aggregate, and Rural Areas of the Township without the necessity of an amendment to the Official Plan or the Zoning By-law. A *portable asphalt/concrete plant* is permitted within a Wayside Pit or Quarry subject to compliance with the policies herein on portable asphalt/concrete plants.

A wayside pit or quarry establishing upon lands designated as Agricultural and comprised of soil Classes 1, 2 or 3 shall be rehabilitated to substantially the same area and same average soil capability for agriculture.

5.10. PORTABLE ASPHALT AND PORTABLE CONCRETE PLANTS

*Portable asphalt/concrete plants*, used on a public road authority contracts shall be permitted throughout the Township without an amendment to this Plan or to the zoning by-law except those areas of existing development or particular environment sensitivity which have been determined to be incompatible with extraction and associated activities. A *portable asphalt plant* and a *portable concrete plant*:

- a. Is permitted to exist in any one location for a period of time not exceeding the completion of the specific road contract;
- b. Shall be removed within 7 days of the completion of the road construction project;

- c. Shall comply with Ministry of the Environment separation distances and must first obtain a certificate of approval from that Ministry; and
- d. Shall be located no closer to a sensitive receptor than the distance specified in the certificate of approval.

All sites upon which such plants have been erected shall be rehabilitated to their former use and condition.

The Zoning By-law will define *portable asphalt plants* and *portable concrete plants* and may specify provisions for separation distances to sensitive receptors.

#### 5.11. DECOMMISSIONING OF SITES

Potentially Contaminated Sites may include buildings, lands or structure which, for reasons of public health and safety or environmental quality, may have the potential for adverse effects to human health or the natural environment. Their rehabilitation is encouraged as part of this Plan. Mandatory filing of a record of site condition in the registry is required for a change of use of a property from industrial or commercial to residential or parkland.

##### 5.11.1. Re-Use of Potentially Contaminated Sites

- a. The Township will require applicants to document previous uses of a property or properties that are subject of a planning application and/or properties that may be adversely impacting the property that is subject of a planning application in order to assist in the determination of the potential for site contamination.
- b. The Township will require all applications for plans of subdivision to be supported by an affidavit from a qualified person as defined by provincial legislation and regulations, confirming that a Phase 1 Environmental Site Assessment (ESA) has been completed in accordance with Ontario Regulation 153/04, as amended from time to time. A Phase 1 ESA documents the previous uses of the property and provides an assessment of the actual or potential soil or groundwater contamination on the site.
- c. For a property or properties that have been identified through the Township's planning application review process as potentially contaminated:

- i. The Township will require all planning applications submitted under the *Planning Act* to be supported by an affidavit from a qualified person as defined by provincial legislation and regulations, confirming that a Phase 1 ESA has been completed in accordance with Ontario Regulation 153/04, as amended from time to time.
- ii. Where a Phase 1 ESA indicates that the property or properties that are subject of the planning application may be contaminated, the Township will require planning applications to be supported by an affidavit from a qualified person as defined by provincial legislation and regulations, confirming that a Phase 2 ESA has been completed in accordance with Ontario Regulation 153/04, as amended from time to time. A Phase 2 ESA provides a sampling and analysis of the property to confirm and delineate the presence of soil or groundwater contamination at the site or confirm the absence of contamination at the site.
- iii. Where the Township determines that there is a proposed change in land use to a more sensitive use, the Township will require as a condition of planning approval, verification to the satisfaction of the Township from a qualified person as defined by provincial legislation and regulations, that the property or properties in question are suitable or have been made suitable for the proposed use in accordance with provincial legislation and regulations, including where required by the Township, or provincial legislation and/or regulations:
  - Filing by the property owner of a Record of Site Condition (RSC) signed by a qualified person in the Environmental Site Registry;
  - Submission to the Township of a Declaration signed by the qualified person acknowledging that the Township may rely on the statements in the RSC; and,
  - Submission by the property owner to the Township of proof that the Ministry of Environment (MOE) has acknowledged receipt of the RSC;
- iv. Establish conditions of planning approval to ensure receipt of satisfactory verification of suitable environment conditions.
- v. Where applicable, utilize the holding provisions of the Planning Act to ensure receipt of satisfactory verification of suitable remediation/risk management.

- d. Where an RSC has been made a condition of planning approval, a building permit may be issued in regard to a property or properties on a phased basis to allow for site assessment and remediation/risk management.
- e. Where the Township is deeded land for public highways, road widening, parks, stormwater management facilities, easements, or for any other purpose, the Township may require, as a condition of transfer, verification to the satisfaction of the Township from a qualified person as defined by provincial legislation and regulations, that the property or properties in question are suitable or have been made suitable for the proposed use in accordance with provincial legislation and regulations, including where required by the Township or provincial legislation and/or regulations, filing by the property owner of a Record of Site Condition (RSC) signed by a qualified person in the Environmental Site Registry, and submission by the owner to the Township of proof that the MOE has acknowledged receipt of the RSC.
- f. For instances where contamination from a property or properties extends onto a Township right-of way, the Township may issue a building permit in regard to this property or properties on a phased basis contingent on the execution and implementation of an Off-Site Management Agreement or Remedial Action Plan that remediates/manages contamination in the right-of-way to the satisfaction of the Township and the ministry of the Environment. If the right-of-way was to be redeveloped from an industrial or commercial use to a residential or parkland use; filing of an RSC is mandatory. Where there is no change in use to a more sensitive use, the Township will require that a letter of the continued use from the Technical Standards and Safety Authority be provided.
- g. Where a gasoline station site is being redeveloped and there is no change in use to a more sensitive use, the Township will require that a letter of continued use from the Technical Standards and Safety Authority be provided. For instances where contamination extends onto a Township right-of way, the Township will require that an Off-Site Management Agreement and Remedial Action Plan be implemented to the satisfaction of the Township and Ministry of the Environment prior to issuance of the building permit.

#### 5.12. POLICIES FOR ENERGY AND AIR QUALITY

The intent of this Plan is to encourage the development of ***renewable energy systems and alternative energy systems*** (i.e. renewable resources of wind, water, solar, etc.) in conjunction with ensuring that measures are taken to improve air quality. A renewable energy generation facility, a renewable energy project, a renewable energy testing facility

or a renewable energy testing project, as defined in subsection 1 (1) of the *Planning Act* is exempt from the provisions of the *Planning Act* except as set out in subsection 62.0.2 of the *Act*. Council will encourage a consultative process in the installation of renewable energy systems. Development of renewable energy systems will be encouraged to have regard to safe access to a lot, setbacks that are consistent with zoning standards, adequate lot size, access to and conservation of other natural resources (i.e. ***prime agricultural land***, minerals, mineral aggregates and ***environmental protection areas***) and visual compatibility with surrounding land uses.

#### 5.12.1. Energy Conservation

- 5.12.1.1. Council, in conserving energy, may encourage energy audits and implementation measures to retrofit the existing stock i.e. upgrading of windows, fixtures, energy efficient furnaces, etc.
- 5.12.1.2. It is a policy of Council to inform the public and make applications, where deemed appropriate, to the Provincial or Federal Government for funding to achieve a more energy efficient community.
- 5.12.1.3. It is a policy of Council to encourage non-vehicular movement (pedestrian) within the community.
- 5.12.1.4. It is the intent of Council to encourage the installation of: energy efficient solid fuel burning appliances; proper, energy efficient insulation; water conserving fixtures, etc. This may be enforced through a property standards by-law, a program of public education and the Building Code Act.
- 5.12.1.5. Renewable energy facilities, including wind turbines, solar panels and biomass facilities are subject to regulation under the Green Energy and Green Economy Act, 2009.

#### 5.12.2. Outdoor Furnaces

Council recognizes the use of Outdoor Furnaces in the Township as an alternative energy supply. Council may undertake to govern Outdoor Furnaces through such procedures as:

- a. Establishing minimum setbacks from lot lines and buildings in the Zoning By-law to prevent complaints and promote safety.
- b. Requiring individuals to use furnaces that are safe and efficient.

- c. Encouraging owners to replace trees used for fuel to regenerate woodlots and maintain a healthy habitat for wildlife.
- d. Requiring fume stacks to be extended to minimum heights so that smoke does not lie in low areas of low elevations.
- e. Council recognizes that there should be a clear distinction between urban and rural outdoor furnaces in the administration of these policies.
- f. Outdoor furnaces shall be located downwind from the dwellings they serve.

### 5.13. SOURCE PROTECTION

#### 5.13.1. Purpose and Scope

The Township recognizes the importance of surface and groundwater resources in maintaining the quality of life of residents. Council intends to provide for a sustainable supply of drinking water through an integrated and long-term approach to the protection, improvement and restoration of water resources. Council intends to manage, through planning policy and regulatory controls, land uses that have the potential to impact surface and ground water resources. Programs for source protection will be undertaken in conjunction with the Conservation Authority, the local health unit and the public.

Protecting the quality and quantity of surface and ground water is important as both residents and the environment depend on the long-term integrity of this finite resource. Groundwater contributes to the base flow of streams and to the quantity and quality of potable water that can be drawn from private wells.

#### 5.13.2. Policies

The following policy sections are intended to help protect, improve and restore the quality and quantity of water resources within the Township. The general policies noted below are offered as a means of guiding planning decisions as they relate to both private and public sector undertakings.

a. General

- i. The Township will update aquifer vulnerability maps as information becomes available from hydrogeological investigations, terrain analyses and geotechnical studies provided resources to do so are available;
- ii. The Township will work towards the preparation of a Master Drainage Plan for Hamlets including measures for stormwater management, as information becomes available through development approvals, and engagements with other levels of government, the conservation authority and local health unit provided resources to do so are available;
- iii. The Township will encourage future stormwater management practices which minimize stormwater volumes and contaminant loads, and maintain or increase the extent of vegetative and pervious surfaces;
- iv. The Township will support and promote programs, in principle, developed by agencies such as the conservation authority and the health unit in the development of a water ethic that is intended to educate the public on matters such as reducing the overall consumption of water, the importance of protecting and enhancing water resources, the proper use, storage and disposal of fuels, solvents, and pesticides, regular water well maintenance and the installation of water saving plumbing fixtures.
- v. The Township will provide, where appropriate, measures for groundwater-monitoring provided resources to do so are available. Target areas for potential monitoring include development or land uses located in recharge areas, activities that generate, or have the potential to generate, point source contaminants such as waste management sites, and areas of concentrated development. Monitoring may be conducted for leachate, nutrients, pesticides, or other parameters identified by the Ministry of the Environment.
- vi. The Township will support, in principle, the implementation of a re-inspection program for septic tanks and sewage disposal systems.
- vii. The Township will establish development capacities for lakes in conjunction with lake associations, conservation authorities, the Ministry of Natural Resources and Ministry of the Environment (see also **Section 5.13.3**) provided resources to do so are available.

- viii. Council will support and promote, in principle, the development of a regional groundwater study with partners such as the conservation authority and health unit to determine the characteristics of groundwater features, and major groundwater users. A component of the study will be to establish a water budget as a means to determine the available supply for current and future users including but not limited to the agricultural industry, industrial uses and hamlets. While the study will be watershed based, the focus will be on the built-up and developing areas of the Township.

b. Individual On-Site Sewage and Water Services

Lots/units which are created or developed shall be serviced with individual on-site water and sewage services, except where otherwise recommended through the preparation of a servicing options report. Sewage and water services shall be provided in a manner that can be sustained by the water resources upon which such services rely and shall meet all regulatory requirements.

c. New Lot Creation & Site Evaluation

In reviewing proposals for new lot creation, proponents must demonstrate that the following items have been adequately addressed to the satisfaction of the Township, Conservation Authority and local health unit.

- i. The sufficiency of off-site reserve sewage system capacity to accommodate the anticipated increase in hauled sewage;
- ii. The availability of a sufficiently-sized building envelope (i.e., large enough to accommodate a proposed building/dwelling, drilled well and private septic system outside natural hazards) within both the severed and retained lots;
- iii. The satisfaction of applicable provisions of the Ontario Building Code (OBC) as they relate to the installation of private services (i.e., well and septic) and other factors (e.g., minimum separation distances, soil type and depth requirements, slope constraints, water setbacks, etc.); and
- iv. The availability of a suitable water supply and a demonstration of no off-site impacts to existing water users.



d. Lot Sizes

- i. The minimum lot area for any development shall be one hectare (2.47 ac) with the exception of the following:
  - a) The minimum lot area may be increased if recommended by a qualified professional, the Township, Quinte Conservation or the local health unit as a result of the completion of technical studies or other analyses required as part of a development proposal.
  - b) The minimum lot area may be reduced to 0.5 ha (1.2 ac.) if recommended by a qualified professional as a result of the completion of technical studies required in support of a development proposal. Generally, reduced lot areas will only be supported when proposed as part of a comprehensive plan of subdivision/condominium.
  - c) The Township will provide for the consolidation of smaller lots into larger holdings, particularly in the hamlets. The Township will target for a minimum lot area of 1 ha [2.47 ac.] wherever feasible through applications for site specific redevelopment (see also **Section 4.3.3 (d)**, **Section 5.13.2 (b)**, and **Section 9.12**). Measures may include deeming of subdivisions (see **Section 7.3.1**), lot additions, land acquisition through community improvement etc.).

e. The Gull River Formation, High Risk Areas & Site Evaluation

The Gull River Formation is characterized by fractured bedrock and karst topography. This land feature presents hazards to development that include sink holes, fissure widening, bedrock collapse, and the presence of direct pathways to groundwater. Lands within the Gull River Formation where this karst topography is exposed, and which lie between the river edge and the top of the river valley of the Napanee River and the Salmon River, are recognized as being areas of high risk to both surface water and ground water resources. In instances where the top of the river valley is indeterminate, it is generally accepted that the “high risk areas” shall include all lands within 500 meters of these rivers.

Groundwater recharge areas are those geologic landforms that provide for the replenishment of the ground water through surface water infiltration from precipitation or surface water features such as lakes, rivers, streams or wetlands. Significant groundwater recharge areas are considered to be another high risk area for ground water contamination.

“High risk areas”, as they relate to the Gull River Formation and groundwater recharge areas, have been identified on Schedule “C” (Source Protection) of this Plan.

In reviewing proposed development, including land division activities, within identified high risk areas/zones, the following policies shall be addressed to the satisfaction of the Township, Conservation Authority and local health unit:

- i. The Township shall consult with the Conservation Authority and the local Health Unit to determine if technical studies are required for proposed development in high risk areas, while having regard to the physical characteristics of the subject property and the scope of proposed development. Technical studies could include hydro-geological investigations, terrain analysis, and geotechnical studies.
- ii. Technical studies shall be required in support of development proposals that involve: the *intensification* of existing development, plans of subdivision, development that proposes water consumption in excess of 10,000 liters per day, development that proposes sewage flows in excess of 10,000 litres per day, development in an area of known or suspected water supply problems or in area of known or suspected water contamination or development occurring in or within 300 meters of a significant groundwater recharge area.
- iii. Technical studies, when required, are to be completed by a qualified professional (i.e., Professional Geoscientist or Professional Engineer) and shall demonstrate that proposed development can occur without creating an adverse impact upon ground water resources.
- iv. Technical studies shall address, among other factors, the following:
  - a) The characteristics of the subject property and the general site context as they relate to the viability of the lands to support development on private servicing (e.g., geology, hydrology, hydrogeology, potential sources of contamination, etc.);
  - b) The data provided within existing well records;
  - c) The results of water quantity and quality testing considered against Ministry of Environment Procedure D-5-5 and Ontario

Drinking Water Quality Standards as prescribed under the Safe Drinking Water Act;

- d) The potential for well interference particularly when new lot creation is proposed within built up areas of the Township (i.e., within 100m of existing developed lots).

f. Potentially Contaminated Sites

- i. The Township will work with the Conservation Authority, local Health Unit and other partners to establish a data base on water resources that includes an inventory of contaminated or potentially contaminated sites, hydrogeological and hydrologic studies undertaken in association with planning and other development applications, well water quality and quantity records, the identification of areas of sensitivity between surface water features and groundwater features notably the tracking of changes in groundwater quality, an inventory of major surface and groundwater users and the impact on the water budget, and an inventory of nitrate concentrations and surficial lake capacity information.

g. Agricultural Land Uses and Source Protection

- i. The Township will work cooperatively with the Ontario Ministry of Agriculture and Food (OMAF), the Ministry of Rural Affairs (MRA), and the Ministry of Environment (MOE) to ensure the requirements of the Nutrient Management Act, 2002 and associated regulations are met for new and expanded manure storage and livestock housing facilities.
- ii. The Township, in consultation with the OMAF, MRA, MOE, conservation authority and local health unit, will determine the need for a hydrogeological investigation or other technical evidence which may be required to demonstrate that an adequate water supply is or will be made available for new or expanding agricultural uses up-gradient of a settlement area, that the proposed agricultural development will not impact drinking water resources which serve the residents of established Hamlets, and that the agricultural use complies with the applicable legislation (e.g., Clean Water Act, Safe Drinking Water Act) prior to the issuance of any approval respecting the agricultural use.

h. Non-Residential Land Uses and Source Protection

- i. Through consultation with the Conservation Authority, the local health unit and Ontario Ministries, the Township will determine the need for undertaking technical studies in order to ensure proposals for land use change and development do not negatively impact water resources.

i. Risk Management

The following policies are designed to manage the level of risk associated with activities that have the potential to impact surface and ground water resources. Through the review of planning applications, the Township shall have regard to these policy provisions and the direction offered by others through the preparation of technical studies or other review activities. Where the management of such risks is required, the Township may use site plan control to mitigate the impacts of development on surface and ground water resources.

- i. Monitoring may be used in conjunction with land development such as in the phasing of a subdivision or other development to ascertain whether hydrogeological predictions or performance standards are met;
- ii. The Township will encourage or require the use of high-nutrient removal sewage disposal systems (Advanced Treatment Units as approved under the Ontario Building Code), and will encourage the use of alternative water and waste water treatment measures which are more environmentally sustainable (e.g., ultra violet radiation, constructed wetlands, carbon and peat filtration etc.);
- iii. The Township will provide for the retention and/or enhancement of natural vegetation cover to filter contaminants through development agreements and site plan control;
- iv. The Township will encourage Best Management Practices in the stewardship of water for existing and new commercial / industrial activities and agricultural land uses;
- v. The Township will require conformity with Ontario Regulation 903, as amended with respect to the construction of new wells and increasing, where appropriate, the minimum casing lengths for wells. Abandoned wells will be required to be properly decommissioned;

- vi. The Township will provide for the safe storage or control of fuels, chemicals and other toxic contaminants through conditions that may be tied to planning approvals. Measures may include requirements for containment basins or facilities to be installed under fuel storage tanks, prohibiting high risk land uses in areas of high aquifer vulnerability, installing monitoring wells, requiring the removal of underground storage tanks as a condition of development or redevelopment, and other measures as may be recommended by qualified professionals through the preparation of technical studies.
- vii. The use of water treatment systems may be supported by the Township in order to bring aesthetic water parameters to acceptable levels as prescribed by legislation. Where discrepancies exist between the MOE D-5-5 Procedures and the Safe Drinking Water Act, the more restrictive standards shall apply.

#### 5.13.3. Lake Capacity

*Development* will be prohibited on lands adjacent to a water body where the water body has reached or may reach its development capacity, except where one or more of the following conditions exists:

- a. The tile fields on each new lot are set back at least 300 m [984 ft.] from the shoreline of the lake or such that the drainage from the tile fields would flow at least 300 m [984 ft.] before reaching the lake.
- b. The tile fields on each new lot are located such that it would drain into the drainage basin of another water body which is not at capacity.
- c. The lands subject to the development proposal are comprised of two or more habitable buildings that are independently serviced (i.e. not communal) by a drilled well and septic system; in this instance the development may be supported if it acts to separate the buildings through land division which does not require change to the existing land use; and
- d. The proposed new use complies with **Section 4.7.2** of this Plan.

For the purposes of determining lake capacity, studies shall be completed by a qualified professional and based on the Ministry of the Environment's Lakeshore Capacity Assessment model. At the time of adoption of this plan, Council recognizes that Loyst Lake is a lake trout lake and is deemed to be at capacity.

Lake capacity studies may be initiated as a condition of development; or by the Township; or as partnership among a community or lake association, stewardship association, Conservation Authority, Township etc. where a need is identified (e.g., elevated phosphorus levels, reduced levels of dissolved oxygen, lakes experiencing significant development pressure). The need for a study should be identified through consultation with the Ministry of the Environment, the Ministry of Natural Resources and the Conservation Authority.

#### 5.14. OPEN SPACE

##### 5.14.1. General Principles

To promote healthy active communities, it is the intent of this Plan to provide a broad range of recreational open space opportunities for the residents of the Township, and for visitors, in accordance with the attributes of the landscape and its recreational resources. Lands designated for various types of Open Space areas on the land use schedules may be used for active or passive recreational uses in accordance with **Sections 5.14.2, 5.14.3 and 5.14.4.**

##### 5.14.2. Permitted Uses

The permitted uses in Open Space areas include public parks, private parks, golf courses, playgrounds, conservation areas and reserves, natural areas, recreational trails, and access areas for picnicking, public access areas to shorelines, beaches and boat launches and other similar outdoor recreational activities, together with accessory uses.

##### 5.14.3. Policies

- a. Only those buildings and structures incidental or associated to the principal permitted uses shall be permitted in Open Space areas.
- b. Open space uses whether designed for public or private use, shall be serviced with adequate vehicle parking areas and/or access points and shall be designed in such a manner as to provide for safe movement of vehicular and pedestrian traffic. Accessibility by those with physical and other challenges shall be a consideration in the design of open space facilities.
- c. When reviewing proposals for open space uses, regard shall be had for the compatibility with adjacent land uses. Where necessary, such facilities

shall be designed in such a manner so as to provide an adequate buffer so as to ensure that any adverse effects associated with such uses are minimized.

- d. Where lands designated as Open Space are held under private ownership, it is not intended that such lands are necessarily free and open to the public or that there is unrestricted public access to the area. Control of access is at the discretion of the owners. Only where the land is acquired by a public authority will general access be permitted, and only then, in accordance with the policies of the respective authority.
- e. Lands designated for Open Space use that are held under private ownership will not necessarily be acquired by the Township or other public authority. Where a proposal is made to develop lands held under private ownership for an alternative use not permitted under this designation and the Township or other public agency do not wish to purchase such lands to retain the area for recreational purposes, an application for the redesignation of the lands will be given due consideration by the Township after taking into consideration the intent and policies of this Plan.
- f. Council may also use other techniques to conserve open space in the public domain such as conservation trusts, conservation easements or conveyance to conservation organizations.
- g. Council will attempt to provide parkland within each Hamlet. Wherever possible, parkland should be located adjacent to elementary schools.
- h. The Township will provide for parks in accordance with standards recommended in the Recreation Master Plan or in compliance with **Section 9.17** of this Plan.
- i. Council recognizes that within Hamlets it may not be possible to attain the standards in the Recreation Master Plan. The standards are intended as a guide. Council, wherever possible, will attempt to provide additional parkland where deficiencies exist. This may be achieved by way of land dedication through the approvals process or direct land acquisition by the Township.
- j. Council, in cooperation with the Conservation Authority or other public authorities having jurisdiction, will examine locations for the development of conservation areas, trails, recreational areas, and may establish a land acquisition program.

- k. In the approval of a plan of subdivision or condominium, the proponent will be required to prepare a concept plan of the parkland area showing the nature, size and location of facilities, the integration with other open space uses where feasible, landscape amenities, proposed grading and site drainage, and a cost estimate of the works. Upon approval of the above plan by the Township, the proponent shall prepare the necessary construction drawings for incorporation into the subdivision or site plan agreement. It is a policy of Council that the development proponent is responsible for the cost of constructing such works.
- l. Council will endeavour to make open space facilities accessible to disabled users and will provide and retain opportunities for public access to shorelines where practical.
- m. Areas designated as Open Space shall be placed in a separate category in the implementing Zoning By-law.

#### 5.14.4. Trail Systems

Two major trail systems traverse the Township. These are:

- a. The Cataraqui Trail currently running from Strathcona eastward to the South Frontenac Township boundary, and, in the future, to be extended westward to Greater Napanee; and
- b. The Trans-Canada Trail running through the north-west corner of the Township.
- c. Because of the linear nature of trail systems, certain parcels of land may not have frontage on a publicly maintained road as a result an existing trail system. In this isolated instances, the requirements for frontage on n improved and publicly maintained road of this Plan will not apply subject to the following: the owner of the parcel of land is able to obtain a right-of-way across the lands associated with the trial system; the right-of-way has the effect of directly linking the parcel of land to a publicly maintained road; the right-of-way is surveyed and registered on title to the benefit of the parcel of land; and that all other requirements of this Plan have been complied with. This exemption applies only to the development of the existing parcel of land in accordance with the permitted uses of the land use designation and the zoning thereof and specifically excludes the creation of new lots on that parcel of land.



- d. The trails are significant pedestrian systems intended to provide public recreational opportunities. The trails may cross both private and public lands and allow the public to enjoy the scenic beauty of various parts of the Township. Trails may be used for off-road recreational vehicles such as snowmobiles and ATVs, where deemed compatible with neighbouring uses and where the trails are designed and constructed to accommodate multiple trail uses.
- e. The trails are shown conceptually on Schedule 'A'. No change to this Plan is required for any deviation in the trail locations shown on Schedule 'A'.
- f. When considering development applications adjacent to or encompassing lands shown as Trail, the Township will encourage arrangements to have the route maintained and available for use, wherever feasible, and with the landowner's consent.
- g. In the design and integration of trail systems with roads, parks and community facilities, the Township will consider the use of unopened road allowances, abandoned rail lines and public points of access to water.

## 5.15. DARK SKIES

### 5.15.1. Purpose and Scope

Rural sites are becoming increasingly more contaminated by sky glow from artificial lighting, affecting the quality of our night sky and the natural ecological systems in the area. The Township of Stone Mills is home to the most southerly Dark Sky Viewing Area in Southern Ontario, providing viewers the opportunity to witness the night sky in pristine darkness. In order to preserve the Dark Sky Viewing Area and rural character of the area, action is required to preserve the quality of the night sky.

### 5.15.2. Policies

- a. Dark Sky Lighting Policies shall apply to all new development and redevelopment projects, including residential, commercial, industrial, and institutional uses.
- b. Full Cut-Off fixtures shall be required for all new developments in order to minimize light spillage into the surrounding environs, while maintaining safety.

- c. Major development shall require a detailed lighting plan which includes the particulars of the exterior light fixtures proposed to be used at the site. Examples of major development are development consisting of the creation of five or more lots, the construction of a building or buildings with a ground floor area of 500m<sup>2</sup> or more, and the establishment of a major recreation use such as a golf course, serviced playing field or serviced campground.
- d. The target light levels at the development property's boundaries shall be 0.0 foot-candles.
- e. Any new development within four (4) kilometres of the Lennox & Addington Dark Sky Viewing Area must provide a detailed lighting plan; Existing light fixtures shall be properly shielded to prevent glare and to direct light downwards within five (5) years from the date of adoption of this provision.
- f. These policies shall be implemented through the subdivision and site plan approval process.
- g. The Township will apply these same requirements to the replacement of all existing street and intersection lights as such are scheduled for replacement or as existing lighting requires replacement arising from damage or disrepair.
- h. The Township will also encourage residents and business owners when installing lights on private lands to purchase lights or to install such reflectors or shades that uphold the concept of dark skies by limiting light pollution and impacts to natural systems.
- i. Council may pass a bylaw to restrict light pollution or include regulatory provisions in the zoning bylaw to achieve this concept.

## **PART 6: COMMUNITY IMPROVEMENT**

### **6.1. GENERAL PRINCIPLES**

Community Improvement generally encompasses those public and private activities which serve to regulate, maintain, rehabilitate and redevelop the existing physical environment in urban built up areas to accommodate the social and economic priorities within the community.

It is important to recognize that declining public sector revenues, the cyclical performance of Ontario's economy, and increasing demand for services are requiring all government levels to plan for maximum efficiency in the use and maintenance of services. The need for improvement to infrastructure, and need to establish coordinated intergovernmental priorities in infrastructure improvement, makes it essential that priorities are set when allocating the expenditure of limited financial resources.

Community Improvement Policies are a prerequisite to the designation of specific Community Improvement Project Areas, the preparation of detailed Community Improvement Plans, and municipal participation in Provincial and/or Federal funding programs. The Community Improvement process encourages a strategic planning approach to ensure that potential improvement projects fit into a long range framework of community goals and objectives. The inclusion of community improvement policies in this Plan represents a statement of the Township's commitment to the ongoing maintenance and upgrading of its developed areas in a planned, coordinated, and fiscally prudent manner.

### **6.2. CRITERIA FOR COMMUNITY IMPROVEMENT AREA DESIGNATION**

The criteria to be used in Community Improvement Area boundaries selection or modification should be established on the basis of a review and analysis of existing deficiencies, and the identification of conditions within the Township that could further benefit from enhancement activities. Criteria for improvement, redevelopment and revitalization are as follows:

- a. Deficiencies in hard services including roads, sidewalks, curbs, gutters, and storm sewers;
- b. Deficiencies in municipal services such as fire protection, lighting or other public utilities;

- c. The presence of sub-standard building conditions and property and housing in need of improvement and revitalization;
- d. The opportunity to expand the housing stock through the redevelopment or conversion of underutilized lands and/or buildings;
- e. The presence of vacant lots, lands and buildings and underutilized properties and buildings that could be developed, redeveloped or converted to another use or have the potential for *infill*, redevelopment or expansion to better utilize the land base or the public infrastructure;
- f. The need to upgrade the streetscape or aesthetics of an area;
- g. The need to upgrade elements of the transportation system, including but not limited to, sub-standard road conditions and road widths, and poorly designed intersections;
- h. The need to provide or improve recreational and cultural facilities and public open space, including parkland acquisition, facilities improvement, and trails enhancement;
- i. The presence of incompatible land use activity;
- j. The presence of hazard lands which have an impact on the Township's pattern of development, or areas requiring improvements because of poor drainage conditions, including ditching and floodproofing;
- k. The presence of buildings or lands of architectural and/or historical merit and sites of archaeological significance or interest, in need of improvement or revitalization;
- l. Areas requiring shoreline improvements to enhance public usability while furthering public efforts at shoreline management along water bodies such as the Napanee River, Salmon River, Beaver Lake, and Inglesby Lake;
- m. The presence of points of interest and/or special visual amenities (i.e.: waterfront), and linear recreational systems such as trails, that provide an opportunity for tourism, and which could benefit from protection and enhancement;
- n. Known or perceived environmental contamination and sites identified as brownfields. Brownfield sites are sites where the environmental condition of the property and the quality of the soil or groundwater, particularly on former industrial and waste-disposal sites, may have the potential for

adverse effects to human health or the natural environment. **Brownfield sites** are defined in the Provincial Policy Statement as: means undeveloped or previously developed properties that may be contaminated. They are usually, but not exclusively, former industrial or commercial properties that may be underutilized, derelict or vacant; and

- o. Other barriers to the repair, rehabilitation or redevelopment of underutilized land and/or buildings.

The above listing is not to be construed as indicating that areas selected for community improvement must meet all the above criteria. The criteria should not be treated as being of equal importance. Weighting of criteria will vary with funds available, the severity of the problem, and the relationship of community improvement to other policies in this Plan and capital expenditure priorities of the Township.

### 6.3. SELECTION OF COMMUNITY IMPROVEMENT AREAS

The criteria outlined in the above section were applied to the Township of Stone Mills. The resulting Community Improvement Areas are shown on Schedule 'A' and are outlined as follows:

- a. Hamlet of Camden East;
- b. Hamlet of Centreville;
- c. Hamlet of Colebrook;
- d. Hamlet of Croydon;
- e. Hamlet of Enterprise;
- f. Hamlet of Erinsville;
- g. Hamlet of Moscow;
- h. Hamlet of Newburgh;
- i. Hamlet of Strathcona;
- j. Hamlet of Tamworth;
- k. Hamlet of Yarker;
- l. Industrial (Business Park), and
- m. Other areas of the Township which meet the criteria set out in **Section 6.3 – Criteria for Community Improvement Area Designation** although not identified on the Land Use Plan schedules.

The Cataraqui Trail and the Trans-Northern Trail are also considered community improvement areas.

The actual limits of Community Improvement "Project" Areas shall be established at the implementation stage of the community improvement process.

6.4. COMMUNITY IMPROVEMENT POLICIES

- a. It is the policy of Council to:
- i. Maintain and improve municipal services, public utilities and social and recreational facilities;
  - ii. Encourage improvement activities which contribute to a strong economic base including tourism, commercial and industrial development;
  - iii. Encourage the maintenance of the existing housing stock, and promote the rehabilitation, renovation and repair of older buildings;
  - iv. Preserve historically and/or architecturally significant buildings or areas;
  - v. Improve traffic and parking patterns to make them more compatible with surrounding uses and needs;
  - vi. Improve conditions in older predominantly residential areas;
  - vii. Improve the overall streetscape and/or aesthetics of the commercial areas of the Township;
  - viii. Ensure improvements made are carried out in such a way as to be compatible with other goals, policies and objectives of this Plan;
  - ix. Encourage, where feasible, energy efficient conservation through energy efficient land uses;
  - x. Provide advice and guidance on maintenance and rehabilitation of buildings and structures and on energy conservation;
  - xi. Encourage public participation in the community improvement planning process;
  - xii. Undertake a monitoring program to review budgeting and program direction in respect to the attainment of specific policies;
  - xiii. Work with business groups such as the Sheffield Business Association to identify and facilitate improvements;

- xiv. Facilitate the restoration, maintenance, improvement and protection of natural habitat, parks, open space and recreational amenities;
- xv. Facilitate residential and other type of infill and intensification;
- xvi. Facilitate the construction of a range of housing types and the construction of affordable housing;
- xvii. Contribute to the ongoing viability and revitalization of downtowns and other areas that may require community improvement;
- xviii. Improve environmental and energy consumption conditions;
- xix. Facilitate the redevelopment and energy consumption conditions;
- xx. Facilitate and promote community economic development; and
- xxi. Improve community quality, safety and stability.

#### 6.5. PHASING OF IMPROVEMENTS

Phasing priorities are dependent on two major criteria. These relate to priority in terms of area chosen and priority in terms of work to be undertaken.

- a. Community Improvement Areas are:
  - i. Hamlet of Camden East;
  - ii. Hamlet of Centreville;
  - iii. Hamlet of Colebrook;
  - iv. Hamlet of Croydon;
  - v. Hamlet of Enterprise;
  - vi. Hamlet of Erinsville;
  - vii. Hamlet of Moscow;
  - viii. Hamlet of Newburgh;
  - ix. Hamlet of Strathcona;
  - x. Hamlet of Tamworth;
  - xi. Hamlet of Yarker;
  - xii. Industrial (Business Park);
  - xiii. The Cataraqui and Trans-Canada Trails; and
  - xiv. Other areas of the Township which meet the criteria for community improvement.

This listing is to be used as a guide only. Financial constraints, onsite project necessities and funding may require a re-ordering of priorities. The ranking listed in this Plan may be changed without an amendment to the Plan.

- b. Based on the above policies, Council will give priority to:
  - i. Making improvements to publicly owned buildings, structures and facilities;
  - ii. Integrating community improvement projects into other municipal improvement programs and capital works budgeting; and
  - iii. Determining specific community improvement project priorities and the budget allocation as part of the annual municipal budgeting process.

#### 6.6. IMPLEMENTATION

The Community Improvement policies will be implemented by means of powers conferred upon Council under the *Planning Act*, the *Building Code Act*, the *Ontario Heritage Act*, the *Municipal Act*, and other applicable statutes. Implementation may include the following actions:

- a. Designation, by by-law, of community improvement project area(s) and adopt community improvement plan(s) for the project area(s);
- b. Acquisition of land, where necessary, within a community improvement project area, and clear, grade or otherwise prepare the land for community improvement;
- c. Use of public funds acquired through appropriate municipal, county, provincial, and federal programs to facilitate the implementation of the community improvement plan;
- d. Enactment and enforcement of a property standards by-law with respect to residential, commercial and industrial building stock and lands;
- e. Encouragement of public participation in the preparation of community improvement plan(s);
- f. Encouragement of private sector use of government programs where they complement community improvement efforts;



- g. Encouragement of *infill* development of vacant and/or underutilized properties in community improvement areas;
- h. Subject to Provincial approval, Council may make grants or loans towards the cost of rehabilitation of lands and buildings in conformity with the community improvement plan and may use financial incentives as provided for under the *Planning Act*; and
- i. By incorporating into community improvement plans, the provision for sustainable community development features of the *Planning Act* such as the restoration or redevelopment of brownfield sites, environmental site assessment, environmental remediation, development and redevelopment, construction and reconstruction of lands and buildings for rehabilitation purpose or for improving energy efficiency, buildings, structures, works improvements or facilities.

## **PART 7: DEVELOPMENT POLICIES**

### 7.1. INTRODUCTION

The division of land is one of the primary tools for implementing the general intent of this Plan. Such division within Stone Mills Township will take place by the plan of subdivision and consent granting processes. Other land division activity under the provision of the *Condominium Act* will also be permitted where considered appropriate.

### 7.2. BUFFERING AND CONFLICTING USES

#### 7.2.1. Separation Distances

Where different land uses abut, every effort shall be made to avoid conflicts between such uses. Where deemed necessary, buffering will be provided for the purpose of reducing or eliminating the *adverse effects* of one land use upon another. A buffer shall be sufficient to accomplish the intended purpose. A “buffer” is defined in Part 9 of this Plan. Separation distances, or buffering measures, required between sensitive land uses and industrial uses, and noise sources such as transportation corridors will have regard to Ministry of Environment Guidelines. Sensitive receptors shall be sufficiently buffered from an incompatible land use, whether existing or proposed by this Plan. The minimum separation distances specified for types of land use are as follows:

- i. 300 m [984 ft.] from a wrecking yard;
- ii. 500 m [1,640 ft.] from an existing or proposed waste disposal site;
- iii. 20 m [65.6 ft.] from the property line of a Class I Industrial Use to the property line of a sensitive land use measured as the shortest horizontal distance;
- iv. 70 m [230 ft.] from the property line of a Class II Industrial Use to the property line of a sensitive land use measured as the shortest horizontal distance;
- v. 300 m [984 ft.] from the property line of a Class III Industrial Use to the property line of a sensitive land use measured as the shortest horizontal distance;

- vi. 100 m [328.4 ft.] from the limit of the right-of-way of any hydro transmission line having a transmission capacity of 250 KV or greater;
- vii. 100 m [328.4 ft.] from the limit of the right-of-way of a main line of a railway or 30 m from the limit of the right-of-way from a secondary or branch line.

7.2.2. Minimum Distance Separation Formulae

- a. New land uses, including the creation of lots and new or expanding livestock operations, shall comply with the *Minimum Distance Separation Formulae* (MDS) as set out in **Section 7.2.2** of this Plan. For the purposes of this Plan, the MDS I will not apply to the following:
  - i. To existing vacant lots of record of 4 ha [10 ac.] or less;
  - ii. To new lot creation which will abut an existing cluster of four or more non-farm uses which is closer to the subject livestock facility and in the immediate proximity to the MDS 1 application. The proposed lot must not however, be closer to the livestock facility than the four or more existing non-farm uses;
  - iii. To an existing non-farm residential uses which is destroyed by a catastrophic event provided the replacement building is not built any closer to the livestock facility than before the event;
  - iv. To the expansion of an existing residential dwelling; or
  - v. To accessory structures to a dwelling (i.e. decks, garages, garden sheds, gazebos, patios, pools or similar buildings and structures).
- b. MDS II will apply to the development or expansion of a livestock facility on an existing lot of record and shall apply for the determination of separation requirements from existing residential lots of record. MDS II shall not apply to the following:
  - i. To an existing livestock facility which is destroyed by a catastrophic event provided the replacement building is not built any closer to the residential use than before the event and if the reconstruction does not result in a higher values for odour, nutrient units or manure or material storage; or

- ii. To an accessory building or structure (i.e. kennel, machinery shed, outbuilding or similar buildings and structures).
- c. For the purposes of applying MDS in this Plan:
  - i. A cemetery shall be classified as a Type B land use where it is closed or receives low levels of visitation.
  - ii. The MDS will not apply to a structurally unsound livestock facility or where the facility cannot be restored or has been permanently converted to another use. (*Examples include: conversion to a dwelling, commercial or industrial building*).
  - iii. MDS will not apply to abattoirs, apiaries, assembly yards, fairgrounds, feed storages, field shade shelters, greenhouses, kennels, livestock facilities <10 m<sup>2</sup> [108 ft.<sup>2</sup>] in floor area, machinery sheds, mushroom farms, pastures, slaughter houses, a dead stock composting facility, stockyards or temporary field nutrient storage sites.

Until site specific studies are carried out by a qualified professional, separation distances outlined in this Plan are held to be the minimum requirement. Council may vary these distances in accordance with recommendations of appropriate studies where approved by the Ministry of Environment and other agencies having jurisdiction. Development of the area so affected may then proceed in accordance with the policies of the underlying land use designation without an amendment to the Official Plan.

### 7.3. PLANS OF SUBDIVISION

Plans of subdivision recommended for approval will be required to be in conformity with the general policies and land use designations in this Plan. In evaluating plans of subdivision:

- a. Council will consider the information as specified in Section 51 (17) and 51 (24) of the *Planning Act*. Where deemed appropriate, additional information may be required including any studies determined to be required by the Township or the approval authority under **Section 9.19** of this Plan.
- b. Council will recommend to the approval authority only those plans which conform with this Plan with regard to such matters as the provision of

adequate services, the compatibility of the proposed development with adjacent uses and the capacity of the Township to absorb the new development without placing unnecessary demands on the Township's finances.

- c. As a general rule, a registered plan created for residential purposes will not be further subdivided so as to increase the number of lots unless further division is in keeping with the policies of this Plan, and is compatible with general development of the area.
- d. New residential development which would create an appreciable increase in demand for existing or future municipal services which are not economic for the Township to provide shall not be permitted.
- e. The Township, as part of the approval of a plan of subdivision, shall enter into a subdivision agreement with the developer whereby such internal and external services as deemed necessary by Council will be provided by the developer in accordance with the specifications contained in the agreement.
- f. Development will require the submission of a servicing options study to determine the appropriate method of sewage and water servicing. If all municipal services are not considered feasible, development will require the submission of a detailed hydrogeological and terrain report that addresses the ability of the site to sustain development on the basis of private or communal services (see also **Section 5.13.2**). Where a communal system is proposed, the developer shall be responsible for the installation of the communal system to the approval requirements of the Township and other approval authorities. Ownership/responsibility by the Township for communal water and sewage systems will be determined on a case by case basis. Private communal systems are subject to the ownership/responsibility requirements of the Ministry of Environment. Failure of the Township to consent to ownership of a communal system as required by the Ministry of Environment may result in denial of the planning application.
- g. Council will hold public meetings under the *Planning Act* to advise the public of the development proposed.
- h. The road network providing access to the proposed subdivision shall have the capacity to support the additional traffic generated by the development.

- i. The Township, in consultation with the appropriate Conservation Authority, and other agencies having jurisdiction, shall be satisfied that adequate provisions have been made for storm water management and drainage.
- j. When a plan of subdivision is proposed for property bordering a water body, the Township may require that the five percent parkland dedication permitted under the *Planning Act* be comprised of land abutting the water body.
- k. Plans of subdivision for year round residential use shall have frontage and access to a publicly owned and maintained year round road. In the review of subdivision applications, consideration shall be given to fire protection and other emergency services. Subject to consultation with the Fire Chief, the Township may require the installation of a dry hydrant or other measures to ensure the provision of an adequate supply of water for fire protection purposes. Other emergency prepared measures may include an evacuation plan in the event of a natural disaster, fire breaks or separations, and alternative or emergency ingress/egress routes.
- l. In the design of subdivisions, consideration will be given to such criteria as energy efficiency, accessibility for the disabled, conservation and protection of *environmental protection areas* and natural features of the landscape e.g. designing with nature, compatibility of the character and lot size with surrounding lotting patterns, cost effective infrastructure, accessibility to parks and trail systems, avoiding landlocking, ensuring the integration of road networks and trails with adjacent land (e.g. preserving rights-of-way for connections to future development, buffering from incompatible land uses and ensuring the highest and best use of land). See also **Section 5.13.2.d.** for criteria on lot sizes.
- m. Plans of subdivision shall comply with **Section 7.2** of this Plan.

#### 7.3.1. Deeming of Plans of Subdivision

Where existing plans of subdivision have been registered for eight years or more, Council may review the registered plan to ensure that it conforms to the provisions of this Plan, and, if it is considered necessary to the implementation of this Plan, may, by by-law, deem the plan of subdivision not to be registered. Criteria for deeming may include but not be limited to:

- a. Undersized lots;
- b. Lots incapable of being serviced with *sewage and water services*;
- c. Lots without public road access;
- d. Lots within natural hazards or environmental protection areas; and
- e. Lots constrained by a separation distance or influence area from an incompatible land use.

#### 7.4. CONDOMINIUMS

Development proposals submitted for approval under the *Condominium Act*, and which are in conformity with the policies and land use designations of this Plan, may be recommended for approval. Information required to evaluate a proposal must be supplied by the development proponent. The Township may require the signing of a site plan and/or development agreement.

#### 7.5. CONSENTS

Severances by consent will be considered only when Council is satisfied that a registered plan of subdivision is not necessary for the proper development of the property. Those consent applications which conform to the requirements of Section 53 of the *Planning Act* (R.S.O. 1990, as amended) and the land use policies of this Plan will be considered for approval.

##### 7.5.1. Applications and Number of Lots that may be Created

- a. In the Rural Area and Industrial Area designations, a maximum of three (3) residential or non-residential lots (exclusive of the retained parcel) may be created from a lot of record. Lot creation for all severances shall be for a lot of record as it existed on November 23, 1992. New lot creation in the Agricultural designation shall comply with **Section 4.4.2.3** of this Plan.
- b. In the Hamlet Area designation, a maximum of four (4) residential or non-residential lots (exclusive of the retained parcel) may be created by consent provided that new lots are entirely situated within the Hamlet designation and the lots being created result in an infill of existing development.

- c. The creation of not more than one new lot shall result from any one severance application.
- d. Notwithstanding the limitations provided under subsection a) to the contrary, one additional lot may be permitted in the Rural Area to resolve a situation where two dwellings exist on one lot, each of which were lawfully established at the time of their construction, provided the new and retained lots front onto a publicly-maintained road, the proposal is in conformity with all other applicable requirements of this Plan, and the proposal complies with all applicable provisions of the zoning by-law.

#### 7.5.2. General Consent Policies

- a. Consents will be considered if required for technical or legal reasons such as boundary adjustments, easements, rights-of-way or other purposes that do not create a new lot.
- b. Consents should have the effect of “infilling” in existing developed areas, or result in the rounding out of developed areas, and not of unduly extending development areas.
- c. Consents shall not be granted where the effect is to create strip development or have the effect of extending strip development and thereby hindering the development of the rear of the property.
- d. Severances should not be considered on large multi parceled reference plans or on lands which are subject to a subdivision application.
- e. Consents shall be considered only when Council is satisfied the proposed lot would not, adversely affect the Township’s financial status. Consents should not be considered where the undue extension of a road or other public service or facility is required and considered uneconomic to provide.

The minimum lot area for new single lots in the Hamlet, Rural, Waterfront Development (consents or subdivisions) and Residential Estate Development shall be subject to **Section 5.13.2** of this Plan for development on individual wells and private subsurface sewage disposal systems.

For waterfront lots, at least 75% of the developable lot area shall be outside of *natural hazards* or *hazardous sites*, and exclusive of any required road widening.



(Note: despite the lot size, existing vacant lots of record may be developed where they comply with **Section 9.12** of this Plan.)

New lots created shall be serviced with individual on-site water and sewage services or communal services where site conditions are suitable for the long-term provision of such services including off-site *reserve sewage system capacity*. The provisions of **Section 5.13.2** shall apply in the protection of water resources. Applications for *development on individual on-site sewage services or private communal sewage services* generating more than 4,500 litres [989.8 gal.] of effluent per day as a result of the development shall require the submission of a servicing options report and a hydrogeological report.

- f. A condition of consents will be that a well is drilled and pump tested to confirm there is a sufficient quantity of potable water available unless the severed and retained lots are both greater than 4 hectares (10 acres) in area. In such instances, a drilled well and pump test shall only be required if deemed necessary by the Township, CA and/or the Health Unit.
- g. Severances for industrial and commercial purposes will be considered provided the parcel is in compliance with the designations and policies of this Plan and will be zoned accordingly. Such severance should be accompanied by a site plan, drawn to scale, showing true dimensions, proposed location, size and height of any new, existing or proposed buildings and structures, and location of existing buildings or structures on the adjacent lot which is being retained.
- h. Consent for a residential use accessory to a commercial or industrial use is discouraged.
- i. Consents will be considered only where they comply with the minimum distance separation formulae (see also **Section 7.2.2**).
- j. Consents will not be considered which would have the effect of denying access to public recreation areas.
- k. Consents on resource lands such as Agriculture, and Aggregates must comply with the policies of Part 4 of this Plan.
- l. Consents for residential purposes in proximity to aggregate operations and within Aggregate Reserve areas as outlined on Schedule 'A' to this Plan shall be restricted according to policies in **Section 4.4.3** of this Plan.

- m. Consents shall not be considered in areas which are not suitable for the proposed use because of flooding, erosion, steep slopes or other hazardous conditions, or in areas of significant environmental features or environmental sensitivity unless it can be clearly demonstrated that the lot(s) have sufficient suitable land outside the hazardous or environmental area to accommodate safely all buildings, structures, sewage disposal systems and provision of an acceptable quantity and quality of potable water. The advice of the Conservation Authority will be sought in this regard.
- n. Consents for year round residential development shall be considered only where the land fronts on an existing public road which is maintained year round and where the proposed lot complies with the access policies and written recommendations of the appropriate road authority.
- o. Consents for seasonal residential uses shall only be considered where:
  - i. Access is provided in accordance with **Section 8.2.3**. Consents will not be permitted for new lot creation where the only access is by water;
  - ii. On an existing private access road where,
    - a) The proposed lot is an *infill* situation that does not result in the extension of the existing road;
    - b) The existing private access road is able to support the additional development as well as any equipment associated with emergency service providers as determined by a person qualified to assess the existing condition of the road;
    - c) Confirmation is received from emergency service providers indicating that emergency services are capable of accessing the new lot should it be approved; and
    - d) A clause is registered on title stating that Township will not be responsible for maintenance of private access roads unless such roads are first brought up to municipal standard and assumed by the Township.
- p. Consents will not be permitted where the entrances would create a drainage problem or traffic hazard due to limited sight lines, grades or proximity to intersections. A report from the governing road authority will be sought.

- q. Direct access from County roads shall be in accordance with the written recommendation and requirements of the County. Where possible, residential lots shall have access from internal Township roads only.
- r. Consents which would result in land-locking a parcel will not be considered.
- s. Consents along the Township's major roads shown on Schedule 'A' are subject to the policies in Part 8 of this Plan.
- t. Consents must be set back at a distance from all rail lines that are acceptable to the rail authority. (See also **Section 7.2.1** of this Plan.)
- u. Consents within 500 m [1,640 ft.] of an active or closed waste management site or 300 meters of a salvage yard should be prohibited. Consents in proximity to a waste management site are also subject to **Section 7.2.1** of this Plan.
- v. Approval of a severance may be subject to such conditions as are appropriate and authorized under the *Planning Act* or other applicable statutes, including:
  - i. The provision for entering into an agreement with the Township to address such matters as internal and external services as well as financial matters;
  - ii. Conveyance of lands for road widening;
  - iii. Dedication of land for park purposes and/or cash-in-lieu; and
  - iv. Requirement for rezoning or minor variance.

#### 7.6. DEVELOPMENT ADJACENT TO WATER BODIES

Development adjacent to water bodies shall be guided by the following:

- a. Shoreline areas will be protected from insensitive development that may have the effect of removing natural vegetation, disturbing the existing soil mantle and impairing water quality in the adjacent water body.
- b. The Conservation Authority and/or appropriate provincial ministry shall be consulted on all development proposals affecting shoreline areas. In some cases, a surface water impact assessment may be required to

- demonstrate that the development proposal will not exceed the lake's carrying capacity.
- c. Development should be creatively designed to enhance and protect the sensitive nature of shoreline resources, avoiding the crowding of buildings, the removal of vegetation and the pollution of ground and surface waters.
  - d. New buildings or structures should be set back a minimum of 30 m [98.4 ft.] from the high water mark and be setback fifteen (15) meters [49.2 ft.] from the floodline elevation where one has been defined by the Conservation Authority. The construction and components associated with subsurface disposal systems shall have the same setback requirements as new buildings and structures and, wherever feasible, be above the flood line elevation where one has been defined by the Conservation Authority.
  - e. Only those buildings, structures, and uses requiring proximity to water, such as docks, boat houses or similar accessory uses, may be located within 15 meters of the high water mark of the water body or within the fifteen (15) meters [49.2 ft.] floodline elevation as defined by the Conservation Authority provided approval has been given by the appropriate agency.
  - f. A natural vegetative buffer strip of 30 m [98.4 ft.] should be maintained adjacent to the water's edge to filter pollutants from runoff. Within this buffer area, clear cutting of trees is not permitted. However, landowners will be encouraged to maintain shoreline vegetation in a healthy state through pruning, thinning, removal of diseased trees and replanting. Access to the waterfront for residential properties should be designed as a natural pathway with minimal disturbance to the natural features.
  - g. Land covered by water and forming the bed of a water body should be left in an undisturbed natural condition. No dredging, filling or alteration of the shoreline of any water body shall be permitted without the approval of the appropriate federal and/or provincial ministry, and/or the Conservation Authority.
  - h. Docks should be constructed of environmentally friendly materials and installed to protect or enhance fish habitat.
  - i. The Township will attempt to acquire and maintain public access to water bodies within its boundaries.

- j. As areas adjacent to water bodies usually have the potential for identification of significant archeological resources, the need for archeological assessments by licensed archeologists shall be considered during waterfront development.

#### 7.6.1. Flood Plain Mapping

Council, in consultation with the Conservation Authority, will examine, from time to time, the need to upgrade and/or prepare flood plain mapping for water bodies.

### 7.7. SUBWATERSHED PLANNING

The Township will respect watershed systems to ensure that water resources are available in sufficient quantity and quality for environmental, social, and economic benefits. The Township also respects the integrity of aquatic, riparian and related terrestrial ecosystems and encourages they be maintained or enhanced, and that human life and property are not threatened by water or water-related hazards. To this end:

- a. The need to prepare a sub-watershed plan for any given area should be determined in consultation with the Conservation Authority, the Ministry of the Environment, and the Ministry of Natural Resources;
- b. The terms of reference for a sub-watershed plan should be determined in consultation with the Conservation Authority, the Ministry of the Environment, and the Ministry of Natural Resources;
- c. A public consultation process for such plans will occur; and
- d. Sub-watershed plans for undeveloped areas should have regard to the portion of the affected watershed that has already been developed or committed for development.

#### 7.7.1. The Bay of Quinte Remedial Action Plan (QRAP)

The Bay of Quinte has been identified by the International Joint Commission as a Great Lake area of concern. The Bay of Quinte extends from the Murray Canal to the eastern limits of Adolphus and Long Reach. The Bay of Quinte water quality impairment is related to four problems: eutrophication; bacteriological contamination; persistent toxic contaminants; and destruction of fish and wildlife

habitats. The Napanee River and the Salmon River, which flow through Stone Mills Township eventually lead to the Bay of Quinte.

The Township of Stone Mills supports the Remedial Action Plan to restore and enhance the ecosystem of the Bay of Quinte. In doing so, the Township will:

- a. Protect all wetlands and update the designation of wetlands within the Township which ultimately impact on the Bay;
- b. Encourage the retention of fish and wildlife habitat and riparian zones along the Township's shorelines in as natural a state as possible, utilizing management practices recommended by the Conservation Authority and the Ministry of Natural Resources;
- c. Develop, in cooperation with the appropriate government agencies, strategies for achieving and maintaining nutrient loading limits to approved levels;
- d. Ensure, in cooperation with the appropriate government agencies, that the quality of stormwater runoff from development does not further pollute water quality with respect to nutrient, bacterial, and toxic contaminants; and
- e. Participate with senior levels of government in implementing remedial action and abatement programs.

#### 7.7.2. Stormwater Management

Stormwater management plans shall be consistent with the Bay of Quinte Remedial Action Plan objectives and/or recommendations of the Subwatershed Plan, when one exists, and be prepared prior to development occurring.

Development such as plans of subdivision, condominium, and areas subject to site plan control with a land area greater than one (1) hectare must provide for stormwater management. Consent applications may not require this condition if the Township, in consultation with the Conservation Authority, determines that development can proceed without adversely affecting stormwater management in the area. In evaluating development proposals, Council will require that:

- a. Developments incorporate methods of stormwater management in accordance with the standards of the Township, local conservation authorities, the Ministry of Natural Resources, and the Ministry of the Environment;

- b. Developments minimize:
  - i. Nutrient enrichment,
  - ii. Bacteriological contamination,
  - iii. Toxic contamination,
  - iv. Sediment and phosphorous loading, and
  - v. Changes in flood levels and base flows in water bodies;
- c. In the design and construction of stormwater management *infrastructure* best management practices shall be used to ensure;
  - i. That post-development flows, particularly in receiving streams, are maintained at pre-development levels and that the cumulative impacts of development (within the sub-*watershed*) are considered as part of stormwater *infrastructure* design.
  - ii. The natural characteristics and quality of water of the receiving streams are maintained or enhanced including sediment control, riparian vegetation and thermal conditions.
  - iii. That there will not be any new or increased downstream flooding or erosion.
  - iv. That natural habitat areas are protected or enhanced or restored.
  - v. That a construction mitigation plan is instituted to prevent stream borne sediments, changes in flow or other adverse characteristics from affecting the *ecological functions* or other impacts on receiving waters during construction.
  - vi. That the post construction phase shall include rehabilitation continued maintenance or *infrastructure* and preferably, a monitoring program.
  - vii. Stormwater management *infrastructure* may be incorporated into parks and open space or green space within and between communities or may be integrated with a wetland complex.
- d. Stormwater management shall incorporate consideration for groundwater recharge and discharge and ensure that groundwater is not negatively

impacted. Stormwater management studies and reports where required by the Township or an approval authority (i.e. Ministry of Transportation) as a condition of development or in support of a planning application shall be prepared by a professional qualified in the field.

- e. Development proponents submit a drainage and grading plan where deemed appropriate by the Township and/or the Conservation Authority.

#### 7.8. SECONDARY PLANS

The policies of this Plan may not, in all cases, be sufficiently detailed to address specific land use and development issues for newly developing areas nor existing areas should servicing methods change, a hamlet requires a more in depth review, or areas of conversion from seasonal to year round use require particular consideration. The preparation and adoption of a secondary land use plan may be required for such areas, prior to extensive development or redevelopment being approved.

Secondary plans are intended to provide strategies to address and coordinate matters such as, but not limited to:

- a. Definition of the boundaries of the planning unit;
- b. Range and location of permitted land uses;
- c. Land ownership pattern;
- d. Density of development;
- e. Road design including the location of arterial and collector roads;
- f. Traffic impacts and improvements required to accommodate new development;
- g. Subdivision of land;
- h. Servicing and environmental issues;
- i. Stormwater management;
- j. Provision of recreational and community facilities;
- k. Heritage conservation and urban design;
- l. The timing and staging of growth;
- m. The appropriateness of intensification initiatives;
- n. Integration with adjacent established land uses;
- o. Strategies for implementation; and
- p. Source water protection.

Secondary Plans incorporated into this Plan may contain land use classifications or policies which are reflective of special circumstances within individual planning units.

In preparation of secondary plans, Council shall seek public and agency input. The process for informing and involving residents and agencies in the development and review of a proposed secondary plan will be established by Council prior to the



commencement of any such study, and generally will be consistent with the notification procedures set out for Official Plan Amendments under The *Planning Act*.

Secondary Plans should be sufficiently flexible to permit minor deviations or adjustments in land use boundaries, road alignments, and density provided the general intent of both this Plan and the Secondary Plan are maintained.

## **PART 8: TRANSPORTATION AND PUBLIC UTILITIES**

### 8.1. INTRODUCTION

The adequate and efficient provision of transportation facilities and public utilities is essential to the long term development of the Township. The efficient, integrated and economic movement of both people and goods is encouraged so that it may assist in the achievement of the goals, objectives and policies of this Plan.

Certain projects carried out by the Township may be subject to the *Environmental Assessment Act*. The Council will ensure that the status of each proposal under the Act is determined prior to proceeding with the undertaking. Nothing in this Plan shall be interpreted to mean that any undertaking subject to the *Environmental Assessment Act* may be proceeded with until it has complied with the Act.

### 8.2. ROADS

#### 8.2.1. General

Road ownership within the Township of Stone Mills falls under two (2) jurisdictions - the County, and the Township.

The transportation network as set out in Schedule 'B' generally reflects both the existing and anticipated future inter-relationships of land use and transportation. The road pattern is intended to facilitate the safe and efficient movement of both people and goods within the Township, as well as through traffic movement.

The road network is classified by function so as to facilitate future planning and development of the Township.

#### 8.2.2. Classification Principles

The roads in the planning area are classified according to their anticipated ultimate function, bearing in mind jurisdictional authority. The functional road classification is based on a hierarchy in accordance with the following principles:

- a. The overall road pattern should be in harmony with the proposed road pattern of the adjoining municipalities, the County road system and the Provincial highway system.

- b. County roads should permit the movement of medium to high volumes of traffic between major traffic generating areas, provide linkage to the provincial highway system, and provide linkage to local roads as well as serving a local service function.
- c. Municipal roads, other than major Township roads, are intended to provide access to the areas in which such local roads are located and are not intended to serve as major traffic arteries.

### 8.2.3. Classification of Roads

The existing roads within the Township are classified on Schedule 'B' according to their ultimate function. The road right-of-way width should be appropriate for the intended road function and is subject to the approval of the public road authority having jurisdiction in conjunction with proper engineering and environmental practice. Where additional land is required for widening and extensions, such land shall be obtained, wherever possible, in the course of recommending and approving applications for development under The *Planning Act*. The functional road classification is as follows:

- a. Provincial Highways

There are no Provincial Highways within the Township of Stone Mills.

- b. County Roads

County roads are classified and defined as follows:

- i. Rural Arterial Roads

Rural Arterial Roads exist and proposed roads of two and four lanes with a design right- of-way width of twenty-six (26) to thirty-five (35) meters [85 ft. – 98.4 ft.]. Rural Arterial Roads are designed to collect and carry high volumes of traffic, at relatively high operating speeds to Provincial Highways and Major Arterial Roads and/or to distribute traffic to collector and local roads. New direct entrances to Rural Arterial Roads should generally be discouraged. However, limited access to abutting properties may be permitted under certain circumstances.

ii. Rural Collector Roads

Rural Collector Roads exist and proposed roads of two traffic lanes with a design right-of-way width of twenty-six (26) to thirty (30) meters [85 ft. – 98.4 ft.]. Rural Collector Roads are designed to collect and distribute traffic at moderate to relatively high operating speeds to and from local roads and arterial roads. Rural Collector Roads are designed to tolerate limited direct access to adjacent properties.

iii. Urban Collector Roads

Urban Collector Roads are existing roads of two traffic lanes with a design right-of-way width of twenty-six (26) to thirty (30) meters [85 ft. – 98.4 ft.]. Urban Collector Roads are designed to collect and distribute traffic at relatively low operating speeds to and from local roads and arterial roads and to provide for the interconnection of rural, arterial, and collector roads. Direct access to abutting properties is generally permitted.

c. Township Roads

i. Major Township Roads

Three (3) of the Township roads are classified on Schedule 'B' as Major Township Roads. These provide for inter-area or through movement of medium volumes of traffic on two lanes and provide for limited land access to abutting properties. The right-of-way width is 20 to 26 meters. Access to major Township roads will be the same as the access requirements for County roads classified as Rural Collectors.

ii. Local Township Roads

Local Township roads provide primarily for land access to abutting properties. The minimum right-of-way width shall be 20 meters. They mainly provide access to abutting properties.

d. Private Access Roads

Private access roads are roads which serve two or more properties, that are not maintained by a public authority and a private right of way shall have the same meaning. A private access road may include a road built on private lands, and a road that is built on public lands but is privately maintained. It is the intent of this Plan that no new private road construction or extension of an existing private road will be permitted as a means to providing access to new

development. Private road access to forestry operations or other resource uses may be permitted.

Redevelopment of properties currently serviced by an existing private access road may require the upgrading and assumption of the road to a municipal standard in accordance with **Section 8.2.3.c**. Prior to the assumption of a private road, Council may require a cost-benefit analysis to determine the merits of assuming the road. A cost-benefit analysis is not intended to guarantee that the Township will assume a private road and approve the proposed development.

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.

#### 8.2.4. Development Policies

- a. In considering development or redevelopment along public roads, Council shall require appropriate setbacks, safe ingress and egress and buffering where such is necessary to mitigate negative effects.
- b. Council shall not assume any roads which do not meet municipal standards as established by Council nor shall they assume any roads which are inconsistent with accepted engineering practice. The Township shall be under no obligation to assume roads which exist or may be constructed within the Township.
- c. Access, setbacks and other development issues along County roads shall be dealt with in accordance with the requirements of the County.
- d. Access, setbacks and other development issues along municipal roads shall comply with safety requirements and accepted engineering practice.
- e. Access along major Township roads shall be limited to one (+1) access point every 150 m [492 ft.].
- f. Council shall attempt to widen Township roads to a minimum of 20 m [66 ft.] and major Township Roads to 26 m [85.3 ft.] wherever possible, in the course of recommending for approval or in approving a development application.

- g. Council may consider alternative development standards as a sustainability measure (e.g. reduced road widths in subdivisions in hamlets, requirements for bicycle lanes and energy conservation measures for storm drainage.)

#### 8.2.5. Road Improvements

- a. In order to maintain a satisfactory transportation system, Council will pursue a program of improving road alignments, surface treatment, proper signing and acquiring adequate road allowances for existing and new roads as future development occurs. The right-of-way width shall be as per **Sections 8.2.3** and **8.2.4** above. Provision shall be made in the implementing Zoning By-law for adequate setbacks.
- b. The establishment of new roads, road widenings, re-alignments and minor bypasses will not require an amendment to this Plan.
- c. Consideration shall be given to the impact of road improvements on the character of streetscapes, and heritage features.
- d. The Township encourages, where feasible, the joint use of public rights-of-way or utility corridors.
- e. Noise and vibration sensitive areas may be considered to be those areas of land abutting or adjacent to highway right-of-ways having a passive recreational or residential component. Sensitive areas for noise generally include lands lying within 300 m [984 ft.] of an arterial's right-of-way. Development proposals within 300 m [984 ft.] of any arterial road shall have regard for road noise, vibration and safety and may be subject to the approval of the Ministry of Environment and/or other appropriate approval authority.

#### 8.2.6. Impact Studies

Council recognizes that truck transport may require access through existing Hamlets or through existing built-up areas. Council is cognizant of constraints existing in Hamlets and built-up areas and the potential impacts which may result. Constraints may include width of roads, truck traffic near sensitive uses such as schools, speed limits, noise and vibration. Council also recognizes that County roads are designed to accommodate the movement of goods and services between municipalities. Council may, prior to approving an application

which involve truck traffic, require a study which evaluates the impact within the affected Hamlet or built-up area on such matters as:

- a. Safety;
- b. Natural and cultural heritage features, archeological potential areas, and natural hazards;
- c. Traffic, including alternate route(s);
- d. The degree to which the potential development will result in conflicting uses; and
- e. The way or ways in which identified conflict(s) may be minimized to an acceptable level.

Council may waive the requirement for such studies where information submitted as part of other approval processes, such as licensing under the *Aggregate Resources Act*, adequately addresses Township concerns.

#### 8.2.7. Cycling

Council acknowledges that bicycling is enjoying increased popularity as a mode of travel. The Township acknowledges the benefits of cycling which include the fact that bicycles take up little space, are fast, efficient and non-polluting. Cycling also promotes a healthy lifestyle which reduces the strain upon the health care system. Therefore the Township recognizes cycling as a major component of the transportation system and seeks to encourage cycling through the results of land-use decisions and through such measures as integrating cycling trails with multi-use trails where they do not conflict with each other and coordinating and integrating cycling trail systems with adjacent municipalities and Lennox and Addington County.

### 8.3. ENERGY AND UTILITIES

#### 8.3.1. General

There are a number of Federal and Provincial government-related authorities within the Township which are responsible for the delivery, regulation, and maintenance of essential services. Such services include hydro-electric power supply, supply of natural gas, and communication systems. It is important that such agencies be involved in the planned development of the Township to ensure that residents receive the benefits of the coordinated provision of all services. In the course of development of such services, consideration shall be

given to the effect of public utilities work and development on existing uses in the Township prior to the approval of such works and developments.

### 8.3.2. Energy

- a. All existing power facilities and the development of new electric power facilities directly related to the provision of electricity such as transmission lines, transformer stations and distributing stations shall be permitted provided that development satisfies the provision of the *Environmental Assessment Act*, including regulations made under that Act and any other relevant statutes, and provided that any facilities related to **renewable energy systems** or **alternative energy systems** comply with **Section 5.12** of this Plan.
- b. Encourage, where feasible, the joint use of public rights-of-way as utility corridors.
- c. The delivery of natural gas is regulated through the *National Energy Board Act*. Any works, excavation, or blasting within 30 m [98.4 ft.] of a pipeline shall be undertaken in compliance with the requirements of the National Energy Board and/or other agency having jurisdiction.
- d. All permanent structures and excavations must be located a minimum of 10 m [32.8 ft.] from the limits of a pipeline right-of-way.

### 8.3.3. Public Utilities

- a. Public utilities, uses and facilities are permitted in all land use designations provided that:
  - i. Such use is necessary in the proposed location and that due consideration has been given to alternative locations;
  - ii. The public use or utility will be designed and developed in such a manner that it will be sensitive to and compatible with the surrounding land uses;
  - iii. Adequate buffering is provided; and
  - iv. There is regard as to the nature of existing uses on adjacent lands, and the massing and design of public uses related thereto.



- b. Council, within the Hamlet areas, encourages the appropriate public and private agencies to place electric power, telephone lines, multi-use cables and other similar utility services underground wherever economically feasible and desirable. Where overhead wires presently exist, the placing of such electric power and communication lines underground will be encouraged where economically feasible and practical when major street improvements are undertaken.
- c. New public uses and facilities such as maintenance yards, public works depots, offices or other similar uses shall be located on lands designated and zoned for the intended use. Notwithstanding other provisions in this Plan, the erection of buildings and structures associated with public utilities including the production and transfer of electricity, telephone and gas lines, do not require the lands upon which the building or structure to be erected to front on an improved and publicly maintained road.
- d. Utility lines and required plants shall be installed in an efficient and economical manner with minimal disruption to existing development.
- e. Land within or adjacent to utility corridors may be subject to development restrictions or approvals of various utilities. The respective utility company should be consulted by persons having an interest in the development of such lands.
- f. Council encourages the appropriate authorities to locate new power facilities outside of areas designated Agricultural and *natural hazards*.

#### 8.3.4. Communal Services

The use of communal water and sewer systems is being recommended by Provincial authorities for small scale housing development where the situation warrants. At present no such systems exist in the Township and none have been proposed. Such services may be considered where they meet the following requirements which may be relevant:

- a. Solve an existing servicing problem; or
- b. Are recommended as part of a servicing options review study as part of approval of a permanent residential development in the Township; or
- c. Ownership/responsibility by the Township for communal water and sewage systems will be determined on a case by case basis. Failure of the Township to consent to ownership of a communal system as required by

the Ministry of Environment shall result in denial of the planning application. Where a responsibility agreement is required, Council will ensure that a trust fund or acceptable financial security is established for the long-term maintenance of the communal system.

#### 8.4. RAILWAYS

Council recognizes rail service to be an essential transportation element. Council is also cognizant of the conflicts which can arise between railways and other uses. It is also Council's intent to minimize and alleviate, wherever possible, the potential conflicts between rail, vehicular, and pedestrian traffic, and adjacent land uses.

##### 8.4.1. Policies

- a. Council shall have regard for the development requirements of the Railway concerning safety, buffering, and setbacks. Council will ensure that development proposals are circulated to the appropriate railway company for review and comment.
- b. Council will require appropriate noise and vibration controls to safeguard future residential development adjacent to the railway lines.
- c. Noise and vibration sensitive areas may be considered to be those areas of land abutting or adjacent to railway rights-of-way having a sensitive land use component. Noise studies may be required for any sensitive land use located within:
  - i. 500 m [1,640 ft.] of a principal railway;
  - ii. 250 m [820 ft.] of a secondary main line, and
  - iii. 100 m [328 ft.] from all other railway lines.
- d. Noise studies are to be prepared in accordance with Provincial guidelines and to the satisfaction of Council.

## **PART 9: IMPLEMENTATION AND INTERPRETATION**

### 9.1. INTRODUCTION

If the goals, objectives and policies of this Plan are to provide guidance in making decisions affecting land use, legal and financial means available will be necessary to ensure implementation.

The Plan will be implemented by means of the powers conferred upon the Township of Stone Mills by the *Planning Act*, the *Municipal Act*, the *Development Charges Act*, the *Ontario Heritage Act*, the *Local Improvement Act*, and such other statutes as may be applicable.

### 9.2. PROVINCIAL POLICIES

This Plan is consistent with the Provincial Policy Statement and it is the intent of Council to make land use planning decisions which are consistent with the most current Provincial Policy Statement and to conform or have regard to relevant provincial policies, agency programs and, where applicable, incorporate them into the Official Plan.

### 9.3. COMMITTEES

#### 9.3.1. General

The Township intends to facilitate the implementation of the Official Plan through the establishment of appropriate committees to perform specific planning responsibilities.

#### 9.3.2. Planning Advisory and Site Plan Control Committee

Council may, in accordance with Section 8 of the Planning Act, R.S.O. 1990, as amended, appoint a planning advisory committee of such persons as Council may determine. The Committee may:

- a. Advise and make recommendations to Council on planning matters;
- b. Hold public meetings as required under the *Planning Act*; and

- c. Review, evaluate, and make recommendations to Council with respect to planning approvals required under the *Planning Act*.

#### 9.3.3. Committee of Adjustment

Council has appointed a Committee of Adjustment in accordance with the provisions of Section 44 of the *Planning Act*, R.S.O. 1990, as amended, to deal with the following matters:

- a. Applications to allow a minor variance from the provisions of the Zoning By-law or any other By-law that implements the Official Plan.
- b. Applications to allow the extension or enlargement of a legal non-conforming use.
- c. Applications to allow a change in the use of buildings or land from a legal nonconforming use to another non-conforming use.
- d. Applications for consent under Section 53 of the *Planning Act*, R.S.O. 1990, as amended.

#### 9.4. ZONING BY-LAW

Council will adopt a new Zoning By-law to implement the planning principles and policies contained in this Plan. Such by-law shall make provision for adequate development standards and establish specific zones and permitted uses consistent with this Plan. Within each land use designation separate zones may be established to ensure that compatible uses will be appropriately grouped, and that the use of land and the character, location and use of buildings and structures is appropriately regulated.

Subject to Section 24 of The *Planning Act*, no Zoning By-law shall be passed unless it is in conformity with this Plan.

##### 9.4.1. Use of the "H" Symbol

It is not intended that all land use areas designated in the Official Plan will be immediately zoned and available for such uses, and no provision of this Plan shall be interpreted to require Council to zone any land within the Township so as to permit the immediate development of such lands for a designated use. Areas

may be further specified in the Zoning By-law in a Holding (H) category pursuant to Section 36 of The *Planning Act*, and in accordance with the following policies:

- a. Lands may be placed within a Holding category in the implementing Zoning By-law by use of the "H" symbol when the principle of development has been established, in order to achieve one or more of the following objectives:
  - i. Identify areas that may be developed in the foreseeable future;
  - ii. Reserve their use until necessary municipal services become available;
  - iii. Effect the phasing and/or proper design of residential, commercial, or industrial development;
  - iv. Ensure the proper servicing and financial agreements are in place; and/or
  - v. Delay development until such time as it is determined that identified development constraints can be overcome to the satisfaction of Council.
- b. Lands shown in a Holding (H) category in the implementing Zoning By-law:
  - i. Should be restricted to existing uses; and
  - ii. New development proposed on such lands shall not be permitted until Council deems it appropriate to remove the Holding symbol through a by-law enacted under Section 36 of the Planning Act, and in accordance with Subsection (c) below.
- c. Removal of Holding Zones

An application for removal of the Holding symbol will be reviewed by Council in accordance with the following criteria:

- i. Conformity of the proposed use with the provisions of the Zoning By-law;
- ii. Availability of required services;

- iii. Agreement on the phasing and design of the proposed development;
- iv. Development constraints which have been identified can be overcome to the satisfaction of Council;
- v. Fulfillment of the financial requirements of the Township; and
- vi. That any necessary agreements, such as subdivision agreements and/or site plan control agreements have been executed and registered on title.

#### 9.4.2. Development Zones

Where it is considered premature to introduce a Holding (H) category, such as may be the situation where a lengthier time frame is expected until development occurs, or where information is insufficient to adequately outline zone boundaries of areas and subsequent application of an "H", certain areas designated for specific land use in this Plan may be zoned within a "Development Zone" or other similar category, permitting a limited range of use. Under the "Development", or similar category, lands may be used for agriculture, open space and their existing use, with restrictions limiting enlargement.

It is intended that the uses permitted within a Development Zone, or similar category, will not exert any adverse effect on adjacent existing uses and will not jeopardize the future development of the land in conformity with the designations outlined in this Plan. Such areas may be rezoned for their designated use, or rezoned to a Holding ("H") Zone, under this Plan, when they appear to be ready for such a change, and when the standards appropriate to the designated use can be applied.

#### 9.4.3. Existing Non-Conforming Uses

##### 9.4.3.1. Recognition of Existing Land Uses

It is not the intent of this Plan to unnecessarily prevent the continuation, expansion or enlargement of existing uses which do not conform to the land use designations or related policies of this Plan and thereby create situations of unnecessary hardship. Council may, where deemed advisable, zone those uses legally existing at the date of adoption of the Official Plan and/or existing prior to the adoption of an implementing zoning by-law, so as to recognize the use

existing, provided this does not result in an increased adverse effect on the use of adjacent lands.

9.4.3.2. Existing Non-Conforming Land Uses

Any land use existing at the date of approval of this Official Plan that does not conform with the land use designations as shown on the Land Use Schedules or the policies related thereto, as a general rule, should cease to exist in the long run. In special instances, however, it may be desirable to permit the extension or enlargement of such a non-conforming use in order to avoid unnecessary hardship, provided the general intent of the Plan is maintained. It is the intention of this Plan that extensions and enlargements shall be handled through the use of Section 34(10) or Section 45 of The *Planning Act* (R.S.O. 1990, as amended from time to time).

a. Section 34(10) of The Planning Act

Any application, in accordance with Section 34(10) of the Planning Act for the extension or enlargement of a use which does not conform to the implementing Zoning By-law (hereinafter called a non-conforming use), and which existed at the time of passing of such by-law, shall be dealt with in the following manner:

- i. Council shall determine the feasibility of acquiring the property concerned at the time of application, or possibly at some future date, and of holding, selling, leasing or redeveloping the property in accordance with the provisions of The *Planning Act*. Special attention will be given to the re-establishment of the use under consideration, in a different location, where it would be able to perform and produce under improved conditions in accordance with the policies of this Plan.
- ii. If acquisition at this time does not appear to be feasible, and if the special merits of the individual case make it desirable to grant permission for the extension or enlargement of the non-conforming use, Council may consider the passing of a Zoning By-law pursuant to Section 34(10) of The *Planning Act*, and such By-law may then be passed without the necessity to amend the Official Plan, providing it complies with the policies below.
- iii. Prior to making any decision on the application, Council may refer such application to the Planning Advisory Committee for a report on the various aspects of the matter for the information of Council. Council, before passing such a By-law, shall be satisfied that those

of the following requirements which are relevant to the specific application for the extension or enlargement of the non-conforming use are, or will be, fulfilled in order to safeguard the wider interests of the general public:

- That the proposed extension or enlargement of the established non-conforming use will not unduly aggravate any conflicts created by the existence of the use, especially in regard to the policies of the Official Plan and the requirements of the Zoning By-law.
- That the proposed extension or enlargement shall be in an appropriate proportion to the size of the non-conforming use established prior to the passing of the implementing Zoning By-law.
- That an application which would affect the boundary areas of different land use designations on the Land Use Schedule will only be processed under these policies if it can be considered as a "minor adjustment" permitted under the flexibility of interpretation in the Interpretation section of the Official Plan without the need for an amendment. Any major variations will require an amendment to the Official Plan.
- The characteristics of the existing non-conforming use and the proposed extension or enlargement shall be examined by Council, in consultation with the appropriate approval authority with regard to noise, vibration, fumes, smoke, dust, odors, lighting and traffic generation. An amendment to the implementing by-law may be refused if one or more of such nuisance factors will be created or increased so as to add significantly to the incompatibility of the use with the surrounding area.
- That the neighbouring conforming uses will be protected, where necessary, by the provision of areas for buffering, appropriate setbacks, and provisions for alleviating adverse effects caused by outside storage, lighting, advertising signs, etc. Such provisions shall be applied to the proposed extension or enlargement and, wherever feasible, be also extended to the established use in order to improve its compatibility with the surrounding area.



- That traffic and parking conditions in the vicinity as determined by a traffic study will not be adversely affected by the application, and traffic hazards are not created.
  - That adequate provisions have been, or will be, made for off-street parking and loading facilities.
  - That applicable municipal services are adequate or can be made adequate.
- iv. Council will not pass an implementing Zoning By-law pursuant to Section 34(10) of The *Planning Act*, before it is satisfied in regard to the policies contained above and until Council is satisfied that such extension will not unduly adversely affect adjacent land uses. Council will also, in accordance with Section 34(12) of The *Planning Act* notify property owners in the area of each application for the extension or enlargement of a non-conforming use prior to a final decision on the matter.
- b. Section 45 of The Planning Act (R.S.O. 1990 c.P. 13)

In addition to certain other powers relating to minor variances, consents, and to the interpretation of uses described in general terms, the Committee of Adjustment may authorize a minor variance from the provisions of the by-law for the enlargement or extension of a non-conforming use, building or structure, provided such enlargement or extension does not go beyond the limits of the land owned and used in connection therewith on the day the by-law was passed.

The Committee of Adjustment may also permit a change of use on nonconforming land or in a non-conforming building or structure, provided the new use is not less compatible with the zoning By-law than the existing use.

In evaluating applications related to non-conforming uses, the Committee of Adjustment shall be guided by the matters outlined in **Subsection 9.4.3.2(a)** above.

#### 9.5. TEMPORARY USE BY-LAWS

Council, in accordance with the provisions of Section 39 of the *Planning Act* may pass bylaws to authorize the temporary use of land, buildings or structures for any purpose. Applications for temporary uses will be evaluated on the basis of the following:

- a. The proposed use must be temporary in nature, compatible with surrounding uses, and consistent with the intent of this Plan;
- b. The special circumstances which may apply to the subject property or the proposed temporary use;
- c. The appropriateness of the proposed use to the subject property;
- d. The difficulty involved in terminating the proposed use when the authorizing by-law expires;
- e. The availability of services for the subject property, and the impact of the proposed use on adjoining roads and other municipal services available;
- f. Appropriate means of minimizing any potential adverse effects of the proposed use on adjoining properties;
- g. The need to ensure that, at the expiration of the period of temporary use, the subject lands, buildings and structures will be restored to either their initial state or an improved state in keeping with the policies of the Official Plan;
- h. The need for a Site Plan Agreement prior to the approval of the temporary use; and
- i. The need to enter into a temporary use agreement with the Township for the duration of the temporary use period, which is not to exceed the time of duration from the day of the passing of the temporary use by-law, as specified in The *Planning Act*, but which may be renewed in accordance with Section 39 of The *Planning Act*.

Council may specify those lands which are the subject of a Temporary Use By-law by using the letter "T" in conjunction with any zone symbol in the Zoning By-law.

#### 9.6. INTERIM CONTROL BY-LAW

Council may pass an interim control by-law, as provided for in Section 38 of The *Planning Act*, for prohibiting the use of land, buildings, or structures within a defined area or areas of the Township for or except for such purposes as are set out in the By-law. The interim control by-law may be considered and enacted for the purposes of undertaking Secondary Plans and/or studies in any areas where development pressures require a review of land use policies within a defined area.

The term of the by-law shall be as set out in The *Planning Act* and may not exceed one year from the date of its passing. Council may extend the duration period of the interim control by-law such that the total time it is in effect is two years.

When considering a proposal to enact an interim control by-law, Council will:

- a. Consider the planning justification which demonstrates the need to carry out the study; and
- b. Be satisfied that the required study can be carried out expeditiously.

#### 9.7. CONDITIONAL ZONING

Subject to the enactment of Regulations under the *Planning Act*, it is the intent of this Plan to make provisions for imposing conditions related to development. Conditions may be imposed in association with a By-law enacted under Section 34 of the *Planning Act* for the following matters:

- a. To require the retention of natural vegetation coverage and/or the replanting or improvements to the landscaping of shoreline properties and of properties within or adjacent to significant woodlands.
- b. To require the retrofitting, replacement and/or relocation of **individual on-site sewage services** and **individual on-site water services**.
- c. To require the installation of mitigation measures such as containment facilities, capping of abandoned wells, increased setbacks, monitoring devices or similar measures required to protect, improve or restore *vulnerable* surface and groundwater resources.
- d. To require the upgrading of a private road to an acceptable standard.

#### 9.8. SITE PLAN CONTROL

- a. Pursuant to Section 41 of The *Planning Act* (R.S.O. 1990), the entire area within the corporate limits of the Township of Stone Mills is designated as a site plan control area. Specific areas and uses where site plan control will apply will be established by bylaw. Such by-law may designate site plan control area(s) by reference to specific zones in the implementing Zoning By-law for the Township.

- b. It is generally intended that the following uses be exempted from the site plan control requirements unless approval conditions as part of the creation of a new lot by plan of subdivision or consent to land severance or development adjacent to a *environmental protection areas* or water body require they be subject to site plan approval:
  - i. A single unit dwelling;
  - ii. A semi-detached dwelling;
  - iii. A duplex dwelling;
  - iv. Permitted agricultural buildings and structures used in non-intensive farming operations; and
  - v. Accessory buildings, minor renovations, and extensions to the above uses.
  - vi. Alternative energy systems where authorized under the *Green Energy and Green Economy Act*.

In areas designated Environmental Protection Areas and Natural Hazards, site plan control may apply to all classes of development.

- c. Council will require site plan drawings, elevations and cross-sections for all residential buildings containing three (3) or more dwelling units.
- d. In accordance with Section 41 of the *Planning Act*, the Transportation section and Schedule 'A' of this Official Plan, sufficient road widening will, where feasible, be required to ensure roads meet the road allowance widths specified in the Transportation section of this Plan. Where a roads needs study is completed and additional information is available on the precise areas where road widening is necessary, such information may be included into this Plan by amendment.
- e. Where road widening is required, the dedication should be applied equally on both sides of the road. The actual extent of road widening required to obtain the planned right-of-way width depends on the existing allowance width. Topographic constraints may require additional lands to be dedicated.
- f. The owner will be required to enter into one or more agreements as a condition to the approval of plans and drawings in accordance with the provisions of Section 41 of The *Planning Act*. Council also may, pursuant

to the provisions of Section 41 of The *Planning Act*, enact a by-law to define any class or classes of development where development may be undertaken without the approval of plans and drawings as may otherwise be required hereunder.

- g. Pursuant to Section 41 (13) (b) of The *Planning Act*, Council may by by-law delegate the Council's power or authority to a committee of the Council or an appointed officer. Such delegation shall not include any Council authority under Section 41(13) (a) of The *Planning Act*.
- h. Site plan control provides detailed control of the development of a particular site. Under this provision, Council may require a site plan agreement with a developer outlining details such as parking areas, elevations and grades, landscaping and buffering, storage of wastes, lighting, entrance and exits, road widening, exterior design and character and sustainable design elements (e.g. such as vegetation materials, street furniture, waste and recycling and bicycle parking) and services (water supply and sewage disposal services).

#### 9.9. PROPERTY CONDITIONS

Council encourages the development and maintenance of an efficient and pleasant environment for living, working, shopping, and recreation. Although the quality of property and its maintenance is generally high, there is an ongoing need to ensure that adequate standards of maintenance will be pursued in future to safeguard the values built into the physical community. To this end, it is the intention of Council to introduce and continue a property standards program.

The key element of this program will be the preparation, enactment and enforcement of a bylaw relating to property conditions. The purpose of this By-law is to prescribe minimum standards for the maintenance and occupancy to conserve, sustain and protect existing and future development in the Township.

- a. The Property Standards By-law, as executed under the *Building Code Act* (S.O. 1992, C.23, as amended) will be applicable to all property and shall contain requirements and provisions for:
  - i. Garbage disposal;
  - ii. Pest prevention;
  - iii. Structural maintenance of buildings;

- iv. Safety of buildings;
- v. Cleanliness of buildings;
- vi. Services to buildings such as plumbing, heating and electricity;
- vii. Keeping lands and waterfront properties free from rubbish, debris, weeds, ad wrecked, discarded or dismantled objects and materials such as vehicles, boats, trailers, and mechanical equipment;
- viii. Maintaining yards, lands, parking and storage areas;
- ix. Maintenance of heritage features;
- x. Maintaining fences, swimming pools, accessory buildings and signs;
- xi. Occupancy standards; and
- xii. Administration and enforcement of the by-law

The Township will appoint an Officer who will be responsible for administering and enforcing the standards for the Maintenance Occupancy By-law.

The Township will also appoint a Property Standards Committee for the purpose of hearing appeals against any Order of the Standards Officer.

- b. The measures to be used generally in achieving the property maintenance program may include:
  - i. An education and public relations program to show people the benefits of continued property maintenance;
  - ii. The provision of information showing what improvements can be made without increasing assessment;
  - iii. The initiation of available community and/or home improvement related rehabilitation assistance programs; and
  - iv. Such other measures deemed suitable and desirable by Council.

Complementary to the enforcement of minimum standards on private properties, the Township will undertake to keep in a fit and well maintained condition all Township properties and structures, and to

provide or maintain in good repair such municipal services as roads and sidewalks.

#### 9.10. SUBDIVISION, PART LOT CONTROL BY-LAWS

The *Planning Act* provides that any division of land be approved by either the Minister of Municipal Affairs and Housing in the context of the plan of subdivision process or by Council in the context of the consent process.

By-laws for the removal of part lot control require the approval of the Minister of Municipal Affairs and Housing.

Where appropriate, registered plans may be deemed not to be plans of subdivision for the purposes of the *Planning Act*.

#### 9.11. PLANS OF SUBDIVISION

The Township of Stone Mills will recommend to the Minister of Municipal Affairs and Housing or the approval authority for approval, those plans of subdivision which comply with the policies of this Plan and which, to the satisfaction of Council, can be supplied with adequate services such as schools, fire protection, acceptable method of sewage disposal, potable water, roads, and which, by reason of such approval, would not adversely affect the financial capability of the Township.

#### 9.12. EXISTING VACANT LOTS OF RECORD

In keeping with the overall principles and policies of this Official Plan, the development and infilling of existing vacant lots is encouraged, prior to further approvals being recommended.

Existing lots may be developed where:

- a. The lot area is sufficient to allow for the on-site provision of a quantity and quality of water and sewage disposal facilities acceptable to the appropriate approval authority; To provide for sustainable development in areas where existing lots of record do not meet current standards, Council will provide for the consolidation of smaller lots into larger holdings, such as in the hamlets. The Township will target for a minimum lot area that is sustainable with *individual on-site water and sewage* services (see **Section 5.13.2**).

- b. The proposed use complies with the intent of this Plan.
- c. The proposed use conforms to the access provision of this Plan.
- d. The lot complies with the Minimum Distance Separation Formulae for those lands designated as Agricultural and/or Rural, except when exempted from the application of MDS formulae under **Section 7.2.2** of this Plan.
- e. The requirement of agencies such as the conservation authority and health unit are met.
- f. Development will not create or aggravate an environmental or public health and safety concern.
- g. Development will meet the requirements for an impact assessment or other relevant studies, where applicable under this Plan.
- h. Development may be subject to an archaeological assessment on lots with known or potential archaeological resources.
- i. Development may be restricted on lots which are characterized as having natural or human-made hazards.

The Township may provide for exceptions in the zoning by-law for lots of record.

#### 9.13. VALIDATION

Should validation of a lot be necessary, the Township may issue a certificate of Validation under Section 57 of the *Planning Act*. All development on plans where validation is necessary shall be subject to the following criteria:

- a. Compliance with the Ontario regulations implementing Section 57 of the *Planning Act*.
- b. Scattered development resulting in a demand for services which are not possible or economical to provide or maintain shall be discouraged. Such services may include items as garbage collection, police and fire protection, snow removal, road construction, road maintenance, park facilities and transportation to and from school.
- c. Validation shall be dependent upon prevention of ribbon development along arterial and collector roads.



- d. Validation shall not be obtained where a traffic hazard would be created because of limited site lines, curves, or grades.
- e. Validation shall not be encouraged in areas designated in an Environmental category, as shown on the Land Uses Schedules.
- f. In no instance shall any parcel be validated which does not conform to the provisions of the Zoning By-law.
- g. Validation shall not be used as a substitute for the consent process.

#### 9.14. LAND ACQUISITION

Council may acquire land to implement any feature of this Plan in accordance with the provisions of the *Municipal Act*, the *Planning Act*, or any other Act.

#### 9.15. MUNICIPAL ACT LEGISLATION

Council will continue to review existing legislation pursuant to the *Municipal Act* governing such uses as salvage yards, waste disposal sites, pits and quarries, trailers, signs, swimming pools and so on. Where necessary Council will amend existing By-laws or pass new By-laws as may be required to ensure such uses are properly regulated.

#### 9.16. FINANCE AND PUBLIC WORKS PROGRAM

The implementation of the policies of this Plan will involve the Township directly in the financing of certain projects. The text and Schedules of this Plan outline the nature and scope of these projects which include the development of parks and playgrounds, the upgrading of roads and the improvement of intersections. No public work is to be undertaken unless it is in conformity with this Plan and meets the requirements of Section 24 of the Planning Act. (*Note: the provisions of the Green Energy and Green Economy Act, 2009 shall apply such that Section 24 of the Planning Act does not apply to a by-law with respect to the undertaking of a public work that is a renewable energy undertaking or is intended to facilitate or support a renewable energy undertaking as defined in the Green Energy and Green Economy Act, 2009.*)

Implementation is to be achieved in a fiscally efficient and prudent manner. To this end, long term financial management strategies are to be implemented and financial implications are to be monitored on an ongoing basis.

a. Capital Works

It is intended that the Township of Stone Mills, on the basis of the policies of this Plan dealing with community facilities, will establish a priority list for the implementation of these projects, with estimates of cost (land acquisition, construction and maintenance costs) wherever possible.

One year, five year and ten year capital works programs shall be developed to be carried out systematically, adopting initially the first year of the program as part of the overall municipal budget. It is intended that the program be reviewed annually as part of the capital budget procedure, which shall conform to the aims and policies of the Official Plan.

b. Finance

It is the intent of this Plan that:

- i. Efforts be made to achieve a 40:60 (or equivalent) taxable assessment ratio (i.e.: 40% of non-residential and 60% residential) in the administration of the development approval process and by other reasonable means.
- ii. The cost of providing the additional services and costs related to growth is provided by development proponents where appropriate.
- iii. Where development requires the extension of existing services such as roads, stormwater management facilities, electrical utilities, telephone lines, cable television, and so on, the funding of such service extension is in accordance with the policies of and to the satisfaction of the governing agency.
- iv. The costs of providing additional services, and which are not related to growth, are funded from taxation, user fees or other appropriate methods.
- v. Prior to any development proceeding, all agreements are executed, including front-end agreements, financial agreements and development agreements to provide for the servicing infrastructure to accommodate the growth caused by the development.
- vi. The Township will continue to investigate financial mechanisms and initiatives to ease the burden on the general tax levy including user fees, development charges, public/private partnership, government grants and subsidies and other sources of funding.

- vii. The Township will monitor the fiscal impacts of growth and development to ensure that current objectives and policies reflect changing fiscal circumstances.
- viii. The Township may require the preparation of an economic impact analysis in conjunction with consideration of any significant proposal, as determined by Council. The purpose of such an analysis is to determine the likely impact of the proposal on municipal operating and capital costs over both the short and long term.

#### 9.17. PUBLIC OPEN SPACE AND PARKLAND DEDICATION

Council, in accordance with Section 12 of the *Planning Act*, will make provision for the establishment, improvement, maintenance and management of parks and recreational facilities in accordance with the needs of the Township's residents. To ensure that adequate land is available to meet the open space and recreational needs of the residents of the Township,

Council shall:

- a. Require the conveyance of up to a five (5) percent parkland dedication in the case of new residential development and up to a two (2) percent parkland dedication in the case of new commercial or industrial development. In addition, Council may accept "cash-in-lieu" of parkland payment when deemed appropriate.
- b. Require all lands dedicated for parkland purposes to be in a satisfactory physical condition and be located in a manner which provides for its use by the general public. Where a proposed development abuts a body of water, Council may require that the lands dedicated for parkland be located adjacent to the body of water.
- c. Indicate to developers that land susceptible to flooding or other environmental hazards is not to be counted as part of the parkland dedication.

#### 9.18. PUBLIC PARTICIPATION AND NOTICE PROCEDURES

In order to adequately inform the general public as to the policies and proposals contained herein, Council shall, upon receiving the Minister's approval of this Plan, reproduce this Plan and make it available to the public.

a. Objectives

To provide a public participation process which allows individuals and organizations to be made aware of planning proposals and to be provided an opportunity to express their views to Council.

b. Program Elements

The elements of a program for public involvement in municipal planning in Stone Mills will ensure:

- i. Public participation;
- ii. Provision of accurate and objective information;
- iii. Provision of opportunities to express opinions;
- iv. Information is presented in non-technical language;
- v. Consideration is given to public responses;
- vi. Flexibility in the process; and
- vii. Acknowledgment of the interests and views of the participants

c. Provision of Planning Documents

Council shall make available to the public planning documents specified in The Planning Act such as the Official Plan, Community Improvement Plans, and Zoning By-laws to foster a greater awareness and knowledge of planning matters.

d. Public Participation

To facilitate public participation in planning issues, Council may employ, in addition to any required public meetings, appropriate methods at varying stages of the decision-making process such as, but not limited to, informal public meetings, open houses, workshops, displays, municipal-wide advertising, working committees, task forces, consultation with neighbourhood ratepayers associations, early agency consultation, and posting of affected properties.

e. Consultation

In addition to consultation with the public, Council may consult with any relevant federal or provincial department, agency or Township in seeking technical advice or input on a proposed planning application prior to making a decision. Documents used to support a land use planning decision by Council will be made available to the public prior to a decision and will constitute part of the public record should there be an appeal to the Ontario Municipal Board.

f. Notification Procedures

The requirements of the Planning Act for public notice procedures as set out in the respective Sections shall apply.

g. Exemptions

Council may, by resolution, forego public notification in connection with Official Plan, Community Improvement Plan, and Zoning By-law Amendments if such amendments relate to matters which will not affect the policies and intent of the Official Plan or Community Improvement Plan, or the provisions of the Zoning By-law in any material way, and may include the following matters:

- i. Altering punctuation or language to obtain a uniform mode of expression;
- ii. Correcting clerical, grammatical, dimensioning or typographical errors;
- iii. Altering the number and arrangement of any provision;
- iv. Inserting historical footnotes or similar annotations to indicate the origin and approval of each provision;
- v. Changing the format of a document;
- vi. Consolidating amendments; and
- vii. Transferring Official Plan, Community Improvement Plan, and Zoning By-law designations to new base maps.

9.19. OFFICIAL PLAN AMENDMENTS AND REVIEW AND COMPLETE APPLICATIONS

a. Amendments

Council may amend this Plan to reflect changing conditions, or amend the Plan as deemed necessary to keep abreast of changes and trends whether originating within the Township or beyond the Township boundaries.

The Official Plan may also be amended based upon decisions made by Council regarding specific requests. When considering a specific request for amendment, Council will have regard to the following:

- i. The need for the use;
- ii. Alternative locations for the proposed use;
- iii. Compatibility of the use with surrounding uses;
- iv. Impact on resources including: agricultural land, aggregate resources, environmental resources, groundwater supplies, wildlife resources, heritage resources, and forestry resources;
- v. The adequacy of water supply and sewage disposal services required by the proposed use;
- vi. Vehicular and pedestrian access; and
- vii. Financial impact on the Township.

b. Review and Monitoring

The Township will monitor, on an annual basis, all development activity in the Township, including the creation of lots, issuance of building permits and changes in land use, and prepare an annual report outlining these activities.

In accordance with Section 26 of the *Planning Act*, Council shall, not less frequently than every five (5) years, hold a special meeting of Council, open to the public, for the purpose of determining the need for a comprehensive review and update of this Official Plan.

c. Complete Applications

Amendments to the Official Plan, the Zoning By-law may be initiated by application or by Council in compliance with the requirements of the Planning Act. Council intends to consult with the public prior to making a decision on a planning application and may by by-law require pre-consultation with the appropriate approval authority for planning applications. This may be in addition to any required statutory public meeting. Applications for development for an official plan amendment, a zoning by-law amendment, or subdivision shall be reviewed for completeness. The Township/approval authority will not consider an application complete or may refuse an application where studies or other information required by this Plan or the Planning Act are not submitted as part of the application. These studies or information may include, but are not limited to:

- A servicing options report (see **Sections 3.7.1.2, 4.2.6(h), 4.2.7(d)(1v), 4.3.3.9, 4.5.3(a), 5.1.3.2 (a), 7.3 (f), 7.5.2 (e), and 8.3.4 (b)**)
- A hydrogeological study and terrain analysis report including an assessment of the carrying capacity or appropriate density of development (see **Sections 5.13.2 (a) and 5.13.2 (b)**)
- A drainage and/or stormwater management report (see **Sections 3.7.1.3, 5.13.2 (a) and 7.7.2 (d)**)
- An Environmental Impact Assessment for *environmental protection areas* (see **Sections 4.2.9.2(a)(iv), 4.7.3 and 9.12.9**)
- An Archaeological Assessment (see **Sections 5.4.1 (c)**)
- A resource impact report for development in proximity to a waste management facility, industrial use or mineral/mineral aggregate use including an assessment of impacts within an influence area (see **Sections 4.4.3.6, 4.4.4.8(d), 4.5.3(d) and 4.6.3(g)**)
- A traffic study (see **Sections 4.5.3.6, 7.3 (h), and 8.2.6**)
- A mine hazard rehabilitation assessment (see **Section 4.4.4.2(i)**)
- A contaminated site assessment report (environmental site audit/assessment) (see **Section 5.11**)
- A noise and/or vibration study (see **Sections 4.4.2.4(e)(ii), 4.4.3.6, 4.4.4.8(c)(i), 4.2.9.2(a)(iii), 4.5.3(d), 7.2.1, 8.2.6, and 8.4.1 (d)**)
- A source protection study including a groundwater impact and/or surface water impact study (see **Section 5.13.2**)
- A MDS I or II calculation (see **Section 7.2.2**)
- A minimum separation distance calculation for an industry, waste management facility, pit or quarry (see **Sections 4.4.3.6, 4.4.4.8(d), 4.5.3(d), and 4.6.3(g)**)

- An off-site septage haulage report (see **Sections 7.3 (a)**, and **7.5.2 (e)**)
- A geotechnical study (see **Section 5.13.2 (e)**)
- A municipal servicing capacity report for water and/or sanitary sewage system (see **Section 5.4.3 (h)**)
- A water supply assessment (see **Sections 4.4.2.2(d)**, **4.4.2.4(e)(ii)**, and **5.13.2**)
- A market study (see **Section 4.5.2**)
- A flood plain management/slope stability report (See **4.7.1(c)**)
- A lake capacity assessment (see **Section 5.13.3 (d)**)
- A cost-benefit study and/or a justification report for a private road (see **Section 8.3.2 (d)**)

These studies may be in addition to other requirements set out in Ontario Regulations 543/06, 544/06, 545/06 or 547/06. Council/the approval authority may refuse to accept an application as complete in the absence of required studies in support of an Official Plan amendment, a zoning by-law amendment, a subdivision.

## 9.20. CHANGES TO AGENCY NAMES, RESPONSIBILITIES, AND LEGISLATION

### 9.20.1. Agency Names and Responsibility

From time to time, the names of various government ministries and agencies may change. In addition, responsibilities may shift from one ministry to another. The names of various ministries responsible for programs, regulations, and approvals are given in this Plan as of the date of adoption of this Plan. It is not intended to amend this Plan each time a change of name or responsibility occurs. Rather, this Plan shall be interpreted so as to refer to those agencies named, or to their successors, as conditions dictate.

### 9.20.2. Legislation

From time to time, Provincial and Federal Statutes are amended and section numbers changed. It is not intended to amend this Plan each time such a change is made. This Plan shall be interpreted so as to refer to legislation as amended from time to time.



9.21. INTERPRETATION: BOUNDARIES AND QUANTITIES

- a. It is intended that the boundaries of the land use designations shown on the Schedules to this Plan be considered as approximate, or absolute only where bounded by roads, railways, rivers, lakes or other similar natural physical barriers.
- b. It is intended that the location of roads as indicated on Schedule 'A' be considered as approximate and not absolute.
- c. Amendments to this Plan will not be required in order to make minor adaptations to the approximate land use boundaries or the location of roads, provided that the overall intent of this Plan is preserved. Site specific adaptations may be established at the time of preparation of a new Zoning By-law to implement this Official Plan, or as part of the evaluation of a development or redevelopment proposal.
- d. Wherever a use is permitted in a designated area, it is intended that uses, buildings or structures normally incidental, accessory and essential to that use also be permitted.
- e. Such terms as reasonable, limited and appropriate will be interpreted by the Council to ensure that the overall intent of this Plan is maintained.
- f. All minimum size criteria such as lot area are to be considered as approximate and not absolute. Amendments to this Plan will not be required for any minor variation.
- g. Where any act or portion thereof is referenced in this Plan, it is intended that such references should be interpreted to include any subsequent legislation that may amend or replace the specific act. Where an *Act* or portion of an *Act* is referred to in this Plan, such references will be interpreted to include any subsequent legislation that may supersede the *Act* so named.
- h. All measurements in this Plan are in metric form and it is the intent of this Plan that the metric format be used in the preparation of the implementing Zoning By-law.
- i. All words in the singular shall include the plural and all words in the plural shall be interpreted to include the singular.
- j. The terms 'consent' and 'severance' are used interchangeably.

- k. Where reference is made in this Plan to an original document e.g. floodplain mapping, which provides more accurate information in the interpretation of this Plan, reference shall be made to the original document, where necessary, in implementing the policies of this Plan.
- l. The "Definitions" set out in the Provincial Policy Statement (of March 1, 2005) shall apply to those same words and terms used in this Plan. (*Note: words and terms which are defined appear in italicized **bold script** in this Plan.*) Amendments may be made to the Provincial Policy Statement from time-to-time. It is the intent of this Plan that planning applications 'shall be consistent with' the Provincial Policy Statement in effect at the time the application is made.
- m. It is intended that all figures and numerical quantities, where they may appear in this Plan, shall be considered as approximate unless otherwise stated. Amendments to the Official Plan will not be required for any reasonable variance from any of the proposed figures or numerical quantities subject to any technical guidelines or studies that apply or may be required.
- n. For the purposes of this Plan, it is interpreted that a legally existing use, or a legal non-conforming use as of the date of adoption of this Plan, refers to the land presently or actually in use and not necessarily the total land area or land holding of the property owner. (Example: *one hectare of a 40 ha parcel is used for a sawmill while the balance of land is vacant, hence the industrial use would be interpreted to apply only to the one hectare.*) This Plan is not intended to recognize or endorse the use of land for any illegal land use, existing or otherwise.

#### 9.22. DEVELOPMENT CHARGES ACT, 1997

##### **Statement of Intent**

This Official Plan is to be considered as a statement of intent of Council to carry out or authorize to be carried out, various public works as described specifically or in general terms in this Plan and which may be the subject of a development charge. This includes the Council of the Township.

## 9.23. DEFINITIONS

### **Access standards:**

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

### **Adjacent lands:** means

- a) for the purposes of policy 2.1 of the Provincial Policy Statement, those lands contiguous to a specific *environmental protection areas* where it is likely that development or site alteration would have a negative impact on the feature or area. The extent of the adjacent lands may be recommended by the Province or based on municipal approaches which achieve the same objectives; and
- b) for the purposes of policy 2.6.3 of the Provincial Policy Statement, those lands contiguous to a protected heritage property or as otherwise defined in the municipal official plan.

### **Adverse effects:**

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

1. impairment of the quality of the natural environment for any use that can be made of it;
2. injury or damage to property or plant or animal life;
3. harm or material discomfort to any person;
4. an adverse effect on the health of any person;
5. impairment of the safety of any person;
6. rendering any property or plant or animal life unfit for human use;
7. loss of enjoyment of normal use of property; and
8. interference with normal conduct of business.

### **Affordable:** means

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

**Agricultural uses:**

means the growing of crops, including nursery and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including accommodation for full-time farm labour when the size and nature of the operation requires additional employment.

**Agriculture-related uses:**

means those farm-related commercial and farm-related industrial uses that are small scale and directly related to the farm operation and are required in close proximity to the farm operation.

**Airports:**

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

**Alternative energy systems:**

means sources of energy or energy conversion processes that significantly reduce the amount of harmful emissions to the environment (air, earth and water) when compared to conventional energy systems.

**Archaeological resources:**

includes artifacts, archaeological sites and marine archaeological sites. The identification and evaluation of such resources are based upon archaeological fieldwork undertaken in accordance with the Ontario Heritage Act.

**Areas of archaeological potential:**

means areas with the likelihood to contain archaeological resources. Criteria for determining archaeological potential are established by the Province, but municipal approaches which achieve the same objectives may also be used. Archaeological potential is confirmed through archaeological fieldwork undertaken in accordance with the Ontario Heritage Act.

**Areas of mineral potential:**

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

**Areas of natural and scientific interest (ANSI):**

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

**Areas of petroleum potential:**

means areas favourable to the discovery of petroleum resources due to geology, the presence of known petroleum resources or other technical evidence.

**Brownfield sites:**

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

**Built heritage resources:**

means one or more significant buildings, structures, monuments, installations or remains associated with architectural, cultural, social, political, economic or military history and identified as being important to a community. These resources may be identified through designation or heritage conservation easement under the Ontario Heritage Act, or listed by local, provincial or federal jurisdictions.

Coastal wetland: means

- a) any wetland that is located on one of the Great Lakes or their connecting channels (Lake St. Clair, St. Mary's, St. Clair, Detroit, Niagara and St. Lawrence Rivers); or
- b) any other wetland that is on a tributary to any of the above-specified water bodies and lies, either wholly or in part, downstream of a line located 2 kilometres upstream of the 1:100 year floodline (plus wave run-up) of the large water body to which the tributary is connected.

**Comprehensive review:** means

- a) for the purposes of policies 1.1.3.9 and 1.3.2 of the Provincial Policy Statement, an official plan review which is initiated by a planning authority, or an official plan amendment which is initiated or adopted by a planning authority, which:
  1. is based on a review of population and growth projections and which reflect projections and allocations by upper-tier municipalities and provincial plans, where applicable; considers alternative directions for growth; and determines how best to accommodate this growth while protecting provincial interests;
  2. utilizes opportunities to accommodate projected growth through intensification and redevelopment;
  3. confirms that the lands to be developed do not comprise specialty crop areas in accordance with policy 2.3.2 of the Provincial Policy Statement;
  4. is integrated with planning for infrastructure and public service facilities; and
  5. considers cross-jurisdictional issues.
- b) for the purposes of policy 1.1.5 of the Provincial Policy Statement, means a review undertaken by a planning authority or comparable body which:
  1. addresses long-term population projections, infrastructure requirements and related matters;

2. confirms that the lands to be developed do not comprise specialty crop areas in accordance with policy 2.3.2 of the Provincial Policy Statement; and
3. considers cross-jurisdictional issues.

**Conserved:**

means the identification, protection, use and/or management of cultural heritage and archaeological resources in such a way that their heritage values, attributes and integrity are retained. This may be addressed through a conservation plan or heritage impact assessment.

**Cultural heritage landscape:**

means a defined geographical area of heritage significance which has been modified by human activities and is valued by a community. It involves a grouping(s) of individual heritage features such as structures, spaces, archaeological sites and natural elements, which together form a significant type of heritage form, distinctive from that of its constituent elements or parts. Examples may include, but are not limited to, heritage conservation districts designated under the Ontario Heritage Act; and villages, parks, gardens, battlefields, mainstreets and neighbourhoods, cemeteries, trailways and industrial complexes of cultural heritage value.

**Defined portions of the one hundred year flood level along connecting channels:**

means those areas which are critical to the conveyance of the flows associated with the one hundred year flood level along the St. Mary's, St. Clair, Detroit, Niagara and St. Lawrence Rivers, where development or site alteration will create flooding hazards, cause updrift and/or downdrift impacts and/or cause adverse environmental impacts.

**Deposits of mineral aggregate resources:**

means an area of identified mineral aggregate resources, as delineated in Aggregate Resource Inventory Papers or comprehensive studies prepared using evaluation procedures established by the Province for surficial and bedrock resources, as amended from time to time, that has a sufficient quantity and quality to warrant present or future extraction.

**Designated and available:**

for the purposes of policy 1.4.1(a) of the Provincial Policy Statement, means lands designated in the official plan for urban residential use. For municipalities where more detailed official plan policies (e.g., secondary plans) are required before development applications can be considered for approval, only lands that have commenced the more detailed planning process are considered to be designated for the purposes of this definition

**Designated growth areas:**

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

**Designated vulnerable area:**

means areas defined as vulnerable, in accordance with provincial standards, by virtue of their importance as a drinking water source that may be impacted by activities or events.

**Development:**

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

- a. activities that create or maintain infrastructure authorized under an environmental assessment process;
- b. works subject to the Drainage Act; or
- c. for the purposes of policy 2.1.3(b) of the Provincial Policy Statement, underground or surface mining of minerals or advanced exploration on mining lands in significant areas of mineral potential in Ecoregion 5E, where advanced exploration has the same meaning as under the Mining Act. Instead, those matters shall be subject to policy 2.1.4(a) of the Provincial Policy Statement.

**Dynamic beach hazard:**

means areas of inherently unstable accumulations of shoreline sediments along the Great Lakes - St. Lawrence River System and large inland lakes, as identified by provincial standards, as amended from time to time. The dynamic beach hazard limit consists of the flooding hazard limit plus a dynamic beach allowance.

**Ecological function:**

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

**Employment area:**

means those areas designated in an official plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities.

**Endangered species:**

means a species that is listed or categorized as an “Endangered Species” on the Ontario Ministry of Natural Resources’ official species at risk list, as updated and amended from time to time.

**Environmental protection areas** (i.e., “natural heritage features and areas” as defined in the Provincial Policy Statement):

means features and areas, including significant wetlands, significant coastal wetlands, fish habitat, significant woodlands south and east of the Canadian Shield, significant valleylands south and east of the Canadian Shield, significant habitat of endangered species and threatened species, significant wildlife habitat, and significant areas of natural and scientific interest, which are important for their environmental and social values as a legacy of the natural landscapes of an area.

**Erosion hazard:**

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

**Fish:**

means fish, which as defined in S.2 of the Fisheries Act, c. F-14, as amended, includes fish, shellfish, crustaceans, and marine animals, at all stages of their life cycles.

**Fish habitat:**

as defined in the Fisheries Act, c. F-14, means spawning grounds and nursery, rearing, food supply, and migration areas on which fish depend directly or indirectly in order to carry out their life processes.

**Flood fringe:**

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

**Flood plain:**

for river stream, and small inland lake systems, means the area, usually low lands adjoining a watercourse, which has been or may be subject to flooding hazards.

**Flooding hazard:**

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



- a. Along the shorelines of the Great Lakes - St. Lawrence River System and large inland lakes, the flooding hazard limit is based on the one hundred year flood level plus an allowance for wave uprush and other water-related hazards;
- b. Along river, stream and small inland lake systems, the flooding hazard limit is the greater of:
  1. the flood resulting from the rainfall actually experienced during a major storm such as the Hurricane Hazel storm (1954) or the Timmins storm (1961), transposed over a specific watershed and combined with the local conditions, where evidence suggests that the storm event could have potentially occurred over watersheds in the general area;
  2. the one hundred year flood; and
  3. a flood which is greater than 1. or 2. which was actually experienced in a particular watershed or portion thereof as a result of ice jams and which has been approved as the standard for that specific area by the Minister of Natural Resources;

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

**Floodproofing standard:**

means the combination of measures incorporated into the basic design and/or construction of buildings, structures, or properties to reduce or eliminate flooding hazards, wave uprush and other water-related hazards along the shorelines of the Great Lakes - St. Lawrence River System and large inland lakes, and flooding hazards along river, stream and small inland lake systems.

**Floodway:**

for river, stream and small inland lake systems, means the portion of the flood plain where development and site alteration would cause a danger to public health and safety or property damage.

Where the one zone concept is applied, the floodway is the entire contiguous flood plain.

Where the two zone concept is applied, the floodway is the contiguous inner portion of the flood plain, representing that area required for the safe passage of flood flow and/or that area where flood depths and/or velocities are considered to be such that they pose a potential threat to life and/or property damage. Where the two zone concept applies, the outer portion of the flood plain is called the flood fringe.

**Great Lakes - St. Lawrence River System:**

means the major water system consisting of Lakes Superior, Huron, St. Clair, Erie and Ontario and their connecting channels, and the St. Lawrence River within the boundaries of the Province of Ontario.

**Ground water feature:**

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

**Hazardous sites:**

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

**Hazardous substances:**

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

**Heritage attributes:**

means the principal features, characteristics, context and appearance that contribute to the cultural heritage significance of a protected heritage property.

**Hydrologic function:**

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

**Individual on-site sewage services:**

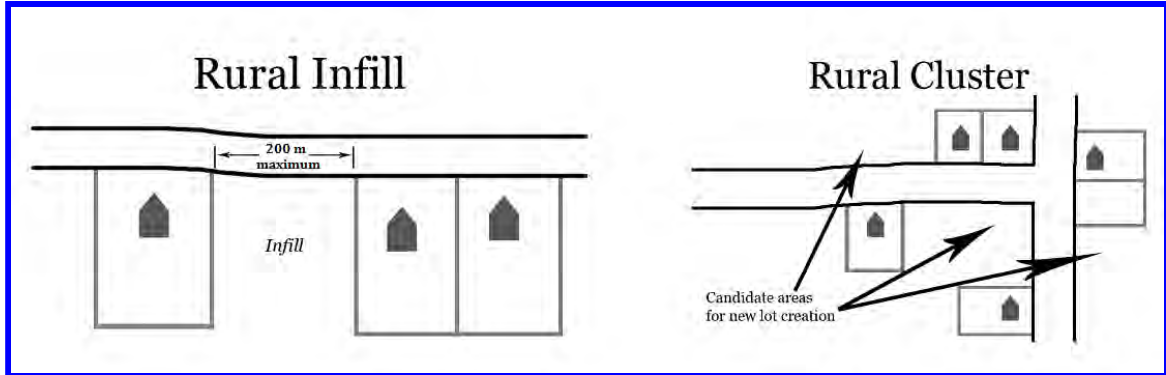
means individual, autonomous sewage disposal systems within the meaning of s.8.1.2, O.Reg. 403/97, under the Building Code Act, 1992 that are owned, operated and managed by the owner of the property upon which the system is located.

**Individual on-site water services:**

means individual, autonomous water supply systems that are owned, operated and managed by the owner of the property upon which the system is located.

**Infill:**

means the creation of a lot or lots between two existing developed lots on the same side of the road not more than 220m [722 ft.] apart or which have the effect of rounding out an existing built up area.



**Infrastructure:**

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

**Intensification:**

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

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

**Large inland lakes:**

means those waterbodies having a surface area of equal to or greater than 100 square kilometres where there is not a measurable or predictable response to a single runoff event.

**Legal or technical reasons:**

for the purposes of policy 2.3.4.2 of the Provincial Policy Statement, means severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot.

**Low and moderate income households:** means

- a) in the case of ownership housing, households with incomes in the lowest 60 percent of the income distribution for the regional market area; or
- b) in the case of rental housing, households with incomes in the lowest 60 percent of the income distribution for renter households for the regional market area.

**Mine hazard:**

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

**Minerals:**

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

**Mineral aggregate operation:** means

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

**Mineral aggregate resources:**

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

**Mineral deposits:**

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

**Mineral mining operation:**

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

**Minimum distance separation formulae:**

means formulae developed by the Province to separate uses so as to reduce incompatibility concerns about odour from livestock facilities.

**Multi-modal transportation system:**

means a transportation system which may include several forms of transportation such as automobiles, walking, trucks, cycling, buses, rapid transit, rail (such as commuter and freight), air and marine.

**Municipal sewage services:**

means a sewage works within the meaning of Section 1 of the Ontario Water Resources Act that is owned or operated by a municipality.

**Municipal water services:**

means a municipal drinking-water system within the meaning of Section 2 of the Safe Drinking Water Act, 2002.

**Natural Hazards** (i.e., "hazardous lands" as defined in the Provincial Policy Statement):

means property or lands that could be unsafe for development due to naturally occurring processes. Along the shorelines of the Great Lakes - St. Lawrence River System, this means the land, including that covered by water, between the international boundary, where applicable, and the furthest landward limit of the flooding hazard, erosion hazard or dynamic beach hazard limits. Along the shorelines of large inland lakes, this means the land, including that covered by water, between a defined offshore distance or depth and the furthest landward limit of the flooding hazard, erosion hazard or dynamic beach hazard limits. Along river, stream and small inland lake systems, this means the land, including that covered by water, to the furthest landward limit of the flooding hazard or erosion hazard limits.

**Natural heritage system:**

means a system made up of *environmental protection areas*, linked by natural corridors which are necessary to maintain biological and geological diversity, natural functions, viable populations of indigenous species and ecosystems. These systems can include lands that have been restored and areas with the potential to be restored to a natural state.

**Negative impacts:**

means

- a) in regard to policy 2.2 of the Provincial Policy Statement, degradation to the quality and quantity of water, sensitive surface water features and sensitive ground water features, and their related hydrologic functions, due to single, multiple or successive development or site alteration activities;
- b) in regard to fish habitat, the harmful alteration, disruption or destruction of fish habitat, except where, in conjunction with the appropriate authorities, it has been authorized under the Fisheries Act, using the guiding principle of no net loss of productive capacity; and
- c) in regard to other ~~natural heritage features and areas~~ *environmental protection areas*, degradation that threatens the health and integrity of the natural features or ecological functions for which an area is identified due to single, multiple or successive development or site alteration activities.

**Normal farm practices:**

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

**Oil, gas and salt hazards:**

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

**One hundred year flood:**

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

**One hundred year flood level: means**

- a) for the shorelines of the Great Lakes, the peak instantaneous stillwater level, resulting from combinations of mean monthly lake levels and wind setups, which has a 1% chance of being equalled or exceeded in any given year;
- b) in the connecting channels (St. Mary's, St. Clair, Detroit, Niagara and St. Lawrence Rivers), the peak instantaneous stillwater level which has a 1% chance of being equalled or exceeded in any given year; and
- c) for large inland lakes, lake levels and wind setups that have a 1% chance of being equalled or exceeded in any given year, except that, where sufficient water level records do not exist, the one hundred year flood level is based on the highest known water level and wind setups.

**Other water-related hazards:**

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

**Partial services:** means

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

**Petroleum resource operations:**

means oil, gas and brine wells, and associated facilities, oil field brine disposal wells and associated facilities, and facilities for the underground storage of natural gas and other hydrocarbons.

**Petroleum resources:**

means oil, gas, and brine resources which have been identified through exploration and verified by preliminary drilling or other forms of investigation. This may include sites of former operations where resources are still present or former sites that may be converted to underground storage for natural gas or other hydrocarbons.

**Planned corridors:**

means corridors identified through provincial plans or preferred alignment(s) determined through the Environmental Assessment Act process which are required to meet projected needs.

**Portable asphalt plant:** means a facility

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

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

- a) with equipment designed to mix cementing materials, aggregate, water and admixtures to produce concrete, and includes stockpiling and storage of bulk materials used in the process; and
- b) which is not of permanent construction, but which is designed to be dismantled at the completion of the construction project.



**Prime agricultural area:**

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

**Prime agricultural land:**

means land that includes specialty crop areas and/or Canada Land Inventory Classes 1, 2, and 3 soils, in this order of priority for protection.

**Private communal sewage services:**

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

**Private communal water services:**

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

**Protected heritage property:**

means real property designated under Parts IV, V or VI of the Ontario Heritage Act; heritage conservation easement property under Parts II or IV of the Ontario Heritage Act; and property that is the subject of a covenant or agreement between the owner of a property and a conservation body or level of government, registered on title and executed

with the primary purpose of preserving, conserving and maintaining a cultural heritage feature or resource, or preventing its destruction, demolition or loss.

**Protection works standards:**

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

**Provincial and federal requirements:** means

- a) in regard to policy 1.8.3 of the Provincial Policy Statement, legislation and policies administered by the federal or provincial governments for the purpose of protecting the environment from potential impacts associated with energy facilities and ensuring that the necessary approvals are obtained; and
- b) in regard to policy 2.1.5 of the Provincial Policy Statement, legislation and policies administered by the federal or provincial governments for the purpose of



the protection of fish and fish habitat, and related, scientifically established standards such as water quality criteria for protecting lake trout populations.

**Provincial plan:**

means a plan approved by the Lieutenant Governor in Council or the Minister of Municipal Affairs and Housing, but does not include municipal official plans.

**Public service facilities:**

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

**Quality and quantity of water:**

is measured by indicators such as minimum base flow, depth to water table, aquifer pressure, oxygen levels, suspended solids, temperature, bacteria, nutrients and hazardous contaminants, and hydrologic regime.

**Recreation:**

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

**Redevelopment:**

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

**Regional market area:**

refers to an area, generally broader than a lower-tier municipality, that has a high degree of social and economic interaction. In southern Ontario, the upper or single-tier municipality will normally serve as the regional market area. Where a regional market area extends significantly beyond upper or single-tier boundaries, it may include a combination of upper, single and/or lower-tier municipalities.

**Renewable energy systems:**

means the production of electrical power from an energy source that is renewed by natural processes including, but not limited to, wind, water, a biomass resource or product, or solar and geothermal energy.

**Reserve sewage system capacity:**

means design or planned capacity in a centralized waste water treatment facility which is not yet committed to existing or approved development. For the purposes of policy 1.6.4.1(e) of the Provincial Policy Statement, reserve capacity for private communal sewage services and individual on-site sewage services is considered sufficient if the

hauled sewage from the development can be treated or disposed of at sites approved under the *Environmental Protection Act* or the *Ontario Water Resources Act*, but not by land-applying untreated, hauled sewage.

**Reserve water system capacity:**

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

**Residence surplus to a farming operation:**

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

**Residential intensification:**

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

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

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

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

**Rural areas:**

means lands in the rural area which are located outside settlement areas and which are outside prime agricultural areas.

**Salvage Yard:**

means premises where derelict, discarded, abandoned or inoperable motor vehicles and/or other goods, wares, merchandise or articles are stored wholly or partly in an open area. A salvage yard, as defined in the Official Plan, explicitly includes junk yards, scrap yards or automobile wrecking yards but may also include material recycling facilities.

**Secondary uses:**

means uses secondary to the principal use of the property, including but not limited to, home occupations, home industries, and uses that produce value-added agricultural products from the farm operation on the property.

**Sensitive:**

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

**Sensitive land uses:**

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

**Settlement areas:**

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

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

**Sewage and water services:**

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

**Significant:** means

- a. in regard to wetlands, coastal wetlands and areas of natural and scientific interest, an area identified as provincially significant by the Ontario Ministry of Natural Resources using evaluation procedures established by the Province, as amended from time to time;
- b. in regard to the habitat of endangered species and threatened species, means the habitat, as approved by the Ontario Ministry of Natural Resources, that is necessary for the maintenance, survival, and/or the recovery of naturally occurring or reintroduced populations of endangered species or threatened species, and where those areas of occurrence are occupied or habitually occupied by the species during all or any part(s) of its life cycle;

- c. in regard to woodlands, an area which is ecologically important in terms of features such as species composition, age of trees and stand history; functionally important due to its contribution to the broader landscape because of its location, size or due to the amount of forest cover in the planning area; or economically important due to site quality, species composition, or past management history;
- d. in regard to other features and areas in policy 2.1 of the Provincial Policy Statement, 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;
- e. in regard to mineral potential, means an area identified as provincially significant through comprehensive studies prepared using evaluation procedures established by the Province, as amended from time to time, such as the Provincially Significant Mineral Potential Index;
- f. in regard to potential for petroleum resources, means an area identified as provincially significant through comprehensive studies prepared using evaluation procedures established by the Province, as amended from time to time; and
- g. in regard to cultural heritage and archaeology, resources that are valued for the important contribution they make to our understanding of the history of a place, an event, or a people.

Criteria for determining significance for the resources identified in sections (c)-(g) are recommended by the Province, but municipal approaches that achieve or exceed the same objective may also be used.

While some significant resources may already be identified and inventoried by official sources, the significance of others can only be determined after evaluation.

**Site alteration:**

means activities, such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of a site. For the purposes of policy 2.1.3(b) of the Provincial Policy Statement, site alteration does not include underground or surface mining of minerals or advanced exploration on mining lands in significant areas of mineral potential in Ecoregion 5E, where advanced exploration has the same meaning as in the Mining Act. Instead, those matters shall be subject to policy 2.1.4(a) of the Provincial Policy Statement.

**Special needs:**

means any housing, including dedicated facilities, in whole or in part, that is used by people who have specific needs beyond economic needs, including but not limited to, needs such as mobility requirements or support functions required for daily living. Examples of special needs housing may include, but are not limited to, housing for persons with disabilities such as physical, sensory or mental health disabilities, and housing for the elderly.

**Special policy area:**

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

**Specialty crop area:**

means areas designated using evaluation procedures established by the province, as amended from time to time, where specialty crops such as tender fruits (peaches, cherries, plums), grapes, other fruit crops, vegetable crops, greenhouse crops, and crops from agriculturally developed organic soil lands are predominantly grown, usually resulting from:

- a. soils that have suitability to produce specialty crops, or lands that are subject to special climatic conditions, or a combination of both; and/or
- b. a combination of farmers skilled in the production of specialty crops, and of capital investment in related facilities and services to produce, store, or process specialty crops.

**Surface water feature:**

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

**Threatened species:**

means a species that is listed or categorized as a "Threatened Species" on the Ontario Ministry of Natural Resources' official species at risk list, as updated and amended from time to time.

**Transportation systems:**

means a system consisting of corridors and rights-of way for the movement of people and goods, and associated transportation facilities including transit stops and stations, cycle lanes, bus lanes, high occupancy vehicle lanes, rail facilities, park'n'ride lots, service centres, rest stops, vehicle inspection stations, intermodal terminals, harbours, and associated facilities such as storage and maintenance.

**Valleylands:**

means a natural area that occurs in a valley or other landform depression that has water flowing through or standing for some period of the year.

**Vulnerable:**

means surface and groundwater that can be easily changed or impacted by activities or events, either by virtue of their vicinity to such activities or events or by permissive pathways between such activities and the surface and/or groundwater.

**Waste management system:**

means sites and facilities to accommodate solid waste from one or more municipalities and includes landfill sites, recycling facilities, transfer stations, processing sites and hazardous waste depots.

**Watershed:**

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

**Wave uprush:**

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

**Wayside pits and quarries:**

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

**Wetlands:**

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

**Wildlife habitat:**

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

**Woodlands:**

means treed areas that provide environmental and economic benefits to both the private landowner and the general public, such as erosion prevention, hydrological and nutrient cycling, provision of clean air and the long-term storage of carbon, provision of wildlife habitat, outdoor recreational opportunities, and the sustainable harvest of a wide range of woodland products. Woodlands include treed areas, woodlots or forested areas and vary in their level of significance at the local, regional and provincial levels.