

OFFICIAL PLAN of the Township of Perry

December 2013

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LIST OF SCHEDULES

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SCHEDULE A-1	NOVAR
SCHEDULE A-2	EMSDALE
SCHEDULE B	NATURAL HERITAGE FEATURES
SCHEDULE C	TRANSPORTATION

THE STRUCTURE OF THE PLAN

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

PART A (Vision) contains the vision of the Plan. This vision was prepared by Council and is based on an understanding of past and future trends and the values of Perry citizens. The goals that form the basis of the Plan flow from the vision. These goals establish a basis for policies articulated in the Plan. This section of the Plan also describes how the vision is implemented through a series of land use designations.

PART B (Land Use Designations) contains the land use policies that apply to lands in the Municipality.

PART C (General Environmental Policies) contains the policies dealing with rivers and streams, floodplains and hazardous slopes throughout the Township. In addition, policies that specify the requirements for water resource and stormwater management reports and environmental impact studies are contained in this section.

PART D (General Development Policies) contains policies that deal with land use planning matters such as water and sewer servicing, transportation, cultural heritage resources and the subdivision of land. These policies apply to the whole of the Township.

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

PART A – VISION

A1 THE VISION

The Township of Perry is a rural community that possesses extensive natural recreational resources and amenities. These characteristics are valued by the citizens but it is recognized there are inherent challenges in planning in an area where rural land use and resource related recreational land use co-exist with the natural environment. This Plan does not give one particular land use priority as it is considered to be in the social, environmental and economic interest of the Township to plan for and promote compatibility.

The goals and policies within this Plan promote and value diversity, partnership, entrepreneurial spirit, and working collectively to succeed and prosper as a community. Through this Plan, there will be potential and opportunity for sustainable economic and social growth and development in natural resources, recreation and tourism, culture and industry, specifically in skilled trades and services.

Land use planning is not an exact science, and while this Plan charts a path that is believed to be practical and reflective of local and Provincial interests, it is recognized that these interests may change and evolve over time. As a result, Council will not view this Plan in a static manner and will be open to public input that supports amendments to improve the Plan and represent good planning. This Plan will be reviewed every five years as mandated by Section 26 of the Planning Act.

A2 SUSTAINABILITY

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

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

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

A2.1 ENVIRONMENTAL SUSTAINABILITY

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

This Plan contains policies that recognize the character of Perry's green spaces, lakes and rivers, and terrestrial landscape as well as natural resources that contribute to the identity of Perry.

The policies of this Plan also recognize the challenges created by Provincial interests in resource extraction in natural areas and attempts to manage these issues. Perry will support innovative and sustainable development policies and practices to protect the natural environment.

Energy conservation and the encouragement of innovative energy supply alternatives are considered to be essential to achieve sustainable development.

A2.2 ECONOMIC SUSTAINABILITY

A sustainable economic future for Perry will be made possible by ensuring a stable and sound fiscal position for the Township to support programs and services for citizens.

The need for economic sustainability is strongly articulated through the vision, goals and policies in this Plan that encourage entrepreneurial spirit and diverse employment opportunities based in resources, recreation, tourism and skilled trades. Also critical to economic sustainability is to retain a skilled and adaptable work force.

A2.3 SOCIAL SUSTAINABILITY

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

Individual needs vary with age, income, ability, skills, background and interests. As communities change and grow, there is additional pressure to provide for these needs and ensure communities remain healthy and that a high quality of life is maintained.

The provision of human services comes from several agencies including the Province (hospitals and health care facilities), and school boards (education) while the Township is responsible for fire services, libraries, community facilities and infrastructure, parks, and recreational amenities. In addition, human services are provided by other private sector or quasi-public institutions, such as private schools, places of worship, and community service groups. Continued coordination and partnership among all human service providers is essential to the social-cultural health of Perry.

A3 GOALS

A3.1 THE NATURAL ENVIRONMENT

1. To protect and, where possible, enhance significant natural heritage features and functions in the Township.
2. To ensure that a thorough understanding of the natural environment, guides land use decision-making in the Township.
3. To ensure that land use planning recognizes the importance of groundwater and surface water resources and protects these resources from adverse impacts.
4. To encourage the maintenance of an open space system that links environmental and recreational resources within and beyond the Township.
5. To establish a growth management strategy that promotes development in existing settlements, shoreline communities and vacant lots.

A3.2 GROWTH AND SETTLEMENT

1. To maintain the hamlets of Novar and Emsdale as focal points for future growth, mixed use development and investment on the basis of private water and septic services.
2. To facilitate residential and mixed uses in the hamlets through the use of vacant land, infilling and redevelopment.
3. To utilize existing vacant rural lots for a broad range of rural land use including residential and accessory uses that generate employment in skilled trades and rural recreational services.
4. To control new lot creation in the rural area for residential development in the interest of protecting the rural character of the Township and compatibility with existing and potential rural land uses.
5. To promote the development of a range of housing types accessible to all residents of the Township.

A3.3 RURAL LANDS

1. To encourage the appropriate development of underutilized or vacant lands in the rural area.
2. To mitigate the impact of resource activities on the rural character of the Township.

3. To encourage the development of alternative “green” energy in a manner that is respectful of the area in which such facilities are located.
4. To permit rural land uses that are not suited to the hamlets, support entrepreneurial spirit and contribute to the local economy.

A3.4 ECONOMIC DEVELOPMENT

1. To encourage economic growth and to provide opportunities for economic development in a manner which will sustain and improve the quality of life in the Township.
2. To encourage land use that generates employment opportunities and a broad range of skilled trades and services geared to meet the needs of residents of East Parry Sound and Muskoka Districts.
3. To identify lands proximate to Highway interchanges where existing industrial and commercial uses exist and where additional employment and commercial uses can be accommodated.
4. To identify the Perry Airport as an asset with the potential to support and foster economic investment.
5. To establish and maintain a supply of employment lands suited to a diverse range of small-scale, dry industrial uses.
6. To encourage the development of home-based businesses and home industries provided such uses are appropriate and compatible in their location.
7. To recognize, protect and, where appropriate, utilize cultural heritage features and resources in conjunction with economic development and tourism initiatives.

A4 THE LAND USE CONCEPT

The following land use designations are designed to reflect major categories of existing or anticipated land use in the Township.

A4.1 RURAL

The *Rural* designation generally includes all lands outside of the Settlement Areas including shoreline areas.

A4.2 SHORELINE

The *Shoreline* designation applies to lands that are physically and functionally related to the shoreline of the lakes and rivers in the Township that support existing low-density shoreline residential development and existing waterfront commercial uses and operations such as commercial resorts and campgrounds.

A4.3 HAMLET

Lands designated *Hamlet* are the Settlement Areas of Emsdale and Novar.

A4.4 EMPLOYMENT

The *Employment* designation applies to lands in the Township which are **currently or** proposed to be used for industrial **and commercial** uses.

A4.5 MIXED-USE

The *Mixed-Use* designation identifies lands which are intended to provide a suitable area for space extensive and/or service oriented commercial uses.

A4.6 AIRPORT

The *Airport* designation identifies lands in the vicinity of the Emsdale Airport that are intended for economic development that can take advantage of the airport and highway infrastructure.

A4.7 INSTITUTIONAL

The *Institutional* designation identifies existing land and buildings utilized for public authorities, agencies and services and also include places of worship.

A4.8 PUBLIC PARKS

The *Public Parks* designation identifies lands which are owned by a public agency or authority.

A4.9 ENVIRONMENTAL PROTECTION

The *Environmental Protection* designation identifies significant natural features which play an important role in the provision of habitat and linkages for wildlife.

A4.10 CROWN LAND

The *Crown Land* designation applies to those lands that are owned by the Crown and to which local planning policy is not applicable.

PART B – LAND USE DESIGNATIONS

B1 RURAL

B1.1 PURPOSE

The purpose of the *Rural* designation is to:

- a) recognize and value the rural character of the Township created through a natural mix of land, trees, lakes and rivers;
- b) support and foster resource-related recreational uses as a means to expand and diversify the local economy;
- c) identify lands which are valued for Provincially and locally defined interests in resource extraction;
- d) provide for limited, low-density residential development.

B1.2 LOCATION

The *Rural* designation applies to the majority of land in the Township which has not otherwise been placed in one of the primary land use designations.

B1.3 PERMITTED USES

Permitted uses in the *Rural* designation include the following:

- a) agricultural and nursery uses;
- b) single detached dwellings;
- c) duplex dwellings and accessory apartment dwellings;
- d) bed and breakfast establishments;
- e) home occupations, home industries subject to the provisions of Section B1.5.1 of this Plan;
- f) hunt camps, seasonal dwellings and recreational dwellings;
- g) commercial dog kennels subject to Section B1.5.5 of this Plan;

- h) passive recreational uses, such as walking trails and nature interpretation centres on lands owned by a public authority;
- i) tourist commercial uses;
- j) transportation services, outposts and staging areas for tourism or the provision of services to remote areas;
- k) forestry and resource management uses;
- l) resource related exhibition and tourism establishments or research and training establishments;
- m) mineral exploration and mining activities authorized under the Mining Act;
- n) cemeteries subject to Section B1.5.6 of this Plan;
- o) space extensive industrial uses characterized by open storage;
- p) alternative energy systems subject to Section B1.5.8;
- q) telecommunications towers and infrastructure;
- r) the extraction of consolidated or unconsolidated stone, gravel, sand and other aggregates and associated operations such as crushing, screening, washing and aggregate storage subject to Section B1.6; and
- s) wayside pits and quarries, portable asphalt plants and concrete plants for specific road works undertaken by a public authority in the area.

B1.4 RURAL LOT CREATION POLICIES

B1.4.1 The Creation of New Lots by Consent

Future lot creation in the Rural area shall be guided by the following criteria:

- a) the severance will facilitate the division of two or more lots which have merged in title;
- b) the severance will facilitate the division of parts of a lot that are devoted to different uses that existed on the date this Plan was adopted;
- c) an original Township lot with an area of 40 hectares or more may be severed into a maximum of 3 lots including the retained lot;
- d) an existing lot with an area of between 10 and 40 hectares may be severed into a maximum of 2 lots including the retained lot;

- e) the terms “original” and “existing” shall refer to a lot that existed in its current configuration on July 30, 1993;
- f) the severed and retained lands must maintain a minimum frontage on a public road of 100 metres and a minimum lot area of 2 hectares;
- g) the proposed lot complies with the criteria set out in Section D4 (General Consent Policies) of this Plan.

B1.4.2 New Infilling Lots

In addition to Section B1.4.1, one infilling lot may be created from a parcel in the *Rural* designation that existed on the date this Plan was approved, provided:

- a) the original lot has a minimum frontage of 120 metres and a minimum lot area of 2.0 hectares;
- b) the lot is to be located within a cluster of six residences which existed on the date this Plan was approved on lots that are not more than 400 metres apart;
- c) the lot to be created has a minimum area of 1 hectare and a minimum frontage of 60 metres on an improved public road maintained on a year round basis; and,
- d) the proposed lot complies with the policies in Section D4.2.1.

B1.4.3 Rural Plans of Subdivision or Condominium

The creation of new residential lots by Plan of Subdivision or Condominium in the *Rural* designation may be considered by Council subject to the following criteria:

- a) Council is satisfied there has been a high degree of absorption of existing vacant lots in the *Rural* designation for residential purposes, determined through an analysis of the previous two calendar years of building permit data;
- b) The number of residential lots in the Plan is within a range of 4 to 12;
- c) The lands are located on an existing year-round roadway.
- d) Provision is made in the Plan to identify and protect natural features and open space, including trails, with such areas to be jointly owned as Plan of Condominium common elements;
- e) the lots within the Plan have a minimum area of 1 hectares and a minimum frontage of 100 metres on an existing public road or 60 metres on an internal road within the subdivision or condominium plan;

- f) the proposed lots are in conformity with the policies in Section D4.3; and
- g) Development will be set back from the public road a sufficient distance to provide a buffer which will address visual impact. Within the buffer area, vegetation will be substantially retained and will not be completely removed. Where previously removed, vegetation should be restored using native species.

B1.4.4 Original Lots of Record

Original Township lots of record, including those that have merged on title, may be severed along original lot lines, provided such lots should front on and have direct access to a public road assumed for maintenance purposes. In cases where such lots can be provided access to a public road at reasonable cost, Council may require the owner to upgrade the requisite road to Township standards for assumption and maintenance purposes in accordance with Section D2.2.6 and Section D4.2.

B1.4.5 Backlot Policies

Where the retained and severed lands jointly comprise a parcel located in both the Rural and Shoreline designations the following criteria shall be met:

- a) New residential backlot will have a minimum lot area of four hectares (10 acres) with a minimum of 135 metres (440 feet) of lot frontage on a year round publicly maintained road;
- b) Development will be set back from the public road a sufficient distance to provide a buffer which will address visual impact. Within the buffer area, vegetation will be substantially retained and will not be completely removed. Where previously removed, vegetation should be restored using native species; and,
- c) The creation of new access to the water by right-of-way over existing waterfront properties to accommodate shoreline access by a residential backlot shall not be permitted.

The implementing Zoning By-law shall contain specific conditions for new rural lots.

B1.5 DEVELOPMENT POLICIES FOR RURAL USES

B1.5.1 Home Occupations and Home Industries

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

Home occupations are typically professional work and service activities that are carried out within the residential dwelling or accessory building that typically do not involve the sale of goods produced off-site. Such uses will be permitted as-of-right in the implementing Zoning By-law, subject to certain criteria.

Home industries are small-scale industrial uses that are accessory to a rural residential use. These uses should be screened from view and should not detract from the rural residential character of the lot or the surrounding area. Home industries may include welding, small engine repair, carpentry or machine shops, or agricultural related uses that involve the processing or transportation of regional produce or other products. The accessory retail sale of products produced in the home industry is also permitted. The repair, storage or sale of motor vehicles is generally not considered to be a home industry. Home industries will be permitted as-of-right in the implementing Zoning By-law, provided:

- a) the home industry is located on a lot that has a minimum area of 2.0 hectares and is separated from the lot line of any residential dwelling at least 300 metres or a lesser distance as determined through a technical assessment in accordance with the MOE D-Series Guidelines;
- b) the home industry is not a Class 3 industry as defined by the MOE D-Series Guideline;
- c) any open storage associated with the home industry is limited and screened from view;
- d) the home industry has a limited number of employees, the maximum number will be outlined in the implementing Zoning By-law; and,
- e) the home industry is clearly accessory to a residential use and does not detract from the primary use of the property.

The development of a new home industry **shall** be subject to Site Plan Control as per Section E1.4 of the Plan.

B1.5.2 Resource Related Research and Training Establishments

The development of resource related research and training establishments is encouraged in the Township. Such uses may be permitted subject to re-zoning, provided Council is satisfied that:

- a) the use is related to and will benefit the Provincial and/or regional resource or recreation and tourism industries;
- b) the use will assist in the furthering of knowledge in the resource or recreation sectors of the economy; and,

- c) the use will assist the resource or recreation sectors through training and the identification of new methods and procedures.

B1.5.3 Resource Related Exhibitions and Tourism Establishments

This Plan supports the development of uses that promote the potential of the resource, recreation or socio-cultural sectors. On this basis, uses such as art exhibitions, resource equipment exhibitions, eco-tours, holiday-related exhibitions and small-scale educational or interpretive establishments are permitted in the *Rural* designation. Such uses may be subject to Site Plan Control and/or Development Agreements, depending on their location, scale or frequency.

B1.5.4 Tourist Commercial Uses

Tourist commercial uses such as campgrounds, outfitters and resort uses may be permitted subject to an amendment to the implementing Zoning By-law. These uses shall be subject to Site Plan Control in accordance with Section E1.4 of this Plan.

Before considering an amendment to the Zoning By-law to permit any of these uses in the *Rural* designation, Council shall be satisfied that the proposed use:

- a) is of a scale and is designed in a manner that is compatible with the rural character of the area;
- b) can be designed and sited to blend in with the topography and setting of the lot;
- c) is located on a lot having an area of no less than 10.0 hectares;
- d) is located where it would have no impact on existing aggregate extraction operations;
- e) can be serviced with an appropriate water supply and means of sewage disposal;
- f) can be appropriately buffered from adjacent uses; and,
- g) will not rely on water oriented activities in the *Shoreline* designation.

B1.5.5 Commercial Dog Kennels

Commercial dog kennels may be permitted in the *Rural* designation provided the lands do not abut the shoreline of a lake and subject to an amendment to the implementing Zoning By-law. Before considering such an amendment, Council shall be satisfied that:

- a) the size of the proposed dog kennel is appropriate for the area;

- b) the building housing the dog kennel and the associated dog runs is set back at least 200 metres from lot lines;
- c) the use is located at least 500 metres from lands within the *Hamlet* designation or any lot which abuts the shoreline of a lake;
- d) the noise emanating from the kennel will not have an adverse impact on the enjoyment of adjacent properties;
- e) an appropriate animal waste management plan is put in place; and,
- f) an undue concentration of dog kennels does not already exist in the general vicinity of the proposed kennel.

A new dog kennel shall also be subject to a Site Plan Agreement in accordance with Section E1.4 of this Plan.

B1.5.6 Cemeteries

In accordance with the Cemeteries Act and its related regulations, cemeteries may be permitted in the *Rural* designation subject to an amendment to the implementing Zoning By-law. A cemetery may include a crematorium as an accessory use. Before considering such an amendment, Council shall be satisfied that the applicant has prepared all of the requisite material required under the provisions of the Cemeteries Act, including the ability to set aside a reserve fund for long term maintenance. Cemeteries will be subject to site plan control and may be subject to other agreements concerning long-term maintenance and responsibility in order to protect the Township from the prospect cost and liability associated with the maintenance of an open or closed cemetery. This Section is not intended to be used as a guide to the establishment of a pet cemetery. Pet cemeteries are not permitted under this Plan, as the Township is not equipped with Provincial legislation or regulation to control this use of land.

B1.5.7 Agricultural Uses Including Hobby Farms

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

B1.5.8 Alternative Energy Systems

Alternative energy systems and infrastructure designed to feed hydroelectric power into the grid shall be permitted in the *Rural* designation subject to

Provincial statutes and regulations. Council strongly encourages the proponents of alternative energy systems to exceed the minimum Provincial requirements related to public consultation and communication.

B1.5.9 Minimum Distance Separation Formulae

All farm and non-farm development will comply with the Minimum Distance Separation formulae established by the Province in order to minimize odour conflicts between livestock facilities and development, as amended from time to time. MDS 1 will not be applied to existing vacant lots of record, to lands within a Settlement Area or after a catastrophe.

B1.6 AGGREGATE EXTRACTION (AGGREGATE OVERLAY)

B1.6.1 Intent

The geological composition of some of the lands in the Township of Perry is characterized by consolidated and unconsolidated mineral aggregates that are sought after by the aggregate industry. Aggregate resources that are considered be of Provincial Significance have been identified on Schedule A as the Aggregate Overlay.

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

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

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

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

B1.6.3 Development Adjacent to Existing Extractive Operations

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

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

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

- a) the effect of the mineral aggregate extractive operation on:
 - i) the natural heritage features and functions on the site and in the area proximate to the proposed site. For the purpose of this sub-section, natural heritage features include lakes and major navigable waterways;
 - ii) nearby residents within 500 metres from any licensed boundary;
 - iii) recreational resources and activities;
 - iv) the character of the area;
 - v) the quality and quantity of groundwater and surface water in the sub-watershed;
 - vi) the built or cultural heritage resources in the area including cultural heritage landscapes, archaeological sites and areas of archaeological potential as identified by Council or as confirmed by the Ministry of Culture;
 - vii) significant geologic formations on the site and in the area;
 - viii) where blasting is necessary as part of the operation, the groundwater recharge functions on the site and in the immediate area assessed by a hydrogeological study;
 - ix) surface water features in the area; and,
 - x) wells used for drinking water purposes which have the potential to be impacted by extractive activities.

- b) the location and suitability of the proposed haul routes;
- c) the effect of the noise, odour, dust and vibration generated by the proposed use assessed in accordance with the MOE's D-Series Guidelines or specific studies completed under the ARA application process and other applicable Provincial regulations;
- d) how the natural features and functions on the site and in the area can be protected and/or buffered during the operation of the facility and/or after the facility has been progressively rehabilitated;
- e) that the proposed facility will not impact Endangered or Threatened Species or the habitat of Endangered or Threatened Species as required by the Endangered Species Act;
- f) how the impacts from the proposed pit or quarry will be mitigated in order to lessen those impacts; and,
- g) how the site will be progressively and finally rehabilitated to accommodate subsequent land uses after the extraction is complete.

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

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

- a) the resource use would not be feasible; or,
- b) there is not enough aggregate in the area to justify its economical extraction; or,
- c) the proposed land use or development serves a greater long term public interest; and,
- d) issues of public health, public safety and environmental impact are addressed.

These matters shall be addressed where any development requiring Planning Act approval is proposed with 500 m of lands identified as Aggregate Overlay on Schedule A.

B1.6.6 Conservation and Reuse of Aggregate Resources

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

Processing of recycled materials should clearly be accessory to the primary aggregate use.

B1.6.7 Rehabilitation

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

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

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

Wayside pits and quarries, portable asphalt plants and portable concrete plants used on public authority contracts shall be permitted, without the need for an amendment to this Plan, rezoning, or development permit under the Planning Act in all areas of the Township, except residential areas and environmentally sensitive areas including those areas designated as Environmental Protection, or Shoreline and provided that they are consistent with the Provincial Policy Statement.

B1.7 ABANDONED MINE SITES

When a development is proposed within 1,000 metres of an abandoned mine hazard as identified on Schedule A to this Plan, there is potential for impact on a proposed development. The Township and proponent shall consult with MNRM - Regional Land Use Geologist in order to assess the nature of hazards and what technical studies may need to be completed to determine whether the land is suitable for the type of development proposed and that the development does not interfere with any rehabilitation, maintenance or monitoring requirement for the mine workings/hazards.

B1.8 IMPLEMENTING ZONING BY-LAW

All lands in the *Rural* designation shall generally be placed in a Rural Zone in the implementing Zoning By-law.

The implementing Zoning By-law shall place all existing licensed aggregate operations and all aggregate permits in a Mineral Aggregate Resource Zone that permits quarries and sand and gravel extraction operations.

Industrial and commercial uses in the *Rural* designation shall be placed in separate zones to reflect the existing uses.

B2 SHORELINE

B2.1 PURPOSE

In the Township there are 18 lakes forming part of either the Magnetawan or Muskoka River watersheds. The *Shoreline* designation includes the areas of existing or approved development and lands within 300 metres of the lakes and major rivers in the Township.

The purpose of the *Shoreline* designation is:

- a) To identify the ecosystem and community that is physically, functionally and socially focused on the lakes and rivers in the Township.
- b) To ensure that the quality of the lake environments are maintained or improved.
- c) To preserve the visual qualities that attract people to the waterfront.
- d) To maintain and protect the character of the shoreline areas for recreational use.
- e) To protect the natural features of the *Shoreline Area* and the immediate shoreline including fish habitat.

B2.2 PERMITTED USES

Permitted uses on lands designated *Shoreline* on Schedule A to this Plan include:

- a) single detached residential uses;
- b) recreational and tourist commercial uses including recreational camps; and,
- c) parkland and natural areas.

B2.3 GENERAL POLICIES

B2.3.1 Residential Development Policies

Many dwellings in the Shoreline designation are now being or are capable of being occupied on a year-round or semi-permanent basis given that many shoreline dwellings are serviced by municipal roads that are maintained on a year-round basis. It is the intent of this Plan that the Implementing Zoning By-law will require that all development meet the standards of year-round, permanent use in these areas.

It is also the intent of this Plan to ensure that existing septic systems in these areas are upgraded to the highest standards possible and that an appropriate water supply is available for each dwelling unit. In order to implement this intent, the approval of the appropriate agencies that the septic system servicing the dwelling unit conforms to the standards is required as described in this Plan before certain types of improvements can be made to a lot or dwelling unit in these areas. These improvements are listed below:

- i) The enlargement, renovation or addition to a dwelling unit requiring a permit under the *Building Code Act*, or,
- ii) The replacement of a dwelling.

B2.3.2 Guest Cabins

One guest cabin may be permitted on a lot in the *Shoreline* designation as an accessory use to a residential use provided the lot has a minimum area of 1 hectare or as approved in accordance with Section D4 of this Plan. Specific regulations for guest cabins shall be provided in the Implementing Zoning By-law. It is not the intent of this Plan to allow the construction of two dwellings units on one shoreline lot.

B2.3.3 Private Roads

All lots that do not have frontage on and direct access to an assumed public road that is maintained year round shall be placed in a Limited Service Residential Zone in the Implementing Zoning By-law. Council may consider the rezoning of lands within the Limited Service Residential Zone to a Zone that does not distinguish between service levels subject to the following criteria:

- i) The lot(s) being rezoned shall have frontage on, as well as direct access to, a public road maintained year-round by the Municipality or on a private road controlled by a condominium corporation;
- ii) The dwelling(s) on the lot(s) to be rezoned shall comply with all building and construction standards that apply to permanent dwellings;
- iii) The dwelling(s) on the lot(s) to be rezoned shall be serviced by a private well on the same lot or an appropriate water supply;
- iv) The dwelling(s) on the lot(s) to be rezoned shall be serviced by an appropriate means of sewage disposal that is designed to serve a permanent residence and which has obtained the approval under Part 8 of the *Ontario Building Code*; and,
- v) The proponent submits an engineering report to the satisfaction of Council that confirms in writing, that the dwelling(s) on the lot(s) to be rezoned can be serviced year round by emergency vehicles.

B2.3.4 Recreation Based Shoreline Development

It is the intent of this Plan that new development in the *Shoreline* be directed to lands that are physically suitable for development in their natural state in an effort to maintain the area's unique character. Creating lands that are suitable for development by blasting or filling the natural landscape or dredging the lake bottom shall not be permitted.

New recreation-based development shall consist primarily of single detached dwellings on separate lots. New lots shall have at least 90 metres of shoreline frontage and a lot area of 1 hectare or as approved in accordance with Section D4.2 of the Plan. Larger lots may be required in areas where environmental or physical constraints exist on the lands and on narrow channels (less than 120 metres (400 ft.) or small water bodies, or in deer wintering areas or sensitive fish habitat. New lots shall have a suitable area for shoreline recreational use without requiring significant alteration to the landscape. All new lots on islands shall have a frontage of 120 metres and an area of 1.5 hectares and shall possess title to a freehold shoreline lot on the mainland for use as a parking and staging area.

Council will also encourage all new recreation-based development to utilize sewage disposal systems that incorporate soils capable of retaining phosphorus to prevent its migration into the lake.

New recreation-based development in the *Shoreline* designation may include plans of subdivisions, condominium or infilling by consent to sever.

Applications for development within the *Shoreline* designation will be evaluated and based on the submission of a Site Evaluation Report which shall provide the following information:

- a) Sufficient information about the nature of the lands, the development proposal, and the natural and physical context of the site within the lake system;
- b) Site specific information such as a description of the lands, location, slope and soil characteristics, vegetation, drainage, erosion and flooding characteristics;
- c) Description of the surrounding land use and natural features;
- d) Environmentally sensitive areas shall be identified and analyzed, including wetlands, fish habitat, wildlife habitat and significant habitat of endangered and threatened species;
- e) Potential impacts of the development should be identified including lake water quality impacts, storm water quality and quantity impacts, erosion, vegetation, habitat, shoreline and visual/aesthetic impacts, cultural heritage resources and impacts on the environmentally sensitive areas identified as directed by subsection d). In consideration of this criteria Council may require the completion of a Lake Trophic Assessment in

accordance with Section B2.3.5 of this Plan prior to the finalization of any planning approval;

- f) The Site Evaluation Report shall assess the constraints to development and address how the constraints can be managed or mitigated effectively through the utilization of appropriate development control techniques including site plan control; and,
- g) The report shall also address the appropriateness of the proposed development and its ability to satisfy the goals of this Plan and shall be prepared in accordance with the policies of this Plan and specifically Section B2.3.5 of this Plan.

The Township shall require a proponent to enter into a Development Agreement or Site Plan Agreement as a mechanism to implement recommendations of a Site Evaluation Report.

B2.3.5 Lake Trophic Assessment

Lake trophic state generally refers to the level of biological activity that exists or occurs within a lake and is typically expressed by phosphorus concentration. The Township endorses the use of lake trophic assessment as developed by the Ministry of Environment in the Lakeshore Capacity Assessment Handbook as a means to ensure good planning in shoreline areas.

At the time this Plan was prepared, the only lakes in the Township that were the subject of formal trophic monitoring and assessment were the Lake Trout lakes Bay Lake and Emsdale Lake, given that lake trout lakes are considered by the Province to be fish habitat. However, the impact of phosphorus on other lakes is a significant factor in ensuring that all of the Township's lakes remain healthy for aquatic species and attractive for recreational use. On this basis, where the policies of this Plan require the preparation of a lake trophic assessment to support or justify a planning approval, such assessment is to be prepared in accordance with methodologies developed by the Ministry of Environment in the Lakeshore Capacity Handbook.

Council also is supportive of Lake Associations undertaking trophic state assessment and analysis and sharing the results of this work with the Township for consideration in decision-making or the formulation of future planning policy or regulation.

B2.3.6 Bed And Breakfast Establishments

New bed and breakfast establishments may be permitted by way of an Amendment to the Implementing Zoning By-law and subject to Site Plan Control in accordance with the policies of Section E1.4 of this Plan.

B2.3.7 Preservation of Vegetation

New development in the shoreline shall be sensitive to the preservation of existing tree cover and vegetation so as to prevent erosion, siltation and possible nutrient migration and help maintain wildlife habitat. Development shall generally be set back a minimum of 30 metres from the high water mark. A greater setback may be required where necessary to address water quality, wetland, fish habitat, significant wildlife habitat or habitat of endangered and threatened species. Site alteration and disturbance of vegetation within the 30 metre setback shall be limited to minor alterations to accommodate access trails, docks, water pumping equipment or restoration work. Performance standards respecting the protection of the vegetative buffer and the amount and type of development permitted to encroach within the buffer shall be administered through Site Plan Control.

B2.3.8 Tourist Commercial Uses

It is the intent of this Plan to provide for the continuation of existing tourist establishments and resort commercial uses and, where feasible, to support the further development of this component of the local economic base in keeping with market demands related to changing lifestyles and leisure activities.

The tourist commercial uses permitted in the *Shoreline* designation shall be limited to small-scale tourist establishments and resorts, or other similar uses and facilities which are privately owned and operated to provide accommodation on a temporary basis such as rental cabins and housekeeping cottages, lodges, motels, marinas or other similar recreational commercial uses. Ancillary uses and activities, such as indoor and outdoor recreational facilities, retail commercial uses of a convenience nature, or eating establishments which primarily serve the needs of persons using the tourist commercial use shall also be permitted. Residential accommodation shall also be permitted for the accommodation of the owner or caretaker or other staff members.

- a) Regard shall be had for the layout and design of resort commercial areas such that the internal road pattern provides for the adequate movement of vehicular traffic. Access points to and from public roads shall be limited in number and designed in such a manner that will minimize the danger to both vehicular and pedestrian traffic.
- b) It is the intent of this Plan to encourage increased setbacks of large-scale development from the shoreline. Setbacks for buildings, structures and uses requiring proximity to the water such as docks, boat houses, marina service facilities and water pumping equipment shall be identified in the Zoning By-law.
- c) It shall be the policy of this Plan to require a minimum of five percent of the gross land area associated with resort commercial uses that provide accommodation for improved outdoor purposes so as to provide suitable areas and facilities for the use and enjoyment of visitors or patrons.

d) An application for development of a resort commercial use which requires an amendment to either this Plan or the Implementing Zoning By-law shall be accompanied by a hydrogeological report with respect to the adequacy of groundwater supplies and the ability of the soils to sustain development on the basis of private services. All private water supply and effluent treatment systems shall be installed in accordance with the authority responsible for their approval. Sewage treatment systems shall require tertiary treatment.

e) In considering an application for an amendment to permit the development of a resort commercial use, Council shall have regard for the physical suitability of the site, the adequacy of vegetative cover, the location of the proposed site relative to the land use policies and designations contained in this Plan.

Specific regard shall also be had for such matters as the provision of adequate setbacks, buffer planting and landscaped open space, the design and location of off-street parking facilities and access points, and the location of signs and outdoor lighting so as to provide for a reasonable degree of compatibility with adjacent land uses.

f) An application to allow for the development of a tourist commercial use shall be accompanied by a Site Plan prepared in accordance with the provisions of Section E1.4 of this Plan.

g) Notice of applications to amend the By-law to permit new commercial uses shall be given to property owners within 400 metres (1200 ft) of the subject lands and to the President or appointed contact person of any Cottage or Shoreline Associations. Wherever possible public meetings for these proposals shall be held during the summer season, between Victoria Day and Thanksgiving.

h) Tourist commercial developments may be permitted on the basis of 6 metres (20 feet) per accommodation unit frontage on the waterbody and a maximum density that does not exceed 10 units per hectare (4 units per acre) where a unit is defined as a rental cottage or a camp site, or room in a hotel, motel, lodge or similar arrangement of units.

Densities up to 25 percent in excess of these requirements may be permitted through an Amendment to the Zoning By-law subject to the developer entering into a Site Plan Agreement with the Municipality that ensures the development of additional facilities such as a golf course, swimming pools or other significant land based recreational facilities.

B2.3.9 Fractional Ownership

Densities permitted for recreation-based developments based on fractional ownership shall be based on the nature and built form of the development. Developments in the form of individual cottages shall meet the frontage and density requirements for recreation-based residential uses. Developments in the form of tourist resorts with communal facilities and commercial services shall be based on the policies for tourist commercial developments and shall be subject to a zoning amendment to a tourist or shoreline commercial zone.

B2.3.10 Undeveloped Land

The *Shoreline* designation includes lands that are still in a natural state and are primarily undeveloped. The inclusion of these lands in the *Shoreline* designation does not imply that all of these lands will ultimately be developed for those uses permitted by the *Shoreline* designation.

B2.3.11 Shore Road Allowances

The Township shall continue to offer abutting property owners the opportunity to purchase shoreline road allowances in accordance with Township By-laws. In facilitating the transfer of such lands, the Township may establish agreements with prospective purchasers to maintain the natural vegetative state of the shoreline or to require existing buildings and structures located on the shore road to be removed. Where existing buildings are located on the shore road and cannot be removed, an Amendment to the Zoning By-law shall be required to address areas of non-compliance with the Implementing Zoning By-law.

B2.4 WATERFRONT DESIGN

Waterfront design policies address the complex relationships between all of the elements of built form, the natural environment and the lake environment, and focuses on:

- the connections between people and these places,
- the relationship between buildings and the lake, natural areas and vegetative buffers, and other uses,
- the lake as public domain,
- the processes for ensuring successful lake communities.

It is anticipated that the Township's waterfront will see some degree of change during the life of this Plan. In order to ensure that the waterfront areas evolve in a manner that is respectful of the existing character of shoreline area, it is the desire of Council to create and encourage a high quality of built form that is sensitive to the Township's lake heritage and relates to the principles listed above. On this basis, the following are objectives of this Plan relating to waterfront design:

- to improve the aesthetic quality of the Township's waterfront built form, and promote development which is based on good design principles and standards that reflect the goals, objectives, and policies of this Plan;
- to enhance the unique character of the Township's waterfront areas by encouraging high quality design that is complementary and compatible with existing development, the Township's natural heritage, and which fosters a strong sense of place;
- to exercise appropriate municipal development control in order to achieve a consistently high quality of site, building and landscape design;
- to be sensitive to the impact of light and sound on the lake environment;
- protect significant natural heritage values and ecological functions.

B2.4.1 Waterfront Building Design

- a) The design of new buildings should achieve a complementary design relationship to existing buildings, while accommodating a diversity of architectural styles, building materials, subdued lighting, energy conservation techniques and innovative built forms.
- b) The design of all buildings shall have regard to appropriate setbacks and the protection or provision of vegetative buffers along the lakefront. Buildings should be massed to recognize appropriate scale and provide an appropriate building height at the waterfront and be designed to provide visual variety and interest. Generally, building features such as canopies, decks, and varying facade materials and stepbacks should be used to reinforce a lake friendly scale.
- c) Buildings shall be encouraged to orient themselves to the lake, where possible, and present their principal building facades with an appropriate building design to the lake. Buildings located at major vista terminations on a lake, or on view corridors on the lake, shall be given special treatment through the use of massing and building articulation strategies, such as added height, special roof treatments, and use of special cladding materials and lighting fixtures.
- d) Roofscapes shall be an integral part of the design of a building and harmonize with the design of the rest of the building.
- e) Buildings in the *Shoreline* will be designed and constructed to blend in to the natural environment and preserve the historic architectural characteristics of the area. Council may adopt Design Guidelines for the *Shoreline* that will include architectural details and landscape elements that will implement the policies of this Plan. The Zoning By-law implementing this Official Plan may include regulations that will:
 - i) limit lot coverage up to a maximum of 10 percent of the lot area within the front 60 metres of the lot, and impose total coverage regulations which may be less than permissible lot coverage;

- ii) limit the expansion and additions to existing dwellings where the building does not comply with the By-law performance standards including shoreline setbacks;
 - iii) establish standards to direct and mitigate development on lands containing steep slopes including defining steep slopes or a range of slopes, regulating building placement and height based on the nature of the slope, regulating structures including stairs used to provide access to the water, and prohibiting development on lands over a certain slope;
 - iv) limit the height of buildings within the front 60 metres of a lot to ensure that the building height does not intercept the natural tree line when viewed from the water;
 - v) limit the size of docks to a maximum percent of the shoreline frontage of the lot or a defined size, whichever is greater;
 - vi) width, height and setback standards in the implementing Zoning By-law will limit the visual impact of boathouses on adjacent lands and on the natural quality of the shoreline;
 - vii) where human habitation is permitted by the implementing Zoning By-law, the human habitation use shall be permitted subject to the use being counted as a sleeping cabin and to the establishment of maximum floor area regulations.
- f) Council will establish all lands within the *Shoreline* designation as a site plan control area.

B2.4.2 Waterfront Landscape, Natural Area Design and Tree Preservation

- a) A minimum of 90 percent of the front 30 metres of a lot should be maintained in a natural vegetative state.
- b) Vegetation buffers and landscaping are a major contributor to a quality lakefront. A high quality of natural area preservation and landscape design will be required to enhance the visual aesthetics of development and to enhance the site and waterfront compatibility.
- c) Landscaping shall be used to screen or buffer development from adjacent uses, and mitigate the visual impact of the development, where necessary.
- d) Landscape materials shall be selected for their ecological characteristics. Native species shall be used whenever possible, and invasive species or species requiring use of pesticides, herbicides and fertilizers shall be discouraged.

- e) Landscaping can play an important role in delineating a site's side yards and often provides a visual break. Existing natural areas between uses should be preserved wherever possible
- f) Significant treed areas on a development site shall generally be preserved, maintained and integrated into the new landscape design.
- g) Landscaping requirements shall be implemented through Site Plan Control and shall be included in Waterfront Design Guidelines when they are prepared.

B2.4.3 Waterfront Site Design

- a) Site design incorporates the built form of structures, vegetation buffers, landscaping, services and the layout of all amenities. Site design shall promote an appropriate design relationship between the lake, adjacent land uses, on-site uses and structures and visual aesthetics, in order to promote a lake environment that is pleasant, natural and attractive to the community.
- b) Site design shall consider a development's compatibility with the density, height, form, setbacks and building materials used in a development on adjacent lands.
- c) The design of sites adjacent to parks, woodlots and watercourses shall be sensitive to natural areas. In these instances, buildings should be sited with the greatest possible setbacks from sensitive natural areas while on-site landscaping should be well integrated with natural areas.
- d) Site design shall also address compatibility between differing adjacent land uses through appropriate site layout, building locations and landscape treatments.
- e) Site design shall generally not permit the alteration of the existing topography through filling, soil removal, or blasting, except where such activity minimizes visual impact. Development on steep slopes shall be subject to strict control and Site Plan Approval.
- f) Parking areas shall be well removed from the waterfront and visually buffered from the shoreline and adjacent lands.

B2.4.4 Waterfront and Adjacent Development

- a) Non-residential buildings higher than two storeys should be designed to minimize overlook conditions particularly if located adjacent to existing residential dwellings. Massing strategies such as stepping down towards buildings of lower height should be employed to minimize impacts.

- b) Development on private lands shall be designed with the intent of recognizing the relationship between the public realm and adjacent land uses.
- c) Noise generating activities should be located away from sensitive land uses, such as residential areas and waterfront areas, and buffered as necessary.
- d) Lighting shall be designed to be dark sky compliant and minimize light trespass onto adjacent lands and the water.
- e) When a non-residential development is located adjacent to existing or planned residential areas, sufficient building setbacks should be provided to minimize potential height and massing impacts such as shadowing and high wind speeds. Site Plan applications may be required to submit wind and/or shadow studies to address such potential conditions.
- f) Landscaping plays an important role in buffering potential negative effects. There should be a wide and generously-planted landscape strip using a combination of deciduous and coniferous trees; as well as opaque fencing with noise attenuation properties where required, along the property line abutting existing residential development.
- g) When a non-residential development abuts a street with a residential use on the opposite side, the frontage should be treated with a wide landscaped strip and, where possible, parking shall not be located closer to the street than the building face.
- h) On large sites, efforts should be made to encourage pedestrian linkages between uses and adjacent sites.

B2.4.5 Waterfront Servicing

- a) Site and building services and utilities such as wells, sewage treatment systems, waste storage facilities, loading, air conditioning equipment, satellite dishes, and hydro equipment and telephone transformers shall be located and/or screened from the lake and adjacent residential dwellings or other sensitive land uses, in order to buffer their visual and operational effects.

B2.4.6 Waterfront Design Guidelines

- a) The Township is supportive of the preparation of more detailed Waterfront Design Guidelines for shoreline areas within the Township.
- b) Where Council has required the preparation of Waterfront Design Guidelines, they shall be prepared in accordance with the policies of Section B.2.4.1 of this Plan.

- c) This Council encourages Lake Associations to develop, in co-operation and consultation with the Township, Waterfront Design Guidelines for the individual lakes in the Township.
- d) Once adopted by Council, the Waterfront Design Guidelines shall be employed in the evaluation of all development applications and site plan control applications.
- e) In areas where Waterfront Design Guidelines have been adopted by Council, all development applications shall be evaluated to determine the extent to which the application achieves the design policies of this Plan and the relevant Council adopted Waterfront Design Guidelines.

B2.4.7 Waterfront Development Approvals

- a) The Waterfront Design policies of this Plan, and any Council-adopted Waterfront Design Guidelines, shall be employed in the evaluation of all development applications located within the waterfront area.
- b) The Township shall exercise its powers of zoning and site plan approval to encourage a high quality of building and landscape design and may prepare a Site Plan Manual in order to implement the Waterfront Design policies of this Plan.

B2.5 LAKE CAPACITY

Where lakes have been determined to be at capacity new development may only be permitted under the following conditions:

1. All new tile fields are set back at least 300 metres from the shoreline of the lake, or such that drainage from the tile fields would flow at least 300 metres from the lake (already included in the draft Official Plan).
2. All new tile fields are located such that they would drain into the drainage basin of another waterbody which is not at capacity.
3. To separate existing habitable dwellings, each having a separate septic system provided that the land use would not change.
4. Where there are deep soils native to the site (undisturbed and over 3 metres in depth), meeting a specified chemical composition and hydrologic condition. MNR and MOE should be notified if this approach is proposed of Bay Lake or Emsdale Lake.

B2.6 LAKE TROUT LAKES

Lake Trout lakes are rare in the Province of Ontario. Only about one percent of Ontario's lakes contain Lake Trout, but this represents 20-25% of all Lake Trout lakes in the world. Of the 11 lakes in Perry Township, 2 lakes support the Lake Trout species. The Province and the Township, therefore, have a joint responsibility to manage Lake Trout lakes wisely. The Lake Trout is the only major, indigenous sport fish species in Ontario that is adapted to oligotrophic lakes (i.e. lakes with low levels of nutrients, high dissolved oxygen levels, and typically deep areas with very cold water). Because the Lake Trout is a sensitive species that is adapted to a narrow range of environmental conditions, specifically dissolved oxygen levels, Lake Trout lakes have been assessed by the Province with respect to a provincially defined dissolved oxygen criterion for the protection and sustainability of Lake Trout populations.

Lake trout lakes are considered to be at capacity for new development where the Mean Volume Weighted Hypolimnetic Dissolved Oxygen (MVWHDO) level is measured to be at or below 7 ppm, or the modeling of the impact of developing the existing lots of record with current planning approvals would lower the predicted MVWHDO to 7 ppm or lower.

B2.6.1 Development Policy

The following lakes have been identified by the Ministry of Natural Resources as at capacity "lake trout" lakes where further development and site alteration will be restricted to protect the habitat of the Lake Trout species:

- i) Emsdale Lake
- ii) Bay Lake

New development on private services within 300 metres of the high water mark of a "Lake Trout" lake will only be permitted under the following conditions:

- 1) to separate existing habitable dwellings, each of which is on a lot that is capable of supporting a class 4 sewage system, provided that the land use would not change and there would be no net increase in phosphorus loading to the lake;
- 2) where all new tile fields would be located such that they would drain into a drainage basin which is not at capacity;
- 3) where all new tile fields would be set back at least 300 metres from the shoreline of lakes, or such that drainage from the tile fields would flow at least 300 metres to the lake;
- 4) where the proposed site can meet the additional site-specific soils criteria in the Lake Capacity Assessment Handbook and where certain municipal planning tools and agreements are in place such as a Development

Permit System under the Planning Act, and/or site plan control under the Planning Act, and site alteration and tree-cutting by-laws under the Municipal Act to implement those criteria;

- 5) There is an additional criterion accepted by MOE for situations where there are deep soils native to the site (undisturbed and over 3m depth), meeting a specified chemical composition and hydrologic condition. This approach requires site-specific soils investigations by a qualified professional and, if meeting the criteria, would require long-term monitoring and use of planning tools that would ensure long-term maintenance of specified conditions. The MNR and MOE will be consulted if this criterion is considered for Emsdale Lake and Bay Lake.

Existing uses on “Lake Trout” lakes may be permitted to expand subject to the preparation of a scoped EIS confirming that such improvements and expansion will not be detrimental to the ecology of the lake and provided such EIS recommends, if appropriate, plantings or remediation designed to compensate and improve the shoreline habitat of the lake and there is no net increase in phosphorous loading.

Further to the above, where a “Lake Trout” lake has been reached its development capacity, lot creation and land use changes which result in a more intensive use will not be permitted except in accordance with the above criteria.

All waterfront development and site alteration on “Lake Trout” Lakes may be subject to Site Plan Control or the Development Permit System.

B2.7 LAKE PLANS AND STRATEGIES

Council encourages the preparation of Lake Plans and Strategies as a tool to establish and improve communication and good land stewardship practices amongst those who share a lake community and to articulate lake specific principles and goals outlined in this Plan. This Official Plan will continue to be the primary land use document to guide land use in the Township. Council may consider Amendments to the Official Plan or Zoning By-law where Lake Plans and Strategies reveal new planning issues not already addressed by this Plan.

Council supports the preparation of Lake Plans and Strategies that assess issues such as trophic state assessment as described in Section B2.3.5, which may include remedial actions or best management practices required to reduce impacts, recreational carrying capacity, shoreline development limits, lake level management, public land securement strategies, conservation easements, fisheries, vegetation retention and health, shoreline erosion, cottage conversion and septic system maintenance and re-inspection, and other issues important to lake communities. Such Plans are also encouraged to establish monitoring programs and/or remediation programs to be primarily implemented by local residents and stakeholders such as the Municipality and the Province.

Lake Plans and Strategies may also include a Waterfront and Architectural Design Guideline as described in Section B2.4.6 of this Plan.

B2.8 WATERSHED MANAGEMENT

The Township's lake and river systems are divided into a number of watersheds that are connected to lakes and watercourses in other municipalities and whose waters flow into and through these lakes in adjacent municipalities. Consequently, it is a policy of this Plan that the Township will work with its neighbours in joint watershed programs, in order to protect and preserve lake water quality or, where necessary, remediate lake water quality on these shared lake systems.

Issues of water quality, water quantity, phosphorus loading and lake capacity shall therefore be considered on a watershed basis.

B2.9 IMPLEMENTING ZONING BY-LAW

All residential and recreational lands within the *Shoreline* designation shall be placed in an appropriate Shoreline Residential Zone in the implementing Zoning By-law. The Zoning By-law may also contain zoning categories that distinguish lands which have municipal as opposed to private road or water access. Existing backlot development may also be defined in a separate zoning category.

Lands located within the *Shoreline* designation that are generally undeveloped and are characterized by large lot areas and/or shoreline frontages may be placed in a zone category that reflects these characteristics.

B3 HAMLET

B3.1 PURPOSE

The purpose of the *Hamlet* designation is to:

- a) recognize the stable and compatible mix of primarily residential land uses of the settlement areas of Emsdale and Novar;
- b) encourage the provision of a range of housing opportunities that are affordable and meet the Township's housing needs;
- c) provide the opportunity for various forms of residential redevelopment and intensification, on the basis of private water and septic service; and,
- d) ensure that the existing communities of Novar and Emsdale permit a variety of complementary and compatible land uses.

B3.2 LOCATION

The *Hamlet* designation primarily applies to existing or proposed residential uses in the historic settlement areas of Novar and Emsdale.

B3.3 PERMITTED USES

Permitted uses in the *Hamlet* designation include:

- a) single detached dwellings;
- b) accessory apartments in single-detached dwellings subject to Section B3.4;
- c) semi-detached dwellings;
- d) duplex dwellings;
- e) rooming house dwellings subject to Section B3.5;
- f) home occupations subject to Section B3.6;
- g) bed and breakfast establishments in single detached dwellings, subject to Section B3.7;
- h) complementary uses such as residential care facilities, rooming houses, daycare centres and small-scale institutional and open space uses, subject to Sections B3.8 and B3.9;
- i) neighbourhood commercial;

- j) light industrial uses; and,
- k) existing uses and minor expansions thereto.

B3.4 ACCESSORY APARTMENTS

Accessory apartments are considered to be a form of affordable housing and may be permitted in single and semi-detached dwellings, row houses and accessory structures in the *Hamlet* designation, subject to a Zoning By-law Amendment. In considering such an application, Council shall be satisfied that:

- a) the apartment will comply with the Ontario Building and Fire Codes as well as applicable provisions of the Township's Zoning By-law;
- b) the apartment can be adequately serviced by a private water supply and septic system on the lot;
- c) adequate parking is available on the lot for both dwelling units; and,
- d) the accessory apartment is designed and located in a manner that is respectful of the character of the surrounding neighbourhood.

B3.5 ROOMING HOUSE POLICIES

Rooming and boarding houses may also be permitted in the *Hamlet* designation subject to the criteria below and provided the total number of occupants of the rooming house does not exceed 6 persons. Where an applicant proposes to establish a rooming or boarding for more than 6 persons, the zoning approval may be subject to the Temporary Use permissions under the Planning Act and this Plan.

In considering a zoning by-law amendment and a site plan to permit a rooming/boarding house Council shall be satisfied that the proposal:

- a) respects the character of adjacent neighbourhood, in terms of height, bulk and massing;
- b) can be easily integrated with surrounding land uses;
- c) will not cause or create traffic hazards or an unmanageable level of congestion on surrounding roads;
- d) is located in proximity to community facilities, such as parks, schools, open spaces and/or commercial services;
- e) is located on a site that has adequate land area to incorporate required parking, recreational facilities, landscaping and buffering on-site; and,
- f) can be serviced by an appropriate private septic and water service.

B3.6 HOME OCCUPATIONS

Home occupations are typically professional or service oriented work activities that are carried on within the residential dwelling or accessory building that typically do not involve the retail sale of goods and services. Such uses will be permitted as-of-right in the implementing Zoning By-law, subject to certain criteria.

Where a home occupation is proposed on lands that have access to a Provincial highway, the Ministry of Transportation shall be consulted to determine if a land use permit is necessary for access and/or signage.

B3.7 BED AND BREAKFAST ESTABLISHMENTS

Bed and breakfast establishments are permitted in single detached dwellings, provided the bed and breakfast establishment:

- a) is located within the principal residence of the owner/operator;
- b) preserves the character of the dwelling as a private residence; and,
- c) is licensed annually in accordance with Municipal Lodging and Bed and Breakfast Licensing by-law as amended, where applicable.

The implementing Zoning By-law shall define a bed and breakfast establishment and may further detail the conditions under which a bed and breakfast establishment may be permitted.

B3.8 DAYCARE CENTRES AND SMALL-SCALE INSTITUTIONAL USES

Daycare centres and small-scale institutional uses which serve the community, such as public and private elementary schools, Montessori schools, housing for seniors, and places of worship may be permitted by a Zoning By-law Amendment provided Council is satisfied that:

- a) the use will not cause or create traffic hazards or an unacceptable level of congestion on surrounding roads;
- b) the scale, massing and siting of the development is compatible and consistent with development on adjoining lands; and,
- c) the use is located on a site that has adequate land area to incorporate required parking, pick-up and drop-off area, recreational facilities (if required), landscaping and buffering on-site.

B3.9 RESIDENTIAL CARE FACILITIES

Residential care facilities are defined as residential facilities which accommodate residents who have a range of emotional, psychiatric, physical, developmental, or social needs who live in a 24-hour supervised setting, and receive both room and board and assistance with daily living.

There are a variety of residential care facilities which are generally categorized as group homes, second level boarding/lodging homes, or treatment centres, depending upon their program, funding, size, operator, or Provincial licensing as it may apply. The Zoning By-laws shall provide specific definitions for these residential care facilities as well as performance standards. New programs may emerge over time depending upon Provincial funding and licensing, and further amendments to the Zoning By-laws may be required as warranted.

This Plan supports the provision of an adequate regional supply of residential care facilities subject to appropriate funding from senior government agencies, the provision of adequate community services for clients and proper siting of such facilities in accordance with the policies of this Plan.

B3.10 NOVAR HAMLET EXPANSION

In keeping with Provincial Policy to limit residential lot creation in the Rural area and direct future growth to existing settlements, this Plan has identified lands all of Lot 17, Concession 1 as a future expansion area for the Hamlet of Novar.

Development in this expansion area of Novar shall be considered in a comprehensive manner as described in the following sections of the Plan.

B3.10.1 Issues To Be Addressed By Expansion Plan

The following issues shall be reviewed as part of a Expansion Plan process:

- a) servicing options for water and sewage disposal for all of Novar;
- b) stormwater management;
- c) the assessment of natural heritage features;
- d) the density and phasing of proposed land uses;
- e) the assessment of other designated lands in Novar for residential uses;
- f) affordability;
- g) the need for new or expanded parks, trails or other community facilities;
- h) transportation including integration with existing roads and an assessment of pedestrian connections to trails and parklands of new development;
- i) a Heritage Impact Assessment and/or Archaeological Assessment; and,
- j) an assessment of the aggregate resource potential of the site.

B3.10.2 Implementation of the Expansion Plan

On the basis of the technical work completed through the items listed in Section B3.10.1, an Expansion Plan will be prepared and administered in accordance with requirements of Council. Council may determine of the plan should be approved as a guideline or as a Secondary Plan under Section 22 of the Planning Act. This Plan will detail specific guidelines for development including servicing, phasing, design and stormwater management.

B3.11 IMPLEMENTING ZONING BY-LAW

All lands in the *Hamlet* designation shall be placed primarily in zones to reflect existing land use in the implementing Zoning By-law.

B4 EMPLOYMENT

B4.1 PURPOSE

The purpose of the *Employment* designation is to:

- a) provide lands for the creation of diverse employment opportunities;
- b) improve the economic climate in the Township by making lands available for employment generating uses;
- c) ensure that new industrial development occurs in an orderly and compatible manner; and,
- d) provide areas where entrepreneurs and skilled trades can grow and develop and serve the needs of Northern Ontario business.

B4.2 LOCATION

The *Employment* designation as shown on the Schedules to this Plan applies to several existing locations throughout the Township.

B4.3 PERMITTED USES

Permitted uses on lands designated *Employment* will be comprised of dry industrial uses characterized as low water users that produce limited amounts of effluent. Such uses may include manufacturing, assembly, processing, fabrication, storage and/or warehousing uses and research establishments, wholesaling, service commercial establishments and similar uses. Accessory retail, commercial and office uses are also permitted, provided they occupy only a limited amount of the gross floor area and are accessory and incidental to the industrial use.

B4.4 DEVELOPMENT POLICIES

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

- a) The proposed use is compliant with the Ministry of Environment D-Series Guidelines to ensure the industrial use is compatible with adjacent residential or other sensitive uses which are existing or are planned in accordance with this Official Plan. To address this issue Council may require the business owner to retain a qualified professional to complete an assessment which demonstrates that the proposed use is compliant with the MOE D-Series Guidelines;

- b) The use has access to a municipal road and is serviced by an approved private water supply and septic system;
- c) Adequate parking and loading facilities are provided on the site;
- d) The proposed buildings or structures on unvegetated sites incorporate landscaping to enhance the site and surrounding area;
- e) Outdoor storage areas are substantially screened from view of passing traffic; and,
- f) Where a proposed use abuts or is in proximity to an existing sensitive land use, fencing, landscaping, berming or a combination of these features are utilized to ensure that there is adequate screening between the uses. It is anticipated that where a D-Series assessment is completed, recommendations for buffering will be required.

The expansion or redevelopment on nonconforming uses within the Employment Areas should only be considered where those uses do not limit the ability of the adjacent lands to be fully utilized for employment uses.

B4.5 SERVICING OF EMPLOYMENT USES

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

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

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

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

Ministry of the Environment and follow their Guideline “Incorporation of the Reasonable Use Concept into MOE Groundwater Management Activities”.

B4.6 IMPLEMENTING ZONING BY-LAW

All lands within the *Employment* designation shall be placed in an appropriate Employment or Industrial Zone in the implementing zoning by-law. Lands in the *Employment* designation may be subject to a Holding provision to ensure technical issues relating to development have been addressed. A Holding provision may also be applied to historic but dormant industrial lands, the purpose of which is to require the clearance and potential remediation in accordance with Ministry of Environment standards before such lands may be used in accordance with this Plan.

B5 MIXED-USE

B5.1 PURPOSE

The purpose of the *Mixed-Use* designation is to:

- a) recognize areas in the Township which currently serve the traveling public and/or rural residents by virtue of their access to Provincial Highway interchanges;
- b) ensure that new rural highway commercial development occurs in an orderly manner; and,
- c) establish the Township as a service centre to the regional population and the traveling public.

B5.2 LOCATION

The *Mixed Use* designation as shown on Schedule A to this Plan applies to existing commercial uses abutting or in proximity to Highways 518, 592 and Emsdale Road.

B5.3 PERMITTED USES

Permitted uses on lands designated Rural Highway Commercial will include:

- a) auto fuel service and sales;
- b) convenience stores;
- c) restaurants;
- d) wholesale establishments;
- e) accommodation uses,
- f) storage and/or warehousing establishments;
- g) recreation-related retail and service uses;
- h) auction yards;
- i) garden centres;
- j) contractor's yards; and
- k) institutional uses and other similar uses.

Residential uses may be permitted as accessory uses to a commercial use or as a stand-alone use subject to Site Plan Control. Manufacturing and processing facilities may be permitted that do not require extensive open storage.

B5.4 FORM OF DEVELOPMENT

It is the intent of this Plan that development within the *Mixed Use* designation serve the needs of the regional community and/or the traveling public and be planned to ensure that servicing and access can be adequately addressed.

B5.5 DEVELOPMENT POLICIES

All new development within the *Mixed Use* designation will be subject to Site Plan Control. Prior to considering an application, Council shall be satisfied that:

- a) Adequate parking and loading facilities are provided on the site;
- b) An appropriate means of ingress and egress is provided on-site and such access has been cleared by the Ministry of Transportation, if necessary;
- c) Outdoor storage areas are substantially screened from the view of passing traffic;
- d) On-site grading has been designed to control stormwater flows;
- e) The proposed use can be serviced with an approved private water supply and septic system; and,
- f) Where a proposed use abuts or is in proximity to an existing sensitive use, fencing, landscaping, berming or a combination of these features are utilized to ensure that there is adequate screening between the uses.

B5.6 SERVICING OF MIXED USES

For lands located in the *Mixed Use* designation only low water industrial uses shall be permitted.

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

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

New mixed uses requiring more than 50,000 litres of water per day shall require an amendment to the Official Plan and Zoning By-law as well as a Permit to Take Water under the *Ontario Water Resources Act*. An application to amend the Official Plan and Zoning By-law to permit an industrial use requiring more than 50,000 litres of water per day shall be accompanied by a hydrogeological evaluation confirming that the required water quantity is available for the use and

will not impact adjacent wells. Such an application shall also be accompanied by a Servicing Options Report and shall adhere to all applicable requirements of the Ministry of the Environment and follow their Guideline “Incorporation of the Reasonable Use Concept into MOE Groundwater Management Activities”.

B5.7 IMPLEMENTING ZONING BY-LAW

All lands within the *Mixed Use* designation shall be placed in an appropriate Commercial Zone in the implementing Zoning By-law.

B6 AIRPORT

B6.1 OBJECTIVE

The purpose of the *Airport* designation is to recognize the Emsdale Airport as an asset of the local and district transportation infrastructure.

B6.2 LOCATION

The *Airport* designation as shown on Schedule A to this Plan applies to all lands currently under the ownership of the Emsdale Airport Authority.

B6.3 PERMITTED USES

Permitted used in the *Airport* designation include:

- a) Private and public airport facilities and accessory uses;
- b) manufacturing, assembly, maintenance, processing, fabrication, storage and/or warehouse uses and research establishments that benefit from their proximity to the airport;
- c) bulk fuel storage and sales;
- d) outfitter administration and staging uses;
- e) accessory service and accommodation facilities;
- f) training and educational facilities; and
- g) private clubs.

B6.4 DEVELOPMENT POLICIES

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

- a) The proposed use is compliant with the Ministry of Environment D-Series Guidelines to ensure the industrial use is compatible with adjacent uses;
- b) The proposed use is compliant with any guideline or specification established by Transport Canada;
- c) Adequate parking and loading facilities are provided on the site;

- d) The proposed buildings or structures on unvegetated sites incorporate landscaping to enhance the site and surrounding area;
- e) Outdoor storage areas are substantially screened from view from passing traffic; and,
- f) The proposed use can be serviced with an approved private water supply and septic system.

B6.5 IMPLEMENTING ZONING BY-LAW

All lands located in the *Airport* designation shall be required to be placed in a zone category which reflects existing uses in the implementing Zoning By-law.

B7 INSTITUTIONAL

B7.1 PURPOSE

The purpose of the *Institutional* designation is to recognize institutional uses, land and facilities in the Township which are maintained by government services or agencies.

B7.2 LOCATION

The *Institutional* designation as shown on the Schedules to this Plan applies to existing institutional uses and facilities in the Township.

B7.3 PERMITTED USES

Permitted uses on lands designated *Institutional* include:

- a) schools;
- b) government offices;
- c) servicing infrastructure and facilities;
- d) places of worship;
- e) Seniors or special needs housing;
- e) storage and public works yards; and
- f) parking lots and like services and facilities.

B7.4 FORM OF DEVELOPMENT

It is the intent of this Plan that development within the *Institutional* designation serve the needs of the local and/or regional communities and are an appropriate use in the context of surrounding land uses.

B7.5 DEVELOPMENT POLICIES

The conversion of lands within the *Institutional* designation to alternate land uses shall require an amendment to the Official Plan, Prior to considering an application for the conversion of lands in the *Institutional* designation, Council shall be satisfied that:

- a) Adequate parking and loading facilities are provided on the site;
- b) Landscaping will be provided to enhance the site and surrounding area;
- c) Outdoor storage areas are substantially screened from the view of passing traffic;
- d) The proposed use can be serviced with an appropriate water supply and means of sewage disposal; and,

- e) Where a proposed use abuts or is in proximity to an existing sensitive use, fencing, landscaping, berming or a combination of these features are utilized to ensure that there is adequate screening between the uses.

B7.6 IMPLEMENTING ZONING BY-LAW

All lands within the *Institutional* designation shall be placed in an appropriate Institutional (I) Zone in the implementing Zoning By-law.

B8 PUBLIC PARKS

B8.1 PURPOSE

The purpose of the *Public Parks* designation is to:

- a) identify large land holdings in the Township in public ownership;
- b) ensure that the use and development of open space lands is consistent with the environmental objectives of this Official Plan;
- c) ensure that the residents and tourists have access to a properly planned and accessible parkland system; and,
- d) where applicable, providing safe and connected pedestrian and non-motorized vehicular access to public spaces and shorelines.

B8.2 OBJECTIVES

It is the objective of this Plan to:

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

B8.3 LOCATION

The *Public Parks* designation as shown on the Schedules to this Plan applies to municipal parks, buildings and facilities held in public ownership.

B8.4 PERMITTED USES

Permitted uses in the *Public Parks* designation may include parks, playgrounds, recreational trails and uses, sports fields, community facilities, interpretive centres, museums, cultural uses, and accessory uses such as washrooms, change rooms, administration offices and vending services.

B8.5 COMPONENTS OF THE PUBLIC PARKS DESIGNATION

B8.5.1 Community Parks

The following community parks are considered to be part of the Township's parkland system:

Brooks Falls Park
Bay Lake Park
Clear Lake Park
Emsdale Community Park
Novar Community Parks
Long Lake Park

It is a policy of this Plan that these parks will continue to provide a wide range of recreational opportunities for the Township's residents and visitors. However, it is also a policy of this Plan that before any major changes in funding or the level of service in each of the existing community parks are made, a long-range plan is prepared. Such a long-range plan should review and obtain public input on the current and proposed functions of the park and the type and scale of the improvements required to ensure that the park meets the community's needs and is cost-effective to operate.

B8.6 GENERAL PARKLAND DEVELOPMENT POLICIES

B8.6.1 Integration of Other Public Uses with the Public Parkland System

Where a public parkland area is to be integrated with an educational or major recreational facility, it is the intent of this Plan that the two uses complement each other by ensuring that there are no physical barriers between the uses.

B8.6.2 Dedication of Land through the Development Process

Council will require the dedication of five percent (5%) of the land within a residential Plan of Subdivision to be dedicated to the Township as parkland. Two percent (2%) of the land within a non-residential development shall be dedicated as parkland. In lieu of the above requirements, Council may require cash-in-lieu of parkland instead, as deemed appropriate. In the establishment of a Parkland Dedication By-law, Council may determine value on the basis of either the value of raw land on the day prior to draft approval (Provisional Consent) or on the basis of the value of the new lot(s) prior to issuance of a Building Permit.

All lands dedicated shall be conveyed in a physical condition satisfactory to the Township for parkland use.

Lands within the *Environmental Protection* designation and/or which have been identified as hazard lands shall not be considered as part of the required minimum dedication of parkland pursuant to this section of the Plan.

B8.6.3 Use of Monies Received Through the Cash-in-Lieu Process

All monies received under the provisions of Section B8.6.2 should be used for the sole purpose of developing and acquiring public parkland and/or developing recreational facilities in accordance with the Planning Act.

B8.6.4 Parkland Dedication By-law

A Council may enact a Parkland Dedication By-law that establishes:

- a) the lands to which the by-law is applicable;
- b) the rate of parkland dedication in accordance with Section B8.6.2 of this Plan;
- c) the development applications which are subject to parkland dedication requirements;
- d) land uses which are exempt from parkland dedication requirements; and,
- e) in the case of cash-in-lieu, whether the value of parkland will be determined on the basis of raw land prior to approvals or on the basis of value of the individual lot(s) prior to issues of a building permit.

B8.6.5 Parkland Siting and Design

All public parkland shall:

- a) have as much street frontage as possible and be open to view on as many sides as possible for safety purposes;
- b) be appropriately lit for safety purposes;
- c) have direct and safe pedestrian access from adjacent residential areas;
- d) be designed to minimize any potential negative impacts on adjacent residential areas through the use of such measures as planting, fencing and the provision of appropriate access and parking;
- e) incorporate natural heritage features wherever possible into the design of the parkland;
- f) be integrated into the fabric of the adjacent neighbourhood; and,

- g) be connected, wherever possible, to trail systems, cycling routes and natural heritage corridors.

B8.7 ZONING BY-LAW IMPLEMENTATION

All lands in the *Public Parks* designation shall be placed in an Open Space Zone in the implementing Zoning By-law.

B9 ENVIRONMENTAL PROTECTION

B9.1 PURPOSE

The purpose of the *Environmental Protection* designation is to:

- a) identify natural heritage features and functions in the Township which are locally, regionally and Provincially significant;
- b) maintain, protect and enhance the ecological integrity of the Natural Heritage System;
- c) prevent or minimize the potential for the loss or fragmentation of Natural Heritage Feature and the habitats and ecological functions they provide; and,
- d) ensure development is not subject to flood hazards or erosion hazards, and to ensure that new development does not result in increased flood-related hazards on other properties.

B9.2 LOCATION

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

- a) Provincially Significant Wetlands;
- b) Wetlands;
- c) Significant Habitat of Endangered or Threatened Species;
- d) Any other areas that have been determined to be environmentally significant as a result of a planning process; and,
- e) Lands subject to natural hazards as identified in Section C.4

Lands designated Environmental Protection are shown on Schedule A to this Plan. The individual features of the *Environmental Protection* designation are shown on Schedule B to this Plan.

B9.3 PERMITTED USES

Permitted uses on lands designated *Environmental Protection* are limited to conservation and passive recreational uses that do not require development or site alteration. For the purposes of section B9.2 a), b), c) and d) above, works and infrastructure that by their nature must be located within the floodway, such as flood and erosion control works or hydro-electric facilities, are permitted. For the purposes of this section, a golf course or similar land use is not a passive recreational use. Proposals for the development of buildings and structures are

required to be accompanied by a supporting Environmental Impact Study which demonstrates, for the purposes of Part B9.2 a), b) c) and d) that no negative impact on the natural features or their ecological functions will occur due to the proposed development. Mineral mining, forestry and woodlot management activities will not be restricted by this Official Plan, however, such activities must adhere to the statutory provisions of the Endangered Species Act and Fisheries Act, the Migratory Birds Act and other legislation which protects natural heritage features, functions and the species that depend on such features or functions as habitat. Landowners and development proponents are responsible for following all relevant laws in Ontario, including the Endangered Species Act. Any activity conducted in the habitat of an endangered or threatened species that has the potential to damage or destroy the habitat will first require a permit issued under the Endangered Species Act.

B9.4 GENERAL POLICIES APPLYING TO THE ENVIRONMENTAL PROTECTION DESIGNATION

B9.4.1 Use of Lands in Private Ownership

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

B9.4.2 Adjacent Lands

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

- a) 120 metres of the boundary of a Provincially Significant Wetland, or wetland that has been evaluated by the Ministry of Natural Resources;
- b) 120 metres from significant wildlife habitat including a habitat of an endangered or threatened species and where scientific data has determined a different setback the greater of the two will be required, and;
- c) 30 metres from the following fish habitat areas:
 - i) a watercourse with no defined bed and banks or intermittent stream;
 - ii) a non-meandering stream with defined bed and banks;
 - iii) a meandering stream;
- d) 120 metres from significant fish habitat.

No development or site alteration shall be permitted on these adjacent lands unless an Environmental Impact Study and/or a sub-watershed study and/or a geotechnical study is completed and approved by Council, subject to the comments of the appropriate agencies. The requirements for an Environmental Impact Study are contained in Section B9.9 (Requirements for an Environmental Impact Study) of this Plan.

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

B9.5 DESCRIPTION OF COMPONENTS OF THE ENVIRONMENTAL PROTECTION DESIGNATION

The Natural Heritage System represents a network of natural areas that continue to exist after the area was settled and the lands and waters that support the ecological functions are critical to the survival of these areas. Below is a description of those components of the natural heritage system that are within the *Environmental Protection* designation.

B9.6 WETLANDS

Wetlands are 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. Known wetlands identified by the Ministry of Natural Resources are shown on Schedule B. The four types of wetlands are swamps, marshes, bogs and fens. Wetlands play an important role in the Natural Heritage System, since they:

- provide habitat for plants and animals;
- store water for groundwater recharge purposes;
- trap sediments, nutrients and contaminants thereby improving downstream water quality;
- provide corridors for plant and animal movements; and,
- provide flood control and protect shorelines from erosion.

According to data supplied by the Ministry of Natural Resources at the time this Plan was prepared, there are two confirmed Provincially Significant and other Wetlands in the Township. Regardless, it is a policy of this Plan that all wetlands, regardless of classification be placed in the *Environmental Protection* designation.

The boundaries of wetlands shown on Schedule B are based on the best data available at the time of the preparation of this Plan. The exact boundaries of wetlands will be determined through on-site measurement where development on adjacent lands is proposed.

Through further assessment other wetlands in the Township may be identified as Provincially Significant. If the Ministry of Natural Resources identifies a wetland as Provincially Significant the policies of the Environmental Protection designation and adjacent lands shall apply

B9.7 SIGNIFICANT HABITAT OF ENDANGERED AND THREATENED SPECIES

An endangered species is a species listed in the Regulations under the Endangered Species Act that is at risk of extinction throughout all or a portion of its Ontario range, if limiting factors are not reversed. A threatened species is a native species that is at risk of becoming endangered through all or a portion of its Ontario range. Threatened or endangered species are listed on the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) and Committee on the Status of Species at Risk in Ontario (COSSARO) lists. The 'significant habitat' is the area of land that is necessary for the maintenance, survival and/or recovery of naturally occurring or re-introduced populations of endangered, or threatened species.

According to data provided by the Ministry of Natural Resources, there are four threatened species (Blanding's Turtle, Bobolink, Chimney Swift and Whip-poor-will) that occur in the Township but there are no known endangered species or habitat located within the municipal boundary. However, where additional studies and/or consultation authorized by the Ministry of Natural Resources confirms such habitats, it is the intent of this Plan that these areas be subject to the policies of this Section.

The Ontario Ministry of Natural Resources is responsible for approving and defining significant habitat of endangered species and threatened species. For significant habitat of endangered species and threatened species in the Township of Perry, the following policies will apply:

- a) An environmental impact study must be undertaken by the proponent to confirm the presence of any endangered species and threatened species and/or their significant habitat.
- b) Development and site alteration shall not be permitted in the significant habitat area of endangered species and threatened species.
- c) Development and site alteration on adjacent lands to the significant habitat of an endangered species or threatened species is not permitted, unless it has been demonstrated (through appropriate evaluation) that there will be no negative impacts on the natural features or their ecological functions. "Adjacent to" will generally mean within 120 metres

of such habitat unless it is determined through the consideration of appropriate information or studies that a greater or lesser distance should be considered for particular species or site.

- d) Development proponents should exercise due diligence to ensure that any activities being contemplated would not contravene the Endangered Species Act, 2007, that came into effect on June 30, 2008.

B9.8 DEVELOPMENT IN THE ENVIRONMENTAL PROTECTION DESIGNATION

There may be circumstances where development or redevelopment may be appropriate in the *Environmental Protection* designation, if such development:

- a) is not located within the habitat of endangered or threatened species;
- b) cannot be located on another portion of the lot that is not within the Environmental Protection Zone;
- c) is essential in the location proposed;
- d) does not result in an expansion or intensification of an existing use as it relates to significant habitat or endangered or threatened species;
- e) is set back as far as possible from a watercourse;
- f) is supported by an Environmental Impact Study that is prepared in accordance with this Section B9.9 (Requirements for an Environmental Impact Study) and approved by Council, subject to the comments of the appropriate agencies; and,
- g) where the re-development results in a more intensive use.

The requirement for an Environmental Impact Study may be waived by Council if the intent is to replace an existing building, as long as development, and any new site alteration is in the same existing disturbed area/site alteration envelope as that which it is replacing and will not result in a negative impact on the adjacent natural features or on their ecological functions.

Where new development is proposed within the *Environmental Protection* designation and the proposal conforms with the above criteria, a planning approval will be required. For the purposes of this policy, development is not intended to include the creation of a new lot for conservation purposes, forestry or woodlot management practices.

B9.9 REQUIREMENTS FOR AN ENVIRONMENTAL IMPACT STUDY

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

B9.9.1 Purpose of an EIS

The purpose of an EIS is to:

- a) collect and evaluate all the appropriate information in order to have a complete understanding of the boundaries, attributes and functions of relevant environmental feature(s); and,
- b) evaluate the existing and potential forest resources on the property and the effect of the proposed uses on those resources; and,
- c) make an informed decision as to whether or not a proposed use will have a negative impact on the significant natural features and ecological functions of the Township.

Where the focus of study is adjacent to lands as defined by this Plan, the EIS shall evaluate the ecological function of the adjacent lands and demonstrate that there will be no negative impacts on natural features or ecological functions.

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

Any EIS must be approved by Council and any other appropriate agencies, before a planning application that facilitates the development, is subject to the EIS and is accepted by Council.

B9.9.2 Contents of an EIS

The EIS shall include a description of:

- a) the proposed undertaking and alternatives to the undertaking;
- b) the natural features and ecological functions of the area potentially affected directly and indirectly by the undertaking, and an assessment of their sensitivity to development;

- c) any lands that support environmental attributes and/or functions that may qualify the lands for designation within the *Environmental Protection* designation;
- d) the direct and indirect effects to the ecosystem that might be caused by the undertaking;
- e) any environmental hazards (i.e. slope, flooding contaminants) that need to be addressed as part of the design and how they will be addressed;
- f) any monitoring and assessment that may be required to ensure that mitigating measures are achieving the intended goals;
- g) how the proposed use affects the possibility of linking core areas of the natural heritage system by natural corridors that may or may not be identified on the schedules to this Plan; and,
- h) recommendations with respect to how the adverse effects will be avoided or minimized over the construction period and the life of the undertaking. For example, the EIS may recommend limits of buffers and setbacks adjacent to watercourses, waterbodies, valleys, significant wetlands and vegetation to protect the natural feature and its attributes and/or function from the effects of development.

B9.9.3 What an EIS Should Demonstrate

The EIS should demonstrate, where applicable, that the proposed use will:

- a) not discharge any substance that could harm air quality, groundwater, surface water and associated plant and animal life;
- b) be supplied by an adequate supply of water and that the groundwater taking associated with the use will not harm existing water supplies, surface water features and associated plant and animal life;
- c) not cause erosion or siltation of watercourses or changes to watercourse morphology;
- d) not interfere with groundwater recharge to the extent that it would adversely affect groundwater supply for any use;
- e) not cause an increase in flood potential on or off the site;
- f) maintain/enhance/restore/rehabilitate the natural condition of affected watercourses, and protect/enhance/restore/rehabilitate aquatic and fish habitats;
- g) not significantly affect the scenic qualities of the area;

- h) not encourage the demand for further development that would negatively affect wetland functions or contiguous wetland areas;
- i) enhance and restore endangered terrestrial, aquatic and fish habitats where appropriate and feasible;
- j) not create noise that will have an adverse impact on the enjoyment of neighbouring properties;
- k) not interfere with the function of existing or potential natural corridors;
- l) not lead to a significant reduction in the forest resource or interior forest habitat in an area;
- m) not lead to species loss or negative impacts on endangered, threatened or vulnerable species and/or their habitat; and,
- n) will state if there will be a potential for negative impacts and where there is a potential for negative impacts, the EIS should recommend, as appropriate, how the development proposal will be revised so that there are no significant negative impacts, such as relocation or redesign of the proposal or appropriate mitigation measures.

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

B9.10 ZONING BY-LAW IMPLEMENTATION

The boundaries of the *Environmental Protection* designation are shown on Schedule A. To ensure consistency, this same data will be used in the implementing Zoning By-law and such lands will be placed in appropriate environmental zones in the implementing Zoning By-law.

The Zoning By-law shall also incorporate general setbacks for lot lines, buildings, structures, parking areas and other similar facilities from lands within the *Environmental Protection* in relation to the extent and severity of the natural environmental features and ecological functions of the area.

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

- a) the nature and stability of the soils;
- b) the nature and stability of the vegetation and cover;

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

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

B10 CROWN LAND

B10.1 PURPOSE

The purpose of the *Crown Land* designation is to identify lands in the Township which are Crown land and which the Township has no regulatory control over in accordance with the Planning Act.

B10.2 LOCATION

The *Crown Land* designation is shown on Schedule A to this Plan.

B10.3 PERMITTED USES

The Township has no authority to regulate land use on Crown Land, but encourages Federal and Provincial governments and agencies to be consistent with the policies of this Plan as it relates to the issuance of tenure, occupational authority and permitted undertakings on Crown Land.

B10.4 DEVELOPMENT POLICIES

Where lands are proposed to be patent in accordance applicable legislation and regulations, an Official Plan Amendment will not be required but a Zoning By-law Amendment will be required to recognize the uses or uses proposed for the patent land. In reviewing a Zoning By-law Amendment, in this context, Council will expect the proponent to conform to other applicable policies in this Plan.

B10.5 IMPLEMENTING ZONING BY-LAW

All lands within the *Crown Land* designation shall be placed in a Crown Land (C) Zone or Rural (RU) Zone in the implementing Zoning By-law.

PART C GENERAL ENVIRONMENTAL POLICIES

C1 OBJECTIVES

It is the intent of this Plan to:

- a) identify, understand, prevent and mitigate the potential impacts which can be caused by development and site alteration on Natural Heritage Features not designated Environmental Protection in this Plan;
- b) ensure that development does not occur on lands that are unstable or susceptible to flooding;
- c) prevent development from occurring on hazardous slopes;
- d) protect the quality of water available for drinking water purposes;
- e) identify what is required to support an application for development in an area that is considered to be environmentally sensitive; and,
- f) identify what information is required to support an application that may have an impact on the hydrogeological resources of the Township.

C2 ENVIRONMENTAL FEATURES NOT INCLUDED IN THE ENVIRONMENTAL PROTECTION DESIGNATION

C2.1 RIVERS AND STREAMS

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

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

It is the intent of this Plan to protect all rivers and streams from incompatible development to minimize the impacts of such development on their function. No development/site alteration is permitted within the flooding hazard limit, as

defined by the 100-year flood, or within the Erosion Hazard limit, as defined by a qualified person and sealed/stamped by a professional engineer in accordance with the provincial guidelines outlined in the MNR Guide to Understanding Natural Hazards (2001).

C2.1.1 The Magnetawan River

The Magnetawan River is a significant tributary in the north-east part of the Township that contributes to the Township's natural character. Further to the policies in Section C2.1, Council considers this tributary to be a significant natural heritage feature and shall restrict the types of rural land use that may occur within 120 metres of the feature. Where development or site alteration is proposed on lands proximate to the Magnetawan River, such development shall be subject to site plan control to address matters such as vegetation removal and stormwater drainage. For the purpose of this Plan, lands abutting the Magnetawan River shall be considered to be in the *Shoreline* designation, except where specifically identified as being within another designation on Schedule A.

C2.2 FISH HABITAT

Fish habitat, as defined in the *Fisheries Act*, refers to spawning grounds and nursery, rearing, food supply and migration areas on which fish depend directly or indirectly in order to carry out their life processes. New development may be permitted adjacent to fish habitat if it can be demonstrated through an EIS that such development will have no negative impact on the feature and the Department of Fisheries and Oceans has authorized such development or works in accordance with the Fisheries Act. Where Type 1 Fish Habitat has been confirmed by the Ministry of Natural Resources such lands will be protected by a minimum 30metre setback. For the purpose of this section, lands adjacent to fish habitat are defined, as being within 120 metres of a fish habitat area. This does not apply to Emsdale Lake and Bay Lake as they are Lake Trout Lakes and shall adhere to the policies set out in Section B2.5.

Unless a detailed habitat assessment by a qualified specialist has proven otherwise, all "Unknown" fish habitat will be treated as Type 1 Fish Habitat.

C2.3 WOODLANDS AND VALLEYLANDS

Wooded areas and valleylands within the Township have not been identified as Provincially Significant. These areas have not been specifically placed in the *Environmental Protection* designation. However, these areas greatly contribute to the character of the Township as a whole and provide key wildlife habitat and important linkages to other environmental features such as lakes and wetlands. It is a policy of this Plan that such areas be retained in their natural state, whenever possible and appropriate, as a condition of development approval. Furthermore, Council may consider a tree cutting by-law to prevent the cutting of trees in sensitive areas. Such a by-law shall not be passed without a specific

assessment of the impacts of a tree cutting by-law together with opportunity for public comment.

C2.4 AREAS OF SIGNIFICANT WILDLIFE HABITAT

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

Wildlife habitat areas identified on Schedule B to this Plan are limited at this time to Deer Wintering Areas. It is a policy of this Plan that when such information is made available it be added to this Plan by an Official Plan Amendment.

Where significant wildlife habitat is identified and confirmed by the Ministry of Natural Resources or studies completed by the applicant through a development application, such development may be permitted in proximity to the habitat if it can be demonstrated through an EIS that such development will have no negative impact on the feature or its ecological functions.

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

C2.5 OTHER AREAS IDENTIFIED THROUGH A PLANNING PROCESS

It is anticipated that there will be areas of land where a detailed planning approval process or Provincially initiated study has identified an environmental or topographical feature that should be protected from development in accordance with Provincial Policy requirements. In such instances, Council will integrate such features or areas into the Official Plan through a site-specific amendment or at the time of an Official Plan Update.

STORMWATER MANAGEMENT

All proposals for development shall be required to control stormwater flows both during and subsequent to development. Council shall also require the preparation of a stormwater management report for development within the *Hamlet, Mixed-Use or Employment* designations. A stormwater management report may be required for development within the Shoreline and Rural Area designations where development would result in a significant increase in stormwater run-off. The content and depth of the SWM report shall be determined during a pre-consultation meeting when the development is proposed.

The SWM Report shall be prepared by a qualified professional to the satisfaction of Council and the appropriate agencies and be prepared in accordance with The Stormwater Management Planning and Design Manual (2003) or its successor and shall:

- a) provide recommendations on a stormwater quantity system which ensures that post-development run-off rates will not be greater than the pre-development run-off rates for storms up to and including the 1:100 year flood and the Timmins Flood Event;
- b) document the possible impacts of development on watershed flow regimes including their interconnection with groundwater resources;
- c) provide recommendations on how to maintain pre-development water quality and improve run-off where appropriate;
- d) document the means by which stormwater volume control will be provided; and,
- e) determine and describe the necessary measures required to be undertaken during construction to mitigate the potential negative impact of development.

All proposals for development located adjacent to or in the immediate vicinity of a provincial highway shall submit to the Ministry of Transportation a stormwater management plan or stormwater management report for review and approval when the drainage from such development has the potential to impact a provincial highway.

C4 HAZARD LAND POLICIES

C4.1 STEEP SLOPES AND RAVINES

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

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

C4.2 NATURAL HAZARDS

C4.2.1 Development will generally be directed to areas outside of hazardous sites and hazardous lands adjacent to river and stream systems which pose risks due to flooding and/or erosion hazards. Hazardous sites consist of steep slopes, unstable soils, organic soils, unstable bedrock and lands subject to flooding. Where development is proposed within or partly within these features, the development proponent shall submit a technical study prepared by a qualified professional to the satisfaction of the appropriate approval authority which demonstrates the following:

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

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

C4.2.2 Development and site alteration within a floodplain is prohibited, except for development and site alteration which, by its very nature, must be located within a floodplain. Where development and site alteration is proposed in the vicinity of flooding hazards, a detailed engineering study will first confirm the actual extent of the flooding hazard. Development and site alteration will only proceed if it has been demonstrated to the satisfaction of the approval authority that it can occur safely on the subject lands outside of the flooding hazard, and not upon lands which are high points surrounding the flood hazard. Lands impacted by flooding hazards will be zoned appropriately to prohibit development and site alteration, except for that development and site alteration which must, by its very nature, be located within a floodplain.

C4.2.3 No buildings or structures shall be permitted on lands adjacent to Doe Lake lying below an elevation of 297.41 metres above sea level C.G.D. or on Perry Lake lying below an elevation of 336.67 metres above sea level C.G.D.

Council may impose additional setbacks in some areas depending upon site-specific conditions related to such items as ice and wave action.

C4.2.4 Where additional information regarding the location of floodplains becomes available the Township will incorporate this mapping into the Official Plan and Zoning By-law. Until the mapping is updated, the policies of this section shall apply to lands where flooding hazards have been identified by Council in Consultation with the Ministry of Natural Resources.

WASTE DISPOSAL AREAS

There are 8 closed waste disposal sites in the Township as shown on the Schedule A to this Plan. It is a policy of this Plan to ensure the residents of Perry are provided with a safe and cost efficient waste management program. In the event a new landfill site is opened on patent land, an amendment to this Plan will be required unless the site is located on Crown land.

The development of new uses or new or enlarged buildings or structures within an assessment area of approximately 500 metres from the boundary of a fill area of an open or closed landfill site, may be permitted provided an assessment is completed to determine:

- a) the impact of any potential methane gas migration;
- b) whether the proposed use will be adversely affected by noise, odour, dust or other nuisance factors from the waste disposal site;
- c) potential traffic impacts;
- d) whether the proposed use will be adversely affected by ground and surface water contamination by leachate migrating from the waste disposal site; and,
- e) the impact of the proposed use on leachate migration from the landfill site.

The studies required to support a development application within the assessment area shall be prepared by a qualified professional and may be scoped based on the type and/or scale of the development proposed.

All lands within the assessment area shall be subject to a Holding provision in the implementing Zoning By-law. The lifting of a Holding provision permitting the development of any new use or primary buildings or structures within the assessment area shall not occur until Council in consultation with the Ministry of the Environment is satisfied that all of the studies required have been satisfactorily completed and all impacts identified by the assessment have been avoided or mitigated to the satisfaction of Council. It is not the intent of this policy to require assessment for minor additions or renovations to existing uses.

In cases where an amendment to the Official Plan and/or Zoning By-law is required to permit a proposed use, appropriate studies dealing with the matters set out above shall be submitted for Council's consideration.

C6 LAND USE COMPATIBILITY

It is recognized that some uses may be sensitive to the odour, noise, vibration or other emissions associated with highways, and various type of industries in addition to uses adjacent to waste disposal sites or sewage treatment facilities. It is a policy of this Plan that incompatible land uses be separated or otherwise buffered from each other in accordance with Provincial standards and guidelines. Where a proposed development is located adjacent to a potentially incompatible land use, an assessment of the compatibility of the proposal may be required by Council in accordance with the Ministry of Environment D-Series Guidelines, or its successor, to the satisfaction of Council or Council and the appropriate agencies and shall include recommendations on how the impacts can be mitigated. The approval of development proposals shall be based upon the achievement of adequate distances and the recommendations of the required studies. Where practical and enforceable, such distances or other recommendations may be implemented through zoning or site plan agreements.

C7 BROWNFIELD SITES AND CONTAMINATED LANDS

Brownfields refer to lands that may be contaminated as a result of historical industrial or commercial uses.

If a proposed use is to be located on lands which are known or suspected to be contaminated, Council shall require the proponent to prepare a study prepared in accordance with the Ministry of Environment guidelines which determines the nature and extent of the contamination and the identification of a remedial plan if required. Where the need for remediation is identified, the site shall be restored and Record of Site Condition be obtained before development approvals are granted. A Record of Site Condition shall be required regardless of whether a change in land use designation is proposed. A Record of Site Condition is mandatory whenever a potentially contaminated site is proposed to be redeveloped or reused for a sensitive use.

Council may also place a Holding symbol on such lands until it is acceptably cleaned up and decommissioned in accordance with Ontario Regulation 153/04 of the *Environmental Protection Act*.

The final approval of development applications on brownfield lands shall be conditional on the verification of final site conditions and registration of the Record of Site Condition on the Province's Brownfields Site Registry.

C8 CROSS JURISDICTIONAL MATTERS

Where matters such as transportation, housing, water quality and economic development have impacts among adjacent municipalities Council will consult with those municipalities to coordinate efforts and resources.

PART D – GENERAL DEVELOPMENT POLICIES

D1 WATER AND SEWER SERVICING STRATEGY

D1.1 OBJECTIVES

It is the intent of this Plan to:

- a) ensure that public health is protected;
- b) ensure that new development is serviced in a manner that respects the environmental policies of this Official Plan; and,
- c) identify the preferred means of servicing in the Township.

D1.2 PREFERRED MEANS OF SERVICING

All lands in the Township are currently serviced by private, individual water supplies and septic servicing systems and this form of servicing is not anticipated to change during the life of this Official Plan. Should a public water and sanitary sewer system be proposed during the life of this Plan, an Official Plan Amendment shall be required.

The requirement for an Official Plan Amendment shall not apply to a communal sewage or septage facility approved by the Ministry of Environment, however zoning approval will be required.

D2 TRANSPORTATION

D2.1 OBJECTIVES

It is the intent of this Plan to:

- a) facilitate the safe movement of both people and goods to and from the various communities within the Township.
- b) ensure that new development does not create a traffic hazard.
- c) ensure appropriate right-of-way widths for all existing and proposed roads.
- d) restrict development on seasonal (non-winter maintained) roads, private roads and individual rights-of-way unless an agreement on services is registered on title.

D2.2 ACCESS TO THE ROADS IN THE TOWNSHIP

The responsibility for approving an entrance onto a public road in the Township depends on which of the two levels of government maintains the road. The types of roads described in this section of the Plan are shown on Schedule C.

D2.2.1 Provincial Highway 11

Highway 11 is a Provincial highway and all development abutting such highways is subject to the corridor control requirements of the Ministry of Transportation. Highway 11 is a restricted access highway and as such new access points will not be permitted. New development shall be required to maintain a 50 metre noise buffer from a provincial highway, wherever feasible. Land uses proposed within the 50 metre noise buffer shall be subject to noise feasibility and/or detailed noise studies in accordance with the Ministry of the Environment's *"Noise Assessment Criteria in Land Use Planning: Requirements, Procedures and Implementation"*.

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

New entrances to Highway 11 will not be permitted and over time highway 11 will be converted to a fully controlled access freeway with all existing private entrances and at-grade level intersections removed and all access will be via grade-separated interchanges.

D2.2.2 Provincial Highways 518 and 592

Highways 518 and 592 are Provincial highways and all development abutting such highways is subject to the corridor control requirements of the Ministry of Transportation. Applications for new development which requires access to these highways will be assessed and will comply with Provincial requirements for traffic impact and management. New development shall be required to maintain a 50 metre noise buffer from a provincial highway, wherever feasible. Land uses proposed within the 50 metre noise buffer shall be subject to noise feasibility and/or detailed noise studies in accordance with the Ministry of the Environment's *"Noise Assessment Criteria in Land Use Planning: Requirements, Procedures and Implementation"*.

D2.2.3 Township Roads

Township roads are those roads that are assumed and maintained for public use by the Township of Perry on a year round basis and are identified on Schedule C to this Plan. Access to and usage of these roads is subject to the jurisdiction of the Township and any application for new development shall be subject to an assessment of impact on existing roads in terms of usage and drainage. Where improvements or upgrades to Township Roads are considered necessary to support a development approval, the Township will require the proponent to enter into an agreement to undertake such improvements or pay funds to the Township so the Township may complete required improvements.

D2.2.4 Seasonal Township Roads

Seasonal Township Roads are those roads that are assumed and maintained for public use by the Township of Perry only during the non-winter months and are identified on Schedule C to this Plan. Access to and usage of these roads is subject to the jurisdiction of the Township and the policies with respect to planning approvals and impacts on Seasonal Township road identified in Section D2.2.7 shall apply. Furthermore, lands located on Seasonal Township Roads will be placed in an LSR Zone and the policies of Section D2.2.7 shall apply.

D2.2.5 Private Roads

Private roads are access routes located on private property and maintained by private individuals, Corporations or Associations, including condominium corporations. Such roads generally provide access to more than one property. It is the policy of this Plan to restrict the expansion of new private roads or individual rights-of way for the purpose of facilitating new lot creation, with the exception of an expansion required to provide legal access to an existing land-locked parcel or roads created by plan of condominium.

It is also a policy of this Plan that existing private roads will not be assumed by the Township for year-round maintenance except by an Official Plan Amendment. Prior to the approval of any Official Plan Amendment it will be

required that the private roads be brought up to Township standard and assumed by the Township on a year-round basis. The cost of bringing such a road up to municipal standards shall be borne solely by the landowners that will benefit from the year round maintenance of the road.

D2.2.6 Unopened Municipal Road Allowances

There are a number of unopened municipal road allowances located throughout the Township. The Township does not intend to improve these road allowances for public use, but where the improvement of an unopened road allowance would yield a substantial public benefit, Council will consider the provision of long-term maintenance provided the cost to upgrade the unopened road allowance is borne by landowners who would directly benefit from the improvement.

Council intends to retain all unopened road allowances, but may consider the closing and conveyance of an unopened road allowances only in accordance with Section D2.2.8.

D2.2.7 Conditions Under Which Development may be Permitted on Private Roads

The construction or expansion of a dwelling unit or any building containing a permitted non-residential use on a lot that is accessed only by a private road may be permitted, provided that the proponent submits an engineering report to the satisfaction of Council that confirms the road meets minimum standards for the Township to provide emergency services.

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

It is not the intent of this policy to control the siting of building or structures on the lot, unless it is deemed by Council that issues relating to buffering, building placement and/or drainage should be dealt with in the context of a Site Plan Agreement.

Prior to considering a Site Plan Agreement, Council shall be satisfied that:

- a) The use of the lot is permitted by the implementing zoning by-law;
- b) The lot and all buildings and structures on the lot comply with the implementing zoning by-law; and,

- c) The sewage disposal system is operating in accordance with current standards and that the use is serviced by an appropriate water supply on the same lot.

The proponent shall enter into an agreement with the Township that indicates that:

- i) the owner acknowledges and agrees that the lot in question does not front on an improved public road;
- ii) the owner acknowledges and agrees that the Township does not or is not required to maintain or snowplow the said road or street or provide surety that emergency service vehicles can access the owner's lot;
- iii) the owner acknowledges and agrees that the Township will not take over or assume a private road or street as a Township public road or street unless it has been built according to an appropriate road standard; and,
- iv) the owner acknowledges and agrees that the Township is not liable for any injuries, losses or damages as a consequence of the Township issuing a building permit.

D2.2.8 Closing and Conveyance of Road Allowances

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

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

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

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

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

- i) The exchange of other property to provide appropriate land or water access;
- ii) Notification of such closure and conveyance in accordance with the Road Closing By-law passed in accordance with the Municipal Act;
- iii) The subject lands be rezoned;
- iv) The removal or structural repair of buildings or structures; or
- v) The prospective owner of such lands to assume responsibility for all costs associated with the closure including the preparation of a survey and all legal documents necessary to effect the land transfer.

D2.3 RIGHT OF WAY WIDTHS

The minimum right-of-way width for all municipal roads shall generally be 20 metres. Every effort will be made to secure this right-of-way width as a condition of Planning Act approvals.

D2.4 TRAFFIC IMPACT STUDIES

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

D3 CULTURAL HERITAGE AND ARCHAEOLOGICAL RESOURCES

D3.1 OBJECTIVES

It is the intent of this Plan to:

- a) recognize that the maintenance of the Township's heritage resources will contribute to the preservation of the Township's character.
- b) ensure that the nature and location of heritage and archaeological resources are considered before land use decisions are made.
- c) prevent the demolition, destruction, inappropriate alteration or use of cultural heritage resources and encourage development which is adjacent to significant cultural heritage resources to be of an appropriate scale and character.
- d) consult and seek the advice of a Heritage Committee, First Nation groups or other established heritage organizations when making decisions regarding the conservation of cultural heritage resources in the Township.

D3.2 POLICIES

D3.2.1 Public Works

The carrying out of any public work by any Public Authority shall have regard to the retention and protection of identified cultural heritage resources in accordance with the goals and objectives of this Plan.

D3.2.2 Restoration and/or Rehabilitation of Identified Cultural Heritage Resources

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

D3.2.3 Designation under the Ontario Heritage Act

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

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

D3.2.4 Demolition of Built Heritage Resources

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

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

D3.2.5 Retention/Relocation of Heritage Buildings

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

D3.2.6 Archaeological Assessments

Council acknowledges that there are archaeological remnants of prehistoric and early historic habitation as well as areas of archaeological potential throughout the Township. Archaeological sites and resources contained within these areas can be adversely affected by any future development.

Council shall therefore require archaeological impact assessments and the preservation in situ or excavation of significant archaeological resources in accordance with Provincial regulations set out by the Ministry of Tourism, Culture and Sport, as well as licensing regulations referenced under the Heritage Act. The need for impact assessments will be determined in conjunction with development applications through the use of provincial screening criteria, qualified mapping or the inventories referenced earlier in the Section. Areas of archaeological potential can be found in areas close to water, current or ancient shorelines, rolling topography, unusual landforms or areas of known historic settlement.

Archeological assessments completed on conjunction with a development application will be referred to the Ministry of Tourism, Culture and Sport for review.

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

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

D4 SUBDIVISION OF LAND

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

D4.1 PREFERRED MEANS OF LAND DIVISION

Land division by Plan of Subdivision, rather than by consent, is the preferred process for lot creation and shall generally be deemed necessary if:

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

D4.2 NEW LOTS BY CONSENT

D4.2.1 General Criteria

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

- a) fronts on and will be directly accessed by a public road that is maintained on a year-round basis;
- b) will not cause a traffic hazard as a result of its location on a curve or a hill;
- c) can be serviced with an appropriate private water supply and means of sewage disposal;
- d) will not have a negative impact on the drainage patterns in the area;
- e) will not affect the developability of the remainder of the lands, if they are designated for development by this Plan; and,
- f) the subdivision/condominium conforms with the environmental protection and management policies of this Plan.

D4.2.2 Boundary Adjustments

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

D4.2.3 Lots for Utilities

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

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

D4.3 SUBDIVISION/CONDOMINIUM DEVELOPMENT POLICIES

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

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

- a) the approval of the development is not premature and is in the public interest;
- b) the lands will be appropriately serviced with infrastructure, schools, parkland and open space, community facilities and other amenities;
- c) there is sufficient reserve sewage system capacity, including treatment capacity of disposal capacity for hauled sewage from private communal systems and individual on-site sewage services where applicable;
- d) the density of the development is appropriate for the area;
- e) the subdivision/condominium, when developed, will be integrated with other development in the area;
- f) the subdivision/condominium conforms with the environmental protection and management policies of this Plan;
- g) the proposal conforms to Section 51 (24) of the Planning Act, as amended;

- h) where new waterfront development is proposed by Plan of Subdivision or Condominium, the lands must be appropriately zoned to address use permissions and other provisions applicable to site development; and,
- i) will not have a negative impact on the drainage patterns of the area.

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

D4.3.1 Affordability

It is a policy of this Plan to ensure existing and new residents have access to diverse and affordable housing choices. In order to fulfill this policy, Council will work with developers, service delivery groups and funding agencies in an effort to create affordable housing opportunities primarily through the use of vacant lots in the rural area and underutilized or vacant land in Novar and Emsdale as well as the conversion of existing homes into multi-unit dwellings where the water supply and sewage system is appropriate.

In the case of new development approved during the life of this Official Plan, at least 10% of such development should be affordable to low and moderate income households.

D4.3.2 Energy Efficiency and Air Quality

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

D5

TECHNICAL STUDIES AND PEER REVIEWS

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

PART E - PLAN IMPLEMENTATION AND ADMINISTRATION

E1 PLAN IMPLEMENTATION

E1.1 ZONING BY-LAWS

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

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

E1.2 TEMPORARY USE BY-LAWS

The Township may pass temporary use by-laws for a specific time period up to three years and should be applied where it is considered inappropriate by Council to permit the proposed use on a permanent or continuing basis and where alternatives such as relocation are not practical. A garden suite may be permitted on a property for up to 20 years. Subsequent by-laws granting extensions of up to three years may also be considered by Council. However, once the by-law has lapsed, the use must cease or otherwise will be viewed as contravening the implementing Zoning By-law.

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

- a) The proposed use should be of a temporary nature and should not entail any major construction or investment on the part of the owner so that the owner will not experience undue hardship in reverting to the original use upon the termination of the temporary use;
- b) The proposed use should be reasonably compatible with adjacent land uses and not be out-of-character with the surrounding neighbourhood;
- c) The proposed use should not require the extension or expansion of existing municipal services;
- d) The proposed use should not create any traffic circulation problems within the area nor shall it adversely affect the volume and/or type of traffic serviced by the area's roads;
- e) Parking facilities required by the proposed use should be provided entirely on-site;

- f) The proposed use should generally be beneficial to the neighbourhood or the community as a whole; and,
- g) The owner has entered into an agreement with the Township and/or posted securities, if necessary, to ensure that structures associated with a temporary use provision can be removed upon expiry of the by-law.

E1.3 HOLDING PROVISIONS

In accordance with the Planning Act, Council may use a Holding (H) symbol in conjunction with the zoning of land to suspend development permissions until specific conditions of the Township have been met. These conditions may be set out in the policies applying to the land use designations in this Plan or may be specified within a site-specific zoning by-law amendment.

E1.4 SITE PLAN CONTROL

All areas of the Township are designated as proposed Site Plan Control areas under the provisions of the Planning Act. All uses may fall under Site Plan Control. All lands within designations that permit single detached dwellings are also designated as proposed Site Plan Control areas.

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

- a) the massing and conceptual design of proposed buildings;
- b) the relationship of proposed buildings to adjacent buildings, streets, and public areas;
- c) interior walkways, stairs, elevators, and escalators accessible to the public from streets, open spaces and interior walkways in adjacent buildings;
- d) exterior design including character, scale, appearance, and design features of buildings and their sustainable design;
- e) sustainable design elements on any adjoining highway including trees, shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers and bicycle parking facilities;
- f) facilities designed to have regard for accessibility for persons with disabilities; and,
- g) lighting designed to ensure that dark skies are preserved.

E1.5 DEVELOPMENT PERMIT SYSTEM

The Township may through a By-law passed pursuant to Section 70.2 of the Planning Act, and Regulation 608/06 establish a development permit system for one or more specific areas of the Township.

E1.5.1 Lands Subject to Development Permit System

The following area(s) are described as proposed development permit area(s) and may be designated as such by a Development Permit By-law passed by Council pursuant to the provisions of the Planning Act and its associated regulations:

- a) All land within the *Shoreline* designation as shown on Schedule A to this Plan.

E1.5.2 Intent

The lakes and shoreline areas are defining social and environmental features in the Township and in some cases are characterized by higher concentrations of recreation based development which includes dwellings, accessory buildings, docks and marine facilities as well as tourist commercial uses. Redevelopment of existing shoreline areas, while encouraged by the Township as a source of employment and investment, should be managed in an effort to contribute to the long term social and environmental sustainability of shoreline areas.

E1.5.3 Goals

In developing and implementing a Development Permit System for lands within the *Shoreline* designation, the goals are to:

- a) protect lakes and their riparian ecosystems;
- b) minimize disruption to shoreline area including the removal of vegetation or altering of shoreline areas;
- c) enact a system that facilitates discussion and collaboration between the Township and landowners with a collective goal of protecting or enhancing the health and quality of the lake eco-system; and,
- d) create an efficient approval process that provides for informed decision-making and the execution of binding agreements to occur at the same time.

E1.5.4 Scope of Authority

The Development Permit By-law is intended to be restricted to shoreline residential and shoreline recreational uses, which will be more specifically defined in the Development Permit By-law.

The Development Permit By-law may include specified criteria under which additional discretionary uses and specific variations from development standards may be permitted without an amendment to the by-law.

E1.5.5 Criteria

The modification of zoning regulations will be dependent on the extent to which criteria established through the Development Permit By-law have been met. Examples of such criteria may include:

- a) the submission of environmental assessment reports and site plans;
- b) protection, enhancement and/or restoration of shoreline vegetation;
- c) protection, enhancement and/or restoration of critical areas of fish habitat;
- d) in the case of redevelopment or expansion, siting new building and structures to achieve greater shoreline setbacks than currently exist;
- e) installation of approved phosphorus retaining or phosphorus removing septic technology; and,
- f) stormwater management designs that restrict or intercept stormwater from flowing directly to the lake.

E1.5.6 Conditions

The modification of zoning regulations may require the landowner to fulfill certain conditions established through the Development Permit By-law. Examples of such criteria and conditions may include:

- a) agreeing to conserve certain lands in a natural state;
- b) agreeing to enhance and/or restore of critical areas of fish habitat;
- c) agreeing to enhance and/or restore shoreline vegetative buffers;
- d) installing phosphorus retaining or phosphorus removing septic technology; and,
- e) designing on-site stormwater management systems to restrict or intercept stormwater from flowing directly to the lake.

E1.5.7 Administration

The Development Permit System in the Township of Perry will be administered in accordance with O. Reg 608/06 with the further requirement that a Notice of Complete Application for a Development Permit shall be forwarded to all abutting landowners of the applicant's land at least 10 days prior to Council's consideration of the permit.

E1.6 MINOR VARIANCE

Council may appoint a Committee of Adjustment in accordance with Section 44 of the *Planning Act* to consider and/or grant minor variances to the implementing Zoning By-law. In determining whether to approve an application for a minor variance, The Committee of Adjustment will need to be satisfied that the application meets all of the four tests:

- 1) That the requested variance conforms with the general intent of the Official Plan;
- 2) That the requested variance is in keeping with the spirit and intent of the Township's Zoning By-law;
- 3) That the requested variance is appropriate for the desirable development of the lot; and,
- 4) That the requested variance is minor in nature.

In making a determination of whether a variance is minor as required in item four, the Committee of Adjustment should have greater regard for the degree of impact which could result from the variance and less regard to the magnitude of numeric or absolute relief sought by the applicant. In addition, applicants who request a minor variance should be prepared to demonstrate a need for the requested relief on the basis that the subject zoning provision is not warranted in a particular circumstance, causes undue hardship, or is otherwise impossible or not reasonable to comply with.

E2 NON-CONFORMING USES

E2.1 INTENT OF OFFICIAL PLAN

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

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

E2.2 ROLE OF THE IMPLEMENTING ZONING BY-LAW

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

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

E3 PRE-CONSULTATION AND COMPLETE APPLICATIONS

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

The purpose of pre-consultation is to ensure a prospective applicant is provided with a basic understanding of the local planning policy and regulation that may be applicable to a planning approval. Prior to attending any pre-consultation application, Council places a responsibility on the proponent to have reviewed applicable Provincial policy, regulation and legislation that may impact a planning application. Council also requires a proponent to attend a pre-consultation with clear and concise information, concept sketches, mapping and/or reference plans to assist in effectively communicating a proposal. The intent of pre-consultation discussions is not to provide an approval, nor certainty of approval.

Subsequent to a pre-consultation meeting, the Township will determine what supporting information (i.e. reports and studies) is required as part of the complete application submission and inform the proponent of these requirements. Where the proponent requires pre-consultation comments to be provided in writing, such communication shall be circulated to Council as information and become part of the public record.

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

- a) Prescribed application fee;
- b) Completed application form together with requisite authorizations;
- c) Prescribed information and material as required by Planning Act Regulations;
- d) Covering letter, which outlines the nature of the application and details of the pre-consultation meeting (if applicable);
- e) Concept plans and/or drawings; and,
- f) Any studies as identified as necessary through pre-consultation.

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

- a) Transportation Impact Study;
- b) Functional Servicing Report;
- c) Stormwater Management Plan;
- d) Tree Preservation Report and Plan;
- e) Hydrogeological Assessment;
- f) Watershed or Subwatershed Study;
- g) Floodline Delineation Report;
- h) Architectural/Urban Design Study;
- i) Environmental Site Assessment;
- j) Planning Justification Report;
- k) Ministry of the Environment (MOE) Record of Site Condition (RSC);
- l) Contaminant Management Plan;
- m) Environmental Impact Study;
- n) Lake Capacity Study or Trophic State Analysis;
- o) Archaeological Assessment;
- p) Heritage Impact Assessment;
- q) Wind Study;
- r) Noise Study;
- s) Vibration Study;
- t) Geotechnical Study;
- u) Slope Stability Study;
- v) Market/Retail Impact Study or Analysis;
- w) Viewscape or Shadow Impact Assessment;
- x) Conceptual Site Plan and Building Elevations;
- y) Erosion and Sediment Control Plans; or,
- z) Any other study necessary to justify or demonstrate compliance with the Provincial or local planning policy.

E4

MINOR ALTERATIONS TO THE PLAN

The following types of minor alterations may be made to this Plan without the need for a formal Official Plan Amendment provided the Ministry of Municipal Affairs is provided with a copy of the revised Official Plan referencing the nature of the alteration:

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

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

E5

INTERPRETATION OF LAND USE DESIGNATION BOUNDARIES

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

It is recognized that the boundaries of the *Environmental Protection* and *Hazard* designations may be imprecise and difficult to confirm. Given this reality, Council shall use available resources to determine the extent of the environmental areas on a site by site basis when considering development proposals, in consultation with the appropriate agencies. Any minor refinement to the *Environmental Protection* or *Hazard* designation shall not require an amendment to this Plan.

Where a lot is within more than one designation on the Schedules to this Plan, each portion of the lot shall be used in accordance with the applicable policies of that designation.

E6 DEFINITIONS

For the purposes of interpretation of this Plan, the definitions in the *Planning Act*, R.S.O. 1990, the Provincial Policy Statement 2005, and other applicable legislation shall apply. For convenience, those definitions that have applicability to Perry Township and the policies of this Plan have been appended to this Plan as Appendix 1.

E7 OFFICIAL PLAN REVIEW PROCESS

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

- a) the continuing relevance of the vision that forms the basis of all policies found in this Plan;
- b) the degree to which the objectives of this Plan have been achieved;
- c) the degree to which the Plan has responded to economic and social challenges in the community;
- d) Global, National, Provincial and Regional land use and development and their effect on development in Perry; and,
- e) the Plan's regard to matters of Provincial Interest; conformity to Provincial Plans; and consistency with Provincial Policy Statements.

APPENDIX 1

GLOSSARY OF TERMS

Accessory Use

Means: a use of land, buildings or structures that is normally incidental or subordinate to the principal use, building or structure located on the same lot.

Adjacent Lands

Lands contiguous to a specific natural heritage feature or area where it is likely that development or site alteration would have a negative impact on the feature or area. The extent of the adjacent lands may be recommended by the Province or based on municipal approaches which achieve the same objectives.

Adverse Effects

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

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

Affordable

Means:

- a) in the case of ownership housing, the least expensive of:
 - i) 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
 - ii) 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:
 - i) a unit for which the rent does not exceed 30 percent of gross annual household income for low and moderate income households; or

- ii) 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 proximity to the farm operation.

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.

Alvars

Naturally open areas of thin or no soil over essentially flat limestone, dolostone or marble rock, supporting a sparse vegetation cover of mostly shrubs and herbs.

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.

Area of Settlement

Means an area of land designated in an official plan for urban uses including urban areas, urban policy areas, towns, villages, hamlets, rural clusters, rural settlement areas, urban systems, rural service centres or future urban use areas, or as otherwise prescribed by regulation.

Areas of Archaeological Potential

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

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)

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.

Backlot

A lot located as a second tier of development adjacent to a lake or river and having frontage on a roadway that provides access to waterfront properties.

Brownfield Sites

Buildings and/or lands that may be contaminated by virtue of historic use. They are usually, but not exclusively, former industrial or commercial properties that may be underutilized, derelict or vacant.

Built Heritage Resources

Refers to 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.

Carrying Capacity

The capacity of a site to support a use without negative impact on environmental features such as water quality, natural vegetation, soil, wildlife population and visual attractiveness.

Connectivity

Refers to the degree to which key natural heritage features are connected to one another by links such as plant and animal movement corridors, hydrological and nutrient cycling, genetic transfer, and energy flows through food webs.

Conservation

The wise management of the environment in a way which will maintain, restore, enhance and protect its quality and quantity for sustained benefit to humans and the environment.

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.

Cumulative Effect

The effect on the environment as a result of the incremental impacts of development when considered in conjunction with other past, present and possible future actions, occurring over a period of time and area.

Deeryards

An area where deer concentrate during the winter months as defined by the Ministry of Natural Resources.

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 Vulnerable Area

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

Includes 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) 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.

Easement

A negotiated interest in the land of another which allows the easement holder specified uses or rights without actual ownership of the land.

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.

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.

Existing Uses

Uses legally established prior to the date that the Plan came into force. Existing agricultural accessory buildings and structures including farm dwellings can expand on the same lot subject to the provisions of the municipal zoning by-law.

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

When used in reference to rivers, streams 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

When used in reference to rivers, streams, 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 river, stream and small inland lake systems, the flooding hazard limit is the greater of:
 - i) 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;
 - ii) the one hundred year flood; and
 - iii) 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). (PPS)

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. (PPS)

Floodway

When used in reference to 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.

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.

Group Home

Means a residence that is licensed or funded by a Public Agency for the accommodation of three to ten persons, exclusive of staff, living under supervision in a single housekeeping unit and who, by reason of their emotional, mental, social or physical condition, require a group living arrangement for their well being.

Habitat of Endangered, Rare and Threatened Species

Means land that,

- a) is an area where individuals of an endangered species, a rare species or a threatened species live or have the potential to live and find adequate amounts of food, water, shelter, and space needed to sustain their population, including an area where a species concentrates at a vulnerable point in its annual or life cycle and an area that is important to a migratory or non-migratory species, and
- b) has been further identified, by the Ministry of Natural Resources or by any other person, according to evaluation procedures established by the Ministry of Natural Resources, as amended from time to time.

Hazardous Land

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.

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.

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, stormwater management works, 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.

Legal or Technical Reasons

Means severances or a consent to sever for purposes such as corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot.

Lot

Means a parcel of land;

- a) Described in a deed or other document legally capable of conveying an interest in land, or
- b) Shown as a lot or block on a registered plan of subdivision.

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.

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.

Minerals

Means metallic minerals and non-metallic minerals as herein defined, but does not include mineral aggregate resources or petroleum resources.

- a) Metallic minerals means those minerals from which metals (e.g. copper, nickel, gold) are derived.
- b) 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).

Minimum Distance Separation Formulae

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

Municipal Sewage Services

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

Municipal Water Services

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

Natural Heritage Features and Areas

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.

Natural Heritage System

Means a system made up of natural heritage features and 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) 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, 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.

One Hundred Year Flood

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

One Hundred Year Flood Level

Means for large inland lakes, lake levels and wind setups that have a 1% chance of being 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.

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.

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 Township.

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 Plan

Means a plan such as the Northern Ontario Growth Plan approved by the Lieutenant Governor in Council or the Minister of Municipal Affairs and Housing, but does not include municipal official plans.

Provincial Policy Statement

The Provincial Policy Statement (PPS) sets out the Ontario government's interests in land-use planning and development and provides policy direction on matters of provincial interest to those involved in land-use planning.

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.

Public Work

Means any improvement of a structural nature or other undertaking that is within the jurisdiction of the council of a Township or a local board.

Quality and Quantity of Water

A measure of 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.

Quarry

Means land or land under water from which consolidated aggregate is being or has been excavated and that has not been rehabilitated, but does not mean land or land under water

excavated for a building or other work on the excavation site or in relation to which an order has been made under sub-section 1(3) of the *Aggregate Resources Act*.

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.

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.

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*.

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

When used 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.

Sewage and Water Services

Refers to 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.

Shoreline Area

The lands located within 300 metres of the shoreline a lake or river as shown on the Schedules to this Plan. The shoreline area may include additional lands that are physically or functionally related to the adjacent waterbody.

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 not noted in a), b) or c), 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

Activities, such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of a site. 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.

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.

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

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.

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.

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 life cycle; and areas that are important to migratory and 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.

Zoning By-Law

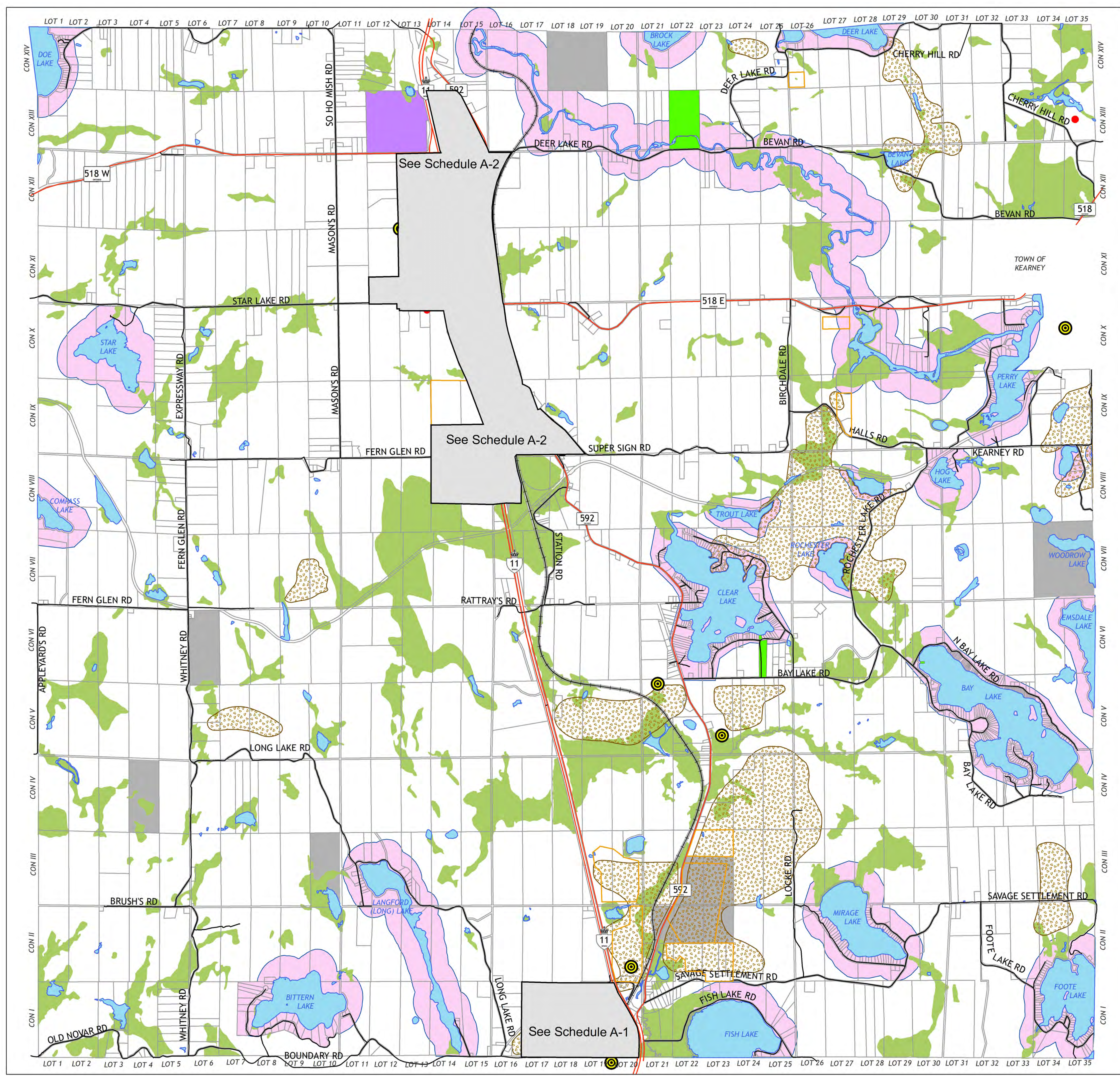
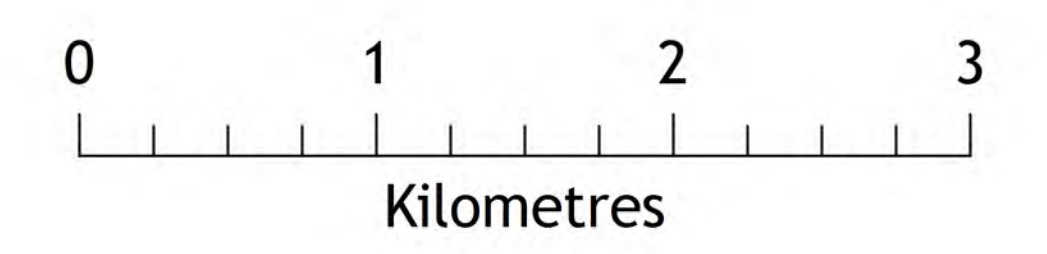
A by-law passed under Section 34 of the *Planning Act* to regulate the use of land.

Schedule A

Schedule 'A' Township of Perry Official Plan Land Use

Legend

-  Former Waste Disposal
-  Abandoned Mine Site
-  Settlement Area
-  Existing ARA Licence
-  Aggregate Overlay
-  Shoreline
-  Rural
-  Public Parks
-  Crown
-  Airport
-  Environmental Protection

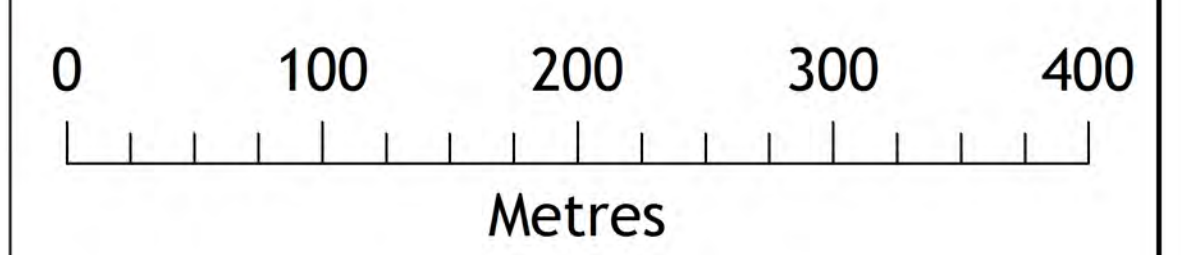
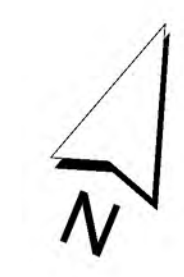


Schedule A-1

Schedule 'A-1'
NOVAR
Township of Perry
Official Plan
Land Use

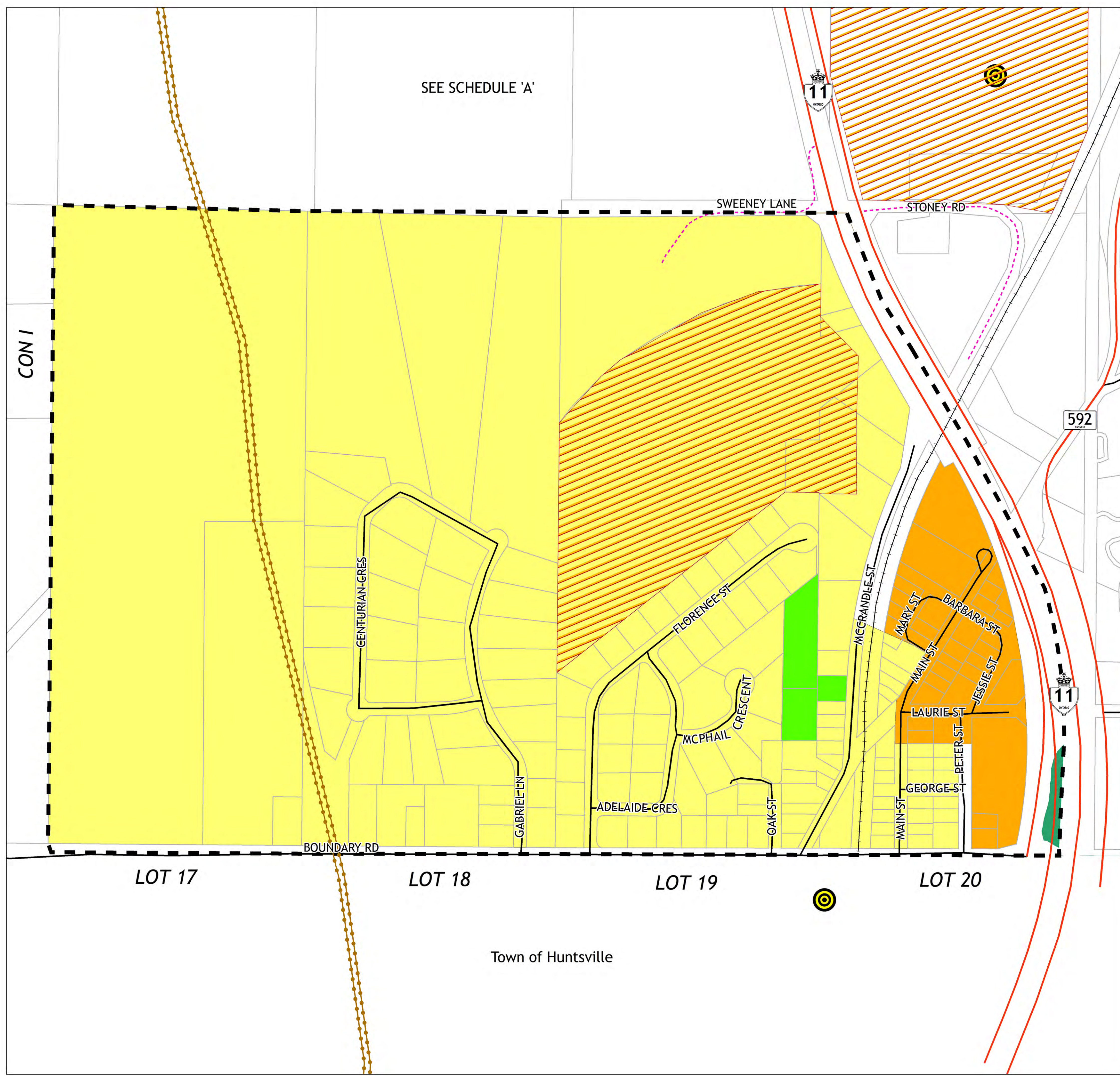
Legend

-  Former Waste Disposal
-  TransCanada Pipeline
-  CNR
-  Provincial Highway
-  Township Road
-  Private Road
-  Settlement Area
-  Hamlet
-  Institutional
-  Employment
-  MixedUse
-  Rural
-  Public Parks
-  Environmental Protection
-  Existing ARA Licence



SEE SCHEDULE 'A'

CON 1

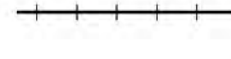





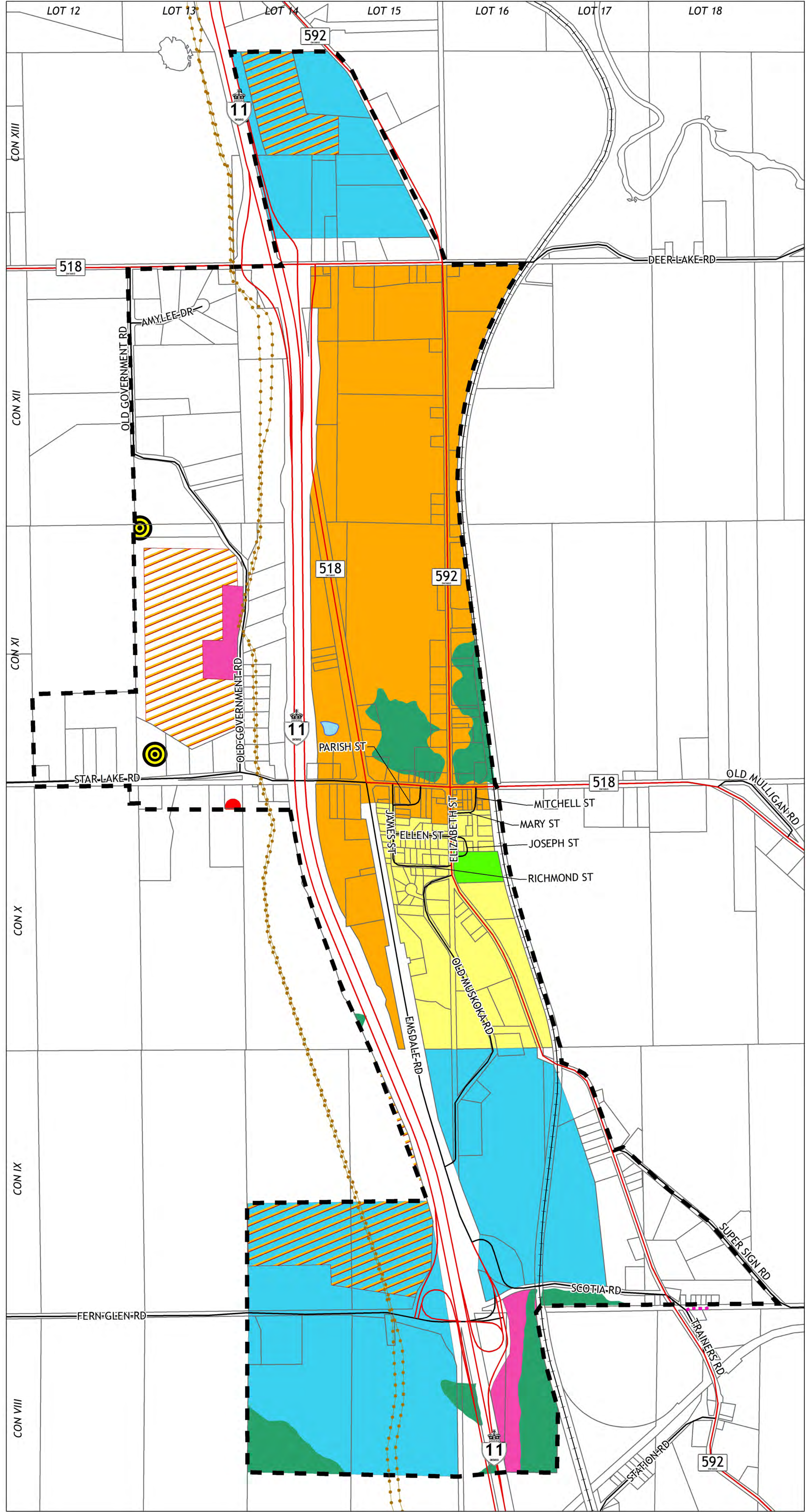
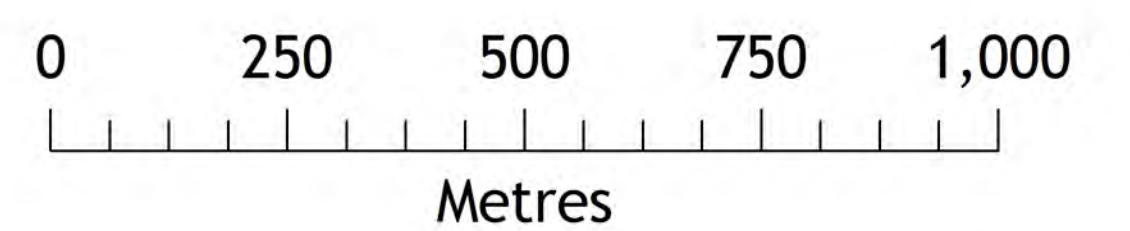
Town of Huntsville

Schedule A-2

Schedule 'A-2' EMSDALE Township of Perry Official Plan Land Use

Legend

-  Former Waste Disposal
-  Abandoned Mine Site
-  TransCanada Pipeline
-  CNR
-  Private
-  Provincial Highway
-  Township Road
-  Settlement Area
-  Hamlet
-  Institutional
-  Employment
-  Mixed Use
-  Rural
-  Public Parks
-  Environmental Protection
-  Existing ARA Licence

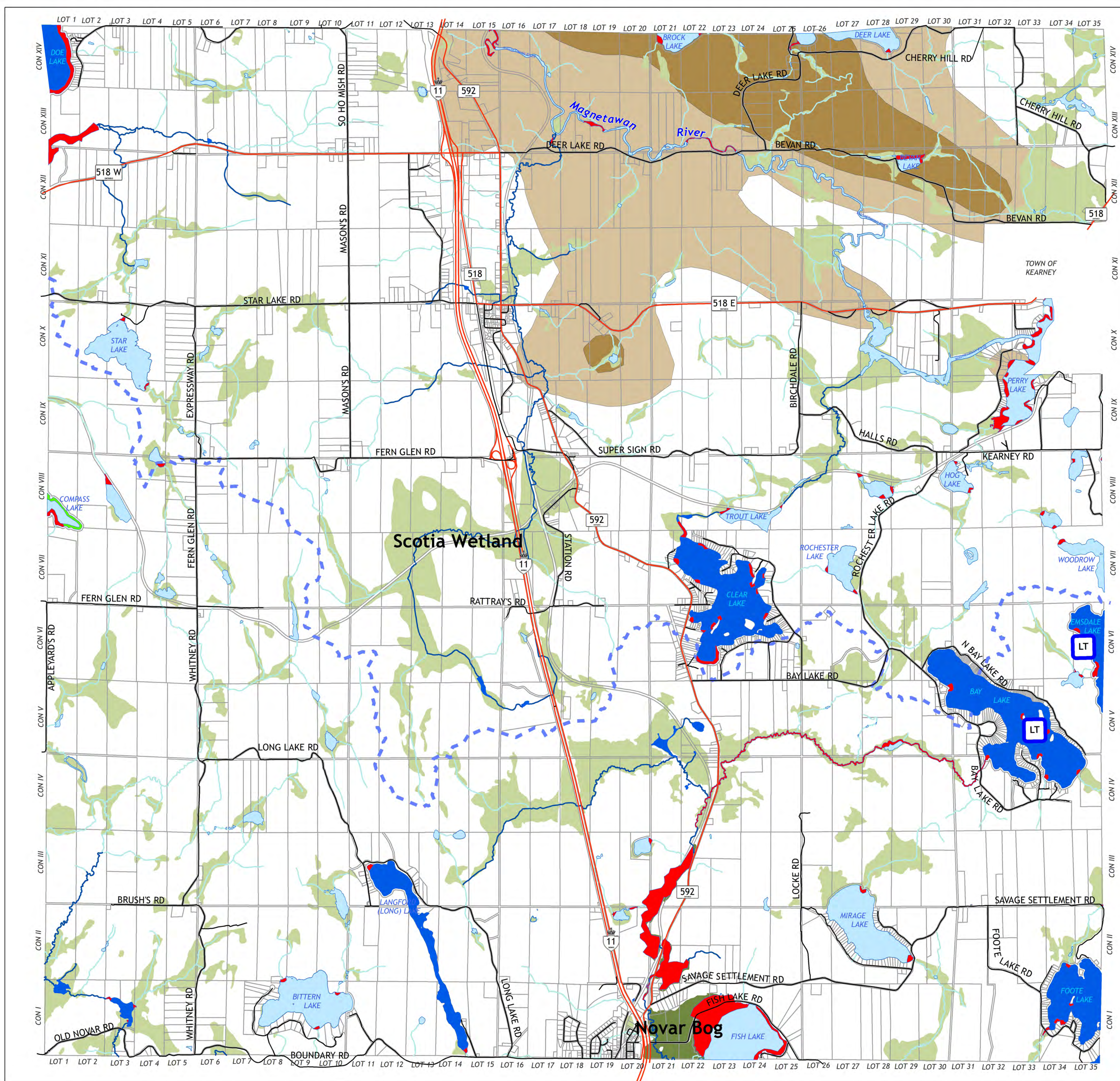
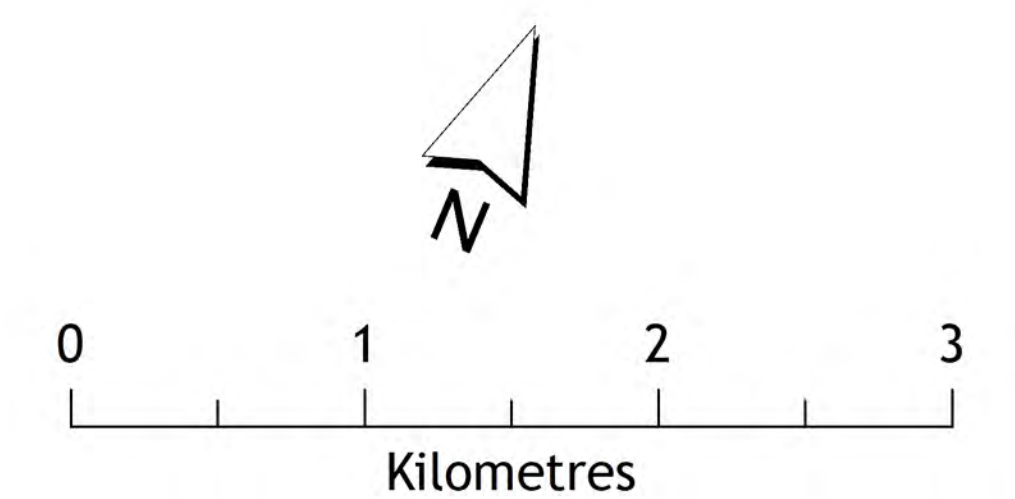


Schedule B

Schedule 'B' Township of Perry Official Plan Natural Heritage Features

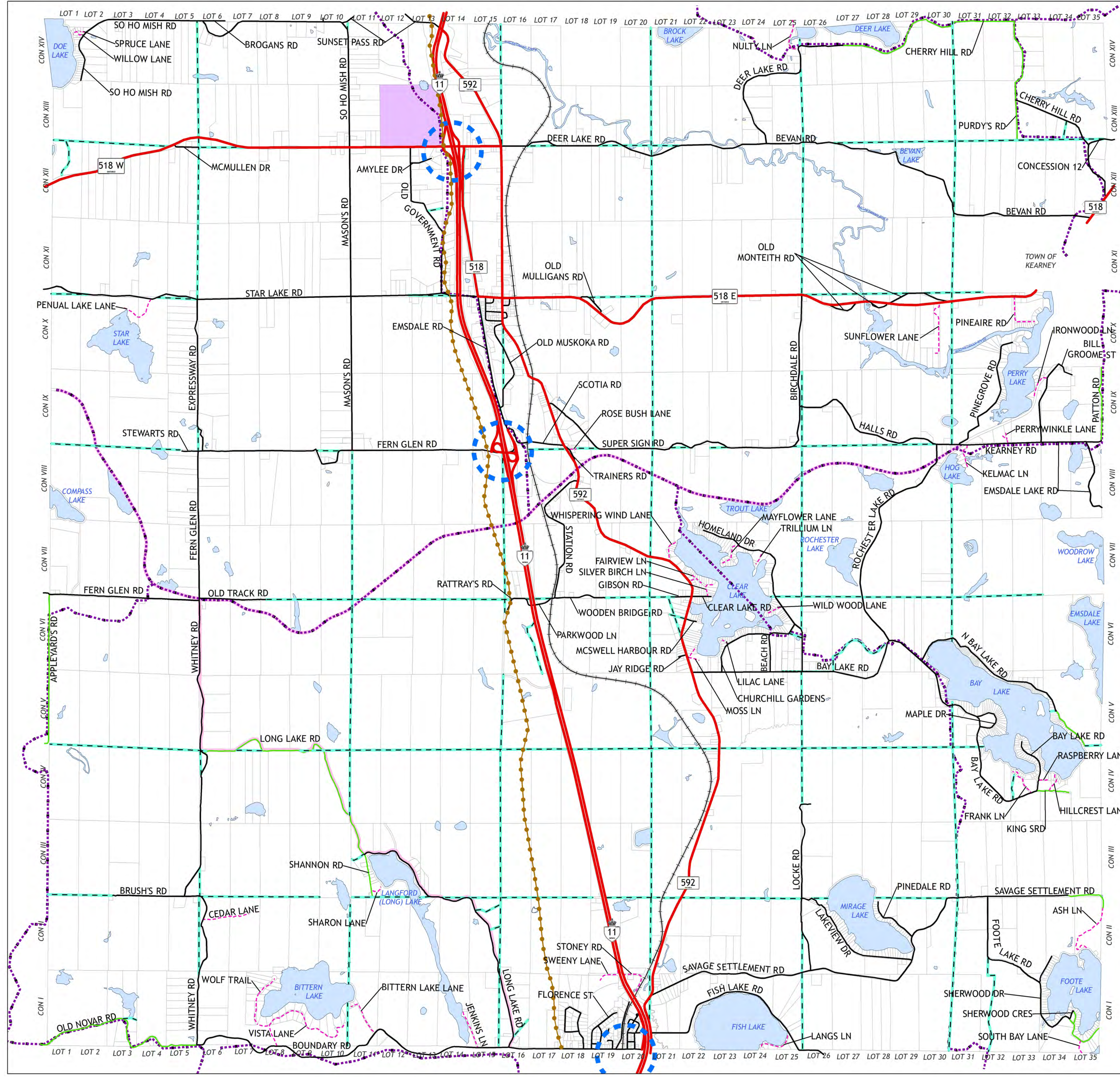
Legend

- LT Lake Trout Lakes
- Watercourse
- Cold Water Stream
- Watershed Boundary
- Deer Wintering Area -Stratum 1
- Deer Wintering Area -Stratum 2
- Type 1 Fish Habitat
- Type 2 Fish Habitat
- Cold Water Lake
- Waterbody
- Provincially Significant Wetland
- Other Wetlands



Schedule C

Schedule 'C' Township of Perry Official Plan Review Transportation

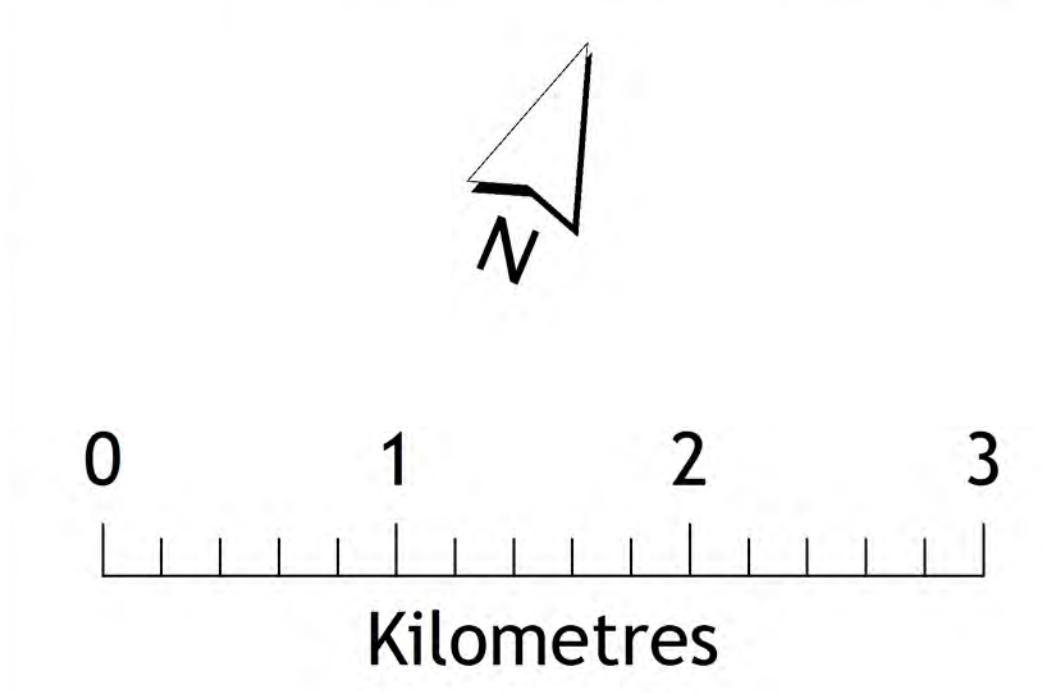


Legend

- Rail Line
- TransCanada Pipeline
- Trail
- OFSC Trail
- Airport

Road Class

- Provincial Highway
- Interchange
- Township Road
- Seasonal Township Road
- Private Road
- Unopened Road Allowance



Note: Not all Roadways are shown on this map.