

## TABLE OF CONTENTS

---

<b>1.0 INTRODUCTION .....</b>	<b>5</b>
1.1 LEGISLATIVE CONTEXT .....	5
1.2 STRUCTURE OF THE OFFICIAL PLAN .....	5
1.3 PLANNING PERIOD .....	7

---

<b>2.0 VISION AND GUIDING PRINCIPLES.....</b>	<b>8</b>
2.1 VISION .....	8
2.2 GUIDING PRINCIPLES .....	8

---

<b>3.0 LAND USE DESIGNATIONS.....</b>	<b>10</b>
3.1 SETTLEMENT AREAS .....	10
3.1.1 Distribution of growth and development.....	10
3.1.2 Lot Creation.....	11
3.1.3 Municipal Services .....	11
3.1.4 Residential Policies .....	11
3.1.5 Community Core Policies .....	13
3.1.6 Commercial Policies.....	14
3.1.7 Industrial Development Policies.....	15
3.1.8 Expansions to Settlement Area Boundary .....	16
3.2 INDUSTRIAL PARK.....	17
3.2.1 Goals and Objectives .....	17
3.2.2 Permitted Uses:.....	17
3.2.3 Policies.....	18
3.3 HIGHWAY COMMERCIAL.....	18
3.3.1 Permitted Uses.....	18
3.3.2 Policies.....	19
3.4 RURAL POLICY AREA .....	19
3.4.1 General .....	20
3.4.2 Water and Waste Water Servicing.....	20
3.4.3 Lot Creation.....	21
3.4.4 Residential Land Use .....	21
3.4.5 Minimum Lot Requirements.....	22
3.4.6 Non-residential Development Policies .....	23
3.5 AGRICULTURAL AREA.....	24
3.5.1 Permitted Uses.....	25
3.5.2 Lot Area .....	26
3.5.3 Residential Uses .....	26
3.5.4 Intensive Livestock Operations.....	26
3.5.5 Lot Creation.....	27
3.5.6 Zoning and Development Control .....	27
3.6 MINERAL AGGREGATES .....	28
3.6.1 Permitted Uses.....	28
3.6.2 Prohibited Uses.....	28

---

- 3.6.3 New or Expanded Mineral Aggregate Resource Policy Areas .....29
- 3.6.4 Bedrock Resources .....29
- 3.6.5 Adjacent Land .....30
- 3.6.6 Mineral Aggregate Resource Extraction and Agricultural Resources .....30
- 3.6.7 Rehabilitation of Extraction Sites .....30
- 3.6.8 Wayside Pits and Quarries and Portable Asphalt Plants.....31
- 3.6.9 Zoning and Development Control .....31
- 3.7 NATURAL HERITAGE .....31
  - 3.7.1 Determination of Significance .....31
  - 3.7.2 Goals and Objectives .....32
  - 3.7.3 General Land Use Policies .....32
  - 3.7.4 Landform Specific Policies .....32
  - 3.7.5 Wetlands .....33
  - 3.7.6 Permitted Uses.....34
  - 3.7.7 Endangered or Threatened Species Habitat.....34
  - 3.7.8 Areas of Natural and Scientific Interest (ANSI's).....35
  - 3.7.9 Significant Wildlife Habitat .....36
  - 3.7.10 Significant Woodlands.....37
  - 3.7.11 Identification of Significant Woodlands .....37
  - 3.7.12 Valleylands.....38
  - 3.7.13 Fish Habitat .....38
  - 3.7.14 Ground Water Protection and Enhancement .....39
  - 3.7.15 Groundwater Recharge Areas .....40

---

- 4.0 PUBLIC HEALTH AND SAFETY.....41**
  - 4.1 INTRODUCTION .....41
  - 4.2 OBJECTIVE .....41
  - 4.3 IDENTIFYING HAZARD AREAS.....41
  - 4.4 GENERAL.....42
  - 4.5 HAZARDOUS LANDS – FLOODING AND EROSION.....42
    - 4.5.1 Defining Areas Subject to Floods and Erosion.....42
    - 4.5.2 Permitted Uses.....42
  - 4.6 UNSTABLE SLOPES AND ORGANIC SOILS.....43
    - 4.6.1 Policies.....43
  - 4.7 CONTAMINATED SITES .....44
    - 4.7.1 Policies.....44
    - 4.7.2 Closed Waste Disposal Sites.....44
    - 4.7.3 Site Decommissioning and Clean-Up .....45
  - 4.8 OTHER HEALTH AND SAFETY CONCERNS .....46
    - 4.8.1 Abandoned Pits and Quarries.....46
    - 4.8.2 Noise and Vibration .....46
    - 4.8.3 Incompatible Land Uses .....46

---

- 5.0 INFRASTRUCTURE .....47**
  - 5.1.1 Goals and Objectives .....47
  - 5.1.2 Transportation .....48
  - 5.1.3 Water, Waste Water and Stormwater Services.....50

- 5.1.4 Watershed Planning .....52
- 5.1.5 Surface Water Management Plans .....52
- 5.1.6 Waste Management .....53
- 5.1.7 Energy.....53
- 5.1.8 Utility and Communication Facilities Corridors.....53
- 5.1.9 Other Infrastructure Corridors.....54

**6.0 IMPLEMENTATION.....55**

- 6.1 INTRODUCTION .....55
- 6.2 AUTHORITY .....55
- 6.3 DEVELOPMENT CONTROL.....55
  - 6.3.1 Accessory Uses.....56
  - 6.3.2 Existing Land Uses and Non-Conforming Uses.....56
  - 6.3.3 Extension or Enlargement under Section 34(10) of the Planning Act, R.S.O.1990  
.....57
  - 6.3.4 Minor Variance or Permission.....58
  - 6.3.5 Lots of Record.....58
  - 6.3.6 Public Uses .....58
  - 6.3.7 Plans of Subdivision .....59
  - 6.3.8 Consents.....60
  - 6.3.9 Site Plan Control .....61
  - 6.3.10 Development Criteria.....63
  - 6.3.11 Cash-in-lieu .....65
  - 6.3.12 Holding Provisions.....65
  - 6.3.13 Temporary Use By-laws .....66
  - 6.3.14 Interim Control By-laws .....67
  - 6.3.15 Complete Applications.....67
  - 6.3.16 Environmental Impact Assessments.....70
  - 6.3.17 Community Improvement Area .....71
  - 6.3.18 Building Permits .....73
  - 6.3.19 Zoning By-Law .....73
  - 6.3.20 Economic Development.....73
  - 6.3.21 Home Based Business .....74
  - 6.3.22 Brownfield Redevelopment.....75
  - 6.3.23 Social and Cultural Policies .....75
  - 6.3.24 Conversion of Public Buildings .....76
  - 6.3.25 Group Homes.....76
  - 6.3.26 Heritage Conservation.....77
  - 6.3.27 Archaeological Resources.....78

**7.0 ADMINISTRATION OF THE OFFICIAL PLAN .....80**

- 7.1 AMENDMENTS TO THIS OFFICIAL PLAN.....80
- 7.2 CONSULTATION.....80
- 7.3 REVIEW AND MONITORING OF THE OFFICIAL PLAN .....80
- 7.4 LAND USE DESIGNATION BOUNDARIES .....81
- 7.5 REFERENCES TO STATUTES .....81
  - 7.5.1 References To Ministries And Review Agencies.....81

7.6 INTERPRETATION OF FIGURES, QUANTITIES AND USES .....81

## **1.0 INTRODUCTION**

---

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

### **1.1 LEGISLATIVE CONTEXT**

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

The *Planning Act* requires that Council prepare and adopt an Official Plan which covers the full extent of its territory. The *Planning Act* also identifies matters of provincial interest which are further defined by the Provincial Policy Statement (PPS). The Township's Official Plan must be consistent with the policies in this Statement. The Official Plan was drafted, reviewed and adopted in conformity with the requirements of the Planning Act and the content of the Plan is consistent with the Provincial Policy Statement issued under Section 3 of the Planning Act which came into effect on March 1, 2005.

The Provincial Policy Statement includes definitions of numerous significant terms used in its policies. These definitions will apply to instances in this Plan where the same terms are used, for instance in reference to "development", "adjacent lands", or "Sensitive land uses", among others. Where this Plan employs a different meaning for a term defined in the Provincial Policy Statement, this will be specifically identified in the text of the Plan.

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

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

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

## Part 1 Introduction

Provides an overview of the planning area and the organization of the plan and explains the political and administrative framework within which land use planning is carried out on Ontario.

## Part 2 Vision and Guiding Principles:

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

## Part 3 Land Use Designations

Part 3 is the core of the Official Plan providing the main policies which will guide decisions for the use of land in Edwardsburgh/Cardinal for the next 20 years.

### 3.1 Settlement Areas

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

### 3.2 Industrial Park

This section of the Plan focuses on the Township's Industrial Park and provides for its continued development.

### 3.3 Highway Commercial

These policies address commercial development around the 400 series highway interchanges in the municipality.

### 3.4 Rural Policy Area

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

### 3.5 Resource Lands

These policies are designed to ensure sustainable use of resources lands for agriculture, aggregate extraction and forestry.

### 3.6 Natural Heritage Areas

This section of the Plan provides policies which address the need to maintain and enhance our Township's natural heritage features and includes direction to ensure that development can be sustainable.

### Part 4 Public Health and Safety

This section of the Plan provides for the protection of public health and safety and includes policies on hazard areas such as lands prone to flooding or unstable slopes or where soils may be contaminated as well as policies on the control of incompatible uses.

### Part 5 Infrastructures

These policies address the need to provide appropriate infrastructures to ensure sustainable development for the safety and security of residents. Policies include water, waste water, surface water and transportation infrastructures as well as waste management, communication, energy and other required services.

### Part 6 Implementation

Explains the various policy and regulatory tools available to ensure that the Official Plan's policies are properly implemented.

### Part 7 Plan Administration

This section provides technical information on administration of the Official Plan.

## **1.3 PLANNING PERIOD**

The Edwardsburgh/Cardinal Official Plan is intended to guide land use for a twenty year period, i.e. until the year 2029.

## **2.0 Vision and Guiding Principles**

---

The Township initiated the process to review its existing Official Plan in the summer of 2008. The policies contained in this Plan were formulated on the basis of a review of existing conditions, past development patterns, present development trends and projections of future conditions. The Plan maintains the best elements of the previous Official Plan, provides for new land uses in recognition of the changing face of the Township, implements the direction of the Provincial Policy Statement, 2005, provides guidance to Council and its delegates in consideration of their responsibilities, and provides direction and certainty to the Township's residents and businesses.

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

### **2.1 VISION**

Long term planning starts with a vision for the future. Attaining that vision requires that everyone who participates in the long term development of the municipality adhere to a set of guiding principles which in turn are at the core of the policies in this Plan. The following statement is intended to be the expression of Council's vision for the future of Edwardsburgh/Cardinal.

#### *Our Vision*

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

### **2.2 GUIDING PRINCIPLES**

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

#### Our Guiding Principles

1. We will ensure that growth and development occurs through sustainable and economically viable land use development patterns.

2. We will ensure that development in our communities will include a broad range of uses and a balanced mix of appropriate residential densities.
3. We will support waterfront development having regard to public spaces, recreation and access including interconnected facilities through the development of pathways and parklands.
4. We will continue to focus on our industrial park as an economic centre and actively seek out new opportunities for trade and development.
5. We are committed to increasing the number and diversity of employment opportunities by promoting our industrial properties and the introduction of a mixed employment uses approach to encourage business clusters and varied economic activities in our employment areas.
6. We are committed to the preservation of our cultural heritage including historical connections to the Rivers, the traditional thoroughfares of the waterways, the Gallop Canal, archaeological sites, cemeteries and burials, buildings and structural remains of historical and architectural value, and human-made rural, village, and urban districts or landscapes of historic interest.
7. We will protect our natural environment.
8. We will ensure public involvement in the planning process to ensure the protection of everyone's property rights.
9. We will continue to protect and value our agricultural lands.
10. We value energy efficiency and will guide development to ensure long term energy sustainability and self sufficiency.

## **3.0 LAND USE DESIGNATIONS**

---

### **3.1 SETTLEMENT AREAS**

The Settlement Area policies apply to the municipality's villages and hamlets. The Settlement Area designation is intended to be the area where growth will be focused in order to optimize the use of public services and infrastructure and to minimize the outward sprawl of development into areas of natural resources and natural heritage.

Goals and Objectives

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

**Objectives:**

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

#### **3.1.1 Distribution of growth and development**

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

Accordingly Council has set a target of 60% of new development to occur within settlement areas. To ensure this target is achieved, Council will monitor the distribution of growth and development on an annual basis and encourage new subdivisions to locate in existing settlement areas. The Township may re-evaluate the established growth target at the time of the regulatory five year review of the Official Plan or where a comprehensive review is undertaken in accordance with Section 3.1.8. Any re-evaluation of growth distribution targets shall take into consideration the Township's inventory of vacant residential lots of record.

### **3.1.2 Lot Creation**

Lots may be created by Plan of Subdivision in accordance with the policies and criteria of section 6.3.7 or by Consent in accordance with the policies and criteria of section 6.3.8. The criteria listed in section 6.3.10 shall also apply when considering new development.

### **3.1.3 Municipal Services**

The Township's villages and hamlets do not all have access to full municipal services. Accordingly it is important to ensure that any proposed development will be considered and reviewed in accordance with its ability to ensure appropriate levels of water and waste water services over the long term. The following policies shall apply:

- 3.1.3.1 Development shall be permitted only where it is confirmed that there is sufficient reserve capacity in the municipal water and sewer services in accordance with Ministry of the Environment guidelines and regulations.

Some settlement areas include lands where development has proceeded on the basis of municipal water and private septic systems, municipal waste water servicing and private wells or fully on private services. Continued development in these areas shall be subject to the following:

- 3.1.3.2 The municipality is satisfied that there will be no additional pressure for costly or unplanned extension of water or waste water services.
- 3.1.3.3 Development on the basis of private on-site water and/or sewer services is permitted provided that it can be demonstrated that the aquifer can provide a long term sustainable ground water supply of acceptable quality in accordance with Ministry of Environment guidelines and regulations, and that there is no negative environmental impact (or cumulative negative impact) resulting from the use of onsite private water and sewer services.
- 3.1.3.4 A hydrogeological study and a Terrain Analysis prepared by qualified professionals shall be prepared in support of a development application.

### **3.1.4 Residential Policies**

- 3.1.4.1 Council's objectives respecting residential development in the Villages and Hamlets are as follows:

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

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

- Low density residential uses ;
- Home based businesses subject to Section 6.3.21;
- Medium density residential uses ;
- High density residential uses ;
- Schools and Places of Worship;
- Parks and Open Space;
- Public Uses subject to Section 6.3.6.

3.1.4.3 Local commercial uses may be permitted in residential areas provided that such uses are located on an appropriate collector road, are appropriately zoned and provided that they are not detrimental to the economic well-being of the Village or Hamlet.

3.1.4.4 In order to meet the varied housing requirements of Edwardsburgh/Cardinal residents and to provide for orderly residential development, it is the policy of this Plan that, subject to the availability of water and waste water services, zoning regulations be designed to provide for a mix of 70% low density residential development, 20% medium density residential development and 10% high density residential development in the settlement areas.

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

3.1.4.6 The following criteria shall apply when reviewing residential development applications:

- identify and zone areas exclusively reserved for residential development;
- ensure adequate buffering of residential areas from incompatible non-residential uses through separation distance, landscaping or other appropriate means;
- identify and zone permitted non-residential uses;
- where applicable identify and zone mixed-use areas in selected areas of the municipality;

- permit increased housing densities through redevelopment of existing residential and non-residential buildings;
- permit accessory apartments subject to available infrastructures and amenity space;
- provide for open space and parkland and the protection of natural heritage features;
- allow residential infill and redevelopment provided there is sufficient reserve capacity in water and waste water facilities;
- regulate the physical character of infill or redevelopment projects to ensure their compatibility with established communities;
- when reviewing applications for redevelopment or infill, consider the impact of the proposed development on the neighbourhood in terms of parking, traffic, open space, and proposed uses;
- when reviewing development applications consider the development criteria stated in Sections 6.3.10

### **3.1.5 Community Core Policies**

Core areas are generally older neighbourhoods characterized by a main traffic artery and mixed land uses. The objective of these policies is to provide the framework for long term planning efforts which can, over time, help to establish compact, mixed-use and pedestrian friendly activity nodes in Spencerville and Cardinal.

3.1.5.1 The following uses may be permitted in community core areas defined in local zoning by-laws:

- institutional uses such as churches, schools, nursing or senior's homes and medical clinics;
- community facilities such as community centres, libraries, Township halls, day care centres;
- retail, service and business uses;
- low density residential uses associated with commercial development;
- medium and high density residential uses including seniors dwellings;
- recreational facilities such as arenas and public swimming pools;
- open space suitable for public gatherings;
- other appropriate or compatible core area uses;
- Public Uses subject to Section 6.3.6.

3.1.5.2 The following criteria shall apply when reviewing development applications:

- permit and zone a range of residential and non-residential uses;
- permit increased housing densities through redevelopment of existing residential and non-residential buildings;

- permit accessory apartments subject to available infrastructures and amenity space;
- provide for the protection of natural and cultural heritage features;
- regulate the physical character of infill or redevelopment projects to ensure their compatibility with the Community Core Area;
- when reviewing applications for redevelopment or infill, consider the impact of the proposed development on the area in terms of parking, traffic, open space, and proposed uses;
- when reviewing development applications consider the development criteria stated in Sections 6.3.10;
- when reviewing development applications for residential and/or commercial infill in areas of significant historical, architectural or landscape merit new development must consider the existing scale, massing, and pattern and demonstrate consistency with existing landscape and streetscape qualities and ensure that the proposed development does not result in the loss of any significant heritage resources.

### **3.1.6 Commercial Policies**

3.1.6.1 Council's objectives for commercial development in settlement areas are as follows:

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

3.1.6.2 The following types of commercial uses shall generally be permitted in settlement areas:

- retail uses and retail complexes;
- service commercial;
- office commercial ;
- restaurants and eating establishments;
- entertainment facilities;
- vehicle sales and repair;
- commercial trade shops;
- recreational uses;
- tourist commercial;
- parks and open space;
- other appropriate or compatible commercial uses;

- Public Uses subject to Section 6.3.6.

3.1.6.3 The following criteria shall apply when reviewing commercial development applications:

- permit and zone a range of commercial uses;
- permit accessory apartments subject to available infrastructures and amenity space;
- provide for the protection of natural heritage features;
- regulate the physical character of commercial uses to ensure their compatibility with the surrounding area;
- consider the impact of the proposed development on the area in terms of parking, traffic, pedestrian access, functionality and other site specific issues;
- when reviewing development applications consider the development criteria stated in Sections 6.3.10.

3.1.6.4 Site Plan Control, in accordance with the relevant policies in this Plan, shall apply to all new or expanded commercial uses in order to regulate the physical character of commercial development and to ensure compatibility with established areas.

### **3.1.7 Industrial Development Policies**

3.1.7.1 Council's objectives for industrial development in Settlement Area designations are as follows:

- to permit industrial uses which are compatible with the surrounding community in accordance with MOE's D-Series Guidelines;
- to permit industrial development which can be appropriately serviced;
- to help develop a range of local employment opportunities.

3.1.7.2 The following industrial uses shall generally be permitted in the Settlement area designation:

- Class 1 manufacturing and processing as defined by the Ministry of the Environment being a small scale plant or building which has low probability of fugitive emissions;
- warehousing and wholesaling of bulk products;
- other appropriate or compatible industrial uses;
- related and or accessory commercial uses;
- Public Uses subject to Section 6.3.6.

3.1.7.3 Notwithstanding the above list of permitted uses, Council may exclude some industrial uses from the permitted use section of the zoning by-law which implements this section where the location or scale of such uses can reasonably be considered

to present environmental problems, where the presence of industrial uses is incompatible with the community or where, in Council's view, such use would be better located in the Industrial Park designation. (see section 3.2)

3.1.7.4 The following criteria shall apply when reviewing industrial development applications:

- permit and zone a limited range of industrial uses;
- provide for the protection of natural heritage and cultural features;
- regulate the physical character of industrial uses to ensure their compatibility with the surrounding area;
- consider the impact of the proposed development on the area in terms of parking, traffic, functionality and other site specific issues;
- when reviewing development applications consider the development criteria stated in Sections 6.3.10.

3.1.7.5 Site Plan Control, in accordance with the relevant policies in this Plan, shall apply to all new or expanded industrial uses in order to regulate the physical character of industrial development and to ensure compatibility with established land uses. Particular attention will be placed on appropriate buffering of the industrial use from adjacent land uses as well as ensuring that there is efficient and immediate access to transportation links which separates industrial traffic from normal community traffic.

### **3.1.8 Expansions to Settlement Area Boundary**

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

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

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

## **3.2 INDUSTRIAL PARK**

The globalization of the economy as well as regional economic trends have and will continue to impact the Township's industrial land base. The Industrial Park designation policies are intended to create a planning framework to guide the Township's primary employment area.

Proposals to remove land from the Industrial Park designation as shown on Schedule A shall require a comprehensive review demonstrating that the lands are not required for employment generating purposes over the life of the Official Plan and that the alternative use or uses proposed are required.

### **3.2.1 Goals and Objectives**

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

**Objectives:**

- to provide for commercial and industrial uses which require larger land areas;
- to ensure access to efficient transportation links;
- to provide commercial and industrial development opportunities which will not result in land use conflicts in accordance with Ministry of the Environment Guideline on Compatibility Between Industrial Facilities and Sensitive Land Uses;
- to enhance economic development opportunities within the Township of Edwardsburgh/Cardinal.

### **3.2.2 Permitted Uses:**

3.2.2.1 The following uses shall generally be permitted:

- manufacturing and processing
- warehousing and wholesaling of bulk products
- transportation depots
- heavy equipment and recreational vehicle sales and service
- automobile and commercial vehicle service centres
- service commercial uses ancillary to the above
- large scale retail
- trade schools
- open storage associated with a primary use

- other commercial uses appropriate or compatible with an industrial/commercial mixed use area or business park as described in the implementing zoning by-law and subject to any other related policies in this Plan.

### **3.2.3 Policies**

- 3.2.3.1 Council through zoning and site plan control shall endeavour to maintain the character and scale of development in the Industrial Park designation and to ensure appropriate regulatory control. Whenever possible Council shall encourage the development of recreational uses to be integrated into the Industrial Park area to provide for balance and lifestyle benefits.
- 3.2.3.2 Site Plan Control, in accordance with the relevant policies in this Plan, shall apply to new or expanded trade and industry uses in order to regulate the physical character of development and to ensure compatibility with established land uses. Particular attention will be placed on appropriate buffering of the permitted uses from adjacent non-compatible uses as well as ensuring that there is efficient and immediate access to transportation links.
- 3.2.3.3 Existing residential land uses located on leased lands along the St Lawrence River are permitted subject to the terms of existing lease agreements. However it is Council's intent that these uses will be phased out as lease agreements expire. Leases may be extended for a maximum period of five years at Council's discretion.
- 3.2.3.4 Where warranted Ministry of the Environment Guidelines for the separation of industrial uses from sensitive land uses shall be applied in accordance with section 4.8.3.

## **3.3 HIGHWAY COMMERCIAL**

The Highway Commercial designation is intended for large format retail and service commercial development intended to serve the Township, the region and the traveling public. The lands designated for this type of commercial development are located at provincial highway interchanges and along the international bridge corridor. The designation seeks to take advantage of transportation infrastructures and accordingly reserves those lands exclusively for commercial uses.

The Highway Commercial designation also serves as an important commercial gateway to the Township and as such Council may undertake the preparation of design guidelines to address the potential for entry features, streetscape designs, signage, lighting, landscaping, and architecture.

### **3.3.1 Permitted Uses**

- 3.3.1.1 The following uses shall generally be permitted:

- Retail uses oriented to the traveling public
- commercial lodging
- automotive sales and services and gas stations
- Heavy equipment sales and services
- Restaurants
- Transportation depot
- Public Uses, subject to section 6.3.6, other highway commercial uses appropriate or compatible with the location along a major transportation artery

### **3.3.2 Policies**

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

3.3.2.2 Site Plan Control shall apply to all highway commercial development as well as any redevelopment which would have the effect of increasing parking and or loading requirements or which substantially changes the scale and or density of the existing development.

3.3.2.3 The following criteria shall apply when reviewing highway commercial development applications:

- permit and zone a range of commercial uses;
- permit accessory apartments subject to available infrastructures and amenity space;
- provide for the protection of natural and cultural heritage features;
- regulate the physical character of commercial uses to ensure their compatibility with the surrounding area;
- consider the impact of the proposed development on the area in terms of parking, traffic, functionality and other site specific issues;
- when reviewing development applications consider the development criteria stated in Sections 6.3.10.

### **3.4 RURAL POLICY AREA**

Edwardsburgh/Cardinal is characterized by its largely rural and agricultural nature. Council shall ensure the conservation, preservation and enhancement of the rural character of the Township for its value as a natural resource and as a sustainable and economically viable area for

recreational and limited residential and commercial development. The following policies are intended to provide for the long term orderly development of the rural area in a manner which is consistent with ensuring the protection of natural and environmental resources and which will respect the objective of protecting the character of our rural and settlement areas.

### **3.4.1 General**

- 3.4.1.1 The Rural Policy Area is composed of lands which are located outside of the primary development and resource areas, that is to say lands which are outside of the villages and hamlets (Settlement Area designation), employment lands (Industrial Park designation) resources areas (Agricultural designation and Mineral Aggregate designation) and natural heritage areas (ex. Wetlands).
- 3.4.1.2 The rural area is not the principal sector for development. Sixty percent or more of population and economic growth is intended to be directed to the Settlement Areas and employment areas. The intent of this Official Plan however is not to prohibit residential or economic development in the rural areas, but rather to provide a framework for appropriate land use which will support the objective of preserving the identity and character of the rural landscape where development can be sustained by rural service levels.
- 3.4.1.3 In order to maintain and protect the character and identity of the Rural Policy Area, it will be important to avoid inefficient land use patterns such as strip or scattered development, to minimize incompatibility between land uses and to minimize adverse environmental impacts.

### **3.4.2 Water and Waste Water Servicing**

- 3.4.2.1 Development in the Rural Policy Area will generally be on the basis of private individual services and as such there is a need to ensure that the installation of these services be carried out on the basis of solid construction guidelines in order to ensure the long term viability of these services in accordance with the Ontario Building Code and the Ontario Water Resources Act RRO1990 Regulation 905- Wells (MOE) The need to develop on private services may place limits on the amount, distribution and type of development which may take place.
- 3.4.2.2 Communal services may be permitted provided that they are for the common use of more than five residential units/lots. They must be owned, operated and managed by the municipality or another public body if servicing freehold residential development. They may be owned, operated and managed by a condominium corporation or single owner if serving condominiums or mobile home parks respectively, provided an agreement has been entered into with the municipality or public body pursuant to Section 51 of the *Planning Act*. Such agreement shall provide for municipal/public body assumption of the communal services in the event of default by the owner. It is recognized that the Township may not have the financial or human resources to own,

operate and manage such systems and as such the Township is not obligated to accept communal systems. The need to develop on communal services may place limits on the amount, distribution and type of development which may take place.

### **3.4.3 Lot Creation**

Lot creation may occur by Plan of Subdivision or by Consent (severance). The creation of rural lots by severance (i.e. one lot at a time) can result in numerous negative impacts on the rural landscape. This can include traffic flow issues, impacts on groundwater supplies, drainage impacts on adjacent lands and financial challenges due to inefficient delivery of municipal services. Notwithstanding these issues the creation of new residential parcels in the rural area can occur in a responsible manner provided that the proposed severance or subdivision is supported by appropriate studies and also provided that the comprehensive development criteria provided in section 6 of this Official Plan is respected. The intent of this Official Plan is to provide development alternatives, including the opportunity to develop in the rural area, provided that such development is compatible with the rural landscape and can be sustained by rural service levels.

- 3.4.3.1 It is the policy of this Plan that lot creation in excess of two lots, including the retained lot, from the original lot shall take place by Plan of Subdivision. For the purposes of this policy the original lot is defined as the lot as it existed as of December 6, 2003.
- 3.4.3.2 Consents may also be granted to permit a lot enlargement, clarification of title or for any legal or technical reason which does not result in the creation of a new lot. Vertical consents (commonly known as Strata Plans) are not permitted.
- 3.4.3.3 Lot creation shall be subject to the criteria stated in sections 6.3.7, 6.3.8 and 6.3.10.
- 3.4.3.4 Applications for the creation of new lots in the Rural designation shall be reviewed to ensure compatibility with the rural landscape in terms of the scale and density of development while also ensuring that the proposed development will not result in increased demand for public services such as schools, parks, transportation, waste management and water and waste water services.
- 3.4.3.5 In determining the necessity of lot creation in the Rural designation, Council shall take into consideration the number of existing lots of record within the municipality.

### **3.4.4 Residential Land Use**

- 3.4.4.1 The following residential uses are permitted in the Rural Policy Area subject to other relevant policies in this Plan:
  - single dwelling units
  - semi-detached and duplex dwellings

- accessory apartments

3.4.4.2 The implementation of this Official Plan through zoning regulations, subdivision and condominium control and consents shall be based on the following criteria:

- permit and zone a range of housing types and sizes;
- ensure adequate buffering of residential areas from incompatible non-residential uses through separation distance, landscaping or other appropriate means;
- permit accessory apartments subject to available infrastructures and amenity space;
- ensure the protection of resources from incompatible uses through appropriate setbacks and the use of Minimum Distance Separation formulae where appropriate;
- ensure the protection of natural and cultural heritage features.
- when reviewing development applications consider the development criteria stated in Section 6.3.10.

### **3.4.5 Minimum Lot Requirements**

3.4.5.1 The minimum lot area required in the Rural Policy Area for residential development shall be based on the area required to ensure adequate private water and septic waste water disposal systems. The minimum lot area shall generally be 1.0 hectares or greater. Minimum lot areas of less than 1.0 hectare may be considered in the zoning by-law provided soil, terrain and site conditions meet the standard nitrate dilution calculation criteria as defined by MOE guideline D-5-4 and approval of a Hydrogeological Study and Terrain Analysis Report submitted by a qualified professional. The approval authority shall require a Hydrogeological study and Terrain Analysis Report to be prepared by a qualified professional to determine the appropriate lot size by subdivision and may require these studies for consent applications.

#### **3.4.5.2 Waterfront Development**

Residential and Commercial development along the waterfront is permitted provided that waterfront development is setback sufficiently from the high water mark to ensure protection of the existing natural shoreline. All waterbodies are protected by a riparian zone extending 30 metres back from the shoreline. Within the riparian zone there will be limited vegetation removal and soil disturbance. The riparian zone is mandatory for all new development and should be maintained or improved when development applications are received on existing lots of record. The minimum setback shall generally be 30 metres however the setback may be increased in the implementing zoning by-law where there is reason to provide additional environmental protection. In addition to protection of the shoreline, new development along the waterfront shall, whenever possible be designed to minimize any loss of river views from adjacent properties. Development along the waterfront may be subject to Site Plan Control.

Water Lots, being those lots that extend beyond the shoreline into the river where ownership has been legally confirmed to include the bed of the river, may be developed in accordance with the following:

- i) When reviewing compliance to the zoning by-law, only those lands located above the high water mark may be used to establish zoning conformity
- ii) All other relevant policies of this Plan shall apply
- iii) Docking facilities and marinas shall be permitted subject to the provisions of the zoning by-law.

### **3.4.6 Non-residential Development Policies**

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

3.4.6.1 The following non-residential uses are permitted in the Rural Policy Area:

#### Resource Uses

- agricultural uses in accordance with the Nutrient Management Act and Minimum Separation Distance standards established by the Ministry of Agriculture Food and Rural Affairs.
- Uses which are secondary to a principal agricultural use and which add value to agricultural products or support the agricultural resource use
- parks and open spaces
- recreational trails
- wayside pits and quarries, portable asphalt plants and concrete plants used on public authority contracts shall be permitted except in areas of existing development or particular environmental sensitivity as identified in the zoning by-law.

#### Commercial and Industrial Uses

- agriculture-related commercial and industrial uses
- non-agricultural industrial and commercial uses which meet the needs of the travelling public, or which relate to local resources
- custom workshops
- motor vehicle sales and service establishments
- tourism commercial uses (motel, hotel, eating establishments, bed and breakfast, etc.)
- recreational commercial uses such as marinas, golf courses and campgrounds
- communication towers

Institutional Uses

- Recreational Uses
- Tourism related facilities such as public spaces and interpretative centres along the St. Lawrence and the Gallop Canal and may include theme parks trails, parking areas and other associated facilities.

Infrastructure Uses

- waste disposal facilities subject to the relevant policies of this plan.

Development Control

3.4.6.2 The review of site development and the development of zoning by-laws shall address the following:

- permit a range of non-residential uses;
- ensure the protection of resources from incompatible uses
  - ensure that uses are appropriate and compatible with the existing adjacent area uses
  - ensure the protection of natural heritage features.

3.4.6.3 When reviewing development applications consider the development criteria stated in Sections 6.3.10

3.4.6.4 Site Plan Control, in accordance with the relevant policies in this Plan, shall apply to non-residential uses in order to regulate the physical character of development and to ensure compatibility with established land uses.

**3.5 AGRICULTURAL AREA**

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

The loss and fragmentation of good agricultural land can result in the creation of incompatible uses and negative impacts on food and agricultural production. Incompatible development often results in conflict and problems related to odours, noise, traffic, dust, fences, weeds, inflated land prices, speculation and the direct loss of agricultural land. The frequency of these problems will inevitably increase if residential expansion and unplanned development continue in prime agricultural areas. It is therefore important to recognize that agriculture is an industry like any other, one which can produce a variety of negative impacts on residential or non-farm uses. The

agricultural community must be assured that their investments and commitment will not be compromised by incompatible land uses.

### **3.5.1 Permitted Uses**

3.5.1.1 The following uses are permitted in the Agricultural Area:

- Agricultural uses and normal farm practices. Agricultural uses means crop cultivation, including but not limited to nursery and horticultural crops; raising of livestock (including dairy or beef cattle, poultry, swine, sheep, fish and non-traditional livestock such as deer, bison, emu, pheasant etc.); raising of other animals for food, fur or fibre, including poultry and fish; aquaculture, apiaries, agro-forestry, orchards, maple syrup production, and associated on-farm buildings and structures. Normal farm practices means a practice, as defined in the Farming and Food Production Protection Act, 1998 that is conducted in a manner consistent with proper and acceptable customs and standards as established and followed by similar agricultural operations under similar circumstances; or makes use of innovative technology in a manner consistent with proper advanced farm management practices. Normal farm practices shall be consistent with the Nutrient Management Act, 2002 and regulations made under that Act;
- Uses which are secondary to a principal agricultural use and which add value to agricultural products or support the agricultural resource use;
- Uses secondary to the principal use of the property such as home based work, bed and breakfast establishments, domestic industries and uses that produce agricultural products;
- Uses related to the conservation or management of the natural environment;
- small scale industrial and commercial uses that are directly related to agriculture which of necessity must locate close to farm operations, including such uses as livestock assembly points, grain drying, storage for farm produce, and custom machinery operators. Wherever possible, these uses shall be located on land that is of low capability for agriculture. Furthermore they shall not adversely affect agricultural operations in the general vicinity;
- Wayside pits and quarries which, if established on land that is of high capability for agriculture, shall be subject to a rehabilitation plan showing how the site will be rehabilitated for productive agricultural use;
- Public utility corridors and communications facilities
- Private communications facilities subject to zoning and development controls;
- Agriculture related residential uses.

3.5.1.2 All uses permitted in the Agricultural Resource Policy Area shall be subject to the Minimum Distance Separation (MDS) calculation as developed by the Ontario Ministry of Agriculture, Food and Rural Affairs and amended from time to time, The MDS I and II calculation will be implemented in the Zoning By-law which may contain provisions exempting properties from the application such as: non-voluntary building

destruction, development within settlement areas and development on existing lots of record.

3.5.1.3 The stockpiling and removal of topsoil is generally prohibited and may be regulated through a municipal bylaw prepared and adopted in accordance with section 142 of *the Municipal Act*.

3.5.1.4 Permitted uses are subject to zoning and development control.

### **3.5.2 Lot Area**

The following criteria shall apply:

- The minimum lot area of the agricultural parcel shall be 40 hectares (100 acres). The minimum lot area shall be sufficiently large to ensure that long-term flexibility of lands to accommodate different agricultural uses in the future.
- Lot areas for residential uses (farm and non-farm) and industrial or commercial uses related to agricultural uses shall be kept to the minimum required for site services and local development standards in order to limit the loss of prime agricultural land.

### **3.5.3 Residential Uses**

3.5.3.1 The following shall apply to residential uses in the Agricultural Resource Policy Area:

- One single detached dwelling and accessory structures are permitted on each conveyable lot having frontage on a public road which is maintained on a year round basis.
- A second dwelling (attached or detached) is permitted for full time farm help on the same lot as the principal dwelling. The detached second dwelling may be a temporary mobile home which shall be removed once the full time farm help is no longer required.

### **3.5.4 Intensive Livestock Operations**

Council recognizes that intensive livestock operations such as dairy or beef cattle, poultry or swine farms are increasingly important in the agricultural sector in terms of food production and in terms of the local economic impacts. Council is also aware of the land use concerns generated by the development or expansion of such operations. The Province, through the enactment of the Nutrient Management Act, has also recognized the need to control such operations and to mitigate related environmental and social impacts.

The following policies shall apply:

- New or expanded intensive livestock operations may be permitted provided that the following conditions are met:
- That Nutrient Management Record of Approval, if one is required by the Nutrient Management Act, 2002 and regulations made under that Act, be received by the municipality;

- That appropriate manure storage facilities be constructed in accordance with the approved Nutrient Management Record of Approval, if one is required by the Nutrient Management Act, 2002 and regulations made under that Act;
- That the manure storage and livestock facilities conform to the Minimum Distance Separation formulae, as amended from time to time.

### **3.5.5 Lot Creation**

- 3.5.5.1 Farm related residential severances in the Agricultural Resource Policy Area may only be considered for a dwelling made surplus through farm consolidation. A farm consolidation is defined as the consolidation of one farm operation with another lot where the main farm buildings are located. A farm operation is defined as all of the legally conveyable lots, whether contiguous or not, which are usually associated with the operation of a farm including those lands which are owned and which are considered to be one operation under the Income Tax Act.
- 3.5.5.2 The consent approval authority shall impose restrictive conditions to prohibit the construction of a new dwelling on the parcel rendered vacant as a result of the severance.
- 3.5.5.3 The consent approval authority shall consider non-residential farm severances in Agricultural Resource Policy Areas in accordance with the following:
- for making minor boundary adjustments between farms, provided that no building lot is created;
  - for creating a new holding intended to be used exclusively as an agricultural operation;
  - for creating a new holding intended to be used for a farm related commercial or industrial operation. Where possible, such a lot will be located on land of low capability for agriculture.
- 3.5.5.4 Minimum Separation Distance formulae shall apply to all lots created in the Agricultural Policy Area.

### **3.5.6 Zoning and Development Control**

- 3.5.6.1 Local Councils through municipal zoning by-laws shall endeavour to maintain the character and scale of development in the Agricultural Resource Policy Area and to ensure appropriate regulatory control. The review of site development and the development of zoning by-laws shall address the following:
- permit a range of uses in accordance with the policies in section 3.5.1;
  - identify Agriculture zones;
  - ensure the protection of agricultural resources.

### **3.6 MINERAL AGGREGATES**

Aggregate resources are important to all facets of development in the Township as these materials are used in the construction of roads, water and sewer infrastructures, homes, schools and commercial buildings and landscaping projects. Sand, gravel and crushed rock are a non-renewable resource and as such policies must be developed to ensure an adequate supply for future generations. This Plan therefore contains policies to protect mineral aggregate resources from incompatible development. For the purposes of this plan, lands designated for mineral aggregate extraction shall be identified as Mineral Aggregate Resource Policy Area and categorized in accordance to extraction type (licensed pit or licensed quarry) on Schedules A, A2, A3, A4 – Land Use and Transportation.

#### **3.6.1 Permitted Uses**

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

- pits and quarries;
- wayside pits and quarries;
- portable asphalt plants and concrete plants;
- agricultural uses excluding any accessory building or structure;
- conservation and natural resource management uses excluding any accessory building or structure;
- uses accessory to an aggregate extraction operation such as crushing and screening operations, machinery storage facilities and office space;
- Permanent asphalt and concrete plants may be permitted subject to site specific zoning and site plan control pursuant to the provisions of Section 41 of the *Planning Act*, R.S.O. 1990, as amended.

#### **3.6.2 Prohibited Uses**

3.6.2.1 Development, including changes in land use and the creation of new lots for residential, commercial, institutional, recreational or industrial development which has the potential to preclude or hinder future aggregate extraction or the expansion of existing extraction operations or resource use shall be prohibited within the Mineral Aggregate Resource Policy Area.

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

- The resource use would not be feasible
- The proposed land use or development serves a greater long-term public interest and

- Issues of public health, public safety and environmental impact are addressed

### **3.6.3 New or Expanded Mineral Aggregate Resource Policy Areas**

- 3.6.3.1 Provided all applicable policies of this Plan are met, the establishment of a new licensed operation or the enlargement of an existing licensed extraction operation shall be permitted provided the new area or enlargement area is located entirely within an area designated as a Mineral Aggregate Resource Policy Area and shall be subject to the requirements of the *Aggregate Resources Act, R.S.O. 1990* as amended, and if required, an amendment to the local zoning by-law.
- 3.6.3.2 Where an Official Plan amendment is proposed which could result in the re-designation of lands to Mineral Aggregate Resource Policy Area in order to facilitate the establishment or addition of previously unlicensed area to a licensed extraction operation and where the limits of the extraction operation could ultimately be located within 300 metres of a residential, institutional or commercial use on another lot for a licensed pit and 500 meters for a licensed quarry, such proposed amendment shall be supported by the following:
- 3.6.3.3 Hydrogeological investigations, in accordance with the *Aggregate Resources Act*, conducted by a qualified professional, which demonstrate conclusively that the extraction operation will not result in negative impacts on the existing non-extraction development's water and sewer services;
- 3.6.3.4 Any other investigation as required by the approval authority such as traffic studies, noise studies, vibration studies, slope stability studies etc. are carried out and demonstrate conclusively that the proposed extraction operation can proceed without negative impacts on the existing non-extraction development. Such studies are to be carried out by qualified professionals..

### **3.6.4 Bedrock Resources**

Areas of potential bedrock resources are identified as "Bedrock Reserves Constraints Overlay" on Schedule B Development Constraints as a constraint overlay. It is the intent of this Official Plan that mineral aggregate bedrock resources be protected by directing permanent development away from these areas. In areas identified as "Bedrock Reserves Constraints Overlay", and on lands within 500 metres (influence) area) of the lands identified as "Bedrock Reserves Constraints Overlay, development and activities which would preclude or hinder the establishment of new extractive operations or access to the resources shall only be permitted if it is demonstrated that:

- The resource use would not be feasible; or
- The proposed land use or development serves a greater long-term public interest; and

- Issues of public health, public safety and environmental impact are addressed.

3.6.4.1 The establishment of a mineral aggregate operation within the lands identified as “Bedrock Reserves Constraints Overlay” shall require an amendment to the Official Plan.

### **3.6.5 Adjacent Land**

3.6.5.1 In areas located within 300 metres of a Mineral Aggregate Resource Policy Area intended or utilized for a licensed pit operation and 500 metres from a Mineral Aggregate Resource Policy Area intended or utilized for a licensed quarry operation, incompatible development, including the creation of new lots shall only be permitted subject to the following criteria:

- Hydrogeological investigations conducted by a qualified professional conclusively demonstrate that the proposed non extraction development can be adequately serviced by water and sewer services in a manner which will not impede continued existing and proposed extraction operations.
- Any other investigation as required by the development approval authority such as traffic studies, noise studies, vibration studies, slope stability studies, air quality impact studies etc. are carried out and demonstrate that the proposed development can proceed without impeding the continued operation of the licensed extraction operation existing licensed operations and future operations on reserves. Such studies are to carried out by qualified professionals.

### **3.6.6 Mineral Aggregate Resource Extraction and Agricultural Resources**

3.6.6.1 Where aggregate resource extraction takes place in prime agricultural areas, extraction of mineral aggregates is permitted as an interim use provided that rehabilitation of the site will be carried out whereby substantially the same area and same average soil quality for agriculture are restored. Complete rehabilitation is not required if: there is a substantial quantity of mineral aggregates below the water table warranting extraction; or the depth of planned extraction in a quarry makes restoration of pre-extraction agricultural capability unfeasible; and other alternatives have been considered by the applicant and found unsuitable; and agricultural rehabilitation in remaining areas will be maximized.

### **3.6.7 Rehabilitation of Extraction Sites**

3.6.7.1 Progressive rehabilitation of extraction sites to accommodate subsequent land uses is a requirement of this Plan. Where extraction is ongoing, rehabilitation is to be carried out on a progressive basis and shall be in accordance with the approved rehabilitation plan submitted to the Ministry of Natural Resources as part of the site plan for licensing purposes.

- 3.6.7.2 Once a licensed operation is exhausted and the license surrendered, an amendment to this Plan and the zoning by-law may be granted. It is a policy of this Plan that all subsequent land uses be consistent and compatible with surrounding land uses.

### **3.6.8 Wayside Pits and Quarries and Portable Asphalt Plants**

- 3.6.8.1 Wayside pits and quarries and portable asphalt plants required for public authority road contracts will be permitted, without an amendment to this Official Plan or zoning in all areas except within the Settlement area and any identified natural heritage features.

### **3.6.9 Zoning and Development Control**

- 3.6.9.1 The licensed area of pits and quarries shall be zoned for extraction and associated accessory uses. Licensed areas may also be zoned for aggregate-related uses, such as portable asphalt plants and concrete plants.

## **3.7 NATURAL HERITAGE**

The landscape of Edwardsburgh/Cardinal is a mosaic of cleared lands, forests, wetlands, watercourses, and settled areas. This diversity plays an important role in defining the rural character and natural environment of the Township. Within this diverse landscape, there are many “natural heritage features” including wetlands, woodlands, valleylands, areas of natural and scientific interest (ANSI’s), fish habitat, wildlife habitat and portions of the habitat of endangered and threatened species.

Natural heritage features are not islands in the landscape rather they are interconnected systems that contribute to biodiversity and ecological health within the Township and outlying regions. The interdependency of these systems has yet to be thoroughly studied or analysed and as such Council will encourage communication and relationships with upper levels of government and the Conservation Authorities to ensure the preservation and ecological health of the natural environment systems.

All natural heritage features are important to the Township. However, certain natural heritage features have been identified as having special significance to the Province of Ontario.

### **3.7.1 Determination of Significance**

The natural heritage policies are based on information from the Ministry of Natural Resources who provided information on wildlife and fish habitat as well as wetlands, valleylands and significant woodlands.

Features that are “significant” for the purposes of this plan are illustrated on Schedule B with the exception of significant wetlands which are shown on Schedule A as Provincially Significant Wetland designation. These have been determined by the Province to be either, 1- ecologically important in terms of functions, representation or amount, and that contribute to the quality and

diversity of the natural heritage system of the Township, or 2 - economically or socially important in terms of resource utilization, public access, recreational enjoyment, and community values. It is especially important to Edwardsburgh/Cardinal that the characteristics that made these significant features be retained for the benefit of future generations.

### **3.7.2 Goals and Objectives**

**Goal:** That the Township's natural heritage features be both conserved and protected from negative impacts of development.

**Objectives:**

- The Township's significant natural heritage features shall be protected from negative impacts of development.
- The Township's natural heritage features shall be conserved and rehabilitated for the benefit of future generations according to best management practices undertaken today and as they evolve.

### **3.7.3 General Land Use Policies**

Council acknowledges that its decisions regarding land use and development can affect the significant natural heritage features of Edwardsburgh/Cardinal. Therefore, policies are required to protect these features from the potential negative impacts of development or to conserve them by prohibiting development. The following general policies shall apply:

- 3.7.3.1 Council shall designate on Schedule A those features where development is prohibited. These include provincially significant wetlands which are shown as Wetlands Area. The habitat of endangered or threatened species will not be identified on Schedule A as identifying these features may prove to be harmful.
- 3.7.3.2 Council shall designate areas where development must be controlled on Schedule B. These include Areas of Natural or Scientific Interest (ANSI's), fish habitat, significant wildlife habitat, significant valleylands, significant woodlands and riparian zones.
- 3.7.3.3 Boundary alterations to provincially significant wetlands and Areas of Natural or Scientific Interest (ANSI's) are subject to the approval of the Ministry of Natural Resources and an Official Plan Amendment.
- 3.7.3.4 Development control shall be implemented through the use of zoning and site plan control in accordance with the relevant sections of this Official Plan.

### **3.7.4 Landform Specific Policies**

The following provide policies specific to natural heritage features in Edwardsburgh/Cardinal.

### **3.7.5 Wetlands**

- 3.7.5.1 Wetlands are lands which have specific ecological characteristics which include, but are not limited to, the presence of a permanent or seasonal shallow water cover, water-tolerant vegetation or the presence of a water table which is close to the surface. They are commonly known as swamps, marshes, bogs, and fens. Wetlands serve important functions such as controlling ground water recharge and discharge, reducing flood damage, stabilizing shorelines, retaining and removing nutrients, supporting the food chain, providing fish and wildlife habitat and contributing to the social and economic quality of life in the Township.
- 3.7.5.2 The Ministry of Natural Resources has developed a wetland evaluation system based on the biological, hydrological, social and special characteristics of a wetland area and on the abundance of water which has caused the formation of hydric soils and has favoured the dominance of either hydrophilic plants or water tolerant plants. Wetlands that meet Ministry criteria are classified as provincially significant and such wetlands, identified on Schedule A, are to be protected from development and site alteration.
- 3.7.5.3 Council shall designate Provincially Significant Wetlands on Schedule A and shall base the designation limits on mapping prepared by the Ministry of Natural Resources.
- 3.7.5.4 Wetland boundaries as shown on Schedule A may be amended or adjusted without the need for an Official Plan amendment provided that such adjustments are identified through the application of the most current wetland evaluation manual of the Ministry of Natural Resources and subject to the confirmation and approval by the Ministry.
- 3.7.5.5 Development or site alteration of a provincially significant wetland designated on Schedule A is not permitted. Development on a lot of record which includes a wetland or part of a wetland must take place outside of the wetland area and such development shall be subject to the preparation of an Environmental Impact Statement. . Activities that create or maintain infrastructure within the requirements of the Environmental Assessment process or works subject to the *Drainage Act* are not considered to be development for the purposes of this section, however wherever possible such uses shall be located outside of designated wetlands.
- 3.7.5.6 Any development proposal within 120 metres of a provincially significant wetland shall require an environmental site assessment. No development shall be permitted unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or their ecological function.

3.7.5.7 Any change or interference within or adjacent to a Significant Wetland may require a permit from the Conservation Authority, under Ontario Regulation 170/06 (SNC) – Development Interference with wetlands and Alterations to Shorelines and Watercourses Regulation.

### **3.7.6 Permitted Uses**

3.7.6.1 The following uses are permitted in designated wetlands:

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

3.7.6.2 Lot creation for all permitted uses stated above is permitted where the purpose is to facilitate the transfer of lands to a public agency or to a conservation organization dedicated to the preservation and enhancement of natural heritage areas.

3.7.6.3 Development or site alteration within 120 metres of a designated wetland may be permitted, if it can be demonstrated that there will be no negative impacts on the wetland's natural features or ecological functions. An environmental impact assessment will be required except for established agricultural uses.

### **3.7.7 Endangered or Threatened Species Habitat**

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

A screening map, prepared by the Ministry of Natural Resources showing areas of documented occurrences of endangered and threatened species and their related habitats, identifies where this policy applies. Within the Township of Edwardsburgh/Cardinal, where according to the screening map there is potential for significant habitat of threatened and endangered species, ecological site assessments, which delineate significant habitat of endangered and threatened species within or adjacent to an area proposed for development or site alteration, will be required to support all planning applications proposals for development and site alterations. In cases where an environmental impact assessment is triggered by this Plan, the above requirements may be addressed by the environmental impact assessment, provided it is undertaken by a qualified individual. MNR will approve the extent of significant habitat as identified in an ESA or EIS.

At the time of adoption of this Plan, there were a number of species which were known to be endangered or threatened in the Township. They include:

- Endangered: Butternut, American Eel, Ginseng, Henslow's Sparrow
- Threatened: Blanding's Turtle, Cutlip Minnow, Least Bittern, Easter Musk Turtle
- Special Concern: Black Tern, Snapping Turtle, Milksnake, Ribbonsnake

The Natural Heritage Information Centre has also identified the five-lined Skink as a species of special concern.

The existing habitat sites of any endangered or threatened species in the Township are not identified in this Plan in order to protect endangered or threatened flora or fauna. In some cases identifying a significant habitat is not reasonable. It is important to protect the significant habitat of endangered and threatened species found within the Township. Council will contact the Ministry of Natural Resources to develop a mutually acceptable protocol for sharing available endangered and threatened species habitat.

3.7.7.1 Where endangered or threatened species habitat is identified in Edwardsburgh/Cardinal then the following policies shall apply:

- Development and/or site alteration is prohibited in significant habitat of endangered or threatened species as may be identified from time to time.
- It is the policy of Council not to identify the location of such habitats on the Official Plan Schedule B in order to afford the greatest possible protection to the species in question. Approval authorities shall refuse development applications where the development review process confirms the existence of the significant portions of the habitat of endangered or threatened species.
- Development and site alteration may be permitted on lands within 120 metres of the habitat of endangered or threatened species provided that it has been demonstrated through an environmental impact assessment that there will be no negative impacts on the natural features or the ecological functions for which the area is identified.

3.7.7.2 A site inventory for butternut will be required prior to disturbance or removal of trees. Where harm to (cutting of branches, root disturbance, etc.) or removal of butternut is proposed, prior assessment of the health of the species by a qualified Butternut Health Assessor is required. If the butternut is determined to be "not retainable" a certificate will be issued by the assessor and the tree can be removed/harmed. If, however, the butternut is "retainable" a permit will be required for its removal pursuant to the Endangered Species Act, 2007."

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

According to the Provincial Policy Statement (PPS), Areas of Natural and Scientific Interest (ANSIs) are defined as "areas of land and water containing natural landscapes or features that

have been identified as having life science or earth science values related to protection, scientific study or education”. Significant ANSIs are those sites that have been identified by the Ontario Ministry of Natural Resources (OMNR) as being representative of the most significant and best examples of natural heritage or geological features found in Ontario.

3.7.8.1 The following policies apply:

- Development may be permitted in accordance with the underlying land use designation in significant areas of natural and scientific interest (ANSIs), or on adjacent lands within 50 metres for Earth Science ANSI's and 120 metres for Life Science ANSI's, only if it has been demonstrated through an environmental impact assessment, in accordance with Section 6.3.16, that there will be no negative impacts on the natural features or on the ecological functions for which the area is identified.
- Notwithstanding the policy above, existing agricultural activities including ploughing, seeding, harvesting, grazing, animal husbandry, and minor expansions to existing buildings and structures associated with farming operations are permitted on adjacent lands without an environmental impact assessment.

### **3.7.9 Significant Wildlife Habitat**

According to the PPS, wildlife habitat is defined as “areas where plants, animals and other organisms live, and find adequate amounts of food, water, shelter, and space needed to sustain their population. Specific wildlife habitats of concern may include areas where species concentrate at a vulnerable point in their annual or life cycle; and areas which are important to migratory or non-migratory species.” Wildlife habitat, and particularly significant areas, has many values that warrant its conservation: wildlife contributes to a diversity of species in the Township; wildlife forms a fundamental component of the ecosystem and the food chain; wildlife represents social and economic benefit, through nature observation, hunting, and trapping.

3.7.9.1 Where the Township has identified lands providing significant wildlife habitat, such areas shall be appropriately recognized on the land use schedules forming part of this Plan. Specific policies for significant wildlife habitats are as follows:

- Development and site alteration within the habitat area or on adjacent lands that are within 120 metres of these areas may be permitted provided that such development will not negatively affect the natural features or ecological functions of the habitat area. An environmental impact assessment shall be required in order to assess the impact of the development and site alteration.
- Notwithstanding the above policy, agricultural activities including ploughing, seeding, harvesting, grazing, animal husbandry, and minor expansions to existing buildings and structures associated with farming operations are permitted on adjacent lands without an environmental impact assessment.

### **3.7.10 Significant Woodlands**

According to the PPS, *woodlands* are defined as “treed areas that provide environmental and economic benefits such as erosion prevention, water retention, provision of habitat, recreation and the sustainable harvest of woodland products. Woodlands include treed areas, woodlots or forested areas and vary in their level of significance.” Significant woodlands in the Township have values, both natural and human. The more obvious values are that they:

- help to moderate climate, as temperature and moisture are influenced by respiration of trees and shrubs and by their shading;
- provide oxygen to the atmosphere while reducing carbon dioxide, via photosynthesis;
- clean air pollutants;
- prevent soil erosion and stabilize slopes;
- help to maintain good surface water quality;
- provide habitat for a diverse range of species;
- retain water and may recharge ground water;
- yield economic products including lumber, firewood, maple syrup and mushrooms;
- provide recreational activities such as wildlife observation, hiking, and hunting;
- contribute to the beauty and visual diversity of the urban and rural landscape; and,
- provide an attractive setting for rural residential development.

### **3.7.11 Identification of Significant Woodlands**

The Township of Edwardsburgh/Cardinal is heavily wooded. The Ministry of Natural Resources has provided resource mapping which identifies significant woodlands on the basis of a number of criteria and related analysis. This resource mapping was developed by MNR to assist municipalities in the identification and preservation of woodlands based on scientific data in addition to local standards and needs. The Township recognizes the importance of woodland features and has deemed it appropriate to establish land use policies which will help preserve woodland areas which feature old growth and rare plant species. In addition the Township believes it is appropriate to recognize that woodlands located on publicly owned lands should be recognized as a significant feature and afforded a measure of protection.

Significant woodlands are identified on Schedule ‘B’ to this plan. Woodland areas contiguous with settlement areas, employment areas, highway commercial areas and resource areas have been excluded.

3.7.11.1 The following policies apply:

- Development may be permitted in accordance with the underlying land use designation in significant woodlands or on adjacent lands within 120 metres, only if it has been demonstrated through an environmental impact assessment that there will be no

negative impacts on the natural features or on the ecological functions for which the area is identified.

- Notwithstanding the above policy, agricultural activities including ploughing, seeding, harvesting, grazing, animal husbandry, expansion of fields and planting areas and expansions to existing buildings and structures associated with existing farming operations are permitted without an environmental impact assessment.
  - Where development is proposed on lands identified as Significant Woodlands and where ground verification of the Ministry of Natural Resource data used to identify the Significant Woodland demonstrates that the area was designated in error, development may proceed in accordance with the underlying designation.

### **3.7.12 Valleylands**

The Municipality acknowledges the provincial policy statement which requires the identification and protection of significant valleylands. Given the topography of Edwardsburgh/Cardinal the Township is of the opinion that there are no significant valleylands within its jurisdiction.

### **3.7.13 Fish Habitat**

According to the PPS, fish habitat is defined as: “the 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.” Fish resources have many values to the Township, including:

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

3.7.13.1 Where a Council approved watershed, sub watershed or environmental management plan does not exist, the minimum setback will be the greater of the following:

- 30 metres from the normal high water mark of any waterbody or watercourse;
- Development limits established by the regulatory flood line; or
- Development limits established by the geotechnical limits of the hazard lands; or
- 15 metres from top of bank

3.7.13.2 Development and site alterations shall not be permitted in fish habitat except in accordance with provincial and federal requirements. Where development is proposed within 120 metres of a watercourse or adjacent to an area of fish habitat identified through consultation with the Conservation Authority or the Department of

Fisheries and Oceans, it must be demonstrated through an environmental impact assessment that there will be no negative impacts on the natural feature or on the ecological functions for which the feature is identified.

- 3.7.13.3 Decreases to the 30 metre setback shall only be considered for existing lots of record when there is no other practical alternative for development of the land. A reduction of setback to a minimum of 15 metres may be considered if it is demonstrated through an environmental impact assessment that there will be no negative impacts on the natural feature or on the ecological functions for which the feature is identified. In such instances, the septic system and all buildings shall be set back as far as possible from the waterbody and the site shall have minimum vegetation removal and disturbance of soils.
- 3.7.13.4 Notwithstanding policy 3.7.13.1 above, the cleaning of municipal drains shall be permitted provided that such is carried out in accordance with acceptable standards, and authorization of the appropriate Conservation Authority under Regulation 174/06 or 170/06.
- 3.7.13.5 Notwithstanding 3.7.13.1 extensions or enlargements of existing buildings and structures in the adjacent land area to an identified Fish Habitat may be permitted provided that it is demonstrated to the satisfaction of the appropriate regulatory agency or approval authority that such extension or enlargement will have no negative impact on the fish habitat as demonstrated by an Environmental Impact Assessment.
- 3.7.13.6 It is the policy of this Plan to encourage the re-establishment of naturally vegetated riparian areas along water bodies and headwater areas.
- 3.7.13.7 Although storm water management and drainage measures are often located some distance from a watercourse these measures can impact the water quality and quantity of the watercourse and affect fish habitat. When evaluating storm water management and drainage activities, consideration shall be given to impacts upon fish habitat.
- 3.7.13.8 The advice of the Department of Fisheries and Oceans or their delegate should be sought where any proposal may potentially impact fish habitat. In instances where a proposal may result in a harmful alteration, disruption or destruction of fish habitat the proponent must obtain authorization from the Department of Fisheries and Oceans or their delegate.

#### **3.7.14 Ground Water Protection and Enhancement**

The ground water resource is crucial in the Edwardsburgh/Cardinal as it is the source of drinking water for our communities and our rural population. In addition to residential uses,

ground water is crucial for the watering of livestock, farm irrigation and commercial and industrial uses.

Ground water contamination from bacteria, nitrates, petroleum and chemicals, salt, pesticide use and naturally present contaminants can occur and as such it is important to consider groundwater quality and quantity when reviewing development applications in order to ensure the long term viability of this resource.

- 3.7.14.1 The Township of Edwardsburgh/Cardinal will cooperate with senior levels of government, environmental agencies, the private sector and the local Source Water Protection Committee in order to ensure compliance with the Clean Water act. The development of a Source Water Protection Plan, as mandated by the Clean Water Act is currently under way. It is anticipated that this Plan will be amended to include the policies and recommendations of the Source Water Protection Plan.
- 3.7.14.2 The Township of Edwardsburgh/Cardinal will work in partnership with senior and local levels of government, environmental agencies and the private sector to enforce provincial regulations on private septic field and water well construction.
- 3.7.14.3 Industrial or commercial developments which require large amounts of ground water will be required to undertake a hydrogeology study conducted by qualified professionals which addresses the impact of the proposed development on the quantity and quality of the water supply for existing development in the general area of the development site and the ability to support the development proposal. .
- 3.7.14.4 Edwardsburgh/Cardinal supports the work of senior levels of government and environmental agencies to develop an education program aimed at reducing ground water consumption and pollution.

### **3.7.15 Groundwater Recharge Areas**

Areas in the Township may be identified as a Groundwater Recharge Area. Zoning By-law provisions may be adopted to restrict land uses in such areas to those which pose no threat to the quality of the existing resource. In addition areas may be identified where the state of the groundwater resource is unacceptable for development purposes.

- 3.7.15.1 The development of a Source Water Protection Plan, as mandated by the Clean Water Act is currently under way. It is anticipated that this Plan will be amended to include the policies and recommendations of the Source Water Protection Plan when the Township undertakes the mandated five year review of this plan.
- 3.7.15.2 In areas that are identified as vulnerable all development will be required to enter into a Site Plan Control Agreement with the Township which may include limitations to scale and type of allowable development.

## **4.0 PUBLIC HEALTH AND SAFETY**

---

### **4.1 INTRODUCTION**

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

The preparation of these development constraint policies was undertaken with the objective of integrating them with other policy areas, primarily those policies addressing natural heritage sectors. Issues surrounding water quality and quantity, wetlands, fisheries and woodlands are closely related to development constraints. As such these policies should not be read in isolation.

For instance, development is prohibited in a floodplain or in areas subject to slope failure because it can result in changes to natural conditions that may actually endanger areas previously unaffected pose a risk to health and safety, and associated negative economic and environmental impacts. Promoting quality of life and self sufficiency for our citizens requires that all development be carried out in a manner which ensures that life, safety and economic welfare be protected.

### **4.2 OBJECTIVE**

It is the objective of these policies to permit only suitable development, which does not pose a danger to public safety or health or result in property or environmental damage, in areas subject to development constraints.

### **4.3 IDENTIFYING HAZARD AREAS**

Accurate mapping showing the location of areas characterized by health and public safety hazards and/or by constraints for development is of crucial importance in order to ensure informed decisions by approval authorities when considering development applications. The limits of hazard areas shown on Schedule B were identified on the basis of information provided by the Ontario Ministry of Natural Resources and the Ministry of Northern Development and Mines (floodplains, unstable slopes and former mineral extraction sites) and the South Nation Conservation Authority (floodplains, unstable slopes). The mapping of hazardous areas may be added to over time as additional information delineating hazardous lands become available.

Development applications may trigger a review for the presence of hazardous lands in areas previously unmapped. Hazardous lands will be included in the County's geographic information system (GIS) data base as mapping becomes available.

#### **4.4 GENERAL**

Hazardous areas are identified on Schedule B on the basis of the particular characteristics which pose a threat to public health and safety which may result should these areas be developed. The constraints include areas subject to flooding, areas affected by unstable slopes, organic soils and unstable bedrock, erosion hazards, contaminated sites and abandoned pits and quarries.

Where hazard land mapping is complete, it is shown on Schedule B. However, it is recognized that hazardous conditions may exist which are not shown on Schedule B and as such it is important to ensure that appropriate consultation be included in any development review process.

In addition to the Official Plan Natural Hazard Land policies, all floodplain lands and lands subject to steep or unstable slopes are subject to the development regulations administered by the appropriate Conservation authority pursuant to the Conservation Authority Act. Under these regulations, construction and site alteration is prohibited unless prior written consent has been received from the Conservation Authority, under Ontario Regulation or 170/06(SNC) Development Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation.

#### **4.5 HAZARDOUS LANDS – FLOODING AND EROSION**

##### **4.5.1 Defining Areas Subject to Floods and Erosion**

The floodplain area shown on Schedule B includes all areas known to be subject to 1 in 100 year flood events. These areas have been identified and mapped by the Conservation Authorities.

This Plan will permit safe, compatible development in the reduced-risk parts of the flood plain, provided that there are no adverse environmental impacts and that the proposal is approved by the Conservation Authority, in accordance with applicable legislation.

##### **4.5.2 Permitted Uses**

4.5.2.1 Notwithstanding the underlying designation on Schedule A, development and site alteration is prohibited in flood plains, except in accordance with the following:

- Repairs and minor additions to buildings and accessory buildings, which do not result in negative effects on flooding, will be permitted where there is existing non-conforming development.
- Uses which by their very nature must be located within the flood plain and will not affect the hydrology or hydraulics of the flood plain may be permitted;

- Works required for flood and/or erosion control and passive recreational and/or open space non-structural uses which do not affect the hydrology or hydraulics of the flood plain may be permitted.
  - Passive recreational and/or open space non-structural uses which do not result in negative effects on flooding.

4.5.2.2 In accordance with the underlying designation on Schedule A, development and site alterations may be permitted in areas subject to erosion related hazards which are not located in the flood plain where the hazard has been adequately addressed in accordance with the Natural Hazard Technical Guidelines of the Ministry of Natural Resources, as amended from time to time.

4.5.2.3 All new development and site alterations on hazardous lands must achieve all of the following:

- the hazards must be safely addressed and the development and site alteration is carried out in accordance with the established standards and procedures;
- new hazards are not created and existing hazards are not aggravated;
- no upstream or downstream adverse impacts will result;
- vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies; and
- the development does not include institutional uses or essential emergency services or the disposal, manufacture, treatment or storage of hazardous substances.

## **4.6 UNSTABLE SLOPES AND ORGANIC SOILS**

### **4.6.1 Policies**

4.6.1.1 Development and site alteration in areas designated as having unstable slopes, i.e. lands with a slope stability factor of safety of 1.5 or less, or organic soils is prohibited unless it can be demonstrated that

- the proposed development will be in full conformity with the Building Code Act. This may require that sufficient soils and engineering information be made available to indicate that, although the site is identified as having unstable slopes or unstable bedrock, it is in fact suitable or can be made suitable for development using accepted scientific and engineering practices;
- alterations to the site will not result in increased hazards or cause adverse environmental effects on or off-site;
- the designation on Schedule A permits the proposed development.

- All development must be addressed in accordance with the Natural Hazard Technical Guidelines of the Ministry of Natural Resources, as amended from time to time.

4.6.1.2 Notwithstanding the above, institutional uses or essential emergency services or the disposal, manufacture, treatment or storage of hazardous substances shall not be permitted on lands designated as having unstable slopes or organic soils.

## **4.7 CONTAMINATED SITES**

Contaminated sites are defined as sites where the environmental condition of the property, i.e. the quality of the soil or ground water, may have the potential for adverse effects to human health or the natural environment. Current mapping showing contaminated sites was not available at the time this Official Plan was drafted.

### **4.7.1 Policies**

- 4.7.1.1 In reviewing development applications the approval authority may require the undertaking of an ESA. An ESA shall be mandatory when a change of land use triggers an ESA according to Ontario Regulation 153/04.
- 4.7.1.2 Where the ESA produces reasonable evidence to suggest the presence of site contamination, the proponent may be required to undertake appropriate technical studies as part of the development review process in order to identify the nature and extent of contamination, to determine potential human health and safety concerns as well as effects on ecological health and the natural environment, to demonstrate that the site can be rehabilitated to meet provincial standards and to establish procedures for site rehabilitation and mitigation of the contamination.
- 4.7.1.3 The proponent will be required to restore the site and to make it suitable for the proposed use in accordance with the recommendations of any required technical studies prior to development or land use change.
- 4.7.1.4 The ESA and site restoration shall be undertaken according to Ontario Regulation 153/04, Record of Site Condition.

### **4.7.2 Closed Waste Disposal Sites**

Closed Waste Disposal Sites have been identified on Schedule A on the basis of information provided by the Ministry of the Environment.

- 4.7.2.1 Development may proceed in accordance with the policies of the underlying land use designation subject to Ministry of the Environment Guideline D-4 "Land Use on or near Landfills and Dumps" and the following policies:

- 4.7.2.2 In reviewing development applications within 500 metres of a site identified as a closed waste disposal site an Environmental Site Assessment (ESA) shall be required by the approval authority in order to ensure that there is no evidence of potential safety hazards which may be caused by landfill-generated gases, ground and surface water, contamination by leachate, odour or litter, potential fires, surface runoff and vectors, and vermin. Particular attention shall be given to the production and migration of methane gases. An ESA documents the previous uses of the property and provides an assessment of the site to identify actual or potential hazards. The ESA shall be undertaken using established principles and procedures.
- 4.7.2.3 Where the ESA confirms environmental problems the proponent will be required to undertake additional studies which shall demonstrate that the site is appropriate for development or can be rehabilitated in order to mitigate known or suspected hazards and to establish procedures for site rehabilitation prior to the final approval of the proposed development.
- 4.7.2.4 Land or land covered by water which has been used for the disposal of waste within a period of twenty-five years from the year in which such land ceased to be so used shall not be developed or re-developed unless an approval has been obtained under Section 46 of the Environmental Protection Act.

### **4.7.3 Site Decommissioning and Clean-Up**

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

- 4.7.3.1 Prior to approval of an Official Plan Amendment and prior to the approval of a Zoning By-law amendment, subdivision, condominium, consent or other planning application by the appropriate approval authority on a site that is potentially contaminated or is contaminated, the proponent shall document the present and past use of the site and surrounding lands, engage professional assistance in the analysis of soils, ground waters and surface waters as required in consultation with the Ministry of the Environment and shall prepare a remedial action plan in accordance with "Ontario Regulation 153/04, Record of Site Condition". Where the contaminants are in concentrations above Ministry established acceptable concentrations. A Ministry of the Environment "Record of Site Condition" may be required to confirm that a site is suitable for its intended use. The proponent shall ensure the supervision of excavation and soil handling activities during site clean-up.
- 4.7.3.2 Where planning applications are not required, Council may require a proponent of development to consult with the Ministry of the Environment on the suitability of site development.
- 4.7.3.3 Mandatory filing of a record of site condition in the Registry is required for the change of use of a property from industrial or commercial to residential or parkland. Phase I

Environmental Site Assessments (ESA) should be carried out at sites which may be contaminated and Phase 2 ESA's should be completed if required. Clean-up of contaminated sites should be done in accordance with the Record of Site Condition Regulation (O. Reg. 153/04) and with MOE guideline "Records of Site Condition – a Guide on Site Assessment, The Clean-up of Brownfield Sites and the Filing of Records of Site Condition" dated October 2004 or associated guidelines.

## **4.8 OTHER HEALTH AND SAFETY CONCERNS**

### **4.8.1 Abandoned Pits and Quarries**

- 4.8.1.1 Development on, abutting or adjacent to lands affected by former mineral resource operations may proceed in accordance with the policies of the underlying land use designation only if rehabilitation measures to address and mitigate known or suspected hazards are under-way or have been completed.
- 4.8.1.2 In reviewing development applications for sites identified as an abandoned pit or quarry, a study will be required which will provide sufficient information to determine any potential safety hazards, to demonstrate that the site can be rehabilitated to mitigate the known or suspected hazard and to establish procedures for site rehabilitation and mitigation of the safety hazard.

### **4.8.2 Noise and Vibration**

- 4.8.2.1 Noise and vibration impacts shall be required for new sensitive land uses adjacent to existing railway lines, highways, sewage treatment facilities, waste management sites, industries, or aggregate extraction operations, or other stationary or line sources where noise and vibration may be generated. Council may require the proponent to undertake noise and/or vibration studies to assess the impact on existing or proposed sensitive land uses within minimum distances identified in Ministry of Environment guidelines including Publication LU – 131, Noise Assessment Criteria in Land Use Planning. Noise and/or vibration attenuation measures will be implemented, as required, to reduce impacts to acceptable levels.
- 4.8.2.2 Notwithstanding the above policy existing and proposed agricultural uses and normal farm practices, as defined in the Farm and Food Production Protection Act, 1998, shall not be required to undertake noise and or vibration studies.

### **4.8.3 Incompatible Land Uses**

- 4.8.3.1 Every effort shall be made to prevent or minimize future land use conflicts which can arise when incompatible land uses develop in close proximity to one another. Ministry of the Environment guidelines on Land Use Compatibility (Guidelines D-1, D-2, D-4 and D-6 and any other relevant or future MOE Guideline documents) shall be applied when preparing and adopting local Zoning By-laws and when considering amendments to this Official Plan.

## 5.0 INFRASTRUCTURE

---

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

The Planning Act requires that infrastructure expansions conform to the Official Plan. (See Section 24.1, Planning Act). and associated regulation requires that the Council of a municipality must indicate, in an approved Official Plan, capital forecasts or similar expression of the intention of the Council, that it intends to ensure that an increase in the need for service will be met.

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

### 5.1.1 Goals and Objectives

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

**Objectives:**

1. That the road network within the Edwardsburgh/Cardinal, regardless of which level of government is responsible, will function in a cost effective, efficient and safe manner for the movement of people and goods throughout the territory;
2. That water, waste water and stormwater will be managed in a fiscally and environmentally responsible manner;
3. That waste management is carried out in a manner which is environmentally sustainable and to provide appropriate waste management infrastructures which support on-going development;
4. Council is committed to the protection of cultural heritage resources and areas of archaeological potential. The development of new municipal infrastructure and public

works shall require a heritage impact statement where the infrastructure has the potential to impact these resources.

### **5.1.2 Transportation**

The management of the roadway infrastructure in the Township of Edwardsburgh/Cardinal is shared between the Province, the County and the Township. The transportation system is composed of Provincial highways, County Roads, local public roads opened and maintained on a year round basis and private roads. The transportation network is shown on Schedule A.

#### Provincial Highways

5.1.2.1 There are 3 Provincial Highways in Edwardsburgh/Cardinal, Highways 401, 416 and 16. Development fronting on or in proximity of these highways as set out in Sections 31, 34 and 38 of the Public Transportation and Highway Improvement Act must be reviewed by the Ministry of Transportation of Ontario (MTO), and development is conditional on the issuance of MTO permits, which are designed to ensure that safety and the long term efficiency of the highway are not compromised. The MTO permit can apply to building setbacks, signage, location and number of highway accesses, frontage requirements and required improvements such as culvert installation, road widenings, traffic signalization or the construction of turning lanes. Development proponents will be required to consult with the MTO prior to the submission of a development application.

5.1.2.2 The Township shall ensure through site plan control that outdoor storage and loading areas of commercial and industrial uses adjacent to a provincial highway are visually screened or appropriately located and not be visible to the travelling public.

#### County Roads

5.1.2.3 County Roads have the capacity to carry large traffic volumes, which link two or more communities or which function as an integral part of the provincial transportation network through linkages to Provincial highways. They must maintain a high level of efficiency for the movement of vehicles while also providing limited opportunities for commercial and industrial development which can benefit from high traffic volumes. The minimum right of way width for County Roads shall be 26 metres. The following policies shall apply to County Roads:

5.1.2.4 Lot creation for residential purposes with direct access to a County Road is subject to review by the United Counties of Leeds and Grenville and permit is required.

5.1.2.5 Residential subdivisions fronting on a County Road in a settlement area may be permitted in accordance with the land use designation, provided that access is provided through a public road maintained year round. The review process shall ensure that adequate measures are included in the subdivision design to mitigate

- any potential negative impacts related to the proximity of the County Road to the residential development.
- 5.1.2.6 Within the limits of a settlement area, commercial or industrial development with frontage on a County Road may be permitted subject to the approval of the design and location of the lot access by the County Director of Public Works and subject to other relevant policies of this Plan.
- 5.1.2.7 Lot creation for commercial or industrial development outside of a settlement area may be permitted in accordance with the applicable land use designation provided that the lot access is located at a minimum of 200 metres from the closest existing road access on the same side of the road and provided that there are no traffic safety or hazardous conditions. Development on lots of record existing as of the day of adoption of this Official Plan may be permitted in accordance with the applicable land use designation policies and zoning regulations and provided that new accesses are kept to a strict minimum by enforcing, where possible, a minimum 200 metres separation distance from existing accesses on the same side of the road. Alternatively safety issues may be addressed through engineered solutions such as turning lanes, acceleration lanes or deceleration lanes.
- 5.1.2.8 The minimum 200 metre separation distance as required above may be reduced by the Counties' Public Works Department without amendment to this Plan where sufficient frontage exists which would normally permit the maintenance of the separation distance but where topographical or safety considerations would dictate that a lesser separation distance may be reasonable.
- 5.1.2.9 A minimum development setback of 15 metres from the property line shall be required.

#### Local Roads

- 5.1.2.10 Local roads consist of streets maintained on a year round basis and private roads. Local roads shall generally have a minimum right-of-way width of 20 metres however reduced right-of-way widths may be accepted through the subdivision or condominium review process provided that the right-of-way widths can accommodate all of the required servicing infrastructures for the proposed development and provided that the approval authority is satisfied that the reduced widths will not result in lower quality development.
- 5.1.2.11 Local streets are identified on Schedule A. Generally new development and lot creation on local streets may be permitted in accordance with the relevant policies of this Plan and the requirements of the zoning by-law. The minimum width of any local street right of way shall be 20 metres. A reduced right of way standard may be accepted in new developments where it can be demonstrated that required infrastructures including snow storage space can be accommodated.

- 5.1.2.12 Land may be acquired by the Township for road widening road extensions, rights of way, intersection improvements or railway crossing improvements. Such land may be acquired through the subdivision or consent process, through site plan control or through formal agreements. Schedule A identifies the minimum rights-of-ways for highways and roads to be widened and the extent of the proposed widenings.
- 5.1.2.13 Extensions to existing roads may proceed without amendment to this Plan provided that the extension is required to improve the local or Township road system. Minor extensions may be permitted for development purposes provided that the roadway extension is constructed to municipal standards at no cost to the municipality and provided that the local council is satisfied that the extension and the subsequent maintenance costs are justified.

#### Private Roads

- 5.1.2.14 Private roads are identified in Schedule A. The creation or extension of a private road is not permitted. A consent application for which the sole purpose of which is to legally identify the location of an existing private road shall not constitute the creation of a new private road.

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

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

#### Bridges

- 5.1.2.16 Bridges and culverts are an integral component of the Edwardsburgh/Cardinal transportation systems. The maintenance, repair, replacement or expansion of these structures is an on-going and necessary activity and is considered consistent with the policies of this Official Plan.

### **5.1.3 Water, Waste Water and Stormwater Services**

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

- 5.1.3.1 Development will not be encouraged where such development would result in, or could lead to, unplanned expansions to existing water and waste water infrastructures.
- 5.1.3.2 Development shall generally be directed to areas where water and waste water services can reasonably be extended.
- 5.1.3.3 The allocation of infrastructure capacity for infill and economic development purposes is encouraged.
- 5.1.3.4 In order to control flooding, ponding, erosion and sedimentation and to protect, as much as possible, water quality and aquatic habitat or other natural habitat which depend upon watercourses and other water bodies for their existence, surface water management plans (or stormwater management plans) shall be required for some forms of new development. Storm water management plans shall be required for any new development consisting of more than four lots or for commercial or industrial developments with large amounts of impervious area. Stormwater management will be undertaken in accordance with the Ministry of the Environment Guideline entitled "Stormwater Management Planning and Design Manual, 2003". Stormwater management may not be required for small scale developments such as lots created through the consent process or developments subject to site plan control where there is no impact on the watershed.
- 5.1.3.5 The establishment of new water and waste water servicing facilities shall be subject to Ministry of the Environment guidelines and provincial regulations.
- 5.1.3.6 Development on partial services shall only be permitted where they are necessary to address failed individual on-site water and sewage services in existing development; and within settlement area to allow for infilling and rounding out of existing development on partial services.
- 5.1.3.7 Where development is proposed on private services, the applicant must show that there is sufficient quantity and quality of potable water, that there will be no negative impacts on adjacent lands and must also demonstrate that a permit can be obtained for the proposed sewage system from the Health Unit or the Ministry of Environment as applicable. In addition the applicant must demonstrate that the proposed development will not result in increased costs to the municipality for the provision of other required services such as road maintenance, school transportation, waste collection etc.
- 5.1.3.8 The approval authority will ensure that there is sufficient capacity in existing water and waste water services including capacity to treat hauled sewage from private communal or individual septic systems prior to granting approval of a plan of subdivision.

## Innovative Technologies

5.1.3.9 Council will encourage, support and promote waste water disposal systems which incorporate proven and innovative technologies to reduce waste water volumes or which improve the quality of waste water effluents. This will include, but not be limited to:

- water conservation devices which reduce water usage;
- innovative solutions to municipal or industrial waste water treatment such as the design and construction of artificial wetlands and grey water treatment and re-use.

### **5.1.4 Watershed Planning**

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

### **5.1.5 Surface Water Management Plans**

5.1.5.1 In order to control flooding, ponding, erosion and sedimentation and to protect, as much as possible, water quality and aquatic habitat or other natural habitat which depend upon watercourses and other water bodies for their existence, surface water management plans (or stormwater management plans) shall be required for some forms of new development consisting of more than four lots or for commercial or industrial developments with large amounts of impervious area. Stormwater management will be undertaken in accordance with the Ministry of the Environment Guideline entitled "Stormwater Management Planning and Design Manual, 2003". Stormwater management may not be required for small scale developments such as lots created through the consent process or development subject to site plan control where there is no impact on the watershed.

5.1.5.2 Surface management plans and reports will be reviewed by the Ministry of Transportation where development is proposed within 300 metres of a Provincial Highway.

### **5.1.6 Waste Management**

- 5.1.6.1 Development shall be reviewed to ensure that appropriate solid waste disposal services can be provided in a manner which is consistent with environmental considerations.
- 5.1.6.2 Solid waste disposal sites are identified on schedule A. The establishment of new sites or the enlargement of existing sites shall be in accordance with Ministry of the Environment guidelines and regulations and shall require an amendment to the Official Plan.
- 5.1.6.3 Solid waste disposal sites shall be appropriately zoned.
- 5.1.6.4 Development within 500 metres of existing waste water or solid waste management sites shall generally be discouraged unless supported by an appropriate study or studies which confirm that there will be no negative impacts on the proposed development related to the adjacent waste water or waste disposal site. In addition the study (ies) shall confirm that the proposed development will not impact future expansions of the waste disposal site in question.
- 5.1.6.5 Separation distances shall normally be measured from the property line of the odour producing source or structure to the property line of the sensitive land use for a waste water treatment facility or from the boundary of the fill area (footprint) specified in the Certificate of Approval (or property line for closed sites where no Certificate of Approval is available) to the property line of the sensitive land use for a solid waste management site.
- 5.1.6.6 In reviewing development proposals adjacent to such disposal sites the approval authority shall consult Guideline D-2 and Guideline D-4 issued by the Ministry of the Environment.
- 5.1.6.7 The zoning by-law shall zone adjacent lands appropriately, prohibiting new incompatible uses which cannot be reasonably mitigated.

### **5.1.7 Energy**

- 5.1.7.1 It is a policy of this Plan to encourage the use of alternate energy sources, such as wind, solar, biomass and energy from waste heat or gases.

### **5.1.8 Utility and Communication Facilities Corridors**

Utility and communications facilities and corridors include a wide variety of utilities owned and operated by both public and private entities. The well being of Edwardsburgh/Cardinal's economy is closely linked to the presence of hydroelectric corridors, telecommunications networks and energy pipelines.

- 5.1.8.1 The development of hydro-electric power generation and supply facilities, telecommunications facilities and local utilities shall not require an amendment to this Official Plan provided that they are in full compliance with applicable Provincial and/or Federal legislation.
- 5.1.8.2 The development of hydro-electric power generation and supply facilities, telecommunications facilities and local utilities shall be subject to the provisions of local zoning by-laws.
- 5.1.8.3 The development of hydro-electric power generation and supply facilities, telecommunications facilities and local utilities is not permitted in the Habitat of Endangered and Threatened Species.
- 5.1.8.4 Utility installations that may pose a hazard shall be located away from residential areas.
- 5.1.8.5 The multiple use of corridors for utility and transportation uses shall be encouraged.

**5.1.9 Other Infrastructure Corridors**

- 5.1.9.1 Council recognizes the importance of other infrastructure corridors, such as hydroelectric transmission corridors, oil pipelines, natural gas pipelines, abandoned rail lines and fibre-optic corridors. The expansion, maintenance and preservation of these and other infrastructure corridors are important to continued economic development and diversification, and will not require an amendment to this Plan.
- 5.1.9.2 Development within 200 metres of a Trans-Canada pipeline is subject to the review and permitting requirements of the National Energy Board. A setback of 7 metres from the limits of the pipeline right of way shall be required for all permanent structures and excavations.

## **6.0 IMPLEMENTATION**

---

### **6.1 Introduction**

The following policies are provided to guide the implementation of the Official plan. The policies are divided into five categories as follows:

- Authority
- Development Control
- Economic Development
- Social and Cultural Policies
- Administration of the Official Plan

### **6.2 Authority**

- 6.2.1.1 The policies of this Plan shall be implemented by the Township of Edwardsburgh/Cardinal through the powers conferred upon them by the *Planning Act*, R.S.O. 1990, the *Municipal Act*, 2001, the *Development Charges Act, 1997*, the *Building Code Act, R.S.O. 1992*, as amended, and any other applicable statutes of the Province of Ontario;
- 6.2.1.2 The decisions of Township Council must be consistent with and in conformity to the relevant policies of this Official Plan; consistent with the Provincial Policy Statement in effect and conform to all provincial plans in effect.
- 6.2.1.3 Pursuant to Section 24(1) of the *Planning Act*, R.S.O. 1990, no public work shall be undertaken and no by-law shall be passed by the Township or a local municipality for any purpose that does not conform to the intent and policies of this Official Plan;
- 6.2.1.4 Township Council may acquire, hold, or dispose of land for the purposes of implementing any policies of this Official Plan subject to the provisions of the *Planning Act*, R.S.O. 1990, the *Municipal Act*, 2001, and any other applicable statutes of the Province of Ontario; and
- 6.2.1.5 .All forms of development agreements regarding subdivisions, consents, condominiums, variances and site plans are required to conform to the policies of this Official Plan.

### **6.3 Development Control**

The following general policies are related to various types of land uses permitted throughout the planning area regardless of the land use designation.

### **6.3.1 Accessory Uses**

6.3.1.1 Wherever a use is permitted in the land use designation, it is intended that uses, buildings or structures incidental, accessory or essential to the use shall also be permitted.

6.3.1.2 Accessory Dwelling Units: It is a policy of this Plan to provide opportunities for accessory dwelling units such as apartments in commercial or industrial uses where such residential use is directly related to the principle use or secondary suites on the same lot as the principle single detached dwelling.

6.3.1.3 In substantiating the appropriateness of a proposed accessory dwelling the proponent shall:

- demonstrate compliance to the Ontario Building Code;
- demonstrate compliance with applicable zoning standards for lot size, setbacks and parking.

The availability of municipal water services

### **6.3.2 Existing Land Uses and Non-Conforming Uses**

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

6.3.2.2 Existing uses which do not conform to the relevant provisions contained in this Plan shall be deemed non-conforming uses. The long-term objective of this Plan is to relocate, eliminate, or replace these non-conforming uses with uses which are permitted in the relevant land use designation.

6.3.2.3 A Council may recognize a non-conforming use and zone it in accordance with the existing use provided that:

- the zoning by-law does not permit any change of use or performance standard that might aggravate, increase or enlarge the non-conforming status;
- the use does not constitute a danger to surrounding uses or persons by virtue of its hazardous nature or the traffic flow generated;
- the use does not pollute the air, water or soil to the detriment of the health or comfort of the surrounding land uses;
- the use does not interfere with the orderly development of adjacent lands.

6.3.2.4 Existing non-conforming buildings or structures which are destroyed or damaged may be reconstructed to their former dimensions provided work is commenced within

a reasonable period from the date of destruction in accordance with the provisions of the zoning by-law.

6.3.2.5 Non-conforming uses located in a flood plain area which are damaged or destroyed by flooding may only be reconstructed in accordance with the requirements of the Conservation Authority or the Ministry of Natural Resources.

**6.3.3 Extension or Enlargement under Section 34(10) of the *Planning Act, R.S.O.1990***

6.3.3.1 Where a property is not zoned in accordance with the existing use, the extension or enlargement of such use may be considered by Councils through the passing of a Zoning By-law pursuant to Section 34(10) of the *Planning Act* or by the Committee of Adjustment under Section 45 of the *Planning Act* subject to the following guidelines:

- The extension or enlargement should not aggravate the non-conforming situation for neighbouring uses.
- The extension or enlargement should be in a reasonable proportion to the existing use and to the land on which it is to be located.
- Any extension or enlargement involving land should be minor in relation to the total property. Any major change or adjustment shall require an amendment to this Plan.
- The proposed extension or enlargement shall not create undue noise, vibration, fumes, smoke, dust, odours, traffic generation nor glare from lights.
- Adequate buffering, setbacks and other measures necessary to reduce or mitigate any impact shall be required and where possible shall be extended to the existing use.
- Traffic and parking conditions in the vicinity will not be adversely affected by the application and traffic hazards will be kept to a minimum by appropriate design of ingress and egress points to and from the site and by improvement of site conditions especially in proximity to intersections.
- Adequate provisions have been or will be made for off-street parking and loading facilities.
- Municipal services such as storm drainage, roads, sewer and water are adequate or can be made adequate.
- Neighbouring land owners will be notified of the proposed extension or enlargement of the non-conforming use before the final decision on the application is made.

6.3.3.2 The development of existing undersized lots may be permitted in accordance with the relevant provisions of the zoning by-law provided that where the development is on private services the size, configuration and, where applicable, the soil structure of the lot is appropriate for the long term provision of services.

6.3.3.3 A lot addition or enlargement to an existing undersized lot may be permitted even though the addition does not bring the lot up to the standard required in the zoning

by-law. In such cases the lot does not lose its non-conforming status and may be developed in accordance with the relevant provisions of the zoning by-law.

#### **6.3.4 Minor Variance or Permission**

6.3.4.1 Section 45 of the *Planning Act* authorizes a Committee of Adjustment to grant variances and permission for enlargements or extensions or changes in the use of lands, buildings or structures to a similar or more compatible use. A Committee may approve applications provided that (1) general intent and purpose of the Official Plan are maintained, (2) the general intent and purpose of the Zoning By-law are maintained, (3) the variance is minor and (4) the proposed use of land, building or structure is desirable for appropriate development.

#### **6.3.5 Lots of Record**

6.3.5.1 Except for lots which are subject to development constraints such as flooding or unstable slopes, lots of record which are vacant may generally be used for building purposes in accordance with the policies of this Plan and the regulations of local zoning by-laws provided they front on a year round publicly maintained road or an existing private road and can be adequately serviced. Lots of record which are subject to development constraints may be developed provided the constraint may be mitigated in accordance with other relevant policies in this Plan.

6.3.5.2 Development on vacant existing lots of record within the floodplain and with provincially significant wetlands is not permitted.

#### **6.3.6 Public Uses**

6.3.6.1 Public utility facilities subject to the requirements of the *Environmental Assessment Act* may be permitted in all land use designations of this Plan and are not subject to the restrictions listed in section 6.3.6.2 below.

6.3.6.2 Other public utility and municipal services and facilities are permitted in all land use designations as shown on the accompanying land use schedules, provided that:

- such use is necessary in the area, that it can be made compatible with its surroundings and that adequate measures are taken to ensure land use compatibility;
- adequate off-street parking and loading facilities are provided;
- the construction of permanent buildings is discouraged in all areas which have been identified as environmentally sensitive;
- the general intent of the policies of this Plan is satisfied.

6.3.6.3 Notwithstanding the power of the Federal and Provincial Governments to undertake public works by authority granted under statutes other than the *Planning Act*, Council shall endeavour to ensure that such development follows the general intent of this

Plan and is compatible, as far as practicable, with the type, quality and character of development in the area in which it is proposed. Council encourages the Federal and Provincial Governments to consult with them whenever a use of land or public work is proposed which is not permitted by this Plan, in order that the proposal may be evaluated with regards to its effect on the achievement of the goals and objectives of this Plan and on the provision of Township' services and facilities.

- 6.3.6.4 Public uses are not permitted in areas of Endangered or Threatened Species habitat. Where public uses are to be located on lands adjacent to natural heritage or resource designations, such public uses shall not result in a negative impact on the natural features or ecological functions for which the area is identified.

### **6.3.7 Plans of Subdivision**

- 6.3.7.1 A plan of subdivision application will be reviewed on the basis of technical, environmental and planning and design considerations. The following is a list of some of the types of studies which may be required. Though this list summarizes the types of studies commonly required for plans of subdivision it is not necessarily exhaustive, and other studies may be required in certain situations.

- 6.3.7.2 Technical considerations relate to the following requirements:

- The application must be complete in accordance with the requirements of Section 51 (17) and applicable regulations under the *Planning Act*, R.S.O.1990;
- The application must conform to the policies of this Official Plan;

- 6.3.7.3 Environmental documentation which should accompany the submission of application for draft plan approval, relate to the following requirements:

- Evidence respecting the availability and suitability of water and waste water services including where appropriate the preparation of a hydrogeological study, terrain analysis and an impact assessment report in accordance with the Ministry of Environment guidelines and regulations;
- Preparation of a servicing options statement;
- Preparation of a stormwater management plan;
- Preparation of a grading plan
- Preparation of a sediment and erosion control plan
- Completion of studies required under the environmental and development constraints policies in sections 3.7 and 4.0 of this Plan.

- 6.3.7.4 Planning and Design Considerations include the following:

- Lot and block configuration
- Compatibility with adjacent uses

- Road access, street layout and pedestrian amenities
- Parks and open space amenities
- Easement and right-of-way requirements
- Justification of the need for the Subdivision
- In considering a draft plan of subdivision, regard shall be had to, among other matters, the criteria of Section 51 (24) of the *Planning Act, R.S.O. 1990*
- Emergency and secondary accesses
  - Barrier free design

6.3.7.5 The Approval authority will, in giving draft approval to plans of subdivision or condominium which have access to full or partial municipal water and/or sewage services, provide that approval will lapse not more than 3 to 5 years from the date draft approval is given, in accordance with section 51 (32) of the Planning Act, R.S.O. 1990, as amended. The Approval authority may, in giving approval to plans of subdivision or condominium which will employ private services, provide that approval will lapse at the expiration of a period of time to be specified by the approval authority in accordance with section 51 (32) of the Planning Act, R.S.O. 1990, as amended.

6.3.7.6 Where a draft plan of subdivision is proposed adjacent to a provincial highway, the Township shall ensure that the layout of the subdivision shall be designed such that the lots back onto the provincial highway and front onto a local internal street.

### **6.3.8 Consents**

The following criteria shall apply when considering consent applications.

- 6.3.8.1 The size, configuration and, where applicable, the soil structure of a proposed lot shall be appropriate for the long term provision of services and the applicant shall provide sufficient information to the consent authority to this effect. The approval authority may require that this information shall be in the form of a hydro-geological study and Terrain Analysis, prepared by a qualified professional, and must demonstrate that the aquifer can provide a long term sustainable water supply of acceptable quality and quantity, as well as providing evidence through testing, that the soil conditions can accommodate the effluent load from a septic field along with its replacement area. Such a study shall recommend a minimum lot size, which shall be used in evaluating the proposed consent. Regardless of the recommendation contained in such a study the Township may impose a minimum lot size in the implementing zoning by-law.
- 6.3.8.2 The consent granting authority will ensure that there is sufficient capacity in existing water and waste water services including capacity to treat hauled sewage from private communal or individual septic systems prior to granting a consent to create a new lot.

- 6.3.8.3 All lots created shall have frontage on a public road with at least one side of the lot which physically abuts the public road.
- 6.3.8.4 The proposed lot shall be compatible with adjacent land uses and shall not result in a traffic hazard as a result of limited sight lines on curves or grades.
- 6.3.8.5 All consents shall comply with the Minimum Distance Separation formulae developed by the Ontario Ministry of Agriculture, Food and Rural Affairs.
- 6.3.8.6 A consent which has the effect of land locking another parcel is not permitted.
- 6.3.8.7 Access to interior land will be protected by ensuring that 20 metre wide openings for future road allowances are provided at strategic locations.
- 6.3.8.8 Consents will not be granted in areas which may be affected by development constraints as described in section 4.0 of this Plan.
- 6.3.8.9 The lot being severed and the lot being retained shall conform to the provisions of this Plan and the implementing Zoning By-law.
- 6.3.8.10 A maximum of one new lot may be created per consent application.
- 6.3.8.11 In considering a consent, regard shall be had to, among other matters, the criteria of Section 51 (24) of the *Planning Act*, R.S.O. 1990 with necessary modifications.

### **6.3.9 Site Plan Control**

- 6.3.9.1 It is the intent of this plan that an appropriate policy framework be provided which will allow and encourage Council to use site plan control to enhance the quality of new development or redevelopment in conjunction with other applicable controls such as zoning, development permits and the Ontario Building Code.
- 6.3.9.2 The objective is to provide for the use of site plan control to ensure functional and aesthetically pleasing, safe development and redevelopment throughout the Township.
- 6.3.9.3 It is the intent of this plan to provide for barrier free design elements and to support accessibility.
- 6.3.9.4 In order to achieve the goal, Councils may adopt a Site Plan Control By-law which provides for the following:
  - The submission of site plans for review;
  - The application of appropriate engineering and site development standards;
  - Reducing or eliminating land use incompatibility between new and existing development;
  - Ensuring that approved developments are built and maintained as set out in the site plan agreement;

- Ensuring that the development occurs in accordance with any required environmental impact assessment study recommendations where required.
- 6.3.9.5 The entire geographical area of the Edwardsburgh/Cardinal shall be considered a Site Plan Control Area pursuant to the provisions of Section 41(2) of the *Planning Act, R.S.O. 1990*.
- 6.3.9.6 Site Plan Control shall apply to the following land uses:
- All uses permitted within any commercial, industrial or institutional zone;
  - A residential structure consisting of three (3) or more dwelling units;
  - All commercial, industrial or multi-residential development located within 100 metres of the high water mark of the St Lawrence or South Nation Rivers;
  - Heritage properties designated under the *Ontario Heritage Act*.
- 6.3.9.7 One and two-unit dwellings and buildings, structures accessory thereto and additions or alterations thereto which are within zones which permit residential uses are exempt from Site Plan Control.
- 6.3.9.8 In imposing site plan control, Councils will seek to regulate the general site design of the property and, when appropriate, the conceptual design of all buildings and structures on the property. The Site Plan Control By-law shall stipulate when and what type of drawings are required. Floor plan, elevation and cross-section drawings of each proposed building may be required. In accordance with the provisions of Section 41(7) of the *Planning Act, R.S.O. 1990*, a local municipality may require the owner of land to provide to the satisfaction of and at no expense to the municipality any or all of the following:
- Widening of highways that abut the land;
  - Access to and from the land;
  - Off-street vehicular loading and parking facilities;
  - Pedestrian and/or bicycle pathways or access;
  - Lighting facilities;
  - Landscaping and other facilities for the protection of adjoining lands;
  - Facilities and enclosures for the storage of garbage and other waste material;
  - Required municipal easements;
  - Grading of lands and disposal of storm water
  - Emergency and secondary accesses
- 6.3.9.9 Site plan control may be used to require the dedication of land for road widenings as indicated on Schedule A. Land for road widenings will be taken equally from either side and will not exceed a width of 5 metres from either adjacent property. Additional

lands for widening to provide corner triangles at all road intersections may also be required.

- 6.3.9.10 In the review of site plan applications the municipality may circulate to public bodies and/or qualified professional for their comments prior to the approval of any site plan or site plan agreement.
- 6.3.9.11 Councils shall have regard for the enabling authority of Section 41 of the *Planning Act* with respect to the matters which may be addressed under site plan control, the entering into one or more agreements for the provision of any or all of the facilities, works or matters as provided for by the Act and the maintenance thereof and for the registration of such agreements against title to the land. Council will also have regard to the requirements of the Public Works Department and the Ministry of Transportation with respect to road widenings, safe access and the provision of storm drainage facilities.

### **6.3.10 Development Criteria**

- 6.3.10.1 Councils shall consider the following development criteria when reviewing the compatibility and appropriateness of any new development or redevelopment, when considering amendments to the Zoning By-law and in considering, where applicable, the requirements for site plan control under Section 41 of the Planning Act:
- The provision of safe access onto or from a Township or County road or provincial highway.
  - Adequate access to, and provision of, off-street parking.
  - Barrier-free access to public and commercial buildings and the designation of parking spaces for physically challenged persons.
  - Access and manoeuvring of emergency vehicles in providing protection to public and private properties.
  - The availability of municipal services and the cost of upgrading such services including water, sewage treatment facilities, fire and police protection, street lighting, roads and winter maintenance, waste disposal, community facilities and recreation.
  - Adequate grade drainage or storm water management and erosion control.
  - The screening, buffering or fencing of aesthetically displeasing or dangerous land uses or open storage. A buffer may be open space, a berm, a wall, a fence, plantings, a land use different from the conflicting uses but compatible with both,

or any combination of the aforementioned sufficient to accomplish the intended purpose.

- The provision of landscaping, the creation of privacy and/or open space areas around buildings and other uses, and the establishment of setbacks to maintain proper distance separation between new development and natural heritage sites, natural hazards and resource areas and development constraints such as noise and vibration.
- Adequate exterior lighting for access and parking areas for public or private use such as in commercial, industrial, institutional and multiple residential development.
- The control of signs and advertising such that they are in scale with the intended use and with surrounding uses.
- Protection of the environment by avoiding air, soil or water pollution.
- The preservation and protection, whenever possible, of street trees, street tree canopies and the urban forest.
- The adequacy of school board facilities to accommodate new development or redevelopment and the provision or availability of school bussing.
- Protection and/or enhancement of natural resource values.
- Conserving cultural heritage resources.
- The physical suitability of the land for the proposed use.
- Safety and Security Criteria

6.3.10.2 When reviewing development applications, ensure that safety and security measures are considered through such means as:

- sufficient lighting in spaces intended for public use after dark to support the kind of activities envisioned for that space;
- signs and an overall pattern of development that supports users' sense of orientation and direction;
- preservation of clear lines of sight for persons passing through the space;
- attention to the proposed mix of uses and their proximity to each other to ensure they are complementary;

- the routing and design of bicycle and pedestrian routes so that they are accessible to populated areas.

### **6.3.11 Cash-in-lieu**

- 6.3.11.1 Cash-in-lieu of parkland may be used to acquire or develop public parks or public recreational uses. Cash-in-lieu may be required for residential severances or residential subdivisions at the rate of up to 5% or for commercial or industrial severances at the rate of up to 2% of the value of land as set out in Section 42 or 51 of the Planning Act.
- 6.3.11.2 Cash-in-lieu of Parking: Council may enter into an agreement to exempt an owner or occupant from the need to provide and maintain parking facilities as required under the zoning by-law. Such agreement shall provide for the making of one or more payments of money to the municipality as consideration for the granting of the exemption and shall set forth the basis upon which such payment is calculated.

### **6.3.12 Holding Provisions**

- 6.3.12.1 The use of Holding provisions in accordance with Section 36 of the Planning Act R.S.O. 1990 is permitted. A municipality may adopt holding provisions and when doing so shall clearly state the conditions which must be met prior to the removal of the “H” designation by Council. The use of Holding provisions shall conform to the policies of this Official Plan.
- 6.3.12.2 The following have been established as objectives for using holding provisions in a Zoning By-law:
- To assist in the phasing of development and/or redevelopment;
  - To co-ordinate development and/or redevelopment with the provision of water, sanitary sewage, storm sewer and other services;
  - To control development and/or redevelopment which may necessitate special design considerations;
  - To forestall development and/or redevelopment until such time that stated planning related criteria can be satisfied.
  - To aid in the selection of sites or areas that may be subject to holding provisions, the following locational criteria are identified:
    - lands in a built-up area which are undeveloped;
    - lands which are un-serviced;

- lands which do not have adequate access or frontage onto a public roadway;
- lands which are adjacent to hazardous, noxious, temporary or otherwise undesirable uses or activities; and
- lands which are near or fronting onto public roads which are subject to hazardous conditions or are inadequate to handle current traffic volumes.

6.3.12.3 Removal of the holding provisions shall be accomplished by the adoption of an amending By-law in accordance with the provisions of Section 36 of the Planning Act, R.S.O. 1990 and related regulations.

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

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

### **6.3.13 Temporary Use By-laws**

6.3.13.1 A Temporary Use By-law is a By-law passed by Council for the purpose of allowing a use that is otherwise prohibited by the Zoning By law. A Temporary Use By-law must define the land or lands to which it applies and it shall prescribe the period of time during which it is in effect, which period of time shall not exceed three years from the day of passing of the By-law except in the case of a “Garden Suite” where a Temporary Use By law cannot exceed a period of ten years. A local municipal Council may extend the period of time during which a temporary use is permitted by passing further By-laws, each of which shall not be in effect for more than three years.

6.3.13.2 The following criteria shall apply where a Temporary Use By-law, pursuant to the authority of Section 39 of the Planning Act, R.S.O. 1990, is used in the implementation of the Official Plan:

- Temporary Use By-laws may be passed to permit uses which do not conform with the Official Plan provided that the temporary use will not affect the ability of the land in question to be used for the purposes intended in the Official Plan;

- The proposed use shall be compatible or can be made compatible with the surrounding land uses;
- Required services shall be adequate for the proposed use;
- Access and parking shall be appropriate for the proposed use;
- The proposed use is of a temporary nature and will not require any major construction or extensive capital investment on the part of the owner or that the owner will not experience undue hardship in reverting the original use upon termination of the temporary provisions.

### **6.3.14 Interim Control By-laws**

6.3.14.1 Interim Control By laws may be passed by Council in accordance with the provisions of Section 38 of the Planning Act for the purpose of controlling the use of land, buildings and structures within specifically identified areas for a specific period of time (i.e. not exceeding one year in length with provision for extending the time period for a total time period of not more than two years).

6.3.14.2 Prior to passing an Interim Control By law, it is first necessary for a local municipal Council to pass a resolution directing that a review or study be undertaken in respect to land use planning policies in the municipality or in any area or areas thereof. It is intended that any Interim Control By law be passed in order to adequately control development in a designated area while the review or study is being completed. Where an Interim Control By law ceases to be in effect, a local municipal Council may not for a period of three years pass a further Interim Control By law that applies to any lands to which the original Interim Control By law applied.

### **6.3.15 Complete Applications**

6.3.15.1 The following chart identifies the type of study or report which will be required or may possibly be required in order for the Township to proceed with the processing of an application. As every development proposal is considered on its own merit, a pre-submission consultation with municipal planning staff will be required in order to identify the municipality's information requirements and to confirm the need to prepare and submit additional information, studies or reports not listed below. The following chart provides a summary of the types of studies or reports most commonly required to ensure proper consideration of development proposals and is divided by type of planning application. The chart further qualifies the study as Required (R) or Possibly Required (P).

<b>Complete Application Information Requirements</b>						
Information Type	Trigger	Planning Act Applications				
		Official Plan	Zoning By-law	Subdivision	Consent	Site Plan
<b>Planning Justification/Rationale</b>	Where development is proposed that will result in intensification, change in use or requires multiple applications	R	R	R	P	R
<b>Natural hazard Studies</b>	Where development is proposed within the boundaries of hazardous lands	R	R	R	R	R
<b>Mineral Aggregate Studies</b>	Where development is proposed within 300 metres of an identified Pit, 500 metres of an identified aggregates operation or 500 metres of any lands identified as Bedrock Constraints	R	R	R	R	R
<b>Environmental Impact Assessment</b>	Where application provides for development in an environmentally sensitive area or on adjacent lands within 120 metres of the area	R	R	R	R	R
<b>Traffic Study</b>	Where application provides for development which may result in increased traffic or the need to alter roads or intersections	R	R	P	P	R
<b>Land Use Compatibility Study</b>	Where development is proposed adjacent a sensitive land use and vice versa	R	R	R	R	P

<b>Complete Application Information Requirements</b>						
<b>Information Type</b>	<b>Trigger</b>	<b>Planning Act Applications</b>				
		<b>Official Plan</b>	<b>Zoning By-law</b>	<b>Subdivision</b>	<b>Consent</b>	<b>Site Plan</b>
<b>Heritage Impact Assessment</b>	Where development is proposed within 300 metres of a designated Heritage site	R	R	R	R	R
<b>Storm Water Management Plan</b>	Where development will result in site alteration	P	P	P	P	P
<b>Servicing Options Report</b>	Where development requires services	R	R	R	P	P
<b>Air, Noise or vibration study</b>	When required by a provincial guideline	R	R	R	R	R
<b>Illumination Plans</b>	Where development increases the possibility of light pollution	P	P	P	P	P
<b>Hydrogeology and Terrain Analysis Report</b>	Development on private services or: Development within an area subject to vulnerable or sensitive surface water or sensitive groundwater features	R	P	P	P	P
<b>Geotechnical Studies</b>	Areas of unstable slopes	R	R	R	R	R
<b>Erosion Control</b>	Development along shorelines or hazard areas.	R	R	P	P	P
<b>Archaeological Assessment</b>	Development proposed on lands located within 300 metres of a shoreline	R	R	R	P	R
<b>Tree Preservation Plan</b>	Where development could result in the loss of designated wooded areas.	P	P	P	P	P

### **6.3.16 Environmental Impact Assessments**

- 6.3.16.1 Potential negative impacts will be examined through a process of environmental impact assessment, carried out on a case by case basis, prior to development approval.
- 6.3.16.2 The preparation of an environmental impact assessment (EIA) study may be required for submission prior to the approval authority making a formal decision on a planning application (e.g. Official Plan amendment, zoning amendment, site plan control, subdivision, consent, etc.) to identify existing conditions and assess the negative impacts on the natural features and the ecological functions of the area in question. The EIA shall be completed by a qualified individual or company and shall fulfill each of the following steps:
- Research, identify, map, and prioritize the characteristics of the natural heritage features that made it significant.
  - Describe and map the proposed development activities, including building location, excavation, site grading, landscaping, roadway construction, paving, drainage works, and sewer and water servicing in relation to the natural heritage feature.
  - Predict the effects that the proposed development may have on various components of the environment, such as wildlife, fish, vegetation, soil, surface water, ground water, and air, taking into consideration effects during and after development or site alteration.
  - Evaluate the significance of all predicted negative and positive effects on the various environmental components.
  - Itemize and recommend all measures that can be taken to reduce or mitigate the predicted negative impacts.
  - Evaluate the cumulative effect that the project (and any other projects or activities) may have on the characteristics of the natural heritage feature which made it significant, after mitigation.
    - Provide evidence that the ecological function of the adjacent lands is evaluated and that negative impacts on the ecological functions do not result from the proposed development
  - Conclude with a professional opinion on whether negative impacts will prevail, and on the significance of the impacts, if any, and if ongoing monitoring is required.
- 6.3.16.3 The approval authority may require that the EIA be peer reviewed prior to making a decision on the development application.
- 6.3.16.4 The approval authority may use various planning and other approvals (e.g. site plan control, site specific zoning, site alteration by-laws, etc.) to ensure that the development or site alteration occurs in accordance with the environmental impact assessment study recommendations.

### **6.3.17 Community Improvement Area**

6.3.17.1 The entire Municipality is designated a Community Improvement Area.

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

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

- sell, lease or dispose of lands and buildings acquired or held by the municipality;
- give loans and grants to owners, tenants and their assignees for rehabilitation purposes;
- provide tax assistance by freezing or cancelling the municipal portion of the property tax on eligible properties for remediation purposes; and
- issue debentures with the approval of the Ontario Municipal Board.

6.3.17.4 The policy objectives are as follows:

- To foster the improvement of businesses and public spaces to remove barriers which may restrict their accessibility
- To upgrade and maintain all essential municipal services and community facilities.  
    To encourage residential intensification and potential affordable housing opportunities such as mixed use and infill developments, accessory apartments, and residential conversion of upper floors of commercial buildings
- To ensure that community improvement projects are carried out within the built up areas of the Township.
- To ensure the maintenance of the existing building stock.
- To preserve heritage buildings.
- To facilitate the remediation, rehabilitation and \or redevelopment of existing Brownfield sites;
- To encourage private sector investment and the strengthening of the economic base.
- To enhance the visual appearance of Community Improvement Areas.

6.3.17.5 Preparation and Adoption of a Community Improvement Plan

6.3.17.6 Council shall have regard for the following matters in the preparation and adoption of a Community Improvement Plan, namely;

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

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

- through the identification of specific community improvement projects and the preparation of Community Improvement Plans;
- through participation in programs with senior levels of government;
- through the acquisition of land to implement adopted Community Improvement Plans;

- through the encouragement of the orderly development of land as a logical and progressive extension of development which provides for the infilling of underutilized land;
- Through the encouragement of the private sector to utilize available government programs and subsidies;
- through the enactment of a comprehensive zoning by-law which provides for a range of appropriate uses, for the intensification and integration of land uses, and which stimulates the economic and/or functional role of the areas; and
- by encouraging the rehabilitation of existing buildings and structures which will be used for a purpose compatible with the surrounding area.

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

#### **6.3.18 Building Permits**

In accordance with the provisions of Section 8 of the *Ontario Building Code Act, R.S.O. 1992*, as amended, it is a policy of this Plan that building permits will not be issued where the proposed construction does not conform to the provisions of the Zoning By-law.

#### **6.3.19 Zoning By-Law**

6.3.19.1 It is a policy of this Plan that the Zoning By-law shall conform to the policies of this Official Plan. Following adoption of this Plan and its subsequent approval by the Ministry of Municipal Affairs and Housing, the Zoning By-law shall be brought into conformity with the policies of this Plan. This may be accomplished through the Zoning By-law Amendment process or through a comprehensive update of the municipality's existing Zoning By-law.

#### **6.3.20 Economic Development**

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

6.3.20.2 Goals and Objectives

**Goal:** To sustain the strengths of the existing economic base and to broaden the Township's employment opportunities.

**Objectives:**

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

6.3.20.3 In addition to specific land use policies elsewhere in this Plan, Council will undertake several measures to sustain, strengthen and diversify the economic base including:

- Providing a policy framework which facilitates the planning and delivery of municipal services necessary for the development or redevelopment of lands for commercial, industrial and other employment generating activities.
- Expediting planning and other approvals necessary at the Township level to permit the development of lands or construction of new buildings associated with economic development.
- Supporting community improvement programs.
- Encouraging and facilitating employment in the construction industry through expediting the approvals of plans of subdivision, encouraging the rehabilitation of heritage buildings, encouraging the retrofit of the existing building stock and by encouraging the recycling of funds in the Financial Help for Home Repairs program provided by the Canadian Mortgage and Housing Corporation or any subsequent, similar program.
- Encouraging an “Open for Business” philosophy towards economic opportunities in the design of municipal by-laws regulating and licensing businesses.
- Encouraging the development of home based businesses.
- On-going development of the industrial park.
- 

**6.3.21 Home Based Business**

6.3.21.1 Home based businesses are permitted in all areas where residential uses are permitted subject to the provisions of the implementing Zoning By-law and other by-laws established by Council as well as the principles set out herein. Permitted uses shall include, but are not limited to professional, administrative and consulting services, office uses, computer technology uses, instructional services, distribution sales offices and, arts and crafts. Home based businesses shall be:

- clearly accessory, secondary, incidental and subordinate to the permitted residential use;
- compatible with surrounding residential and/or non-residential uses;
- regulated by Council through provisions contained within zoning by-laws.

6.3.21.2 Home based businesses of a commercial/ industrial nature, such as a carpentry shop, tinsmith shop, welding shop etc., may be permitted as an accessory use to a principal residential use. Council shall however restrict these types of home based businesses to specific sectors outside the settlement areas through the Zoning By-law.

### **6.3.22 Brownfield Redevelopment**

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

6.3.22.2 From an economic perspective, brownfields can result in reduced property values, economic activity and employment. Vacant and underutilized properties in serviced urban areas represent an opportunity to increase development densities. From an environmental perspective, brownfields can present a threat to ecological and human health and safety. From a social perspective, the existence of brownfields can lead to neighbourhood deterioration, threats to personal safety and security, and reduced quality of life.

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

6.3.22.4 Accordingly the Township shall identify and promote opportunities for intensification and redevelopment of Brownfield industrial sites. Private sector investment in the re-use and/or redevelopment of underutilized and/or abandoned Brownfield industrial lands will be encouraged through the use of Community Improvement as described in section 6.3.17 and the related financial tools including property tax and building permit fee incentives.

### **6.3.23 Social and Cultural Policies**

6.3.23.1 Council will provide for affordable housing by enabling a full range of housing types and densities to meet projected demographic and market requirements of current and future residents of the Township by:

- Monitoring the need for social assisted housing for households and seniors. Where specific needs are identified, Council will work with the Ministry of Municipal Affairs and Housing and the Social Services Department of the United Counties of Leeds and Grenville to meet identified needs.
- Encouraging infill and housing intensification. This may be achieved through the conversion of single detached dwellings to multiple units, through re-development at higher densities, through land severances on large under-utilized lots which create opportunities for development on the severed lot (subject to the relevant policies elsewhere in this plan) and through infill on vacant lands.
- Ensuring a minimum 10-year supply of residential land at all times.
- Working with the development industry to ensure that a 3-year minimum supply of registered or draft approved lots and blocks for new residential development is available at all times.
- Monitoring population projections and the residential development targets.
- Making provision for alternative housing types such as accessory dwelling units.
- Encouraging cost-effective development standards and densities for new residential development to reduce the cost of housing.

6.3.23.2 Council shall require a minimum of 25% of all new housing units to be “affordable” as defined by the Provincial Policy Statement, 2005.

#### **6.3.24 Conversion of Public Buildings**

6.3.24.1 Public holdings which are no longer required for their original purpose such as schools, churches and community centres may be converted to alternative uses subject to a zoning by-law amendment and where applicable, site plan control. Such conversions may occur without the need for amendment to this Plan.

#### **6.3.25 Group Homes**

6.3.25.1 A group home is defined as a single housekeeping unit in a residential dwelling, which is registered with the municipality, in which 3 to 10 residents (excluding supervisory or operating staff) live together under responsible supervision consistent with the requirements of its residents. The home is licensed or approved under provincial statute and is in compliance with municipal by-laws.

6.3.25.2 A group home shall be permitted in all land use designations which permit residential uses.

6.3.25.3 A group home shall be permitted in a single detached dwelling or a semi-detached or duplex dwelling provided that both units are occupied by one group home operation and that the total number of residents does not exceed ten (10).

6.3.25.4 An accessory dwelling unit or a garden suite shall not be permitted on the same lot as a licensed group home.

### **6.3.26 Heritage Conservation**

The Township is home to both built and natural heritage sites such as the Gallop Canal and the Limerick Forest in addition to area of importance to First Nation peoples. These existing and as yet identified heritage sites can be found throughout the Township and as such these policies apply in all land use designations. The Township shall provide for the conservation, retention and enhancement of significant heritage buildings, ruins, districts, landscapes, and archaeological features of the townships villages and hamlets.

6.3.26.1 The municipality will cooperate with the Ministry of Culture to maintain a cultural heritage resource database resulting in the registration of significant heritage buildings, heritage districts, cultural heritage landscapes, archaeological sites, and archaeological potential areas located within the Township. The following resource policies of this plan shall apply when:

- conserving heritage buildings, cultural heritage landscapes and archaeological resources
- conserving and mitigating impacts to all significant cultural heritage resources, when undertaking public works;
- respecting the heritage resources identified, recognized or designated by federal and provincial agencies;
- when reviewing development application which require Planning Act approvals to ensure that existing or potential heritage sites can be conserved and or protected.

6.3.26.2 The Township, in consultation with the Ministry of Tourism and Culture, may by by-law:

- designate properties to be of cultural heritage value or interest;
- define the municipality, or any area or areas within the municipality as an area to be examined for designation as a heritage conservation district: and
- designate the municipality, or any area or areas within the municipality, as a heritage conservation district

6.3.26.3 The Township may seek the establishment of a Municipal Heritage Committee (MHC) pursuant to Section 28 of the Ontario Heritage Act to advise and assist Council on matters related to Parts IV and V of the Act

6.3.26.4 Council may permit development and site alteration on adjacent lands located to protected heritage property where the proposed development and site alteration has

- been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.
- 6.3.26.5 A heritage impact assessment may be required for development proposals adjacent to any identified cultural heritage resource to determine that there are not adverse impacts to the resource resulting from development proposals. Mitigative measures and/or alternative development approaches may be required for the conservation of heritage attributes of a protected heritage property.
- 6.3.26.6 The Ontario Heritage Act may be utilized to conserve, protect and enhance any significant cultural heritage resources located within the Township.
- 6.3.26.7 Council will take necessary measures to ensure that it has accurate and adequate architectural, structural and economic information to determine the feasibility of rehabilitation and adaptive re-use versus demolition when considering demolition applications of designated heritage properties.

### **6.3.27 Archaeological Resources**

- 6.3.27.1 The Township recognizes that there are many archaeological remains of prehistoric and historic habitation and areas containing archaeological potential within the Township. The Township aims to protect and conserve all archaeological resources within its jurisdiction.
- 6.3.27.2 Any alterations to known archaeological sites shall only be performed by licensed archaeologists, as per Section 48 of the Ontario Heritage Act
- 6.3.27.3 Council shall obtain updated archaeological site mapping from the Ministry of Culture under the provisions of a municipal-provincial data sharing agreement, and update this database as new archaeological sites are identified from land development and on the Provincial archaeological sites database. Council may undertake the preparation of an Archaeological or Cultural Heritage Master Plan with the assistance of the Ministry of Culture.
- 6.3.27.4 Areas of archaeological potential are determined through the use of provincial screening criteria, or criteria developed based on the known archaeological record within the Township. Such criteria include features such as proximity to water, current or ancient shorelines, rolling topography, unusual landforms, and any locally known significant heritage areas such as portage routes or other places of past human settlement. All lands within 300 metres of any shoreline and/or area of archaeological potential are subject to a Phase I Archaeological Review prepared by a licensed archaeologist in addition to areas where the application of the provincial screening criteria determines that archaeological potential exists. Subject to the review of the Phase I study the applicant may be requested to undertake further investigations if it is recommended in the Phase 1 report.

- 6.3.27.5 Council may consider archaeological preservation in situ, to ensure that the integrity of the resource is maintained. The heritage integrity of archaeological resources can be preserved by adopting Archaeological Zoning by-laws under section 34 of the Planning Act, to prohibit any land use activities or the erection of buildings or structures on land which is a site of a significant archaeological resource.
- 6.3.27.6 Council shall consult appropriate government agencies, including the Ministry of Culture and the Ministry of Consumer and Business Services (MCBS), when an identified human cemetery, marked or unmarked human burial is affected by land use development. The provisions under the Heritage Act and the Cemeteries Act shall apply.
- 6.3.27.7 The Township shall consult with the Algonquins of Ontario for Environmental Impact Studies or Archaeological Studies related to proposed developments where the site meets any one of the following criteria:
- Is in an area of Algonquin interest;
  - Is in an area of Native Values;
  - Is in an area that has been identified as having the potential for aboriginal artefacts to be encountered.

The Algonquins of Ontario shall also be consulted prior to the approval of any site specific Official Plan Amendment where a Stage 2 Archaeological Assessment has shown the potential for aboriginal artefacts to be encountered.

## **7.0 ADMINISTRATION OF THE OFFICIAL PLAN**

---

### **7.1 AMENDMENTS TO THIS OFFICIAL PLAN**

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

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

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

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

### **7.2 CONSULTATION**

Council shall undertake a community consultation program for all amendments to and reviews of the Plan. The consultation process shall include timely provision of adequate information as well as opportunities for members of the public to discuss this information with Township' staff and to present views to Council.

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

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

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

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

## **7.4 LAND USE DESIGNATION BOUNDARIES**

The boundaries of the land use designations established by this Plan and as shown on the attached Schedules are intended to be approximate and shall be considered as absolute only where they coincide with roads, railway lines, rivers, lot lines shown in an implementing Zoning By-law, or other clearly defined physical feature.

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

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

## **7.5 REFERENCES TO STATUTES**

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

### **7.5.1 References To Ministries And Review Agencies**

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

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

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

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