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## PART 1

### BASIS OF THE PLAN

#### 1.1 **FOREWORD**

The Official Plan provides a policy framework intended primarily to manage and direct physical development and its effects on the social, economic and natural environment of Loyalist Township until the year 2036. It concentrates on physical planning.

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

#### 1.2 **PURPOSE**

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

- is a consolidation, blending, and update to the Official Plans for the former Townships of Amherst Island, the Village of Bath, and the Township of Ernestown,
- reflects local initiatives and circumstances unique to Loyalist Township as a whole and of specific areas within the Township in particular, and
- updates current policies and designations to be consistent with the Provincial Policy Statement (PPS) and be in conformity with the Official Plan for the County of Lennox and Addington.

Although the policies adopted are to guide changes in the physical structure of the Township, such changes should be in harmony with social needs, economic needs, municipal financial capabilities, environmental considerations and the management of natural resources. The Official Plan, therefore, contains much more than a set of land use controls.

#### 1.3 **APPLICATION AND SCOPE OF THE PLAN**

The policies contained in this Plan are the minimum requirements designed to secure the health, safety, convenience or welfare of the inhabitants of Loyalist Township. The Official Plan policies primarily reflect minimum standards as per the Provincial Policy Statement, 2020, however, in certain circumstances where it has been deemed warranted, the Official Plan may go beyond the Provincial Policy Statement's minimum standards.

In accordance with the Planning Act, an Official Plan shall contain:

- a) goals, objectives and policies established primarily to manage and direct physical change and the effects on the social, economic, built and natural environment of the municipality or part of it;
- b) such policies and measures as are practicable to ensure the adequate provision of affordable housing; and
- c) a description of the measures and procedures for informing and obtaining the views of the public in respect of proposed official plan amendments or revisions to this Plan as well as proposed zoning by-laws, proposed plans of subdivision, consents and such other matters as may be described.

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

The Official Plan does not, in itself, control or regulate the development of land by private interests. The Plan provides a basis for the passing of municipal by-laws, including the Zoning By-law, and the administration and evaluation of planning applications. In accordance with the Planning Act, with an Official Plan in effect, there shall be no public works undertaken (unless exempted under the Planning Act) and no by-law shall be passed for any purpose that does not conform therewith.

The Official Plan is Loyalist Township's principal planning document and focuses on land use matters. However, because land uses directly affect municipal infrastructure, the Plan also forms the basis and influences other general policies and matters such as:

- a) the provision of services in an efficient, consistent, and comprehensive manner;
- b) the long-term planning and management of the Township's financial resources;
- c) the development of economic strategies;
- d) the implementation of senior government programs;
- e) the encouragement of a productive and cohesive working relationship with the City of Kingston, Town of Greater Napanee, Township of Stone Mills, Township of South Frontenac and the County of Lennox and Addington with respect to area wide land use issues; and
- f) the development of strong, livable and healthy communities that promote and enhance human health and social well-being, are economically and environmentally sound, and are resilient to climate change.

Where there is a conflict between the County of Lennox and Addington Official Plan and the Township's Official Plan, the County Plan shall prevail to the extent of the conflict, provided that a local Official Plan or zoning by-law may contain more restrictive provisions to development and the Township plan or by-law shall prevail to the extent of such conflict.

## **1.4 APPROACH**

The approach used in the preparation and revisions to this Plan was one of:

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

## **1.5 COMMUNITY STRATEGY**

### **1.5.1 The Community**

Loyalist Township came into existence January 1<sup>st</sup> of 1998 as a result of the amalgamation of Township of Amherst Island, Village of Bath, and Ernestown Township.

The Township is evolving. Once a sparsely populated rural municipality with several small centres of population, Loyalist Township is now home to over 17,000 people. Its rural and agricultural roots are deep and remain strong. Loyalist Township now encompasses a variety of communities including:

- Amherstview with an approximate population of 7,950;
- Bath (formerly the Village of Bath);
- Amherst Island;
- Odessa;
- hamlets of Millhaven, Morven, Stella, Violet, and Wilton;
- agricultural community;
- rural and rural residential communities which have arisen;
- the industrial and institutional areas along Lake Ontario west of Parrott's

Bay to County Road No. 4 (formerly Highway 133) and on to the former eastern boundary of the former Village of Bath in Lot 14, Concession 1; and

- the aggregate extraction and cement manufacturing area in Lots 1 to 8, Concession 1 encompassing both parts of both the former Village of Bath and Ernestown Township.

Each of these areas and others not specifically mentioned are unique. Combined, they provide a rich and diverse community fabric. It is the intention of this Plan to recognize this diversity and richness of the Township, as well as to enhance the quality of life while bearing in mind environmental, resource, and economic forces.

## **1.6 USERS**

The Plan will be used:

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

## **1.7 COMPOSITION**

The Official Plan comprises the entire area within the corporate limits of Loyalist Township.

## **1.8 STATUS**

This Plan has been prepared and adopted in accordance with and pursuant to the Planning Act (R.S.O., c.P.13, as amended from time to time). This provides, among other things, that all public works and by-laws conform to the Official Plan.

## **1.9 REVIEW AND AMENDMENT**

The Official Plan will be reviewed at regular intervals to reflect the changing needs.

Particular attention will be paid to providing more comprehensive policies, where deemed necessary by changing circumstances or additional information. Furthermore, new issues will prompt future reconsideration of the policies adopted in this Plan.

Amendments to the Official Plan may be instigated by Council, either on its own initiative or at the request of property owners, other levels of government, private or public corporations and organizations. After consultation with affected agencies and the public, amendments may be adopted by Council. Amendments are then subject to the approval process under Section 17 of the Planning Act.

Council will conduct a review and revise the Plan, in accordance with section 26(1) of the Planning Act, not less frequently than every five (5) years or every 10 years after a new Official Plan comes into effect.

#### **1.10 TIME PERIOD**

This Plan is established for a planning period to the year 2036.

## **PART 2**

### **PRINCIPLES AND ASSUMPTIONS**

#### **2.1 PRINCIPLES**

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

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

- 2.1.1** Ensure that new development takes place in accordance with accepted environmental, planning, resource management, and engineering practices.
- 2.1.2** Identify growth areas and provide a development strategy to ensure that settlement needs of the population are met.
- 2.1.3** Outline land use policies which ensure the maximum long term economic benefit and wise utilization of resources.
- 2.1.4** Delineate the requisite transportation system and development policies affecting it.
- 2.1.5** Outline significant natural features/areas, and environmentally sensitive areas and specify appropriate policies vis-a-vis their relationship, settlement patterns and resource protection.
- 2.1.6** Establish policies to allow for rehabilitation and ongoing community improvements where conditions warrant.
- 2.1.7** Provide for appropriate buffering between incompatible land uses.
- 2.1.8** Combine the above elements in a way which provides for a land use pattern which permits the evolution of land use change in an orderly manner consistent with community aspirations.
- 2.1.9** Address climate change challenges, such as heavy rains and prolonged droughts, through the protection of natural Township features that promote greenhouse gas reduction (for example existing wetlands, significant woodlands), and through best practices in the asset management planning, and the design and provision of public infrastructure. The Township will take a leadership role and encourage the community to consider climate change in their decisions.



## 2.2 **ASSUMPTIONS**

The underlying assumptions inherent in this Plan are based on a background study designed to give a broad overview of existing conditions and information regarding specific issues and concerns.

### 2.2.1 **Premises**

Given past trends, current development pressures, desire to protect the environment, and likely direction of future growth and land use change, certain assumptions have been established. The following premises are basic to this Plan:

- 221.1** The existing land use pattern has evolved slowly over a long period of time and is based on historical, economic and social development patterns applicable to the Township.
- 221.2** It is not the intent of this Plan to alter or redirect the established development patterns without good cause. The intent is to provide a planning environment in which anticipated change takes place in an orderly manner, subject to public scrutiny so as to best determine and safeguard the public interest.
- 221.3** There is a strong historical character to the Township and there are features worthy of historic preservation.
- 221.4** Provision is made for a range of lifestyles by allowing for a variety of land use opportunities, bearing in mind the physical limitation of the land, environmental constraints and opportunities, economic climate, servicing, and transportation requirements.
- 221.5** Population growth is based predominantly on previous trends and allowing for continued out-commuting of workers.
- 221.6** The predominant means of lot creation has been through the plan of subdivision as opposed to the consent process. Future residential development will be promoted by development of existing lots of record, registered plans of subdivision, ~~limited farm severances~~, and limited non- farm residential severances.
- 221.7** Some areas in Loyalist Township contain Class 1, 2, and 3 soils under the Canada Land Inventory of Soil Capability for Agriculture. Where these soils are within large contiguous blocks, they are considered as agricultural areas. Although Class 1, 2, and 3 soils are protected from uses incompatible with agriculture, this Plan accepts that as the agriculture industry evolves, the current amount of cultivated land may shrink. Nevertheless, lands with high agricultural capabilities are protected for long term availability.
- 221.8** The wise utilization of natural resources for agriculture, forestry,

aggregate, environmental protection, and recreational uses will be encouraged on land best suited for those purposes.

- 221.9** Amherst Island has seen a significant historical decline in agricultural activity and in population. Only since 1980 has population begun to increase due primarily to building activity along the shoreline. It is assumed there will be continued interest in shoreline development as a result of the Island's character being an attractive feature.
- 221.10** Transportation to and from the Island is provided by a ferry. The limited capacity of the ferry is a significant factor limiting the types and amount of development.
- 221.11** The majority of vacant land designated for future residential development is controlled by a small number of corporations.
- 221.12** Future residential growth, particularly non-farm residential uses, are encouraged to develop within those areas capable of sustaining such growth as a logical extension to existing development in existing settlement areas, where services are already available or can be easily extended thereby enhancing community structure while deriving maximum economic use of existing infrastructure and minimizing potential conflicts with non-residential land uses. Development in the rural area is also permitted, where appropriate.
- 221.13** The Township is serviced by a relatively well-defined road transportation system to serve existing land uses and provide connections to areas outside the municipality. However, further growth will require transportation improvements and expansion to the system.
- 221.14** Although historically single detached dwellings have been the predominant form of housing, there are demands for varying forms of housing and tenure to address affordability and changing demographic conditions.
- 221.15** Rehabilitation work will continue to be carried out within the various areas of the Township both by private and public interests.
- 221.16** Generally, the lands in Lots 14 to 29 of Concession 1 will be developed for industrial and major institutional uses such as penal institutions. The lands in Lots 1 to 8 of Concession 1 will continue to be used for extractive industrial purposes, and should not be converted to other uses, industrial or otherwise, without an amendment to this Plan.
- 221.17** Loyalist Township will continue to work in a constructive and cooperative spirit with its municipal neighbours in areas where a land use concern transcends a municipal boundary.
- 221.18** Lands with environmental hazards and/or physical limitations such as poor drainage, organic soils, flood susceptibility, erosion and steep

slopes are recognized and appropriately designated in order to protect and conserve the natural and man-made environment.

**221.19** Technological changes are unlikely to alter the present modes of transportation and servicing over the planning period.

**221.20** Technological change, particularly as it applies to servicing and transportation, will be monitored and, if necessary, the Plan will be amended to reflect the changed realities.

**221.21** Climate change impacts will need to be responded to through actions that mitigate and adapt to climate change.

**2.2.2** This Plan is also based on input from the public and various local and provincial government agencies solicited at various stages of Plan preparation.

**2.2.3** The Plan reflects interpretations and decisions made by Council based on the background information, local knowledge, and public input.

**2.2.4** The ultimate responsibility for the policies contained herein rests with the Township Council.

## PART 3

### GOALS AND OBJECTIVES

#### 3.1 INTRODUCTION

The goals and objectives of this Plan build on the community strategy and planning principles and are intended to complement the policies of this Plan by providing a framework for realizing the community strategy to the year 2036. The goals, as much as possible, reflect the present and future needs of the Township. A "goal" may be defined as a desired state which reflects the long term purpose of the Plan and which is related to a major area of concern. An "objective" is a short range step towards a goal. An objective is concrete, realistic, action-oriented and attainable within a short period of time. The achievement of an objective should move the goal closer to realization.

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

This Plan recognizes the benefits of the ecosystem approach to planning and includes policies intended to integrate environmental, economic, and social considerations in a balanced, manner while setting aside sufficient lands to accommodate a **2036** population of 20,398 people, which is 4,177 people greater than 2011.

Council recognizes thirteen (13) principal policy areas, listed in no order of importance. These are:

1. municipal cooperation, consultation and coordination with surrounding municipalities, Indigenous communities, and the Province of Ontario;
2. the Township's economic and financial well-being;
3. protection of the environment and environmentally sensitive areas such as Bayview Bog, Parrott's Bay, McIntyre Swamp, Wemp's Bay Marsh, Nut Island Hunt Club Marsh, Long Point Marsh (Big Marsh), Millhaven Creek which includes Mud Lake, and the Bay of Quinte watershed, as well as the need to address climate change from adaption and mitigation perspectives;
4. management of resources;
5. the settlement needs of existing and future residents;
6. the community improvement and revitalization of existing communities in a planned and fiscally responsible manner;

7. provision of services;
8. provision of all forms of transportation, including encouraging freight-intensive land uses to areas well served by highways, major and rural arterial roads, urban arterial roads and rail facilities;
9. the community, cultural, and recreational needs of the residents;
10. design of attractive, healthy and active neighbourhoods;
11. promoting renewable energy and energy conservation;
12. enhancing the role of tourism in the Township's economy.
13. implementation measures needed to carry out the intent of this Plan.

For each of these principal areas of concern, the goals and objectives are described below.

## **3.2 COOPERATION AND COORDINATION GOAL**

To promote long-lasting cooperation, coordination and consultation of Township actions with Indigenous communities and surrounding municipalities. Moreover, the Township will build constructive, cooperative relationships through meaningful engagement with Indigenous communities and coordinate to facilitate Traditional Indigenous Knowledge sharing in land use planning processes. The Township shall also engage with Indigenous communities and coordinate on land use planning matters as they pertain to Indigenous rights, the Duty to Consult, and Free Prior and Informed Consent.

The Township recognizes that Indigenous communities are limited in terms of resources and capacity and therefore shall ensure the Duty to Consult is upheld and provide notification to Indigenous communities at the earliest possible stage of the planning process for development projects and municipal land use planning documents to ensure that concerns or impacts to the Indigenous community can be solved efficiently and strategically.

### **3.2.1 Cooperation and Coordination Objectives**

- 3.2.1.1** To investigate and promote joint activities with Indigenous communities and abutting municipalities where there is a mutual interest, and it is economical and appropriate to do so.
- 3.2.1.2** To investigate joint ventures or partnerships with Indigenous communities other municipalities, government agencies or the private sector to ensure maximum benefit is derived by Township taxpayers in the provision of physical and social services.

- 3.2.1.3** The Township will build ongoing relationships through facilitated engagement with Indigenous communities.
- 3.2.1.4** The Township will engage with Indigenous communities to allow for the sharing of knowledge with Indigenous Traditional Knowledge Holders and Elders to learn about traditional land-use histories, culture, values, and life-styles for the purposes of informing decisions related to land development, planning, management, protection of resources, cultural heritage, and archaeological sites.

### **3.3 ECONOMIC AND FINANCIAL GOAL**

This plan is intended to contribute to the economic, social, environmental and financial health of the Township through policies which promote and support economic growth and development while committing to the best value for money for the community. This includes sound asset management policies and practices which ensure the best possible decisions are made regarding the building, operating, maintaining, renewing, replacing and disposing of infrastructure assets. The objective is to maximize benefits, manage risk, and provide satisfactory levels of service to the public in a sustainable manner.

This plan together with Township policies and procedures shall ensure the fair and equitable distribution of property taxes, user rates and other fees and charges to all residents while encouraging and promoting economic development within the Township where appropriate. Leveraging all possible forms of revenue generation including federal and provincial grants is critical to the long-term financial sustainability of the Township. Growth related infrastructure shall be funded by development charges, impost fees and other growth related revenue sources.

#### **3.3.1 Economic and Financial Objectives**

- 3.3.1.1** To promote the growth and development of the Township in a manner which is orderly, efficient, and consistent with the financial ability to absorb new growth and development.
- 3.3.1.2** To undertake the provision of necessary information and related services to assist and encourage businesses to locate in Loyalist Township.
- 3.3.1.3** To promote opportunities for new and innovative forms of business and commercial development in the Township to meet the diverse needs of consumers, while maintaining and strengthening the overall commercial structure of the Township, including appropriate planned functions of existing commercial uses.
- 3.3.1.4** To seek funding alternatives to supplement the property tax base and other traditional funding sources.

**3.3.1.5** To monitor the fiscal impacts of growth and development and require that new development pay its fair share of growth-related costs.

**3.3.1.6** To encourage the development of future employment generating uses such as service industries, commercial, and industrial uses at locations compatible with the surrounding area and where they can be adequately serviced, as a means of diversifying the municipal tax base, and establishing local employment opportunities.

#### **3.4 ENVIRONMENTAL AND CLIMATE CHANGE GOAL**

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

##### **3.4.1 Environmental and Climate Change Objectives**

**3.4.1.1** To promote an ecosystem approach as an integral component of the land use planning process in order to ensure that growth and development are sustainable.

**3.4.1.2** To encourage development to locate in areas which will not conflict with environmental land use priorities.

**3.4.1.3** To protect unique natural features and connections between them. Such features include provincially significant wetlands, locally significant wetlands, significant ANSIs, lands adjacent to waterbodies, significant wooded areas and valley lands, dynamic beaches, areas of significant wildlife habitat, fish habitat and endangered and threatened species habitat by encouraging appropriate forms of land use which maintain the unique natural features.

**3.4.1.4** Participate in watershed and subwatershed studies, natural heritage studies/ strategies and, once they have been completed, implement the relevant land use and resource management findings by amendment to this Plan if necessary.

**3.4.1.5** The Township shall protect, improve or restore the quality and quantity of water by:

- a) using the watershed as the ecologically meaningful scale for integrated and long-term planning, which can be a foundation for considering cumulative impacts of development;
- b) minimizing potential negative impacts, including cross- jurisdictional and cross-watershed impacts;
- c) evaluating and preparing for the impacts of a changing climate to

- water resource systems at the watershed level;
- d) identifying water resource systems consisting of ground water features, hydrologic functions, natural heritage features and areas, and surface water features including shoreline areas, which are necessary for the ecological and hydrological integrity of the watershed;
- e) maintaining linkages and related functions among ground water features, hydrologic functions, natural heritage features and areas, and surface water features including shoreline areas;
- f) implementing necessary restrictions on development and site alteration to:
  1. protect all municipal drinking water supplies, particularly Intake Protection Zones and designated vulnerable areas; and
  2. protect, improve or restore vulnerable surface and ground water, sensitive surface water features and sensitive ground water features, and their hydrologic functions;
- g) planning for efficient and sustainable use of water resources, through practices for water conservation and sustaining water quality;
- h) ensuring consideration of environmental lake capacity, where applicable; and
- i) ensuring stormwater management practices minimize stormwater volumes and contaminant loads, and maintain or increase the extent of vegetative and pervious surfaces.

**3.4.1.6** To specify appropriate “adjacent lands” policies to provide for the maintenance and protection of the features and areas identified.

**3.4.1.7** To identify and protect sensitive groundwater recharge and discharge areas, aquifers, and headwaters, so that there is sufficient quantity and quality of water to meet existing and future uses on a sustainable basis.

**3.4.1.8** To direct development away from areas having inherent environmental hazard such as flood susceptibility, erosion, steep slopes, or other physical condition which, under certain conditions, could endanger human life and property.

**3.4.1.9** To encourage the correction of existing, and the prevention of potential, sources of pollution of water, land and air in conjunction with other levels of government and by applying acceptable standards as established by appropriate government agencies.

**3.4.1.10** To prohibit or manage the placing or dumping of fill or the alteration of the grade of land in Loyalist Township by adhering to Loyalist Township By-law 2003-22, as updated, provincial excess fill regulations and Conservation Authority regulations.

**3.4.1.11** To plan for the creation, maintenance, and enhancement of linear or open space systems, such as the waterfront trail, along waterbodies.



**3.4.1.12** To mitigate and adapt to the effects of Climate Change, such as flooding and droughts, by promoting sustainable land use development patterns and infrastructure resiliency, as well as protecting natural heritage features and making efforts to reduce green house gas emissions.

**3.4.1.13** To ensure that, through redevelopment, existing and potential sources of pollution including contaminated soil are corrected and brought into compliance with acceptable standards by the Ministry of Environment, Conservation and Parks.

### **3.5 RESOURCE MANAGEMENT GOAL**

To optimize the use of the Township's natural resources through management based on sound economic, social and environmental guidelines.

#### **3.5.1 Resource Management Objectives**

**3.5.1.1** To recognize areas with high potential for agriculture, aggregates, forestry, and recreation.

**3.5.1.2** To strengthen the agricultural function through land use policies which promote on farm diversified uses, agricultural-related uses and local food production as well as to protect farmlands from incompatible uses and from the fragmentation of ownership of the land base into uneconomic units.

**3.5.1.3** To recognize existing aggregate operations and protect areas of high quality aggregates from incompatible land uses.

**3.5.1.4** To require all extraction and processing operations to be located and operated in such a way as to minimize their impact on the natural and built environments and require pit and quarry operators to undertake a program of rehabilitation compatible with the long-term uses permitted by this Plan.

**3.5.1.5** To preserve and enhance the quality and quantity of open space and recreational opportunities in the Township in cooperation with the Conservation Authority and other agencies having an interest.

### **3.6 GROWTH MANAGEMENT GOAL**

To provide for a variety of communities which satisfy people's settlement needs consistent with sound planning practice and provide for a range of housing types which are accessible, affordable, and appropriate to the needs of the residents while minimizing the costs of providing the requisite services.

### **3.6.1 Growth Management Objectives**

- 3.6.1.1** To accommodate the population and growth forecasts to 2036.
- 3.6.1.2** To promote the growth and development of the Township at suitable locations in a planned orderly manner consistent with the Township's ability to absorb such development. Development shall proceed according to the policies of Section 4 of this Plan (Growth Management). Council will, generally, direct focus development to the urban settlement areas where full municipal services are available.
- 3.6.1.3** To focus residential intensification and infilling to the urban settlement areas of Amherstview, Bath and Odessa.
- 3.6.1.4** To encourage, in fully serviced areas, compact energy efficient use of land through more appropriate urban forms of residential development.
- 3.6.1.5** To encourage a diversity of residential types, mix of land uses and densities at appropriate locations to satisfy social and economic needs of the population, that will ultimately minimize the negative impacts to air quality and climate change.
- 3.6.1.6** To recognize existing neighbourhoods and protect them from incompatible development or redevelopment.
- 3.6.1.7** To ensure compatibility between new development and existing built-up areas.
- 3.6.1.8** To encourage an orderly pattern of development whereby new development represents a logical extension of, and is well integrated with, the general building form, scale and profile of adjacent uses.
- 3.6.1.9** To identify existing neighbourhoods which may be undergoing fundamental change and which may be considered in a state of transition and develop policies to guide the transition in a manner consistent with the goals and objectives of this Plan.
- 3.6.1.10** To identify newly developing neighbourhoods in areas which are largely undeveloped or underutilized and for which a Secondary Plan should be required prior to subdivision approvals.
- 3.6.1.11** To encourage the creation of “complete communities” in the design of new neighbourhoods.

### **3.7 COMMUNITY IMPROVEMENT GOAL**

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

#### **3.7.1 Community Improvement Objectives**

- 3.7.1.1** To encourage participation in programs for the improvement, rehabilitation and renewal of existing residential, commercial, industrial, agricultural and heritage structures, municipal infrastructure, community services and facilities.
- 3.7.1.2** To implement community improvement in a planned and coordinated manner which:
  - stimulates economic development, and
  - responds to local priorities and financial resources, so as to optimize the results to be achieved through capital expenditures.
- 3.7.1.3** To promote the rehabilitation and restoration of the existing building stock by, among other means, participation, where feasible and appropriate, in Federal and/or Provincial housing initiatives and in the rehabilitation of existing housing and other public buildings.
- 3.7.1.4** To identify those deficiencies in the public infrastructure which represent realistic, and attainable opportunities for community improvement.
- 3.7.1.5** To maintain and improve the quality of the physical environment by upgrading standards related to, and the availability of, municipal services.
- 3.7.1.6** To provide a safe and healthy community for both residents and visitors, by providing an appropriate level of recreational and social facilities, at appropriate locations, and ensuring that municipal services such as roads and sidewalks are sufficient to ensure the safety and welfare of local residents and tourists.
- 3.7.1.7** To encourage the development or reuse of vacant lands or buildings to accommodate activities of value or benefit to the community, including facilitating the reuse and redevelopment of brownfield sites.

### **3.8 SERVICING GOAL**

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

#### **3.8.1 Servicing Objectives**

- 3.8.1.1** To ensure that all development in areas presently capable of being serviced and in the logical path of future municipal service extensions, proceeds based on municipally owned and maintained piped water supply and sanitary sewage facilities.
- 3.8.1.2** To ensure new development is consistent with the Provincial Policy Statement.
- 3.8.1.3** To encourage orderly, contiguous development which supports the efficient utilization and logical extension of municipal services, promotes infrastructure resiliency to mitigate the effects of Climate Change, while minimizing long term costs to the Township.
- 3.8.1.4** To ensure that where large scale development is proposed, overall servicing, stormwater management, and transportation studies are prepared and submitted to the satisfaction of the Township and relevant approved agencies prior to proceeding with development approvals. The above noted studies may also be required for small-scale developments if deemed appropriate.
- 3.8.1.5** To promote stormwater and climate change Low Impact Development (LID) and other innovative approaches.
- 3.8.1.6** To consider the use of communal water and/or sewage systems in those areas where there is a health concern for existing residents and private servicing is shown to be ineffective and where these would not conflict with the long term expansion of existing urban services from existing serviced areas.
- 3.8.1.7** To ensure that development servicing satisfies the requirements of the Health Unit, the municipality and other agencies where development is serviced by individual systems.
- 3.8.1.8** To encourage the planned compatible development of utility corridors in a manner which minimizes the disruption of both the natural and manmade environment.
- 3.8.1.9** To promote waste management initiatives which support the principles of waste reduction, re-use, and recycling.

### **3.9 TRANSPORTATION GOAL**

To promote the continued development of a safe integrated and efficient transportation system which consists of a network of roads; peopleways for walking and bicycling; transit; ferry and rail system; all intended to provide for the movement of people and goods consistent with the economic function of the area and the needs of the residents of the Township in coordination with adjacent communities.

Early consultation with the Ministry of Transportation is encouraged to ensure the integration of municipal planning initiatives with provincial transportation planning for any proposed development adjacent to/in the vicinity of provincial and county highway.

#### **3.9.1 Transportation Objectives**

- 3.9.1.1** To develop a transportation network consistent with identified demands at the Township and County levels while minimizing the time, distance and costs involved in the movement of people and goods.
- 3.9.1.2** To enhance accessibility to future industrial and commercial areas while preventing and/or mitigating traffic conflicts between residential and non- residential land uses.
- 3.9.1.3** To allow for new right-of-ways for new roads, future road widenings, grade separations at railway crossings, and setbacks appropriate for the identified function of the roads.
- 3.9.1.4** To minimize disruption and safety concerns to neighbourhoods by minimizing through traffic in residential areas.
- 3.9.1.5** To seek the cooperation of the Province of Ontario in expansion, improvement, and financing of the ferry linkage to Amherst Island along with the associated infrastructure.
- 3.9.1.6** To ensure adequate parking through the ongoing development of off and on street parking and encouraging onsite parking when new development occurs.
- 3.9.1.7** To ensure that transportation facilities are planned and developed with minimum environmental and community disruption.
- 3.9.1.8** To promote the development of peopleways which allow for the movement of people within the Township or to abutting municipalities by active transportation such as walking and bicycling, in addition to automotive travel and transit.
- 3.9.1.9** To ensure that future development in the Township occurs only along publicly maintained roads.

### **3.10 COMMUNITY, CULTURAL, AND RECREATION GOAL**

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

#### **3.10.1 Community, Cultural, and Recreation Objectives**

- 3.10.1.1** To meaningfully engage with Indigenous communities, other agencies and levels of government in the provision of educational, cultural, recreational, protection, emergency management, environmental, health and social welfare facilities and services in response to the needs of the Township.
- 3.10.1.2** To support and encourage the provision of more accommodative housing for people with disabilities.
- 3.10.1.3** To ensure passive and active recreation facilities are provided in areas of population concentration consistent with the needs of the residents.
- 3.10.1.4** To encourage the development, in conjunction with other municipalities and agencies, of a waterfront trail and linear open space systems along waterbodies.
- 3.10.1.5** To grow and enhance the Township's community identity by promoting its natural and cultural heritage features and through providing active and safe public spaces as well as exceptional recreational opportunities that appeal to all ages and skill levels.
- 3.10.1.6** To encourage and foster public awareness, participation, and involvement in the conservation of cultural heritage resources.
- 3.10.1.7** To promote the use of environmentally sensitive areas and associated open space elements for passive recreation and educational purposes.
- 3.10.1.8** To recognize, preserve and enhance the natural and cultural heritage of the Township including the built environment, the archaeological record and notable landscape elements that are present throughout the Township.
- 3.10.1.9** To continue beautification efforts in the Township's parks and streetscapes to enhance their overall appearance and create focal points in the community.
- 3.10.1.10** To accommodate and maintain the system of publicly accessible parks, nature trails, and other green spaces to increase contact

with the natural environment.

### **3.11 DESIGN OF ATTRACTIVE AND HEALTHY NEIGHBOURHOOD GOALS**

To promote excellence and innovation in urban and environmental design.

#### **3.11.1 Implementation Objectives**

- 3.11.1.1** Implementing a tree planting program consistent with any approved municipal forestry, and/or streetscape policy;
- 3.11.1.2** Promoting active transportation principles, including a road system which accommodates the needs of pedestrians and cyclists as well as the requirement of motorists, with due regard for the design of the streetscape and pedestrian safety; and
- 3.11.1.3** Adopting urban design policies and establishing and encouraging adherence to general design guidelines which are sensitive to and scaled to the natural and built environment and which are supportive of the goals and objectives of the plan; and;
- 3.11.1.4** Promoting urban agriculture, healthy and local food access in walkable distances in settlement areas.

### **3.12 RENEWABLE ENERGY AND ENERGY CONSERVATION GOAL**

To promote the generation and use of energy from renewable resources to accommodate current and projected needs, and to promote energy conservation.

#### **3.12.1 Renewable Energy and Energy Conservation Objectives**

- 3.12.1.1** To promote the development of domestic-scale and commercial-scale renewable energy systems such as wind, solar and biomass.
- 3.12.1.2** To ensure that renewable energy systems are appropriate in type and scale to their locations, impacts on the natural environment, surrounding land uses and residents are minimized, and they do not impact the logical future expansion of Township settlement areas and infrastructure.
- 3.12.1.3** To encourage energy-conscious building and site design in conjunction with site-specific assessment of micro-climate conditions.
- 3.12.1.4** To encourage the siting and orientation of buildings to maximize solar gain and minimize heat loss.

- 3.12.1.5** To encourage landscaping which is designed and maintained to support energy conservation through such means as location, spacing, and species selection.
- 3.12.1.6** To consider opportunities for the development of bicycle paths and pedestrian access systems in the context of preparation and review of public works, community improvement, public transit and private development initiatives.
- 3.12.1.7** To promote green building practices in the construction of new municipal buildings and the renovation of existing municipal buildings for energy conservation and to assist in climate change adaption.

### **3.13 TOURISM GOAL**

Tourism has the potential to make a significant contribution to the Township economy. Tourism opportunities arise from the Township's strength of history, architecture and ecological importance, and its proximity to Lake Ontario. As well, the Township is well positioned to take advantage of tourist traffic occurring along the Loyalist Parkway (Highway 33) and Highway 401. It is a goal of this Plan to enhance tourism's role in the Township's economy as an employment opportunity and income source.

#### **3.13.1 Tourism Objectives**

- 3.13.1.1** To ~~coöperate~~ meaningfully engage with Indigenous communities, other agencies, groups and levels of government to promote tourism opportunities.
- 3.13.1.2** To ensure that tourism development occurs in a sustainable manner, compatible with surrounding land uses and respecting the natural environment.
- 3.13.1.3** To encourage traffic on the Loyalist Parkway (Highway 33) and Highway 401 to visit the area.
- 3.13.1.4** To recognize, preserve and enhance structures and sites of historical and/or architectural value in order to maintain the heritage of the people and the Township.
- 3.13.1.5** To promote a variety of tourism opportunities, including but not limited to:
  - 3.13.1.5.1** the Township's history as a destination for United Empire Loyalists, and its role in the War of 1812;



- 3.13.1.5.2** agri-tourism, to promote locally grown and/or produced and agricultural products;
- 3.13.1.5.3** eco-tourism, for example bird-watching on Amherst Island; marine tourism;
- 3.13.1.5.4** hiking, cycling, cross-country skiing, and such initiatives as the Waterfront Trail, Amherst Island Trail, and County Trails;
- 3.13.1.5.5** the rich and diverse architectural inventory of the Township;
- 3.13.1.5.6** cultural events such as music festivals and art shows.

### **3.14 IMPLEMENTATION GOAL**

To develop a program to facilitate the coordinated implementation of this Plan.

#### **3.14.1 Implementation Objectives**

- 3.14.1.1** To implement the Plan through the use of powers conferred upon the Township under the Planning Act, the Municipal Act, the Building Code Act, the Aggregate Resources Act, the Development Charges Act, the Local Improvement Act, and other applicable legislation.
- 3.14.1.2** To monitor residential growth relative to the economic development of the Township.
- 3.14.1.3** To implement the Plan by updating the comprehensive restricted area (zoning) by-law and other appropriate by-laws.
- 3.14.1.4** To participate in other government programs which comply with this Plan and are appropriate to and benefit the residents of Loyalist Township.
- 3.14.1.5** To integrate asset management and long term financial planning with this Plan to ensure a coordinated approach to making sound financial and business decisions for all residents while promoting growth and development .
- 3.14.1.6** To explore all possible revenue sources available to the Township; capital funding is critical given the Township's significant infrastructure deficit, and to match appropriate revenue sources, such as development charges and impost fees, to growth related infrastructure. To ensure the fair and equitable distribution of user rates, property taxes, fees and charges to taxpayers, rate payers,

and the community.

- 3.14.1.7** To prepare subwatershed plans for the urban areas in order to facilitate the coordinated implementation of environmental goals and objectives as part of the land development process.

## PART 4

### GROWTH MANAGEMENT

#### 4.1 INTRODUCTION

Settlement area land use patterns will be based on densities and a mix of land uses that efficiently use land and resources, infrastructure and public service facilities and avoid the need for their unjustified and/or uneconomical expansion, minimize negative impacts to air quality and climate change, promote energy efficiency, support active transportation, transit and the efficient movement of goods, as well as prepare for the impacts of a changing climate. This Official Plan accommodates residential, industrial, and commercial development. Growth is balanced with protection of the environment and of areas with resource potential.

#### 4.2 POLICIES

**4.2.1** The following population and employment forecasts will be used for land use planning and decision making related to hard and soft services:

Year: 2036

Population: 20,398 (4,177 increase from 2011)

Employment: 3,515 (720 increase from 2011)

**4.2.2** The population forecasts noted in 4.2.1 above shall not prevent the development of a Secondary Plan for the Amherstview West Area to accommodate a growth forecast to 2046.

**4.2.3** The Township has established a minimum residential intensification target of 10% for Amherstview and 20% for Odessa and Bath.

**4.2.4** Council envisages that:

- a) The majority of residential growth will take place as an expansion to existing serviced urban areas within Loyalist Township, that is, within the settlement areas of Amherstview, Bath, and Odessa;
- b) The rural settlement pattern will contain very limited residential development;
- c) Appropriate amounts of residential growth by consent in the hamlets of Millhaven, Morven, Stella, Violet, and Wilton Individual on-site sewage services and individual on-site water services may be used for infilling and minor rounding out of existing development.
- d) Industrial development is directed to the Loyalist East Business Park which has water, sanitary and storm-water services, and Taylor Kidd

Industrial Complex where municipal water services and individual on-site sewer services may be established provided the proposed development represents the minor rounding out of development within the broader settlement area (municipal or communal sewage services may also be extended into this area provided feasibility and cost effectiveness is demonstrated).

- e) Areas of environmental sensitivity are protected from incompatible activities while being integrated with the Township and Conservation Authority open space systems, as well as local land trusts;
- f) Opportunities are created for the development of an integrated pedestrian, vehicular, and bicycle system; and
- g) Resource areas with agricultural and aggregate potential are identified and protected from incompatible uses.

**4.2.5** The Township will provide for a range of uses and opportunities for intensification and redevelopment where it can be accommodated within existing settlement areas, and where there is the availability of suitable or planned infrastructure and public services.

**4.2.6** The Township will encourage intensification and redevelopment through the development of vacant or underutilized land, or through the redevelopment of existing buildings. Consideration will also be given to compatibility with surrounding properties, specifically:

- The provision of sufficient parking
- The protection of natural and cultural heritage features
- The availability of suitable or planned infrastructure and public services
- The suitability of building type, lot size, building height and exterior design

**4.2.7** The Township will promote design and orientation which:

- a) maximizes energy efficiency and conservation, and considers the mitigating effects of vegetation;
- b) maximizes opportunities for the use of renewable energy systems and alternative energy systems; and
- c) maximizes vegetation within settlement areas, where feasible.

**4.2.8** Additional opportunities for intensification will be provided through supporting policies for garden suites in accordance with Section 7.3.2 and additional dwelling units in accordance with Section 7.3.3.

**4.2.9** The Township will maintain an inventory of vacant sites suitable for infilling and other forms of intensification.

**4.2.10** The Township will monitor the targets identified in 4.2.3 to ensure the policies and programs put in place to support intensification are effective.

## **PART 5**

### **LAND USE POLICIES**

#### **5.1 INTRODUCTION**

The land use policies and schedules are the key to carrying out the Township strategy, and carrying out the basic aims expressed in the goals and objectives.

The Schedules to this Plan establish, in general terms, the intended pattern of development by dividing the Township into land use categories.

Several kinds of policies are advanced. Where policies express the Township's attitude about a land use, expressions such as "may", "endorse", "encourage", "ensure", or "monitor" are used. Some of the policies express a requirement of the Township in which case the words "shall" or "will" are most often used.

#### **5.2 ENVIRONMENTAL POLICIES**

##### **5.2.1 General Principles**

A natural heritage strategy encompasses an integrated landscape approach to identification, protection, and rehabilitation of natural areas in a planning region.

Natural Heritage Systems are made up of natural features and areas (the most important of which are usually called 'cores'), linked by natural corridors and restored linkages necessary to maintain biological and geological diversity, natural functions, viable populations of indigenous species, and ecosystems. These ecological systems also function to help protect water resources, and to provide for flood damage reduction and the conservation of soil. It is the objective of this Plan that the diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and groundwater features.

The Environmental Protection Area designation applies to lands that play an important role in the conservation of the natural heritage system of the Township and surrounding region. These are lands that contain endangered or threatened species habitat, significant wetlands, significant coastal wetlands, provincially significant and regionally significant Areas of Natural Scientific Interest (ANSIs), and particular conservation lands.

An Environmentally Sensitive Areas overlay identifies lands where development and site alteration shall not be permitted unless it has been demonstrated that there will be no negative impacts on the natural features

or on their ecological function. These areas should be conserved in the long term. These areas include lands designated Environmental Protection, significant woodlands, significant valleylands, unevaluated or non-significant wetlands; groundwater/recharge discharge areas, significant wildlife habitat, fish habitat, and locally significant wetlands, as well as lands within 120 metres of a provincially significant wetland, significant and regional ANSIs (life science), significant valleylands, significant woodlands, significant wildlife habitat, groundwater recharge/discharge areas or fish habitat, and lands within 50 metres of a significant and regional earth science ANSI, as well as 30 metres of an evaluated locally significant wetland. Linkages and corridors are also included in the Environmentally Sensitive Area overlay. Fish habitat and habitat of endangered species and threatened species are identified as Environmentally Sensitive Areas, and development and site alteration shall not be permitted within these habitats except in accordance with provincial and federal requirements. These features and areas are to be conserved over the long term.

Components of the natural heritage system are placed in the Environmental Protection Area designation or the Environmentally Sensitive Area overlay depending on the level of protection given to them.

The Plan also contains environmental policies specific to Natural Hazard Areas, such as flooding, erosion, dynamic beaches, unstable soils, unstable bedrock, and wildland fire.

Since lands may be subject to more than one aspect of the environmental policies, this section, and all other relevant policies, should be read in its entirety.

## **5.2.2 Environmental Protection Areas**

The Environmental Protection designation is shown on Schedules A, C, D and E. Lands within the Environmental Protection designation include:

- provincially significant Areas of Natural and Scientific Interest;
- regionally significant Areas of Natural and Scientific Interest;
- significant wetlands;
- significant coastal wetlands
- habitat of endangered or threatened species;
- conservation lands owned by Loyalist Township, Conservation Authorities and land trusts such as The Rideau and the Nature Conservancy of Canada.

### **5.2.2.1 Permitted Uses**

Permitted uses in the Environmental Protection designation are those which enable the preservation and conservation of the natural

environment. Uses such as existing agricultural operations, passive outdoor recreation (exclusive of golf courses), forestry, and conservation are permitted. Structural development related to the supply of water for human or wildlife communities or flood control structures may also be permitted. Infrastructure shall, wherever possible, be located outside lands designated Environmental Protection.

#### **5.2.2.2 Policies**

- a) Development and site alteration are not permitted on the lands within the Environmental Protection designation unless otherwise indicated in Section 5.2.2.2.
- b) The Township, in conjunction with the Conservation Authority and the Ministry of Natural Resources, will work towards the identification of natural heritage features. Many features have been identified in the *Central Cataraqui Region Natural Heritage Study (2006)*, and will be further delineated when the County of Lennox and Addington completes its Natural Heritage Study. As any new natural heritage information becomes available, this Official Plan will be amended accordingly.
- c) Council will encourage retention of lands in the Environmental Protection designation in a natural state.
- d) Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.
- e) Development and site alterations are not permitted in significant wetlands and significant coastal wetlands.
- f) Development and site alteration shall not be permitted in Significant and regional areas of natural and scientific interest; unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.
- g) Development on lands adjacent to natural heritage features may be permitted in accordance with the Environmental Sensitive Area policies in Section 5.2.3
- h) The boundaries of the Environmental Protection designation are approximate. For interpretation of the extent and exact location of the boundaries of Environmental Protection Lands, the best available data should be referred to or a site-specific survey should be carried out. Technical input should be received from the Ministry of Natural Resources and Forestry or the Conservation



## Authority.

Minor alterations to the boundaries shown on the land use schedule resulting from more detailed information or mapping will not require an amendment to this Plan provided the general intent of the Plan is maintained.

Where significant changes to the designations on the land use schedule occur, or where new Environmental Protection areas are identified, such changes will be incorporated into this Plan and implementing zoning by-law.

Setbacks from natural heritage features and areas are established based on the recommendations of an approved Environmental Impact Assessment or any other technical study that may be required (e.g. floodplain analysis, geotechnical study, etc.) and will be implemented through the zoning by-law in consultation with the Ministry of Natural Resources and Forestry, or the Cataraqui and Quinte Region Conservation Authority, as appropriate.

- i) Council, on its own or in conjunction with the a Conservation Authority, Land Trusts, or other conservation organizations, will seek to acquire and manage Environmental Protection lands as part of the development approvals process or through acquisition.

Where any land designated as Environmental Protection is under private ownership, this Plan does not intend that this land will necessarily remain as such indefinitely, nor shall it be construed as implying that such lands are free and open to the general public or that the land will be purchased by the Township or other public agency.

Council has identified certain Environmental Protection lands as a priority for acquisition, as described in Section 10.15. The Township encourages the cooperation through partnerships, trusts and environmental easements, the preservation, acquisition and protection of such lands for ecological purposes. However, there is no public obligation either to redesignate or to purchase land if it includes a natural heritage feature that this Plan intends be conserved.

- j) Applications to re-designate lands within the Environmental Protection designation must be accompanied by an Environmental Impact Assessment (EIA). The EIA must be deemed satisfactory by the Conservation Authority, where the

Conservation Authority is the peer reviewer of such studies, and the Township, as well as by the Ministry of Natural Resources and Forestry for any evaluation or boundary changes for wetlands, ANSIs, or for habitat of endangered species and threatened species.

The purpose of an EIA is to:

- Collect and evaluate the appropriate information in order to have a complete understanding of the boundaries, attributes and functions of natural heritage features and associated ecological and hydrological functions that exist;
- Determine whether there are any additional natural heritage features on lands and adjacent lands; and,
- Make an informed decision as to whether or not the proposed development and/or site alteration will have a negative impact on the natural heritage features and their ecological functions.

Sample Terms of Reference for Environmental Impact Assessments are found in Appendix 1 of this Plan.

- k) Council may, as an alternative, require a scoped Environmental Impact Assessment, or waive the requirement for a study on the impact of development on an Environmentally Protection Area where the Conservation Authority or appropriate provincial ministry deem that such a study is not necessary.
- l) Setbacks from natural heritage features and areas are established based on the recommendations of an approved Environmental Impact Assessment or any other technical study that may be required (e.g. floodplain analysis, geotechnical study, etc.) and will be implemented through the zoning by-law in consultation with the Ministry of Natural Resources and Forestry, or the Conservation Authority, as appropriate.
- m) The use of Environmental Protection lands for stormwater management is prohibited.
- n) When proposals to construct transportation, communication, sanitation and other such public utilities and/or facilities in Environmental Protection Areas are being considered under the provisions of the Environmental Assessment Act, the Ontario Energy Board Act and other applicable legislation, the approval

authorities shall have regard to the policies of this Official Plan and the Provincial Policy Statement to determine what measures are to be taken to minimize negative impacts on the natural features or their ecological functions.

- o) Applications for development on existing lots of record will be considered in light of the goals, objectives and policies of this Plan, the comments of the appropriate approvals agencies, and the policies in Section 10.
- p) Land severances which have the effect of fragmenting the ownership of Environmental Protection Areas will be discouraged.
- q) Environmental Protection Areas shall not be acceptable as part of the dedication for park purposes under the Planning Act.
- r) All lands dedicated to the Township shall be conveyed in a physical condition satisfactory to the Municipality. Where lands adjacent to a watercourse are dedicated to the Township, adequate space for maintenance operations shall be provided.

#### **5.2.2.3 Implementation**

The Environmental Protection Area designations on Schedule A will be used as a general guide in preparing zoning by-law provisions. Environmental Protection Areas will be placed in a separate category in the implementing Zoning By-law.

#### **5.2.3 Environmentally Sensitive Areas**

Environmentally Sensitive Areas are shown on Schedules B, C1, D1 and E1 as an environmentally sensitive overlay and Environmentally Sensitive Areas include:

- lands designated Environmental Protection on Schedules A, C, D and E
- significant woodlands
- significant valleylands
- unevaluated or non-significant wetlands
- groundwater recharge/discharge areas
- fish habitat
- significant wildlife habitat
- evaluated locally significant wetland
- adjacent lands within 120 metres of:
  - provincially and regionally significant life science ANSIs
  - significant wetlands
  - significant woodlands
  - significant valleylands
  - significant wildlife habitat

- fish habitat
- habitat of endangered and threatened species
- groundwater recharge/discharge areas
- adjacent lands within 50 metres of provincially significant and regional earth science ANSIs
- adjacent lands within 30 metres of:
  - an evaluated locally significant wetland
- linkages and corridors

Lands designated Environmental Protection have been included within the Environmental Sensitive Area mapping in order to display a comprehensive natural heritage system, however Environmental Protection lands are subject to the policies in Section 5.2.2

Areas shown as an Environmentally Sensitive Area on Schedule B outside of Township limits are depicted for contextual reasons only for the purposes of understanding the extent of natural heritage features and systems and are not to be construed as an overlay applying to these areas.

#### **5.2.3.1 Permitted Uses**

Development and site alterations are not permitted on lands in the Environmentally Sensitive Area unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

#### **5.2.3.2 Policies**

- a) In the absence of more detailed mapping, the boundaries of the Environmentally Sensitive Areas, as shown on Schedules 'B', 'C1', 'D1', and 'E1' will be used as guides for the preparation of the Zoning By-law to implement this Plan. Minor alterations to the boundaries shown on Schedules 'B', 'C1', 'D1', and 'E1' resulting from more detailed information or mapping will not require an amendment to this Plan provided the general intent of the Plan is maintained. When more detailed mapping becomes available, the Township will amend this Plan and the implementing zoning by-law where required. Building setbacks will be imposed from the margins of Environmentally Sensitive Areas to the extent or severity of the sensitivity as established in an Environmental Impact Assessment prepared to the satisfaction of the Township and the Conservation Authority.
- b) In considering an application for the redesignation of Environmentally Sensitive Areas on Schedules 'B', 'C1', 'D1' and 'E1' for a land use different than what is shown on Schedules 'A', 'C', 'D' and 'E' Council, in conjunction with the appropriate agency, will require an Environmental Impact

Assessment or hydrogeological study to assess the impact of the proposed development on the Environmentally Sensitive Area. Sample Terms of Reference for Environmental Impact Assessments are found in Appendix 1 of this Plan.

Council has identified certain Environmentally Sensitive lands as a priority for acquisition, as described in Section 10.15. However, there is no public obligation either to redesignate or to purchase any land if there is an existing or potential environmental sensitivity that would be difficult or costly to overcome.

- c) Where lands designated Environmentally Sensitive are under private ownership, this Plan does not intend that these lands will necessarily remain as such indefinitely, nor shall it be construed as implying that such areas are free and open to the general public or that they will be purchased by the municipality or other public agency.
- d) An application for the re-designation of Environmentally Sensitive Areas on Schedule 'B' for a land use different than what is shown on Schedule "A" may be given due consideration by Loyalist Township after taking into account:
  - the existing environmental sensitivity;
  - the potential impact of the environmental sensitivity;
  - the potential impacts on the environmentally sensitive area;
  - the proposed methods by which these impacts may be overcome in a manner consistent with accepted environmental, planning, engineering and resource management practices.

There is no public obligation, however, either to re-designate or to purchase any land if there is an existing or potential environmental sensitivity that would be difficult or costly to overcome.

- e) In considering a development application within or near a groundwater/discharge area, Council in conjunction with the appropriate agency, will consider the need for a hydrogeological study to assess the impact of the proposed development on groundwater resources.

Development and site alteration shall not be permitted on lands within the Environmentally Sensitive Area overlay unless it has been demonstrated that there will be no negative impacts on the natural features or on their ecological function. Impact is typically demonstrated through the preparation of an Environmental

Impact Assessment (EIA). The EIA must be deemed satisfactory by the Township and the Conservation Authority.

A sample Terms of Reference for an Environmental Impact Assessment is included in Appendix 1 of this Plan.

- f) Council may, as an alternative, require a scoped Environmental Impact Assessment, or waive the requirement for a study on the impact of development on an Environmentally Sensitive Area where the Conservation Authority, where the Conservation Authority is the peer reviewer of such studies, or appropriate provincial ministry deem that such a study is not necessary.
- g) The use of Environmentally Sensitive Areas for stormwater management is discouraged but may be considered on a watershed basis as part of the watershed and master drainage planning process where approved by the Municipality and Conservation Authority. Such facilities will be considered a form of development and will be subject to this Plan's policies on the protection of significant features or areas.
- h) Where an Environmental Assessment of a proposal is required in accordance with the provisions of the Environmental Assessment Act, that assessment shall be considered as having fulfilled the requirements of policy (g) of this Subsection.
- i) Agricultural Activities, excluding new buildings or structures, are permitted in Environmentally Sensitive Areas without the need for an Environmental Impact Assessment.
- j) Environmentally Sensitive Areas may be acceptable as part of the park dedication under the Planning Act.
- k) Linkages and corridors are indicated on Schedules B, C1, D1 and E1. Linkages and corridors are critical components of a natural heritage system. Natural connections between core natural areas allow for movement/migration of wildlife, and genetic and community diversity. Development on land shown as linkages and corridors may require an Environmental Impact Assessment and/or dedication of land to the Township.
- l) Adjacent lands within 30 metres of fish habitat are encouraged to be maintained as a buffer with non-disturbance of soils and vegetation to be maintained in order to protect water quality. In addition, consideration (e.g. through an Environmental Impact Assessment if appropriate) of 120 metres of adjacent lands must occur for development or site alteration near fish habitat.

### **5.2.3.3 Wildlife Corridor**

A wildlife corridor with a width of 100 metres is shown conceptually on Schedule 'C'. No change to this Plan is required for any deviation in the wildlife corridor shown on Schedule 'C'.

The intent of the corridor is to provide a linkage between Parrott's Bay and Bayview Bog for wildlife.

When considering applications for development adjacent to or encompassing lands shown as Wildlife Corridor, the Township should take the development of this corridor into consideration.

### **5.2.3.4 Implementation**

Environmentally Sensitive Areas may be zoned in a separate category in the implementing Zoning By-law.

### **5.2.3.5 Environmentally Sensitive Special Policy Area**

The two areas shown as Special Policy Area 1 on Schedule D1 are subject to the following policies. Special Policy 1 lands have been assessed by a report prepared by Muncaster Environmental Planning dated May 15<sup>th</sup>, 2008 and has been deemed to be environmentally sensitive for significant woodland purposes. No development or change in land use in this area shall be considered without a detailed Environmental Impact Assessment completed to the satisfaction of the Township and the Conservation Authority.

## **5.2.4 Natural Hazard Areas**

Hazardous Lands include property or lands that could be unsafe for development due to naturally occurring processes such as flooding or erosion. Areas that may be subject to flooding hazards are shown as Natural Hazard Area on Schedule F. These lands may pose a potential risk for loss of life, property damage, and social disruption if developed.

Along the Lake Ontario shoreline, this means the land, including that covered by water, between the international boundary, where applicable, and the furthest landward limit of the *flooding hazard*, *erosion hazard* or *dynamic beach hazard* limits.

Along *river, stream and small inland lake systems*, this means the land, including that covered by water, to the furthest landward limit of the *flooding hazard* or *erosion hazard* limits.

Hazardous sites include property or lands that could be unsafe for

development and site alteration due to naturally occurring hazards. This includes unstable bedrock (karst topography).

#### **5.2.4.1 Policies**

- a) Council, in consultation with the Conservation Authority, will examine, from time to time, the need to upgrade and/or prepare mapping of Natural Hazards Hazard Areas. Periodic updates to floodplain mapping may be undertaken in consultation with the Conservation Authority and any other agency having jurisdiction without an amendment to this Plan. The Township shall consider the potential impacts of climate change that may increase the risk associated with natural hazards.
- b) Development shall generally be directed to areas outside of natural hazard lands.
- c) Development and site alteration shall not be permitted within:
  - i) The dynamic beach hazard;
  - ii) Areas that would be rendered inaccessible to people and vehicles during times of flooding hazards, erosion hazards and/or dynamic beach hazards, unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard; and
  - iii) Floodways, regardless of whether the area of inundation contains high points of land not subject to flooding.
- d) Development shall not be permitted to locate in hazardous lands and hazardous sites where the use is:
  - i) An institutional use including hospitals, long-term care homes, retirement homes, pre-schools, school nurseries, day cares and schools;
  - ii) An essential emergency service such as that provided by fire, police and ambulance stations and electrical substations; or
  - iii) Uses associated with the disposal, manufacture, treatment or storage of hazardous substances.



- e) Development proposals along waterbodies and watercourses are to take into consideration potential natural hazards. The Township, in consultation with the Conservation Authority, may require the submission of a technical study or studies to define the extent of natural hazards and to determine where development may be permitted. Such reports shall be to the satisfaction of the Township and the Conservation Authority. The technical study or studies may include:
- A technical slope stability report, prepared by a qualified professional engineer, to determine what ratio should be used for the stable slope allowance part of the erosion hazard equation, and to ensure that the property is suitable for development.
  - Geotechnical investigation reports required to determine site conditions (e.g. subsurface soil/rock, drainage etc.) may also include a component on slope stability and erosion/recession rates.
  - Erosion (recession) studies may also be requested to determine the average annual recession rate, which is a representative linear measurement of the annual change in the position, or retreat of, a shoreline.
  - A floodplain analysis report (requested when the elevation of the regulatory floodplain is unknown and development is proposed within 30 metres of a waterbody or watercourse, or where the topography suggests that a 30 metre setback may not be sufficient to ensure that development would not be subject to flooding hazards).
  - A wave uprush analysis (to re-evaluate the extent of the wave uprush limit).
- f) Development and site alteration may be permitted in those portions of hazardous lands and hazardous sites where the effects and the risk to public safety are minor, could be mitigated in accordance with provincial standards, and where all of the following are demonstrated and achieved:
- i) Development and site alteration is carried out in accordance with floodproofing standards, protections work standards, and access standards;
  - i) Vehicles and people have a way of safely entering and

exiting the area during times of flooding, erosion and other emergencies;

ii) New hazards are not created and existing hazards are not aggravated; and

iii) No adverse environmental impact will result.

g) Lands within and adjacent to lands subject to flooding hazards, erosion hazards and/or dynamic beach hazards are subject to a Regulation made pursuant to Section 28 of the Conservation Authority Act, which is administered by the Conservation Authority. While these lands and adjacent lands are designated for various land uses, no buildings or structures shall be constructed or enlarged without the written permission of the Conservation Authority in accordance with this Regulation.

### **5.2.5 Karst**

Karst topography describes the formations caused by a combination of physical erosion and chemical dissolution of rock by surface water or groundwater. It can lead to hazards including sink holes, fissure widening, bedrock collapse and preferential pathways to groundwater. Such features have the potential to adversely impact water supplies through reduced filtration and rapid transport of contaminants and may present a hazard to human health and safety.

Proponents of development may be required to prepare an aquifer vulnerability and karst assessment report to the satisfaction of the Township and applicable Conservation Authority to determine the presence of any hazard associated with unstable bedrock and any drinking water threat it may pose, and necessary mitigation measures. Such assessment report may be required for development in, for example:

- a) areas of known or inferred unstable bedrock, shown on Schedule 'F'; and,
- b) sites exhibiting any evidence of karst formations such as disappearing streams, sinkholes, caves and vertical fissures.

Karst topography identified on Schedule 'F' which is displayed outside of the Township boundaries are for illustrative purposes only. Schedule 'F' will be updated as further karst formations in the Township become known.

### **5.2.6 Wildland Fires**

Certain lands within the Township have been identified as areas that may be unsafe due to the presence of wildland fires. These are primarily forested areas which are composed of a certain type and condition of forest fuels.

- a) Development shall generally be directed to areas outside of lands that are unsafe for development due to the presence of *hazardous forest types for wildland fire*.
- b) Development may be permitted in lands within *hazardous forest types for wildland fire* where the risk is mitigated in accordance with *wildland fire assessment and mitigation standards*.
- c) The Township will use, as a screening tool, wildland fire hazard spatial data/mapping prepared by the Ministry of Natural Resources and Forestry.
- d) As part of a planning application, the applicant may be required to undertake a site review to assess (to the extent possible) the level of wildland fire hazard and associated risk on and in the vicinity of the subject lands. Applicants pursuing development in lands with hazardous forest types enabling high to extreme wildland fire behaviour will be required to identify measures to be taken to mitigate the risk.

### **5.2.7 Radon**

The geological make up of the Township makes land within the Township susceptible to the production of Radon. Radon is a colourless, odourless, tasteless gas that is formed naturally through the breakdown of uranium, and while usually dissipating into the air, the gas is a known carcinogen and can become problematic when it enters enclosed spaces such as basements. The Township will address these issues through soil gas mitigation programs in new construction where applicable under the Ontario Building Code.

### **5.2.8 Human-Made Hazards**

Human-Made Hazards identify lands which may be unsafe for development due to site alteration, contamination, development or practices resulting from human interaction. Such hazards include mine hazards, oil, gas and salt hazards, or former mineral aggregate resource mining sites.

## Development Policies

- a) Development on, abutting, or adjacent to lands affected by mine hazards; oil, gas and salt hazards, or former mineral mining operations, mineral aggregate operations or petroleum resource operations may be permitted only if rehabilitation or other measures to address and mitigate known suspected hazards are under way or have been completed as per the policies in Section 6.2.2
- b) Sites with contaminants in land or water shall be assessed and remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effects.

## **5.3 RESOURCE LANDS POLICIES**

### **5.3.1 General Principles**

The Township faces several dilemmas in setting priorities for land utilization. With a population which will continue to increase, land must be set aside for human activities. Human settlement, particularly for rural residential purposes, will constantly bring pressure to bear on resource land by taking food producing soil out of production or sterilizing areas of aggregate potential and possibly creating situations resulting in the side by side location of conflicting uses. For this reason, this Plan contains a number of Resource designations to protect agricultural lands and aggregate areas as well as a variety of designations where residential development is directed in order to avoid land use conflicts between incompatible uses.

Areas of known agricultural resource and existing pits and quarries are shown on Schedule "A" to this Plan. Areas of select bedrock (potential aggregates) are shown in Schedule "F". Policies affecting resource lands are as follows:

### **5.3.2 Prime Agricultural Area**

Prime Agricultural Areas are areas with a high potential for agricultural production as shown on Schedule "A" to this Plan.

It is the intent of this Plan to preserve prime agricultural areas to ensure its availability for food production on a long-term basis by protecting it from incompatible uses. The Provincial Policy Statement defines prime agricultural areas as areas where *prime agricultural lands* predominate, which includes *specialty crop areas* and/or land where Canada Land Inventory Class 1, 2, and 3 lands exist. Prime Agricultural Areas may also include:

- a) associated Canada Land Inventory Class 4 through 7 lands; and

- b) additional areas where there is a local concentration of farms which exhibit characteristics of ongoing viable agriculture.;

#### **5.3.2.1 Permitted Uses**

Uses permitted include:

- the use of land and associated buildings and structures for *agricultural uses* such as crop production, tree farms, maple syrup, animal husbandry, poultry operations, fruit production, greenhouses, apiaries, retail stands for the sale of agricultural products produced on the farm unit and the accommodation for full-time farm labour when the size and nature of the operation requires additional employment.
- *Agriculture-related uses* and *On-farm diversified uses* that are considered compatible and supportive to the principal agricultural use are also permitted.
- Subject to the policies contained herein, accessory farm-related residential uses, limited non-farm residential uses, home occupation, home industry, and wayside pits and quarries are permitted.
- Within the geographic area of Loyalist Township, estate wineries and cideries, farm wineries and cideries and small-scale micro-breweries are permitted in accordance with Section 5.3.2.4A.
- *Secondary units, secondary units* in a detached building or structure and garden suites are permitted in accordance with Sections 7.3.1, 7.3.2 and 7.3.3. *Secondary units* in a detached building or structure and garden suites shall conform to the *Minimum Distance Separation (MDS) Formula*.

#### **5.3.2.2 Agricultural Uses**

- a) In *Prime Agricultural Areas*, all types, sizes and intensities of *agricultural uses* and *normal farm practices* shall be promoted and protected in accordance with provincial standards.
- b) New livestock facilities and expansions to livestock facilities shall conform to the *Minimum Distance Separation(MDS) Formula*.

Council will continue to monitor provincial actions with respect to

legislation, regulations, and policy regarding intensive farm operations and will proceed diligently to update this Official Plan and any implementing by-laws as deemed appropriate by Council.

- c) The severing of farms to create new farm parcels may be permitted in accordance with Section 6.3.5. (r)
- d) Development in proximity to farm uses shall conform to the *Minimum Distance Separation (MDS) Formula*.
- e) Accommodation for full-time farm labour may be permitted in accordance with the following:
  - i) the size and nature of the operation requires additional employment on a year-round basis for the day-to-day operation of the farm or on a seasonal basis over an extended growing season;
  - ii) accommodation for full-time farm labour will be directed within the farm building cluster and if not possible, shall be placed on lower priority agricultural lands that comply with the *Minimum Distance Separation (MDS) Formula* and shall take as little land out of agricultural production as possible; and
  - iii) a secondary dwelling on a farm built for the purpose of accommodating a farm labourer shall not be severed from the farm unit.
- f) In cases where the agricultural use involves cannabis production and/or processing, the Township By-law may require buffering as defined in Section 10.22.12.

### **5.3.2.3 On-Farm Diversified Uses**

*On-farm diversified uses* that are secondary to the principle agricultural use of the property, are located on a property containing a farm operation and are limited in area may be permitted. Such uses could include home occupations, home industries, agri-tourism and recreation uses (e.g. corn maze, bed and breakfast, hay rides etc.), farm market and value-added uses (e.g. bakery, retail stands for the sale of agricultural products produced on the farm-unit), value added packing and processing operations.

- a) Proposed *on-farm diversified uses* shall be compatible with, and shall not hinder, surrounding agricultural operations. The general principles to be considered in the development of *on-farm diversified uses* are:

- i) no uses considered to be a health hazard under the Health Protection and Promotion Act shall be permitted;
- ii) requirements of the appropriate approval agency related to water supply, disposal of wastes and emissions including noise, dust and vibration are satisfied;
- iii) The physical structure of any new building should be in keeping with the scale and form of buildings in the agricultural area;
- iv) Where available, uses should be within existing agricultural buildings or structures no longer needed to support agricultural production;
- v) Signage and outside storage of goods or materials will be controlled so as to minimize the visual impact of such uses from adjacent roads and properties;
- vi) Other sources of conflict to surrounding agricultural operations will be considered, such as adverse traffic impacts.
- vii) *On-farm diversified uses* will be subject to site plan control, where warranted and as appropriate (e.g. for those areas requiring significant visitor parking etc.) in accordance with the policies of Section 10.10 (Site Plan Control).

#### **5.3.2.4 Agricultural-related Uses**

- a) Commercial and industrial uses are encouraged to locate in areas designated commercial or industrial so as to retain the integrity of Prime Agricultural lands Areas and to promote the continuation of viable centers.
- b) Farm-related commercial and industrial uses, compatible, supportive and related directly to agriculture may be permitted. These uses should be of a dry nature (consume small mounts of water). Uses permitted include home occupations (Section 7.3.4.1), home industries (Section 7.3.4.2), grain drying operations and farm equipment repair shops. Compatible uses also include forestry, passive outdoor recreation, conservation uses and woodlots. Cheese plants and abattoirs are encouraged to locate in designations other than the Prime Agricultural Area but may be allowed in a Prime Agricultural

Area designation if alternate locations are not available.

Uses that share some characteristics with *agricultural-related uses* but do not meet all the other criteria in Section 5.3.2.4 may qualify as an *on-farm diversified use* provided the criteria in Section 5.3.2.3 is met.

- c) *Agricultural-related uses* must be directly related to farms in the area, primarily providing products or services that are associated with, required by or that enhance agricultural operations in the local community.
- d) Severances for *agricultural-related uses* may only be permitted in accordance with Section 6.3.5.2 (r)
- e) The general principles to be considered in the development and zoning of *agricultural related uses* are:
  - i) the proposed *agriculture-related use* shall be compatible with, and shall not hinder, surrounding agricultural operations.
  - ii) no uses considered to be a health hazard under the Health Protection and Promotion Act shall be permitted;
  - iii) requirements of the appropriate approval agency related to water supply, disposal of wastes and emissions including noise, dust and vibration are satisfied;
  - iv) one residential unit may be permitted as an accessory use provided the residential use is located on the same lot as the commercial or industrial use and provided further that no future severance is permitted for the residential use. The proposed residential use must comply with the *Minimum Distance Separation (MDS) Formula*;
  - v) the physical structure of commercial buildings should be in keeping with the scale and form of buildings in the agricultural area;
  - vi) signage and outside storage of goods or materials will be controlled so as to minimize the visual impact of such uses from adjacent roads and properties;
  - vii) adequate buffering shall be provided to a sensitive use;
  - viii) other sources of conflict to surrounding agricultural operations will be considered, such as adverse traffic



impacts; and

- ix) The proposed use will be subject to Site Plan Control, where warranted and as appropriate (e.g. for those uses requiring significant visitor parking etc.) in accordance with Section 10.10 (Site Plan Control) of this Plan.

**5.3.2.4A Estate and Farm Wineries, Cideries and Small-Scale Micro- Breweries**

All estate wineries or cideries and farm wineries or cideries and micro-breweries shall be subject to the following policies:

- a) Wineries, cideries and small-scale micro-breweries that do not comply with the criteria in the *agricultural-related uses* definition but do comply with the criteria in the *on-farm diversified use* definition must still satisfy the below criteria and the provisions in Section 5.3.2.3.
- b) All wineries, cideries, small-scale micro-breweries and accessory uses to such are expected to rely solely on private water services and subsurface systems that meet the requirements of the agency having jurisdiction.
- c) A severance for the creation of a parcel for an estate winery/cidery, farm winery/cidery, or micro-brewery shall be not smaller than 40 hectares for lands designated Prime Agricultural Area, or smaller than 8 hectares for lands designated Rural.
- d) Farm wineries may be established on lots of record existing on September 1, 2007 where such parcels are not less than 3.2 hectares in size and which otherwise meet the requirements of the implementing Zoning By-law.
- e) Nothing within any policy shall be interpreted as permitting any special event that is not directly related to a winery, cidery or small-scale micro-brewery located on the site unless approved through an amendment to the Zoning By-law or a Temporary Use By-law. This policy applies to events, such as weddings and music or other festivals. Special events shall be secondary to an agricultural use, small scale and shall expressly not be permitted where in the opinion of the Council the event will create a nuisance, or be offensive or incompatible with surrounding uses.

- f) Estate Wineries and cideries may be permitted as an agricultural-related use, subject to the following policies:
- All estate wineries or cideries shall be subject to a site specific zoning by-law amendment.
  - Land that is arable for viticulture and/or the production of fruit crops shall be in full production.
  - Wines or ciders produced within an estate winery or cidery shall be made from locally grown fruit or juice.
  - The retail sale of wine or cider produced on site will be permitted. The implementing Zoning By-law will set out specific retail floor area provisions.
  - A hospitality room where wine or cider and limited complimentary food services up to 50 people is served and products are sold, as well as a farm market / fruit stand, are permitted as accessory uses to an estate winery or cidery.
  - A bed and breakfast establishment is allowed within the principal residence in accordance with the bed and breakfast policies in Section 7.3.4.1.
  - Small-scale restaurants may be permitted in the Rural and Prime Agriculture Area Designation where it is clearly demonstrated that such uses are only accessory to and complement the estate winery or cidery. These shall only be permitted on a case-by-case basis subject to the on-farm diversified use criteria in Section 5.3.2.3. A site-specific amendment to the Zoning By-law shall also be required.
  - Larger-scale agri-tourism uses accessory to estate wineries or cideries, such as banquet facilities, large restaurants, and accommodation facilities proposed in the Rural Area and Prime Agriculture Area designation will require an amendment to this Plan. Restaurants, banquet facilities and large scale tourism uses shall also require an amendment to this Plan and comply with the following criteria:
    - the proposed use complies with the minimum distance separation formulae;
    - there is an identified need within the planning

horizon for additional land to accommodate the proposed use; and

- alternative locations have been evaluated, and there are no reasonable alternative locations which avoid prime agricultural areas and there are no reasonable alternative locations in prime agricultural areas with lower priority agricultural lands.
  - Estate wineries or cideries shall be required to locate with direct access to a roadway with sufficient capacity to accommodate the anticipated traffic. A traffic study may be required as a condition of the development of the estate winery or cidery.
  - Winery or cidery buildings shall be clustered to minimize impacting land available for cultivation and should be set back sufficiently from a roadway in order to accommodate a suitable planting area to provide and maintain an agricultural setting.
  - Council shall require that a minimum of 4 hectares of the land that is arable for viticulture and/or the production of fruit crops be planted prior to the issuance of a building permit for the estate winery or cidery.
  - Accessory uses to a winery or cidery shall not detract from the principal agricultural use nor adversely affect surrounding land uses.
  - Estate wineries shall be subject to Site Plan Control and Site Plan Agreement Approval by the Township. The following matters must be addressed to the satisfaction of the Township:
    - Water supply and waste disposal;
    - Best practices for drainage and outlets for storm water run-off;
    - Entrances and exits to roads;
    - Off-street loading, parking spaces;
    - Outside storage;
    - Buffering/screening, landscaping;
    - Outdoor areas to be used by the public (e.g. patios).
- g) Farm Wineries and Cideries may be permitted as an agricultural-related use, subject to the following policies:

- i) The implementing Zoning By-law will establish zone provisions for the establishment of farm wineries or cideries.
- ii) Wines or ciders produced within a farm winery or cidery shall be made from fruit grown in the vineyard and/or fruit farm located on the same land as the farm winery or cidery as well as other lands considered part of the farmer's own farm operation.
- iii) A bed and breakfast establishment is allowed within the principle residence in accordance with the bed and breakfast policies in Section 7.3.4.1.
- iv) A hospitality room where wine or cider and limited complimentary food services up to 50 people is served and the retail sale of wine or cider produced on site may be permitted. The implementing Zoning By-law will set out specific retail floor area provisions.
- v) Winery or cidery buildings shall be clustered to minimize impacting land available for cultivation and should be set back sufficiently from a roadway in order to accommodate a suitable planting area to provide and maintain an agricultural setting.
- vi) Council shall require that a minimum of 2 hectares of the land that is arable for viticulture and/or the production of fruit crops be planted, prior to the issuance of a building permit for the farm winery or cidery.
- vii) Where a farm winery or cidery proposes to exceed 300 square metres of building area, it shall be subject to the provisions for an estate winery or cidery.
- viii) Farm wineries or cideries may be subject to Site Plan Control and Site Plan Agreement Approval by the Township. In these circumstances, the following matters must be addressed to the satisfaction of the Township:
  - Water supply and waste disposal;
  - Best practices for drainage and outlets for storm water run-off;
  - Entrances and exits to roads;
  - Off-street loading, parking spaces;
  - Outside storage;

- Buffering/screening, landscaping;
  - Outdoor areas to be used by the public (e.g. patios).
- ix) Restaurants, banquet facilities and large scale tourism uses -that are permitted by way of an amendment to this Plan shall be subject to Site Plan Control.
- h) Small Scale Micro-breweries

Small-scale micro-breweries may be permitted as an agricultural related use subject to the following policies:

- i) Small-scale micro-breweries where the grain and agricultural products are grown exclusively on site as a secondary use to the farming operation shall be subject to the applicable farm winery policies.
- ii) Small-scale micro-breweries where the grain and agricultural products are locally grown shall be subject to the applicable estate winery policies.
- iii) Small-scale micro-breweries over 300 square metres of building area will be subject to the applicable estate winery policies with the exception that the crops required shall be related to beer production.

Where the policy direction in this Plan regarding the requirement for locally grown fruit conflicts with Provincial regulations and/or policies as established by the Province or by any agency of the province such as the Liquor Control Board of Ontario then those regulations and/or policies shall prevail.

#### **5.3.2.4B Non-Farm Residential Uses**

- a) Non-farm residential development is discouraged on good agricultural land and is encouraged to locate in hamlets or other areas designated for such use.
- b) A single unit dwelling is permitted on an existing lot of record provided the following requirements are met:
  - i) such dwelling conforms to the Zoning By-law and *Minimum Distance Separation Formula*;

- ii) has an adequate supply of potable water;
  - iii) the lot was created in accordance with the provisions of the Planning Act; and
  - iv) the lot fronts onto an open, publicly maintained road.
- c) Home occupation uses, inclusive of bed and breakfast operations, are permitted as an accessory use to a permitted residential use provided the residential character of the dwelling house is retained.

#### **5.3.2.5 Conservation, Forestry, and Recreational Uses**

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

#### **5.3.2.6 Implementation**

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

### **5.3.3 Aggregate**

The Township recognizes the need to ensure a supply of aggregates for local, regional, and provincial needs at a reasonable cost for future development purposes while ensuring that environmental impacts have been addressed and that no segment of the municipality experiences unreasonable impacts resulting from aggregate extractions.

Areas with high aggregate potential where the establishment of aggregate uses may be appropriate are identified as Bedrock Resource areas on Schedule 'J' as a constraint overlay. These areas have a high potential for bedrock extraction and are protected for possible future extraction purposes.

Existing licenced aggregate operations (whether pit or quarry) are recognized on Schedule 'A' to this Plan and are designated Aggregate. New pit or quarry operations outside the Aggregate designation areas on Schedule 'A' shall be established by amendment to this Official Plan.

#### **5.3.3.1 Permitted Uses**

Within the Aggregate designation on Schedule 'A' the predominant use of lands shall be for the quarrying and extraction of gravel,

sand, stone, and other aggregates. Associated operations such as blasting, crushing, screening, washing, aggregate blending, aggregate storage, aggregate recycling (including asphalt and concrete), and associated buildings may be permitted provided these associated operations are compatible with other uses permitted by this Plan.

Development of Bedrock Resource areas on Schedule 'J' may be permitted in accordance with the underlying land use designation on Schedule "A" provided that no proposed use which would preclude the economical future use of these lands for mineral extraction is permitted.

Minor adjustments to the boundaries of areas shown on Schedule 'J' as Bedrock Resource, based on more detailed site evaluation, may be permitted without amendment to the Official Plan. These minor adjustments may include extensions into the identified "Area of Influence" for a constraint feature, subject to the conclusions of an appropriate study (as described in 5.3.3.2d).

**5.3.3.2 Application of Policies**

- a) Loyalist Township is designated under the Aggregate Resources Act. If the policies of this Plan and the terms of the Act and regulations treat the same subject matter differently, the Act and regulations shall take precedence.
- b) The establishment of wayside pits and quarries is permitted throughout the Township in accordance with the policies in Part 6 of this Plan.
- c) Areas of known high potential bedrock resources are based on the Ontario Aggregate Resources inventory and generally exclude the following features:

Item	Constraint Feature	Area of Influence
1.	Settlement Areas	500 metre Area of Influence
2.	Rural Clusters (groupings of 4-6 or more residential and other non-agricultural units)	500 metre Area of Influence

Within lands identified as Bedrock Resource on Schedule 'J' as Constraint Overlay as Bedrock Resource, a parcel may be severed by consent into a separate lot if the retained and severed parcels satisfy the underlying Official Plan and

Zoning By-law requirements and does not generate any land use compatibility constraints for a potential aggregate operation or licenced aggregate operation.

Schedule "J" depicts the above noted constraints by identifying Constraint Area Overlays, which include the use of two different colours along the frontage of all lots (i.e. "red" along the frontage identifies those lots that are not constrained by a rural cluster and would therefore be a Bedrock Study Area and subject to Section 5.3.3.2 (d), whereas "blue" along the frontage identifies those lots that are included in a rural cluster and are not subject to Section 5.3.3.2(d).

- d) In cases where a proposed development is not exempt in accordance with 5.3.3.2(c), a mineral aggregate resources study / assessment is required in support of an application for development on lands that have been identified as Bedrock Resource and adjacent lands on Schedule 'J'. The Township may waive the requirement for a study / assessment based on consideration of the following factors:
- i) The nature and location of other non-aggregate resource uses in the area and their potential impact on the feasibility of establishing a mineral aggregate operation on the subject lands and adjacent lands;
  - ii) The nature and location of the potential land uses in the area based on the land use policies of this Official Plan and zoning bylaw, particularly if the land uses have yet to be established;
  - iii) The nature of the road network in the area and its ability to potentially accommodate mineral aggregate operations in the future;
  - iv) The configuration of the parcels of land in the area and whether the parcels are large enough and of a shape that would support mineral aggregate operations;
  - v) The depth of the overburden on the subject lands and on adjacent lands, and whether the depth precludes the economical extraction of the mineral aggregate resources;
  - vi) The nature and potential impact of the natural heritage features and areas in the immediate area on the potential for mineral aggregate operations in the area in the future;
  - vii) The nature and location of any sensitive surface water



and ground water features in the area and its impact on mineral aggregate operations;

viii) The quality of the mineral aggregate resource on the subject lands and in the immediate area; and,

ix) The presence of significant built heritage resources, protected heritage properties, significant cultural heritage landscapes and significant archaeological resources on the subject lands or in the immediate area.

e) The development and/or expansion of an agricultural use, an agricultural related use and an on-farm diversified use is permitted on lands identified on Schedule J Constraint Overlay as Bedrock Resource.

#### **5.3.3.3 Existing Aggregate Operations**

- a) Existing licensed pits, quarries, and concrete manufacturing operations designated as Aggregate on Schedule "A" to this Plan are permitted to continue and the licensed area shall be zoned to permit the existing use.
- b) Existing owners and/or operators shall deposit the site plan information under the Aggregate Resources Act with the Township in order to properly delimit each site in the Township's implementing Zoning By-law.
- c) The limits of lands designated as Aggregate on Schedule "A" are defined as the limit of the lands zoned for extraction and/or for which a license has been issued under the Aggregate Resources Act. Expansion of an existing Aggregate operation beyond the lands so zoned and/or licenced will require an amendment to the Official Plan and Zoning By-law.

#### **5.3.3.4 New Aggregate Operations**

- a) Areas of Bedrock Resource have been outlined on Schedule "J" to this Plan. Proposals to establish new pit or quarry operations should be located within the area shown as Bedrock Resource. New operations outside Bedrock Resource areas will be considered and will be subject to the requirements of the Aggregate Resources Act and policies of this Plan.
- b) The identification of lands as Bedrock Resource area on Schedule "J" does not entitle the owner of such lands to

make use of the land for extraction purposes other than as a legal wayside pit or wayside quarry unless an Official Plan amendment has been obtained that places the lands within the Aggregate designation on Schedule "A".

- c) Although it is the intention of this Plan to protect the potential for mineral aggregate extraction within lands shown as Bedrock Resource on Schedule "J", Council, after consultation with the appropriate agencies and an aggregate feasibility study, may permit, within or adjacent to such areas, development and activities which would preclude or hinder the establishment of new operations or access to the resource if:
- 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;
  - extraction can occur with or prior to the development of the land; or
  - the proposed land use or development would not significantly preclude or hinder future extraction.

#### **5.3.3.5 Official Plan and Zoning By-law Amendments**

In considering amendments to the Official Plan and/or Zoning By-law to establish or expand a mineral aggregate operation, the evaluation will be premised on the fact that notwithstanding the need for aggregate resources, it is essential to ensure that aggregate operations are carried out with minimal adverse impact. Applications shall be supported by studies that are based on predictable, measurable, objective effects on people and the environment. Such studies will be based on Provincial Standards, regulations and guidelines, where they exist and will consider and identify methods of addressing the anticipated impacts in the area affected by the mineral aggregate operation.

- a) All applications shall be supported by information that addresses:
- i) The natural heritage features and areas and ecological functions on the site and within 120 metres;

- ii) Nearby communities, residences and businesses;
  - iii) Agricultural resources and activities;
  - iv) The quality and quantity of groundwater and surface water;
  - v) The significant built heritage resources, protected heritage properties, significant cultural heritage landscapes and significant archaeological resources on the site and in the area;
  - vi) The groundwater recharge and discharge functions on the site and within 500 metres;
  - vii) Surface water features in the area; and,
  - viii) Nearby wells used for drinking water purposes.
- ix) The effect of the additional truck traffic on the ability of an existing haul route to function as a safe and efficient haul route considering among other matters the following:
- The types of operations proposed
  - Current road standards and an assessment of the proposed haul route relative to those standards
  - Anticipated type of truck traffic; and
  - Increases in background traffic levels together with the current levels of truck traffic and other traffic;
- x) The suitability of any new haul route. New mineral aggregate operations are encouraged on established haul routes. If a new haul route is proposed, it shall only be approved if it has been demonstrated that:
- The new haul route is, or can be made, safe and capable of handling the volume of traffic proposed;
  - The selection and design of the proposed haul route has taken into consideration and addressed impacts on existing and permitted sensitive land uses along the proposed haul route;

xi) Addressing proposed haul routes in the built up area. In the evaluation of haul routes, Council is cognizant of constraints existing in some built up areas such as Bath and the potential impacts that may result. Constraints may include width of roads, truck traffic near sensitive uses such as schools, speed limits, noise and vibration. Council also recognizes that County and Provincial highways are designed to accommodate the movement of goods and services. Council may, prior to approving an application which involves truck traffic, require a study which evaluates the impact within the affected built-up area on such matters as:

- safety;
- natural heritage features and natural hazards;
- consideration of alternate route(s);
- the degree of conflict which may result; and
- the way or ways in which identified conflict(s) may be minimized to an acceptable level.

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

- b) Where the situation warrants, the Township may request the licencing authority to consider a condition of a license which has the effect of limiting the hours of operation of extraction and/or hours of haulage. This may be considered desirable in order to minimize the impact on the surrounding environment depending on such factors as location of the site relative to settlement areas and potential impacts resulting from the operation of large aggregate extractive operations.
- c) Applications for an Official Plan and/or Zoning By-law amendment to establish or expand aggregate operations shall also be accompanied by:
- i) a site plan which meets the requirements of the Aggregate Resources Act, and
  - ii) background studies and reports that address Section 5.3.3.5 and any additional studies as per the licensing of the

operation pursuant to the Aggregate Resources Act and regulations thereunder.

- d) When considering applications for amendments to establish or expand aggregate operations, Council will also have regard for:
- i) the quantity and quality of the resource when application is being made for the extraction of more than 20,000 tonnes per annum;
  - ii) information submitted by the applicant as to the areal extent of the proposal;
  - iii) the manner of site rehabilitation including the rehabilitation back to agricultural of any land designated as Prime Agricultural Area and comprised of Class 1, 2, or 3 soils. Such lands shall be rehabilitated to substantially the same area and average soil capability for agriculture;
  - iv) should, as part of the approval of the extraction of more than 20,000 tonnes per annum, approval of extraction below the water table be proposed, complete agricultural rehabilitation is not required if:
    - there is a substantial quantity of mineral aggregate 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.
  - v) land uses located on adjacent lands in abutting municipalities;
  - vi) the comments of interested agencies concerning the application.

#### **5.3.3.6 Influence area and Adjacent Lands**

This Plan recognizes the concept of an influence area

surrounding Aggregate deposits and Bedrock Resources in order to offer mutual protection from encroachment by incompatible uses for both sensitive uses and extractive activities and areas designated as Bedrock Resource. As the size of such an influence area is situation specific, each proposal will be considered on its own merits based on information regarding such matters as compatibility, groundwater, noise, dust, vibration, and traffic.

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

- a) 300 metres from an aggregate operation where sand and gravel are being extracted
- b) 500 metres next to a quarry or Bedrock Resource Overlay where quarry material is located.

The influence area may be reduced following submission and acceptance of appropriate studies showing how compatibility is to be achieved between the potentially conflicting uses.

#### **5.3.3.7 Implementation**

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

#### **5.3.3.8 Aggregate Specific Policy Area One (1)**

Lands designated Aggregate in Lots 1 to 8 of Concession One and the Broken Front Concession are subject to the following additional policies:

- a) Buildings, plant, product stockpile, and associated pit or quarry operations shall be developed in accordance with the following requirements:
  - the May 27<sup>th</sup>, 1992 agreement between Lafarge Canada Inc. and registered on title as Instrument No. 195037; and
  - the requirements of the Aggregate Resources Act.
- b) A 95 metre wide buffer strip shall be provided adjacent to the eastern boundary of the land designated for extraction for use as:
  - a utility easement;
  - an allowance for a future road; and
  - the construction of a berm by Lafarge Canada Inc. or its

successors in title.

#### **5.3.4 Mineral Resources**

It is the intent of Council to obtain information regarding mineral resources, areas of potential resources and abandoned mine sites and reflect them on a schedule to this plan.

There were no known abandoned mine sites in the Township at the time of preparation of this Plan. Should abandoned mine sites be identified, they will be considered as a potential development constraint. New development should be restricted on or abutting these sites until the nature and extent of any hazards are known and the hazardous conditions have been mitigated based on sound technical analysis, recommendations and advice by professionals who are qualified in this field.

Mineral exploration and mine development will be encouraged through the protection of known mineral deposits and areas of mineral potential from incompatible uses.

Mining and related activities will only be permitted outside of identified settlement areas. The compatibility of mining activities with surrounding land uses and designations will determine the specific nature of permitted mining and related activities.

The establishment of mining activities will require an amendment to this Plan.

### **5.4 WASTE MANAGEMENT**

#### **5.4.1 General Principles**

Loyalist Township has two open waste disposal sites within its municipal boundaries, two closed sites, and two (2) sewage treatment facilities. Given the locational requirements for a new waste disposal site, Council recognizes that a new site may not be found within the Township's boundaries. Council is mindful of the costs involved, and of the environmental impact which disposal of wastes may have.

Council therefore wishes to take steps to ensure that costs and environmental impacts of waste disposal are minimized.

The existing operating site at the Hamlet of Violet and known closed sites are shown Schedule 'A' to this Plan.

#### **5.4.2 Uses-Permitted**

The uses permitted shall be limited to licensed municipally or privately operated waste disposal or management sites and may include transfer stations, waste processing facilities, landfill sites, salvage yards, sewage

treatment plants, hauled sewage or subsurface sites and sewage lagoons. The types of wastes permitted shall be limited to municipal wastes and controlled wastes as defined by the Ministry of the Environment, Conservation and Parks. The waste disposal site shall not be used for the storage or disposal of nuclear or toxic waste.

Agricultural, open space, and forestry uses shall be permitted where such uses do not preclude or hinder future waste disposal operations.

### **5.4.3 General Policies**

- a) Council supports the principles of reduction, re-use and recycling as part of its waste management strategy, including waste diversion strategies such as composting and yard waste recycling.
- b) Council supports efforts to establish adequate waste management facilities to provide for future Township needs. To this end, Council will continue to monitor the operation of the Violet site and develop strategies to extend the projected duration of that landfill site. Should a new site become necessary, the Township will explore the establishment of a new waste disposal site either on its own or in conjunction with other area municipalities or the County or seek private landfill facilities as approved by the Ministry of Environment, Conservation and Parks.
- c) An amendment to the Official Plan and implementing Zoning By-law shall be required for the establishment or expansion of waste management or disposal sites. Waste disposal or management sites shall be subject to the approval of the Ministry of the Environment Conservation and Parks. and shall conform to the requirements of the Environmental Protection Act and/or the Environmental Assessment Act. Prior to the approval of any Official Plan or Zoning By-law amendments, in consultation with the appropriate approval authority, studies shall be prepared which demonstrate to the satisfaction of Council or any approval agency that:
  - i) a need exists for the proposed use;
  - ii) the site is physically suited to the proposed use particularly with regard to topography, relief, land forms, soils, surface, and groundwater characteristics. Hydrology and hydrogeology studies shall be prepared which demonstrate the impact of the proposed operation on ground and surface water;
  - iii) the proposed operation is compatible with adjacent land uses or land use designations;
  - iv) adequate buffering will be provided;



- v) site access is acceptable to the road authority having jurisdiction and road systems are adequate to serve the site;
  - vi) the site is large enough to accommodate the proposed use and any mitigative measure necessary;
  - vii) studies of gas, leachate, and other such studies as may be deemed necessary are provided; and
  - viii) all studies submitted with an application shall be carried out by a professional qualified in the appropriate field of investigation.
- d) When considering amendments to this Plan and to the implementing Zoning By-law to permit the establishment of new waste management sites or the expansion of an existing operation, Council shall ensure that the site is not closer than:
- 100 metres to a property boundary;
  - 100 metres from a road allowance;
  - 500 metres from an existing sensitive land use;
  - 150 metres from a commercial use; and
  - 150 metres from surface water (ie. lakes, creeks, streams, or rivers).

These distances may be increased or decreased based on supporting documentation submitted by qualified professionals following review of same and approval from agencies having jurisdiction.

- e) This Plan recognizes the concept of an influence area surrounding waste management facilities. In this regard, to avoid possible exposure to *adverse affects*, no division of land shall take place within the 500 metres of an active or closed waste disposal site. In the case of sewage treatment plants or lagoons the actual separation distance shall be established in accordance with the Ministry of Environment, Conservation and Parks guidelines and Section 5.4.3.1 of this Plan.
- f) No building permits should be issued for development of existing vacant lots of record within the 500 metre influence area of an active or closed waste management facility unless studies are submitted and approved by the approval authority to show there will be no adverse impact on the lot proposed to be developed and the waste disposal site identified on Schedules 'A' and 'B' to this Plan. In the case of sewage treatment plants or lagoons the actual separation distance will be established in accordance with Ministry of the Environment, Conservation and Parks guidelines specifying separation distances from sensitive land uses without the need to amend this Plan.
- g) Waste Management sites shall be closed and rehabilitated in accordance with the standards established by the Ministry of the Environment,

Conservation and Parks to uses compatible with the area in which the site is located.

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

#### **5.4.3.1 Waste Management Site - Sewage Treatment Facilities**

The active waste disposal sites located in:

- Lot 37, Concession 1 (Amherstview),
- Lot 14, Broken Front Concession (Bath).

are municipal sewage treatment facilities. The resulting separation distances will be reflected through the Zoning By-law and will be as follows:

- Amherstview - 312 metres,
- Bath - 150 metres.

#### **5.4.4 Salvage (Wrecking) Yards**

##### **5.4.4.1 Existing Salvage Yards**

Existing salvage yards shall:

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

##### **5.4.4.2 New Salvage Yards**

- a) If a proposal is received to create a new salvage yard, Council will ensure that, as part of the evaluation of the request, the following minimum requirements are met:
  - an amendment to the Official Plan and Zoning By-law is processed;
  - not be located within 300 metres of any sensitive receptor;
  - be located a sufficient distance from a waterbody so as not to cause or contribute to the pollution of the waterbody;
  - be located a sufficient distance from an aquifer discharge or recharge area so that pollution to the groundwater does not occur.
  - be adequately buffered on all sides either naturally or by artificial means in order that no portion of the operation including the storage area, may be seen from a public road; and
  - carry on all operations within the salvage yard in compliance with requirements of provincial legislation and regulations.
- b) In order to ensure that the above requirements are met, applicable studies shall be required, including a Planning Justification Report that outlines compliance with the Ministry of Environment, Conservation and Parks D-6 Guidelines, as well as other studies that may include but are not limited to a Traffic Impact Study, Environmental Impact Study and Geotechnical Report.
- c) The operations of salvage yards should be regulated through a comprehensive Municipal salvage yard by-law.

#### **5.4.5 Implementation**

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

### **5.5 RURAL POLICY AREA**

#### **5.5.1 General Principles**

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

The recreational amenities afforded by the Township's extensive shoreline have attracted a significant level of year round and seasonal residential development. Some of the development has been unplanned and much of it was initially intended for seasonal use. Conversions to year round residential use has occurred with and without the benefit or knowledge as to the impact of the conversions on the Township, and on the provision of services or ability of the area to sustain the changed intensity of use. Examples can also be found of development on private services on small lots (less than 0.2 hectares) and located along private roads. The expansion of such existing patterns is discouraged.

It is the intent of this Plan to permit appropriate development throughout the Rural designation in a manner which retains the rural character of the Township while ensuring there are no demands placed on the Township for services which are expensive or difficult to provide.

### **5.5.2 Permitted Uses**

The Rural designation is intended to maintain the natural and scenic qualities of the Township by preserving the rural character and lifestyle. The predominant use of the land shall be for agricultural, conservation, forestry, public and private recreation. Other uses permitted include *agricultural related-uses*, *on-farm diversified uses*, hobby farms, appropriate non-farm residential, institutional, cemeteries, community gardens, resource based recreational uses, open space, small scale commercial and quasi-industrial uses servicing and directly related to the rural economy, and residential uses accessory to the above permitted uses. Home industries, home occupations and bed and breakfast establishments are also permitted, as are wayside pits, wayside quarries and portable asphalt plants in accordance with the policies of Part 6 of this Plan.

- 5.5.3** Opportunities to support a diversified rural economy will be promoted by protecting agricultural and other resource-related uses and directing non-related development to areas where it will minimize constraints on these uses.

### **5.5.4 Policies for Agricultural Uses, Agricultural-Related Uses and On-Farm Diversified Uses**

*Agricultural uses*, *agricultural-related uses* and *on-farm diversified uses* in the Rural designation shall conform with the policies of Section 5.3.2.3 and 5.3.2.4 of this Plan.

### **5.5.5 Hobby Farms**

Council recognizes that hobby farming is an agricultural use that is in keeping with the character of the rural area. Agricultural uses including hobby farms are permitted in the Rural designation on an *existing lot of record*

provided the minimum lot size is 4.0 hectares. Hobby Farms shall comply with the Minimum Distance Separation (MDS) Formula prescribed by the Province, respect best practices in nutrient management, and may require to be registered with the Township.

#### **5.5.6 Year Round Residential Development by Consent and Existing Lots of Record**

- a) New lots shall comply with the Consent Policies in Part 6 of this Plan, as well as the settlement patterns described in Section 5.6.1.
- b) New lots shall comply with the Minimum Distance Separation (MDS) Formula, as well as the Ministry of Transportation requirements where new lots are in proximity to a provincial highway.
- c) New lots shall only be permitted when the retained parcel measures a minimum of 10 hectares and has a minimum continuous road frontage of 150 metres except where a minor variance has been granted by the Committee of Adjustment or, except where the consent application meets the definition of "Infilling" in Section 10.22.35 of this Plan.
- d) Existing lots of record created by consent in accordance with the Planning Act may:
  - i) be used for a single unit dwelling house provided the lot fronts on an open and publicly maintained road and meets the requirements of Part 10 of this Plan; and
  - ii) may be used for a single unit dwelling house where access by way of an unmaintained municipal road, a private road, or a right-of-way provided:
    - an agreement is registered on title with respect to access limitations;
    - the lot is rezoned to permit the single unit dwelling house; and
    - the parcel has an adequate supply of potable water and is.

##### **5.5.6.a) Special Policy Area**

Notwithstanding Section 5.4.4.2 hereof to the contrary, on the lands described as forming the south-west portion of Lot 33, Concession 7, south of Fred Brown Road and to the north and east of Peters Road and legally described as forming Part One of Plan 29R-7417, two lots, in addition to the retained lot, may be created which provide for the rounding out of the established rural residential cluster situated to the west and south of Peters

Road in the south-easterly extremity of part of Lot 32, Concession 7 and the northerly portion of Lot 33, Concession 6, where the retained lot has a minimum lot area of at least 3.8 hectares. In all other respects, the provisions of this Official Plan shall apply and be complied with.

#### **5.5.7 Conversion of Seasonal Uses to Year Round Uses**

- a) Pressures for conversion of existing seasonal uses to year round residential uses are likely to continue. Conversion from seasonal to year round residential uses is discouraged. Should conversion be permitted, the following criteria should be met:
  - i) the lots size and frontage are suitable for Class 4 subsurface systems as defined by the Ontario Building Code.
  - ii) there is suitable development area outside the Environmental Protection designation and implementing zoning;
  - iii) an adequate source of potable water is available;
  - iv) the sanitary waste disposal system is approved by the appropriate approval authority;
  - v) the converted dwelling unit conforms with Loyalist Township by-laws and the Ontario Building Code;
  - vi) the conversion will not result, singly or in conjunction with other uses, in demands for services which are not economic or feasible to provide, improve, or maintain;
  - vii) the properties are rezoned from a seasonal category to another appropriate category;
  - viii) conversion should be permitted only along public roads maintained year round by the municipality;
  - ix) steps to be taken to bring existing roads up to municipal standards have been agreed to by Council; and
  - x) a Certificate of Occupancy is obtained.

#### **5.5.8 Rural Commercial and Industrial Uses**

It is the intention of this Plan to protect traditional commercial and

industrial centres in the hamlets shown on Schedule 'A'. Rural, commercial and industrial uses should be grouped in such a manner that the surrounding rural landscape and scenic views are retained and that the continued commercial viability of the hamlets is promoted.

- a) Small scale commercial and industrial uses serving or related to the rural economy may be permitted. These uses should be of a dry nature (consume small amounts of water) and may include farm implement sales or service establishments, farm supplies and produce outlets, feed and grain drying and cleaning operations, welding shops, woodworking shops, antique and craft shops and other similar uses which may be deemed necessary and appropriate in a Rural area.
- b) Consents for commercial and industrial uses may be granted provided:
  - i) lots have a minimum lot area of 0.8 hectares. Such area of 0.8 hectares of land shall be outside hazardous areas (i.e. lands subject to flooding, steep and/or unstable slopes or other physical hazard which renders the site unsuitable for development) in order to safely accommodate all buildings and structures, and to allow for the onsite provision of acceptable quantity and quality of water for subsurface and for treatment of stormwater runoff;
  - ii) the proposed use supports the rural lifestyle;
  - iii) lot frontage is appropriate for the use and the area in which the lot is being created;
  - iv) commercial or industrial uses, where water consumption and waste disposal warrants, shall be subject to the Reasonable Use Criteria;
  - v) the new lot complies with the Minimum Distance Separation Formula; and
  - vi) the new lots conform to the Consent Policies in Part 5 6 of this Plan.
- c) One residential unit may be permitted where Council deems it appropriate as an accessory use provided the residential use is located on the same lot as the main commercial or industrial use and provided further that no future severance shall be permitted for the residential use. In such cases, the lot area requirement for the residential and non-residential use

shall be the total of the minimum lot area required for each use individually.

- d) The general principles to be considered in the development and zoning of commercial and industrial uses shall be as outlined in the Prime Agricultural Area designation, Part 5 of this Plan.

#### **5.5.9 Conservation, Forestry, and Recreational Uses**

- a) Private landowners are encouraged to reforest idle lands. Landowners of properties with a high forestry potential are encouraged to enter into appropriate management programs with the Ministry of Natural Resources and Forestry or Conservation Authority where it is not providing significant wildlife habitat or habitat of endangered species and threatened species. "Idle" lands often provide important habitat for species that could be lost through reforestation, for example, Eastern Loggerhead Shrike, Bobolink and Eastern Meadowlark.
- b) Passive outdoor recreational uses, forestry, tree farms and conservation uses are permitted. In addition active recreational uses (excluding such uses as commercial resort uses, tourist camps, tent and trailer parks, marinas, golf courses) such as riding and sport clubs, and municipal recreation facilities are permitted provided:
  - i) the uses are compatible with adjoining uses and do not adversely affect adjacent farming operations;
  - ii) the uses have adequate quantity and quality of potable water; and
  - iii) the uses can adequately dispose of sewage to the satisfaction of the Township.

### **5.6 SETTLEMENT PATTERNS**

#### **5.6.1 General Principles**

Within Loyalist Township, this Plan places the patterns of settlement into two broad categories. These are:

- "urban settlement area" as outlined in Section 5.7 below, and
- "rural settlement area" as outlined in Section 5.8 below.

Urban development comprises the serviced areas and areas in the logical



path of future service extensions particularly along the shoreline of Lake Ontario in the first concession on the mainland. A secondary area of urban development is the serviced area of Odessa. These comprise residential, commercial, industrial, institutional, and recreational uses.

The rural settlement pattern is characterized by predominantly residential development based on individual services (wells and septic). These comprise hamlets, estate areas, shoreline residential areas, and resort commercial development. There is also very limited development within the rural and agricultural designations by way of individual consent.

### **5.6.2 Urban Agriculture**

The Township encourages urban agriculture in all land use categories except in Environmentally Sensitive Areas and Environmental Protection Areas. Urban agriculture is also discouraged on sites known to be affected by human-made hazards, such as contaminated sites.

Urban Agriculture uses will conform with the Township By-laws.

## **5.7 URBAN SETTLEMENT AREA**

The urban settlement area is generally described as those lands in the east half of Lot 8 of Concession 1 easterly to Coronation Boulevard abutting the City of Kingston. A secondary urban settlement is Odessa. The urban settlement area is shown on Schedule 'A'. The land use designations and boundaries are further refined in Schedules B, C, and D.

### **5.7.1 Residential Policies**

#### **5.7.1.1 General Principles**

Residential development and redevelopment is to take place in a planned, orderly manner to ensure that residential uses are located in areas where they are compatible with adjacent land uses. Sufficient lands have been designated to accommodate anticipated population growth, provide a choice of lifestyles, and protect lands for long term availability for residential development and full services where these are located in the logical area of residential expansion and which, from a planning perspective, are strategically located to serve a time horizon of twenty years normally considered as the Official Plan planning horizon.

#### **5.7.1.2 Permitted Uses**

The predominant use of land in areas within a residential

designation shall be for low, medium, and high-density residential uses as generally outlined on Schedules C, D, E, and F. Public parks, home occupations, bed and breakfast establishments, institutional uses such as schools and places of worship, day-care facilities, public uses and utilities in appropriate locations, and Township administrative offices are also permitted.

### 5.7.1.3 **Policies**

- a) Various forms of housing will not be intermixed indiscriminately. Housing types will be arranged in a gradation so that high and medium density developments will complement those of lower density, with sufficient spacing to ensure compatibility, while maintaining privacy and the amenity value of low-density areas.
- b) The provision of walkways, sidewalks or bicycle paths is encouraged to facilitate access throughout the residential areas and to schools, parks, and other focal points such as places to shop or work, and to facilitate the safe separation of pedestrian and vehicular traffic.
- c) Adequate off-street parking shall be provided. Access points to such parking facilities shall be limited in number and designed in a manner that will minimize the conflict between vehicular and pedestrian traffic.
- d) Home occupation and bed and breakfast uses will be governed by the policies in Part 7.3.4 of this Plan.
- e) *Garden Suites* will be governed by the policies in Section 7.3.2 and *Secondary units* will be governed by the policies in Section 7.3.3.
- f) Development proposals near existing or proposed industrial uses or areas should comply with the Ministry of Environment, Conservation and Parks Guidelines governing the separation distance between industrial facilities and sensitive land uses.
- g) Development proposals near existing or proposed railway corridors or major roads such as arterials and collectors shall comply with Ministry of Environment, Conservation and Parks Guidelines respecting noise and vibration. Studies required to confirm compliance and mitigation measures shall be prepared by a professional qualified in the field.

- h) To promote the development of more affordable housing units, the Township may prepare a comprehensive housing assessment and develop Inclusionary Zoning Official Plan policies.

#### **5.7.1.4 Suburban Residential**

- a) The designation applies to certain lands in Bath which have been approved as part of the Windermere Estates Secondary Plan.
- b) The suburban residential designation is intended for the development of single detached dwellings on large fully serviced estate type lots.
- c) The maximum net residential density shall be ten (10) units per net hectare.

#### **5.7.1.5 Low Density Residential**

- a) Low density residential uses include single detached dwellings, semi-detached dwellings, duplexes, and accessory uses. The maximum net residential density shall be thirty seven point five (37.5) units per net hectare.
- b) Access to individual lots shall be in accordance with the transportation policies in this Plan.
- c) In order to encourage the enhancement and preservation of existing housing stock and address demands for rental accommodation within Bath, the conversion of existing one and two unit residential dwellings to multi-unit residential dwellings may be permitted within the area bounded by Main Street to the south, Academy Street to the north, and Centennial Park to the east, provided:
  - i) the lot is capable of supporting the minimum number of off-street parking spaces in accordance with the provisions of the implementing Zoning By-law;
  - ii) the proposed use will conform with the Township By-laws and the Ontario Building Code Act;
  - iii) adequate open space and amenity area is provided, if not readily accessible nearby, to meet the needs of the residents;

- iv) adequate provision is made for buffering between the converted dwelling and adjacent one or two unit residential dwellings;
- v) municipal services such as water, sewers, drainage, roads, etc., are adequate or can be made adequate;
- vi) traffic and parking conditions in the area will not be adversely affected;
- vii) the applicant, if requested, will submit a report prepared by a registered architect and/or engineer detailing the condition of the building and the necessary improvements thereto and stating to what extent the existing services meet the municipality's specifications and requirements; and
- viii) the property is rezoned to an appropriate zone category permitting converted multi-unit residential dwellings.

#### **5.7.1.5.1 Low Density Residential Specific Policy Area One (1)**

The lands designated as Low Density Residential in Part of Lot 8, Concession Broken Front and as shown on Schedule 'A' of this Plan have an approximate area of 1.08 hectares and front on the north side of Main Street (Highway 33). The most eastern property line is approximately 126 metres west of the centre line of Country Club Drive.

The lands are currently developed by a single detached dwelling house on the western portion (civic number of 570) that is connected by municipal water and sewer services. Prior to 2001, these lands were within the Bath settlement area boundary in the Village of Bath Official Plan (as approved March 24, 1993 by the Ministry of Municipal Affairs).

The lands are situated to the south and east of property licensed under the Aggregate Resources Act (Bath Cement Plant and related quarry). The current edge of the quarry is approximately 1400 metres west to the subject lands. The intention is to expand the quarry to the east and the excavated area could potentially be 275 metres from Main Street (Highway 33) and about 200 metres from the subject lands.

The potential exists for a portion of the subject lands to be developed for residential uses. While this property is within the Low-Density Residential designation, no new lot creation or change in land use beyond a single detached dwelling house can occur unless a satisfactory land use compatibility assessment has been prepared by a qualified professional. The purpose of the land use compatibility assessment will be to demonstrate that any proposed lot creation or development beyond one (1) single detached dwelling house would not preclude or hinder the expansion or continued use of the Bath Cement Plant and related quarry or which would be incompatible for reasons of public health, public safety or environment impact.

A further purpose of the land use compatibility of the land use compatibility assessment is to ensure major facilities (Bath Cement Plant and related quarry) and sensitive land uses have been planned to ensure they are appropriately designed, buffered and/or separated from each other to prevent or mitigate adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term viability of the Bath Cement Plant and related quarry.

Prior to initiating work on the land use compatibility assessment, the proponent shall consult with the Township and the licensee to determine the scope of the land use compatibility assessment.

If it is determined as part of the land use compatibility assessment that it is not possible to reasonably mitigate the potential adverse effects on the proposed residential uses, such as residential uses shall not be permitted.

#### **5.7.1.6 Medium Density Residential**

- a) Medium density residential uses include low density residential uses, triplexes, quadruplexes, maisonettes, row or cluster housing, converted single detached dwellings creating not more than four (4) dwelling units, street front townhouses, low rise apartment dwelling houses, other forms of multiple-unit housing, and accessory uses.
- b) The maximum density shall be seventy-five (75) units per net hectare.

- c) Access to medium density sites shall be in accordance with the transportation policies of this Plan.
- d) Height is limited to four (4) storeys.
- e) Medium density sites, particularly for seniors housing, should be situated in close proximity to parks, recreational facilities, or commercial areas.
- f) Buffering between medium and low density uses to minimize adverse impacts between uses may be required.
- g) Applications for new medium density designations will be considered in accordance with the following criteria:
  - should be on the periphery of existing low density areas;
  - have convenient access to a major street and not draw traffic through low density residential areas;
  - be in proximity to commercial centres;
  - have convenient access to transit routes;
  - be near services such as schools and recreational facilities; and
- h) Where a medium density residential use is proposed to be introduced adjacent to a low-density residential area, Council may require the developer to submit a plan showing relationship of the building to the remainder of the site and adjoining lower density uses. Such a plan shall show possible location and massing of buildings, parking facilities, open spaces, existing property fabric, and existing services.
- i) Conversion of existing single detached dwelling units to dwelling houses containing up to four (4) dwelling units will be guided by the following principles:
  - the extent of exterior renovations and the relationship of the converted dwelling to adjacent residential uses,
  - safety of ingress and egress,

- provision of adequate on-site parking,
- buffering measures to mitigate any adverse impact on adjoining uses,
- impact of changes to drainage on adjacent lands.

**5.7.1.6.1 Medium Density Residential Specific Policy Area One (1)**

The development of the medium density residential area located in part of Lot 32, concession 4 in the village of Odessa, and fronting on the western side of Factory Street, and municipally addressed as 85 Factory Street, will be subject to the following:

- i) the designation applies only to the building footprint at the time of adoption of this Plan;
- ii) floodproofing to the satisfaction of the Conservation Authority and the Township;
- iii) appropriate soil sampling and submission of evidence to the satisfaction of the Ministry of Environment, Conservation and Parks that the site has been or will be decommissioned; and
- iv) the implementing Zoning By-law may include the use of the holding (H) provisions specifying the matters to be satisfied prior to the removal of the 'H'.

**5.7.1.6.2 Medium Density Residential Specific Policy Area Two (2)**

With the medium density residential designation located:

- north of Amherst Drive,
- east of the Speer Boulevard extension north of Amherst Drive,
- south of the CNR mainline, and
- west of Helen Henderson Place one (1) funeral home will be permitted

**5.7.1.6.3 Medium Density Residential Specific Policy Area Three(3)**

That the lands located on a portion of property located in part of Lot 13, Broken Front Concession, at the east end of Bayshore Drive in Bath and as identified as Medium Density Residential Special Policy Area Three (3) shall be accessed by private right-of-way.

### **5.7.1.7 High Density Residential**

- a) High density residential uses include those uses permitted in the medium density residential designation and higher density residential forms such as stacked townhouses and apartment dwelling houses. New single detached, semi-detached, and duplex dwellings shall not be permitted within the high density residential designation.
- b) The maximum permitted density is 120 units per net hectare.
- c) High density residential sites shall have direct vehicular access to collector or arterial roads thereby minimizing traffic impact on adjoining lower density areas.
- d) Height shall be limited to eight (8) storeys.
- e) High density sites, particularly for seniors, should be situated in close proximity to recreational facilities, schools, and commercial areas.
- f) Buffering to minimize adverse impacts on lower density residential areas may be required.
- g) Applications for new high density residential designations will be considered in accordance with the following criteria:
  - i) be on the periphery of low-density designations and, preferably, abut medium density areas, commercial areas, and open space areas,
  - ii) have direct access to a collector or arterial road and not draw traffic through low density areas,
  - iii) have convenient access to transit routes.
- h) Where a high density residential use is proposed adjacent to a low density residential area, Council may require the developer to submit a plan showing relationship of the building to the remainder of the site and adjoining lower density uses. Such a plan shall show possible location and massing of buildings, parking facilities, open spaces, existing property fabric, and existing services.

### **5.7.1.8 Implementation**



Low, medium, and high density residential areas will be placed in appropriate categories in the implementing Zoning By-law.

## **5.7.2 Secondary Plan Policy Areas**

### **5.7.2.1 General Principles**

The majority of vacant lands in Bath designated for new residential and commercial development are owned by two landowners. The ownership of these vacant lands are divided by County Road No. 7, which forms a logical division between the future neighbourhoods. The two landowners have different intentions as to the neighbourhoods they wish to create. Those development intentions were recognized in the Official Plan for Bath as approved by the Minister of Municipal Affairs and Housing in 1993. These intentions are carried through in this Official Plan. Minor changes to the Secondary Plan land use schedules are included to reflect new opportunities as a result of the January 1, 1998 amalgamation of Bath, Amherst Island and Ernestown.

The intent is to ensure that development of the lands is planned, orderly, and integrated with the existing built-up area of Bath. For this reason, the incorporation of detailed neighbourhood or secondary plan schedules is essential to reflect the developers' intentions and to reflect the supporting studies presented at the time and the secondary plans approved as part of the Bath Official Plan.

The following policies are in addition to other policies in this Plan.

### **5.7.2.2 Windermere Estates**

The land use designations on Schedule 'D' are based on studies submitted by the developer and incorporated as a secondary plan.

- a) Changes to the land use designation will require supporting documentation to address the following:
- the proposed land uses, distribution, and densities of development;
  - the transition of land uses between what is proposed for development and adjacent existing or proposed development;
  - the identification and resolution of environmental impacts;
  - preliminary engineering analysis for the provision of water

supply, sanitary sewers, and stormwater drainage and management;

- the proposed road layout and traffic circulation, and integration of local roads with the collector and arterial road systems; and
  - such other items as deemed necessary by Council based on new information and/or evolving planning, engineering, and resources management practices.
- b) Residential dwellings shall be setback from the municipal water tower a distance equal to the height of the water tower as measured from its base. Consideration should be given to the retention of existing natural vegetation around the municipal water tower where feasible, to provide a buffer for adjacent residential developments.

### **5.7.2.3 Loyalist Estates**

The land use designations on Schedule 'D' are based on the development of a community around a golf course and are based on studies submitted by the developer and incorporated as a secondary plan.

- a) Changes to the designations will require supporting documentation to address the following:
- the proposed land uses, distribution, and densities of development;
  - the transition of land uses between what is proposed for development and adjacent existing or proposed development;
  - the identification and resolution of environmental impacts;
  - preliminary engineering analysis for the provision of water supply, sanitary sewers, and stormwater drainage and management;
  - the proposed road layout and traffic circulation, and integration of local roads with the collector and arterial road systems; and
  - such other items as deemed necessary by Council based on new information and/or evolving planning,

engineering, and resources management practices.

b) Residential - Specific Policy Area No. 1

The lands so designated are intended primarily for the development of low density residential uses. Other uses permitted include public parks, home occupations, bed and breakfast establishments, institutional uses such as schools and places of worship, daycare facilities, public uses, and utilities inclusive of a firehall. Prior to development approvals, a neighbourhood plan and studies are to be submitted. Such plan and studies shall address:

- the proposed uses, densities, design of development, traffic circulation, and linkage to existing development;
- the transition of land uses between what is proposed and what already exists, and the compatibility with the older historic areas of Bath;
- the identification and resolution of environmental impacts;
- preliminary engineering analysis for the provision of water supply, sanitary sewers, and stormwater management; and
- such other items as deemed appropriate.

c) Future Road Link

The linkage is to ensure existing approved development and any new developments provide for a road linkage from County Road No. 7 to the community around the golf course.

**5.7.3 Major Institutional**

**5.7.3.1 General Principles**

The Major Institutional designation applies primarily to those lands owned by the Department of Correctional Services of Canada, and which are utilized for the Millhaven Penitentiary and Bath Institution. The lands are effectively outside the control of the Township in terms of land use regulation. The area is serviced by the municipal water system and sewage system for Bath. The intent of the designation is to recognize the presence of the facility and consider it as part of the overall land use distribution system of Loyalist Township.

The designation also applies to the secure custody facility in part of Lot 37 of Concession 1 a shown in Schedule 'B'.

### **5.7.3.2 Permitted Uses**

Uses permitted include penal institutions, federal administration buildings, hospitals, a secure custody facility, and recreational facilities.

The lands designated Major Institutional in Lot 37, Concession 1 as shown on Schedule 'B', are limited to a secure custody facility and uses permitted in the Rural designation. A secure custody facility is defined as:

A place or facility designated for the secure containment of approximately ten (10) young persons detained pursuant to Part IV of the Child and Family Services Act, 1984, and Section 24.1 of the Young Offenders Act.

### **5.7.3.3 Policies**

- a) Adequate off street parking shall be provided.
- b) Adequate buffering is to be provided to nearby sensitive land uses.

### **5.7.3.4 Implementation**

Major Institutional areas shall be zoned in a separate zone classification in the implementing Zoning By-law.

## **5.7.4 Industrial**

### **5.7.4.1 General Principles**

Loyalist Township has demonstrated a long term commitment to creating an environment within which industry can flourish. As a result, major industries have located in the Township and these now serve as a major source of employment for the Township and the region.

The Township wants to see the industrial base continue to expand, diversify, and prosper. To this end, lands are set aside for industrial purposes to meet the varying needs of industry at accessible locations where industry can operate with minimal impact on adjacent land uses, and at a location which facilitates Township efforts to develop and implement a long term servicing strategy.

Several extensive areas are designated for industrial growth, with the major one being the Millhaven industrial area which, currently, is partially developed with large industrial companies such as Bombardier. These lands have excellent access to road, rail, and water transportation. Services such as electricity and gas are already available. In the future, municipal sewage and water supply systems are planned for expansion to permit development of all the industrial lands. The site is well separated from sensitive land uses. The current designations in the Ernestown Official Plan are carried forward in this Plan in order to protect the lands for various forms of industrial development.

Other significant designations include:

- the Bayview Industrial lands “Loyalist East Business Park” at County Road No. 6 and County Road No. 23, the CNR mainline; and
- the lands adjacent to Highway No. 401 at County Road No. 2 and County Road No. 6 in Odessa.

Any development adjacent to provincial highway 401 is under provincial jurisdiction and subject to Ministry of Transportation review, approval and permits.

#### **5.7.4.2 Permitted Uses**

The predominant use of the lands so designated is for light and general industrial uses and activities. The types of industrial uses permitted in each location shall be such that there are minimal adverse impacts on sensitive land uses. For purposes of this Plan, light industrial and general industrial are defined as:

- i) Light Industrial uses are those industries which are substantially enclosed in buildings and exhibit reasonably high performance standards and whose operations are not considered offensive because of heat, smoke, noise, dust, odours, and heavy transportation facilities usually associated with general industrial concerns. For the purposes of this Plan, such uses include warehousing, light manufacturing and assembly, laboratory and research facilities, data centres, cannabis production facilities, offices, communication facilities, printing and publishing establishments, building supply yards or other similar uses.
- ii) General Industrial uses are those industries whose

operations may be offensive by virtue of heat, smoke, noise, odour, dust, and heavy transportation requirements. These include such facilities as the manufacturing and processing of primary metal products, wood and paper products, rubber, plastic and adhesive products, chemical products, food processing plants, data centres, energy production, waste management recycling and transfer stations (but not landfills), cannabis production facilities, assembly plants, bulk storage of petroleum products, contractor yards, maintenance yards, utility functions, and public works depots or other similar industrial uses and activities.

Uses permitted also include ancillary service related uses and offices, wholesale and retail functions directly related to industry. In addition, limited commercial, community and recreational facilities, eating establishments, athletic clubs, daycare facilities, or other similar uses may be permitted provided the use is compatible with the industrial uses in the area and in no way will contribute to the detracting of the area for healthy industrial development.

#### **5.7.4.3 Bayview and Odessa Industrial Areas**

Within these areas the predominant land uses shall be light industrial uses, industrial/commercial uses with limited accessory retail facilities, and business and administrative offices.

#### **5.7.4.4 Policies**

- a) Industrial lands are designated in areas of direct accessibility to existing and proposed arterial and collector roads. Industrial areas shall be designed so as to discourage the penetration of traffic generated by industry into or through areas of sensitive land uses.

Development adjacent to provincial highways 401 and 33 are under provincial jurisdiction and subject to Ministry of Transportation review, approval and permits, including any proposed active transportation infrastructure.

- b) Industrial uses shall comply with the Ministry of Environment, Conservation and Parks guidelines respecting compatibility between industrial facilities and sensitive land uses.
- c) Industrial development is to be serviced by a piped water supply and a sanitary sewage collection system, where it is available. Where one or both are not available, development

may proceed by way of private or partial services provided it is rationalized with appropriate servicing studies. Where development occurs on partial or private services, and piped infrastructure becomes available, the Township may require existing industrial development to connect to these services.

- d) Industrial areas are to be planned and developed in such a manner that light, non-noxious industries are located at the interface of heavy industrial uses with other forms of land use.
- e) New industrial development or the redevelopment of existing industrial sites in close proximity to sensitive uses should be restricted to light industrial uses and related activities which exhibit reasonably high performance standards in order to provide for a degree of compatibility between the residential area and industrial uses. The degree to which industrial uses are to be separated from sensitive land uses and the requirements for buffering will depend upon the nature of the industrial use and adjacent sensitive land use.
- f) To protect the visual amenities of the Loyalist Parkway, Council shall establish appropriate provisions in the implementing Zoning By-law and any Site Plan Agreements to regulate the setback of buildings and structures from the Highway and to visually screen outside storage and parking areas.

The lands which are designated as industrial on the south side of Highway No. 33, adjacent Lake Ontario, shall be limited in the type and nature of uses allowed. The intent is to ensure future water access for the Millhaven Industrial area and to retain the view of Lake Ontario from the Loyalist Parkway to as great an extent as possible. Only facilities directly associated with waterfront use such as industrial docking facilities, pump houses, water/waste water treatment facilities, and other minor industrial buildings shall be located in this area. Major industrial buildings and permanent storage facilities shall be located north of the Loyalist Parkway.

- g) No industrial use shall be permitted which, from its nature of operation or materials used therein, is declared to be noxious under the provisions of the Health Promotion and Protection Act or regulations there under.
- h) Adequate off-street parking and loading facilities shall be provided, inclusive of parking for visitors and employees. Ingress and egress points to such areas shall be limited in

number and designed in a manner which will minimize the danger to both vehicular and pedestrian traffic.

- i) Conversion of lands within the industrial designation to another land use designation is strongly discouraged. Such conversion shall only be considered at the time of a comprehensive review of this Plan, where it has been demonstrated that the land is not required for employment purposes over the long term and that there is a need for the conversion.

#### **5.7.4.5 Implementation**

Uses permitted in the industrial designation shall be zoned in a separate zone classification in the implementing Zoning By-law. Regard shall be had for the type of uses to be permitted and their location relative to other designations and sensitive land uses.

#### **5.7.4.6 Light Industrial Special Policy Area 1**

On lands found in part of Lot 31, Concession 1, designated as Parts 1 and 2, on Reference Plan 29R-7739, light industrial development may occur on the basis of private water and subsurface services. At such time as municipal piped water or a sanitary sewer system are available, the owner shall connect to these municipal services immediately.

While on private water and sewer systems, uses shall be restricted to those that are “dry” in nature that require little well water.

### **5.7.5 Commercial**

#### **5.7.5.1 General Principles**

This Plan recognizes that there are a variety of existing and designated commercial areas.

Major commercial areas are located in Amherstview and have developed in a shopping centre format. These uses serve primarily the expanding Amherstview area.

The communities of Bath and Odessa have limited commercial areas along the respective main streets which have the potential of developing into small commercial cores. This Plan encourages those trends.



The third category of commercial designation is one which caters predominantly to the recreation, tourism, and traveling public.

#### **5.7.5.2 Uses Permitted**

The predominant use of lands in areas designated as Commercial is for the buying and selling of goods and services, and the location of offices. Uses permitted include retail facilities, automobile sales and service establishments, places of entertainment, eating establishments, offices, studios, open space uses, institutional uses, and mixed residential/commercial uses where appropriate.

#### **5.7.5.3 Policies**

- a) New commercial development is encouraged to locate in areas of high accessibility where conflicts with through traffic and residential neighbourhoods are minimized.
- b) The Zoning By-law will recognize a range of uses at differing Sites appropriate to the planned function of commercial service areas or specific commercial sites, having regard for their location, availability of municipal services and the nature of surrounding land uses.
- c) Mixed use residential/commercial development is encouraged. The residential component is generally restricted to floors above the ground floor. Such development is to be placed in a separate zone category. The location, intensity of development, and residential densities for mixed use projects shall be determined in the Zoning By-law based on such matters as access, capacity of the roads system, capacity of the municipal water and sewer treatment and distribution systems, the character and function of adjoining land uses. The net density for the residential component shall not exceed sixty (60) units per net hectare.
- d) Adequate provisions shall be made for pedestrian movement between commercial establishments and for the creation of safe and pleasant pedestrian environments.
- e) New proposals requiring a redesignation for commercial development involving in excess of 10,000 sq. metres (107,643 sq. ft.) of retail gross leasable area, shall require a specific amendment to the Zoning By-law which establishes the maximum retail gross leasable area to be permitted on-site. Council may require any such development proposal to be supported by a retail market impact analysis which satisfactorily demonstrated that introduction of the proposal

into the community will not result in significant and demonstrable levels of impact in the form of urban blight and/or service reductions that are clearly harmful to the planned functions of existing commercial area in the Township. The scope of such impact studies shall be determined by Council based on the nature of the development proposal and other factors as may be acceptable.

- f) Site specific land use and development permissions established prior to the adoption of this Plan shall be recognized in the Zoning By-law.
- g) Adequate off-street parking shall be provided. Access points to such parking facilities shall be limited in number and designed in a manner that will minimize the conflict between vehicular and pedestrian traffic.
- h) Commercial uses located adjacent to residential uses shall provide adequate buffering. Lighting shall be directed away from residential uses.
- i) Unless specifically stated otherwise, all lands within the commercial designation are to be on a municipal water supply and sanitary sewage system.
- j) An application for an amendment of this Plan or the implementing by-law shall be accompanied by a preliminary site plan.
- k) The implementing Zoning By-law shall establish standards relating to off-street parking and loading requirements and other design criteria, including landscaping, buffering, and controls regulating the height, bulk, location, size, floor area, and spacing of buildings.

#### **5.7.5.4 Bath and Odessa Commercial Policies**

The following policies are in addition to the above policies:

- a) The commercial land use designations along County Road No. 2 in Odessa and Highway No. 33 in Bath are intended to encourage the renovation, redevelopment and expansion of these historic commercial areas.
- b) Commercial development shall be oriented to Highway No. 33 or County Road No. 2 rather than onto adjoining side streets. Where it is essential for the provision of sufficient parking, or

the proper siting of buildings the expansion of a commercial use onto an immediately adjacent property designated for another land use, but which abuts a commercial property fronting onto the above noted roads, may be permitted without amendment to this Official Plan provided the commercial use is oriented to Highway No. 33 or County Road No. 2, and is adequately buffered from adjoining residential uses.

- c) Where necessary to protect the privacy of residential areas, buffering will be provided.
- d) Development and redevelopment proposals should complement the heritage district in Bath, and the heritage and historic buildings in both communities.
- e) In addition to all the Commercial policies and uses, at 118 Main Street and 15 Centre Street, both in Odessa, the combined properties may also be used for a custom workshop for metal products provided the maximum building size is 8,750 sq. ft. and no outdoor storage is employed.

#### **5.7.5.4.1 Windermere Estates and Loyalist Estates Commercial Policies**

- a) The lands designated Commercial at Highway No. 33 and Somerset Avenue are intended for the development of uses to accommodate the daily and weekly shopping needs of the local residents, as well as cater to the traveling public. Permitted uses include convenience stores, retail stores, personal service stores, financial institutions, gas bars, automobile service stations and/or supply outlets, business or professional offices, tourist facilities, motels, restaurants, theatres, places of amusement (excluding such uses as arcade centres and billiard halls), public and private recreational facilities, and daycare facilities. In addition:
  - i) Commercial uses shall have direct but limited access to Highway No. 33 and shall require review and approval by Council in consultation with the Ministry of Transportation. Alternatively, secondary access locations may be permitted to collectors and local roads subject to review and approval by Council.
- b) Two sites have been set aside for local commercial uses. One is at the south west corner of County Road No. 7 and Loyalist Boulevard and the second is at the north east corner of County Road No. 7 and the extension of Loyalist Boulevard easterly into Windermere Estates.

The lands within the commercial designation are intended for the development of uses to accommodate the day-to-day needs of the local residents. Permitted uses include convenience stores, retail stores, personal service stores, restaurants, financial institutions, business or professional offices, medical or dental clinics, pharmacies, and daycare facilities. In addition:

- i) Local commercial uses shall have direct access to an arterial and/or collector road. Proposals to access directly to County Road No. 7 shall require review and approval by the County. Access may be permitted to collectors or local roads subject to review and approval by Council.

### **5.7.5.5 Commercial Specific Policy Areas**

#### **5.7.5.5.1 Odessa Specific Commercial Policy Area One (1)**

The uses permitted within the commercial designation along the north side of Millhaven Road in Lot 32, Concession 3 and 4 are office uses, medical uses, limited retail of a convenience nature, equipment and materials storage within an enclosed building, communication facilities, and laboratory and research facilities.

#### **5.7.5.5.2 Odessa Special Policy Area Two (2)**

For the area on the west side of County Road 6 (north of Main Street), existing vacant residential lots can be developed for residential purposes without an amendment to this Plan.

#### **5.7.5.6 Implementation**

All commercial uses shall be placed in appropriate categories in the implementing Zoning By-law.

### **5.7.6 Fringe Area**

#### **5.7.6.1 General Principles**

Loyalist Township contains significant blocks of land strategically located and in the logical path of full municipal services extension, and within existing settlement areas. These are placed within the Fringe Area designation. Within this designation, such as along the Loyalist Parkway, municipal water has been extended to clear

up water supply concerns for existing residential development which arose because of past development practices. These areas are in the path of logical long term extension of existing and designated urban development within the urban area shown on Schedule 'A'. Existing development areas within the urban area are continuing to expand. It is important to ensure that the long term expansion of the existing urban area is:

- properly planned,
- environmentally sound,
- provided with adequate services,
- cost effective,
- be consistent with the Provincial Policy Statement, and
- keeps open long term strategic options.

Loyalist Township therefore proposes Fringe Area Policies for the lands abutting and adjacent to the existing serviced areas, adjacent areas designated for development within the 20 year plan horizon, and areas in the logical path of long term service urban area expansion. The Fringe Area corresponds to the possible directions of future growth and is in the path of the logical extension of existing designated growth areas and expanding municipal services. The Fringe Area is shown on Schedules 'C' and 'D'.

In general terms, long-term urban expansion is expected to take place in a westerly direction in Amherstview and in a northerly direction in Bath. There are no current plans for development on full municipal services in these areas at this time. The Township, in considering the potential long-term development of these lands, wishes to avoid land use decisions which interfere with the long term planned urban form.

#### **5.7.6.2 Permitted Uses**

The uses permitted are those existing as of the date of adoption of this Plan, non-intensive agricultural operations, passive recreation, and conservation uses which provide for the maintenance of the natural environment and do not preclude the future logical extension of the urban forms of land use.

#### **5.7.6.3 Policies**

- a) No urban development shall be permitted until Council has prepared a Secondary Plan in accordance with the provisions of Part 6 of this Plan and incorporated the Secondary Plan

into this Plan by amendment.

- b) The Township's existing residential development is recognized. Infilling may be permitted provided that:
  - i) such development does not prejudice the efficient, cost effective future urban development of the lands or surrounding area,
  - ii) the lands are not required for future access to the rear of existing lands fronting on a public road,
  - iii) there is sufficient space on the lot for an additional Class IV system should the first system fail, and
  - iv) the lot ~~has~~ have sufficient frontage so that when municipal water and sanitary sewers are both extended along the frontage of the lot, the lot can be split to accommodate a second lot based on municipal water and sanitary sewers.
  
- c) Should lands within the Fringe Area be required for development within the 20 year horizon of this Plan, prior to development in the Fringe Area, the Township will require a study which analyzes the items in Part 6 of this Plan. This will include:
  - i) the physical ability to service the area with municipal water, sanitary sewers, and other municipal services to meet growth needs for a period of up to twenty (20) years;
  - ii) the provision of land for industrial, commercial, residential, recreational, open space, and institutional uses to meet growth needs for a period of up to twenty (20) years;
  - iii) the provision of an appropriate range and mix of housing;
  - iv) the need for the proposed development in light of the overall growth expectations and servicing strategy of the Township;
  - v) a phasing strategy;
  - vi) outline of appropriate policies for the proposed uses;
  - vii) available, uncommitted reserve capacities for water and sanitary sewer services.

#### **5.7.6.4 Implementation**

Fringe Areas shall be placed in an appropriate category in the Zoning By-law.

### **5.7.7 Urban Design**

#### **5.7.7.1 General Principles**

It is the Township's intent to promote the development of an attractive, safe, accessible, and sustainable urban environment within the urban residential areas shown on Schedules 'C', 'D', and 'E' of this Plan.

Council envisions the creation of diverse and interesting residential areas which exhibit a high standard of design. New residential development will be guided by the policies below.

#### **5.7.7.2 Policies**

- a) To conform with the Township's Property Standards By-law and encourage excellence in the design of the built environment, and establish a system for Council's recognition of such excellence.
- b) To promote the evolution of safe, interesting, and attractive streetscapes through the coordinated application of appropriate design elements such as:
  - tree planting to create uniformed and coordinated street edges with the preferred location being within the road right-of-way;
  - street lighting, particularly low level heritage lighting;
  - signage;
  - house design;
  - parking area location and entrances;
  - landscaping;
  - incorporating best practices in active transportation design,
  - implementing Crime Prevention Through Environmental

Design (CPTED) principles including natural surveillance, natural access control, wider walkways, and territorial reinforcement; and

- preservation and enhancement of significant historic and natural features.
- c) To establish gateway features or entrance way features at appropriate locations so as to create visual focal points and promote a sense of arrival.
- d) Encourage the inclusion of innovative design features such as traffic circles which add to the aesthetic of a neighbourhood while also providing for traffic calming.
- e) Create and/or maintain vistas, focal points, and sites or features of interest at intersections, parks, open spaces, the waterfront, or prominent locations.
- f) Creation and continuation of pathways and open space connections for recreation and non-motor vehicle means of transportation.
- g) Minimize the use of hard materials such as fencing where vegetative planting can achieve similar development intent. Where sound attenuation structures are required, encourage the use of vegetative planting and/or attractive building materials to soften the visual impact.
- h) Design dwellings to reduce the visual impact of garages on the streetscape. Garages should be setback from or be flush with the main facade of the dwelling unit.
- i) Use vegetative/treed areas to create buffers, where required, between land uses.
- j) Promote residential street patterns which promote a sense of neighbourhood and provides for pedestrian accessibility and ease of pedestrian travel within and beyond the neighbourhood.

These elements can be achieved by maximizing the use of a grid pattern with short blocks and discouraging street design forms which result in the creation of dead-end streets such as cul-de-sacs.

- k) To permit varied setbacks from the road allowance so as to allow variations and diversity of streetscapes.



- l) To encourage the use of “heritage” themes in development of a new neighbourhood.
- m) To promote a barrier free (physically accessible) design of all elements of the public and private realm.
- n) To continue the commitment to an age-friendly community.
- o) Pursuant to Section 4.4 of the Provincial Policy Statement, 2020, ensure that land use planning decisions are consistent with the Ontario *Human Rights Code* and the *Canadian Charter of Rights and Freedoms*.
- p) To consider the use of alternative engineering and road design standards as may be deemed appropriate by Council.
- q) To protect environmental features within the urban areas while integrating them into the community landscape.
- r) Design public utilities, such as stormwater management ponds, so that they enhance the visual and public safety character of a neighbourhood. Designs should promote infrastructure resiliency as required to adapt to and mitigate the effects of climate change, as well as promote Low Impact Development as per policy 6.4.3.c. The Township’s decisions with respect to planning applications shall generally be guided by its Infrastructure Master Plan.
- s) The Township shall undertake Community Design Guidelines and Standards to encourage excellence in urban design.

### **5.7.7.3 Implementation**

Urban design guidelines will be implemented by:

- a) the preparation and application of appropriate zoning standards;
- b) the consideration of development and redevelopment proposals and applications; and
- c) development of design and engineering standards

## **5.8 RURAL SETTLEMENT AREAS**

The rural settlement area provides for an alternative lifestyle for people who prefer

to live on larger land parcels in a non-urban environment or where the form of development is likely to require location outside a serviced area. Rural settlement areas include hamlets, shoreline residential, and resort commercial uses.

## **5.8.1 Resort Commercial**

### **5.8.1.1 General Principles**

Because of the location of Loyalist Township, and because of the natural amenities such as shoreline, resort commercial development is likely. Such development is encouraged within the framework of accepted planning, resource management, and development practices.

### **5.8.1.2 Permitted Uses**

Uses permitted may include tourist accommodation such as motels, lodges or cabins, tourist camps, tent and trailer parks, marinas, recreation facilities including golf courses, retail commercial establishments such as travel plazas catering to the day to day needs of the tourists, and accessory residential uses.

### **5.8.1.3 Policies**

- a) New resort commercial uses will be allowed by way of amendment to this Plan.
- b) Such uses are encouraged to locate in groups and where adequate access to a public road is readily available.
- c) Proposals for Resort Commercial development on Amherst Island will be reviewed in light of the ferry capacity and will only be approved where Council as well as the MTO is satisfied with the capacity or improvements to capacity in order to facilitate the proposed development.
- d) Applications for Resort Commercial uses within the urban area are to be serviced by municipal piped water supply and sanitary sewage collection system. Proposals outside the urban area are to be on private services and will require supporting studies, prepared by a professional qualified in the field, which assess the suitability of the site to provide adequate amounts of potable water and waste disposal, management of stormwater, and demonstrate the impact can be sustained on a long-term basis. A site plan containing the road layout, lot sizes, recreational facilities, and any other information the Township deems necessary is to be included with the application for amendment to this Plan.

- e) An agreement with the municipality will be required for such items as road maintenance, garbage collection, drainage and grading, or other appropriate matters of concern to the Township.
- f) Resort Commercial uses, apart from uses such as motels and travel plazas, should be water oriented or in scenic areas.
- g) The development should be sensitive to the preservation of trees, marshes, and other significant features of the site.
- h) Resort Commercial development should not be in areas where it will conflict with existing farming operations. Areas to be designated as Resort Commercial shall comply with the Minimum Distance Separation (MDS) Formula.
- i) Minimum lot area outside the urban area as shown in Schedule 'A' is 0.8 hectares. The required lot area shall not include hazardous areas (ie. lands subject to flooding, steep and/or unstable slopes, or any other physical hazard which renders the site unsuitable for development). Greater lot areas may be required where soil and groundwater conditions warrant.
- j) Council will give consideration to retaining or obtaining public access to the waterfront.

#### **5.8.1.4 Implementation**

Resort Commercial development shall be placed in appropriate zone categories in the implementing Zoning By-law.

#### **5.8.1.5 Resort Commercial Specific Policy Area One (1)**

The specific designation applies to land located in part of Lot 20, Concession 5 and fronting on the south side of Maple Road and the west side of County Road 4 as shown on Schedule 'A'.

##### **5.8.1.5.1 Permitted Uses**

The permitted uses are limited to an eating establishment, retail commercial outlet, museum and interpretative centre, meeting facilities, tourist office, accessory residential dwelling unit, miniature golf, and a viewing platform.

##### **5.8.1.5.2 Policies**

- a) The development of property in the Resort Commercial Specific Policy Area One (1) shall be subject to site plan control and the gross floor area shall not be expanded beyond 8,000 square metres unless the traffic and hydrogeological studies prepared by professionals qualified in the respective fields, demonstrate that the road system can accommodate the expansion and sufficient amounts of potable water and waste disposal conditions exist to support the development without adversely affecting the water supply and quality of neighbouring properties.
- b) The development shall be sensitive to the preservation of existing trees and water quality of Wilton Creek.
- c) The development shall be sensitive to nearby adjacent residential properties and buffering techniques shall be employed such as open space, berms, fences and plantings.

## **5.8.2 Hamlet Areas**

### **5.8.2.1 Hamlet General Principles**

Hamlets represent the historical non-farm residential settlement pattern and serve as rural service centres. Hamlets represent an alternative to an urban lifestyle. Hamlets on Schedule 'A' are Millhaven, Morven, Stella, Violet, and Wilton. The hamlet designation maintains the rural service centres settlement form and is intended to strengthen these communities by enabling additional limited growth of residential, commercial, and industrial uses. Hamlets are intended primarily for residential use where commercial and industrial uses are to be limited in number and scale.

There are limitations to development occurring in hamlets because of constraints to development on individual wells and subsurface sewage disposal systems. Development which would require municipally owned communal water and/or sewage systems is discouraged. Development in the hamlets will be subject to the servicing requirements of the Township and appropriate approval agency.

### **5.8.2.2 Permitted Uses**

Low density residential uses, apartments above the first floor of a retail commercial use, day nurseries, commercial and industrial uses which serve the residents of the hamlet and the surrounding rural area, home occupations, bed and breakfast establishments, urban agriculture, public and private parks, institutions and

community facilities such as schools and churches, assembly halls, and municipal works garage are permitted.

### **5.8.2.3 General Development Policies**

- a) Hamlet growth and density shall be based on the long- term capability of the soil and groundwater to support individual wells and subsurface systems with no negative impact. It shall also be limited to infilling and minor rounding out of existing development.
- b) In evaluating development in hamlets, the Township will require that detailed soil, groundwater, and drainage studies be submitted by the prospective developer to ensure an acceptable quantity and quality of water, suitable soils for subsurface, and satisfactory management of surface runoff. Such studies should include the likely impact of proposed development on existing water supplies.
- c) Density of development will be based on soil and groundwater capability and compatibility of the proposed development with the existing character of the community. New lots will be required to have a minimum lot area of 0.5 hectares. The minimum lot area shall be outside hazardous areas (ie. lands subject to flooding, steep and/or unstable slopes or other physical hazard which renders the site unsuitable for development). Larger lots may be required where studies submitted in support of an application indicate the need for such larger lot sizes.
- d) All private water supply and waste disposal systems must conform to the standard and regulations of the appropriate approval authority.
- e) New development based on partial services (a single service such as piped water or sanitary collection system) will not be permitted. Should such systems be required prior to development occurring on such systems a secondary plan in accordance with the policies of this Plan, will be required and is to be incorporated into this Plan by way of amendment.
- f) Commercial and industrial uses permitted in Hamlets are those considered compatible with the existing and planned residential function and do not require large amounts of water. The separation of commercial and residential uses and buffering required will depend on the uses involved.

#### **5.8.2.4 Policies for Residential Uses**

- i) Residential activity is encouraged in depth rather than in strips along existing roads. Provision shall be made for access roads from existing roads to allow future development to take place beyond existing built-up areas.
- ii) Severances in hamlets shall comply with the Consent Policies contained in Part 6 of this Plan.

#### **5.8.2.5 Commercial and Industrial Uses in Hamlets**

- a) Commercial uses permitted are those which provide for the sale of goods and personal services which serve the residents of the Hamlet, the surrounding rural area, and the traveling public. These uses may include retail shops, automobile service stations, places of entertainment, hotels/motels, eating establishments, offices, studios, and accessory residential uses.
- b) Service industrial uses which are not obnoxious or detrimental to the residential environment of the hamlets and which are considered dry industries will be permitted.
- c) Commercial and industrial uses are encouraged to locate in areas which are not predominantly residential or in the logical path of future residential development. Such uses will be encouraged to locate adjacent to existing commercial and industrial uses or where their adverse effects on surrounding uses will be minimized.
- d) One or more residential units may be permitted as an accessory use in connection with a commercial or industrial use.
- e) New buildings are encouraged to locate at a setback compatible with surrounding development to ensure that buildings are located in a visually close, traditional relationship with the roadway.
- f) Parking is encouraged behind or beside buildings to screen the parking lot from the roadway.
- g) Appropriate lighting and signing shall be used.

- h) Buffering shall be provided where a commercial or industrial use abuts a sensitive use.

#### **5.8.2.6 Implementation**

Permitted uses in hamlets may be placed in a separate zone classification or classifications in the implementing Zoning By-law.

### **5.8.3 Shoreline Residential**

#### **5.8.3.1 General Principles**

Amherst Island has an extensive shoreline of high visual quality which adds much to the quality of life. Shoreline residential development is intended as a low density residential form on lands adjacent to the shoreline of Amherst Island. Much of the recent residential development has been along the shoreline and such development is encouraged. Limited opportunities for shoreline residential development exist in Concession I of the Ernestown area along the Loyalist Parkway.

Historically, development has been for both seasonal and year round use. All new lots in the Shoreline Residential designation shall be evaluated as year round residential.

#### **5.8.3.2 Permitted Uses**

The use of land shall be for single unit detached dwellings. Uses considered complementary to and serving the residential use of the area are also permitted. Complementary uses may include a public park, a private park, home occupation, bed and breakfast, common open space areas, community garden and boating and docking facilities.

#### **5.8.3.3 Policies**

- a) Development is to take place on individual services, that is, wells and subsurface sewage disposal systems.
- b) Development adjacent to a provincial highway is subject to Ministry of Transportation review, approval and permits, including any proposed active transportation infrastructure.
- c) All new lots shall have direct frontage on a publicly maintained road.

- d) Density of development will be based on soil and groundwater capability. New lots will require a minimum area of 0.5 hectares. Such lot area shall be located outside hazardous areas (ie. lands subject to flooding, steep and/or unstable slopes or other physical hazards which render the site unsuitable for development). Larger lots may be required where soil and groundwater conditions warrant.
- e) Plans of subdivision shall be accompanied by a hydrogeological assessment and terrain analysis report indicating the suitability of the site for development based on the ability of the land to provide onsite quantity and quality of potable water and facilities acceptable to the appropriate authority. Such report shall be prepared by a professional qualified in the field of expertise and shall comply with applicable legislation, regulations, policies, and guidelines.
- f) Wherever possible, provisions will be made for public waterfront access.
- g) New buildings or structures are to be setback from the high water mark in accordance with Section 6.4.6. Buildings, structures, and uses requiring proximity to water, such as docks, boat houses, or similar accessory uses shall also be developed in accordance with Section 6.4.6.
- h) Access to existing roads shall comply with the standards of the appropriate road authority.
- i) Pressures for conversion of seasonal uses to year round residential uses is likely to continue. Conversion from seasonal to year round residential must meet the following criteria:
  - i) the lot size and frontage are suitable for a Class IV subsurface system and water supply systems in compliance with the requirement of the appropriate approval authority;
  - ii) there is suitable development area outside areas designated in an environmental category;
  - iii) an adequate source of potable water is available;
  - iv) the converted dwelling unit conforms with local by-laws and the Ontario Building Code;
  - v) the conversion will not result, singly or in



conjunction with other uses, in demands for services which are not economic or feasible to provide, improve, or maintain;

- vi) the properties being converted are rezoned from a seasonal category to another appropriate category;
- vii) conversion should be permitted only along public roads maintained year round by the Township, or alternatively;
- viii) steps to be taken on the method for bringing roads up to Township standards; and
- ix) a Certificate of Compliance is obtained from Loyalist Township.

#### **5.8.3.4 Implementation**

The uses permitted in Shoreline Residential areas shall be placed in appropriate zone classification or classifications in the implementing Zoning By-law.

#### **5.8.3.5 Shoreline Residential Specific Policy Area One (1)**

The following specific policies apply to the designations of lands south of Highway No. 33 in Lots 27, 28, and part of Lot 29 of the Broken Front Concession:

- b) The minimum lot area shall be 0.4 hectares; and
- c) Development should take place only by registered plan of subdivision which shall provide for the following:
  - (i) an easement over the lands between Lake Ontario and Highway No. 33, for the purpose of accommodating a watermain to serve industrial establishments immediately north of Highway No. 33 opposite these lands. Such watermain may be located within any internal street allowance in a plan of subdivision and the installation shall be completed in accordance with the policies of Part 9 of this Plan; and
  - (ii) access to and/or frontage upon an internal street allowance for any existing summer cottage or permanent residence within the subject lands.

#### **5.8.3.6 Shoreline Residential Specific Policy Area Two (2) - Amherst**

### **Island Ward**

On the lands designated Shoreline Residential on Amherst Island, limited non-intensive agricultural uses may be permitted on a site specific basis through the implementing zoning by-law, provided such uses comply with the Minimum Distance Separation Formula.

For the purposes of assessing development impacts on existing agricultural uses on Amherst Island, the Minimum Distance Formula I (MDS I) should be applied in the Shoreline Residential designation on the following basis:

1. For existing lots of record (as defined in Section 10.22.20 of the Official Plan), MDS I shall be applied on an existing housing capacity basis only; and
2. For new lot creation and zoning by-law amendment situations, MDS I will be applied in its entirety.

#### **5.8.3.7 Shoreline Residential Specific Policy Area Three (3)**

Properties developed before January 1, 2002 for residential purposes, fronting on or in close proximity to Highway 33 within the Shoreline Residential category on Schedule “C” of this plan, in Lots 27 to 31, Concessions 1 and Broken Front, may for water quality reasons (i.e. The water supply does not meet Ontario Drinking Water Standards) connect to a municipal water supply provided looping is not required.

Any property satisfying these requirements is limited to a maximum of one water connection. Existing vacant property or new property created by consent or subdivision activity and/or property residentially developed after January 1, 2002 will not be eligible for connection to a municipally operated water supply.

## **5.9 OPEN SPACE**

### **5.9.1 General Principles**

The Open Space areas on Schedules A to E constitute a composite and functionally interrelated land use system which includes public parks, private open space, landscaped or natural reserves, trail systems, and lands which are a logical extension to environmental protection areas. The Open Space designation also comprises all of the Brother’s Islands, Salmon Island, and Grape Island. The Township’s Open Space areas are intended for the

benefit and enjoyment of the community, for their significant contribution to the “quality of life” of the urban place, and to the availability of and potential for recreational activities. The Open Space system complements residential development.

### **5.9.2 Permitted Uses**

Permitted uses are limited to public parks, private parks, cultural facilities, recreational facilities, golf courses, playgrounds, conservation areas, natural areas, recreational trails, and access areas for picnicking, hiking, cross-country skiing, swimming, boating and other similar outdoor recreational activities, together with accessory uses.

### **5.9.3 Policies**

- a) In the long term, it is intended that open space areas will form an interconnected system of green space, wherever possible. Consequently, it is the intent of this Plan to:
  - i) promote the establishment of an integrated system of areas and corridors across the Township for recreational and open space functions;
  - ii) promote the establishment and development of the waterfront trail;
  - iii) protect and, where feasible, improve areas within, along, and adjacent to significant waterbodies and watercourses; and
  - iv) improve accessibility to publicly owned waterfront lands and to those other lands where public access is permitted.
- b) Only those buildings and structures incidental to the principal permitted recreational uses shall be allowed in Open Space areas.
- c) Recreational projects whether designed for public or private use, shall provide adequate vehicle parking areas and access points and be designed in such a manner as to provide for safe movement of vehicular and pedestrian traffic.
- d) When reviewing proposals for recreational uses, regard shall be had for the compatibility of recreational uses with adjacent land uses. Where necessary, such facilities shall be designed in such a manner so as to provide an adequate buffer so as to ensure that any adverse effects associated with such uses are minimized.
- e) Where lands designated as Open Space are held under private ownership, it is not intended that such lands are necessarily free and open to the public nor that there is unrestricted public access to the area.

Control of access is at the discretion of the owners. Only where the land is acquired by a public authority will general access be permitted, and only then, in accordance with the policies of the respective authority.

- f) Lands designated as Open Space that are held under private ownership will not necessarily be acquired by the Municipality or other public authority. Where a proposal is made to develop lands held under private ownership for an alternative use not permitted under this designation and the Municipality or other public agency do not wish to purchase such lands to retain the area for open space purposes, an application for the resignation of the lands will be given due consideration by the Township after taking into consideration the intent and policies of this Plan.
- g) The Township will provide for parks in accordance with standards recommended in the Parks and Recreation Master Plan, 2017 and Section 7.1.2.
- h) Council, in cooperation with the Conservation Authority or other public authorities, will examine future locations for the development of conservation areas, trails, recreational areas, and may establish a land acquisition program.
- i) Land required for parkland may be provided through parkland dedication, in accordance with Section 10.15.

#### **5.9.4 Shoreline Areas**

- 5.9.4.1** In the review of development applications, the Township will consider the acquisition of shoreline areas for active or passive recreational purposes. Whenever possible, the Township will seek the cooperation of other public and private bodies in such matters.
- 5.9.4.2** Council will consider the feasibility of establishing a waterfront acquisition program in cooperation with other public agencies. Such program may consider alternative ways to protect open space, such as, entering into easement agreements with consenting landowners or by encouraging land purchases by non-profit organizations.
- 5.9.4.3** In support of a connected and publicly accessible waterfront and the development of an off-road Waterfront Trail, the Township will consider on a case by case basis and act on all reasonable opportunities to acquire additional waterfront open space using available means such as allowable land dedications under the Planning Act; easements or agreements with private landowners; partnerships; or outright purchase.
- 5.9.4.4** The Township may consider the development of a Waterfront Strategy to address the current use of, and improvements to, existing waterfront parks and the identification of opportunities for

open space and public access to the waterfront.

## **5.9.5 Trail Systems**

- 5.9.5.1** Loyalist Township encourages the establishment and use of trails, recognizing their value for recreation, tourism, active transportation and alternative commuting.
- 5.9.5.2** The Waterfront Trail is a significant trail system intended to stretch along much of the waterfront areas of Southern Ontario. The Millhaven Creek Trail is intended to link Mud Lake and Odessa with the Waterfront Trail. The Amherst Island Trail is a hiking and cycling trail along the shoreline of the Island intended to provide public access to significant environmental features along the waterfront. The proposed trails cross both private and public lands and allow the public to enjoy the scenic beauty of various parts of the Township.
- 5.9.5.3** As growth will be occurring in the vicinity of Parrott's Bay Conservation Area and Nicholson Point, the Township may work collaboratively with the local Conservation Authority and other agencies to identify opportunities for trails and passive recreation associated with these conservation lands.
- 5.9.5.4** Trails will only cross the private lands of property owners who are willing to grant the Township a right-of-way for trail purposes. Trails will be planned and designed to avoid adverse effects on residents and the natural environment.
- 5.9.5.5** The trails are shown conceptually on Schedules C, D, E, and I. Additions to the trail system and changes in alignment of the proposed trails may be made without amendment to this plan. Trail route selection will be further reviewed, including consideration for public safety, and will be subject to a public consultation process.
- 5.9.5.6** This plan also endorses and promotes the system of trails in the Village of Bath, as shown in the *Bath Parks and Recreation Master Plan (1991)*.
- 5.9.5.7** When considering applications for development adjacent to or encompassing lands shown as the Waterfront, Millhaven or Amherst Island Trails, or including trails shown in the *Bath Parks and Recreation Master Plan (1991)*, the Township will encourage arrangements to have the route maintained and available for public use with the landowner's consent.
- 5.9.5.8** The County of Lennox and Addington, in partnership with the

lower-tier municipalities, has established a system of County Trails which make use of County and municipal roads. This plan endorses and promotes the system of County Trails.

County trails are displayed on Schedule I.

**5.9.5.9** The Township may develop a Trails Master Plan in order to guide a comprehensive and active transportation network.

### **5.9.6 Implementation**

Areas designated as Open Space shall be placed in a separate category in the implementing Zoning By-law.

## PART 6

### GENERAL DEVELOPMENT POLICIES

#### 6.1 **INTRODUCTION**

There are a number of policy areas which have an impact on the use of land but which are not represented by a specific land use designation. These include watershed planning, stormwater management, preparation of secondary plans, provision of affordable housing, division of land by consents (severances), conflicting uses, and so on. These support and provide assistance in ensuring the evolving land use fabric is consistent with good planning practice.

Development or redevelopment is to comply with the following policies, where applicable.

#### 6.2 **ADVERSE IMPACTS**

##### 6.2.1 **Buffering and Conflicting Uses**

- a) Where conflicting land uses abut, the development proponent will be required to minimize conflicts between such uses. Buffering will be required for the purpose of reducing or eliminating the adverse effects of one land use upon another. A buffer shall be sufficient to accomplish the intended purpose. A “buffer” is defined in Part-8~~10~~ of this Plan.
- b) Sensitive receptors shall be sufficiently buffered from an incompatible land use, whether existing or proposed by this Plan.
- c) The minimal separation distances specified for specific land use are as follows:
  - i) 70 metres to 300 metres from a wrecking yard. ~~and~~
  - ii) 500 metres from an existing or proposed waste disposal site.
  - iii) 200m from the Fire Training Facility located on County Road 6.

Until site specific studies are carried out by a qualified professional, separation distances outlined in this Plan are held to be the minimum

requirement. Council may vary these distances in accordance with recommendations of appropriate studies where approved by the Ministry of Environment, Conservation and Parks and other agencies having jurisdiction. Development of the area so affected may then proceed in accordance with the policies of the underlying land use designation without an amendment to the Official Plan.

- d) The Ministry of Environment, Conservation and Parks guidelines and procedures respecting land use compatibility and separation distances will be used as a guide in the evaluation and approval of development proposals.
- e) Open storage areas will be subject to appropriate landscaping and screening to ensure they do not detract from the visual amenity along provincial highways, visual amenity of sensitive land uses such as residential areas or areas of visual attraction such as the Loyalist Parkway.

## **6.2.2 Decommissioning of Sites**

Potentially contaminated Sites may include buildings, lands or structure which, for reasons of public health and safety or environmental quality, may have the potential for adverse effects to human health or the natural environment. Their rehabilitation is encouraged as part of this Plan.

### **6.2.2.1 Re-Use of Potentially Contaminated Sites**

- a) Potentially contaminated sites include lands where contaminants may be sources of site contamination can include disposal of waste materials, raw present due to previous industrial, transportation, utility, or similar uses. material storage, residues left in containers, maintenance activities, and spills. Some commercial uses such as gasoline stations and automotive repair garages have a similar potential.
- b) Mapping showing contaminated sites was not available at the time of drafting of this Plan. Where there is evidence that development is being proposed on lands that may be contaminated, council shall require that an appropriate study be prepared in accordance with Provincial guidelines for the decommissioning and clean-up of the contaminated site, and submitted along with the development application.
- c) Where the study produces reasonable evidence to suggest the presence of site contamination, the proponent may be required to undertake further appropriate technical studies as part of the development review process in order to:
  - identify the nature and extent of contamination,
  - determine potential human health and safety



- concerns as well as effects on ecological health and the natural environment,
  - demonstrate that the site can be rehabilitated to meet provincial standards, and
  - establish procedures for site rehabilitation and mitigation of the contamination in accordance with the Ministry of Environment, Conservation and Parks Guidelines for the Decommissioning and Clean-up of Sites in Ontario.
- d) Upon completion of the study identified above, the proponent will be required to restore the site and to make it suitable for the use proposed prior to development.
- e) The site is to be decommissioned or cleaned up to the satisfaction of the municipality and in accordance with Ministry of the Environment, Conservation and Parks guidelines, and subject of the submission to the municipality of a Ministry of the Environment, Conservation and Parks acknowledged "Record of Site Condition".

### **6.2.3 Noise and Vibration**

Major transportation corridors and some industrial enterprises, because of their nature, create unacceptable noise and/or vibration levels. Where it is anticipated that a development may be subjected to unacceptable noise and/or vibration, the potential impact shall be assessed and appropriate mitigation to acceptable levels implemented.

- a) Council shall have regard for the development requirement of the railway concerning buffering, safety, and setbacks. Council will ensure that development proposals are circulated to the appropriate Railway company for review and comment.
- b) Council will require, other than for development by consent for infilling on vacant lots of record, that:
- Appropriate noise and vibration controls to safeguard future residential development adjacent to railway lines, and
  - noise studies, where appropriate, for sensitive land uses adjacent to major roads such as arterials and collectors.
- c) Sensitive areas, generally include lands lying within:
- i) Railways
- 500 metres of a principal line,
  - 250 metres of a secondary mainline, and
  - 100 metres from all other railway lines.
- ii) Other
- 400 metres of Highway 401,

- 300 metres of a major road such as an arterial,
  - 75 metres of a collector,
  - 150 metres of a pit, and
  - 500 metres of a quarry.
- d) Noise and vibration studies are to be prepared in accordance with Provincial guidelines and to the satisfaction of Council.

#### **6.2.4 Dark Skies Policies**

The high quality of darkness of the night skies in the Township is a defining element of the rural character of the area. “Dark Skies Friendly” lighting is described as the practice of installing and maintaining outdoor lighting fixtures that direct sufficient light downward and minimizes light trespass and blinding glare. Dark Skies Friendly lighting enhances the safety of citizens and increases the security of property.

Exterior lighting is used to illuminate roadways, parking lots, yards, sidewalks and pathways, public meeting areas, work sites and home and building exteriors. Dark Skies Friendly lighting increases the visibility of hazards, improves the safety of citizens and provides a sense of security in the community. The Township and the local municipalities benefit from responsible, well designed lighting in the following ways:

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

Poor lighting can give rise to:

- glare which can severely hamper the vision of drivers, pedestrians and cyclists and which can reduce security by producing dark shadows;
- light trespass which may direct light onto neighbouring properties and into windows thereby reducing privacy
- sky glow which directs lighting upwards and undermines the integrity of night sky resources. Sky glow symbolizes wasted energy and washes out citizens view of the night sky; and
- energy waste which increases operating and environmental costs associated with energy production.

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

- All development applications may be required to include a photometric plan of the site showing the proposed design light levels, along with details of the exterior light fixtures proposed to be

used at the site.

- Specific requirements to ensure dark sky compliance may be implemented through the subdivision and site plan approval processes.
- For development adjacent to a provincial highway that include area or architectural lighting, Ministry of Transportation requirements will have to be adhered to.

Council may enact a Dark Skies By-law in order to further implement these policies.

### **6.3 DIVISION OF LAND**

The Township is the approval authority with respect to the division of land. The Planning Act provides for land division to take place by plan of subdivision, consent to land severance, or removal of part lot control on a registered plan of subdivision.

The Planning Act also permits the deeming of old registered plans of subdivision.

#### **6.3.1 Plans of Subdivision**

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

- a) Council will consider the information as specified in Section 51(24) of the Planning Act. Where deemed appropriate, additional information may be required.
- b) Council will approve only those plans which conform with this Plan.
- c) Council will hold a public meeting prior to conditional approval of a plan of subdivision.
- d) Prior to final approval of a plan of subdivision, the Township will enter into a subdivision agreement with the developer whereby such internal and external services, as appropriate, will be provided by the developer in accordance with the specifications and financial securities contained in the agreement.
- e) As a general rule, a registered plan created for residential purposes will not be further subdivided so as to increase the number of lots unless further division is in keeping with the intent of this Plan, and is compatible with general development of the area.
- f) Development, when on private services or communal services, will require the submission of a detailed servicing options study and/or

hydrogeological and terrain analysis report which addresses the ability of the site to sustain development on the basis of those services. The developer shall be responsible for the installation of a communal system to the approval requirements of the municipality and other approval authorities. Communal systems are subject to the ownership and responsibility requirements of the Ministry of the Environment, Conservation and Parks.

- g) When a plan of subdivision is proposed for property bordering a waterbody, the Township may require that the five percent (5%) parkland dedication permitted under the Planning Act be comprised of land abutting the waterbody.

#### **6.3.1.1 Preliminary Engineering Studies**

In addition to any study listed in Section 10.12b.1 of this Plan, as a part of the review and conditional approval of a plan of subdivision or in some cases site plan control, preliminary engineering information or studies may be required to ensure an orderly and logical sequence of development. Prior to conditional approvals and Zoning By-law amendments, Council may require the submission of engineering studies to address:

- a) the provision and distribution of piped municipal water, including any impacts and interrelationships to the overall water distribution supply for the Township;
- b) the provision and location of piped sanitary sewage collection, including any impacts and interrelationships to the existing piped system and sanitary treatment facilities;
- c) the proposed hydrology and stormwater management plan;
- d) the overall traffic impact and mitigation measures;
- e) the relationship of proposals to existing built environment, and the identification of existing deficiencies and necessary improvements required to facilitate development proposals; and
- f) the provision of private utilities, including telecommunication services.

Terms of reference for the preliminary engineering studies should involve a joint approach by the Township, developers, and by such other agencies who may have an interest.

### **6.3.2 Deeming of Plans of Subdivision**

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

### **6.3.3 Part Lot Control**

Where a plan of subdivision has been registered and proposals are brought forth to further subdivide a block or lot into smaller land units, Council may approve such division provided:

- the proposal conforms to the Official Plan and Zoning By-law;
- an appropriate agreement is executed between the proponent and the Township;
- required securities are posted; and
- an appropriate by-law is passed under Section 50(7) of the Planning Act.

### **6.3.4 Condominiums**

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

### **6.3.5 Consents**

Severances by consent will be considered only when Council is satisfied that a registered plan of subdivision is not necessary for the orderly development of the property. Those consent applications which conform to the requirements of Section 53 of the Planning Act, and the land use policies of this Plan will be considered for approval.

#### **6.3.5.1 Applications**

- a) As a general rule, a maximum of three (3) lots (inclusive of the retained parcel) may be created.
- b) The creation of not more than one new lot shall result from any one severance application.

#### **6.3.5.2 Consent Policies**

- a) Consents will be considered if required for technical or legal

reasons such as boundary adjustments, easements, rights-of-way or other purposes that do not create a new lot.

- b) Consents should have the effect of "infilling" in existing developed areas, or result in the rounding out of developed areas, and not of unduly extending development areas.
- c) The number of new lots created by consent shall be restricted to two (2) per lot as it existed as of November 5, 1991 for the former Township of Amherst Island, January 27, 1986 for the former Township of Ernestown, and July 8, 1991 for the former Village of Bath. Notwithstanding the foregoing, more than two (2) lots may be permitted in exceptional circumstances such as an urban setting where a road extension is not required and servicing is already in place, or where infilling policies can be met, or where a parcel has a continuous frontage of one kilometre or more, an additional severance may be permitted.
- d) Consents shall not be granted where the effect is to create strip development or have the effect of extending strip development and thereby hindering the development of the rear of the property.
- e) Severances should not be considered on large multi parceled reference plans or on lands which are subject to a subdivision application.
- f) Consents should not be considered where the extension of a road or other public service or facility is required and considered uneconomic to provide.
- g) Minimum lot area requirements shall comply with the appropriate land use policies in Part 5 of this Plan.
- h) Consents for development on private services will be considered only:
  - where favourable comments have been received from the appropriate agency regarding the ability of the site to support adequate onsite subsurface facilities: and
  - where there is confirmation of sufficient reserve sewage system capacity to treat the septage (hailed sewage) from the new lot pursuant to Section .9.2.6.a.
  - a well is established and pump tested to confirm there is sufficient quantity and quality of potable water available which meets the health and aesthetic parameters of the Ministry of the Environment, Conservation and Parks' Drinking Water Objectives as a condition to approval;

- Dug and blasted wells are discouraged, and should only be considered where a drilled well is not feasible.
- i) Consents must comply with the Minimum Distance Separation (MDS) Formula.
  - j) Consents shall not be considered in areas which are not suitable for the proposed use because of flooding, erosion, steep slopes or other hazardous conditions, or in areas of significant environmental features or environmental sensitivity.
  - k) Consents shall be considered only where the land fronts on an existing public road which is maintained year round.
  - l) Consents located adjacent to and in the vicinity of a provincial highway within the Ministry of Transportation's permit control area under the Public Transportation and Highway Improvement Act (PTHIA) will be subject to Ministry approval and access management requirements. Consents will not be permitted where the entrances would create a drainage problem or traffic hazard due to limited sight lines, grades or proximity to intersections. A report from the governing road authority will be sought.
  - m) Direct access from Township, County, and Provincial roads shall be in accordance with the written recommendation and requirements of the appropriate road authority.
  - n) Consents which would result in landlocking a parcel will not be considered.
  - o) Consents within 500 metres of an active or closed waste management site, 300 metres of a salvage yard, or distances specified in Section 5.4.3 of this Plan with respect to sewage treatment facilities, should be prohibited.
  - p) Consents within or adjacent areas designated as aggregate or Bedrock Resource overlay shall comply with the influence area policies of Section 5.3.3.6 of this Plan.
  - q) Approval of a severance may be subject to such conditions as are appropriate and authorized under the Planning Act or other applicable statutes, including:
    - the provision for entering into an agreement with the municipality to address such matters as internal and external services;
    - financial matters;

- dedication of land for park purposes and/or cash-in-lieu; and
  - requirement for rezoning or minor variance.
  - land dedications to establish road widenings and road alignments with new sections of roads shall be provided for as a condition of development proposals as authorized by the Planning Act.
- r) Severances for agriculturally related ~~commercial and industrial~~ uses may be considered in the Prime Agricultural Area where:
- i) the lot area will be 0.8 hectare or greater;
  - ii) the proposed use requires close proximity to agricultural operations;
  - iii) the lot frontage is appropriate for the use;
  - iv) the lot shall not be rezoned for residential purposes;
  - v) the new lot conforms to the Consent Policies in Part 6.
- s) The severing of farms to create new farm parcels may be permitted if it can be established that:
- both the severed and retained parcels would be viable agricultural units,
  - the size of the parcels provide flexibility to change the nature of the farm operation to meet changing economic conditions, however the new lot and retained lot must be a minimum of 40 hectares, and
  - the type of agriculture proposed is suitable for the area.

### **6.3.5.3 Farm-Related Residential Uses**

- a) Consents for farm-related residential uses are permitted for the following purposes:
- a farmer who enlarges the farm holding through farm consolidation by acquiring an additional farm may be permitted to sever a parcel of land upon which a residence exists and which has been made surplus. Alternative arrangements such as renting of surplus houses is encouraged. The vacant agricultural parcel so created will be rezoned to prohibit any residential use. This housing restriction is intended to limit a pattern of lot creation in Prime Agricultural Areas that would see a



new residence being constructed on a vacant farm property, the house being declared surplus and severed from a lot and the pattern so repeated; and

- for technical or legal reasons such as boundary adjustments, easements, rights-of-way or other purposes that do not create a new lot.

New residential dwellings shall be prohibited on any remnant parcel of farmland created by the consent.

b) Farm-related residential consents will:

- be limited to a minimum size needed to accommodate the use and appropriate sewage and water services, up to a maximum size of 0.8ha;
- meet the Minimum Distance Separation (MDS) Formula where, prior to severance, an existing dwelling is located on the same lot as an existing livestock facility or anaerobic digester;
- be encouraged to locate at edges of farmland, at crossroads, and on poorer soil pockets, in order to keep farmlands open and unobstructed; and
- comply with the Consent Policies contained in Part 56 of this Plan.

## **6.4 ENVIRONMENTAL MANAGEMENT**

### **6.4.1 Subwatershed Planning**

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

- a) the need to prepare a subwatershed plan for any given area should be determined following consultation with the Conservation Authority, and provincial agencies;
- b) terms of reference for a subwatershed plan should be determined in consultation with the Conservation Authority, and Provincial agencies;

- c) a public consultation process will occur;
- d) subwatershed plans for undeveloped areas should have regard to the portion of the affected watershed that has already been developed or committed for development through this Plan;
- e) environmental designations will be updated as new information becomes available;
- f) the quality of stormwater runoff from development shall comply with the water quality standards of approval agencies having jurisdiction.

#### **6.4.2 The Bay of Quinte Remedial Action Plan (QRAP)**

The Bay of Quinte has been identified by the International Joint Commission as a Great Lake area of concern. The Bay of Quinte extends from the Murray Canal to the eastern limits of Adolphus and Long Reach. The Bay of Quinte water quality impairment is related to four (4) problems: eutrophication; bacteriological contamination; persistent toxic contaminants; and destruction of fish and wildlife habitats. Wilton Creek, Spring Creek, and Little Creek, which flow through Loyalist Township eventually lead to the Bay of Quinte.

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

- a) protect all wetlands within the Township which ultimately impact on the Bay;
- b) encourage the retention of fish and wildlife habitat and riparian zones along the Township's shorelines in as natural a state as possible, utilizing management practices recommended by the Conservation Authority and the Ministry of Natural Resources and Forestry;
- c) develop, in cooperation with the appropriate government agencies, strategies for achieving and maintaining nutrient loading limits to approved levels;
- d) ensure, in cooperation with the appropriate government agencies, that the effluent from on site sewage treatment plant as well as the quality of stormwater runoff from development does not further pollute water quality with respect to nutrient, bacterial, and toxic contaminants;
- e) participate with senior levels of government and other agencies in implementing remedial action and abatement programs;
- f) support measures to reduce agricultural, industrial, and municipal phosphorus loading bacterial contamination and toxic contaminant

inputs into the Bay; and

- g) ensure compliance with established setbacks from the shoreline's high water mark for buildings and structures.

### **6.4.3 Stormwater Management**

Stormwater management controls the quantity and quality of surface runoff, which reduces the difference in runoff before and after development. This is critical to protecting the Township's natural heritage system, ground water and surface water resources, and avoiding natural hazards of flooding and erosion. Stormwater quality control focuses on removing sediment and pollutants from the stormwater before it leaves the development site, since sediments and pollutants may have a wide array of negative impacts to the receiving water body.

The Township shall protect, improve or restore the quality and quantity of water by ensuring stormwater management practices minimize stormwater volumes and contaminant loads, and maintain or increase the extent of vegetative and pervious surfaces.

Development proposals are to be accompanied by stormwater management plans where required by the Township and/or Conservation Authority, the County of Lennox and Addington or Ministry of Transportation.

Stormwater management plans shall be consistent with recommendations of a Subwatershed Plan, when one exists, and the Bay of Quinte Remedial Action Plan for lands draining into Wilton, Spring, or Little Creeks.

Development such as plans of subdivision, condominium, settlement areas and rural areas subject to site plan control must provide for stormwater management. Consent applications may not require this condition if the municipality, in consultation with the Conservation Authority, determines that development can proceed without adversely affecting stormwater management in the area. In evaluating development proposals, Council will require that:

- a) developments incorporate methods and best practices in of stormwater management (including stormwater attenuation and re-use) in accordance with the standards of the municipality, Conservation Authorities, and provincial agencies;
- b) concentrated stormwater discharge will not be permitted into a Loyalist Township right-of-way
- c) climate change adaptation and mitigation strategies be implemented through developments in both urban and rural areas such as by incorporating innovative Low Impact Development (LID) design techniques where site conditions permit, and maximize the extent and function of vegetative and pervious surfaces;

- d) developments minimize, or where possible prevent, as required by the approval agency:
- nutrient enrichment,
  - bacteriological contamination,
  - toxic contamination,
  - sediment, and phosphorous loading,
  - changes in water temperature and balance, erosion, and
  - changes in flood levels and base flows in waterbodies.

The above shall be done in a manner that does not increase risks to human health and safety and property damage.

- e) stormwater management reports be prepared by a professional qualified in the field and be submitted together with development proposals (such as but not limited to plans of subdivision prior to draft approval and site plan control);
- h) f) development proponents submit a drainage and grading plan where deemed appropriate by the municipality and/or Conservation Authority, and
- e) g) where development is located adjacent to a waterbody, the use of erosion and sediment control measures such as the installation and maintenance of silt fencing, the replacement of ground planting of vegetated buffers, or the use of measures to promote infiltration may be required by the municipality.

#### **6.4.4 Source Water Protection**

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

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

To that end, the Township will support and promote programs, in principle, developed by agencies such as the Conservation Authorities and Public Health in the development of a water ethic that is intended to educate the public on matters such as reducing the overall consumption of water, the importance of protecting and enhancing water resources, the proper use, storage and disposal of fuels, solvents, pesticides, regular water well maintenance, and the installation of water saving plumbing fixtures.

Within Loyalist Township, two Source Protection Plans have been prepared and approved in compliance with the Clean Water Act, 2006. These plans are the Cataraqui Source Protection Plan and the Quinte Region Source Protection Plan. Source water protection policies in the Township's Official Plan are consistent with the policies in both these Plans.

The Quinte Region Source Protection Plan at this time has not identified any drinking water threats or vulnerable areas within the Township. Should this status change, the Township will update its Official Plan accordingly to be consistent with the Quinte Region Source Protection Plan.

The Cataraqui Source Protection Plan applies to the Cataraqui Source Protection Area and it has identified vulnerable areas including the Bath and Fairfield Intake Protection Zones, the Point Pleasant Intake Protection Zone, and significant groundwater recharge areas and highly vulnerable aquifers. It is intended to protect these vulnerable areas from activities identified as drinking water threats per the Clean Water Act, 2006.

An activity is one or a series of related processes, natural or human, that occur within a geographical area and may be related to a particular land use. Particular activities that have the potential to contaminate sources of drinking water are called drinking water threats. For the purposes of this plan, the term potential contaminants is defined to mean the storage or manufacture of Dense Non-Aqueous Phase Liquids, organic solvents, commercial fertilizer, pesticides, sewage, liquid fuel, road salt, snow storage, mine tailings, Polychlorinated Biphenyls and any other contaminant identified by the Cataraqui Source Water Protection Authority.

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

Monitoring and reporting consistent with requirements and/or recommendations in the Cataraqui Source Protection Plan will be completed by the Township. Focus will be on Vulnerable Areas as defined in the Clean Water Act, 2006. A vulnerable area is defined as a wellhead protection area, an intake protection zone, a significant groundwater recharge area or a highly vulnerable aquifer. The Township does not have any wellhead protection areas.

The policies of this Plan take into account drinking water threats that must or should be considered if they were to become established. Depending on the scale, the type of activity and their proximity to the source of drinking water, drinking water threats are ranked significant, moderate and low. Schedule "F" identifies intake protection zones, while Schedule "K" delineates significant groundwater recharge areas and highly vulnerable

aquifers. Both schedules are to be used as an overlay to the designations found in Schedules A, B, C and D and are to be implemented in accordance with the following policies.

The intake protection zones as identified on Schedule “F” are displayed outside of the Township boundaries for illustrative purposes only.

#### **6.4.4.1 Intake Protection Zones**

The Township has three different Intake Protection Zones within its boundaries including the Township’s Bath and Fairfield Intakes and the City of Kingston’s Point Pleasant Intake Protection Zone. The following policies apply to Intake Protection Zones.

- i) New development and/or expansion or alterations to existing development within Intake Protection Zones 1 and 2 that involve potential contaminants where they would constitute a moderate or low drinking water threat may be subject to the implementation of site plan control and risk management measures to protect the drinking water supply. Where site plan control is required, a risk reduction plan may be required which will identify measures to be incorporated into the design and implemented through the approval that addresses potential contaminants.
- ii) For the Bath Intake Protection Zone, developers will be required to incorporate stormwater management features in accordance with best practices (including Low Impact Design, where site conditions permit) that provide an enhanced level of protection into building and site plans, as well as reduce the volume of sediments and potential contaminants entering the storm sewer systems and roadside ditches draining into Bath Intake Protection Zones 1 and 2.
- iii) Within Intake Protection Zones 1 and 2, the Township will continue working towards improving stormwater management and will develop a strategy to address any untreated stormwater runoff or inadequate treatment.
- iv) In order for the Cataraqui Source Protection Authority to monitor the implementation of this policy, the Township will provide notice of decision for any approvals that involve potential contaminants.

#### **6.4.4.2 Highly Vulnerable Aquifers and Significant Recharge Areas**

The majority of Loyalist Township’s landscape has been characterized as being vulnerable to potential groundwater contamination due to shallow depth to water, thin/absent soils,

exposed fractured bedrock and karst terrain. This state has been documented in three studies including the Loyalist Township Groundwater Study, 2001; the Western Cataraqui Region Groundwater Study, 2007; and the Groundwater Vulnerability and Analysis Report, 2008 (prepared for the Cataraqui Source Protection Authority).

New development and/or expansion or alteration to existing development within significant groundwater recharge areas and/or highly vulnerable aquifers that involve potential contaminants where they would constitute a drinking water threat may be subject to site plan control and risk management measures to protect the groundwater. An aquifer vulnerability and karst assessment report (as per Policy 5.2.5) may be required for the above development circumstances.

In order for the Cataraqui Source Protection Authority to monitor the implementation of this policy, the Township will provide notice of decision for any approvals that involve potential contaminants.

#### **6.4.4.3 Transport Pathway Notification**

Section 27(3) of Ontario Regulation 287/07 (General) also accounts for municipal drinking water supplies and designated vulnerable areas. The Township will provide notice to the Cataraqui Source Protection Authority and the Cataraqui Source Protection Committee upon receiving an application for approval of a proposal that may result in the creation or modification of a transport pathway in an intake protection zone. A transport pathway can be a natural or human-made passage where water can flow to a drinking water intake or well, such as a sewer ditch, utility trench, etc.

#### **6.4.4.4 New Drinking Water Systems**

New municipal drinking water systems could result in existing land uses becoming a significant drinking water threat(s). Therefore the establishment of new municipal drinking water systems, as defined under the Safe Drinking Water Act, 2002, as amended, will require an amendment to the Cataraqui Source Protection Plan and the Township Official Plan.

#### **6.4.5 Flood Plain Mapping**

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

#### **6.4.6 Development Adjacent to Water Bodies**

Development adjacent to waterbodies shall be guided by the following:

- a) Shoreline areas will be protected from insensitive development that may have the effect of removing natural vegetation, disturbing the existing soil mantle and impairing water quality in the adjacent waterbody.
- b) The Conservation Authority and appropriate public agencies are to be consulted on all development proposals affecting shoreline areas.
- c) Development should be creatively designed to enhance and protect the sensitive nature of shoreline resources, avoiding the crowding of buildings, the removal of vegetation and the pollution of ground and surface waters.
- d) New buildings or structures are to be setback from the high water mark. New buildings or structures should be set back a minimum of 30 metres from the high water mark, and be setback fifteen (15) metres from the floodline elevation where one has been defined by the Conservation Authority, whichever is greater. The fifteen (15) metre setback may only be altered in consultation with the Conservation Authority and in accordance with Section 5.2.4.
- e) The construction and components associated with subsurface disposal systems shall have the same setback requirements as new buildings and structures. Where a new septic system is required to replace a substandard or malfunctioning system, and where there is no other location on the property outside of lands impacted by natural hazards (as assessed by the appropriate approval authority), the replacement construction may be less than 30 metres, but should not be less than 15 metres from the high water mark and, wherever feasible, above the flood line elevation where one has been defined by the Conservation Authority.
- f) Subject to the approval of the appropriate agency, those buildings, structures, and uses requiring proximity to water, such as docks, boat houses or similar accessory uses, may be located within the 30 metre setback from the high water mark of the waterbody and within the 15 metre floodline setback as defined by the Conservation Authority.
- g) A natural vegetative buffer strip of 15 metres should be maintained adjacent to the water's edge to filter pollutants from runoff. Within this buffer area, clear cutting of trees is not permitted.
- h) Land covered by water and forming the bed of a waterbody should be left in an undisturbed condition. No dredging, filling or alteration of the shoreline of any waterbody, or lands covered by water, shall be permitted without the approval of the appropriate federal or provincial ministry and/or the Conservation Authority.



- i) The Township will attempt to acquire and maintain public access to waterbodies.
- j) As areas adjacent to selected water bodies have the potential for the identification of significant archeological resources, the need for archeological assessment by a licenced archeologist will be considered as part of the development process.

#### **6.4.7 Forestry**

Although there is no forestry designation on Schedule "A", forestry is essential to land reclamation, erosion control, water retention, wildlife habitats, fibre production, fuel, furniture, recreation and aesthetic value of the Township. Hence it is the intention of this Plan to encourage forestry as a use of land.

##### **6.4.7.1 Policies**

- a) Due to the shallowness of soils, many areas of the Township are unsuitable for agriculture. Because of the benefits identified above, landowners are encouraged to enter into management agreements with the appropriate ministry and/or Conservation Authority to facilitate the reforestation of idle lands where it is not providing significant wildlife habitat or habitat of endangered species and threatened species.
- b) Council encourages the appropriate public agencies to develop and more widely promote reforestation programs to facilitate the achievement of environmental goals such as erosion control, land reclamation, and water recharge.
- c) Council encourages public and private landholders to maintain the forested appearance of the landscape.
- d) Council encourages forestry as an interim activity within areas suitable for Aggregate uses and as an end use when the resource extraction has been completed.
- e) Council endorses the protection and development of treed areas along waterbodies and lands designated in an Environmental category on the Land Use Schedules through the planting of trees native to the area and the provision of development setbacks from waterbodies and land designated in an Environmental category.
- f) Development should be carried out in a manner that encourages the protection and management of woodlands. Development applications affecting significant woodlands as

identified by the Conservation Authority should prepare a Forest Management Plan which:

- i) contains a strategy maximizing the woodland areas to be protected;
- ii) identifies planning and economic construction measures which may be used in the retention of existing wooded areas;
- iii) identifies potential tree planting to mitigate losses; and
- iv) identifies, and wherever practical, protect hedgerows along lot lines.

#### **6.4.8 Tree Planting**

Council recognizes the benefits which accrue from tree planting and landscaping associated with new and existing development. This is reflected in the Urban Design Policies of this Plan. Council also recognizes the aesthetic and environmental benefits (including lower CO<sub>2</sub> emissions) that tree planting and landscaping can provide to the existing urban community. Accordingly, it is the intention of this Plan that Council develop tree planting policies and landscaping standards.

##### **6.4.8.1 Policies**

- a) Council may require the submission of a landscape and/or tree planting plan as part of the approval of a development proposal consistent with the intent of the Urban Design Policies of this Plan.
- b) Council will develop a plan for tree planting and/or landscaping for road allowances and public areas such as parks and civic properties. Such tree planting and/or landscaping plan will take into account the functionality of the existing spaces and location of existing infrastructure.

#### **6.4.9 Soil Preservation**

Soil is a valuable resource in the municipality as evidenced by the ongoing viable agricultural activity. To protect soil from erosion, Council may:

- a) enact a by-law under the Topsoil Preservation Act in order to protect the soil resources of the municipality.

### **6.5 INSTITUTIONAL**

Institutional uses include, but are not necessarily limited to, schools, churches,

assembly halls and clubs, cemeteries, firehalls, accessory offices, municipal yards, public uses and utilities systems.

### **6.5.1 Policies**

- a) Institutional uses are encouraged to locate in lands designated in residential, commercial, and hamlet categories. They are also permitted in the Rural designation.
- b) Institutional uses shall be required to provide onsite servicing at levels acceptable to the appropriate approval authority.
- c) Institutional uses shall conform to the provisions of the implementing Zoning By-law.
- d) Buffering may be required between institutional uses and sensitive receptors.

## **6.6 SECONDARY PLANS AND NEIGHBOURHOOD PLANS**

The policies of this Plan are not, in all cases, sufficiently detailed to address specific land use and development issues for newly developing areas or existing areas should servicing methods change, a fringe area designation be brought into development, a hamlet require a more in depth review, or areas of conversion from seasonal to year round use require particular consideration. The preparation and adoption of a neighbourhood plan or secondary land use plan may be required for such areas, prior to extensive development or redevelopment being approved.

Such plans are intended to provide detailed strategies to address and coordinate matters such as:

- definition of the boundaries of the planning unit;
- type and location of proposed land uses;
- density of development;
- land ownership pattern;
- road design including the location of arterial and collector roads;
- traffic impacts and improvements required to accommodate new development and active transportation;
- subdivision of land;
- servicing;
- natural heritage and environmental constraints (such as, but not limited to contaminated lands, Species at Risk) and stormwater management;
- provision of recreational and community facilities;
- parks and public spaces;
- heritage conservation and urban design;
- timing and staging of growth;
- appropriateness of intensification initiatives;
- natural hazards;
- archeology;

- noise analysis along collector and arterial roads, and in proximity to CN rail corridor;
- improving accessibility for persons with disabilities;
- climate change mitigation and adaptation strategies;
- integration with adjacent established land uses; and
- strategies for implementation.

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

In preparation of secondary plans, Council shall seek public and agency input. The process for informing and involving residents and agencies in the development and review of a proposed secondary plan will be established by Council prior to the commencement of any such study, and will be consistent with the notification procedures set out for Official Plan Amendments under the Planning Act. Secondary Plans should be sufficiently flexible to permit minor deviations or adjustments in land use boundaries, road alignments, and density provided the general intent of both this Plan and the Secondary Plan are maintained.

In cases other than development in the fringe area designation or where the method of servicing changes from private services (wells and septic) to partial or full municipal services (piped water and/or sanitary sewers), Council may consider adopting a development strategy based on a neighbourhood plan. Neighbourhood plans which are not adopted as Secondary Plans to the Official Plan have no legal status under the Planning Act, although they continue to serve as guidelines for land use and coordination of development in areas covered by such plans.

## **6.7 PORTABLE ASPHALT PLANTS**

The establishment of portable asphalt plants required for public authority roads contracts will be permitted, without an amendment to this Official Plan or local zoning in all areas except the Urban Area, Hamlet, Environmental Protection, Natural Hazard Area (Schedule 'F'), Shoreline Residential, or Resort Commercial designations as identified on Schedule 'A'. A portable Asphalt plant:

- i) is permitted to exist in any one location for a period of time not exceeding the completion of the specific road contract. Such period of time is limited to one (1) year unless a specific approval for a longer period has been approved by Council;
- ii) shall be removed within 7 days of the completion of the road construction project;
- iii) shall comply with Ministry of the Environment, Conservation and Parks and ~~Energy~~ separation distances and must first obtain an environmental compliance approval under the Environmental Protection Act from that Ministry;

- iv) shall be located no closer to a sensitive receptor than the distance specified in the environmental compliance approval; and
- v) shall be subject to the policies of section 6.4.4 of this Plan (if applicable).

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

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

## **6.8 WAYSIDE PITS AND QUARRIES**

The establishment of wayside pits and quarries is permitted in the Prime Agricultural Areas, Aggregate, and Rural policy areas of the Township without the necessity of an amendment to the Official Plan or the Zoning By-law. A portable asphalt plant is permitted within a wayside pit or quarry subject to compliance with the policies herein on portable asphalt plants.

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

## **6.9 RENEWABLE ENERGY SYSTEMS**

The siting of renewable energy systems, such as wind turbines, solar panels and other sources of energy are subject to Township land use planning approvals, and to the following policies:

### **6.9.1 Wind Energy Generating Systems**

Loyalist Township is home to wind energy system developments. Wind energy generating systems for electricity production can be a source of renewable energy for the economic and environmental benefit of the municipality and the Province.

### **6.9.2 General Policies**

- i) Nothing in this Section shall restrict the installation or operation of a Micro-Scale Wind Energy Generating System that is mounted directly on the roof of a dwelling or other structure, or a self-supporting pole or tower, and which has a maximum nameplate rating capacity of 3 kilowatts (3 kW).
- ii) Wind turbines require an environmental compliance approval (Noise) from the Ministry of the Environment, Conservation and Parks under Section 9 of the Environmental Protection Act unless exempted.

Moreover, Wind Energy Generating Systems placed within the Ministry of Transportation's permit control area will require all necessary permits prior to any construction taking place on the site.

### **6.9.3 Policies for Commercial-Scale Wind-Energy Generating Systems**

- 6.9.3.1** Commercial-Scale Wind-Energy Generating Systems shall generally be located where wind speed resources are rated acceptable or very good by the Ministry of Natural Resources' Ontario Wind Atlas.
- 6.9.3.2** Commercial-Scale Wind-Energy Generating Systems shall only be allowed in Rural, Prime Agricultural Area and Industrial land use designations. They shall not be located on lands adjacent to within the Environmental Protection Area designation, and shall not be located within the Environmentally Sensitive Area overlay unless a satisfactory Environmental Impact Assessment has been prepared that demonstrates that there will be no negative impacts on the natural features, or on their ecological functions.
- 6.9.3.3** Commercial-Scale Wind-Energy Generating Systems shall be separated from urban land uses (except Industrial), the Hamlet and Shoreline Residential designations on Schedule A and residential land use designations on Schedule C, D and E in order to reduce the potential impact to public health and safety, noise and visual intrusion on these areas.
- 6.9.3.4** In addition to the foregoing, Commercial-Scale Wind-Energy Generating Systems shall be located so as to have regard for:
- a) Sensitive land uses, as defined by the Ministry of the Environment, Conservation and Parks Land Use Compatibility Guidelines.
  - b) Bird migration routes, feeding areas, bat, raptor and other sensitive species populations.
- 6.9.3.5** The proposed sites for Commercial-Scale Wind-Energy Generating Systems shall have suitable access to a public road with the existing design capacity to accommodate the necessary construction and maintenance vehicles. Any upgrades needed to public roads to facilitate the transfer of wind turbine components and necessary construction and maintenance vehicles shall be undertaken at the full expense of the owner of the Commercial-Scale Wind Energy Generating System. The applicant will also be required to submit a municipal operations plan, project design and operations report, construction report, infrastructure report, and to enter into a road use agreement with the Township and any other

applicable road authority to the satisfaction of the appropriate authority.

**6.9.3.6** Commercial-Scale Wind Energy Generating Systems greater or equal to two megawatts (2 MW) are made subject to the *Environmental Assessment Act* by the Electricity Projects Regulation 116/01. Proponents must conduct an environmental screening according to the Ministry of the Environment, Conservation and Parks' "Guide to Environmental Assessment Requirements for Electricity Projects" and Renewable Energy Approval.

**6.9.3.7** Commercial-Scale Wind Energy Generating Systems shall be permitted as-of-right in the Industrial designation and may be permitted by zoning by-law amendment in the Rural and Prime Agricultural Area land use designations, where the applicant demonstrates, through appropriate studies undertaken by qualified professionals, that all issues related to the amendment application have been addressed.

The applicant is required to contact the municipality prior to commencing the background studies to determine the nature and scope of the issues that need to be addressed. The Conservation Authority shall also be consulted prior to the commencement of background studies noted below on natural and cultural heritage features, as well as birds, bats and other sensitive species populations.

At a minimum, the proponent shall also undertake the following applicable studies to the Township's satisfaction:

- a) A noise impact study to determine setbacks from Commercial- Scale Wind Energy Generating Systems and attendant transformers so that noise levels will not exceed the Ministry of the Environment, Conservation and Parks noise standards for sensitive land uses. The noise impact study shall be in accordance with the Ministry of the Environment Conservation and Parks "Noise Guidelines for Wind Farms, Interpretation for Applying MOE NPC Publications to Wind Power Generation Facilities" dated October 2008, as amended May 2016 (or any subsequent amendments);
- b) A visual impact study to demonstrate that the shadow or reflection of light coming from any part of the wind turbine on all points of reception of non-participating sensitive receptors satisfies the internationally accepted upper limit of 30 hours per year under the worse case scenario (full sun and continuous blade rotation) of shadow flicker;
- c) A visual impact study to determine the impact and mitigation

measures required for wind turbines on the landscape as observed from key vistas, views from clusters of sensitive land uses, key sensitive receptors, Lake Ontario, Loyalist Parkway, municipal roads or other public access lands;

- d) Where natural heritage features or functions are identified in the Official Plan, an Environmental Impact Assessment shall be undertaken on the features and functions, and it must be demonstrated that there are no negative impacts on the natural features, or on the ecological functions;
- e) Where designated built heritage resources and cultural heritage landscape features exist, a Heritage Impact Assessment shall be undertaken and it must be demonstrated that there are no negative impacts on the cultural or built heritage. Mitigation measures shall be incorporated into the Road Use Agreement.
- f) Analysis of any impacts on environmental features and functions such as bird migration, raptor and bat populations and feeding activities;
- g) A planning justification report, which demonstrates that the proposed wind turbines are located on lower priority agricultural lands, where possible, and which demonstrates wind turbine placement minimizes the disruption to agricultural uses and normal farming practices;
- h) Where a significant amount of agricultural land is proposed to be removed from agricultural use for the development of a wind energy generating system, Council shall require the proponent to demonstrate that the proposed wind energy generating system will not hinder agricultural uses and infrastructure and normal farm practices, and is compatible with and will not hinder surrounding agricultural operations
- i) A safety study to determine the appropriate setback from all points of reception (participating and non-participating) of sensitive land uses, property lines, municipal roads, shorelines and public access lands to protect against ice throw and blade throw;
- j) A tree inventory to identify key woodland features and individual trees that are to be retained.
- k) An archaeological assessment where turbines are proposed in areas that meet the criteria of policy 7.4.4 of the Official Plan.
- l) A decommissioning and site rehabilitation plan which



indicates the circumstances under which removal of the turbines and all related infrastructure will be undertaken. Findings from this study will be implemented through a site plan agreement.

- m) A traffic impact assessment for projects to address logistics of construction and labour traffic and impact on the affected community.
- n) An assessment of a Commercial-Scale Wind Energy Generating System's potential effects on the property values of non-participant lands to address the concerns of any adjacent and/or visually impacted property owner.

**6.9.3.8** Loyalist Township may retain at the expense of the applicant independent qualified professionals to review all or any part of studies arising out of Section 6.9.3 or any other relevant study identified in the Official Plan.

**6.9.3.9** Pursuant to Section 34(10.2) of the Planning Act, R.S.O. 1990, as amended, no application for a zoning by-law amendment shall be considered by Loyalist Township until the studies and information arising from Section 6.9, Section 10.12b.1 or any other relevant study identified in the Official Plan are completed to the satisfaction of Loyalist Township.

**6.9.3.10** The implementing zoning by-law shall regulate provisions for Commercial- Scale Wind Energy Generating Systems governing such matters as height and setbacks from roads, sensitive land uses, lot lines and other features adjacent to a Generating System.

**6.9.3.11** A zoning by-law amendment to permit a Wind Energy Generating System may include a Holding provision under Section 35 of the Planning Act and in accordance with Section ~~8.5.4~~ 10.5.1 of this Plan. Holding provisions shall set out conditions that must be satisfied before the Holding symbol is removed, and may include, but not be limited to, a requirement that a contract has been executed with the appropriate authority to allow the system to be connected to a transmission grid for electrical distribution and completion of an Environmental Screening Report, as defined in Ontario Regulation 116/01, that is acceptable to the Ministry of the Environment, Conservation and Parks.

**6.9.3.12** The implementing zoning by-law may include setbacks for new sensitive land uses in areas adjacent to an established Commercial-Scale Wind Energy Generating Systems. A consent or subdivision shall be prohibited unless the subject property can be spatially separated from any active Commercial-Scale Wind Energy Generating Systems to sufficiently address noise

emissions.

**6.9.3.13** Subject to federal and provincial requirements, and where feasible, the development of new private transmission and distribution facilities for Commercial Scale Wind Energy Systems along public right-of-ways and electricity corridors shall be located below grade and/or co-located with existing infrastructure. The development of new private transmission and distribution infrastructure within private energy projects shall be located below grade, except where environmental or site characteristics dictate otherwise.

**6.9.3.14** Commercial-Scale Wind Energy Generating Systems shall be subject to municipal site plan control under Section 41 of the Planning Act to address, at a minimum, the following issues: road access, parking, accessory buildings and structures, vegetative buffers and other landscaping, fencing, lighting, signage, topsoil retention, sound attenuation, electrical cables and other utilities on site, the finish and colour of the exterior surface of the Commercial-Scale Wind Energy Generating System, location of external works/facilities such as but not limited to power transmission lines and electrical substations, outdoor storage, storm water management/drainage and erosion control, tile drainage, decommissioning and site rehabilitation information and any other identified impact mitigation measures. No surface of the Commercial-Scale Wind Energy Generating System shall bear any sign or commercial identification except for a small plate containing safety and warning information.

**6.9.3.15** The Township will require proponents of Commercial-Scale Wind Energy Generating Systems to prepare a Dispute Resolution Protocol, to the satisfaction of the Township, to resolve functionality and compatibility issues with the System in a collaborative and timely manner with area landowners and residents.

**6.9.3.16** If Commercial-Scale Wind Energy Generating Systems are decommissioned, the site shall be appropriately rehabilitated to the satisfaction of Loyalist Township in conformity with the decommissioning and site rehabilitation plan for a use permitted by the applicable policies of the plan. Loyalist Township may require the posting of securities for decommissioning and site rehabilitation costs.

#### **6.9.4 Policies for Agriculture-Related Wind-Energy Generating Systems**

**6.9.4.1** Agriculture-Related Wind Energy Generating Systems shall be permitted as-of-right in the Rural and Prime Agricultural Area

designations of this Plan, as an accessory use to an existing and permitted farm or agriculture-related use.

- 6.9.4.2** A Wind Energy Generating System Accessory Facility shall be a permitted accessory use with an Agriculture-Related Wind Energy Generating System.
- 6.9.4.3** Agriculture-Related Wind Energy Generating Systems shall be subject to municipal site plan control under Section 41 of the Planning Act. Site plan issues to be addressed include those listed in policy 6.9.3.14.
- 6.9.4.4** Council may require a report from a professional engineer concerning the design of a proposed Agriculture-Related Wind Energy Generating System. The Township may retain a professional engineer to undertake an independent peer review of the design of the system at the expense of the applicant.
- 6.9.4.5** Agriculture-Related Wind Energy Generating Systems shall satisfy all requirements of the Ministry of the Environment, Conservation and Parks and/or Ministry of Energy, Northern Development and Mines concerning noise attenuation and all other applicable provincial or federal requirements.
- 6.9.4.6** The implementing zoning by-law shall take into account the compatibility of Agriculture-Related Wind Energy Generating Systems with the surrounding land uses, as well as the safety of the system in relation to adjacent land uses.

#### **6.9.5 Policies for Small-Scale Wind-Energy Generating Systems**

- 6.9.5.1** Small-Scale Wind Energy Generating Systems shall be permitted as-of-right in the Industrial, Rural and Prime Agricultural Area designations of this Plan.
- 6.9.5.2** A Wind Energy Generating System Accessory Facility shall be a permitted accessory use with a Small-Scale Wind Energy Generating System.
- 6.9.5.3** Small-Scale Wind Energy Generating Systems shall be subject to municipal site plan control under Section 41 of the Planning Act.
- 6.9.5.4** Council may require a report from a professional engineer concerning the design of a proposed Small-Scale Wind Energy Generating System. The Township may retain a professional

engineer to undertake an independent peer review of the design of the system at the expense of the applicant.

**6.9.5.5** Small-Scale Wind Energy Generating Systems shall satisfy all requirements of the Ministry of the Environment, Conservation and Parks and/or Ministry of Energy, Northern Development and Mines concerning noise attenuation and all other applicable provincial or federal requirements.

**6.9.5.6** The implementing zoning by-law shall take into account the compatibility of Small-Scale Wind Energy Generating Systems with the surrounding land uses, as well as the safety of the system in relation to adjacent land uses.

## **6.10 SOLAR ENERGY RESOURCES**

Eastern Ontario, including Loyalist Township, is recognized as having some of the highest photovoltaic potential in the province. Loyalist Township supports the development of solar energy systems for electricity production, as a source of renewable energy for the economic and environmental benefit of the municipality and the Province.

### **6.10.1 General Policies**

**6.10.1.2** Nothing in this Section, shall restrict the installation or operation of a Small-Scale Solar Energy Generating System that is mounted directly on the roof or wall of a dwelling or as an accessory structure and which has a maximum nameplate rating capacity of 10 kilowatts (10kW) in compliance with the Township's Zoning By-law. Properties that propose a Small-Scale Solar Energy Generating System mounted on the roof or wall of a designated structure under the Ontario Heritage Act shall comply with the policies of Section 7.4.

### **6.10.2 Policies for Commercial-Scale Solar Energy Generating Systems**

**6.10.2.1** Commercial-Scale Solar Energy Generating Systems shall be permitted as-of-right in the Industrial land use designation and may be permitted by zoning by-law amendment in the Rural and Commercial designations.

**6.10.2.2** Commercial-Scale Solar Energy Generating Systems shall not be located on lands within the Environmental Protection Area designation and shall not be located on lands within the Environmentally Sensitive Area overlay unless a satisfactory Environmental Impact Assessment has been prepared that

demonstrates that there will be no negative impacts on the natural features, or on their ecological functions.

**6.10.2.3** The proponent may be required to undertake one or more of the following applicable studies to the Township's satisfaction:

- a) Visual impact study to determine the impact of glare on adjacent sensitive land uses, and to identify appropriate mitigation strategies.
- b) An Environmental Impact Assessment.
- c) A Noise Impact Study to address electrical transformers and any other equipment that may emit a noise.
- d) An Aggregate Impact Assessment if located in an area with high aggregate potential as identified as Bedrock Resource areas on Schedule 'J', the proponent must demonstrate that the Commercial-Scale Solar Energy Generating System serves a greater long term public interest during the lifetime of the System than the aggregate resources and does not compromise future extraction of the aggregate resource.

**6.10.2.4** Commercial-Scale Solar Energy Generating Systems shall be subject to municipal site plan control under Section 41 of the Planning Act to address, at a minimum, the following issues: road access, parking, accessory buildings, vegetative buffers, sound attenuation, location of external works/facilities, storm water management/drainage, tile drainage and any other identified impact mitigation measures.

**6.10.2.5** The implementing zoning by-law shall regulate provisions for Commercial-Scale Solar Energy Generating Systems governing such matters as maximum lot coverage, maximum heights of structures, and setbacks.

**6.10.2.6** Pursuant to Section 34(10.2) of the Planning Act, no application for a zoning by-law amendment shall be considered by Loyalist Township until the studies and information arising from Section 6.10, Section 10.12b.1 or any other relevant study identified in the Official Plan are completed to the satisfaction of Loyalist Township.

### **6.10.3 Policies for Small-Scale Solar Energy Generating Systems**

Small-Scale Solar Energy Generating Systems shall be permitted as-of-

right in all land use designations except Environmental Protection, Natural Hazard, and Prime Agricultural Area, and lands shown in the Environmentally Sensitive overlay, except that a dwelling in the Prime Agricultural Area designation may have a Small-Scale Solar Energy Generating System for residential purposes.

## **6.11 BIOMASS ENERGY RESOURCES**

Loyalist Township supports the development of biomass energy systems for energy production, as a source of renewable energy for the economic and environmental benefit of the municipality and the Province.

### **6.11.1 General Policies**

**6.11.1.1** The Ministry of the Environment, Conservation and Parks must be contacted to determine approval requirements such as the need for Environmental Compliance Approvals (ECA) under the Environmental Protection Act and Regulation 347. ECA's may be required for Biomass Energy Generating Systems for both waste approvals and air emissions and if the type and volume of inputs received exceed the limits stipulated by the Nutrient Management Act and Ontario Regulation 267/03.

**6.11.1.2** Biomass Energy Systems which use waste material with the capacity to generate 10 MW or more of electricity are subject to the environmental screening requirements of Ontario Regulation 116/01.

**6.11.1.3** Biomass Energy Generating Systems shall not be located on lands within the Environmental Protection Area designation, and shall not be located on lands within the Environmentally Sensitive Area overlay unless a satisfactory Environmental Impact Assessment has been prepared that demonstrates that there will be no negative impacts on the natural features, or on their ecological functions.

**6.11.1.4** In order to support a zoning by-law amendment, the proponent shall be required to undertake one or more of the following applicable studies to the Township's satisfaction:

- a) Odour impact study.
- b) Hydrogeological study and terrain analysis.
- c) Geotechnical study to ascertain adequacy of soil and/or rock conditions (for example, in areas of known karst presence).

- d) Environmental Impact Assessment.
- e) Noise Impact Assessment to address electrical transformers and any other equipment that may emit a noise.

**6.11.1.5** Biomass Energy Generating Systems shall be subject to municipal site plan control under Section 41 of the Planning Act to address, at a minimum, the following issues: odour, safety, access, sound attenuation, accessory buildings, vegetative buffers, location of external works/facilities, storm water management/drainage, tile drainage, and any other identified impact mitigation measures.

**6.11.1.6** The implementing zoning by-law shall regulate provisions for Biomass Energy Generating Systems governing such matters such as maximum heights of structures, buffering, setbacks, spatial separation from sensitive receptors, and any other identified concerns.

**6.11.1.7** Pursuant to Section 34(10.2) of the Planning Act, R.S.O. 1990, as amended, no application for a zoning by-law amendment shall be considered by Loyalist Township until the studies and information arising from Section 6.11, Section 10.12.b1 or any other relevant study identified in the Official Plan are completed to the satisfaction of Loyalist Township.

## **6.11.2 Policies for Agriculture-Related Biomass Energy Resources**

**6.11.2.1** Agriculture-related Biomass Energy Generating Systems may be required to comply with the requirements of the Minimum Distance Separation (MDS) Formula prescribed by the Province as amended from time to time depending on the location of the system and where the manure is an input.

**6.11.2.2** Agriculture-related Biomass Energy Generating Systems shall only be permitted as accessory uses to an existing and active farm.

**6.11.2.3** The energy produced by an Agriculture-related Biomass Energy Generating System shall be primarily for domestic on-site consumption. Limited sale of electricity to the transmission grid may also be permitted.

**6.11.2.4** The majority of the biological material used in an Agricultural-related Biomass Energy Generating System shall come from the farm on which the Generating System is located.

**6.11.2.5** Agricultural-related Biomass Energy Generating Systems shall be subject to municipal site plan control under Section 41 of the Planning Act to address, at a minimum, the following issues: minimization of system footprint on prime agricultural land, odour, safety, access, sound attenuation, accessory buildings, vegetative buffers, location of external work/facilities, storm water management/drainage, tile drainage, and any other identified impact mitigation measures.

**6.11.3 Policies for Commercial-Scale Biomass Energy Resources**

**6.11.3.1** A Commercial-Scale Biomass Energy Generating Resource shall only be permitted in the Industrial Designation or in Waste Management sites. They shall not be located on lands within the Environmental Protection Area designation, and shall not be located within the Environmentally Sensitive Area overlay unless a satisfactory Environmental Impact Assessment has been prepared that demonstrates that there will be no negative impacts on natural features, or on their ecological functions.

**6.11.3.2** A Commercial-Scale Biomass Energy Generating Resource shall be subject to municipal site plan control under Section 41 of the Planning Act to address, at a minimum, the following issues: odour, safety, access, sound attenuation, accessory buildings, vegetative buffers, location of external works/facilities, stormwater management/drainage, tile drainage, and any other identified impact mitigation measures.

**6.11.3.3** The proposed sites for a Commercial-Scale Biomass Energy Generating Resource shall have suitable access to a public road with the existing design capacity to accommodate the necessary construction and maintenance vehicles. Any upgrades needed for public roads or other municipal infrastructure to facilitate the transfer of biomass facility components and necessary construction and maintenance vehicles shall be undertaken at the full expense of the owner of the Commercial-Scale Biomass Generating Resource. The applicant will also be required to submit a municipal operations plan, project design and operations report, construction report, infrastructure report, and to enter into a road use agreement with the Township and any other applicable road authority to the satisfaction of the appropriate authority.

**6.11.3.4** Owners of a Commercial-Scale Biomass Generating Resource shall be required to submit an Odour Impact Study and Strategy to the satisfaction of the Township.



## PART 7

### HEALTHY COMMUNITIES

#### 7.1 **RECREATION**

The Township recognizes the need for the provision of open space for a variety of purposes, including structured and unstructured activities such as active areas for organized sports and similar activities, as well as passive and protected areas intended for peaceful enjoyment.

The policies which follow are intended to achieve an integrated system of areas and corridors across the Township for recreational and open space functions.

In conjunction with the review of new applications for Medium and High Density Residential development, the Township shall encourage the provision of private park and open space areas to meet the future needs of the residents of such developments. The encouragement of private park and open space areas should not be at the expense of the wider goals and objectives of the neighbourhood recreation needs.

##### 7.1.1 **General Policies**

- a) New public parks shall be provided to the Township through parkland dedication as part of the development approval process, in accordance with the provisions of the Planning Act and Section 10.15.
- b) The Township's parks and open space land shall contribute to the local economy by attracting visitors and tourists to the Township's parks and open spaces through providing opportunities related to special events, waterfront access, trails as well as natural and cultural heritage venues.
- c) The Township's parks and open space shall provide opportunities for structured and unstructured activities, as well as active and passive activities for all age groups.
- d) The Township shall work with the local Conservation Authorities to seek connections of open space lands for trail development and passive recreation activities.
- e) The Township recognizes the importance of Provincial parks,

conservation reserves and other protected areas, and will minimize negative impacts on these areas.

- f) Crime Prevention Through Environmental Design (CPTED) principles shall be considered for all major park development and redevelopment.
- g) The Township's Parks and Recreation Master Plan, 2017 will be evaluated regularly to ensure the Township's recreational needs are being met.
- h) Parkland acquisition, securement and dedication shall be undertaken in accordance with the Policies in Section 10.15.

### **7.1.2 Parkland Classifications and Standards**

The Township will use a municipal park standard of 2.5 ha/1000 population for the development of new neighbourhood and community parks in new planning areas. The standard for Neighbourhood and Community Parks pertains only to parkland that can be developed for active and passive recreation purposes.

Park classifications and standards shall include the following:

#### **a) Neighbourhood Parks**

- i) Neighbourhood Parks may range in size and should serve from 3,000 to 4,000 people. The form in which neighbourhood parks are provided may consist of a single park or a combination of a single park and one or more parkettes and shall be planned and designed to be a focal point of the neighbourhood.
- ii) Neighbourhood parks are intended to serve the immediate outdoor active and passive recreational needs of the neighbourhood and should be within a 600-800 metre walking distance of the area being served, or to serve outlying hamlets in the rural area.
- iii) Neighbourhood parks shall have frontage onto a collector or local road and, wherever possible, avoid the crossing of arterial roads for visibility and safety.
- iv) Neighbourhood parks shall be connected wherever possible to other parks, green space lands and community destinations by walkways, trails, and sidewalk systems.
- v) Neighbourhood parks may be located with an elementary school to take advantage of shared use opportunities for playgrounds and other facilities development. In these instances, integration of design and development is encouraged, with no physical separation of shared facilities.

- vi) Neighbourhood parks may include existing cultural or natural heritage features.
- vii) Specific sizes, locations, and functions of Neighbourhood Parks and linkages shall be detailed in Secondary Plans, Plans of Subdivision or Site Plans, as appropriate.

b) Community Parks

- i) Community Parks are intended to serve more than one neighbourhood or an entire community and may be designed for both active and passive recreational activities to provide specialized facilities or serve as event space. Due to overlaps in park uses and functions, Community Parks may also serve the function of Neighbourhood Parks. Community parks should range in size from 4 to 10 hectares.
- ii) Community parks shall be planned as focal points, generally located, or at the intersection of major collectors or arterial roads, with significant frontage.
- iii) Community parks shall be connected wherever possible to other parks, green space lands and community destinations by walkways, trails, and sidewalk systems.
- iv) Community parks may be located with a secondary school to take advantage of share use opportunities for facilities development. In these instances, integration of design and development is encouraged, with no physical separation of shared facilities.
- v) Community parks may include existing cultural or natural heritage features.
- vi) Where included, parking shall be oriented to the street and be buffered by landscaping.
- vii) Specific sizes, locations, and functions of Community Parks and linkages shall be detailed in Secondary Plans, Plans of Subdivision, or Site Plans, as appropriate.

c) District Parks

- i) District Parks are intended to serve the Township as a whole as well as visitors District parks may connect to an open space system in abutting municipalities and includes areas owned and operated by the Conservation Authority or other public bodies who may operate parks and open space areas available to the general public. Where Township owned, District Parks may also service the role and

function of Neighbourhood and Community Parks.

- ii) A per capita provision target is not assigned to District Parks due to their resource based nature and unique characteristics. The size and configuration of district parks will depend on the shape and constraints of the property and the specific attributes that led to the site's acquisition.
  - iii) District parks may be designed to serve the specialized passive and active recreational needs of the population by conserving large land parcels for, specialized sports facilities, agricultural fair grounds, trail systems, enjoyment of the natural and cultural environment, group picnic facilities or event space, and other park amenities as described under Neighbourhood and Community Parks
  - iv) Sites for district parks shall, wherever possible, be located in areas with unique or distinct natural features, on arterial roads or provincial highways and in areas with easy access and without undue impact to local residents and should offer parking and be accessible by transit.
- d) Open Space

For the purposes of this policy, "open space" is not associated with the "Open Space" designation.

- i) Open Space areas are intended primarily for passive recreation uses. No specific standard provisions or minimum size is recommended for open space areas due to its resource based nature. The size, configuration and location of open space will depend on the shape and constraints of the property and the attributes, which led to securement of the lands.
- ii) Open Space may include valleyland, natural hazard lands, and environmental protection areas , as well as non-park land associated with stormwater management ponds, boulevards and connecting walkways in developed areas. Open space may include self-directed, passive recreational opportunities as suitable to the setting and requiring minimum development of facilities.

### **7.1.3 Parks and Recreation Master Plan**

The Township's Parks and Recreation Master Plan, 2017 and any amendments thereto shall provide further guidance on the development of parks.

Council recognizes that within built-up areas it may not be possible to attain the standards in the Parks and Recreation Master Plan, 2017. The standards are intended as a guide.

#### **7.1.4 Community Services**

**7.1.4.1** Community services and facilities to meet civic, cultural, recreational, social, and emergency service needs of Township residents will be monitored on an ongoing basis. Where Council deems that such services or facilities are warranted or require enhancement or expansion, they will be planned for and provided in an orderly manner in keeping with the financial capabilities of the Township.

**7.1.4.2** Where possible and as may be appropriate, Council will consider providing such services and facilities in cooperation with appropriate public and private agencies and other levels of government.

**7.1.4.3** Where appropriate, *public service facilities* will be located in community hubs to promote cost-effectiveness and facilities service integration, access to transit and *active transportation*.

### **7.2 EDUCATION FACILITIES**

Education facilities in the Township generally are under the jurisdiction of the Boards of Education. The School Boards are involved in the long range planning of schools, and determine the provision of school facilities. It is the intention of Council to work closely with the School Boards in the context of the land development process to determine the need for future facilities, and encourage the provision of an appropriate range of joint-use facilities in the Township.

### **7.3 HOUSING**

This Plan encourages the provision of an adequate supply of affordable housing by type, tenure, density, location, and cost to meet the needs of present and future residents of the Township consistent with the principles outlined in the Provincial Policy Statement. This Plan also recognizes that many dwelling units also serve as the place of employment for some citizens. This is recognized through policies on Home Based Businesses.

#### **7.3.1 Housing Supply and Affordability**

**7.3.1.1** Council will:

- i) endeavor to maintain a ~~ten~~ 15 (15) year supply of residentially designated and developable land, including through intensification and redevelopment within the urban area;
- ii) endeavor to maintain a three (3) year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and draft approved and/or registered lots and blocks in plans of

subdivision for new residential developments;

- iii) endeavor to achieve the intensification targets for Amherstview, Odessa and Bath as specified in the County of Lennox and Addington Official Plan; and
- ~~iii)~~
- iv) endeavor to maintain adequate water and sewage capacity to allow the achievement of the above targets.

**7.3.1.2** When evaluating requests for new residential development or redevelopment, Council will:

- i) encourage a minimum of 25% of new residential development to be affordable to *low and moderate income households*; and
- ii) encourage housing forms and densities designed to be affordable.

**7.3.1.3** Affordable housing and intensification opportunities will be encouraged through supporting the development of *garden suites* and *secondary units* in accordance with Section 7.3.2 and 7.3.3.

**7.3.1.4** The Township shall protect rental housing from demolition and conversion to condominium or non-residential use, by prohibiting demolitions or conversions resulting in a rental vacancy rate of less than 3% in the Township.

**7.3.1.5** Council encourages the provision of non-profit housing by private or non-profit housing corporations at appropriate locations, consistent with good planning principles and in keeping with the general neighbourhood character. The concentration of non-profit housing projects shall be discouraged.

**7.3.1.6** Before the Township disposes of surplus property, the Township will consider whether it should be used for the purposes of developing affordable housing. For properties that contain potential for the development of affordable housing, the Township will consult with the County of Lennox and Addington's Social Services Department and other relevant agencies.

**7.3.1.7** Council will make all reasonable efforts to ensure the time taken to process residential applications is kept to a minimum.

**7.3.1.8** Innovative measures will be considered to promote the production of affordable housing. Such measures may include:

- reduced road right-of-way widths on local streets,
- innovative zoning standards in suitable locations while

- ensuring harmony with existing development,
- innovative housing designs, such as tiny houses and micro-units and
- review of construction standards.

**7.3.1.9 Council will monitor:**

- i) the adequacy of the supply of lands designated for residential use; and
- ii) the range of housing produced by type, tenure and affordability.

**7.3.2 Garden Suites**

A *garden suite* is a one-unit detached residential structure containing bathroom and kitchen facilities that is ancillary to an existing residential structure that is designed to be portable. Garden suites assist in providing an affordable housing opportunity that allows occupants to live independently with informal support from occupants of the principle dwelling.

- a) A *garden suite* shall be permitted in those locations where a single detached dwelling is permitted as a principle use.
- b) Only one *garden suite* is permitted on a lot and shall not exceed the maximum size limit specified in the Township's Comprehensive Zoning By-Law.
- c) A *garden suite* will not be permitted on the same lot that contains a *secondary unit* in a detached accessory building or structure.
- d) A *garden suite* is subject to the temporary use by-law provisions outlined in Section 10.6.
- e) Subject to Site Plan Control, a development agreement shall be required between the applicant and Township to address the following matters:
  - i) the installation, maintenance and removal of the *garden suite*;
  - ii) the period of occupancy of the *garden suite* by any of the persons named in agreement;
  - iii) that the Township shall not be responsible for any of the costs associated with the removal of the *garden suite* are restoration of the property to pre- garden suite state; and
  - iv) other such items as deemed appropriate by the Township.

- f) The *garden suite* shall comply with all relevant provisions of the Ontario Building Code, the Ontario Electrical Code and Ontario Fire Code. It shall also comply with the Minimum Distance Separation (MDS) Formulae;
- g) The *garden suite* shall be connected to municipal services or connected to the same private services of the principle dwelling. In Amherstview, Bath and Odessa, a garden suite will only be allowed where adequate municipal infrastructure is available;
- h) The lot must be of an adequate size to accommodate the garden suite and when on private services, it must be demonstrated that sufficient on-site servicing capacity (water and sewage) is available for the additional dwelling. Moreover, the Township may require the installation of backflow prevention measures as well as modified metering fixtures;
- i) Sufficient parking shall be available to accommodate the *garden suite*;
- j) The Township's Zoning By-law may include additional provisions regulating *garden suites*, and
- k) The detached accessory structure or building shall not be located on hazardous lands or hazardous sites.

### **7.3.3 Secondary Units**

Secondary units are a significant contributor in meeting affordability and intensification targets in the Township. *Secondary units* also offer an alternative housing option for residents, including one that allows seniors to maintain their autonomy.

- a) *Secondary units* within dwellings are permitted in accordance with the following criteria:
  - i) A *secondary unit* is permitted within an existing or new single detached, semi-detached and/or townhouse dwelling, in both the rural and prime agricultural designations and within the settlement areas;
  - ii) The establishment of a *secondary unit* must meet the provisions in the implementing Zoning By-law. The Zoning By-law shall establish zones where secondary units are permitted;
  - iii) Only one *secondary unit* per single detached, semi-detached or townhouse dwelling is permitted;
  - iv) A *secondary unit* within a dwelling may be permitted on the same



lot that contains a *secondary unit* in a detached accessory building or structure but shall not be permitted on the same lot that contains a *garden suite*.

- v) The *secondary unit* is located within and is subordinate to the principle dwelling;
  - vi) The *secondary unit* can be incorporated without substantial addition to the building or without substantial alteration to the street facing façades of the building. Alteration to street-facing façades includes, but is not limited to, the construction of a new private entrance for the secondary unit;
  - vii) The *secondary unit* conforms with Township By-laws, the Ontario Building Code Act, the Ontario Electrical Code and the Ontario Fire Code;
  - viii) Municipal services such as water, sewers, drainage, roads, etc., are adequate or can be made adequate;
  - ix) For *secondary units* in dwellings on private services, it must be demonstrated that sufficient on-site servicing capacity (water and sewage) is available for the additional dwelling unit;
  - x) The property is located on a publicly maintained year-round road and accessible by emergency services;
  - xi) The property can accommodate sufficient parking for the dwelling house and the *secondary unit*, in compliance with the Township Zoning By-law, and traffic in the area will not be adversely affected; and
  - xii) *Secondary units* shall not be permitted in a residential dwelling located within *natural hazard lands* or *hazardous sites*.
- b) A *secondary unit* is permitted in a detached accessory building or structure to the primary dwelling in accordance with the following criteria:
- i) A *secondary unit* in a detached accessory building or structure is only permitted in the Rural, Prime Agricultural Area and Hamlet designations;
  - ii) Only one secondary unit in a detached accessory structure is permitted per lot;
  - iii) A secondary unit in a detached accessory structure is only permitted when the primary dwelling only contains one dwelling unit or contains one secondary unit within the dwelling, and

where a *garden suite* is not located on the same lot;

- iv) The lot must be equal or greater than 0.2 hectares;
- v) Sufficient on-site servicing capacity (water and sewage) is available for the additional dwelling unit;
- vi) Sufficient parking is available to accommodate the additional dwelling unit in compliance with the Township Zoning By-law and a second driveway is not required to accommodate the additional parking;
- vii) The property is located on a road maintained year-round and accessible by emergency services;
- viii) The land in which the *secondary unit* is located cannot be severed from the property;
- ix) The *secondary unit* in a detached accessory building or structure conforms with Township By-laws, Ontario Building Code and the Ontario Fire Code;
- x) The detached accessory structure or building shall not be located on *hazardous lands* or *hazardous sites*; and
- xi) The detached accessory structure or building must comply with the *Minimum Distance Separation (MDS) Formula*.

#### **7.3.4 Home Based Businesses**

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

There are two forms of home based businesses recognized by this Plan. Home occupations typically represent small-scale professional or personal services, while home industries typically include small-scale manufacturing, processing or repair uses. Home occupations/bed and breakfast establishments and home industries shall conform to the following policies:

##### **7.3.4.1 Home Occupations/Bed and Breakfast Establishments**

This Plan supports the location of home occupations and bed and breakfast establishments as follows:

- a) Home occupations and bed and breakfast establishments are allowed in all residential, commercial, hamlet, agricultural, and rural designations.
- b) In permitting a home occupation, it is Council's intent that:
  - i) "home occupation" means a use which is clearly incidental or secondary to the residential use of a the property or dwelling;
  - ii) it does not change the residential character of the dwelling;
  - iii) it does not create or become a public nuisance in regard to noise, noxious odours, emission of smoke, traffic, parking or signage, or create a risk to public health and safety;
  - iv) there are no goods, wares or merchandise publicly offered or exposed for sale on the premises outside of any buildings;
  - v) the home occupation is carried on by a resident(s) of the dwelling unit and may include a maximum of two (2) employees not resident of the dwelling;
  - vi) adequate off-street parking is provided. Home occupation parking requirements should be in addition to required residential parking;
  - vii) the amount of the dwelling unit or size of an accessory building that may be occupied by the home occupation will be specified in the Zoning by-law;
  - viii) Home occupations will be regulated by the implementing Zoning By-law which shall establish an appropriate definition and provisions for home occupations uses and
  - ix) any development adjacent to a provincial highway is subject to Ministry of Transportation review, approval and permits.

#### **7.3.4.2 Home Industries**

- a) Home industries are permitted in the Rural and Prime Agricultural Area designations. Also, under certain specified conditions, the Zoning By-law will permit home industries in

accessory buildings;

b) In permitting a home industry, it is Council's intent that:

- i) "Home industry" means a use which is clearly incidental or secondary to the residential use of the property or dwelling;
- ii) It does not change the residential character of the dwelling;
- iii) The use must be compatible with adjacent uses;
- iv) It does not create or become a public nuisance in regard to noise, noxious odours, emission of smoke, traffic, parking or signage;
- v) There are no goods, wares or merchandise publicly exposed for sale on the premises outside of any buildings;
- vi) Only accessory retail sales of products directly produced in the home industry is permitted;
- vii) Outside storage associated with a home industry shall be limited in scale and be appropriately screened from surrounding roads and adjacent residences;
- viii) The repair, storage or sale of motor vehicles is not considered to be a home industry;
- ix) The home industry is carried on by a resident(s) of the dwelling unit and may include a maximum of three (3) employees not residents of the dwelling;
- x) Home industries will be regulated by the implementing Zoning By-law which shall establish an appropriate definition and provisions for home industry uses; and
- xi) For the purposes of this Plan, *agricultural-related uses* and on-farm diversified uses are not considered to be home industries, and are subject to the policies of Sections 5.3.2.3 and 5.3.2.4.

### **7.3.5 Housing for Social Needs**

Council recognizes that the existing residential care provides a valuable and much needed living arrangement in the community for that specialized segment of the population who must live away from their families for periods of time due to health or other reasons.

#### **7.3.5.1 Community-Based Care Facilities**

Community-based care facilities cater to the needs of persons who require specialized living arrangements. This includes Group Home and Special Care facilities.

#### **7.3.5.2 Group Homes**

- a) Group Homes shall be licenced and/or approved under Provincial Statutes and shall comply with Municipal By-laws;
- b) Group Homes may be permitted in designations where a single detached and/or semi-detached dwelling is permitted as a principle use; and
- c) Group Homes also may be permitted in Commercial and Institutional designations.

#### **7.3.5.3 Special Care Facilities**

Special Care facilities may be permitted in all residential designations and in those designations which allow Institutional uses.

#### **7.3.5.4 Policies for Group Homes and Special Care Facilities**

The development of any community-based care facility or the conversion of an existing building (including any additions) shall comply with the following:

- a) All facilities shall be included in an appropriate zoning category;
- b) Such facilities shall occupy the whole of:
  - a single detached dwelling house,
  - a converted single detached dwelling house,
  - a semi-detached dwelling house (only one of the dwelling units),
  - a building constructed specifically to accommodate such a facility.
- c) Such facilities shall be subject to Site Plan Control.;
- d) Site services such as sewage disposal, water, gas, electricity, shall be adequate for the facility, or capable of being made adequate;
- e) Adequate parking facilities shall be provided in accordance with the requirements of the Zoning By-law;

- f) The siting and design of new buildings or additions, in terms of character, massing, scale and height, shall be compatible with adjacent buildings and the streetscape;
- g) Adequate buffering shall be provided so as to minimize any adverse impacts on adjacent properties; and
- h) Community-based care facilities shall be operated in accordance with the following policies:
  - i) no owner/operator is to commence operation without having registered the proposed facility according to a By-law passed under the Municipal Act for that purpose; and
  - ii) the owner or operator is to provide the Township with written notification of the date on which any such facility ceases operation or changes.

#### **7.3.5.5 Child Care Homes**

- a) Child Care Homes as defined by the Child Care and Early Years Act, 2015 and are permitted in all designations except in the Environmental Protection Area designation and on those lands identified as Natural Hazard Areas provided that such uses can be made compatible with surrounding uses.
- b) Home based daycare, as permitted under the Child Care and Early Years Act, 2015 may be carried on within a residential dwelling in accordance with the home occupation policies in Section 7.3.4.1.
- c) Child Care Homes for more than the allocated children permitted under the Child Care and Early Years Act, 2015 shall be permitted within community facilities or buildings specifically designed for day nurseries.

### **7.4 CULTURAL HERITAGE AND ARCHAEOLOGY**

Loyalist Township has a long history as an Indigenous settlement, primarily made up of fishing and hunting camps as evidenced from archaeological assessments and artifacts found within the Township. The area also experienced an intensive period of European settlement around 1784. Many of the Loyalist settlers served in the Loyal Rangers, Jessup's Corps and the King Royal Rangers and cleared the land to plant crops. Loyalist Township's strong connection to United Empire Loyalist is rooted in generations residing in the community, creating strong familial connections that were strengthened in part by the isolated new settlement and their intense devotion to loyalist heritage.

The cultural heritage resources of the area play a key role in the Township's identity and contributes to its economic prosperity. It is important to recognize and protect those cultural heritage resources that preserve the cultural heritage integrity of the community. It is also important to continuously learn about these cultural heritage resources and their impact on the Township. As such, the Township will build relationships, including Indigenous cultural heritage, with Traditional Knowledge Holders and Elders to engage in the sharing of knowledge.

The Township will meaningfully engage with and consider the interests of Indigenous communities in conserving Indigenous cultural heritage resources and consult with local Indigenous communities early in the application process whenever development and land use planning practices is proposed that may effect or impact Indigenous interests and/or inalienable rights.

It is the intention of the Township to conserve and enhance the cultural heritage resources of the Township, so that they may be accessed and experience by all residents, visitors and future generations. The Township will manage and protect those resources in accordance with the policies of this plan.

#### **7.4.1 Heritage Management**

Conserving and enhancing cultural heritage resources is an integral part of the Townships planning, decision-making and implementation processes.

- a) The Township will maintain a Heritage Committee, to advise Council on all matters pertaining to heritage.
- b) The Township will continue to identify cultural heritage resources in the Township through formal designation under the Ontario Heritage Act and through a heritage registry, including; built heritage, cultural heritage landscapes, and areas of known or potential archaeological sites.
- c) The Township may provide support and financial assistance for initiatives which enhance the public appreciation and education of the Townships Cultural Heritage Resources.
- d) Cultural heritage resources, including those owned by the Township, will, as feasible, be protected and enhanced by following good conservation practices consistent with the *Standards and Guidelines for Conservation of Historic Places in Canada*, the *Ontario Ministry of Tourism, Culture and Sports Guiding Principles in Conservation of Built Heritage Properties* and other heritage protocols and standards. The Township will also ensure that, as feasible, cultural heritage sites and properties with cultural heritage attributes comply with the Property Standards By-law.
- e) The Township may consider designation of any heritage resource under the *Ontario Heritage Act*, if that resource is threatened with demolition, significant alterations or other potential adverse impacts.

- f) The Township may require a Heritage Impact Statement to be prepared by a qualified professional for any development proposal to be prepared by a qualified professional. The scope of the document is determined by consultations with the Township and should demonstrate the potential adverse effects to the heritage attributes of the property. Mitigation measures and/or alternative development approaches shall be required to address potential adverse impacts to cultural heritage resources. A Heritage Impact Statement may be required where there is construction or alterations within a heritage conservation district or for any de-designation requests.
  
- g) The Township may permit site alterations, including but not limited to zoning amendments, site plan controls, demolition control, consent, minor variances or provisions of utilities, on adjacent lands to protected heritage properties, after reviewing the potential impact on the cultural heritage resources of the properties, ensuring their conservation. Where Council has adopted guidelines for assessing adjacent lands (as amended time to time from time to time), they shall be used to implement decisions associated with proposals of adjacent lands. All projects of adjacent lands must;
  - i) Respect the massing, profile and character of adjacent heritage buildings
  - ii) Approximate the established setback pattern on the street.
  - iii) Approximate the width of nearby heritage buildings.
  - iv) Be physically oriented to the street in a similar fashion to the existing heritage buildings.
  - v) Have minimal impact on the heritage attributes and heritage integrity of the streetscapes.
  - vi) Minimize the loss of open space and cultural landscapes open space
  - vii) Require utility equipment and devices in locations that do not detract from the visual character or architectural integrity of the heritage resource.

For the purpose of this section, adjacent lands are defined as:

1. Those lands contiguous to a *protected heritage property*;
2. Those lands that are separated from a *protected heritage property* by a narrow strip of land used as a right-of-way, walkway, green space or park; or
3. Those lands which comprise part of the *heritage attributes* (for



example view planes, streetscapes) of a *protected heritage property*.

- h) The Township may, as feasible, take measures to enhance, restore and maintain the cultural heritage resources owned by the municipality. The Township may adopt guidelines, as amended time to time, that shall be used to implement decisions associated with heritage property conditions.
  - i) The Township may, as feasible, designate all Township owned heritage resources of merit under the *Ontario Heritage Act*.
  - ii) The Township shall, as feasible, protect and maintain Township owned heritage resources to set a model for high standards of heritage conservation.
  - iii) The Township owned heritage resources shall, as feasible, be integrated into the community and put to adaptive reuse.
- i) The Township will consult with Indigenous communities and appropriate government agencies such as the *Ministry of Tourism, Culture and Sport*, and the *Ministry of Government and Consumer Services* when an identified human cemetery, marked or unmarked human burial is affected by land use development. The provisions under the *Ontario Heritage Act* and the *Cemetery Act* shall apply.

#### **7.4.3. Built Heritage Resources**

Built heritage resources refers to one or more significant buildings, structures, monuments and heritage conservation districts valued for their contribution to our understanding of the Townships history, events, and people. Loyalist Township currently has designated properties and maintains a Register of Cultural Heritage Properties, with more pending.

The Township continues to identify, enhance and protect the built heritage resources in an ongoing process in accordance with the *Ontario Heritage Act*.

- a) The Township Council may designate properties by By-law, on its own or on the recommendation of the Heritage Committee, as having cultural heritage value
- b) Evaluation criteria for assessing the cultural heritage value of built heritage resources was established by Ontario Regulation 9/06 and its succession regulations. Built heritage resources must exhibit one of the following values.
  - i) Design value or physical value
  - ii) Historical value or associative value
  - iii) Contextual value

- c) The Township will maintain a register of built heritage resources of cultural heritage properties that are identified as having significant heritage value contributing to the understanding of the Township's history, events and people. The register may include properties of Designated properties, Heritage Conservation Districts, monuments, or archaeological sites.
- d) Adverse impacts, including but not limited to the alteration, removal or demolition of Heritage Attributes on designated heritage properties will be regulated through the requirement of a Township Heritage Permit under the *Ontario Heritage Act*. Any non-compliance may be enforced in accordance with the *Ontario Heritage Act* or the Townships Property Standards.
- e) The Township will facilitate the maintenance and conservation of designated heritage properties including making available grants, loans and other incentives as provided under the *Ontario Heritage Act*, the *Planning Act* and any other applicable legislation.

### **7.4.3 Heritage Conservation Districts**

A Heritage Conservation District is a cultural heritage landscape, designated under Part V of the *Ontario Heritage Act*, protecting the heritage district and encouraging compatible new development. The Township has one Heritage Conservation District in the Village of Bath, as shown on Schedule H.

- a) The Township Council may designate an area within the municipality as a Heritage Conservation District, as having cultural heritage value by By-law.
- b) An area may be examined as a potential Heritage Conservation District if it satisfies at least one of the following criteria:
  - i) It represents a group of architecturally significant buildings due to their craftsmanship's, originality, style or age.
  - ii) It is associated with past events or distinguished individuals.
  - iii) It is locally recognized as an area of special interest.
  - iv) It is associated with a former way of life which is of significance to the Township.
  - v) It is an aesthetically pleasing environment that contributes positively to the texture of a particular area within the Township
  - vi) It contains human-modified heritage features which collectively

constitute a significant cultural landscape.

- c) Should a Heritage Conservation District study take place prior to an area's designation, during the study, alternations on the properties within the study area may be regulated.
- d) Properties designated under Part IV of the *Ontario Heritage Act* may be included in the Heritage Conservation District to ensure the integrity of the district.
- e) A Heritage Conservation District plan must be prepared for each designated district, in compliance with the *Ontario Heritage Act*, implemented by a By-law and updated time to time.
- f) Should Council need to amend zoning By-law under Section 34 of the *Planning Act* to implement the district plan, Council will proceed with the appropriate amendments.
- g) Where considering development applications for properties within a Heritage Conservation District or adjacent to the district, a heritage Impact Statement may be required and must demonstrate that is complement the identified cultural heritage value and heritage attributes of the area.

#### **7.4.4 Archaeology & Marine Archaeology**

Archaeology sites are defined as locations or places where the remains and/or presence of past human activity are found and may provide insight to the lives of people who came before. Archaeology sites can be land or marine based where physical remains, bio-archaeological and archaeological resources or artifacts are usually hidden from view and may occur on or below the surface of the land and water. The Township strives to recognize, protect and conserve archaeological resources within the Township.

- a) Criteria for determining areas of archaeological potential are based on provincial guidelines, as issued by the Ministry of Tourism, Culture, and Sport, as amended from time to time, and includes but not is limited to;
  - i) Known archaeological sites within 250 meters
  - ii) Water source (primary, secondary, ancient) within 300 meters
  - iii) Elevated topography (e.g. knolls, drumlins, eskers, plateau)
  - iv) Pockets of sandy soil in a clay or rocky area
  - v) Unusual land formations (e.g. mounds, caverns, waterfalls)

- vi) Research-rich areas (e.g. concentrations of animals, vegetation or mineral resources)
  - vii) Non Indigenous settlement (e.g. monuments, cemeteries)
  - viii) Historic transportation (e.g. roads, rail, portage)
  - ix) Property protected under the *Ontario Heritage Act*
  - x) Local knowledge
  - xi) Recent disturbance (extensive and intensive)
- b) The Township may adopt By-laws under section 34 (1) 3.3 of the *Planning Act*, and its successor, for prohibiting any land use activities on land that is the site of significant archaeological resource.
  - c) The investigation and conservation of archaeological resources shall be completed in consultation with Indigenous communities.
  - d) Identified potential archaeological sites may require consultations with the *Ministry of Tourism, Culture and Sport* and an archaeological assessment. The assessment should;
    - i) Be undertaken by a qualified archaeologist licensed under the Ontario Heritage Act.
    - ii) Include mitigation measures of adverse impacts to significant archaeological resources.
    - iii) Archaeological resources identified in the archaeological assessment shall be documented, protected, salvaged, conserved and integrated into new developments as appropriate.
  - e) The Township will permit development and site alterations on lands that contain archaeological potential if the significant archaeological resources are conserved. In these circumstances:
    - i) Preservation of the resources in its original place is preferred.
    - ii) Archaeological resources are conserved by removal and documentation.
    - iii) Where resources are preserved in its original place, only developments and site alterations which maintain the heritage

integrity of the site are permitted.

- f) The Township may within the boundaries of the Township have significant marine archaeological resources. A marine archaeological assessment by a qualified and licensed archaeologist may be required where applications for shoreline or waterfront developments or site alterations could impact the integrity of the marine archaeological resources. Marine archaeology resources could include, but are not limited to, partially or fully submerged features such as ships, boats, vessels, artifacts from the contents of vessels, old piers, docks, wharfs, fords, fishing traps, dwellings, aircrafts.
- g) Where burial sites are encountered during any excavation or other actions, in accordance with the funeral, burial, and Cremation Services Act applies. A licensed archaeologist will assess the property and recommend conservation standards.
- h) There is a traditional process for Indigenous communities that must be followed for the repatriation or re-interment of remains, if encountered at an archaeological site. Indigenous communities shall be contacted immediately after discovery of the remains.

#### **7.4.5 Cultural Heritage Landscapes**

A cultural heritage landscape involves a geographically defined grouping of features that are both human-made and natural. These geographical areas have been modified and characterised by human activity and collectively create a unique cultural heritage. They are valued not only for their historical, architectural or contextual significance, but also for their contribution to the understanding of the social, economic, political and environmental influences that have shaped the community.

Cultural heritage landscapes may include such features as Heritage Conservation Districts designated under the Ontario Heritage Act, villages, parks, gardens cemeteries, lakes, rivers, main streets, neighbourhoods, shorelines, vegetations and scenic vistas.

- a) It is The Townships intention to conserve its cultural heritage landscapes
- b) The Township may identify Cultural Heritage Character Areas; being areas and landscapes of special cultural heritage value that although may or may not be designated under the *Ontario Heritage Act*, merits special conservation efforts and should be recognized for their specific heritage character. The following may be required;
  - i) A Heritage Impact Statement where site alterations to a property located with a Cultural Heritage Character Area is proposed.

- ii) The protection of the viewpoints, such as those related to the Heritage Conservation Areas, the waterfronts, and heritage properties.
- c) The Township will identify and maintain an inventory of cultural heritage landscapes as part of the Townships cultural Heritage Register to ensure that they are accorded with the same attentions and protections as the other types of cultural heritage resources.

#### **7.4.6 Loyalist Parkway - Provincial Highway No. 33**

Under the authority of the Public Transportation and Highway Improvement Act, the Ministry of Transportation has jurisdiction over portions of Loyalist Parkway, and adjacent development next to these portions will be subject to Ministry review, approval and permits. Jurisdiction of the Parkway is shown on Schedule 'G' of this Plan.

Council promotes the development of Highway No. 33 in a manner that is compatible with its designation as the Loyalist Parkway by:

- a) encouraging designation of heritage structures along the Parkway under the Ontario Heritage Act to permit municipal input into alterations of heritage structures, thereby encouraging retention of the Parkway's heritage theme;
- b) circulating to the Group of Advisors for the Loyalist Parkway and the Ministry of Transportation any Official Plan and Zoning By-law Amendments with properties fronting onto the Loyalist Parkway;
- c) requiring draft plans of subdivision proposed for land adjacent to the Loyalist Parkway be appropriately landscaped in order to minimize visual impact; and
- d) encouraging buildings and structures associated with new industrial or major institutional development in the area on the north side of Highway No. 33 be setback 100 metres from the northern limit of the road allowance. Facilities may be located closer to the road allowance where, through the site plan approval, mitigating measures such as architectural treatment, enhanced landscaping, and/or earthen berms and landscaping are proposed in order to mitigate the visual impact.

### **7.5 ACCESSIBILITY**

- 7.5.1** The Township will consider accessibility for persons with disabilities in all land-use planning and development decisions and will address all standards as required under the Accessibility for Ontarians with Disabilities Act.

**7.5.2** Universal physical and barrier free access to public spaces and buildings will be ensured by:

- a) creating a connected network of streets, parks and open spaces that are universally accessible, including sidewalks with unobstructed pathways and curb cuts on all Township streets;
- b) requiring that plans for all new buildings and additions meet the guidelines set out on the Township's and/or the County of Lennox and Addington Accessibility Plan, and any regulations under the Ontario Building Code Act and Accessibility for Ontarians with Disabilities Act;
- c) retrofitting over time all existing Township-owned buildings and open spaces that are open to the public and open spaces to make them universally accessible and barrier free. Encouraging the owners of private buildings and spaces to do likewise through public education and retrofit programs.

**7.5.3** Notwithstanding policy 7.5.2, it may not be possible or practical in all cases to ensure universal accessibility:

- a) Some public buildings and open spaces perform functions that are incompatible with wide-open public access, for example water treatment plants and waste transfer stations.
- b) In some natural heritage areas, public access will damage natural features and functions.
- c) Some locations are largely inaccessible today due to adverse topography such as steep slopes, and in the absence of benign, non-intrusive technology, making them accessible would be impractical.

## **PART 8**

### **COMMUNITY IMPROVEMENT**

#### **8.1 GENERAL PRINCIPLES**

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

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

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

#### **8.2 CRITERIA FOR COMMUNITY IMPROVEMENT AREA DESIGNATION**

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

- a) deficiencies in hard services including roads, sidewalks, curbs, gutters, water distribution system, sanitary collection system, and storm sewers;
- b) deficiencies in municipal services such as fire protection, lighting or other public utilities;



- c) the presence of sub-standard building conditions and housing in need of improvement and revitalization;
- d) the opportunity to expand the housing stock and/or improve the mix of housing types through the redevelopment or conversion of underutilized lands and/or buildings;
- e) the presence of vacant lands/buildings and brownfield sites that could be developed, redeveloped or converted to another use;
- f) the presence of high commercial or industrial vacancy rates;
- g) the need to upgrade the streetscape or aesthetics of an area;
- h) the need to upgrade elements of the transportation system, including but not limited to, sub-standard road conditions and road widths, and poorly designed intersections;
- i) the need to provide or improve recreational and cultural facilities and public open space, including parkland acquisition, facilities improvement, and trails enhancement;
- j) the presence of incompatible land use activity;
- k) the presence of hazard lands which have an impact on the Township's pattern of development, or areas requiring improvements because of poor drainage conditions, including ditching and floodproofing;
- l) the presence of buildings or lands of architectural and/or historical merit and sites of archaeological significance or interest, in need of improvement, or revitalization, or adaptive re-use;
- m) the need for improvement to agricultural and agri-tourism properties, buildings and facilities;
- n) areas requiring shoreline improvements to enhance public usability while furthering public efforts at shoreline management along waterbodies, particularly the shoreline of Lake Ontario;
- o) the presence of points of interest and/or special visual amenities (ie: waterfront), and major trails such as the Waterfront Trail and the Amherst Island Trail that provide an opportunity for tourism, and which could benefit from protection and enhancement;
- p) the presence of environmental contamination or potentially contaminated properties;
- q) the opportunity to improve the energy efficiency of an area;

- r) the opportunity to provide affordable housing;
- s) the opportunity to increase the accessibility of buildings and/or properties; and
- t) any other environmental, social or community economic development reason.

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

### **8.3 SELECTION OF COMMUNITY IMPROVEMENT AREAS**

The criteria outlined in the above section were applied to Loyalist Township. The resulting Community Improvement Areas are shown on Schedule 'F' and are described as follows:

- a) Amherstview
- b) Odessa;
- c) Bath;
- d) the Hamlets of :
  - Millhaven,
  - Morven,
  - Stella,
  - Violet, and
  - Wilton
- e) Rural and Prime Agricultural Areas of the Township;
- f) Trails such as:
  - the Waterfront Trail, and
  - the Amherst Island Trail.

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

### **8.4 COMMUNITY IMPROVEMENT POLICIES**

- g) It is the policy of Council to:
  - i) maintain and improve municipal services, public utilities and social and recreational facilities;

- ii) encourage improvement activities which contribute to a strong economic base including tourism, commercial and industrial development, cultural heritage, tourism and agri-tourism;
- iii) encourage the maintenance of the existing housing stock, and promote the rehabilitation, renovation and repair of older buildings;
- iv) preserve historically and/or architecturally significant buildings or areas;
- v) improve traffic and parking patterns to make them more compatible with surrounding uses and needs;
- vi) improve conditions in older predominantly residential areas;
- vii) improve the overall streetscape and/or aesthetics of publicly owned lands through the implementation of tree planting and/or landscaping measures so as to enhance the environment and aesthetics of the community;
- viii) improve the overall streetscape and/or aesthetics of commercial areas of the Township;
- ix) support the agricultural community through improving farming operations and the development of *on-farm diversified uses*;
- x) ensure improvements made are carried out in such a way as to be compatible with other goals, policies and objectives of this Plan;
- xi) encourage, where feasible, energy efficient conservation through energy efficient land uses and buildings;
- xii) provide advice and guidance on maintenance and rehabilitation of buildings and structures and on energy conservation;
- xiii) encourage public participation in the community improvement planning process;
- xiv) undertake a monitoring program to review budgeting and program direction in respect to the attainment of specific policies;
- xv) work with business groups to identify and facilitate improvements.
- xvi) encourage the development, reuse and redevelopment of brownfield sites for economic growth and environmental clean-up reasons.

## **8.5 PHASING OF IMPROVEMENTS**

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

a) Community Improvement Areas are listed as follows in terms of areas chosen, given their overall need for improvement:

- Amherstview;
- Bath;
- Odessa;
- Millhaven;
- Morven;
- Stella;
- Violet;
- Wilton;
- Rural and Prime Agricultural Areas; and
- Trails.

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

b) Council will give priority to:

- i) making improvements to publicly owned buildings, structures and facilities;
- ii) encouraging the redevelopment of commercial and industrial properties through the implementation of various programs, including tax increment equivalent grants;
- iii) integrating community improvement projects into other municipal improvement programs, Asset Management, Green House Gas reduction initiatives, and capital works budgeting; and
- iv) determining specific community improvement project priorities and the budget allocation as part of the annual municipal budgeting process.

## **8.6 IMPLEMENTATION**

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

a) designation, by by-law, of community improvement project area(s) for the entire municipality or a portion of the municipality.

- b) adoption of community improvement plan(s) for the project area(s);
- c) the acquisition of land and/or buildings within community improvement project areas where a Community Improvement Plan has been adopted, approved and is in effect, and the subsequent
  - i) clearance, grading or environmental remediation of these properties;
  - ii) repair, rehabilitation, construction or improvement of these properties;
  - iii) sale, lease, or other disposition of these properties to any person or governmental authority;
  - iv) other preparation of land or buildings for community improvement.
- d) seek funds from other levels of government such as the county, provincial, and the federal government where their programs facilitate the implementation of the community improvement plan;
- e) enactment and enforcement of a property standards by-law with respect to residential, commercial and industrial building stock and lands;
- f) encouragement of public participation in the preparation of community improvement plan(s);
- g) encouragement of private sector use of government programs where they complement community improvement efforts;
- h) encouragement of infill development of vacant and/or underutilized properties in community improvement areas;
- i) the provision of public funds such as grants, loans and other financial instruments to registered and assessed owners, and tenants of lands and buildings located within a community improvement area;
- j) the provision of information on municipal initiatives, financial assistance programs, and other government assistance programs; and
- k) holding land within the community improvement project area acquired before or after the passing of the by-law designating the project area.

## **PART 9**

### **INFRASTRUCTURE POLICIES**

#### **9.1 INTRODUCTION**

The Township will develop an Infrastructure Master Plan to guide decision making on development applications. Moreover, the Plan shall also guide the development of short and long term infrastructure planning as well as asset management and financial plans.

This Section sets out policies related to the development of services and utilities which are essential to the proper functioning and well being of the municipality. Infrastructure includes land, buildings, and structures devoted to providing recreational opportunities, piped water and sanitary sewer services, stormwater management facilities, transportation facilities, and other similar services and facilities which support the land use fabric. Infrastructure shall be provided in a coordinated, efficient and cost-effective manner that considers impacts from climate change while accommodating projected needs.

Planning for infrastructure, electricity generation facilities and transmission and distribution systems, and public service facilities shall be coordinated and integrated with land use planning so that they are:

- a) financially viable over their life cycle, demonstrated through proper asset management planning;
- b) available to meet current and projected needs; and
- c) promoting green infrastructure wherever feasible.

#### **9.2 ENERGY AND UTILITIES**

There are a number of Federal and Provincial government related authorities within the Township, as well as municipal bodies and private corporations, including telecommunications and energy companies, which are responsible for the delivery, regulation, and maintenance of essential services. Such services include electrical power supply, supply of natural gas, communication systems, water distribution, sewage collection, and stormwater facilities. It is important that such agencies be involved in the planned development of the Township to ensure that residents receive the benefits of the coordinated provision of all services.

### **9.2.1 Energy**

- a) Existing electrical and natural gas facilities and the development of new electrical or natural gas facilities directly related to the provision of energy such as transmission lines, transformer stations, pipelines, distributing stations, and booster stations shall be permitted provided that development satisfies the provision of the Environmental Assessment Act, the National Energy Act, including regulations made under those Acts and any other relevant statutes and are in keeping with the general intent of this Plan.
- b) Encourage, where feasible, the joint use of public rights-of way as utility corridors.
- c) The delivery of natural gas is regulated through the National Energy Board Act. Any works, excavation, or blasting within 30 metres of a pipeline must be undertaken in compliance with the requirements of the National Energy Board and/or other agencies having jurisdiction.
- d) All permanent structures and excavations must be located a minimum of 10 metres from the limits of a pipeline right-of-way.
- e) All facilities located within or crossing a Provincial right-of-way corridor are subject to the requirements of the Public Transportation and Highway Improvement Act. Any such installations must satisfy the requirements of the Ministry of Transportation regarding location and permits.
- f) New development can increase the population density of an area, which may require pipeline operators to replace their pipelines to comply with Canadian standards. Therefore the Township shall require early consultation with pipeline operators or their designated representatives for any development proposals with 200m of pipelines.
- g) In areas of more urban development, the Township will encourage the development of TransCanada, Enbridge and TransNorthern's right-of-ways for passive parkland or open space purposes, subject to TransCanada, Enbridge and TransNorthern easement rights.

### **9.2.2 Communication**

- a) Telephone and television communication are provided by private corporations regulated through the Canadian Radio and Television Commission. The distribution systems are allowed in all designations, subject to development approval by the Township.
- b) The Township will encourage innovative methods to minimize the

visual impact of communication features, either by containing such features within streetscape elements (gateways, lamp posts, transit shelters, etc.), or by screening them from view.

- c) The Township will encourage the underground installation of communication facilities in a common trench where feasible in order to minimize the impact of transmission lines, poles or other structures.
- d) Coordination of communication providers and other public and private utility providers shall be encouraged to prevent unnecessary over-digging and disruption of road rights-of-way when development or infrastructure upgrades take place.

### **9.2.3 Public Utilities**

- a) Public utilities, for purposes of this Section, refers to water supply, sanitary collection, and stormwater detention. Such uses and facilities are permitted in all land use designations provided that:
  - i) such use is necessary in the proposed location and that due consideration has been given to alternative locations;
  - ii) the public utility will be designed and developed in such a manner that it will be as compatible as practical as well as sensitive to surrounding land uses;
  - iii) in order to ensure compatibility with adjacent land uses, measures required as part of development may include adequate buffering; and
  - iv) there is regard as to the nature of existing uses on adjacent lands, and the massing and design of public uses related thereto.
- b) Utility lines and required plants shall be installed in an efficient and economical manner with minimal disruption to existing development.
- c) Council, within the urban area, encourages the appropriate public and private agencies to place electric power, telephone lines, multi-use cables and other similar utility services underground wherever economically feasible and desirable. Where overhead wires presently exist, the placing of such electric power and communication lines underground will be encouraged where the economically feasible and practical when major street improvements are undertaken.
- d) New public uses and facilities such as maintenance yards, public works depots, offices or other similar uses shall be located on lands designated and zoned for the intended use. However, on Amherst Island, such new uses and facilities may be allowed in all designations but must be zoned for the intended use, and when subject to the



zoning process, the proposed use must meet the criteria in Section ~~7.2.3~~ 9.2.3

- e) Land within or adjacent to utility corridors may be subject to development restrictions or approvals of the respective agencies. The respective utility should be consulted by persons having an interest in the development of such lands.
- f) Council shall encourage the appropriate authorities to locate new power facilities outside of areas designated Agricultural and Environmental Protection, as described in Part 5 of this Plan.
- g) All facilities located within or crossing a Provincial right-of-way corridor are subject to the requirements of the Public Transportation and Highway Improvement Act. Any such installations must satisfy the requirements of the Ministry of Transportation regarding location and permits.
- h) Schedule C designates a future utility and pedestrian corridor linking Highway 33 with the west end of Nicholson Point Road to service possible future development on Nicholson Point. The alignment of this corridor is conceptual only and may be changed without amendment to this Plan.

#### **9.2.4 Servicing of Development**

- a) All development of in the urban areas of Schedule 'A', unless specifically permitted otherwise in this Plan, shall be on full services; that is, piped water, sanitary sewers, and stormwater systems and will have to take into account the adequacy of these systems to accommodate the proposed development.
- b) Development which occurs outside the urban settlement area designation on Schedule 'A' shall take place on private services (wells and septics) or on communal services in accordance with Section 9.2.5, subject to the approval of the Township and agencies having jurisdiction. Wherever practical and possible, best practices in stormwater management shall be implemented that meet regulatory agency requirements.
- c) Properties developed before January 1, 1996 for residential and industrial purposes fronting on County Road No. 6, north of the Canadian National Railway corridor and south of Shane Street may for remedial reasons connect to a municipal water supply. In addition, a Township owned public works site fronting on the west side of County Road No. 6 will also be allowed to connect to municipal water and municipal sewer.

Any property satisfying these requirements is limited to a maximum of one water service connection. Existing vacant property or new property created by consent or subdivision activity and/or property

residentially developed after January 1, 1996 will not be eligible for connection to a municipally operated water supply.

- d) In accordance with Section 5.8.3.7, properties developed before January 1, 2002 for residential purposes fronting on or in close proximity to Highway 33 within the Shoreline Residential designation on Schedule “D” in Lots 27 to 31, Concessions 1 and Broken Front, may for water quality reasons connect to a municipal water supply provided looping is not required. (ie. The water supply does not meet Ontario Drinking Water Standards)

Any property satisfying these requirements is limited to a maximum of one water connection. Existing vacant property or new property created by consent or subdivision activity and/or property residentially developed after January 1, 2002 will not be eligible for connection to a municipally operated water supply.

- e) Existing legal non-conforming properties developed before January 1, 2002 for residential purposes fronting on or in close proximity to Highway 33 within the Industrial designation on Schedule “C” in Lots 25 to 28, Concessions 1 and Broken Front, may for water quality reasons (i.e. the water supply does not meet Ontario Drinking Water Standards) connect to a municipal water supply provided looping is not required.

Any property satisfying these requirements is limited to a maximum of one water connection.

### **9.2.5 Communal Systems**

The use of communal water and sewer systems is being recommended by Provincial authorities for small scale housing development where the situation warrants. At present no such systems exist in the Township and none have been proposed. Such systems are not to replace the municipal piped water supply and sanitary sewage systems of the Township. Communal systems may only be considered where they meet the following requirements:

- a) are outside lands intended to be developed on full municipal services (water and sewer) as outlined in this Official Plan; and/or
- b) solve an existing servicing problem and municipal services (water and sewer) cannot be extended by the Township; or
- c) are recommended as part of a servicing options review study as part of approval of a development in the rural portions of the Township; and
- d) communal water supply and subsurface shall be subject to the Ministry of Environment, Conservation and Park’s responsibility/ownership requirements (Ministry of Environment,

Conservation and Parks Guideline D-5-2 as amended) and if Council is willing to implement those requirements, the Township will require a Municipal Responsibility Agreement to provide financial security in the event of a communal system failure or abandonment.

- e) A new communal sewage system may only be established or an existing communal sewage system expanded if there is confirmation of sufficient reserve sewage system capacity to treat the septage (hauled sewage) from the system. Reserve sewage system capacity is considered sufficient if the hauled sewage from the communal system can be treated or disposed of at sites approved under the *Environmental Protection Act* or the *Ontario Water Resources Act*, but not by land-applying untreated, hauled sewage.

#### **9.2.6 Septage (Hauled Sewage)**

- a) The creation of a new lot with a private subsurface system, or the establishment or expansion of a communal sewage system, shall only be permitted if there is confirmation of sufficient reserve sewage system capacity to treat the additional septage (hauled sewage). Reserve sewage system capacity is considered sufficient if the hauled sewage from the lot can be treated or disposed of at sites approved under the *Environmental Protection Act* or the *Ontario Water Resources Act*, but not by land-applying untreated, hauled sewage.
- b) Council will monitor, on an annual basis, the amount of uncommitted reserve sewage system capacity available at the Loyalist East Water Pollution Control Plant that can be devoted to the treatment of septage (hauled sewage) produced by development outside of the serviced areas. Development shall not be approved if there is insufficient reserve sewage system capacity.

#### **9.2.7 Growth Management**

To guide and efficiently manage urban development within the Township, Council shall:

- a) prepare strategic servicing plans for the long term economic expansion of existing water, sewer, and storm system;
- b) provide for phased sequential development within the urban area, and within a given neighbourhood;
- c) ensure that development and public works are undertaken in accordance with a phasing program; and
- d) ensure an acceptable level of service in the provision of water, sanitary sewers, stormwater services, and other utilities as may be

required.

### **9.3 RAILWAYS**

Rail service is an essential element for local industry and residents. Conflicts, however, can arise between railways and sensitive land uses. To minimize potential conflicts between rail, vehicular and pedestrian traffic, and adjacent land uses:

- a) Council will have regard for the development requirements of Canadian National Railways (CNR) concerning safety, buffering, and setbacks. Council will ensure that development proposals are circulated to CN Rail for review and comment.
- b) Council will require appropriate noise and vibration controls to safeguard future development of sensitive uses adjacent to the railway lines.

#### **9.3.1 Railroad Crossing Improvements**

Wherever possible, railroad crossings are to be improved through the construction of grade separations or by other protective measures such as visibility triangles, signals, or gates. To this end:

- a) the Township will work towards the elimination of all grade crossings at arterials and collector roads such as at County Road No. 6, County Road No. 7, and Coronation Boulevard (County Road No. 24); and
- b) where new development is proposed near these locations, the railroad and appropriate road authority will be consulted.

### **9.4 TRANSPORTATION**

The Township's transportation system will be strengthened and broadened by:

- a) promoting a safe, integrated, accessible transportation system consisting of a network of roads, parking facilities and pedestrian pathways to accommodate various modes of transport such as automobiles, public transit, bicycles, and walking;
- b) ongoing monitoring of the existing ferry service from the mainland to Amherst Island to ensure a safe, cost effective transportation system consistent with the needs of Island residents;
- c) encouraging land use patterns which support the viability of public transit; and
- d) ensuring that the design or redesign of roadways safely accommodates automobiles, public transit, cyclists, and pedestrians alike.

The Township may participate in joint area studies related to transportation and, where appropriate, the relevant findings of such studies may be incorporated into this Plan by amendment.

## 9.4.1 **Roads**

### 9.4.1.1 **General**

Road ownership within Loyalist township falls under three (3) jurisdictions:

- the Township,
- the County, and
- the Province (Ministry of Transportation).

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

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

All proposed development located adjacent to and in the vicinity of a provincial highway within the Ministry of Transportation's (MTO) permit control area under the Public Transportation and Highway Improvement Act (PTHIA) will be subject to Ministry approval. Early consultation with the Ministry is encouraged to ensure the integration of municipal planning initiatives with provincial transportation planning. Any new areas in the municipality identified for future development that are located adjacent to or in the vicinity of a provincial highway or interchange/intersection within the Ministry's permit control area will be subject to the Ministry of Transportation's policies, standards and requirements. Direct access will be discouraged and often prohibited.

The general alignment of existing and proposed freeways, arterials, and collectors is shown on Schedules 'G'.

### 9.4.1.2 **Classification Principles**

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

- a) The overall road pattern should be in harmony with the proposed road pattern of the adjoining municipalities, the County road system, and the provincial highway system.
- b) Freeways and provincial highways should permit the

movement of large volumes of traffic through the municipality to and from the major traffic generating areas.

- c) Arterial roads should permit the movement of medium volumes of traffic between major traffic generating areas and local roads as well as serving a local service function.
- d) Collector roads should permit the movement of medium volumes of traffic between arterial and local roads.
- e) Local roads should provide land access only to the areas in which they are located and should not serve major traffic generating areas.

#### **9.4.1.3 Classification of Roads**

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

##### a) Provincial Highways

The designation applies to roadways under the jurisdiction of the Ministry of Transportation. These roads are designed to facilitate through traffic movement of medium to high volumes.

Any development located on property adjacent to Provincial Highways 401 and 33 is subject to the permit control of the Ministry of Transportation as per *The Public Transportation and Highway Improvement Act*. As such, all permits must be obtained from the Ministry of Transportation prior to any grading and construction being undertaken, and prior to the issuance of any municipal permits. In the case of Highway 33, direct access to the highway will only be considered to those properties that meet the minimum geometric and safety requirements of the Ministry of Transportation. Traffic impact studies, completed by a Registry, Appraisal & Qualification System (RAQS) approved consultant, that address the anticipated traffic volumes of the proposed development, as well as stormwater management plans which show the intended treatment of the calculated runoff, may be required by the Ministry of Transportation as part of their review and approval of any development plans.

b) Roads Under Municipal Jurisdiction

Municipal roads, whether under Township or County jurisdiction are classified and defined as follows:

i) Major Arterial Roads

Major arterial roads are existing and proposed roads of two (2) or four (4) traffic lanes with a design right-of-way width of 35 to 45 metres. Major arterial roads are designed to collect and carry large volumes of traffic at relatively high operating speeds to and from major traffic generating sectors. To facilitate this function, direct access to abutting properties is generally prohibited. County Road No. 23 (Taylor Kidd Boulevard) is designated as a control access highway by county By-law 2120, as amended. In the case of County Road No. 23, access from adjacent lands is restricted in accordance with the provision of that By-law. With respect to County Road Nos. 4 and 6, no new entrances are permitted except those approved prior to the adoption of the County of Lennox and Addington By-law No. 2207/87, as amended.

ii) Rural Arterial Roads

Rural arterial roads are existing and proposed roads of two (2) and four (4) lanes with a design right-of-way width of 26 to 35 metres. Rural arterial roads are designed to collect and carry high volumes of traffic, at relatively high operating speeds to provincial highways and major arterial roads and/or to distribute traffic to collector and local roads. New entrances onto a rural arterial road should generally be discouraged, and only be permitted where:

- A new entrance is created through the Plan of Subdivision process;
- A lot is an existing lot of record where such lot was created in accordance with the Planning Act and there is not alternative means of access available.

iii) Urban Arterial Roads

Urban arterial roads are existing and proposed roads of two (2) and four (4) lanes with a design right-of-way width of 26 to 35 metres. Such roads are designed to carry relatively high volumes and provide for

movement between principal traffic generators and the interconnection of provincial highways, and major and rural arterial roads. Normally the operating speed for vehicles is 60 Kilometres per hour or less. New entrances onto an urban arterial road should generally be discouraged, and only be permitted where:

- A new entrance is created through the Plan of Subdivision process;
- A lot is an existing lot of record where such lot was created in accordance with the Planning Act and there is not alternative means of access available.

iv) Rural Collector Roads

Rural collector roads are existing and proposed roads of two (2) traffic lanes with a design right-of-way width of 26 to 30 metres. Rural collector roads are designed to collect and distribute traffic at moderate to relatively high operating speeds to and from local roads and arterial roads. Rural collector roads are designed to tolerate limited direct access to adjacent properties.

v) Urban Collector Roads

Urban collector roads are existing and proposed roads of two (2) traffic lanes with a design right-of-way width of 23 to 30 metres. Urban collector roads are designed to collect and distribute traffic at relatively low operating speeds to and from local roads and arterial roads and further provide for the interconnection of rural, arterial, and collector roads. Direct access to abutting properties may be permitted, however in certain circumstances where such actions would create unacceptable risk to existing traffic patterns and public safety, Council may pass a by-law restricting access.

The urban collector shown as part of the Windermere Estates in Lot 11 to 13 of the Broken Front Concession and Concession 1 shall have a right of way of 26 metres unless a lesser right of way width is approved by the Township. Such right of way shall not be less than 23 metres.

vi) Local Roads

Township roads are designed primarily to provide for land access to abutting properties. The minimum



right-of-way width is intended to be 20 metres.

#### **9.4.1.4 Development Policies**

- a) To provide attractive streetscapes through attention to the design of the public realm, built form, and the relationship between private development and public areas.
- b) In considering development or redevelopment along public roads, Council shall require appropriate setbacks, safe ingress and egress and buffering where such is necessary to mitigate negative effects.
- c) Council shall not assume any roads which do not meet municipal standards as established by Council and consistent with accepted engineering practice. The municipality shall be under no obligation to assume roads which exist or may be constructed within the Township.
- d) Access, setbacks, and other development issues along roads shall meet or exceed the requirements of the road authority having jurisdiction.

#### **9.4.1.5 Road Improvements**

The Township, in co-operation with the Ministry of Transportation, will assess at an early stage whether the existing provincial highways and interchanges/intersections within the Township can adequately accommodate any planned anticipated growth.

The Township will contact the Ministry of Transportation early in the process when they are contemplating any proposed improvements to any provincial highway facilities; improvements that will be reflected in the official plan and could impact upon a provincial highway. Such improvements could be a new intersection or interchange location that has not been planned or approved by the Ministry of Transportation. In these situations, the Township will become the proponent of the project. All financial responsibility would then lie with the Township for the protection of the land from future development, the design of the interchange/intersection in consultation with the Ministry of Transportation and the construction and maintenance of the facility.

- a) In the course of approving a subdivision, a consent, and in exercising Site Plan Control, Council may require the dedication of lands for the widening and extension of roads to provide for a right-of-way width in accordance with the designated functional classification. Although road widenings may be obtained through the exercise of site plan approval,

road extensions will be secured by way of the subdivision or consent process.

Where a road widening is required, such widening should normally consist of one half of the difference between the existing road width and the width required for the designated functional classification described above.

However, unequal widening may be required where factors, such as topography, historic building locations, protected heritage properties, natural heritage features, grade separation, channelization, existing development, shoreline erosion or flood susceptibility; or other unique conditions make the dedication of equal widening infeasible or impractical for the Township.

The Township may require additional road widening dedications, in addition to the above without the need for amendments to this Plan for purposes such as the following:

- i) Additional site triangles at intersections and entranceways necessary for traffic operational design purposes;
  - ii) Turning lanes at intersections or to provide suitable access to major traffic generator developments;
  - iii) Future grade separation or intersection realignments with railway lines and other roads;
  - iv) Sites for traffic control devices and transit facilities;
  - v) Cut and fill requirement for road construction; and
  - vi) For other improvements to address safety and maintenance reasons.
- b) Road allowance widths specified in Section 9.4.1.3 shall increase on approaches to major intersections as required for channelization and additional turning lanes.
  - c) Provision shall be made in the implementing Zoning By-law for adequate setbacks from the centreline of roads.
  - d) In order to maintain a satisfactory transportation system, Council will pursue a program of improving road alignments, sight triangles, surface treatment, proper signing, signalization, and acquiring adequate road allowances for existing and new roads as future development warrants.
  - e) The establishment of new local roads, road widenings, re-

alignments, and minor bypasses will not require an amendment to this Plan.

- f) The establishment of new collectors or arterials will require an amendment to this Plan. Consideration shall be given to the future development of a new north-south arterial or collector road at the easterly end of the aggregate designation (formerly in Bath) in Lot 8 of the Broken Front Concession and Concession One to connect Highway No. 33 to the future extension of County Road No. 23 (Taylor-Kidd Boulevard) as indicated on Schedule C.
- g) Consideration shall be given to the impact of road improvements on the character of streetscapes and heritage features.
- h) The Township encourages, where feasible, the joint use of public right-of-way or utility corridors.

#### **9.4.1.6 Road Closings**

**9.4.1.6.1** There are a number of unopened road allowances throughout the Township.

Such road allowances may be closed after giving consideration to such matters as:

- a) Ensuring that abutting parcels are not land locked.
- b) Ensuring that the road allowance is not required for service easements, utility corridors or future roads.
- c) That the unopened road allowance is not required for recreational activities, pathways, trail systems, and access to environmental areas.
- d) That the unopened road allowance is not required to access future developments such as opening up aggregate areas or industrial areas.
- e) The unopened road allowance does not provide access to water.

**9.4.1.6.2** The Township will circulate the Ministry of Transportation for review and approval on any proposed road closings that are in the Ministry's permit control area as per the Public Transportation and Highway Improvement Act (PTHIA).

**9.4.1.6.3** The Township will exercise caution when considering road

allowance closure requests prior to the completion of a Trails Master Plan.

#### **9.4.2 Ferry Service**

The ferry service is an integral part of Loyalist Township's transportation system. Adequate ferry service between Amherst Island and the mainland is vital for the prosperity and maintenance of a viable community. Council will, therefore:

- a) continue to monitor the ferry capacity and usage;
- b) review, from time to time, opportunities for improved ferry service both through expanded capacity of the ferry and improvements to infrastructure such as terminals and parking facilities;
- c) seek the cooperation of the province in the ongoing maintenance and possible future expansion of ferry operation;
- d) seek out public/private partnerships and development opportunities which would result in a net improvement to ferry access to Amherst Island; and
- e) pursue opportunities with adjoining municipalities in seeking joint solutions which result in ferry access improvements.

#### **9.4.3 Transit Supportive Development Guidelines**

Amherstview is the sole area where public transit is presently available. The following transit supportive guidelines should be considered in the planning of land uses and roads as part of the urban expansion of Amherstview, Bath, and Odessa.

- a) Collector and arterial roads should be designed to be as straight and direct as possible to prevent circuitous transit routes.
- b) Ninety percent (90%) of residences, jobs, or other activities/uses should be located within 400 metres (1,300 feet) walking distance of a potential transit stop.
- c) Medium and high residential densities should be considered and encouraged along transit routes.
- e) Local road patterns should provide for convenient pedestrian access to transit stops and transfer nodes.

#### **9.4.4 Pedestrian and Bicycle Circulation**

Council encourages the development of a pedestrian and bicycle circulation system which links the various activity and open space nodes such as

schools, parks, and commercial areas by a system of pedestrian paths, sidewalks, and bicycle routes.

- a) Council shall cooperate with the adjoining municipalities in the development of a pedestrian and bicycle circulation plan which promotes well defined linkages between focal points of public activity and interest.
- b) Council may prepare a pedestrian and bicycle circulation plan and proceed with the development of such facilities. The pedestrian and bicycle circulation plan may address such matters as:
  - i) provisions for safe and unobstructed pedestrian walkways and paths;
  - ii) minimization of potential conflict with other modes of transportation;
  - iii) integration of the pedestrian and bicycle circulation system with natural amenities such as open spaces; and
  - iv) policies for the acquisition and dedication of lands to be developed as part of the pedestrian and bicycle circulation system.
- c) Council supports the development of bicycle lanes as part of new road construction or reconstruction, particularly along arterials and collectors.

#### **9.4.5 Parking**

- a) Parking shall be provided for any land use in the Township in the quantity and subject to the provisions of the implementing Zoning By-law.
- b) Shared use parking arrangements may be considered where uses are compatible and peak parking demand characteristics are complementary, so as to provide for more efficient use of parking facilities. Such arrangements are restricted to cases where the uses are located on roadways designated as arterial roads or collector roads, or the business requesting shared use parking arrangements are located on the same side of the street.
- c) Requests to amend the Zoning By-law to permit shared use parking arrangements shall be supported by appropriate site-specific parking analyses which demonstrate the complementary nature of parking demands for existing and proposed uses on-site and the ability to provide safe movement of pedestrians between uses.
- d) Parking for persons with disabilities is encouraged at locations close to the building entrances. Such spaces should be clearly signed.
- f) The provisions of vehicular and pedestrian interconnections between

adjacent uses is encouraged where it is suitable and where zoning is compatible, both to facilitate walking between sites and to discourage unnecessary vehicle turning movements to and from the adjoining roadways.

- g) The buffering of parking areas shall be encouraged, so as to help screen and visually enhance these facilities.

## **PART 10**

### **IMPLEMENTATION AND INTERPRETATION**

#### **10.1 INTRODUCTION**

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

The Plan will be implemented by means of the powers conferred upon Loyalist Township by the Planning Act, the Municipal Act, the Development Charges Act, the Environmental Assessment Act, the Environmental Protection Act, the Heritage Act, the Local Improvement Act, and such other statutes as may be applicable. Where Council has adopted design and technical Guidelines (as amended from time to time), they shall be used to implement decisions associated with development proposals.

#### **10.2 CONFORMITY TO OFFICIAL PLAN**

No public works shall be undertaken, and no by-law under the Planning Act or any other general or special Act shall be passed, unless such public work or by-law conforms to this Official Plan except as provided for in subsections 24(2), 24(3), and 24(4) of the Planning Act.

#### **10.3 PROVINCIAL, AGENCY, AND COUNTY POLICIES**

The Township will have regard to the Provincial Policy Statement, relevant agency programs, and County Policies, and, where appropriate, reflect these in the Official Plan.

#### **10.4 COMMITTEES**

##### **10.4.1 General**

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

##### **10.4.2 Planning Advisory and Site Plan Control Committee**

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

- a) Advise and make recommendations to Council on planning matters;
- b) Hold public meetings as required under the Planning Act; and
- c) Review, evaluate, and make recommendations to Council with respect to Planning approvals required under the Planning Act.

#### **10.4.3 Committee of Adjustment**

Council may appoint a Committee of Adjustment in accordance with the provisions of Section 44 of the Planning Act, to deal with the following matters:

- a) Applications to allow a minor variance from the provisions of the Zoning By-law or any other By-law that implements the Official Plan;
- b) Applications to allow the extension or enlargement of a legal non-conforming use;
- c) Applications to allow a change in the use of buildings or land from a legal non-conforming use to another non-conforming use;
- d) Applications for consent under Section 53 of the Planning Act, R.S.O. 1990, as amended; and
- e) Application for a certificate of validation for land pursuant to Section 57 of the Planning Act, R.S.O. 1990.

### **10.5 ZONING BY-LAW**

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

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

#### **10.5.1 Use of the "H" Symbol**

It is not intended that all land use areas designated in the Official Plan will be immediately zoned and available for such uses, and no provision of this

Plan shall be interpreted to require Council to zone any land within the municipality so as to permit the immediate development of such lands for a designated use. Areas may be further specified in the Zoning By-law in a Holding (H) category pursuant to Section 36 of the Planning Act, and in accordance with the following policies:

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

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

- i) conformity of the proposed use with the provisions of the Zoning By-law;
- ii) availability of required services;
- iii) agreement on the phasing and design of the proposed development;



- iv) development constraints which have been identified can be overcome to the satisfaction of Council;
- v) fulfilment of the financial requirements as set by the municipality; and
- vi) that any necessary agreements, such as subdivision agreements and/or site plan control agreements have been executed and/or registered on title.

### **10.5.2 Development Zones**

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

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

### **10.5.3 Existing Non-Conforming Uses**

#### **10.5.3.1 Recognition of Existing Land Uses**

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

#### **10.5.3.2 Existing Non-Conforming Land Uses**

Any land use existing at the date of approval of this Official Plan that does

not conform with the land use designations as shown on the Land Use Schedules or the policies related thereto, as a general rule, should cease to exist in the long run. In special instances, however, it may be desirable to permit the extension or enlargement of such a non-conforming use in order to avoid unnecessary hardship, provided the general intent of the Plan is maintained. Extensions and enlargements shall be handled through the use of Section 34(10) or Section 45 of the Planning Act (R.S.O. 1990, c.P.13).

a) Section 34(10) of The Planning Act

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

- i) Council shall determine the feasibility of acquiring the property concerned at the time of application, or possibly at some future date, and of holding, selling, leasing or redeveloping the property in accordance with the provisions of the Planning Act.

Consideration will be given to the re-establishment of the use in a different location, where it would be able to perform and produce under improved conditions in accordance with the policies of this Plan.

- ii) If acquisition does not appear to be feasible, Council may consider the passing of a Zoning By-law amendment pursuant to Section 34(10) of the Planning Act, and such By-law may then be passed without the necessity to amend the Official Plan, providing it complies with the policies below.
- iii) Council shall be satisfied that one or more of the following requirements which are relevant to the application for the extension or enlargement of the non-conforming use are, or will be, fulfilled in order to safeguard the wider interests of the general public:
  - that the proposed extension or enlargement of the established non-conforming use will not unduly aggravate any conflicts created by the existence of the use, having regard to the policies of the Official Plan and the provisions of the Zoning By-law;

- that the proposed extension or enlargement will be in an appropriate proportion to the size of the non-conforming use established prior to the passing of the implementing Zoning By-law which make the use illegal;
- that an application which would affect the boundary areas of different land use designations on the Land Use Schedule will only be processed under these policies if it can be considered as a "minor adjustment" permitted under the flexibility of interpretation in the interpretation section of the Official Plan without the need for an amendment. Any major variations will require an amendment to the Official Plan;
- the characteristics of the existing non-conforming use and the proposed extension or enlargement shall be examined with regard to noise, vibration, fumes, smoke, dust, odors, lighting, and traffic generation, the environmental policies of this plan with respect to Environmental Protection, Environmentally Sensitive and Natural Hazard Area, and any other incompatible effects related to the use. An amendment to the zoning by-law may be refused if one or more of such nuisance factors will be created or increased so as to add essentially to the incompatibility of the use with the surrounding area;
- that the neighbouring conforming uses will be protected, where necessary, by the provision of buffering, and provisions for mitigating adverse effects caused by the use or its extension or enlargement, including any visual impacts such as outside storage, lighting, advertising signs, etc. Such provisions shall be applied to the proposed extension or enlargement and, wherever feasible, to the established use in order to improve its compatibility with the surrounding area;
- that adequate provisions have been, or will be, made for traffic, off-street parking, and loading facilities; and
- that applicable municipal services are adequate or can be made adequate.

iv) Council will not pass an implementing Zoning By-law pursuant to Section 34(10) of the Planning Act, unless satisfied that such extension will not unduly adversely affect adjacent land uses. Council will, in accordance with Section 34(12) of the Planning Act, notify property owners of an application for the extension or enlargement of a non-conforming use.

b) Section 45 of The Planning Act (R.S.O. 1990 c.P.13)

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

The Committee of Adjustment may also permit a change of use on non-conforming land or in a non-conforming building or structure, provided the new use is not less compatible with the Zoning By-law than the existing use, and provided that the change of use conforms with subsection 10.5.3.

## **10.6 TEMPORARY USE BY-LAWS**

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

- a) the proposed use must be temporary in nature, compatible with surrounding uses, and consistent with the intent of this Plan;
- b) the special circumstances which may apply to the subject property or the proposed temporary use;
- c) the appropriateness of the proposed use to the subject property;
- d) the difficulty involved in terminating the proposed use when the authorizing by-law expires;
- e) the difficulty in restoring the subject lands, buildings and structures to either their initial state or an improved state;

- f) the availability of services for the subject property, and the impact of the proposed use on adjoining roads and other municipal services available;
- g) appropriate means of minimizing any potential adverse effects of the proposed use on adjoining properties;
- h) the need for a Site Plan Agreement prior to the approval of the temporary use; and
- i) the need to enter into a temporary use agreement with the municipality for the duration of the temporary use period, which is not to exceed the time of duration from the day of the passing of the temporary use by-law, as specified in the Planning Act, but which may be renewed in accordance with Section 39 of the Planning Act.

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

## **10.7 INTERIM CONTROL BY-LAW**

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

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

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

- i) consider the planning justification which demonstrates the need to carry out the study; and
- ii) be satisfied that the required study can be carried out expeditiously.

## **10.8 Increased Height and Density Provisions**

Amendments to Section 37 of the Planning Act now require municipalities to prepare a Community Benefits Charge Study with a Community Benefits By-law in order to obtain benefits from increased height and density. The following policies shall be utilized with respect to any Community Benefit opportunities that may arise until such time that the original Section 37 benefits are no longer in effect.

- a) Council may pass Zoning By-laws in accordance with the Planning Act to permit an increase in the maximum height or density of a development, in exchange for the provision of such facilities, services or matters as are set out in the By-law.
- b) The facilities, services, or matters provided in exchange for increased height or density of a development project shall be directly linked to the nature of development and shall be located on the lands which are being developed or on properties in close proximity under certain circumstances (e.g. providing public art)
- c) The transfer of increased height and density provisions from one site to another site or from one project to another project is not permitted.
- d) Development resulting from the application of increased height or density provisions shall meet all other applicable Zoning By-law provisions and regulations.
- e) Before passing a Zoning By-law to allow an increase in height or density of a development project, Council will have regard to the following matters:
  - i) the type or types of development to which increased height or density provisions may apply;
  - ii) the area or areas of the Township where these provisions may apply;
  - iii) the facilities, services, or matters which may be provided in exchange for increased height or density; and
  - iv) the extent of the increases in height or density which may be granted.
- f) Development resulting from the application of increased height or density provisions shall be compatible with adjacent uses and meet the general intent and purpose of this Plan.
- g) The facilities, services, and matters which are to be provided shall be commensurate with the increased height or density which may be granted for each development project.
- h) As a condition to the application of increased height or density provisions to a proposed development, the owner of the subject land will be required to enter into an agreement with the Township, to be registered against the title to the land. The agreement will deal with the facilities, services, and matters that are to be provided, the timing of their provision, and the increase in height or density to be given.
- i) Any proposal for increased height and density shall require a site-specific amendment to this Plan to establish an appropriate policy framework with respect to the permitted height or density increase and the facilities, services,

and matters to be provided.

#### **10.9 SIGN BY-LAW**

The Township may enact a sign by-law to regulate the size and placement of signs in the municipality. Any signs within 400 meters of the limit of a provincial highway are under the Ministry of Transportation's jurisdiction and will require a Ministry of Transportation sign permit.

#### **10.10 SITE PLAN CONTROL**

Pursuant to Section 41 of the Planning Act (R.S.O. 1990 c.P.13);, the entire area within the Corporate limits of Loyalist Township is a proposed site plan control area.

- a) Specific areas and uses where site plan control will apply will be established by by-law. Such by-law may designate site plan control area(s) by reference to specific zones in the implementing Zoning By-law for the Township. The By-law may define any class or classes of development where development may be undertaken without the approval of plans and drawings as may otherwise be required hereunder.
- b) It is generally intended that the following uses be exempted from the site plan control requirements unless approval conditions as part of the creation of a new lot by plan of subdivision or consent to land severance require they be subject to site plan approval:
  - i) a single unit dwelling;
  - ii) a semi-detached dwelling;
  - iii) a duplex dwelling;
  - iv) permitted agricultural buildings and structures used in non-intensive farming operations, except in cases where specifically required by this Plan, such as where an on-farm diversified use or agricultural-related use is proposed in accordance with Section 7.2.3 and 7.2.4; and
  - v) accessory buildings, minor renovations, and extensions to the above uses.

In areas designated or adjacent to areas designated Environmental Protection, shown on overlays as Environmentally Sensitive or within Intake Protection Zones 1 and 2, site plan control may apply to all classes of development.

For the purpose of this section, "adjacent" areas means those lands contiguous with areas designated Environmental Protection or Environmentally Sensitive, where it is likely that development or site

alteration would have a negative impact on the Environmental Protection or Environmentally Sensitive areas.

As well, all properties adjacent to protected heritage property, site plan control may apply to all classes of property where such lands are contiguous to a protected heritage property, in order that the heritage attributes of the protected heritage property are conserved.

- c) Council may require site plan drawings, elevations and cross-sections for all residential buildings containing three (3) or more dwelling units.
- d) In accordance with Section 41 of the Planning Act, the Infrastructure section and Schedule "F" G" of this Official Plan, sufficient road widening will, where feasible, be required to ensure roads meet the road allowance widths specified in the Infrastructure section of this Plan.
- e) Where a roads needs study is completed and additional information is available on the precise areas where road widening is necessary, such information may be included into this Plan by amendment.
- f) Where road widening is required, the dedication should be applied equally on both sides of the road. The actual extent of road widening required to obtain the planned right-of-way width depends on the existing allowance width. Additional road widenings and unequal widenings may occur in the circumstances described in Section 9.4.1.5(a) of this Plan
- g) The owner will be required to enter into one or more agreements as a condition to the approval of plans and drawings in accordance with the provisions of Section 41 of the Planning Act.
- h) Pursuant to Section 41(13)(b) of the Planning Act, Council may by by-law delegate the Council's power or authority to a committee of the Council or an appointed officer. Such delegation shall not include any Council authority under Section 41(13)(a) of the Planning Act.
- i) Council may require that site plan drawings include facilities designed to have regard for accessibility for persons with disabilities and show matters relating to external design, including without limitation the character, scale, appearance and design features of buildings, and their sustainable design.
- j) Council may require that site plan drawings show the relationship of the proposed building to adjacent buildings, streets, and exterior areas to which members of the public have access.
- k) Council may require that site plan drawings show the sustainable design elements on any adjoining highway under the jurisdiction of the Township or the County of Lennox and Addington, including without limitation trees, shrubs, hedges, plantings or other ground cover, permeable paving materials, street



furniture, curb ramps, waste and recycling containers and bicycle parking facilities.

## **10.11 PROPERTY CONDITIONS**

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

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

The Property Standards By-law, as executed under the Building Code Act (S.O. 1992, C.23, as amended) will be applicable to all property and may contain requirements and provisions for:

- i) garbage disposal;
- ii) pest prevention;
- iii) structural maintenance of buildings;
- iv) safety of buildings;
- v) cleanliness of buildings;
- vi) services to buildings such as plumbing, heating and electricity;
- vii) keeping lands and waterfront properties free from rubbish, debris, weeds, and wrecked, discarded or dismantled objects and materials such as vehicles, boats, trailers, and mechanical equipment;
- viii) maintaining yards, lands, parking and storage areas;
- ix) maintaining fences, swimming pools, accessory buildings and signs;
- x) occupancy standards; and
- xi) administration and enforcement of the by-law.

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

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

The measures to be used generally in achieving the property maintenance program may include:

- i) an education and public relations program to show people the benefits of continued property maintenance;
- ii) the provision of information showing what improvements can be made without increasing assessment;
- iii) the establishing and/or seeking out of community and/or home improvement related rehabilitation assistance programs; and
- iv) such other measures as deemed suitable and desirable by Council.

Complementary to the enforcement of minimum standards on private properties, the municipality will undertake to keep in a fit and well maintained condition all Township properties and structures, and to provide or maintain in good repair such municipal services as roads and sidewalks.

## **10.12 PLANS OF SUBDIVISION**

Loyalist Township will approve those plans of subdivision which comply with the policies of this Plan and which, to the satisfaction of Council, can be supplied with adequate services such as schools, fire protection, acceptable method of sewage disposal, potable water, roads, stormwater management, and which, by reason of such approval, would not adversely affect the financial capability of the Township.

### **10.12a MANDATORY PRE-CONSULTATION**

The Township shall, by by-law, require pre-consultation for all development applications for which the Township is the approval authority.

### **10.12b DEVELOPMENT APPLICATIONS: ADDITIONAL INFORMATION AND MATERIAL REQUIRED**

#### **10.12b.1 Studies and Assessments**

Pursuant to Sections 22(5), 34(10.2), 51(18) and 53(3) of the Planning Act, Council and/or its designated approval authorities may require applicants to provide additional information or material to accompany the following applications:

- Official Plan Amendments
- Zoning By-law Amendments

- Applications for Plan of Subdivision or Condominium
- Consent Applications
- Development proposals within an area under Site Plan Control

These provisions ensure that all the relevant and required information pertaining to a planning application is available at the time of submission to enable Council and/or its designated approval authorities to make informed decisions within the prescribed time periods, and also ensure that the public and other stakeholders have access to all relevant information early in the planning process.

The additional information or material which may be required includes, but is not limited to, the studies and assessments listed below. In all instances the number and scope of studies and assessments to be required for the submission of a complete application shall be appropriate and in keeping with the scope and complexity of the application.

- Aggregate Studies and background information pursuant to Section 5.3.3.5 of the Official Plan
- Aggregate Feasibility Study
- Aquifer Vulnerability and Karst Assessment Report
- Archaeological Impact Assessment and Impact Mitigation Report
- Biomass Energy Generating System-related studies pursuant to Section 6.11 of the Official Plan
- Compatibility Study
- Concept Plan showing ultimate use of land
- Environmental Impact Assessment
- Environmental Site Audit / Assessment and/or Previous Land Use Inventory
- Erosion Hazard Assessment
- Ferry Capacity Study for proposals on Amherst Island
- Fill Management Study pursuant to Ministry of Environment, Conservation and Parks Guidelines / requirements
- Floodplain Analysis Report / Technical Slope Stability Report
- Geotechnical Study
- Health Impact Assessment
- Heritage Impact Statement
- Hydrogeological and Terrain Analysis Report
- Influence Area Study for development in proximity to an open or closed waste management facility, industry, pit or quarry
- Market Study
- Minimum Distance Separation Formula I and/or II Calculation
- Municipal Servicing Capacity Report
- Noise / Dust / Vibration Study
- Photometric Plan

- Provision of private utilities, including telecommunication services.
- Public Consultation Strategy
- Relationship Plan for proposed medium- or high-density development adjacent to lower-density development pursuant to Sections 5.7.1.6.h and 6h 5.7.1.7.h of the Official Plan
- Relationship Study, pursuant to Section 6.3.1.1.e of the Official Plan, showing the relation of subdivision / condominium proposals to the existing built environment, and the identification of existing deficiencies and necessary improvements required to facilitate development proposals
- Servicing Options Report
- Shade Audit
- Shadow Study
- Soil Management Plan
- Solar Energy Generating System-related studies pursuant to Section 6.10 of the Official Plan
- Stormwater Management Report / Master Drainage Plan / Surface Water Quantity and Quality Study
- Transportation / Traffic Impact Study
- Tree Preservation / Natural Features Plan
- Urban Design Study
- Visual Impact Study for development near Loyalist Parkway
- Water Supply Assessment
- Wildland Fire Assessment
- Wind Energy Generating System-related studies pursuant to Section 6.9.1 of the Official Plan

The Township may specify what constitutes a “qualified professional” in preparation of any of the above studies / assessments during the pre-consultation stage of a development application.

Where a proponent questions the need or requirement of any of the above studies / assessments, the final decision will reside with the Township’s Chief Administrative Officer in consultation with the Mayor, but will not negate the ability for the proponent to appeal this decision to Council.

#### **10.12b.2 Official Plan Amendments**

In addition to the information and materials required under the Planning Act and Ontario Regulation 543/06, as amended, the following shall be provided by the applicant at the time of the filing of an application to amend the Township’s Official Plan:

- Description of the applicant’s interest in the land (owner, tenant, purchaser);
- Identification of the registered landowner, if different from the

- applicant;
- Identification of the agent for the applicant, if any;
- Assessment Roll Number;
- Owner's authorization / consent to apply for an Official Plan Amendment if the owner is not the applicant;
- Written confirmation of pre-consultation with the municipality;
- Description and sketch of any existing or proposed easements and/or rights-of-way
- Description and/or sketch of existing uses, previous uses and complete description (i.e. frontage and depth) of the subject lands;
- Description and/or sketch of the existing land uses adjacent to and within 500 metres of the subject lands;
- Description and/or sketch of the natural and artificial features (for example buildings, railways, wells, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas) on the subject lands and within 500 metres of the subject land;
- Description and/or sketch of the boundaries and dimensions of the subject land.
- Owner's authorization / consent to use and disclose personal information and to allow site visits.

### **10.12b.3 Zoning By-law Amendments**

In addition to the information and materials required under the Planning Act and Ontario Regulation 545/06, as amended, the following shall be provided by the applicant at the time of the filing of an application to amend the Township's Zoning By-law:

- Description of the applicant's interest in the land (owner, tenant, purchaser);
- Identification of the registered land owner, if different from the applicant;
- Identification of the agent for the applicant, if any;
- Assessment Roll Number;
- Owner's authorization / consent to apply for a Zoning By-law Amendment if the owner is not the applicant;
- Written confirmation of pre-consultation with the municipality;
- Description and/or sketch of existing uses, previous uses and complete description (i.e. frontage and depth) of the subject lands;
- Description and/or sketch of the existing land uses, and natural and artificial features, adjacent to and within 500 metres of the subject lands;
- Description and/or sketch of the natural features on the subject lands and within 500 metres of the subject land.
- Owner's authorization / consent to use and disclose personal

information and to allow site visits.

#### **10.12b.4 Applications for Plan of Subdivision or Condominium**

In addition to the information and materials required under Section 51(17) of the Planning Act and Ontario Regulation 544/06, as amended, the following shall be provided by the applicant at the time of the filing of an application for a plan of subdivision or condominium:

- Identification of the agent for the applicant, if any;
- Identification of the planner, if any;
- Identification of the Ontario Land Surveyor, if any;
- Assessment Roll Number;
- Description of the existing and all previous known uses of the subject lands;
- Description of existing uses of surrounding lands;
- Written confirmation of pre-consultation with the municipality;
- Analysis of housing affordability;
- Preliminary Stormwater Management Report;
- Any studies identified by the Township under Section 6.3.1 of this Plan.
- Owner's authorization / consent to use and disclose personal information and to allow site visits.

#### **10.12.b.5 Consent Applications**

In addition to the information and materials required under Section 53 of the Planning Act and Ontario Regulation 197/96, as amended, the following shall be provided by the applicant at the time of the filing of a consent application:

- Identification of the agent for the applicant, if any;
- Assessment Roll Number;
- Directions to the property;
- Information regarding benefiting lands for lot additions;
- Zoning of the subject property;
- Written confirmation of pre-consultation with the municipality;
- Description of the existing land uses on the subject lands and within 500 metres of the subject lands;
- Description of the natural features on the subject lands and within 500 metres of the subject lands;
- If the application is a re-submission, information related to the previous consent;
- Owner's authorization / consent to apply for an application for consent if the owner is not the applicant;
- Owner's authorization / consent to use and disclose personal information and to allow site visits.

### **10.13 EXISTING VACANT LOTS**

In keeping with the intent of this Official Plan, the development of existing vacant lots is encouraged prior to further approvals being recommended.

Existing lots may be developed where:

- i) the lot complies with the servicing policies of this Plan;
- ii) the proposed use complies with the designations and land use policies in this Plan;
- iii) the proposed use conforms to the access provision of this Plan;
- iv) the lot complies with the Minimum Distance Separation (MDS) Formula for those lands designated agricultural or rural; and
- v) meets the requirement of agencies such as the Conservation Authority.

### **10.14 VALIDATION**

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

- i) compliance with the Ontario regulations implementing Section 57 of the Planning Act;
- ii) scattered development resulting in a demand for services which are not possible or economical to provide or maintain shall be discouraged. Such services may include items such as garbage collection, police and fire protection, snow removal, road construction, road maintenance, park facilities and transportation to and from school;
- iii) prevention of ribbon development along arterial and collector roads;
- iv) validation shall not be obtained where a traffic hazard would be created because of limited site lines, curves, or grades;
- v) validation shall not be encouraged in areas designated in an Environmental category, as shown on the Land Uses Schedules;
- vi) in no instance shall any parcel be validated which does not conform with the provisions of the Zoning By-law; and
- vii) validation shall not be used as a substitute for the consent or plan of subdivision process.

## **10.15 LAND DEDICATION, ACQUISITION AND SECUREMENT**

- a) Council may acquire land to implement any feature of this Plan in accordance with the provisions of the Municipal Act, the Planning Act, or any other Act.
- b) Through the development and redevelopment approvals, Council may acquire lands for parkland or other public recreation purposes based on the following standards:
  - i) Up to 5% of the lands being subdivided for residential purposes;
  - ii) Where residential development proposals exceed 15 units per residential hectare of land, exclusive of Environmental Protection Areas, the Township shall require the dedication of lands for park or other recreation purposes at a rate of one hectare (2.5 acres) for each 300 dwelling units proposed or at such lesser rate as may be specified in the Township's By-law for Providing Land for Parkland Purposes and pursuant to Section 42 of the Planning Act, 1998 and any amendments thereto.
- c) For industrial and or commercial development, the parkland dedication shall be up to two percent (2%) of the land proposed for development;
- d) All lands dedicated to the Township for recreational purposes shall be located to the satisfaction of, and conveyed in a physical condition that is acceptable to the Township and conforms to the following standards:
  - Natural Hazard Areas, Environmental Protection Areas, Environmentally Sensitive Areas, including significant woodlands, buffer lands/setbacks to natural features and poorly drained or low-lying lands shall not be acceptable as part of the dedication of parkland or cash-in-lieu payments;
  - Land for parks shall be free of encumbrances and contamination, be generally flat, and satisfy minimum standards for grading, and drainage;
  - Clean topsoil suitable as a growing medium shall be provided over the entire park site to a minimum depth of 150mm;
  - Temporary stabilization of the site shall be provided in the form of seeding, with a seed mix suitable to the site and approved by Township.
- e) In the approval of a plan of subdivision or condominium, the proponent will be required to consult with the Township and provide landscape plans prepared by a qualified Landscape Architect for approval showing the nature, size and location of facilities (e.g. playground equipment), lighting, landscape amenities, proposed walkways, existing and proposed grading and site drainage, perimeter fencing when residential lots abut parkland, and a cost estimate of the works. Upon approval of the above plan by the Township, the proponent



shall prepare the necessary construction drawings for incorporation into the subdivision or site plan agreement. Where residential lots abut the parkland, perimeter fencing shall be provided by the developer as required and approved by the Township. It is a policy of Council that the development proponent is responsible for the cost of constructing such works;

- f) Instead of land dedication, the Township may require cash-in-lieu of such lands or a combination of cash-in-lieu and parkland. The valuation of lands and use of monies shall be in accordance with the provisions of the Planning Act. All cash-in-lieu funds shall be placed in a Park Reserve Fund to ensure that adequate funds are available to meet future parkland acquisitions as the need or opportunity arises. The Township shall consider cash-in-lieu of parkland dedication under the following circumstances:
- Where the area being developed or redeveloped is already well served by existing parkland within a reasonable distance and projected population increases will not create a deficiency;
  - Where the parcel of land is in a poor location or does not have a size or form to be functional based on parkland development standards and identified recreation needs for anticipated residents;
  - Where the required dedication of land would render the site to be unfeasible for the proposed development or redevelopment;
  - Where no opportunity exists to obtain waterfront land;
  - Where there are no additional benefits to land dedication such as contributing to servicing future areas of growth beyond the immediate area or contribute to the creation of an open space linkage or access point, trail corridor, or protection/enhancement of an environmental feature.
- g) Where the alternative requirement rate in Section 10.15(b)(ii) is applicable, the Township may require cash-in-lieu of parkland, calculated by using a rate of 1 hectare for each 500 dwelling units proposed or such lesser rate as may be specified in the Township's By-law for Providing Land for Parkland Purposes and pursuant to Section 42 of the Planning Act, 1998 and any amendments thereto.
- h) The Township may consider reducing the amount of any payment required under (b) and (c) if no land is available to be conveyed for park or other public recreational purposes.
- i) The Township will continue to plan for the acquisition and development of additional parks to serve new residential areas using allowable provisions in the Planning Act and considering proximity to existing parks of all types, proposed form of development and forecasted recreational needs.

- j) The Township may develop a strategy for use and prioritization of cash- in-lieu (park reserve fund) to ensure that adequate funds are available to meet future parkland acquisitions as the need or opportunity arises, including Neighbourhood Parks to serve new development areas where consolidation of dedications is required, upgrading of existing recreation facilities and the establishment of open space for trails or other recreational or environmental purposes.
- k) In addition to obtaining park/open space lands by conveyance of such lands whenever development or redevelopment occurs, Council may allocate funds in the municipal budget for such land acquisition. Council will also seek to obtain park/open space lands by way of donations, gift, and bequests of individuals and/or corporations and other appropriate means.
- l) The Township will consider the consolidation of dedications through developer agreements to avoid fragmenting the parkland dedication across several small plans of subdivision.
- m) In considering land severance applications, the Township will require the conveyance of lands for open space or recreational purposes or require cash-in-lieu of the land dedication.
- n) Any process of parkland acquisition by the Township or parkland conveyance to the Township shall be in accordance with the Township's By-law for Providing Land for Parkland Purposes Pursuant to Section 42 of the Planning Act, 1998 and any amendments thereto.
- o) It is a priority of Council to acquire Environmental Protection and Environmentally Sensitive land in the areas around Parrott's Bay, Bayview Bog, Big Marsh and Owl Woods, so that these lands are available for the long term use of the residents of the Township, and are retained in a natural state.

#### **10.16 MUNICIPAL ACT LEGISLATION**

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

#### **10.17 FINANCE AND PUBLIC WORKS PROGRAM**

The implementation of the policies of this Plan will involve the Township directly in the financing of certain projects and meet provincial requirements with respect to asset management planning. The text and Schedules of this Plan outline the nature and scope of these projects which include the provision of piped water and sanitary sewers, the development of parks and playgrounds, the upgrading of roads and the improvement of intersections. No public work is to be undertaken unless it is in

conformity with this Plan and meets the requirements of Section 24 of the Planning Act.

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

a) Asset Management

It is intended that the Township will establish a priority list for the implementation of projects, with estimates of cost (land acquisition, construction and maintenance costs) wherever possible in order to be fiscally responsible and ensure long term financial sustainability.

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

b) Finance

It is the intent of this Plan that:

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

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

## **10.18 PUBLIC PARTICIPATION AND NOTICE PROCEDURES**

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

### a) Objectives

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

### b) Program Elements

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

- i) public participation;
- ii) provision of accurate and objective information;
- iii) provision of opportunities to express opinions;
- iv) information is presented in non-technical language;
- v) consideration is given to public responses;
- vi) flexibility in the process; and
- vii) acknowledgment of the interests and views of the participants.

### c) Provision of Planning Documents

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

d) Public Participation

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

The Township will work directly with the public throughout the process to ensure public concerns and aspirations are consistently understood and considered. Tools and techniques suitable for involving the public include, but are not limited to, workshops, digital internet-based engagement tools and deliberate polling.

e) Notification Procedures

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

f) Exemptions

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

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

## **10.19 OFFICIAL PLAN AMENDMENTS AND REVIEW**

a) Amendment

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

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

- i) the need for the use;
- ii) alternative locations for the proposed use;
- iii) compatibility of the use with surrounding uses;
- iv) impact on resources including: agricultural land, aggregate resources, environmental resources, groundwater supplies, wildlife resources, heritage resources, and forestry resources;
- v) the adequacy of water supply and subsurface services required by the proposed use;
- vi) vehicular and pedestrian access; and
- vii) financial impact on the municipality.

b) Review and Monitoring

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

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

## **10.20 CHANGES TO AGENCY NAMES, RESPONSIBILITIES, AND LEGISLATION**

### **10.20.1 Agency Names and Responsibility**

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

### **10.20.2 Legislation**

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

### **10.20.3 Amendment to the Plan**

The changes mentioned in Subsection 10.20.1 and 47-2 10.20.2 may be incorporated into the Plan in accordance with Part 10, Section 18(f) of this Plan.

## **10.21 INTERPRETATION: BOUNDARIES AND QUANTITIES**

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

- i) The terms 'consent' and 'severance' are used interchangeably.

## 10.22 **DEFINITIONS**

The definition of terms contained in this Plan are as follows:

- 10.22.1 "ACTIVE TRANSPORTATION"** means human-powered travel, including but not limited to, walking, cycling, inline skating and travel with the use of mobility aids, including motorized wheelchairs and other power-assisted devices moving at a comparable speed.
- 10.22.2 "ADJACENT"** means, for the purposes of Section 7.4 (Heritage):
- a) those lands contiguous to a *protected heritage property*;
  - b) those lands that are separated from a *protected heritage property* by a narrow strip of land used as a right-of-way, walkway, green space or park; or those lands which comprise part of the *heritage attributes* (for example viewplanes, streetscapes) of a *protected heritage property*
- 10.22.3 "ADVERSE EFFECTS"** as defined in the Environmental Protection Act, means one or more of:
- a) impairment of the quality of the natural environment for any use that can be made of it;
  - b) injury or damage to property or plant or animal life;
  - c) harm or material discomfort to any person;
  - d) impairment of the safety of any person;
  - e) rendering any property or plant or animal life unfit for human use;
  - f) loss of enjoyment of normal use of property; and
  - g) interference with normal conduct of business.
- 10.22.4 "AGRICULTURAL USES"** means the growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including, but not limited to livestock facilities, manure storages, value-retaining facilities, and accommodation for full-time farm labour when the size and nature of the operation requires additional employment.
- 10.22.5 "AGRI-TOURISM USES"** means those farm-related tourism uses, which may include a bed and breakfast establishment, that promote the enjoyment, education or activities related to the farm operation.
- 10.22.6 "AGRICULTURE-RELATED USES"** means those farm-related commercial and farm-related industrial uses that are directly related to



farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and/or provide direct products and/or services to farm operations as a primary activity.

- 10.22.7 “AGRICULTURAL-RELATED WIND ENERGY GENERATING SYSTEM”** means a maximum of three Wind Energy Generating Systems on one property that individually or collectively produce a maximum of 150 kilowatts (150 kW) based on “nameplate rating capacity”, are intended for agricultural/farm use, and may be connected to the provincial or local electrical transmission grid.
- 10.22.8 “AREAS OF NATURAL and SCIENTIFIC INTEREST (ANSI)”** means areas of land and water containing natural landscapes or features that have been identified as having life science or earth science values related to protection, scientific study or education.
- 10.22.9 “BED and BREAKFAST ESTABLISHMENT”** means a dwelling unit in which the owner and/or operator who occupies the dwelling provides no more than three guest rooms for the temporary accommodation of the traveling or vacationing public.
- 10.22.10 “BERM”** means high embankment or ridge of earth functioning as a protective barrier.
- 10.22.11 “BIOMASS ENERGY GENERATING SYSTEM”** means a system that produces usable energy through the combustion of biological material.
- 10.22.12 “BUFFER”** means an open space, berm, wall, fence, plantings, distance separation or land uses different from the conflicting ones but compatible with both or any combination of the aforementioned that is sufficient to accomplish the intended purpose of reducing the impact of undesirable air quality, excessive noise and vibration, visual impact and other incompatible land use impacts.
- 10.22.13 “COMMERCIAL-SCALE SOLAR ENERGY GENERATING SYSTEM”** means a Solar Energy Generating System with a nameplate rating capacity in excess of forty kilowatts (40 kW) that is connected to the provincial or local electrical transmission grid for commercial purposes.
- 10.22.14 “COMMERCIAL-SCALE WIND ENERGY GENERATING SYSTEM”** means a wind facility that produces a total of 150 Kilowatts (150 kW) or more based on the nameplate capacity, and includes any Wind Energy Generating System Accessory Facility, and during the construction period only, construction uses, buildings and structures such as temporary lay down areas, docking areas, temporary construction storage yards, temporary concrete batching plant, temporary construction office etc. and any such Wind Energy Generating System

Accessory Facility and construction activities may or may not be located on properties which a Commercial-Scale Wind Energy Generating System is located.

**10.22.15 "COUNCIL"** means the elected Council of Loyalist Township, while "Municipality" refers to Loyalist Township and its Council.

**10.22.16 "DENSITY, NET"** means the ratio of the number of residential units to one net hectare. Net hectare means the area of land to be developed less any lands to be dedicated to the Municipality for public roads, walkways, open space, parks, community facilities such as but not limited to libraries, fire stations, recreation facilities, schools, and which are not an environmental category where they would be considered inappropriate as part of the parkland dedication under the Planning Act.

**10.22.17 "DEVELOPMENT"** means: the creation of a new lot, a change in land use, or the construction of buildings and structures, requiring approval under the Planning Act; but does not include activities that create or maintain infrastructure authorized under an environmental assessment process, or works subject to the Drainage Act.

**10.22.18 "ENVIRONMENT"** refers to any combination of: air, soils and water; plant and animal life; social and cultural conditions; buildings or structures.

**10.22.19 "ESTATE WINERY OR CIDERY"** means a lot on which buildings and structures are used for the making of wines/cider produced predominately from locally grown fruits.

**10.22.20 "EXISTING LOTS OF RECORD"** means a lot legally existing at the date of adoption of this Official Plan.

**10.22.21 "FARM CONSOLIDATION"** means the merging of two contiguous properties into a single property under the same ownership and does not include properties which are not contiguous.

**10.22.22 "FARM WINERY OR CIDERY"** means a farm on which buildings and structures are used for the making of wines/ciders from fruit grown exclusively on site as a secondary use of the farming operation.

**10.22.23 "FIRST NATIONS"** means Indigenous peoples inhabiting Canada (Turtle Island) that are of multiple nations, who are ethnically neither Métis nor Inuit.

**10.22.24 "FORESTRY"** means the proper implementation of harvest, renewal, and maintenance activities that are known to be appropriate for the sustained health of the forest, and for the ecological features and functions that it supports.

- 10.22.25 “FREIGHT-INTENSIVE LAND USE”** means land uses where the loading, unloading and storage of goods are the exclusive or dominant activities. Examples of such uses include intermodal terminals, distribution centres and warehouses.
- 10.22.26 “GARDEN SUITE”** means a one-unit detached residential structure, designed to be portable, containing bathroom and kitchen facilities that is ancillary to an existing residential structure ~~that is designed to be portable.~~
- 10.22.27 “GREEN INFRASTRUCTURE”** means natural and human-made elements that provide ecological and hydrological functions and processes. *Green infrastructure* can include components such as natural heritage features and systems, parklands, stormwater management systems, street trees, urban forests, natural channels, permeable surfaces, and green roofs.
- 10.22.28 “GROUP HOMES”** means a single housekeeping unit in a residential dwelling in which up to ten (10) persons (excluding supervisory staff or receiving household) live under responsible supervision consistent with the particular needs of its residents. The home is licenced or approved under Provincial statutes. See also Special Care Facilities.
- 10.22.29 “HAZARDOUS FOREST TYPES FOR WILDLAND FIRE”** means forest types assessed as being associated with the risk of high to extreme wildland fire using risk assessment tools established by the Ministry of Natural Resources and Forestry, as amended from time to time.
- 10.22.30 “HAZARDOUS SITES”** means property or lands that could be unsafe for *development* and *site alteration* due to naturally occurring hazards. These may include unstable soils (sensitive marine clays [leda], organic soils) or unstable bedrock (karst topography).
- 10.22.31 “HERITAGE ATTRIBUTES”** means the principal features or elements that contribute to a protected heritage property’s cultural heritage value or interest, and may include the property’s built or manufactured elements, as well as natural landforms, vegetation, water features, and its visual setting (including significant views or vistas to or from a protected heritage property).
- 10.22.32 “HERITAGE FEATURES”** include but are not necessarily restricted to archaeological sites, Indigenous and non-Indigenous cemeteries and burials with historic significance, buildings and structural remains of historical and architectural value, and human-made rural, hamlet and urban landscapes and cultural heritage landscape features.
- 10.22.33 “HOBBY FARM”** means a farm residence where a limited number of

domestic animals that are kept primarily for recreational purposes, and buildings related to the hobby farm are clearly subordinate and incidental to the residential use.

- 10.22.34 “INDIGENOUS”** means the descendants of the original inhabitants of Canada (Turtle Island). There are three distinct groups of Indigenous Peoples in North America – First Nations, Métis and Inuit. Each of these Indigenous peoples have unique heritages, languages, cultural practices and spiritual beliefs
- 10.22.35 "INFILLING"** means the development of new residences to be located between two houses which are located on the same side of a public road and which are separated by a distance of not more than 100 metres.
- 10.22.36 “INFLUENCE AREA AND POTENTIAL INFLUENCE AREA”** means the area(s) at, above, or below grade, associated with a “facility or use” that is subject to one or more adverse effect(s) which may be of varying duration, frequency and distance of dispersal. This is an actual ‘influence area’. A ‘potential influence area’ identifies where adverse effects are generally expected to occur. An influence area or potential influence area acts as a constraint for sensitive land use, or conversely on the establishment of a facility or use, unless evidence is provided that adverse effects are not a problem, or can be satisfactorily mitigated to the level of trivial impact.
- 10.22.37 “INFRASTRUCTURE”** means physical structures (facilities and corridors) that form the foundation for development. Infrastructure includes: sewage and water systems, septage treatment systems, stormwater management systems, waste management systems, electricity generation facilities, electricity transmission and distribution systems, communications /telecommunications, transit and transportation corridors and facilities, oil and gas pipelines and associated facilities.
- 10.22.38 “INUIT”** (pronounced “Ee-nuw-ee-t) means Indigenous peoples, the majority of whom inhabit the northern regions of Canada. The term Inuit is defined as “people” in the Inuit language, Inuktitut. An Inuit person is defined as an Inuk.
- 10.22.39 “LOCALLY GROWN”** means fruit or fruit juice used in the production of wine or cider which consists primarily of fruit grown within the municipal boundaries of Loyalist Township and/or in the Designated Viticulture Area (DVA). Minor amounts of fruit or fruit juice may consist of product from outside the DVA.
- 10.22.40 “LOW IMPACT DEVELOPMENT”** means an innovative stormwater management approach with a basic principle that is modelled after the natural way of managing rainfall at the source. This is done by using uniformly distributed decentralized micro-scale controls. Low Impact

Development imitates the site's predevelopment hydrology by using landscaping design techniques that infiltrate, filter, store, evaporate, and detain run-off close to the source.

- 10.22.41 “LOW AND MODERATE INCOME HOUSEHOLDS”** means
- a) in the case of ownership housing, households with incomes in the lowest 60 percent of the income distribution for the *regional market area* or b) in the case of rental housing, households with incomes in the lowest 60 percent of the income distribution for renter households for the *regional market area*.
- 10.22.42 “Métis”** means peoples inhabiting Canada (Turtle Island) that have a mix of First Nations and European ancestry, whom define themselves as Métis. Métis peoples are a distinct group from First Nations, Inuit, and non-Indigenous peoples inhabiting Canada (Turtle Island). They have a unique landscape, history, culture, and spirituality.
- 10.22.43 “MICRO-SCALE WIND ENERGY GENERATING SYSTEM”** means a maximum of one wind energy generating system with a maximum nameplate rating capacity of 10 kilowatts (10 kW)
- 10.22.44 “MINIMUM DISTANCE SEPARATION (MDS) FORMULA”** means formulae and guidelines developed by the Province, as amended from time to time, to separate uses so as to reduce incompatibility concerns about odour from livestock facilities.
- 10.22.45 “NAMEPLATE RATING CAPACITY”** means the maximum electrical energy generating potential of a Wind Energy Generating System.
- 10.22.46 “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 make use of innovative technology in a manner consistent with proper advances farm management practices. Normal farm practices shall be consistent with the *Nutrient Management Act, 2002* and regulations made under that Act.
- 10.22.47 “ON-FARM DIVERSIFIED USES”** means uses that are secondary to the principal agricultural use of the property, and are limited in area. *On-farm diversified uses* include, but are not limited to, home occupations, home industries, *agri-tourism uses*, and uses that produce value-added agricultural products.
- 10.22.48 “PASSIVE OUTDOOR RECREATIONAL USES”** means uses such as hiking and ski trails, riding clubs, nature observation locations and open space as opposed to (for example) tennis courts, golf courses, and

baseball diamonds.

**10.22.49 "PIT"** means a place where unconsolidated gravel, stone, sand, earth, clay, fill, mineral or other material is being or has been removed by means of an open excavation to supply material for construction, industrial or manufacturing purposes but does not include a wayside pit.

**10.22.50 "POINT OF RECEPTION"** for any participating and non-participating sensitive receptor means any point on the premises within 30 metres of the sensitive receptor, consistent with the Ministry of Environment, Conservation and Parks publication "Interpretation for Applying MOE NPC Technical Publications to Wind Turbine Generation."

**10.22.51 "PORTABLE ASPHALT PLANT"** means a facility:  
with equipment to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material, and includes stock piling and storage of bulk materials used in the process; which is not of permanent construction but which is to be dismantled at the completion of the construction project; and which does not remain at one location for more than one year.

**10.22.52 "PRIME AGRICULTURAL AREA"** means *specialty crop areas* and/or Canada Land Inventory Class 1, 2 and 3 lands, as amended from time to time, in this order of priority for protection. Prime Agricultural Areas may also include:

- a) associated Canada Land Inventory Class 4 through 7 lands; and
- b) additional areas where there is a local concentration of farms which exhibit characteristics of ongoing viable agriculture.

**10.22.53 "PROPERTY"** means a separate and distinct parcel of land legally capable of being conveyed.

**10.22.54 "PROTECTED HERITAGE PROPERTY"** means real property designated under Parts IV, V or VI of the Ontario Heritage Act; heritage conservation easement under Parts II or IV of the Ontario Heritage Act; and property that is subject of a covenant or agreement between the owner of the property and a conservation body or level of government, registered on title and executed with the primary of preserving, conserving and maintaining a cultural heritage feature or resource, or preventing its destruction, demolition or loss.

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

**10.22.56 "QUARRY"** means a place where consolidated rock has been or is being removed by means of an open excavation to supply material for construction, industrial or manufacturing purposes but does not include a wayside quarry or open pit metal mine.

**10.22.57 "REGIONAL MARKET AREA"** refers to an area that has a high degree of social and economic interaction. In this case it refers to the Kingston-Lennox and Addington Region.

**10.22.58 "REGULATORY FLOOD PLAIN"** means:

- a) for river and stream systems (including inland lakes, except for some waterbodies that are associated with the Great Cataraqui River, as noted below), the area affected by the anticipated regulatory (1:100 year) water elevation, plus an allowance for water related hazards (i.e. ice jams),
- b) for controlled lakes (i.e. those that form a part of the Great Cataraqui River) and for which a regulatory one hundred year flood elevation has not yet been calculated, the area affected by the operator of the control structure, and
- c) for Lake Ontario and the St. Lawrence River, the area affected by the one hundred year flood plus an allowance for wave uprush or other water related hazards.

**10.22.59 "RESIDENTIAL UNIT"** means a unit that,

- a) consists of a self-contained set of rooms located in a building or structure,
- b) is used or intended for use as residential premises, and
- c) contains kitchen and bathroom facilities that are intended for the use of the unit only.

**10.22.60 "SECONDARY AGRICULTURAL USE"** means the use of land secondary to the principal use of the farm that produces value-added agricultural products from the farm operation on the property.

**10.22.61 "SECONDARY UNIT"** means a self-contained residential unit with kitchen and bathroom facilities within a dwelling or within an accessory structure or building to the principle dwelling.

**10.22.62 "SENSITIVE RECEPTOR"** means any building or structure used as a residence, seasonal residence, hotel, motel, nursing home, retirement home, hospital, school, place of worship, day care, or any lands used for camp grounds or picnic areas.

**10.22.63 “SMALL-SCALE WIND ENERGY GENERATING SYSTEM”** means a maximum of one Wind Energy Generating System with a nameplate rating capacity between 10 kilowatts (10kW) and 40 kilowatts (40 kW).

**10.22.64 “SMALL-SCALE SOLAR ENERGY GENERATING SYSTEM”** means a Solar Energy Generating System with a nameplate rating capacity between zero kilowatts (0 kW) and ten kilowatts ( 10 kW), which are considered Class 1 or Class 2 Solar Facilities which produces electricity primarily for domestic, on-site consumption, and which may include a limited sale of electricity to the transmission grid.

**10.22.65 “SOLAR ENERGY GENERATING SYSTEM”** means a structure that converts solar energy to electrical energy.

**10.22.66 “SPECIAL CARE FACILITIES”** is a term that includes the following:

- a) Crisis Care Shelter - a single housekeeping unit for persons in a crisis situation requiring shelter, protection, assistance, counseling or support, and short-term accommodation of a transient nature.
- b) Detoxification Centre - A facility to house persons addicted to chemical substances and/or alcohol who are admitted for withdrawal, treatment and/or rehabilitation, and who live together under responsible twenty-four (24) hour supervision consistent with their requirements.
- c) Recovery Home - A single housekeeping unit offering a group living arrangement, treatment and education for persons with alcohol or drug related problems and/or dependencies, under responsible twenty-four (24) hour supervision.
- d) Corrections Residence - A group living arrangement in a secure facility for individuals who have been placed on probation, who have been released on parole, who are admitted to the facility for correctional or rehabilitation purposes, or who are awaiting trial and live together under responsible twenty-four (24) hour secure supervision and accepted standards for secure detention.
- e) Residential Care Facility - A group living arrangement in a single housekeeping unit for eight (8) or more individuals (exclusive of staff and/or receiving family), who live under responsible supervision consistent with their particular needs. The facility is licenced or approved under Provincial statutes.

**10.22.67 “SPECIALTY CROP AREA”** means areas designated using guidelines developed by the Province, as amended from time to time. In these areas, specialty crops are predominately grown such as tender fruits (peaches, cherries, plums), grapes, other fruit crops, vegetable crops, greenhouse



crops, and crops from agriculturally developed organic soil, usually resulting from:

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

**10.22.68 "SUSTAINABLE DEVELOPMENT"** means development that meets the requirements of the present without compromising the ability of future generations to meet their own needs.

**10.22.69 "URBAN AGRICULTURE"** means all food production that occurs with a Settlement or Rural Area in Loyalist Township, which takes place on private land or in public open spaces and is generally undertaken by individuals and non-profit community organizations. This includes, but is not limited to, allotment gardens, community gardens, container gardens, edible landscapes, orchards, and rooftops gardens.

**10.22.70 "WATERBODY"** means all classes of lakes, ponds, rivers, creeks, and streams having defined and permanent banks and beds.

**10.22.71 "WAYSIDE PIT or QUARRY"** means a temporary pit or quarry opened and used by or for a public authority solely for the purpose of a particular project or contract of road construction and which is not located on the road right-of- way. Such wayside pit or quarry shall be opened and operated only by the Ministry of Transportation of Ontario, the County of Lennox and Addington, or Loyalist Township or their agents for the purposes of specific public projects.

**10.22.72 "WETLANDS"** means land that is seasonally or permanently covered by shallow water, as well as land where the water table is close to or at the surface. In either case, the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic or water tolerant plants. The four major types of wetlands are swamps, marshes, bogs, and fens. Lands being used for agricultural purposes that are periodically soaked or wet are not considered to be wetlands for purposes of this definition.

**10.22.73 "WILDLAND FIRE ASSESSMENT AND MITIGATION STANDARDS"** means the combination of risk assessment tools and environmentally appropriate mitigation measures identified by the Ontario Ministry of Natural Resources and Forestry to be incorporated into the design, construction and/or modification of buildings, structures, properties and/or communities to reduce the risk to public safety, infrastructure and property from wildland fire.

- 10.22.74 “WINDMILL”** means a tower structure with blades that are turned by the wind, is normally accessory and incidental to an agricultural land use, and is normally used for pumping water or an agriculture-related function. A windmill shall not be considered as a Wind Energy Generating System for the purposes of this Official Plan.
- 10.22.75 “WIND ENERGY GENERATING SYSTEM”** means a structure that converts wind energy to electrical energy, including but not limited to a wind charger or a wind turbine.
- 10.22.76 “WIND ENERGY GENERATING SYSTEM ACCESSORY FACILITY”** means a use, building or structure, transformer station, or associated mechanical equipment that is normally incidental, subordinate and exclusively devoted to a Wind Energy Generating System, and is located on the same lot as the Wind Energy Generating System.
- 10.22.77 “WINERY”** means buildings or structures used for the processing of grapes or fruit in the production of wines or ciders, including the fermentation, production, bottling, aging or storage of wine and wine-related products, as a secondary agricultural use to a vineyard and/or fruit farm. The winery may include a laboratory, winery administrative office, and similar secondary uses.