

**AMENDMENT NO. 37 TO THE OFFICIAL PLAN  
FOR THE CORPORATION OF LOYALIST TOWNSHIP**

**BY-LAW 2020-XX**

**OFFICIAL PLAN UPDATE  
OFFICIAL PLAN AMENDMENT**

**DRAFT**

(i)  
**OFFICIAL PLAN OF  
LOYALIST TOWNSHIP  
AMENDMENT NUMBER 37**

The attached explanatory text, constituting Amendment Number 37 to the Official Plan of Loyalist Township was prepared by the Council of Loyalist Township under the provisions of Sections 17 and 21 of the Planning Act, R.S.O. 1990.

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MAYOR

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TOWNSHIP CLERK

SEAL

(ii)  
**THE CORPORATION OF LOYALIST TOWNSHIP**

**BY-LAW NUMBER 2020-xx**

WHEREAS Amendment No. 37 to the Official Plan of Loyalist Township has been supported by the Council of The Corporation of Loyalist Township.

AND WHEREAS Ontario Regulation 699/98, as amended by Ontario Regulation 141/16, exempted The Corporation of Loyalist Township from approval for Official Plan Amendments under the Planning Act, R.S.O. 1990, as amended;

AND WHEREAS The Corporation of Loyalist Township has provided a copy of the proposed Amendment Number 37 to the Ministry of Municipal Affairs and Housing and the County of Lennox and Addington pursuant to clause 17(15)(a) of the Planning Act, R.S.O. 1990, as amended;

NOW THEREFORE, the Council of The Corporation of Loyalist Township, in accordance with the provisions of Sections 17 and 21 of the Planning Act, R.S.O. 1990, as amended, hereby enacts as follows:

1. Amendment Number 37 to the Official Plan of Loyalist Township, consisting of the attached explanatory text, is hereby adopted.
2. This by-law shall come into force and take effect on the date of final passing.

ENACTED AND PASSED this th day of xx 2020.

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MAYOR

\_\_\_\_\_  
TOWNSHIP CLERK

Certified that the above is a true copy of By-law Number 2020-XX as enacted and passed by the Council of The Corporation of Loyalist Township on the th day of XX, 2020.

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TOWNSHIP CLERK

(iii)

**AMENDMENT NO. 37 TO THE OFFICIAL PLAN  
FOR THE CORPORATION OF LOYALIST TOWNSHIP**

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STATEMENT OF COMPONENTS

PART A - THE PREAMBLE does not constitute part of this amendment.

PART B - THE AMENDMENT consisting of the following text constitutes Amendment No. 37 to the Official Plan for Loyalist Township.

DRAFT

## PART A - THE PREAMBLE

The title of this amendment is “AMENDMENT NO. 37” to the Official Plan of Loyalist Township, hereinafter referred to as “AMENDMENT NO. 37”.

### PURPOSE

The purpose of Amendment No. 37 to the Official Plan of Loyalist Township is to make changes stemming from a five-year review of the Plan, undertaken in accordance with Section 26 of the *Planning Act*.

### LOCATION

The Amendment applies to the entire jurisdiction of Loyalist Township.

### BASIS OF THE AMENDMENT

The current Official Plan was adopted by Council on XXX and was subsequently approved by the Minister of Municipal Affairs in 2010. The Planning Act requires that an Official Plan be updated no less frequently than ten years after it comes into effect and every five years thereafter.

In 2016, the Loyalist Township initiated an update to its 2010 Official Plan. In addition to the Planning Act requirements, the Official Plan update is focused on the integration of the County of Lennox and Addington Official Plan, 2015, key policy changes from the 2014 Provincial Policy Statement, updates to the Planning Act, and consideration of technical issues and policy refinements identified by Ontario Ministries, Township staff, prescribed public bodies, and other community stakeholders.

### SUMMARY OF KEY REVISIONS

1. **Provincial Policy Statement:** Several changes were made to ensure consistency with the 2014 Provincial Policy Statement. In summary, these include:
  - Incorporating policies which promote 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.
  - New environmental mapping (i.e., karst, wildland fire and other natural hazards).
  - Acknowledging climate change
  - Promoting on-farm economic development;
  - Protecting marine archaeology and cultural heritage;

- Conserving built heritage resources;
  - Updating natural heritage provisions;
  - Minimizing impacts on waterfront areas.
2. **Intensification:** Several revisions in the Plan are designed to encourage increases in density, thereby similarly increasing affordability and improved utilization of public services. Revisions to the Plan were made to permit more secondary units and garden suites, as well as strengthening policies that direct growth to existing settlement areas.
  3. **New Natural Hazards Designation:** Currently, natural hazards areas such as those containing karst or prone to flooding and erosion are captured in the Environmental Protection zone. At the recommendation of the Conservation Authority and the Ministry of Natural Resources and Forestry, lands with these types of natural hazard features are now captured in a new designation: “Natural Hazard Area.”
  4. Numerous housekeeping changes and restructuring of the Plan.

PART B - THE AMENDMENT  
INTRODUCTORY STATEMENT

All of this part of the document entitled “PART B - THE AMENDMENT” consisting of By-law Number 2020-XX and Schedules “A, B, D and G” inclusive attached hereto, constitutes AMENDMENT NO. 37 to the Official Plan for Loyalist Township.

INFORMATION ABOUT SCHEDULE “A” TO BY-LAW NUMBER XX

All section changes or groups of changes are numbered in sequential order. Changes include additions of new sections, corrections to existing sections or words, renumbered sections and deletions or replacements of sections or words.

Unless otherwise stated, references to a section number refer to the existing section as found in the Official Plan that is in force at the time of adoption of this Amendment by Council. Wherever possible, cross-references within sections refer to the new or amended section numbers. Once the Official Plan Amendment is approved and/or modified, the numbering, including cross-references, will be further updated to reflect the way they will appear in the final Official Plan document. Other minor updates of a technical or an administrative nature may also be undertaken for the purpose of correcting formatting (e.g. text font, bold face, italics, capitalization, etc.), spelling, or any technical errors that do not alter the intent of By-law Number 2020-XX. Although sub-headings are

not operative parts of the Official Plan, the Amendment includes changes proposed to the sub-headings for ease of consolidation of the Plan once the Amendment is approved and/or modified. Where a section is being deleted, the associated sub-heading should also be deleted.

### By-Law Number XXX

#### A By-Law to Amend the Official Plan for the Township of Loyalist Planning Area (Amendment Number 37, Five Year Review)

Passed: XX

**Whereas** the Official Plan for the Township of Loyalist Planning Area was approved by the Ministry of Municipal Affairs on XX; and

**Whereas** Section 26 of the *Planning Act* requires that a new Official Plan be updated no less frequently than ten years after it comes into effect and every five years thereafter; and

**Whereas** The Corporation of the Township of Loyalist proposes to adopt Amendment Number 37 to update the Official Plan; and

**Whereas** the Township has engaged in an extensive consultation program in preparing the amendment which has involved the Ministry of Municipal Affairs, appropriate public bodies and agencies, Township Council and the public; and

**Whereas** after giving required notice, a public open house was held on XX and a public meeting was held on XX regarding the amendment;

**Therefore be it resolved that** the Council of The Corporation of the Township of Loyalist, in accordance with the provisions of Sections 17 and 26 of the *Planning Act*, R.S.O. 1990.c. P13, hereby enacts as follows:

1. The Official Plan for the Township of Loyalist is hereby amended by the following changes which shall constitute Amendment Number- 37 to the Official Plan for the Township of Loyalist:

**a) Amend** the text of the Official Plan of the Township of Loyalist as shown on Schedule 'A' to this By-Law; and,

**b) Amend** the schedules of the Official Plan of the Township of Loyalist by amending the Official Plan schedule in the left column of the table below as per the modifications described in the right column of the table below; and,

#### Official Plan Schedule to be Modified Schedule(s) in this By-Law

Schedule A "Land Use Plan"	Replace with new Schedule A "Land Use"
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Schedule B “Environmental and Resource Constraint Areas”	Replace with new Schedule B “Environmental Resource and Constraint Areas”
Schedule C “Land Use Plan: Amherstview”	Replace with new Schedule C “Land Use Plan: Amherstview”
Schedule C1 “Environmental Overlay: Amherstview”	
Schedule D “Land Use Plan: Bath – Millhaven”	Replace with new Schedule D “Land Use Plan: Bath – Millhaven”
Schedule D1 “Environmental Overlay: Bath - Millhaven	Replace with new Schedule D1 “Environmental Overlay: Bath – Millhaven”
Schedule E “Land Use Plan: Odessa”	Replace with new Schedule E “Land Use Plan: Odessa”
Schedule E1 “Environmental Overlay: - Odessa”	Replace with new Schedule E1 “Environmental Overlay: - Odessa”
Schedule F “Community Improvement Plan Areas”	Replaced with Schedule F “Natural Hazard Areas Overlay”
Schedule G “Transportation Plan”	Replaced with new Schedule G “Transportation Plan”
New: Schedule J “Bedrock Resource Areas”	
New: Schedule K “Vulnerable Aquifer Overlay”	

2. This By-Law shall come into force and take effect on the day that is the day after the last day for filing an appeal pursuant to the *Planning Act*, provided that no Notice of Appeal is filed to this By-Law in accordance with the provisions of Section 17, Subsection 24 of the *Planning Act*, as amended; and where one or more appeals have been filed within the time period specified, at the conclusion of which, the By-Law shall be deemed to have come into force and take effect on the day the appeals are withdrawn or dismissed, as the case may be.

Schedule "A" to By-law Number XXX

1. Amend Section 1.1 Foreword by deleting reference to the year "2020" and replacing it with "2036."
2. Amend Section 1.2 Purpose by replacing the third bullet point with:  
"updates current policies and designations to be consistent with the Provincial Policy Statement (PPS) and the Official Plan for the County of Lennox and Addington."
3. Delete Section 1.3 Application and Scope of the Plan in its entirety and replace with:

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

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

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 related 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; and
- 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.
- 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.

- 4. Amend Section 1.5.1 The Community by deleting reference to "14,500" and "6,500" population numbers, and replacing them with "17,000 and 7,950" respectfully.
- 5. Delete Section 1.5.2 The Strategy in its entirety.
- 6. Modify Section 1.7 Composition by removing the words "all lands" and replacing them with "the entire area."
- 7. Modify Section 1.9 Review and Amendment by deleting the last paragraph and replacing it with: "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."
- 8. Modify Section 1.10 Time Period by replacing "2020" with "2036" at the end of the sentence.
- 9. Modify Section 2.1 Principles by including the following new point 2.1.9:

“2.1.9 Address climate change challenges 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.”

10. Modify Section 2.2.1.6 Premises by removing “limited farm severances”.
11. Modify Section 2.2.1.9 Premises by removing “remoteness” and replacing it with “character”.
12. Modify Section 2.2.1.11 Premises by removing “three (3)” and replacing it with “a small number of.”
13. Modify Section 2.2.1.12 Premises by including “in existing settlement areas,” immediately following the words “existing development.”

14. Delete Section 2.2.1.14 in it’s entirety and replace with the following:

“2.2.1.14 Premises

Although historically single detached dwellings have been are the predominant form of housing, there are demands for varying forms of housing and tenure to address affordability and changing demographic conditions.”

15. Modify Section 2.2.1. Premises by inserting the following:

“2.1.1.21 Premises

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

16. Section 3.1 Introduction is hereby modified by:

- a) removing reference to the year “2020” in the 1<sup>st</sup> sentence and in the third paragraph and replacing it with “2036;”

- b) changing reference to a population of “18,024 to 23,551” and replacing it with “20,398.”
17. Modify 3.1 Section Introduction by removing the existing ten principle policy areas and replacing them with the following:
- “Council recognizes eleven (13) principal policy areas. These are:
1. the Township's economic and financial well-being;
  2. 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;
  3. management of resources;
  4. the settlement needs of existing and future residents;
  5. the community improvement and revitalization of existing communities in a planned and fiscally responsible manner;
  6. provision of services;
  7. 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;
  8. the community, cultural, and recreational needs of the residents;
  9. design of attractive, healthy and active neighbourhoods;
  10. municipal cooperation and coordination with surrounding municipalities, aboriginal communities, and the Province of Ontario;
  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.”

18. Delete Section 3.2 Economic and Financial Goal in its entirety and replace it with the following:

“3.2 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 and 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.”

19. Modify Section 3.2.1 Economic and Financial Objectives by deleting policy 3.2.1.7 in its entirety.
20. Modify 3.3 title to read: “ENVIRONMENTAL AND CLIMATE CHANGE GOAL.”
- 21a. Modify 3.3.1 title to read: Environmental and Climate Change Objectives”

21b. Modify Section 3.3.1 Environmental and Climate Change Objectives by deleting the words “significant portions of” from 3.3.1.3.

22. Modify Section 3.3.1 Environmental and Climate Change Objectives by adding the following new objective:

“3.3.1.5 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) 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;
- d) maintaining linkages and related functions among ground water features, hydrologic functions, natural heritage features and areas, and surface water features including shoreline areas;
- e) 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;
- f) planning for efficient and sustainable use of water resources, through practices for water conservation and sustaining water quality;
- g) ensuring consideration of environmental lake capacity, where applicable; and
- h) ensuring stormwater management practices minimize stormwater volumes and contaminant loads and maintain or increase the extent of vegetative and pervious surfaces.

23. Modify Section 3.3.1 Environmental Objectives by adding the following two new objectives:
- “3.3.1.10 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.
- 3.3.1.12 To mitigate and adapt to the effects of Climate Change 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.”
24. Modify Section 3.4.1.2 by deleting it in its entirety and replacing it with the following:
- “3.4.1.2 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.
25. Modify Section 3.5 title by removing the words “Settlement Goal” and replacing it with “Growth Management Goal,” and change the title of 3.5.1 to “Growth Management Objectives.”
26. Delete 3.5.1.1 to 3.5.1.3 Growth Management Objectives in its entirety and replace with the following:
- “3.5.1.1. To accommodate the population and growth forecasts to 2036.
- 3.5.1.2 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 development to the urban settlement areas where full municipal services are available.

- 3.5.1.3 To direct residential intensification and infilling to the urban settlement areas of Amherstview, Bath and Odessa.
- 3.5.1.4 To encourage, in fully serviced areas, compact energy efficient use of land through more appropriate urban forms of residential development.
- 3.5.1.5 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.
- 3.5.1.6 To recognize existing neighbourhoods and protect them from incompatible development or redevelopment.
- 3.5.1.7 To ensure compatibility between new development and existing built-up areas.
- 3.5.1.8 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.
- 3.5.1.9 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.
- 3.5.1.10 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.
- 3.5.1.11 To encourage the creation of “complete communities” in the design of new neighbourhoods.”

27. Modify Section 3.6.1.1 Community Improvement Objectives by inserting the words “commercial, industrial, agricultural and heritage” immediately following “existing residential.”

28. In Section 3.7.1 Servicing Objectives:

- a) Modify 3.7.1.2 by deleting “has regard to” and replacing it with “is consistent with” and;
- b) Modify 3.7.1.3 by inserting the words “promotes infrastructure resiliency to mitigate the effects of Climate Change,” immediately after “municipal services,”
- c) Insert a new 3.7.1.5 as follows: “To promote stormwater and climate change Low Impact Development (LID) and other innovative approaches.”

Remaining subsections are renumbered accordingly.

29. Modify Section 3.8 Transportation Goal by adding the following immediately after the first paragraph:

“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.”

30. Modify Section 3.8.1.8 Transportation Goal by including “active transportation such as” immediately following “abutting municipalities by.”

31. Delete Section 3.9.1 Community, Cultural and Recreation Objectives in its entirety and replace it with the following:

“3.9.1 Community, Cultural and Recreation Objectives

3.9.1.1 To cooperate with other agencies and levels of government in the provision of educational, cultural, recreational, protection, emergency management, environmental, health and social welfare facilities and services in response to the needs of the Township.

- 3.9.1.2 To support and encourage the provision of more accommodative housing for people with disabilities.
- 3.9.1.3 To ensure passive and active recreation facilities are provided in areas of population concentration consistent with the needs of the residents.
- 3.9.1.4 To encourage the development, in conjunction with other municipalities and agencies, of a waterfront trail and linear open space systems along waterbodies.
- 3.9.1.5 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.
- 3.9.1.6 To encourage and foster public awareness, participation, and involvement in the conservation of cultural heritage resources.
- 3.9.1.7 To promote the use of environmentally sensitive areas and associated open space elements for passive recreation and educational purposes.
- 3.9.1.8 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.
- 3.9.1.9 To continue beautification efforts in the Township's parks and streetscapes to enhance their overall appearance and create focal points in the community.
- 3.9.1.10 To accommodate and maintain the system of publicly accessible parks, nature trails, and other green spaces to increase contact with the natural environment."

32. Delete Section 3.10.1.2 in its entirety and replace with the following:

“3.10.1.2 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”

33a. Delete the word “Municipal” from the title of Section 3.11 Municipal Cooperation and Coordination Goal, and delete the existing wording in its entirety and replace with the following:

“To promote cooperation and coordination of Township actions with those of surrounding municipalities as well as aboriginal communities.”

33b. Delete the word “Municipal” from the title of Section 3.11.1.

33c. Modify Section 3.11.1. Cooperation and Coordination Objectives by adding the following new subsection:

“3.11.1.3

To meaningfully consult with aboriginal communities.”

34a. Modify Section 3.12.1.2 Renewable Energy and Energy Conservation Objectives by removing it in its entirety and replace with the following:

3.12.1.2 Renewable Energy and Energy Conservation Objectives

“To ensure that renewable energy systems are appropriate in type and scale to their locations, impacts on the natural environment and surrounding land uses are minimized, and they do not impact the logical future expansion of Township settlement areas and infrastructure.”

34b) Modify 3.12.1.6 Renewable Energy and Conservation Objectives by inserting the words “public transit” immediately after “community improvement.”

34c) Modify Section 3.12.1.7 Renewable Energy and Energy Conservation Objectives by adding the following at the end of the sentence:

“for energy conservation and climate change”

- 34d) Modify Section 3.13.1.4 Tourism Objectives by adding the word “heritage” immediately after the words “in order to maintain the.”
35. Delete Section 3.14 IMPLEMENTATION GOAL in its entirety and replace with new 3.14 as follows:

“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 sub-watershed plans for the urban areas in order to facilitate the coordinated implementation of environmental goals and objectives as part of the land development process.

36a) The Official Plan is hereby modified by creating a new Part 4 titled “Growth Management” which reads as follows:

## “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, minimize negative impacts to air quality and climate change, promote energy efficiency, support active transportation, transit and the efficient movement of goods. 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

Employment: 3,515

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

4.2.3 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) Limited amounts of residential growth by consent in the hamlets of Millhaven, Morven, Stella, Violet, and Wilton.
- 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 are generally available;
- 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.

4.2.4 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.

4.2.5 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

4.2.6 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.

4.2.7 Additional opportunities for intensification will be provided through supporting policies for garden suites in accordance with Section 7.3.2 and secondary units in accordance with Section 7.3.3.

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

4.2.9 The Township will monitor the targets identified in 4.2.1 to ensure the policies and programs put in place to support intensification are effective.

36b) The existing Part 4 entitled “Land Use Policies” is hereby now renumbered to be “Part 5 – Land Use Policies” and all subsections in the new Part 5 are renumbered accordingly.

37. Delete Section 5.2 Environmental Policies in its entirety and replace with the following:

## “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 lands include significant woodlands, significant valleylands, unevaluated wetlands; lands within 120 metres of a provincially significant wetland, lands within 120 metres of: provincially and regionally significant ANSIs, significant valleylands, and significant wildlife habitat or ground recharge/discharge areas; and lands within 120 metres of fish habitat.

Adjacent lands are the lands contiguous to a natural heritage feature and area where it is likely that development or site alteration would have a negative impact on the feature or area. 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 within 120 metres of Significant Woodlands, Significant Valleylands, Unevaluated or Non-Significant Wetlands; lands within 120 metres of a Provincially Significant Wetland or Significant and Regional ANSI (Earth Science), lands within 50 metres of a Significant and Regional ANSI's (Life Science), Significant Valleylands, Significant Wildlife Habitat and Significant Habitat of endangered or threatened species, Groundwater Recharge/Discharge areas or Fish Habitat; and lands within 30 metres of an evaluated Locally Significant Wetland. Linkages and corridors are also included in the Environmentally Sensitive overlay. 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.”

39. Delete Section 5.2.2 Environmental Protection Areas in its entirety and replace with the following:

#### “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;
- provincially significant wetlands;
- all other wetlands that have been evaluated by the Ministry of Natural Resources and Forestry;
- habitat of endangered or threatened species;
- fish habitat;
- conservation lands owned by Loyalist Township, Conservation Authorities and land trusts such as The Rideau and the Nature Conservancy of Canada.

Development and site alterations are not permitted on lands within the Environmental Protection Designation.

##### 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) 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.
- b) Council will encourage retention of lands in the Environmental Protection designation in a natural state.
- c) Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements. In particular, the following regulations and by-laws shall apply:
- O.Reg. 148/06: Cataraqui Region Conservation Authority: Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses;
  - O.Reg. 154/06: Napanee Conservation: Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses;
- d) Development and site alterations are not permitted in significant Wetlands and significant coastal wetlands.

Development and site alteration shall not be permitted in:

- i. Significant woodlands
- ii. Significant valleylands
- iii. Significant wildlife habitat
- iv. Significant areas of natural and scientific interest.

Unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

- e) Development on lands adjacent to significant wetlands, ANSI's and/or the habitat of endangered and threatened species may be permitted where it is demonstrated there will be no negative impacts on the natural features or on the ecological functions for which the area is identified.

The extent of the adjacent lands, unless otherwise defined in consultation with the appropriate agency, will be those lands within 120 metres of a significant wetland, and 50 metres of all other natural heritage features listed in Section 5.2.2.

- f) 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.

- g) Council, on its own or in conjunction with 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.

- h) 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 and the Township, as well as by the Ministry of Natural Resources and Forestry for any evaluation or boundary changes for wetlands, ANSI's, 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.

- i) 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.
- j) The use of Environmental Protection lands for stormwater management is prohibited.
- k) 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.

- l) 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.
- m) Land severances which have the effect of fragmenting the ownership of Environmental Protection Areas will be discouraged.
- n) Environmental Protection Areas shall not be acceptable as part of the dedication for park purposes under the Planning Act.
- o) 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.
- p) 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.

#### 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.”

40. Delete Section 5.2.3 Environmentally Sensitive Areas in its entirety and replace with the following:

“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 wetlands
- groundwater recharge/discharge areas
- adjacent lands within 120 metres of a provincially significant wetland, significant woodlands and
- adjacent lands within 120 metres of:
  - provincially significant life science ANSI's
  - significant valleylands
  - significant wildlife habitat
  - fish habitat
  - groundwater recharge/discharge areas
- adjacent lands within 50 metres of provincially significant earth sciences ANSI's
- adjacent lands within 30 metres of:
  - an evaluated locally significant wetland
  - linkages and corridors

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.

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 in Environmentally Sensitive Areas shown on Schedule 'B' may be permitted in accordance with the land use designations shown on Schedule "A" to this Plan. Permitted development should be compatible

with the sensitivity of the area. In the case of Schedule 'C', 'D', and 'E', development may be permitted in accordance with the abutting designations of this Plan subject to the policy tests herein being met.

#### 5.2.3.2 Policies

a) Development and site alteration shall not be permitted in:

- i. Significant woodlands
- ii. Significant valleylands
- iii. Significant wildlife habitat
- iv. Significant areas of natural and scientific interest.

Unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

b) 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 Cataraqui Region Conservation Authority and the Township.

c) 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 10.1.5. 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.

- d) 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.
- e) An application for the redesignation 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 redesignate or to purchase any land if there is an existing or potential environmental sensitivity that would be difficult or costly to overcome.

- f) In considering a development application within or near a groundwater recharge/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.

- g) 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 or appropriate provincial ministry deem that such a study is not necessary.
- h) 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.
- i) 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 (d) of this Subsection.
- j) Agricultural Activities, excluding new buildings or structures, are permitted in Environmentally Sensitive Areas and adjacent lands without the need for an Environmental Impact Assessment.
- k) Environmentally Sensitive Areas may be acceptable as part of the park dedication under the Planning Act.
- l) 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.

m) 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) of 120 metres of adjacent lands must occur for development or site alteration near fish habitat.

n) 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.

#### 5.2.3.3 Implementation

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

#### 5.2.3.4 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 15th, 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."

41. Add a new section entitled 5.2.4 "Natural Hazard Areas" with the following policies:

"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. These lands are shown as Natural Hazard Area on Schedule F.

Along the shorelines of the Great Lakes- St. Lawrence River System, this means the land, including that covered by water, between the international boundary, where applicable, and the furthest landward limit of the flooding hazard, erosion hazard or dynamic beach hazard limits. Along river, stream and small inland lake systems, this means the land, including that covered by water, to the furthest landward limit of the flooding hazard or erosion hazard limits.

Natural hazard lands may be unsafe for development because of their physical characteristics, and may pose a potential risk for loss of life, property damage, and social disruption if developed. Development shall generally be directed to areas outside of natural hazard lands. Council, in consultation with the Conservation Authority will examine, from time to time, the need to upgrade and/or prepare mapping of Natural Hazard Areas and the flood plain along waterbodies. The Township shall consider the potential impacts of climate change that may increase the risk associated with natural hazards.

Reconstruction of existing buildings and structures damaged or destroyed due to fire or natural causes, or minor additions will be located outside flood prone areas where practical as per policy 6.4.6 of this Plan.

- i) 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.

Lot creation or development on a portion of a site having a steep slope and/or a potential erosion hazard shall require the submission of 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. Such reports shall be to the satisfaction of the Township and the Conservation Authority.

- ii) In some cases, the Township and Conservation Authority may require 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). In addition, development proposals along Lake Ontario are to take into consideration dynamic beach hazards, erosion hazards and wave uprush and may require a wave uprush analysis (to re-evaluate the extent of the wave uprush limit).
- iii) Development and site alteration shall not be permitted within:
  - a) The dynamic beach hazard;
  - b) 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
  - c) Floodways, regardless of whether the area of inundation contains high points of land not subject to flooding.
- iv) Development and site alteration may be permitted in certain areas associated with the flooding hazard along a river, stream and small inland lake system where development is limited to uses which by their nature must locate within the floodway, including flood and/or erosion control works, or minor additions or passive non-structural uses which do not affect flood flows.
- v) Development shall not be permitted to locate in hazardous lands and hazardous sites where the use is:

- a. An institutional use including hospitals, long-term care homes, retirement homes, pre-schools, school nurseries, day cares and schools;
- b) An essential emergency service such as that provided by fire, police and ambulance stations and electrical substations; or
- c) Uses associated with the disposal, manufacture, treatment or storage of hazardous substances.

Applications to develop lands which are currently shown as Natural Hazard Area will need to demonstrate, to the satisfaction of the Township and the Conservation Authority that the lands are not subject to a natural hazard.

#### 5.2.5 Flood and Erosion Prone Lands – Additions or Reconstruction

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

Areas that may be subject to flooding hazards are illustrated in Schedule F. The Township will work with the Cataraqui Region Conservation Authority and Quinte Conservation to identify and assess new areas that may be prone to flooding hazards. Periodic updates to floodplain mapping may be undertaken in consultation with the Cataraqui Region Conservation Authority and Quinte Conservation and any other agency having jurisdiction without an amendment to this Plan.

New development and site alteration in the regulatory floodplain is prohibited, except those uses that by their nature must be located within the regulatory floodplain. Where there is existing development within the regulatory floodplain, development and site alteration may be permitted in consultation with the Cataraqui Region Conservation Authority and Quinte Conservation, and subject to risk mitigation measures (i.e., floodproofing).

Where it is not practical to reconstruct existing buildings and structures damaged or destroyed due to fire or natural causes outside flood prone areas, flood or erosion protection should be provided to minimize or eliminate the impacts of future damage due to flooding or erosion.

In the above cases:

- a) Development of lands located below the one-hundred-year flood level, as with all lands identified as Natural Hazard Area, will require the approval of the Conservation Authority and other appropriate approval authorities, and will require appropriate flood mitigation measures.
- b) Development or reconstruction in flood and erosion prone areas may be permitted where it has been demonstrated to the satisfaction of the Township and Conservation Authority, that:
  - i) the hazard can be safely addressed using accepted flood or erosion protection standards and procedures;
  - ii) new hazards are not created, and existing hazards are not aggravated on-site or on upstream or downstream properties;
  - iii) minimal adverse environmental impacts will result on-site or on upstream or downstream properties; and
  - iv) safe access can be provided during times of flooding, erosion, and other emergencies as well as for normal maintenance and repair to any protection works.

#### 5.2.6 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.

Karst topography as identified on Schedule 'F' are also displayed outside of the Township boundaries for illustrative purposes

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.

#### 5.2.7 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

behavior will be required to identify measures to be taken to mitigate the risk.

#### 5.2.8 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.

#### 5.2.9 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.”

42. Delete Section 5.3.2 Agriculture in its entirety and replace with the following:

### “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, wayside pits and quarries, and limited farm-related commercial and industrial uses are permitted.

Within the geographic area of Loyalist Township, estate wineries and farm wineries are permitted in accordance with Section 5.3.2.3A.

Secondary units within a dwelling, 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 and shall conform to the Minimum Distance Separation 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 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 6.3.5.4
- d) Development in proximity to farm uses shall conform to the Minimum Distance Separation 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 Formula prescribed by the Province 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 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 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 amounts of water). Uses permitted include value added agricultural products such as retail stands for the sale of agricultural products produced on the farm unit, value added packing and processing operations, home occupations (Section 7.3.4.1), home industries (Section 7.3.4.2), agri-tourism uses, 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.
- 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 6.3.5.3.

- e) The general principles to be considered in the development and zoning of agricultural related commercial and industrial 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 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; and
  - viii) other sources of conflict to surrounding agricultural operations will be considered, such as adverse traffic impacts.”

43. Modify Section 5.3.2.3A Estate Wineries and Farm Wineries in the following manner:

Modify opening paragraph by deleting in its entirety and replacing it with:

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

Action 1: insert new subsection 5.3.2.3a)

“(a) Wineries, cideries, 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 5.3.2.4.”

Action 2: reword all subsections thereafter accordingly.

Action 3: delete (b) and replace with the following:

(b) “All wineries, cideries, small-scale micro-breweries and accessory uses to such are expected to rely solely on private water services and subservices that meet the requirements having jurisdiction.”

Action 4:

- a) Modify (c) by inserting “cidery or” immediately after the words “estate winery”
- b) Modify (c) by inserting “cidery or small-scale micro-breweries” immediately after the words “farm winery”
- c) Modify (c) by deleting the word “Agricultural” and replacing it with “Prime Agricultural Area.”

Action 5:

- a) Modify (e) by inserting “cidery or small-scale micro-brewery” immediately after the words “that is not directly related to a winery”
- b) Modify (e) by inserting “weddings and” immediately after the words “This policy applies to events, such as.”

Action 6: delete (f) Estate Wineries and replace with the following:

(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 production of fruit crops shall be in full production.
- Wines or ciders produced with 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 permitted within the principal residence in accordance with the bed and breakfast policies in Section 7.3.4.1.
- Upon lands that are not designated as Prime Agricultural Area, small-scale restaurants may be permitted 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 and be subject to a site-specific amendment to the Zoning By-law.
- Upon lands that are not designated as Prime Agricultural Area, larger-scale agri-tourism uses accessory to estate wineries or cideries, such as banquet facilities, large restaurants, and accommodation facilities will require an amendment to this Plan. Restaurant, banquet facilities and large scale tourism uses are not permitted within the Prime Agricultural Area designation.
- Estate wineries or cideries shall be required to locate with direct access to a roadway with sufficient capacity to accommodate 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 setback 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 or cideries 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).

Action 7: Delete (g) Farm Wineries and replace with the following:

(g) “Farm Wineries and Cideries may be permitted as an agricultural-related use subject to the following policies:

- The implementing Zoning By-law will establish zone provisions for the establishment of farm wineries or cideries.
- Wines or ciders produced with an 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.
- A bed and breakfast establishment is permitted within the principle residence in accordance with the bed and breakfast policies of Section 7.3.4.1.
- 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.
- Winery or cidery buildings shall be clustered to minimize impacting land available for cultivation and should be setback 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 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.

- Where a farm winery or cidery proposed to exceed 300 square metres of building area, it shall be subject to the provisions of the farm winery or cidery.
- Farm wineries or cideries may 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).
- Restaurants, banquet facilities and large scale tourism uses are not permitted within a Prime Agriculture Area designation.

Action 8: Insert new subsection (h) to read as follows:

“(h) Small Scale Micro-Breweries”

Small Scale Micro-Breweries

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

- 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.
- Small scale micro-breweries where the grain and agricultural products are locally grown shall be subject to the applicable estate winery policies.
- 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.

44. Insert a new section 5.3.2.4 entitled “On-Farm Diversified Uses” with the following policies:

“5.3.2.4 On-Farm Diversified Uses

- a) On-farm diversified uses that are secondary to the principle agricultural use of the property 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).
- b) 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.”

45. Modify Section 5.3.2.5 Non-Farm Residential Uses by deleting policy d) in its entirety.
46. Delete 5.3.3 Aggregate in its entirety and replace with the following:

#### “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. Permanent concrete batching plants, and permanent asphalt batching plants may be permitted by placement in a separate zone category provided these associated operations are compatible with other uses permitted by this Plan and in no way retard the rehabilitation of these areas for other land use. The Zoning By-law will differentiate between permanent and portable asphalt and concrete batching plants and outline separate zone provisions applying thereto.

Development 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 Reserve 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 licensed aggregate operation.

- d) In cases where a proposed development is not exempt in accordance with 5.3.3.2c, 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 provided they are satisfied of the following:
- 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 allow non-aggregate development within or adjacent to such areas if:
- the extraction of aggregate is not feasible due to the quality or quantity of aggregate;
  - the public need for the proposed land use or activity outweighs the value of the aggregate resource;
  - 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

- a) In considering amendments to the Official Plan and/or Zoning By-law, 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.
- b) When considering applications for amendments to establish or expand aggregate operations, Council will have regard for the following:
- i) the compatibility of the proposed use with adjacent land uses;
  - ii) the quantity and quality of the resource when application is being made for the extraction of more than 20,000 tonnes per annum;

- iii) the impact on the physical environment, including the impact, if any, on ground water, surface drainage, water courses, wetlands, wildlife habitat, and other natural heritage features and functions;
  - iv) information submitted by the applicant as to the areal extent of the proposal;
  - v) 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;
  - vi) 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.
  - vii) land uses located on adjacent lands in abutting municipalities;
  - viii) the comments of interested agencies concerning the application.
- c) Applications for an Official Plan and/or Zoning By-law amendment to establish or expand aggregate operations shall be accompanied by:
- i) a site plan which meets the requirements of the Aggregate Resources Act, and

- ii) background studies and reports, as per the licensing of the operation pursuant to the Aggregate Resources Act and regulations thereunder.
- d) Council recognizes that truck transport may require access through existing built-up areas. Council is cognizant of constraints existing in some areas such as Bath and the potential impacts which may result. Constraints may include width of roads, truck traffic near sensitive uses such as schools, speed limits, noise and vibration. Council also recognizes that County 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:
- i) safety;
  - ii) natural heritage features and natural hazards;
  - iii) consideration of alternate route(s);
  - iv) the degree of conflict which may result; and
  - v) 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 licensing under the Aggregate Resources Act, adequately addresses Township concerns.

- e) Where the situation warrants, the Township may request the licensing authority to consider a condition of a license which has the effect of limiting the hours of operation of extraction and/or hours of haulage. This may be considered desirable in order to minimize the impact on the surrounding environment depending on such factors as location of the site relative to settlement areas and potential impacts resulting from the operation of large aggregate extractive operations.

#### 5.3.3.6 Influence area and Adjacent Lands

This Plan recognizes the concept of an influence area surrounding Aggregate deposits and Bedrock Resources designations 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 27th, 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.”
47. Modify Section 5.4.2 by deleting reference to: “The Ministry of Environment and Climate Change” and replacing it with “The Ministry of Environment, Conservation and Parks.
48. Modify Section 5.4.3(a) by inserting the following at the end of the sentence:
- “including waste diversion strategies such as composting and yard waste recycling.”
49. Modify Section 5.4.3 by deleting all references to: “The Ministry of Environment and Climate Change” and replacing them with “The Ministry of Environment, Conservation and Parks.”
50. Modify Section 5.4.3(e) by deleting it in its entirety and replacing it with the following:
- “This Plan recognizes the concept of an influence area surrounding waste management facilities. In this regard, to avoid possible exposure to adverse effects, 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.
51. Move section 5.10 Waste Management in its entirety to become the new Section 5.4 “Waste Management” in its entirety.

52. Delete the first paragraph of Section 5.5.1 Rural Policy Area – General Principles and replace it with the following:

“5.5.1 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. 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.”

53. Delete Section 5.5.1.1 to 5.5.1.3 of Rural Policy Area in their entirety and replace with the following:

“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, limited 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 5.3.2.2 and 5.3.2.3 of this Plan.

##### 5.5.4.1 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 Formula, respect best practices in nutrient management, and may be required to be registered with the Township.

##### 5.5.4.2 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 prescribed by the Province, 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 10.22.33 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 suitable for a private waste disposal system.

5.5.4.2a Special Policy Area

Notwithstanding Section 5.4.4.2(c) 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.

5.5.4.3 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.

#### 5.5.4.4 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 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.”

54. Section 5.5.4.5 Conservation, Forestry and Recreational Uses is modified by adding the following to end of the sentence:

“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.”

55. Add a new section 5.6.2 to Section 5.6 Settlement Patterns:

“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.”

56. Modify Section 5.7.1.3 Urban Settlement Area – Policies, by adding the following new policy:

“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.”

And modify Section 5.7.1.3 f) and g) by referring to “the Ministry of the Environment, Conservation and Parks” and adding the following:

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.”

57. Modify Section 5.7.1.5a) Low Density Residential by deleting reference to “thirty one (31) and replacing it with “thirty seven point five (37.5).”

- 58a). Modify Section 5.7.1.6b) Medium Density Residential by removing reference to “sixty (60)” and replacing it with “seventy five (75).”

- 58b) Modify Section 5.7.1.6(g) Medium Density Residential by deleting the last bullet.

- 58c) Modify Section 5.7.4.1 Industrial – General Principles by

- a) deleting the word “concerns” and replacing it with “companies” in the second paragraph.
- b) deleting the words “Kosa, and AES Kingston” in the second paragraph.

59. Modify Section 5.7.4.1 Industrial – General Principles by adding the following after the second bullet point at the end of the section:

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

60. Modify Section 5.7.4.2i) Light Industrial – Permitted Uses by adding the following:
- “data centres and cannabis production facilities.”
61. Modify Section 5.7.4.2ii) General Industrial – Permitted Uses by including the following:
- “data centres, energy production, waste management recycling and transfer stations (but not landfills), cannabis production facilities.”
62. Modify Section 6.7.4.4a) Bayview and Odessa Industrial Areas - Policies by adding this new policy immediately following the first paragraph:
- “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.”
- As well as changing reference to the Ministry of Environment, Conservation and Parks.
- 63a. Modify Section 5.7.4.4c) Bayview and Odessa Industrial Areas – Policies by including:
- “provided it is rationalized with appropriate servicing studies” immediately following the words “may proceed by way of private or partial services.”
- 63b. Modify Section 5.7.5.3 Commercial – Policies by adding the word “generally” immediately following the words “the residential component is.”
64. Modify Section 5.7.5.4 Bath and Odessa Commercial Policies by adding a new policy:
- 5.7.5.4“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.”

65. Modify Section 5.7.5.5 Commercial Specific Policy Areas by adding the following new policy:

“5.7.5.5.2 Odessa Special Policy Area Two (2)  
For the area on the west side of County Road 6, existing vacant residential lots can be developed without an amendment to this Plan.”

66. Modify Section 5.7.6.1 Fringe Area – General Principles by

a) adding the following to the first paragraph:

“and within existing settlement areas.”

immediately after the words “services extension”

66b) b) removing the words “has regard to” and replacing it with “be consistent with” in the fifth bullet.

67. Delete Section 5.7.7.2 Urban Design - Policies in its entirety and replace it with the following:

“5.7.7.2 Policies

a) To 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 4.6 of the Provincial Policy Statement, 2014, 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.b. The Township’s decisions with respect to planning applications shall generally be guided by its Infrastructure Master Plan.”
68. Modify 5.8.2 by inserting: “urban agriculture” immediately following “bed and breakfast establishments.”
- 70a. Delete Section 5.8.2.3a) Hamlet General Development Policies in its entirety and replace it with the following:

“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.”

70b. Modify Section 5.8.2.4 Hamlet – Policies for Residential Uses by deleting (d)

70c. Modify Section 5.8.2.5 Hamlet - Commercial and Industrial Uses in Hamlets by adding the following sentence “uses shall comply with the policies of Section 6.4.4.”

71a. Delete Section 5.8.3 Estate Residential in its entirety.

Re-number from this point forward.

71b. Modify Section 5.8.3.2 Shoreline Residential – Permitted Uses by inserting “community garden” immediately following “common open space areas.”

72. Section 5.8.3.3 Shoreline Residential – Policies is hereby modified as follows:

- Deleting b) in its entirety and replacing it with: b) Development adjacent to a provincial highway is subject to Ministry of Transportation review, approval and permits, including any proposed active transportation infrastructure.”
- adding “in accordance with Section 6.4.5 of this Plan” at the end of subsection g)

73. Modify Section 5.8.3.6(1) Shoreline Residential Specific Policy Area Two (2) – Amherst Island Ward, by referencing Section 10.22.19

74. 5.9.2 Permitted Uses, insert “,hiking, cross-country skiing, swimming,” immediately after the word “picnicking.”

75. Modify Section 5.9.3 g) and h) Open Space – Policies by deleting g) and h) in their entirety and replace them with the following:

- “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.”
- “i) Land required for parkland may be provided through parkland dedication, in accordance with Section 10.15.”

76. Delete Section in its entirety 5.9.4 Shoreline Areas and replace with the following:

“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.”

77. Modify Section 5.9.5. Trail Systems as follows:

- a) insert a numbering system for the entire section;
- b) remove the word “the” from the first sentence, and;
- c) replace the word “fitness” with “active transportation.”

78. Modify Section 5.9.5. Trail Systems as follows:

- a) adding a new subsection “5.9.5.3” which reads as follows:

“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.”

- b) Add the following to the end of paragraph 7: “County trails are displayed on Schedule I” and;
- c) Add the following new paragraph:

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

79a. Delete Section 5.9.6 Division of Land and Open Space and Land Acquisition in its entirety and replace with the following:

“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 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. 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)(c) 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 acquisition of open space for trails planning 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."
- 79b. The existing Part 5 entitled "General Development Policies" is hereby now renumbered "Part 6 – General Development Policies" and all subsections in the new Part 5 are renumbered accordingly.
80. Modify Section 6.2.3 Noise and Vibration by adding a new paragraph immediately following after the first paragraph:

"With respect to transportation corridors, the Ministry of Transportation will not be responsible for any impact, inclusive of noise and vehicle light impact that the highway may have on potential development lands in proximity to provincial highways. Additionally, the Ministry will not construct any works to abate those impacts. It is the responsibility of the developer to ensure that noise levels are consistent with provincial objectives, and if necessary, that adequate noise control measures are applied. Should the owner choose to construct any noise attenuation structures, they must be located on private property and respect Ministry setbacks."

81. Immediately after Section 6.2.3 add the following new policy:

**"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;
- 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.

- a) 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.”

82. Modify Section 6.3.1.1 Preliminary Engineering Studies by deleting the first paragraph and replacing it with the following:

“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:”

83. Modify Section 6.3.5.2c) Consent Policies by adding the following to the end of the last sentence:

“or where a parcel has a frontage of one kilometer or more, an additional severance may be permitted.”

- 84a) Modify Subsection 6.3.5.2g) Consent Policies by removing reference to Part 5 and replacing it with Part 4.

- 84b) Modify Subsection 6.3.2.5h) Consent Policies by removing reference to 7.2.5a and replacing it with 9.2.5a in the second bullet.

- 84c) Modify Subsection 6.3.5.2l) Consent Policies by adding the following as the new 1<sup>st</sup> sentence:

“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.”

- 84d) Modify Subsection 6.3.5.2o) Consent Policies by removing reference to Section 4.3.3.6 and replacing it with Section 5.4.3.1.

- 84e) Modify Subsection 6.3.5.2p) by removing reference to 4.3.3.6 and replacing it with 5.3.3.6.

84f) Modify Subsection 6.3.5.2p) by replacing the words “aggregate reserve” with “bedrock resource.”

85. Delete Subsections 5.3.2.2c) Agricultural - Agricultural Uses, 5.3.2.3 Agriculture – Farm-Related Residential Uses, and 5.3.2.5c) Agricultural - Commercial and Industrial Uses in their entirety and insert, as modified, the following new subsection into the new Section 6.3.5.2 Consent Policies and subsections 6.3.5.3 Farm-Related Residential Uses:

“6.3.5.2r) Severances for agriculturally related uses may be considered in the Prime Agricultural Area designation 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.

6.3.5.2s) The severing of farms to create new farm parcels may be permitted if it can be established that:

- i) both the severed and retained parcels would be viable agricultural units,
- ii) the size of the parcels provide flexibility to change the nature of the farm operation to meet changing economic conditions, however the new lot must be a minimum of 40ha, and
- iii) 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:

- i) 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 the 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
- ii) 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:
  - i) 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;
  - ii) meet the Minimum Distance Separation Formula where, prior to severance, an existing dwelling is located on the same lot as an existing livestock facility or anaerobic digester;
  - iii) be encouraged to locate at edges of farmland, at crossroads, and on poorer soil pockets, in

order to keep farmlands open and unobstructed; and

- iv) comply with the Consent Policies contained in Part 6 of this Plan.”

86. Modify Section 6.4.2 The Bay of Quinte Remedial Action Plan (QRAP) by:

- a) Deleting “and update the designation of wetlands” from (a), and;
- b) Deleting (d) in its entirety and replacing it with:
  - “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;”
- c) Adding the following new policy: “g) ensure compliance with established setbacks from the shoreline’s high water mark for buildings and structures.”

87. Delete Section 6.4.3 Stormwater Management in its entirety and replace with the following:

“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 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 adaption and mitigation strategies be implemented in 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.

- d) 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); and
- i. development proponents submit a drainage and grading plan where deemed appropriate by the municipality and/or Conservation Authority.
  - ii. 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 also displayed outside 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 5.2.6) 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 lands 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.”

#### 88. Modify Section 6.4.5 Development Adjacent to Water Bodies as follows:

- a) Delete subsection (d) and replace with:  
“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” and,
- b) In (e), add “outside of lands impacted by natural hazards” immediately after “no location on the property.”

#### 89. Modify Section 6.4.6 Forestry – Policies as follows:

- a) In (a) add the following to the end of the last sentence: “where it is not providing significant wildlife habitat or habitat of endangered species and threatened species” and,
- b) Delete subsection (f) and replace with:
  - “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.”

90. Modify Section 6.4.7 Tree Planting as follows:

- a) Add “(including lower CO2 emissions)” immediately after “...aesthetic and environmental benefits” and;
- b) Delete 6.4.7.1a in its entirety and replace it with the following:

“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.”

91. Delete Section 6.5 Heritage in its entirety, and replace it with a new Section 7.4 as follows :

#### “7.4 CULTURAL HERITAGE AND ARCHAEOLOGY

Loyalist Township has a long history as a First Nations 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 contribute 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 the intention of the Township to conserve and enhance the cultural heritage resources of the Township, so that they may be accessed and experienced 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 Township's planning, decisions-making and implementation process.

- a) The Township will maintain a Heritage Committee, to advise to 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 Township's 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 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 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), 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) Minimizing the loss of open space and cultural landscapes.
  - vii) Requiring 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, they 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 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.

#### 7.4.2. 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 Conservations Districts, monuments, or archaeological sites.
- d) Adverse impacts, including but not limited to the alterations, 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, originally, 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 an areas 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 complements 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 of past human activity and/or presence area 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 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-aboriginal 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 succession, 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 consultations with all appropriate First Nations and Metis.
- 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 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 archeologist assessment by a qualified and licensed archaeologist may be

required where applications for shoreline or waterfront developments or site alterations that could impact the integrity of the marine archaeological resources. Marine archaeology resources could include, but 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. Licensed archaeologist will assess the property and recommend conservation standards.

#### 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, First Nations peoples of Canadian communities, shorelines, vegetations and scenic vistas.

- a) It is The Townships intention to conserve its cultural heritage landscapes
- b) Cultural Heritage Character Area; are 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) Areas other than those recognized as cultural heritage character area may have distinctive character and may at a future time be considered as having cultural heritage value or interest. To ensure that potential cultural heritage value or interest is not eroded, The Township will encourage all development be sympathetic to the neighbourhood as per the policies.
- d) 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 berm are proposed in order to mitigate the visual impact.

92. Delete Section 6.6 Housing in its entirety and replace with the following:

## “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 (10) 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
- 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 Council will make all reasonable efforts to ensure the time taken to process residential applications is kept to a minimum.

7.3.1.7 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, and
- review of construction standards.

7.3.1.8 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 within a dwelling or 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 or 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 Province's prescribed MDS formula;
- 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, and 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 area designations as well as in 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 will not be permitted on the same lot that contains a secondary unit in a detached accessory building or structure or a garden suite and vice versa.
  - (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 road 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 hazardous 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 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 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 prescribed by the Province.

#### 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 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; and
  - viii) Home occupations will be regulated by the implementing Zoning By-law which shall establish an appropriate definition and provisions for home occupation uses.
  - 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 subsurface, 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 are 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.”

93. Section 6.6.4 Increased Height and Density Provisions is hereby renumbered as Section 10.8

94. Modify Section 6.8 Secondary Plans and Neighbourhood Plans by renumbering it as Section 6.6, deleting the bullet points in the second paragraph and replacing them with the following:

- “• 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.”

95. Delete Section 6.9 Portable Asphalt Plants in its entirety and replace it with the following:

“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, 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 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.”

96. Modify Section 6.8 Wayside Pits and Quarries by replacing reference to “Agriculture” with “Prime Agriculture Area,” and in the second paragraph deleting the word “Clauses” and replacing it with “Classes.”

97. Delete Section 6.11 Wind Energy Resources and replace with the following:

#### “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:”

Wind Energy Resources is hereby renumbered and renamed “6.9.1 Wind Energy Systems.”

98. Modify Section 6.9.1 Wind Energy Systems by deleting the first paragraph in its entirety and replacing it with:

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

99. Section 6.9.2. Wind Energy Systems – General Policies is hereby deleted and replaced with following:

- “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 and Climate Change under Section 9 of the Environmental Protection Act unless exempted. Moreover, Wind farms and associated wind turbines placed within the Ministry of Transportation's permit control area will require all necessary permits prior to any construction taking place on the site. Wind turbines should be set back a minimum distance measured from the limit of the highway property, equal to the distance of the height of the wind turbine structure plus the length of one blade."
100. Modify Section 6.9.3.1 Policies for Commercial-Scale Wind-Energy Generating Systems by deleting "on Amherst Island, and in Concessions Broken Front, 1 and 2 on the mainland,"
101. Modify Section 6.9.3.4(b) Policies for Commercial-Scale Wind-Energy Generating Systems by deleting it in its entirety and replacing it with:
- "b) Bird migration routes, feeding areas, bat, raptor and other sensitive species populations."
102. Delete Section 6.9.3.5 Policies for Commercial-Scale Wind-Energy Generating Systems in its entirety and replace it with:  
"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."
103. Delete Section 6.9.3.7 Policies for Commercial Scale Wind-Energy Generating Systems in its entirety and replace it with:  
"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 Agricultural 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 and Climate Change "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.

- 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 farm, Council shall require the proponent to demonstrate that the proposed wind farm 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, 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."

104a. Delete Section 6.9.3.2 Policies for Commercial Scale Wind-Energy Generating Systems and replace it with the following:

- “6.9.3.2 Commercial-Scale Wind-Energy Generating Systems shall only be allowed in Rural, Agricultural and Industrial land use designations. 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 the natural features, or on their ecological functions.”
- 104b. Modify Section 6.9.3.8 Policies for Commercial Scale Wind-Energy Generating Systems by removing reference to Section 5.11 and replacing it with 6.9.3.
- 104c. Modify Section 6.9.3.9 Policies for Commercial Scale Wind-Energy Generating Systems by removing reference to 5.11 and 8.11b and replacing them with 6.9.3 and 10.12b.1 respectively.
- 104d. Modify Section 6.9.4.1 Policies for Agriculture-Related Wind-Energy Generating Systems by deleting the word “Agricultural” and replacing it with “Prime Agriculture Area”
- 104e. Modify Section 6.9.5.1 Policies for Small-Scale Wind-Energy Generating Systems by deleting the word “Agricultural” and replacing it with “Prime Agricultural Area.”
105. Delete Section 6.10.1.1 General Policies in its entirety and replace it with:
- “6.10.1.1 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.”
106. Delete Section 6.10.2.2 Policies for Commercial Scale Solar-Energy Generating Systems in its entirety and replace it with:
- “6.10.2.2. Rooftop solar systems shall be permitted as of right in all land use designations except the Environmental Protection Area designation.”

- 106b. Add a new 6.10.2.3 Policies for Commercial Scale Solar-Energy Generating Systems to read as follows:

“6.10.2.3 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.”

And renumber the subsections from this point forward.

107. Delete Section 6.10.2.4 Policies for Commercial Scale Solar-Energy Generating Systems in its entirety.
108. In newly numbered 6.10.2.4d), replace “Aggregate Reserve” with “Bedrock Resource.”
109. Modify Section 6.10.4 Policies for Small-Scale Solar Energy Generating Systems by deleting “Environmentally Sensitive” and replacing it with “Natural Hazard.”
110. Delete Section 6.11.1 Definitions in its entirety.
111. Delete newly numbered Section 6.11.1 Biomass Energy Resources – Policies in its entirety and replace it with the following:

“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 Approval (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 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.

6.11.1.6 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.

112. Delete Section 6.12 Accessibility in its entirety and replace with the following new section:

## 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 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.”

113. Delete Section 9.4 Recreation in its entirety and replace with the following new “Part 7 – Healthy Communities” section:

“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.

#### 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 central to the neighbourhood as a focal point.
  - 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.”

114. “Part 6 COMMUNITY IMPROVEMENT” is hereby changed to “Part 8 COMMUNITY IMPROVEMENT,” and subsections renumbered accordingly.

The first sentence in Section 8.2 Criteria for Community Improvement Area Designation is modified by adding the word “Project” immediately following “Community Improvement.” The list of criteria is deleted in its entirety and replaced with the following:

- 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 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, 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.”

115. Modify Section 8.3 Selection of Community Improvement Areas by deleting it in its entirety and replacing it with:

“8.3 Selection of Community Improvement Areas

The criteria outlined in the above section were applied to Loyalist Township. The resulting Community Improvement Areas 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.”

116. Section 8.4a) Community Improvement Policies, is hereby modified as follows:

- ii) delete the word “tourism,” and add “cultural heritage, tourism and agri-tourism” to the end of the sentence.
- Add a new ix): “support the agricultural community through improving farming operations and the development of *“on-farm diversifies uses.”*”

117. Section 8.5 Phasing of Improvements is hereby modified as follows:

- In a), add “Rural and Prime Agricultural Areas, and” as the second last bullet point.
- To b), add a new ii): “encouraging the redevelopment of commercial and industrial properties through the implementation of various programs, including tax increment equivalent grants;”
- To b), add to the new iii): “Asset Management, Green House Gas reduction initiatives” immediately after “other municipal improvement programs.”

118. Section 8.6 Implementation is hereby modified as follows:

- Add “for the entire municipality or a portion of the municipality” to the end of a).
- Add a new b): “adoption of community improvement plan(s) for the project area(s); and”

119. Part 7 Infrastructure Policies is hereby renumbered as “Part 9 Infrastructure Policies,” and subsections renumbered accordingly.

a) Delete existing Section 9.1 Introduction and replace with the following:

“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 possible.”
- b) In Section 9.2.1.g) Energy, immediately following “TransCanada” ad: “Enbridge and TransNorthern.”
- c) In Section 9.2.3.f) Public Utilities, modify “Agricultural” by replacing it with “Prime Agricultural” and by replacing “Part 4” with “Part 5.”
120. Section 9.2.4 Servicing of Development, a) and b) are hereby deleted and replaced with the following:
- “a) All development of general industrial lands 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.
  - d) Development which occurs outside the urban settlement area designation on Schedule ‘A’ shall take place on private services (wells and septic) 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.”

And by modifying Subsection d) by changing reference from “Section 4.7.4.7” to “Section 5.8.2.5.”

121. Modify Section 9.2.5 Communal Systems and 9.2.5a Septage (Hauled Sewage) by renumbering them 9.2.5 and 9.2.6 respectfully. Also Delete subsection 9.2.5d) Communal Systems in its entirety and replace it with the following:

- “d) communal water supply and subsurface shall be subject to the Ministry of Environment, Conservation and Parks responsibility / ownership requirements (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.”

122. Modify Section 9.2.6 Growth Management by renumbering it to Section 9.2.7.
123. Modify Subsection 9.4.1.1 Roads – General is as follows:
- Add: “(Ministry of Transportation)” to the third bullet point after Province;
  - Add the following new 4<sup>th</sup> paragraph: “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 Ministry’s permit control area will be subject to Ministry of Transportation’s policies, standards and requirements. Direct access will be discouraged and often prohibited.”
  - In the last paragraph, change reference from “Schedules ‘G’ to “Schedule ‘G’”
124. Modify subsection 9.4.1.3a) Classification of Roads by deleting the second paragraph and replacing it with the following:
- “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.”

125. Modify Subsection 9.4.1.3.b(v) Urban Collector Roads by deleting the last sentence in the first paragraph and replace with the following:

“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.”

126. Modify Subsection 9.4.1.5 Road Improvements as follows:

- Add the following text prior to 9.4.1.5a):

“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 projection 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.”

- In 9.4.1.5b), change reference to “Section 9.4.1.3.”

127. Modify Section 9.4.1.6 Road Closings by deleting it in its entirety and replacing it with the following:

“9.4.1.6.2 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."

128. Part 8 Implementation and Interpretation is hereby changed to "Part 10 Implementation and Interpretation," and subsections renumbered accordingly.

129. Modify Section 10.1 Introduction by adding the following to the end of the second paragraph:

"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."

130. Delete Section 10.4.3 Committee of Adjustment in its entirety and replace it with the following:

"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.”

131. Modify Section 10.5.3.2 Existing Non-Conforming Land Uses as follows:

- In aii), Delete the words “and if the merits of the individual case make it desirable to grant permission for the extension or enlargement of the non-conforming use,” and add the word “amendment” immediately before “pursuant.”
- In aiii), Delete:
  - The first sentence;
  - the word “those” from the second sentence, and replace with “one or more”
- In aiii), second bullet point, add “which make the use illegal” to the end of the sentence.
- In aiii), Delete the fourth bullet point and replace with the following:
 

“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, traffic generation the environmental policies of this plan with respect to Environmental Protection, Environmentally Sensitive and Natural Hazard Areas, 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;”
- In aiii) delete the fifth bullet point and replace with the following:
 

“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;

- In b), delete the last paragraph, and add the following to the end of the second paragraph immediately following “existing use: “and provided that the change of use conforms with subsections 5.3.2 and 10.5.3.”

132. Move and renumber Section 6.6.4 Increased Height and Density Provisions in its entirety to become the new Section 10.8.

133. In Section 10.9 Sign By-Law, add the following immediately following the first sentence:

“Any signs within 400 metres of the limit of a provincial highway are under the Ministry of Transportation’s jurisdiction and will require a Ministry of Transportation sign permit.”

134. Modify Section 10.10 Site Plan Control as follows:

- In b), delete the paragraphs that follow v) and replace with the following:  
“In 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.”

- In d) replace reference to “Schedule F” to “Schedule G”
- Delete f) in its entirety and replace with:  
“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”

- In i) insert the words: “include facilities designed to have regard for accessibility for persons with disabilities and” immediately following the word “drawings.”
- Add the following new j):  
“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.”

135. Delete subsection 10.12b.1 Studies and Assessments in its entirety and replace with the following:

“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
- Concept Plan showing ultimate use of land
- Environmental Impact Assessment
- Environmental Site Audit / Assessment and/or Previous Land Use Inventory
- 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 (MDS) 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 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.”

136. Modify Section 10.15 Land Acquisition by deleting it in its entirety and replacing it with:

**“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.

Council may adopt an acquisition program and set monies in a special fund to assist in securing open space lands to implement the objectives and policies of this Plan. 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.

- 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.
- iii) For industrial and or commercial development, the parkland dedication shall be up to two percent (2%) of the land proposed for development;
- iv) 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.
- v) 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;

- vi) Instead of land dedication, the Township may accept 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. 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.

- vii) Where the alternative requirement rate in Section 10.15(b)(c) 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.
- viii) 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.
- ix) 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.
- x) 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.
- xi) 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.
- xii) The Township will consider the consolidation of dedications through developer agreements to avoid fragmenting the parkland dedication across several small plans of subdivision.

- xiii) 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.
- xiv) 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.
- xv) 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."

137. Modify Section 10.17 Finance and Public Works Program by removing the first two paragraphs as well as a), and replacing them with the following:

"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.”

137a Delete 10.20.3 Amendment to the Plan in its entirety and replace with:

“The changes mentioned in Subsection 10.20.1 and 10.20.2 may be incorporated into the Plan in accordance with Part 10, Section 18(f) of this Plan.”

138. Delete Section 10.22 Definitions in its entirety and replace with the following:

“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 small in scale directly related to the farm operations and required in close proximity to the farm operation 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, or 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, 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:

- i) the construction, erection or placing of a building or structure of any kind;
- ii) the making of an addition or alteration to a building or structure that has the effect of changing the size or usability of it;
- iii) activities such as site grading, excavation, removal of topsoil or peat and the placing or dumping of fill; and
- iv) drainage works, except for the maintenance of existing municipal and agricultural drains.

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 "EXISTING LOTS OF RECORD" means a lot legally existing at the date of adoption of this Official Plan.

10.22.20 "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.

10.22.21 "ESTATE WINERY OR CIDERY" means the use of land, buildings or structures for the processing of fruit, fermentation, production, bottling, aging and storage of wine or ciders and wine or cider related products as a secondary agricultural use to a vineyard and/or fruit farm.

Fruit used in the production of the wine or cider shall be predominantly from the vineyard and secondly locally grown. An estate winery or cidery may also include a retail outlet, hospitality room, winery office and a laboratory.

10.22.22 “FARM WINERY OR CIDERY” means the use of land, buildings or structures for the processing of locally grown fruit, fermentation, production, bottling, aging and storage of wine or cider and wine or cider related products as a secondary agricultural use to a vineyard and/or fruit farm. The fruit used in the production of the wine or cider shall be predominantly from the vineyard and/or fruit farm located on the same land as the farm winery or cidery, or as part of the farmer’s own farm operation. A farm winery or cidery may also include a retail outlet, hospitality room, winery or cidery office and a laboratory.

10.22.23 “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.

10.22.24 “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.

10.22.25 “GARDEN SUITE” means 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.

10.22.26 “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.

10.22.27 “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.

10.22.28 "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.

10.22.29 "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).

10.22.30 "HERITAGE ATTRIBUTES" means the principal features, characteristics, content and appearance that contribute to the cultural heritage significance of a protected heritage property. 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).

10.22.31 "HERITAGE FEATURES" include but are not necessarily restricted to archaeological sites, aboriginal and non-aboriginal 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.

10.22.32 "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.

10.22.33 "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.

10.22.34 “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.

10.22.35 “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.

10.22.36 “LOCALLY GROWN” means fruit or fruit juice used in the production of wine 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.

10.22.37 “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.

10.22.38 “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.

10.22.39 "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)

10.22.40 "MINIMUM DISTANCE SEPARATION (MDS) FORMULA PRESCRIBED BY THE PROVINCE. FORMULA" means the formula developed by the Ministry of Agriculture and Food for the purposes of establishing separation distances between farm operations and sensitive land uses. 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.

10.22.41 "NAMEPLATE RATING CAPACITY" means the maximum electrical energy generating potential of a Wind Energy Generating System.

10.22.42 "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.

10.22.43 "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.

10.22.44 "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.

10.22.45 "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.

10.22.46 "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."

10.22.47 "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.

10.22.48 "PRIME AGRICULTURAL LANDAREA" 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.

10.22.49 "PROPERTY" means a separate and distinct parcel of land legally capable of being conveyed.

10.22.3710.22.41 "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.

10.22.50 "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.

10.22.51 "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.

10.22.52 "REGIONAL MARKET AREA" refers to an area that has a high degree of social and economic interaction. The upper or single-tier municipality, or planning area, will normally serve as the regional market area. However, where a regional market area extends significantly beyond these boundaries, then the regional market areas are very large and sparsely populated, a smaller area, if defined in an Official Plan, may be utilized. In this case it refers to the Kingston-Lennox and Addington Region.

10.22.53 "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.

10.22.54 "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.

10.22.55 "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.

10.22.56 "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.

10.22.57 "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.

10.22.58 "SMALL-SCALE SOLAR ENERGY GENERATING SYSTEM" means a Solar Energy Generating System with a nameplate rating capacity between zero kilowatts (0 kW) and forty ten kilowatts (40 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.

10.22.59 "SOLAR ENERGY GENERATING SYSTEM" means a structure that converts solar energy to electrical energy.

10.22.60 "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.

10.22.61 "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.

10.22.62 "SUSTAINABLE DEVELOPMENT" means development that meets the requirements of the present without compromising the ability of future generations to meet their own needs.

10.22.63 "URBAN AGRICULTURE" means all food production that occurs with a Settlement 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.

10.22.64 "WATERBODY" means all classes of lakes, ponds, rivers, creeks, and streams having defined and permanent banks and beds.

10.22.65 "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.

10.22.66 "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.

10.22.67 "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.

10.22.68 "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.

10.22.69 "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.

10.22.70 “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.

10.22.71 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.

139. Ministry references throughout the Official Plan are hereby modified to read as follows:

Agriculture, Food and Rural Affairs  
Children, Community and Social Services  
Economic Development, Job Creation and Trade  
Education  
Energy, Northern Development and Mines  
Environment, Conservation and Parks  
Health  
Heritage, Sport, Tourism and Culture Industries  
Municipal Affairs and Housing  
Natural Resources and Forestry  
Transportation