

TABLE OF CONTENTS

<u>SECTION</u>	<u>Page</u>
PART 1 - BASIS OF THE PLAN	
1.1 FOREWORD	1-1
1.2 PURPOSE	1-1
1.3 APPLICATION AND SCOPE OF THE PLAN	1-1
1.4 APPROACH	1-2
1.5 COMMUNITY STRATEGY	1-2
1.5.1 The Community	1-2
1.5.2 The Strategy	1-3
1.6 USERS	1-4
1.7 COMPOSITION	1-4
1.8 STATUS	1-4
1.9 REVIEW AND AMENDMENT	1-4
1.10 TIME PERIOD	1-5
PART 2 - PRINCIPLES AND ASSUMPTIONS	
2.1 PRINCIPLES	2-1
2.2 ASSUMPTIONS	2-2
PART 3 - GOALS AND OBJECTIVES	
3.1 INTRODUCTION	3-1
3.2 ECONOMIC AND FINANCIAL GOAL	3-2
3.2.1 Economic and Financial Objectives	3-2
3.3 ENVIRONMENTAL GOAL	3-3
3.3.1 Environmental Objectives	3-3
3.4 RESOURCE MANAGEMENT GOAL	3-4
3.4.1 Resource Management Objectives	3-4
3.5 SETTLEMENT GOAL	3-4
3.5.1 Settlement Objectives	3-4
3.6 COMMUNITY IMPROVEMENT GOAL	3-5
3.6.1 Community Improvement Objectives	3-5
3.7 SERVICING GOAL	3-6
3.7.1 Servicing Objectives	3-6
3.8 TRANSPORTATION GOAL	3-7
3.8.1 Transportation Objectives	3-7
3.9 COMMUNITY, CULTURAL, AND RECREATION GOAL	3-8
3.9.1 Community, Cultural, and Recreation Objectives	3-8
3.10 DESIGN OF ATTRACTIVE AND HEALTHY NEIGHBOURHOOD GOALS	3-9
3.10.1 Implementation Objectives	3-9
3.11 MUNICIPAL COOPERATION AND COORDINATION GOAL	3-9
3.11.1 Municipal Cooperation and Coordination Objectives	3-9
3.12 IMPLEMENTATION GOAL	3-9
3.12.1 Implementation Objectives	3-9

TABLE OF CONTENTS (Cont'd)

<u>SECTION</u>	<u>Page</u>
3.13 RENEWABLE ENERGY AND ENERGY CONSERVATION GOAL.....	3-10
3.13.1 Renewable Energy and Energy Conservation Objectives	3-10
3.14 TOURISM GOAL.....	3-11
3.14.1 Tourism Objectives.....	3-11
PART 4 - LAND USE POLICIES	
4.1 INTRODUCTION	4-1
4.2 ENVIRONMENTAL POLICIES	4-1
4.2.1 General Principles.....	4-1
4.2.2 Environmental Protection Areas.....	4-2
4.2.3 Environmentally Sensitive Areas.....	4-6
4.2.4 Environmental Impact Assessment.....	4-10
4.3 RESOURCE LANDS POLICIES.....	4-10
4.3.1 General Principles.....	4-10
4.3.2 Agricultural.....	4-11
4.3.3 Aggregate	4-17
4.3.4 Mineral Resources	4-22
4.4 RURAL POLICY AREA.....	4-23
4.4.1 General Principles.....	4-23
4.5 SETTLEMENT PATTERNS.....	4-27
4.5.1 General Principles.....	4-27
4.6 URBAN SETTLEMENT AREA.....	4-27
4.6.1 Residential Policies.....	4-28
4.6.2 Secondary Plan Policy Areas.....	4-34
4.6.3 Major Institutional	4-36
4.6.4 Industrial	4-37
4.6.5 Commercial.....	4-40
4.6.6 Fringe Area	4-44
4.6.7 Urban Design	4-46
4.7 RURAL SETTLEMENT AREAS	4-48
4.7.1 Resort Commercial	4-48
4.7.2 Hamlet Areas	4-50
4.7.3 Estate Residential.....	4-53
4.7.4 Shoreline Residential	4-55
4.8 OPEN SPACE.....	4-59
4.8.1 General Principles.....	4-59
4.8.2 Permitted Uses	4-59
4.8.3 Policies.....	4-59
4.8.4 Shoreline Areas.....	4-60
4.8.5 Waterfront Trail and Amherst Island Hiking Trail.....	4-60
4.8.6 Wildlife Corridor	4-61
4.8.7 Division of Land and Open Space Acquisition	4-62

TABLE OF CONTENTS (Cont'd)

<u>SECTION</u>	<u>Page</u>
4.8.8 Implementation	4-62
4.9 WASTE MANAGEMENT	4-62
4.9.1 General Principles	4-62
4.9.2 Uses Permitted	4-63
4.9.3 General Policies	4-63
4.9.4 Salvage (Wrecking) Yards	4-65
4.9.5 Implementation	4-66
 PART 5 - GENERAL DEVELOPMENT POLICIES	
5.1 INTRODUCTION	5-1
5.2 ADVERSE IMPACTS	5-1
5.2.1 Buffering and Conflicting Uses	5-1
5.2.2 Decommissioning of Sites	5-2
5.2.3 Noise and Vibration	5-3
5.3 DIVISION OF LAND	5-3
5.3.1 Plans of Subdivision	5-4
5.3.2 Deeming of Plans of Subdivision	5-5
5.3.3 Part Lot Control	5-5
5.3.4 Condominiums	5-5
5.3.5 Consents	5-6
5.4 ENVIRONMENTAL MANAGEMENT	5-8
5.4.1 Subwatershed Planning	5-8
5.4.2 The Bay of Quinte Remedial Action Plan (QRAP)	5-8
5.4.3 Stormwater Management	5-9
5.4.4 Flood Plain Mapping	5-10
5.4.5 Flood and Erosion Prone Lands - Additions or Reconstruction	5-10
5.4.6 Development Adjacent to Water Bodies	5-11
5.4.7 Forestry	5-12
5.4.8 Tree Planting	5-13
5.4.9 Soil Preservation	5-13
5.5 HERITAGE	5-13
5.5.1 Policies	5-14
5.5.2 Heritage Master Plan	5-16
5.5.3 Heritage Conservation Districts	5-17
5.5.4 Loyalist Parkway - Provincial Highway No. 33	5-18
5.6 HOUSING	5-19
5.6.1 Housing Supply and Affordability	5-19
5.6.2 Home Occupation/Bed and Breakfast Establishments	5-20
5.6.3 Housing for Social Needs	5-21
5.6.4 Increased Height and Density Provisions	5-22
5.7 INSTITUTIONAL	5-24
5.7.1 Policies	5-24

TABLE OF CONTENTS (Cont'd)

<u>SECTION</u>	<u>Page</u>
5.8 SECONDARY PLANS AND NEIGHBOURHOOD PLANS	5-24
5.9 PORTABLE ASPHALT PLANTS	5-25
5.10 WAYSIDE PITS AND QUARRIES	5-26
5.11 WIND ENERGY RESOURCES	5-26
5.11.1 Definitions	5-26
5.11.2 General Policies	5-27
5.11.3 Policies for Commercial Scale Wind Energy Generating Systems	5-27
5.11.4 Policies for Agriculture-Related Wind Energy Generating Systems.....	5-31
5.11.5 Policies for Small Scale Wind-Energy Generating Systems	5-32
5.12 SOLAR ENERGY RESOURCES	5-32
5.12.1 Definitions	5-32
5.12.2 General Policies	5-33
5.12.3 Policies for Commercial Scale Solar Energy Generating Systems.....	5-33
5.12.4 Policies for Small Scale Solar Energy Generating Systems	5-34
5.13 BIOMASS ENERGY RESOURCES.....	5-34
5.13.1 Definitions	5-34
5.13.2 Policies.....	5-34
5.14 ACCESSIBILITY	5-36
5.14.1	5-36
5.14.2	5-36
 PART 6 - COMMUNITY IMPROVEMENT	
6.1 GENERAL PRINCIPLES	6-1
6.2 CRITERIA FOR COMMUNITY IMPROVEMENT AREA DESIGNATION	6-1
6.3 SELECTION OF COMMUNITY IMPROVEMENT AREAS	6-3
6.4 COMMUNITY IMPROVEMENT POLICIES	6-3
6.5 PHASING OF IMPROVEMENTS	6-4
6.6 IMPLEMENTATION	6-5
 PART 7 - INFRASTRUCTURE POLICIES	
7.1 INTRODUCTION	7-1
7.2 ENERGY AND UTILITIES.....	7-1
7.2.1 Energy	7-1
7.2.2 Communication.....	7-2
7.2.3 Public Utilities	7-2
7.2.4 Servicing of Development	7-4
7.2.5 Communal Systems	7-5
7.2.5a Septage (Hauled Sewage)	7-5
7.2.6 Growth Management	7-6
7.3 RAILWAYS	7-6
7.3.1 Railroad Crossing Improvements	7-6

TABLE OF CONTENTS (Cont'd)

<u>SECTION</u>	<u>Page</u>
7.4 RECREATION	7-6
7.4.1 Standards.....	7-7
7.4.2 Parkland Acquisition.....	7-8
7.4.3 Community Services.....	7-8
7.4.4 Education Facilities.....	7-9
7.5 TRANSPORTATION	7-9
7.5.1 Roads.....	7-9
7.5.2 Ferry Service.....	7-14
7.5.3 Transit Supportive Development Guidelines.....	7-15
7.5.4 Pedestrian and Bicycle Circulation.....	7-15
7.5.5 Parking.....	7-16
 PART 8 - IMPLEMENTATION AND INTERPRETATION	
8.1 INTRODUCTION	8-1
8.2 CONFORMITY TO OFFICIAL PLAN	8-1
8.3 PROVINCIAL POLICIES	8-1
8.4 COMMITTEES.....	8-1
8.4.1 General.....	8-1
8.4.2 Planning Advisory and Site Plan Control Committee	8-1
8.4.3 Committee of Adjustment.....	8-2
8.5 ZONING BY-LAW	8-2
8.5.1 Use of the "H" Symbol	8-2
8.5.2 Development Zones	8-3
8.5.3 Existing Non-Conforming Uses.....	8-4
8.6 TEMPORARY USE BY-LAWS	8-6
8.7 INTERIM CONTROL BY-LAW	8-7
8.8 SIGN BY-LAW	8-8
8.9 SITE PLAN CONTROL.....	8-8
8.10 PROPERTY CONDITIONS.....	8-9
8.11 PLANS OF SUBDIVISION	8-11
8.11a MANDATORY PRE-CONSULTATION	8-11
8.11b DEVELOPMENT APPLICATIONS: ADDITIONAL INFORMATION AND MATERIAL REQUIRED.....	8-11
8.11b.1 Studies and Assessments	8-11
8.11b.2 Official Plan Amendments.....	8-13
8.11b.3 Zoning By-law Amendments.....	8-13
8.11b.4 Applications for Plan of Subdivision or Condominium	8-14
8.11b.5 Consent Applications.....	8-14
8.12 EXISTING VACANT LOTS	8-15
8.13 VALIDATION.....	8-15
8.14 LAND ACQUISITION.....	8-16

TABLE OF CONTENTS (Cont'd)

<u>SECTION</u>	<u>Page</u>
8.15 MUNICIPAL ACT LEGISLATION	8-16
8.16 FINANCE AND PUBLIC WORKS PROGRAM	8-16
8.17 PUBLIC PARTICIPATION AND NOTICE PROCEDURES	8-18
8.18 OFFICIAL PLAN AMENDMENTS AND REVIEW	8-19
8.19 CHANGES TO AGENCY NAMES, RESPONSIBILITIES, AND LEGISLATION	8-20
8.19.1 Agency Names and Responsibility	8-20
8.19.2 Legislation	8-20
8.19.3 Amendment to the Plan.....	8-21
8.20 INTERPRETATION: BOUNDARIES AND QUANTITIES	8-21
8.21 DEFINITIONS.....	8-21

PART 1

BASIS OF THE PLAN

1.1 FOREWORD

The Official Plan provides a policy framework intended primarily to manage and direct physical development and its effects on the social, economic and natural environment of Loyalist Township until the year 2020. It concentrates on physical planning.

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

1.2 PURPOSE

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

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

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

1.3 APPLICATION AND SCOPE OF THE PLAN

The policies contained in this Plan are the minimum requirements designed to secure the health, safety, convenience or welfare of the inhabitants of Loyalist Township.

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

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

The 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 such as other general policies and matters 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.

1.4 APPROACH

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

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

1.5 COMMUNITY STRATEGY

1.5.1 The Community

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

The Township is evolving. Once a sparsely populated rural municipality with several small centres of population, Loyalist Township is now home to over 14,500 people. Its rural and agricultural roots are deep and remain strong. Loyalist Township now encompasses a

variety of communities including:

- Amherstview with an approximate population of 6,500;
- Bath (formerly the Village of Bath);
- Amherst Island;
- Township seat of Odessa;
- hamlets of Millhaven, Morven, Stella, Violet, and Wilton;
- agricultural community;
- rural and rural residential communities which have arisen;
- the industrial and institutional areas along Lake Ontario west of Parrott's Bay to County Road No. 4 (formerly Highway 133) and on to the former eastern boundary of the former Village of Bath in Lot 14, Concession 1; and
- the aggregate extraction and cement manufacturing area in Lots 1 to 8, Concession 1 encompassing both parts of both the former Village of Bath and Ernestown Township.

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

1.5.2 The Strategy

Loyalist Township is expected to reach a population of 18,024 to 23,551 by the year 2020. This Official Plan accommodates residential, industrial, and commercial development. Growth is balanced with protection of the environment and of areas with resource potential. Council envisages that:

- the majority of residential growth will take place as an expansion to existing serviced urban areas within Loyalist Township, that is, Amherstview, Bath, and Odessa;
- areas of secondary and small amounts of growth are the hamlets of Millhaven, Morven, Stella, Violet, and Wilton, followed by limited estate development and land severance by consent;
- industrial development is directed to the Loyalist East Business Park and Taylor Kidd Industrial Complex areas where services are or will be available;

- areas of environmental sensitivity are protected from incompatible activities while being integrated with the Township and Conservation Authority open space systems;
- opportunities are created for the development of an integrated pedestrian, vehicular, and bicycle system; and
- resource areas with agricultural and aggregate potential are identified and protected from incompatible uses.

1.6 USERS

The Plan will be used:

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

1.7 COMPOSITION

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

1.8 STATUS

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

1.9 REVIEW AND AMENDMENT

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

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

Amendments to the Official Plan may be instigated by Council, either on its own initiative or at the request of property owners, other levels of government, private or public corporations

and organizations. After consultation with affected agencies and the public, amendments may be adopted by Council. Amendments are then subject to the approval process under Section 17 of the Planning Act.

Council will, in accordance with section 26(1) of the Planning Act, not less frequently than every five (5) years, hold a special meeting of Council, open to the public, for the purpose of determining the need for a revision of the Official Plan.

1.10 TIME PERIOD

This Plan is established for a planning period to the year 2020.

PART 2

PRINCIPLES AND ASSUMPTIONS

2.1 PRINCIPLES

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

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

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

2.2 ASSUMPTIONS

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

2.2.1 Premises

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

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

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

- 2.2.1.9** Amherst Island has seen a significant historical decline in agricultural activity and in population. Only since 1980 has population begun to increase due primarily to building activity along the shoreline. It is assumed there will be continued interest in shoreline development as a result of the Island's remoteness being an attractive feature.
- 2.2.1.10** Transportation to and from the Island is provided by a ferry. The limited capacity of the ferry is a significant factor limiting the types and amount of development.
- 2.2.1.11** The majority of vacant land designated for future residential development is controlled by three (3) corporations.
- 2.2.1.12** Future residential growth, particularly non-farm residential uses, are encouraged to develop within those areas capable of sustaining such growth as a logical extension to existing development, where services are already available or can be easily extended thereby enhancing community structure while deriving maximum economic use of existing infrastructure and minimizing potential conflicts with non-residential land uses.
- 2.2.1.13** The Township is serviced by a relatively well defined road transportation system to serve existing land uses and provide connections to areas outside the municipality. However, further growth will require transportation improvements and expansion to the system.
- 2.2.1.14** Although single detached dwellings are the predominant form of housing, there is increasing demand for multiple unit housing.
- 2.2.1.15** Rehabilitation work will continue to be carried out within the various areas of the Township both by private and public interests.
- 2.2.1.16** Generally, the lands in Lots 14 to 29 of Concession 1 will be developed for industrial and major institutional uses such as penal institutions. The lands in Lots 1 to 8 of Concession 1 will continue to be used for extractive industrial purposes, and should not be converted to other uses, industrial or otherwise, without an amendment to this Plan.
- 2.2.1.17** Loyalist Township will continue to work in a constructive and cooperative spirit with its municipal neighbours in areas where a land use concern transcends a municipal boundary.
- 2.2.1.18** Lands with environmental hazards and/or physical limitations such as poor drainage, organic soils, flood susceptibility, erosion and steep slopes are recognized and appropriately designated in order to protect and conserve the

natural and man-made environment.

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

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

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

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

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

PART 3

GOALS AND OBJECTIVES

3.1 INTRODUCTION

The goals and objectives of this Plan build on the community strategy and planning principles and are intended to complement the policies of this Plan by providing a framework for realizing the community strategy to the year 2020. The goals, as much as possible, reflect the present and future needs of the Township. A "goal" may be defined as a desired state which reflects the long term purpose of the Plan and which is related to a major area of concern. An "objective" is a short range step towards a goal. An objective is concrete, realistic, action-oriented and attainable within a short period of time. The achievement of an objective should move the goal closer to realization.

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

This Plan recognizes the benefits of the ecosystem approach to planning and includes policies intended to integrate environmental, economic, and social considerations in a balanced, manner while setting aside sufficient lands to accommodate a **2020** population of 18,024 to 23,551 people.

Council recognizes ten (10) 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;
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 transportation;

8. the community, cultural, and recreational needs of the residents;
9. design of attractive and healthy neighbourhoods;
10. municipal cooperation and coordination with surrounding municipalities and the Province of Ontario;
11. implementation measures needed to carry out the intent of this Plan.

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

3.2 ECONOMIC AND FINANCIAL GOAL

This Plan is intended to contribute to the economic health of Loyalist Township through policies which promote and support balanced economic growth and development in order to maintain a healthy tax base. While respecting the environment, this Plan encourages the creation and maintenance of employment opportunities and diversification of the economic base.

3.2.1 Economic and Financial Objectives

- 3.2.1.1 To promote the growth and development of the Township in a manner which is orderly, efficient, and consistent with the financial ability to absorb new growth and development.
- 3.2.1.2 To undertake the provision of necessary information and related services to assist and encourage businesses to locate in Loyalist Township.
- 3.2.1.3 To promote opportunities for new and innovative forms of business and commercial development in the Township to meet the diverse needs of consumers, while maintaining and strengthening the overall commercial structure of the Township, including appropriate planned functions of existing commercial uses.
- 3.2.1.4 To seek funding alternatives to supplement the property tax base and other traditional funding sources.
- 3.2.1.5 To monitor the fiscal impacts of growth and development and require that new development pay its fair share of growth related costs.
- 3.2.1.6 To encourage the development of future employment generating uses such as service industries, commercial, and industrial uses at locations compatible with the surrounding area and where they can be adequately serviced, as a means of diversifying the municipal tax base, and establishing local employment opportunities.
- 3.2.1.7 To require the preparation and annual update of one and ten year capital works

forecast.

3.3 ENVIRONMENTAL GOAL

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

3.3.1 Environmental Objectives

- 3.3.1.1** To promote an ecosystem approach as an integral component of the land use planning process in order to ensure that growth and development are sustainable.
- 3.3.1.2** To encourage development to locate in areas which will not conflict with environmental land use priorities.
- 3.3.1.3** To protect unique natural features and connections between them. Such features include provincially significant wetlands, locally significant wetlands, significant ANSI's, lands adjacent to waterbodies, significant wooded areas and valley lands, dynamic beaches, areas of significant wildlife habitat, fish habitat and significant portions of endangered and threatened species habitat by encouraging appropriate forms of land use which maintain the unique natural features.
- 3.3.1.4** Participate in watershed and subwatershed studies, natural heritage studies/strategies and, once they have been completed, implement the relevant land use and resource management findings by amendment to this Plan if necessary.
- 3.3.1.5** To specify appropriate "adjacent lands" policies to provide for the maintenance and protection of the features and areas identified.
- 3.3.1.6** To identify and protect sensitive groundwater recharge and discharge areas, aquifers, and headwaters, so that there is sufficient quantity and quality of water to meet existing and future uses on a sustainable basis.
- 3.3.1.7** To direct development away from areas having inherent environmental hazard such as flood susceptibility, erosion, steep slopes, or other physical condition which, under certain conditions, could endanger human life and property.
- 3.3.1.8** To encourage the correction of existing, and the prevention of potential, sources of pollution of water, land and air in conjunction with other levels of government and by applying acceptable standards as established by appropriate government agencies.
- 3.3.1.9** To plan for the creation, maintenance, and enhancement of linear or open space

systems, such as the waterfront trail, along waterbodies.

3.4 RESOURCE MANAGEMENT GOAL

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

3.4.1 Resource Management Objectives

- 3.4.1.1** To recognize areas with high potential for agriculture, aggregates, forestry, and recreation.
- 3.4.1.2** To strengthen the agricultural function through land use policies which protect farmlands from incompatible uses and from the fragmentation of ownership of the land base into uneconomic units.
- 3.4.1.3** To recognize existing aggregate operations and protect areas of high quality aggregates from incompatible land uses.
- 3.4.1.4** To require all extraction and processing operations to be located and operated in such a way as to minimize their impact on the natural and built environments, and require pit and quarry operators to undertake a program of rehabilitation compatible with the long-term uses permitted by this Plan.
- 3.4.1.5** To preserve and enhance the quality and quantity of open space and recreational opportunities in the Township in cooperation with the Conservation Authority and other agencies having an interest.

3.5 SETTLEMENT GOAL

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

3.5.1 Settlement Objectives

- 3.5.1.1.** To promote the growth and development of the Township at suitable locations in a planned orderly manner consistent with the Township's ability to absorb such development. Council will, generally, direct development to areas where full municipal services are available.
- 3.5.1.2** To encourage, in fully serviced areas, compact energy efficient use of land through more appropriate urban forms of residential development.

- 3.5.1.3 To encourage a diversity of residential types and densities at appropriate locations to satisfy social and economic needs of the population.
- 3.5.1.4 To recognize existing neighbourhoods and protect them from incompatible development or redevelopment.
- 3.5.1.5 To ensure compatibility between new development and existing built-up areas.
- 3.5.1.6 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.
- 3.5.1.7 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.
- 3.5.1.8 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.
- 3.5.1.9 To encourage the incorporation of the principle of the “new urbanism” in the design of new neighbourhoods.

3.6 COMMUNITY IMPROVEMENT GOAL

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

3.6.1 Community Improvement Objectives

- 3.6.1.1 To encourage participation in programs for the improvement, rehabilitation and renewal of existing residential structures, municipal infrastructure, community services and facilities.
- 3.6.1.2 To implement community improvement in a planned and coordinated manner which:
 - stimulates economic development, and
 - responds to local priorities and financial resources,
 so as to optimize the results to be achieved through capital expenditures.

- 3.6.1.3** To promote the rehabilitation and restoration of the existing building stock by, among other means, participation, where feasible and appropriate, in Federal and/or Provincial housing initiatives and in the rehabilitation of existing housing and other public buildings.
- 3.6.1.4** To identify those deficiencies in the public infrastructure which represent realistic, and attainable opportunities for community improvement.
- 3.6.1.5** To maintain and improve the quality of the physical environment by upgrading standards related to, and the availability of, municipal services.
- 3.6.1.6** To provide a safe and healthy community for both residents and visitors, by providing an appropriate level of recreational and social facilities, at appropriate locations, and ensuring that municipal services such as roads and sidewalks are sufficient to ensure the safety and welfare of local residents and tourists.
- 3.6.1.7** To encourage the development or reuse of vacant lands or buildings to accommodate activities of value or benefit to the community.

3.7 SERVICING GOAL

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

3.7.1 Servicing Objectives

- 3.7.1.1** To ensure that all development in areas presently capable of being serviced and in the logical path of future municipal service extensions, proceeds based on municipally owned and maintained piped water supply and sanitary sewage facilities.
- 3.7.1.2** To ensure new development has regard to the Provincial Policy Statement.
- 3.7.1.3** To encourage orderly, contiguous development which supports the efficient utilization and logical extension of municipal services while minimizing long term costs to the Township.
- 3.7.1.4** To ensure that where large scale development is proposed, overall servicing, stormwater management, and transportation studies are prepared and submitted to the satisfaction of the Township and relevant approval agencies prior to proceeding with development approvals.
- 3.7.1.5** To consider the use of communal water and/or sewage systems in those areas

where there is a health concern for existing residents and private servicing is shown to be ineffective and where these would not conflict with the long term expansion of existing urban services from existing serviced areas.

- 3.7.1.6** To ensure that development servicing satisfies the requirements of the Health Unit and other agencies where development is serviced by individual systems.
- 3.7.1.7** To encourage the planned compatible development of utility corridors in a manner which minimizes the disruption of both the natural and manmade environment.
- 3.7.1.8** To promote waste management initiatives which support the principles of waste reduction, re-use, and recycling.

3.8 TRANSPORTATION GOAL

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

3.8.1 Transportation Objectives

- 3.8.1.1** To develop a transportation network consistent with identified demands at the Township and County levels while minimizing the time, distance and costs involved in the movement of people and goods.
- 3.8.1.2** To enhance accessibility to future industrial and commercial areas while preventing and/or mitigating traffic conflicts between residential and non-residential land uses.
- 3.8.1.3** To allow for new right-of-ways for new roads, future road widenings, grade separations at railway crossings, and setbacks appropriate for the identified function of the roads.
- 3.8.1.4** To minimize disruption and safety concerns to neighbourhoods by minimizing through traffic in residential areas.
- 3.8.1.5** To seek the cooperation of the Province of Ontario in expansion, improvement, and financing of the ferry linkage to Amherst Island along with the associated infrastructure.
- 3.8.1.6** To ensure adequate parking through the ongoing development of off and on

street parking, and encouraging onsite parking when new development occurs.

- 3.8.1.7** To ensure that transportation facilities are planned and developed with minimum environmental and community disruption.
- 3.8.1.8** To promote the development of peopleways which allow for the movement of people within the Township or to abutting municipalities by walking, and bicycling, in addition to automotive travel and transit.
- 3.8.1.9** To ensure that future development in the Township occurs only along publicly maintained roads.

3.9 COMMUNITY, CULTURAL, AND RECREATION GOAL

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

3.9.1 Community, Cultural, and Recreation Objectives

- 3.9.1.1** To cooperate with other agencies and levels of government in the provision of educational, cultural, recreational, protection, health and welfare facilities and services in response to the needs of the Township.
- 3.9.1.2** To ensure passive and active recreation facilities are provided in areas of population concentration consistent with the needs of the residents.
- 3.9.1.3** To encourage the development, in conjunction with other municipalities and agencies, of a waterfront trail and linear open space systems along waterbodies.
- 3.9.1.4** To encourage and foster public awareness, participation, and involvement in the conservation of cultural heritage resources.
- 3.9.1.5** To promote the use of environmentally sensitive areas and associated open space elements for passive recreation and educational purposes.
- 3.9.1.6** To recognize, preserve and enhance the natural and cultural heritage of the Township including the built environment, the archaeological record and notable landscape elements that are present throughout the Township.

3.10 DESIGN OF ATTRACTIVE AND HEALTHY NEIGHBOURHOOD GOALS

To promote excellence and innovation in urban and environmental design.

3.10.1 Implementation Objectives

- 3.10.1.1** Implementing a tree planting program consistent with any approved municipal forestry, and/or streetscape policy;
- 3.10.1.2** Promoting a road system which accommodates the needs of pedestrians and cyclists as well as the requirement of motorists, with due regard for the design of the streetscape and pedestrian safety; and
- 3.10.1.3** Adopting urban design policies and establishing and encouraging adherence to general design guidelines which are sensitive to and scaled to the natural and built environment and which are supportive of the goals and objectives of the plan.

3.11 MUNICIPAL COOPERATION AND COORDINATION GOAL

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

3.11.1 Municipal Cooperation and Coordination Objectives

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

3.12 IMPLEMENTATION GOAL

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

3.12.1 Implementation Objectives

- 3.12.1.1** To implement the Plan through the use of powers conferred upon the Township under the Planning Act, the Municipal Act, the Building Code Act, the Aggregate Resources Act, the Development Charges Act, the Local Improvement Act, and other applicable legislation.
- 3.12.1.2** To monitor residential growth relative to the economic development of the

Township.

- 3.12.1.3 To implement the Plan by updating the comprehensive restricted area (zoning) by-law and other appropriate by-laws.
- 3.12.1.4 To participate in other government programs which comply with this Plan and are appropriate to and benefit the residents of Loyalist Township.
- 3.12.1.5 To develop one and ten year municipal capital works programs to enable sound municipal planning and budgeting.
- 3.12.1.6 To provide an adequate system of development charges, impost fees and such other fees as are deemed appropriate by Council.
- 3.12.1.7 To prepare subwatershed plans for the urban areas in order to facilitate the coordinated implementation of environmental goals and objectives as part of the land development process.

3.13 RENEWABLE ENERGY AND ENERGY CONSERVATION GOAL

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

3.13.1 Renewable Energy and Energy Conservation Objectives

- 3.13.1.1 To promote the development of domestic-scale and commercial-scale renewable energy systems such as wind, solar and biomass.
- 3.13.1.2 To ensure that renewable energy systems are appropriate in type and scale to their locations, and that impacts on the natural environment and surrounding land uses are minimized.
- 3.13.1.3 To encourage energy-conscious building and site design in conjunction with site-specific assessment of micro-climate conditions.
- 3.13.1.4 To encourage the siting and orientation of buildings to maximize solar gain and minimize heat loss.
- 3.13.1.5 To encourage landscaping which is designed and maintained to support energy conservation through such means as location, spacing, and species selection.
- 3.13.1.6 To consider opportunities for the development of bicycle paths and pedestrian access systems in the context of preparation and review of public works, community improvement, and private development initiatives.

3.13.1.7 To promote green building practices in the construction of new municipal buildings and the renovation of existing municipal buildings.

(OPA No. 18)

3.14 TOURISM GOAL

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

3.14.1 Tourism Objectives

3.14.1.1 To co-operate with other agencies, groups and levels of government to promote tourism opportunities.

3.14.1.2 To ensure that tourism development occurs in a sustainable manner, compatible with surrounding land uses and respecting the natural environment.

3.14.1.3 To encourage traffic on the Loyalist Parkway (Highway 33) and Highway 401 to visit the area.

3.14.1.4 To recognize, preserve and enhance structures and sites of historical and/or architectural value in order to maintain the heritage of the people and the Township.

3.14.1.5 To promote a variety of tourism opportunities, including but not limited to:

- the Township's history as a destination for United Empire Loyalists, and its role in the War of 1812;
- agri-tourism, to promote locally grown and/or produced and agricultural products;
- eco-tourism, for example bird-watching on Amherst Island; marine tourism;
- hiking, cycling, cross-country skiing, and such initiatives as the Waterfront Trail, Amherst Island Trail, and County Trails;
- the rich and diverse architectural inventory of the Township.

(OPA No. 19)

PART 4

LAND USE POLICIES

4.1 INTRODUCTION

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

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

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

4.2 ENVIRONMENTAL POLICIES

4.2.1 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.

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 provincially significant and regionally significant Areas of Natural Scientific Interest (ANSI's), all wetlands that have been evaluated by the Ministry of Natural Resources including significant coastal wetlands, significant habitat of endangered and threatened species, fish habitat, and lands within 30 metres of the high water mark of a waterbody for which there is no floodplain mapping or fill line mapping. This designation also includes natural hazard lands which may pose a threat to life and property because they are prone to flooding, and/or erosion hazards, or have steep slopes, poor drainage, organic soils, or other similar physical limitations.

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 lands include significant woodlands, significant valleylands, unevaluated wetlands; lands within 120 metres of a provincially significant wetland, lands within 50 metres of: provincially and regionally significant ANSI's, significant valleylands, significant wildlife habitat and significant habitat of endangered or threatened species, or groundwater recharge/discharge areas; and lands within 30 metres of an evaluated locally significant wetland or fish habitat. Linkages and corridors are also included in the Environmentally Sensitive designation.

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.

(OPA No. 19)

4.2.2 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;
- significant habitat of endangered or threatened species;
- fish habitat;
- lands having inherent environmental hazards such as poor drainage, organic soils, steep slopes, dynamic beaches, or that are subject to flooding and/or erosion;
- lands within 30 metres of the high water mark of a waterbody for which there is no floodplain mapping or fill line mapping;
- conservation lands owned by Loyalist Township, Conservation Authorities and The Rideau Land Trust.

(OPA No. 19)

4.2.2.1 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.

4.2.2.2 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)*. As new information becomes available, this Official Plan will be amended accordingly.

(OPA No. 19)

- b) Council will endeavor to retain lands in the Environmental Protection designation in a natural state.
- c) 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 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 flood control or other similar works result in significant changes to the designations on the land use schedule, or where new Environmental Protection areas are identified, such changes will be incorporated into this Plan and implementing zoning by-law.

Building setbacks will be imposed from the margins of Environmental Protection lands to the extent or severity of the sensitivity.

- d) Council, on its own or in conjunction with the agencies, will seek to acquire and manage Environmental Protection lands as part of the development approvals process or through acquisition.
- e) 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. An application for the redesignation of Environmental Protection lands for other purposes will be given due consideration once appropriate information has been submitted.

There Council has identified certain Environmental Protection lands as a priority for acquisition, as described in Section 7.4.2. 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, or if there is an existing or potential natural hazard that affects the area.

(OPA No. 19)

- f) Applications to redesignate lands within an Environmental Protection category that include a natural heritage feature or area 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 for any evaluation or boundary changes for wetlands, ANSI's, or habitat of endangered and threatened species.

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

Applications to redesignate lands which are currently designated Environmental Protection for reasons related to natural hazard will need to demonstrate, to the satisfaction of the Township and the Conservation Authority that the lands are not subject to a natural hazard.

(OPA No. 19)

- g) Development and site alterations are not permitted in significant wetlands, provincially and regionally significant areas of natural or scientific interest and significant endangered/threatened species habitat.
- In all other cases the construction of any building or structure, or the placing or removal of fill of any kind, whether originating on the site or elsewhere, shall not be permitted without the approval of the Township and/or the Conservation Authority. 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 Region Conservation Authority: Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses;
 - Loyalist Township By-law 2003-22: A By-law to Prohibit or Regulate the Placing or Dumping of Fill or the Alteration of the Grade of Land in Loyalist Township, or its successor by-law.

(OPA No. 19)

- h) 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 4.2.2.
- i) Development proposals along waterbodies and watercourses are to take into consideration flood inundation and erosion. In addition, development proposals along Lake Ontario are to take into consideration dynamic beach hazards and wave uprush. Development will not be permitted in such areas.
(OPA No. 19)
- j) The use of Environmental Protection lands for stormwater management is prohibited.
(OPA No. 19)
- 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.
- 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 Part 8.
- m) Land severances which have the effect of fragmenting the ownership of Environmental Protection Areas will be discouraged.
- n) Development and site alterations are not permitted on significant wetlands and significant portions of endangered/threatened species habitat. In all other cases the placing or removal of fill of any kind, whether originating on the site or elsewhere, shall not be permitted without the approval of the Conservation Authority and the Township.
- o) Environmental Protection Areas shall not be acceptable as part of the dedication for park purposes under the Planning Act.

- p) 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.
- q) Agricultural activities, excluding new buildings and structures, are permitted upon adjacent lands without the need for an Environmental Impact Assessment.

(OPA No. 19)

- r) 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. Council, in consultation with the Conservation Authority, will examine, from time to time, the need to upgrade and/or prepare mapping of natural hazards.

(OPA No. 19)

- s) Lands characterized by steep slopes can pose risks to persons and property as a result of potential slope instability or erosion. Development on steep slopes can have significant impacts on features such as fish and wildlife habitat, soils and vegetation, surface water quantity and quality, and wetlands.

The Township will direct development or site alterations away from lands identified as potentially being subject to erosion hazards. The Township should consult with the Conservation Authority with respect to lands that may constitute an erosion hazard.

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 slope stability report, prepared by a qualified professional engineer, to ensure that the property is suitable for development. Such report shall be to the satisfaction of the Township and the Conservation Authority.

(OPA No. 19)

4.2.2.3 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.

4.2.3 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
- adjacent lands within 50 metres of:
 - provincially and regionally significant ANSI's
 - significant valleylands
 - significant wildlife habitat
 - significant habitat of endangered or threatened species
 - groundwater recharge/discharge areas
- adjacent lands within 30 metres of:
 - an evaluated locally significant wetland
 - fish habitat
- linkages and corridors

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.

(OPA No. 19)

4.2.3.1 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.

4.2.3.2 Policies

- a) In the absence of more detailed mapping, the boundaries of the Environmentally Sensitive Areas, as shown on Schedules 'B', 'C1', 'D1', and 'E1' will be used as guides for the preparation of the Zoning By-law to implement this Plan. Minor alterations to the boundaries shown on Schedules 'B', 'C1', 'D1', and 'E1' resulting from more detailed information or mapping will not require an amendment to this Plan provided the general intent of the Plan is maintained. When more detailed mapping becomes available, the Township will amend this Plan and the implementing zoning by-law where required. Building setbacks will be imposed from the margins of Environmentally Sensitive Areas to the extent

or severity of the sensitivity.

(OPA No. 19)

- b) In considering an application for the redesignation of Environmentally Sensitive Areas on Schedules 'B', 'C1', 'D1' and 'E1' for a land use different than what is shown on Schedules 'A', 'C', 'D' and 'E' Council, in conjunction with the appropriate agency, will consider the need for 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 7.4.2. 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.

(OPA No. 19)

- c) Where lands designated Environmentally Sensitive are under private ownership, this Plan does not intend that these lands will necessarily remain as such indefinitely, nor shall it be construed as implying that such areas are free and open to the general public or that they will be purchased by the municipality or other public agency.
- d) An application for the 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.

- e) In considering a development application, within or near an Environmentally Sensitive Area, Council, in conjunction with the appropriate agency, will consider the need for an Environmental Impact Assessment 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.

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.

(OPA No. 19)

- f) Council may, as an alternative, require a scoped Environmental Impact Assessment, or waive the requirement for a study on the impact of development on an Environmentally Sensitive Area where the Conservation Authority and appropriate provincial ministry deem that such a study is not necessary.

(OPA No. 19)

- g) The use of Environmentally Sensitive Areas for stormwater management is discouraged but may be considered on a watershed basis as part of the watershed and master drainage planning process where approved by the Municipality and Conservation Authority. Such facilities will be considered a form of development and will be subject to this Plan's policies on the protection of significant features or areas.
- h) Where an Environmental Assessment of a proposal is required in accordance with the provisions of the Environmental Assessment Act, that assessment shall be considered as having fulfilled the requirements of policy (d) of this Subsection.
- i) Agricultural Activities, excluding new buildings or structures, are permitted in Environmentally Sensitive Areas without the need for a study.
- j) Environmentally Sensitive Areas may be acceptable as part of the park dedication under the Planning Act.
- k) Linkages and corridors are indicated on Schedules B and C1. 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.

(OPA No. 19)

4.2.3.2.1 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.

(OPA No. 19)

4.2.3.3 Implementation

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

4.2.3.4 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.

(OPA No. 19)

4.2.4 Environmental Impact Assessments

4.2.4.1 An Environmental Impact Assessment (EIA) may be required for development applications on or near lands designated Environmental Protection or Environmentally Sensitive, as detailed in Sections 4.2.2. and 4.2.3. Sample terms of reference for Environmental Impact Assessments, as recommended in the *Central Cataraqui Region Natural Heritage Study (2006)*, are included in Appendix 1 to this Plan. Revisions to these terms of reference may be made without amendment to this Plan.

(OPA No. 19)

4.3 RESOURCE LANDS POLICIES

4.3.1 General Principles

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

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

4.3.2 Agricultural

Agricultural lands 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 agricultural land to ensure its availability for food production on a long term basis by protecting it from incompatible uses. The Provincial Policy Statement defines agricultural as that land which exhibits some or all of the following characteristics:

- a) land where soil classes 1, 2, and 3, as defined in the Canada Land Inventory of Soil Capability for Agriculture, were found to predominate;
- b) land which has a high capability for the production of specialty crops;
- c) additional areas where farms exhibit characteristics of ongoing viable agriculture; and
- d) additional areas where local market conditions ensure agricultural viability.

4.3.2.1 Permitted Uses

Uses permitted include the use of land and associated buildings and structures for crop production, tree farms, animal husbandry, poultry operations, fruit production, greenhouses, apiaries, retail stands for the sale of agricultural products produced on the farm unit, and agriculture related uses being those farm related industrial uses that are small in scale, directly related to the farm operation and required in close proximity to the farm operation such as grain drying operations. Abattoirs and cheese plants are permitted provided suitable alternate locations within areas designated other than Agricultural are not available.

Uses considered compatible and supportive to the principal agricultural use are also permitted. Such uses are small in scale and may include home occupations, home industries, and value added agricultural products such as farm vacations, pick-your-own operations, and value added packing and processing operations. Compatible uses also include forestry, passive outdoor recreation, conservation uses, and woodlots.

Subject to the policies contained herein, accessory farm-related residential uses, limited non-farm residential uses, home occupation, 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 secondary agricultural uses.

4.3.2.2 Agricultural Uses

- a) New livestock facilities and expansions to livestock facilities shall conform to the Minimum Distance Separation Formulae.
- b) 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 if it can be established that:
 - both the severed and retained parcels would be viable agricultural units,
 - the size of the parcels provide flexibility to change the nature of the farm operation to meet changing economic conditions, and
 - the type of agriculture proposed is suitable for the area.
- d) Development in proximity to farm uses shall conform to the Minimum Distance Separation Formulae.

(OPA No. 19)

4.3.2.3 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 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.

- b) Farm-related residential consents will:
- i) have a minimum area of 0.5 hectare;
 - ii) meet the Minimum Distance Separation Formulae;
 - iii) be encouraged to locate in woods, 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 5 of this Plan.
- (OPA No. 19)**

4.3.2.3A Estate Wineries and Farm Wineries

All estate wineries and farm wineries shall be subject to the following policies:

- (a) All wineries and accessory uses to wineries are expected to rely solely on private water services and sewage disposal systems that meet the requirements of the agency having jurisdiction.
- (b) A severance for the creation of a parcel for an estate winery or farm winery shall be not smaller than 40 hectares for lands designated Agriculture, or smaller than 8 hectares for lands designated Rural. Farm wineries may be established on lots of record existing on September 1, 2007 where such parcels are not less than 3.2 hectares in size and which otherwise meet the requirements of the implementing Zoning By-law.
- (c) Nothing within any policy shall be interpreted as permitting any special event that is not directly related to a winery located on the site unless approved through an amendment to the Zoning By-law or a Temporary Use By-law. This policy applies to events, such as music or other festivals. Special events shall be secondary to an agricultural use, small scale and shall expressly not be permitted where in the opinion of the Council the event will create a nuisance, or be offensive or incompatible with surrounding uses.
- (d) Estate Wineries may be permitted as a secondary agricultural use to the principal agricultural operation subject to the following policies:
 - The implementing Zoning By-law will establish zone provisions for the establishment of estate wineries.

- A majority of the land that is arable for viticulture and/or the production of fruit crops shall be in full production.
- Wines produced within an estate winery shall be made from fruit grown predominantly in the vineyard and/or fruit farm located on the same land as the farm winery as well as other lands considered part of the farmer's own farm operation, and secondarily from locally grown fruit or juice.
- The retail sale of wine produced on site will be permitted. The implementing Zoning By-law will set out specific retail floor area provisions.
- A hospitality room where wine 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.
- A bed and breakfast establishment is allowed within the principal residence.
- Upon lands that are not designated as Agricultural, small-scale restaurants may be permitted where it is clearly demonstrated that such uses are only accessory to and complement the estate winery. 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 Agricultural, larger-scale agri-tourism uses accessory to estate wineries, such as banquet facilities, large restaurants, and accommodation facilities will require an amendment to this Plan.
- Estate wineries shall be required to locate with direct access to a roadway with sufficient capacity to accommodate the anticipated traffic. A traffic study may be required as a condition of the development of the estate winery.
- Winery buildings should be set back sufficiently from a roadway in order to accommodate a suitable planting area to provide and maintain an agricultural setting.
- Council shall require that a minimum of 4 hectares of the land that is arable for viticulture and/or the production of fruit crops be planted prior to the issuance of a building permit for the estate winery.
- Accessory uses to a winery shall not detract from the principal agricultural use nor adversely affect surrounding land uses.
- Estate wineries shall be subject to Site Plan Control.
- Restaurants, banquet facilities and large scale tourism uses are not permitted within an Agriculture Designated area.

- (e) Farm Wineries may be permitted as a secondary agricultural use to the principal agricultural operation subject to the following policies:
- The implementing Zoning By-law will establish zone provisions for the establishment of farm wineries.
 - Wines produced within a farm winery shall be made from fruit grown predominantly in the vineyard and/or fruit farm located on the same land as the farm winery as well as other lands considered part of the farmer's own farm operation, and secondarily from locally grown fruit or juice.
 - A bed and breakfast establishment is allowed within the principle residence.
 - A hospitality room where wine and limited complimentary food services up to 50 people is served and the retail sale of wine produced on site may be permitted. The implementing Zoning By-law will set out specific retail floor area provisions.
 - Winery buildings should be set back sufficiently from a roadway in order to accommodate a suitable planting area to provide and maintain an agricultural setting.
 - Council shall require that a minimum of 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.
 - Where a farm winery proposes to exceed 300 square metres, it shall be subject to the provisions for an estate winery.
 - Farm wineries may be subject to Site Plan Control.
 - Restaurants, banquet facilities and large scale tourism uses are not permitted within an Agriculture Designated area.

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

(OPA No. 19)

4.3.2.4 Non-Farm Residential Uses

- a) Non-farm residential development is discouraged on good agricultural land and is encouraged to locate in hamlets or other areas designated for such use.
- b) A single unit dwelling is permitted on an existing lot of record provided the

following requirements are met:

- i) such dwelling conforms to the Zoning By-law and Minimum Distance Separation Formulae;
 - ii) meets the requirements of the Health Unit and has an adequate supply of potable water;
 - iii) the lot was created in accordance with the provisions of The Planning Act; and
 - iv) the lot fronts onto an open, publicly maintained road.
- c) Home occupation uses, inclusive of bed and breakfast operations, are permitted as an accessory use to a permitted residential use provided the residential character of the dwelling house is retained.
 - d) Non-farm residential severances shall comply with the Consent Policies in Part 5 of this Plan.

(OPA No. 19)

4.3.2.5 Commercial and Industrial Uses

- a) Commercial and industrial uses are encouraged to locate in areas designated commercial or industrial so as to retain the integrity of Agricultural lands and to promote the continuation of viable centers.
- b) Small scale commercial and industrial uses 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, farm related commercial and farm related industrial uses that are small in scale, directly related to the farm operation and required in close proximity to the farm operation such as grain drying operations. Cheese plants and abattoirs are encouraged to locate in designation other than Agricultural but may be allowed in an Agricultural designation if alternate locations are not available.
- c) Severances for agriculturally related commercial and industrial uses may be considered 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 new lot complies with the Minimum Distance Separation Formulae; and
 - v) the new lot conforms to the Consent Policies in Part 5.
- d) The general principles to be considered in the development and zoning of agriculturally related commercial and industrial 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) 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 Formulae;
 - iv) the physical structure of commercial buildings should be in keeping with the scale and form of buildings in the agricultural area;
 - v) signage and outside storage of goods or materials will be controlled so as to minimize the visual impact of such uses from adjacent roads and properties; and
 - vi) adequate buffering shall be provided to a sensitive use.

4.3.2.6 Conservation, Forestry, and Recreational Uses

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

4.3.2.7 Implementation

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

4.3.3 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 Aggregate Reserve areas on Schedule B. These areas 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.

4.3.3.1 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, 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 Aggregate Reserve areas on Schedule 'B' 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.

4.3.3.2 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 5 of this Plan.

4.3.3.3 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.

4.3.3.4 New Aggregate Operations

- a) Areas of Aggregate Reserve have been outlined on Schedule "B" to this Plan. Proposals to establish new pit or quarry operations should be located within the area shown as Aggregate Reserve. New operations outside Aggregate Reserve 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 an Aggregate Reserve area on Schedule "B" 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 Aggregate Reserve on Schedule "B", Council, after consultation with the appropriate agencies, 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;
 - 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.

4.3.3.5 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 Agricultural 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 licencing under the Aggregate Resources Act, adequately addresses Township concerns.

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

4.3.3.6 Influence area and Adjacent Lands

This Plan recognizes the concept of an influence area surrounding Aggregate and Aggregate Reserve designations in order to offer mutual protection from encroachment by incompatible uses for both sensitive uses and extractive activities and areas designated as Aggregate Reserve. 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) 150 metres next to a pit or aggregate reserve overlay where sand/gravel are located,
- b) 300 metres from an aggregate operation where sand and gravel are being extracted below the water table, and
- c) 500 metres next to a quarry or Aggregate Reserve Overlay where quarry material is located,

are established.

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.

4.3.3.7 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.

4.3.3.8 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.

4.3.4 Mineral Resources

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

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

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

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

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

4.4 RURAL POLICY AREA

4.4.1 General Principles

There is a significant amount of rural land within Loyalist Township. Rural land is defined as land where soil classes 4, 5, 6, and 7 as defined by the Canada Land Inventory of Soil Capability for Agriculture, were found to predominate. Land designated as Rural is shown on Schedule "A". Within the Rural designation there are agricultural activities but they tend to be dispersed. There has been much pressure in the past to develop rural areas for residential, seasonal residential, and other non-farm uses. It is expected that such pressures will continue. Use of lands for these purposes is desirable as long as it takes place within a planning framework consistent with the overall strategy of this Plan.

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

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

4.4.1.1 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 hobby farms, non-farm residential, estate residential, institutional, forestry, 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 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 5 of this Plan.

4.4.1.2 Policies for Agricultural Uses

Agricultural uses in the Rural designation shall conform with the policies of Section 4.3.2 of this Plan.

4.4.1.3 Year Round Residential Development by Consent and Existing Lots of Record

- a) New lots shall comply with the Consent Policies in Part 5 of this Plan.
- b) New lots shall comply with the Minimum Distance Separation Formulae.
- c) New lots shall only be permitted when the retained parcel measures a minimum of 10 hectares and has a minimum 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 8.21 of this Plan.

(OPA No. 19)

- 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 8 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.

(OPA No. 26)

Notwithstanding Section 4.4.1.3 (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.

4.4.1.4 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 sewage disposal 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.

4.4.1.5 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 sewage disposal 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 Formulae; and
 - vi) the new lots conform to the Consent Policies in Part 5 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 Agricultural designation, Part 4 of this Plan.

4.4.1.6 Conservation, Forestry, and Recreational Uses

- a) Private landowners are encouraged to reforest idle lands. Landowners of properties with a high forestry potential are encouraged to enter into appropriate management programs with the Ministry of Natural Resources or Conservation Authority.
- b) Passive outdoor recreational uses, forestry, tree farms, conservation uses are permitted. In addition active recreational uses (excluding such uses as commercial resort uses, tourist camps, tent and trailer parks, marinas, golf courses) such as riding and sport clubs, and municipal recreation facilities are permitted provided:
 - i) the uses are compatible with adjoining uses and do not adversely affect adjacent farming operations;
 - ii) the uses have adequate quantity and quality of potable water; and
 - iii) the uses can adequately dispose of sewage to the satisfaction of the Township.

4.5 SETTLEMENT PATTERNS

4.5.1 General Principles

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

- “urban settlement area” as outlined in Section 6.0 below, and
- “rural settlement area” as outlined in Section 7.0 below.

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

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

4.6 URBAN SETTLEMENT AREA

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

4.6.1 Residential Policies

4.6.1.1 General Principles

Residential development and redevelopment is to take place in a planned, orderly manner to ensure that residential uses are located in areas where they are compatible with adjacent land uses. Sufficient lands have been designated to accommodate anticipated population growth, provide a choice of lifestyles, and protect lands for long term availability for residential development and full services where these are located in the logical area of residential expansion and which, from a planning perspective, are strategically located to serve a time horizon of twenty (20) years normally considered as the Official Plan planning horizon.

4.6.1.2 Permitted Uses

The predominant use of land in areas within a residential designation shall be for low, medium, and high density residential uses as generally outlined on Schedules C, D, E, and F. Public parks, home occupations, bed and breakfast

establishments, institutional uses such as schools and places of worship, day-care facilities, public uses and utilities in appropriate locations, and Township administrative offices are also permitted.

4.6.1.3 Policies

- a) Various forms of housing will not be intermixed indiscriminately. Housing types will be arranged in a gradation so that high and medium density developments will complement those of lower density, with sufficient spacing to ensure compatibility, while maintaining privacy and the amenity value of low density areas.
- b) The provision of walkways, sidewalks or bicycle paths is encouraged to facilitate access throughout the residential areas and to schools, parks, and other focal points such as places to shop or work, and to facilitate the safe separation of pedestrian and vehicular traffic.
- c) Adequate off-street parking shall be provided. Access points to such parking facilities shall be limited in number and designed in a manner that will minimize the conflict between vehicular and pedestrian traffic.
- d) Home occupation and bed and breakfast uses will be governed by the policies in Part 5 of this Plan.
- e) Development proposals near existing or proposed industrial uses or areas should comply with the Ministry of Environment Guidelines governing the separation distance between industrial facilities and sensitive land uses.
- f) Development proposals near existing or proposed railway corridors or major roads such as arterials and collectors shall comply with Ministry of Environment Guidelines respecting noise and vibration. Studies required to confirm compliance and mitigation measures shall be prepared by a professional qualified in the field.
- g) Existing single detached dwelling houses in the Suburban Residential and Low Density Residential designation may be converted to include a secondary unit, provided:
 - i) The secondary unit is located within and is subordinate to the existing single detached dwelling.
 - ii) 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.

- iii) The secondary unit conforms with the Township By-laws and the Ontario Building Code Act.
- iv) Municipal services such as water, sewers, drainage, roads, etc., are adequate or can be made adequate.
- v) The property can accommodate sufficient parking for the single detached dwelling house and the secondary unit, in compliance with the Township zoning by-law, and traffic in the area will not be adversely affected.

(OPA No. 19)

4.6.1.4 Suburban Residential

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

4.6.1.5 Low Density Residential

- a) Low density residential uses include single detached dwellings, semi-detached dwellings, duplexes, and accessory uses. The maximum net residential density shall be thirty-one (31) units per net hectare.
- b) Access to individual lots shall be in accordance with the transportation policies in this Plan.
- c) In order to encourage the enhancement and preservation of existing housing stock and address demands for rental accommodation within Bath, the conversion of existing one and two unit residential dwellings to multi-unit residential dwellings may be permitted within the area bounded by Main Street to the south, Academy Street to the north, and Centennial Park to the east, provided:
 - i) the lot is capable of supporting the minimum number of off-street parking spaces in accordance with the provisions of the implementing Zoning By-law;

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

(OPA No. 19)

4.6.1.6 Medium Density Residential

- a) Medium density residential uses include low density residential uses, triplexes, quadruplexes, maisonettes, row or cluster housing, converted single detached dwellings creating not more than four (4) dwelling units, street front townhouses, low rise apartment dwelling houses, and accessory uses.
- b) The maximum density shall be sixty (60) units per net hectare.
- c) Access to medium density sites shall be in accordance with the transportation policies of this Plan.
- d) Height is limited to four (4) storeys.
- e) Medium density sites, particularly for seniors housing, should be situated in close proximity to parks, recreational facilities, or commercial areas.

- f) Buffering between medium and low density uses to minimize adverse impacts between uses may be required.
- g) Applications for new medium density designations will be considered in accordance with the following criteria:
 - i) should be on the periphery of existing low density areas;
 - ii) have convenient access to a major street and not draw traffic through low density residential areas;
 - iii) be in proximity to commercial centres;
 - iv) have convenient access to transit routes;
 - v) be near services such as schools and recreational facilities; and
 - vi) be located so as not to draw traffic through low density residential areas.
- h) Where a medium density residential use is proposed to be introduced adjacent to a low density residential area, Council may require the developer to submit a plan showing relationship of the building to the remainder of the site and adjoining lower density uses. Such a plan shall show possible location and massing of buildings, parking facilities, open spaces, existing property fabric, and existing services.
- i) Conversion of existing single detached dwelling units to dwelling houses containing up to four (4) dwelling units will be guided by the following principles:
 - i) the extent of exterior renovations and the relationship of the converted dwelling to adjacent residential uses,
 - ii) safety of ingress and egress,
 - iii) provision of adequate on-site parking,
 - iv) buffering measures to mitigate any adverse impact on adjoining uses,
 - v) impact of changes to drainage on adjacent lands.

4.6.1.6.1 Medium Density Residential Specific Policy Area One (1)

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

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

4.6.1.6.2 Medium Density Residential Specific Policy Area Two (2)

With the medium density residential designation located:

- north of Amherst Drive,
- east of the Speer Boulevard extension north of Amherst Drive,
- south of the CNR mainline, and
- west of Helen Henderson Place

one (1) funeral home will be permitted.

4.6.1.7 High Density Residential

- a) High density residential uses include those uses permitted in the medium density residential designation and higher density residential forms such as stacked townhouses and apartment dwelling houses. New single detached, semi-detached, and duplex dwellings shall not be permitted within the high density residential designation
- b) The maximum permitted density is 120 units per net hectare.
- c) High density residential sites shall have direct vehicular access to collector or arterial roads thereby minimizing traffic impact on adjoining lower density areas.

- d) Height shall be limited to eight (8) storeys.
- e) High density sites, particularly for seniors, should be situated in close proximity to recreational facilities, schools, and commercial areas.
- f) Buffering to minimize adverse impacts on lower density residential areas may be required.
- g) Applications for new high density residential designations will be considered in accordance with the following criteria:
 - i) be on the periphery of low density designations and, preferably, abut medium density areas, commercial areas, and open space areas,
 - ii) have direct access to a collector or arterial road and not draw traffic through low density areas,
 - iii) have convenient access to transit routes.
- h) Where a high density residential use is proposed adjacent to a low density residential area, Council may require the developer to submit a plan showing relationship of the building to the remainder of the site and adjoining lower density uses. Such a plan shall show possible location and massing of buildings, parking facilities, open spaces, existing property fabric, and existing services.

4.6.1.8 Implementation

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

4.6.2 Secondary Plan Policy Areas

4.6.2.1 General Principles

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

1998 amalgamation of Bath, Amherst Island and Ernestown.

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

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

4.6.2.2 Windermere Estates

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

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

- b) Residential dwellings shall be setback from the municipal water tower a distance equal to the height of the water tower as measured from its base. Consideration should be given to the retention of existing natural vegetation around the municipal water tower where feasible, to provide a buffer for adjacent residential developments.

4.6.2.3 Loyalist Estates

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

- a) Changes to the designations will require supporting documentation to address the following:

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

b) Residential - Specific Policy Area No. 1

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

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

c) Future Road Link

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

4.6.3 Major Institutional

4.6.3.1 General Principles

The Major Institutional designation applies primarily to those lands owned by the Department of Correctional Services of Canada, and which are utilized for the Millhaven Penitentiary and Bath Institution. The lands are effectively outside the control of the Township in terms of land use regulation. The area is serviced by

the municipal water system and sewage system for Bath. The intent of the designation is to recognize the presence of the facility and consider it as part of the overall land use distribution system of Loyalist Township.

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

4.6.3.2 Permitted Uses

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

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

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

4.6.3.3 Policies

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

4.6.3.4 Implementation

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

4.6.4 Industrial

4.6.4.1 General Principles

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

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

Township efforts to develop and implement a long term servicing strategy.

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

Other significant designations include:

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

4.6.4.2 Permitted Uses

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

- i) Light Industrial uses are those industries which are substantially enclosed in buildings and exhibit reasonably high performance standards and whose operations are not considered offensive because of heat, smoke, noise, dust, odours, and heavy transportation facilities usually associated with general industrial concerns. For the purposes of this Plan, such uses include warehousing, light manufacturing and assembly, laboratory and research facilities, offices, communication facilities, printing and publishing establishments, building supply yards or other similar uses.
- ii) General Industrial uses are those industries whose operations may be offensive by virtue of heat, smoke, noise, odour, dust, and heavy transportation requirements. These include such facilities as the manufacturing and processing of primary metal products, wood and paper products, rubber, plastic and adhesive products, chemical products, food processing plants, assembly plants, bulk storage of petroleum products, contractor yards, maintenance yards, utility functions, and public works depots or other similar industrial uses and activities.

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

4.6.4.3 Bayview and Odessa Industrial Areas

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

4.6.4.4 Policies

- a) Industrial lands are designated in areas of direct accessibility to existing and proposed arterial and collector roads. Industrial areas shall be designed so as to discourage the penetration of traffic generated by industry into or through areas of sensitive land uses.
- b) Industrial uses shall comply with the Ministry of Environment guidelines respecting compatibility between industrial facilities and sensitive land uses.
- c) Industrial development is to be serviced by a piped water supply and a sanitary sewage collection system.
- d) Industrial areas are to be planned and developed in such a manner that light, non-noxious industries are located at the interface of heavy industrial uses with other forms of land use.
- e) New industrial development or the redevelopment of existing industrial sites in close proximity to sensitive uses should be restricted to light industrial uses and related activities which exhibit reasonably high performance standards in order to provide for a degree of compatibility between the residential area and industrial uses. The degree to which industrial uses are to be separated from sensitive land uses and the requirements for buffering will depend upon the nature of the industrial use and adjacent sensitive land use.
- f) To protect the visual amenities of the Loyalist Parkway, Council shall establish appropriate provisions in the implementing Zoning By-law and any Site Plan Agreements to regulate the setback of buildings and structures

from the Highway and to visually screen outside storage and parking areas.

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

- g) No industrial use shall be permitted which, from its nature of operation or materials used therein, is declared to be noxious under the provisions of the Health Promotion and Protection Act or regulations there under.
- h) Adequate off-street parking and loading facilities shall be provided, inclusive of parking for visitors and employees. Ingress and egress points to such areas shall be limited in number and designed in a manner which will minimize the danger to both vehicular and pedestrian traffic.
- i) Conversion of lands within the industrial designation to another land use designation is strongly discouraged. Such conversion shall only be considered at the time of a comprehensive review of this Plan, where it has been demonstrated that the land is not required for employment purposes over the long term and that there is a need for the conversion.

(OPA No. 19)

4.6.4.5 Implementation

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

4.6.4.6 Light Industrial Special Policy Area 1

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

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

4.6.5 Commercial

4.6.5.1 General Principles

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

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

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

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

4.6.5.2 Uses Permitted

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

4.6.5.3 Policies

- a) New commercial development is encouraged to locate in areas of high accessibility where conflicts with through traffic and residential neighbourhoods are minimized.
- b) The Zoning By-law will recognize a range of uses at differing sites appropriate to the planned function of commercial service areas or specific commercial sites, having regard for their location, availability of municipal services and the nature of surrounding land uses.
- c) Mixed use residential/commercial development is encouraged. The residential component is restricted to floors above the ground floor. Such development is to be placed in a separate zone category. The location, intensity of development, and residential densities for mixed use projects shall be determined in the Zoning By-law based on such matters as access,

capacity of the roads system, capacity of the municipal water and sewer treatment and distribution systems, the character and function of adjoining land uses. The net density for the residential component shall not exceed sixty (60) units per net hectare.

- d) Adequate provisions shall be made for pedestrian movement between commercial establishments and for the creation of safe and pleasant pedestrian environments.
- e) New proposals requiring a redesignation for commercial development involving in excess of 10,000 sq. metres (107,643 sq. ft.) of retail gross leasable area, shall require a specific amendment to the Zoning By-law which establishes the maximum retail gross leasable area to be permitted on-site. Council may require any such development proposal to be supported by a retail market impact analysis which satisfactorily demonstrates that introduction of the proposal into the community will not result in significant and demonstrable levels of impact in the form of urban blight and/or service reductions that are clearly harmful to the planned functions of existing commercial area in the Township. The scope of such impact studies shall be determined by Council based on the nature of the development proposal and other factors as may be acceptable.
- f) Site specific land use and development permissions established prior to the adoption of this Plan shall be recognized in the Zoning By-law.
- g) Adequate off-street parking shall be provided. Access points to such parking facilities shall be limited in number and designed in a manner that will minimize the conflict between vehicular and pedestrian traffic.
- h) Commercial uses located adjacent to residential uses shall provide adequate buffering. Lighting shall be directed away from residential uses.
- i) Unless specifically stated otherwise, all lands within the commercial designation are to be on a municipal water supply and sanitary sewage system.
- j) An application for an amendment of this Plan or the implementing by-law shall be accompanied by a preliminary site plan.
- k) The implementing Zoning By-law shall establish standards relating to off-street parking and loading requirements and other design criteria, including landscaping, buffering, and controls regulating the height, bulk, location, size, floor area, and spacing of buildings.

4.6.5.4 Bath and Odessa Commercial Policies

The following policies are in addition to the above policies:

- a) The commercial land use designations along County Road No. 2 in Odessa and Highway No. 33 in Bath are intended to encourage the renovation, redevelopment and expansion of these historic commercial areas.
- b) Commercial development shall be oriented to Highway No. 33 or County Road No. 2 rather than onto adjoining side streets. Where it is essential for the provision of sufficient parking, or the proper siting of buildings the expansion of a commercial use onto an immediately adjacent property designated for another land use, but which abuts a commercial property fronting onto the above noted roads, may be permitted without amendment to this Official Plan provided the commercial use is oriented to Highway No. 33 or County Road No. 2, and is adequately buffered from adjoining residential uses.
- c) Where necessary to protect the privacy of residential areas, buffering will be provided.
- d) Development and redevelopment proposals should complement the heritage district in Bath, and the heritage and historic buildings in both communities.
- e) In addition to all the Commercial policies and uses, at 118 Main Street in Odessa, a single property may also be used for a custom workshop for metal products provided its size remains small in nature and no outdoor storage is employed.

(OPA No. 15)

4.6.5.4.1 Windermere Estates and Loyalist Estates Commercial Policies

- a) The lands designated Commercial at Highway No. 33 and Somerset Avenue are intended for the development of uses to accommodate the daily and weekly shopping needs of the local residents, as well as cater to the traveling public. Permitted uses include convenience stores, retail stores, personal service stores, financial institutions, gas bars, automobile service stations and/or supply outlets, business or professional offices, tourist facilities, motels, restaurants, theatres, places of amusement (excluding such uses as arcade centres and billiard halls), public and private recreational facilities, and daycare facilities. In addition:

- i) Commercial uses shall have direct but limited access to Highway No. 33 and shall require review and approval by Council in consultation with the Ministry of Transportation. Alternatively, secondary access locations may be permitted to collectors and local roads subject to review and approval by Council.
- b) Two sites have been set aside for local commercial uses. One is at the south west corner of County Road No. 7 and Loyalist Boulevard and the second is at the north east corner of County Road No. 7 and the extension of Loyalist Boulevard easterly into Windermere Estates.

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

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

4.6.5.5 Commercial Specific Policy Areas

4.6.5.5.1 Odessa Specific Commercial Policy Area One (1)

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

4.6.5.6 Implementation

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

4.6.6 Fringe Area

4.6.6.1 General Principles

Loyalist Township contains significant blocks of land strategically located and in

the logical path of full municipal services extension. These are placed within the Fringe Area designation. Within this designation, such as along the Loyalist Parkway, municipal water has been extended to clear up water supply concerns for existing residential development which arose because of past development practices. These areas are in the path of logical long term extension of existing and designated urban development within the urban area shown on Schedule 'A'.

Existing development areas within the urban area are continuing to expand. It is important to ensure that the long term expansion of the existing urban area is:

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

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

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

4.6.6.2 Permitted Uses

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

4.6.6.3 Policies

- a) No urban development shall be permitted until Council has prepared a Secondary Plan in accordance with the provisions of Part 5 of this Plan and incorporated the Secondary Plan into this Plan by amendment.

- b) The Township's existing residential development is recognized. Infilling may be permitted provided that:
 - i) such development does not prejudice the efficient, cost effective future urban development of the lands or surrounding area,
 - ii) the lands are not required for future access to the rear of existing lands fronting on a public road,
 - iii) there is sufficient space on the lot for an additional Class IV system should the first system fail, and
 - iv) the lot has have sufficient frontage so that when municipal water and sanitary sewers are both extended along the frontage of the lot, the lot can be split to accommodate a second lot based on municipal water and sanitary sewers.

- c) Should lands within the Fringe Area be required for development within the 20 years horizon of this Plan, prior to development in the Fringe Area, the Township will require a study which analyzes the items in Part 5 of this Plan. This will include:
 - i) the physical ability to service the area with municipal water, sanitary sewers, and other municipal services to meet growth needs for a period of up to twenty (20) years;
 - ii) the provision of land for industrial, commercial, residential, recreational, open space, and institutional uses to meet growth needs for a period of up to twenty (20) years;
 - iii) the provision of an appropriate range and mix of housing;
 - iv) the need for the proposed development in light of the overall growth expectations and servicing strategy of the Township;
 - v) a phasing strategy;
 - vi) outline of appropriate policies for the proposed uses;
 - vii) available, uncommitted reserve capacities for water and sanitary sewer services.

4.6.6.4 Implementation

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

4.6.7 Urban Design

4.6.7.1 General Principles

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

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

4.6.7.2 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; 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 pedestrian ways such as sidewalks and walkways.
- n) To consider the use of alternative engineering and road design standards as may be deemed appropriate by Council.
- o) To protect environmental features within the urban areas while integrating them into the community landscape.
- p) Design public utilities, such as stormwater management ponds, so that they enhance the visual character of a neighbourhood.

4.6.7.3 Implementation

Urban design guidelines will be implemented by:

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

4.7 RURAL SETTLEMENT AREAS

The rural settlement area provides for an alternative lifestyle for people who prefer to live on larger land parcels in a non-urban environment or where the form of development is likely to require location outside a serviced area. Rural settlement areas include hamlets, shoreline residential, and resort commercial uses.

4.7.1 Resort Commercial

4.7.1.1 General Principles

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

4.7.1.2 Permitted Uses

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

4.7.1.3 Policies

- a) New resort commercial uses will be allowed by way of amendment to this Plan.
- b) Such uses are encouraged to locate in groups and where adequate access to a public road is readily available.
- c) Proposals for Resort Commercial development on Amherst Island will be reviewed in light of the ferry capacity and will only be approved where

Council is satisfied with the capacity or improvements to capacity in order to facilitate the proposed development.

- d) Applications for Resort Commercial uses within the urban area are to be serviced by municipal piped water supply and sanitary sewage collection system. Proposals outside the urban area are to be on private services and will require supporting studies, prepared by a professional qualified in the field, which assess the suitability of the site to provide adequate amounts of potable water and waste disposal, management of stormwater, and demonstrate the impact can be sustained on a long term basis. A site plan containing the road layout, lot sizes, recreational facilities, and any other information the Township deems necessary is to be included with the application for amendment to this Plan.
- e) An agreement with the municipality will be required for such items as road maintenance, garbage collection, drainage and grading, or other appropriate matters of concern to the Township.
- f) Resort Commercial uses, apart from uses such as motels and travel plazas, should be water oriented or in scenic areas.
- g) The development should be sensitive to the preservation of trees, marshes, and other significant features of the site.
- h) Resort Commercial development should not be in areas where it will conflict with existing farming operations. Areas to be designated as Resort Commercial shall comply with the Minimum Distance Separation Formulae.
- i) Minimum lot area outside the urban area as shown in Schedule 'A' is 0.8 hectares. The required lot area shall not include hazardous areas (ie. lands subject to flooding, steep and/or unstable slopes, or any other physical hazard which renders the site unsuitable for development). Greater lot areas may be required where soil and groundwater conditions warrant.
- j) Council will give consideration to retaining or obtaining public access to the waterfront.

4.7.1.4 Implementation

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

4.7.1.5 Resort Commercial Specific Policy Area One (1)

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

4.7.1.5.1 Permitted Uses

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

4.7.1.5.2 Policies

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

(OPA No. 6)

4.7.2 Hamlet Areas

4.7.2.1 Hamlet General Principles

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

number and scale.

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

4.7.2.2 Permitted Uses

Low density residential uses, apartments above the first floor of a retail commercial use, day nurseries, commercial and industrial uses which serve the residents of the hamlet and the surrounding rural area, home occupations, bed and breakfast establishments, public and private parks, institutions and community facilities such as schools and churches, assembly halls, and municipal works garage are permitted.

4.7.2.3 General Development Policies

- a) Hamlet growth and density shall be based on the capability of the soil and groundwater to support individual wells and sewage disposal systems.
- b) In evaluating development in hamlets, the Township will require that detailed soil, groundwater, and drainage studies be submitted by the prospective developer to ensure an acceptable quantity and quality of water, suitable soils for sewage disposal, and satisfactory management of surface runoff. Such studies should include the likely impact of proposed development on existing water supplies.
- c) Density of development will be based on soil and groundwater capability and compatibility of the proposed development with the existing character of the community. New lots will be required to have a minimum lot area of 0.5 hectares. The minimum lot area shall be outside hazardous areas (ie. lands subject to flooding, steep and/or unstable slopes or other physical hazard which renders the site unsuitable for development). Larger lots may be required where studies submitted in support of an application indicate the need for such larger lot sizes.
- d) All private water supply and waste disposal systems must conform to the standard and regulations of the appropriate approval authority.
- e) New development based on partial services (a single service such as piped water or sanitary collection system) will not be permitted. Should such systems be required, prior to development occurring on such

systems a secondary plan in accordance with the policies of this Plan, will be required and is to be incorporated into this Plan by way of amendment.

- f) Commercial and industrial uses permitted in Hamlets are those considered compatible with the existing and planned residential function and do not require large amounts of water. The separation of commercial and residential uses and buffering required will depend on the uses involved.

4.7.2.4 Policies for Residential Uses

- a) Residential activity is encouraged in depth rather than in strips along existing roads. Provision shall be made for access roads from existing roads to allow future development to take place beyond existing built-up areas.
- b) Severances in hamlets shall comply with the Consent Policies contained in Part 5 of this Plan.
- c) Residential development should occur primarily by plan of subdivision.

4.7.2.5 Commercial and Industrial Uses in Hamlets

- a) Commercial uses permitted are those which provide for the sale of goods and personal services which serve the residents of the Hamlet, the surrounding rural area, and the traveling public. These uses may include retail shops, automobile service stations, places of entertainment, hotels/motels, eating establishments, offices, studios, and accessory residential uses.
- b) Service industrial uses which are not obnoxious or detrimental to the residential environment of the hamlets and which are considered dry industries will be permitted.
- c) Commercial and industrial uses are encouraged to locate in areas which are not predominantly residential or in the logical path of future residential development. Such uses will be encouraged to locate adjacent to existing commercial and industrial uses or where their adverse effects on surrounding uses will be minimized.
- d) One residential unit may be permitted as an accessory use in connection with a commercial or industrial use.
- e) New buildings are encouraged to locate at a setback compatible with

surrounding development to ensure that buildings are located in a visually close, traditional relationship with the roadway.

- f) Parking is encouraged behind or beside buildings to screen the parking lot from the roadway.
- g) Appropriate lighting and signing shall be used.
- h) Buffering shall be provided where a commercial or industrial use abuts a sensitive use.

4.7.2.6 Implementation

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

4.7.3 Estate Residential

4.7.3.1 General Principles

Estate residential is a very low density form of development based on individual drilled wells and individual subsurface sewage disposal systems. Estate development has been significant in the adjoining municipality to the east. Although a limited amount of such development occurred in Loyalist Township, it is expected that the Township will see more estate proposals as fewer areas close to the City of Kingston are available.

Estate development should be located in areas of natural physical attributes so as to result in an exclusive residential community and be removed from areas in the logical path of future urban forms of development whether residential, commercial, or industrial.

4.7.3.2 Permitted Uses

Uses permitted in areas designated Estate Residential are single detached dwellings, home occupations, bed and breakfast establishments, and private and public recreation facilities.

4.7.3.3 Policies

- a) Estate development will be directed to sites where residential structures will blend with the landscape. Such development is encouraged to locate in areas possessing substantial physical attributes such as rolling topography, tree cover or water. Site development is to ensure that tree

cover and the unique qualities of the landscape are preserved.

- b) Estate development shall be limited in scale so as not to detract from the rural character of the landscape by becoming a visually dominant element in the rural landscape.
- c) Estate development shall not be located in the path of future urban and hamlet development. With the exception of Amherst Island, the minimum distance separation to such designations as shown on Schedule A, is two (2) kilometres unless such development is located north of Highway No. 401, and shall not be located in Concession I of the former Township of Ernestown as it existed on December 31st, 1997.
- d) Estate development shall only be permitted by registered plan of subdivision.
- e) Access to the majority of lots should be from local roads constructed to municipal standards. The development should have direct access to a paved public road maintained year round. Alternatively, the developer must be prepared to rebuild and/or resurface the connecting road at his cost to the satisfaction of the Township.
- f) The minimum lot area shall be 0.8 hectares and the minimum lot frontage shall be 61 metres. The lot area of 0.8 hectares of land shall be located outside hazardous areas (ie. lands subject to flooding, steep and/or unstable slopes or other physical hazard which renders the site unsuitable for development). Greater lot areas may be required where soil and ground water conditions warrant.
- g) The site should be served by existing school bus routes.
- h) Estate residential uses shall comply with the Minimum Distance Separation Formulae.
- i) Estate proposals shall be accompanied by a hydrogeological assessment and terrain analysis report indicating the suitability of the site for development based on the ability of the land to provide onsite quantity and quality of potable water and sewage disposal facilities acceptable to the appropriate authority. Such report shall be prepared by a professional qualified in the field of expertise and shall comply with applicable legislation, regulations, policies, and guidelines.
- j) In keeping with the character of an approved estate residential development, further subdivision of the property into smaller parcels shall

not be permitted.

- k) Estate residential development shall address the management of stormwater runoff as outlined in Part 5 of this Plan.
- l) An estate residential subdivision may only be developed where there is confirmation of sufficient reserve sewage system capacity to treat the septage (hauled sewage) from the development pursuant to Section 7.2.5a.

(OPA No. 19)

4.7.3.5 Implementation

Estate residential development will be placed in a separate category in the implementing Zoning By-law.

4.7.3.5 Estate Residential Specific Policy Area One: Nicholson's Point, Lots 30 to 32 of Broken Front Concession

Lands on Nicholson's Point designated Estate Residential may be developed on the following basis:

- a municipal piped water supply and communal sewage system; or
- individual wells and subsurface sewage disposal systems.

4.7.4 Shoreline Residential

4.7.4.1 General Principles

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

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

4.7.4.2 Permitted Uses

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

4.7.4.3 Policies

- a) Development is to take place on individual services, that is, wells and subsurface sewage disposal systems.
- b) development is encouraged to take place by registered plan of subdivision.
- c) All new lots shall have direct frontage on a publicly maintained road.
- d) Density of development will be based on soil and groundwater capability. New lots will require a minimum area of 0.5 hectares. Such lot area shall be located outside hazardous areas (ie. lands subject to flooding, steep and/or unstable slopes or other physical hazards which render the site unsuitable for development). Larger lots may be required where soil and groundwater conditions warrant.
- e) Plans of subdivision shall be accompanied by a hydrogeological assessment and terrain analysis report indicating the suitability of the site for development based on the ability of the land to provide onsite quantity and quality of potable water and sewage disposal facilities acceptable to the appropriate authority. Such report shall be prepared by a professional qualified in the field of expertise and shall comply with applicable legislation, regulations, policies, and guidelines.
- f) Wherever possible, provisions will be made for public waterfront access.
- g) New buildings or structures are to be setback from the high water mark. Buildings, structures, and uses requiring proximity to water, such as docks, boat houses, or similar accessory uses are to be developed in accordance with Section 5.4.6 of this Plan.
- h) Access to existing roads shall comply with the standards of the appropriate road authority.
- i) Pressures for conversion of seasonal uses to year round residential uses is likely to continue. Conversion from seasonal to year round residential must meet the following criteria:

- i) the lot size and frontage are suitable for a Class IV sewage disposal system and water supply systems in compliance with the requirement of the appropriate approval authority;
- ii) there is suitable development area outside areas designated in an environmental category;
- iii) an adequate source of potable water is available;
- iv) the converted dwelling unit conforms with local by-laws and the Ontario Building Code;
- v) the conversion will not result, singly or in conjunction with other uses, in demands for services which are not economic or feasible to provide, improve, or maintain;
- vi) the properties being converted are rezoned from a seasonal category to another appropriate category;
- vii) conversion should be permitted only along public roads maintained year round by the Township, or alternatively;
- viii) steps to be taken on the method for bringing roads up to Township standards; and
- ix) a Certificate of Compliance is obtained from Loyalist Township.

4.7.4.4 Implementation

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

4.7.4.5 Shoreline Residential Specific Policy Area One (1)

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

- a) The minimum lot area shall be 0.4 hectares; and
- b) Development should take place only by registered plan of subdivision which shall provide for the following:
 - i) an easement over the lands between Lake Ontario and Highway No. 33, for the purpose of accommodating a watermain to serve

industrial establishments immediately north of Highway No. 33 opposite these lands. Such watermain may be located within any internal street allowance in a plan of subdivision and the installation shall be completed in accordance with the policies of Part 7 of this Plan; and

(MMAH Modification No. 1 April 12, 2001)

- ii) access to and/or frontage upon an internal street allowance for any existing summer cottage or permanent residence within the subject lands.

4.7.4.6 Shoreline Residential Specific Policy Area Two (2) - Amherst Island Ward

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

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

1. For existing lots of record (as defined in Section 8.21.10 of the Official Plan), MDS I shall be applied on an existing housing capacity basis only; and
2. For new lot creation and zoning by-law amendment situations, MDSI will be applied in its entirety.

(OPA No. 4)

4.7.4.7 Shoreline Residential Specific Policy Area Three (3)

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

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

4.8 OPEN SPACE

4.8.1 General Principles

The Open Space areas on Schedules A to E constitute a composite and functionally interrelated land use system which includes public parks, private open space, landscaped or natural reserves, trail systems, and lands which are a logical extension to environmental protection areas. The Open Space designation also comprises all of the Brother's Islands, Salmon Island, and Grape Island. The Township's Open Space areas are intended for the benefit and enjoyment of the community, for their significant contribution to the "quality of life" of the urban place, and to the availability of and potential for recreational activities. The Open Space system complements residential development.

4.8.2 Permitted Uses

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

4.8.3 Policies

- a) In the long term, it is intended that open space areas will form an interconnected system of green space, wherever possible. Consequently, it is the intent of this Plan to:
 - i) promote the establishment of an integrated system of areas and corridors across the Township for recreational and open space functions;
 - ii) promote the establishment and development of the waterfront trail;
 - iii) protect and, where feasible, improve areas within, along, and adjacent to significant waterbodies and watercourses; and
 - iv) improve accessibility to publicly owned waterfront lands and to those other lands where public access is permitted.
- b) Only those buildings and structures incidental to the principal permitted recreational uses shall be allowed in Open Space areas.
- c) Recreational projects whether designed for public or private use, shall provide adequate vehicle parking areas and access points and be designed in such a manner as

to provide for safe movement of vehicular and pedestrian traffic.

- d) When reviewing proposals for recreational uses, regard shall be had for the compatibility of recreational uses with adjacent land uses. Where necessary, such facilities shall be designed in such a manner so as to provide an adequate buffer so as to ensure that any adverse effects associated with such uses are minimized.
- e) Where lands designated as Open Space are held under private ownership, it is not intended that such lands are necessarily free and open to the public nor that there is unrestricted public access to the area. Control of access is at the discretion of the owners. Only where the land is acquired by a public authority will general access be permitted, and only then, in accordance with the policies of the respective authority.
- f) Lands designated as Open Space that are held under private ownership will not necessarily be acquired by the Municipality or other public authority. Where a proposal is made to develop lands held under private ownership for an alternative use not permitted under this designation and the Municipality or other public agency do not wish to purchase such lands to retain the area for open space purposes, an application for the redesignation of the lands will be given due consideration by the Township after taking into consideration the intent and policies of this Plan.
- g) The Township will provide for parks in accordance with standards recommended in the Recreation Master Plan. Council recognizes that within built-up areas it may not be possible to attain the standards in the Recreation Master Plan. The standards are intended as a guide.
- h) Where possible, parkland for active recreational use should be located adjacent to elementary schools.
- i) Council, in cooperation with the Conservation Authority or other public authorities, will examine future locations for the development of conservation areas, trails, recreational areas, and may establish a land acquisition program.

4.8.4 Shoreline Areas

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.

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.

4.8.5 Trail Systems

The Loyalist Township encourages the establishment and use of trails, recognizing their value for recreation, tourism, fitness and alternative commuting.

The Waterfront Trail is a significant trail system intended to stretch along much of the waterfront areas of Southern Ontario. The Millhaven Creek Trail is intended to link Mud Lake and Odessa with the Waterfront Trail. The Amherst Island Trail is a hiking and cycling trail along the shoreline of the Island intended to provide public access to significant environmental features along the waterfront. The proposed trails cross both private and public lands and allow the public to enjoy the scenic beauty of various parts of the Township.

Trails will only cross the private lands of property owners who are willing to grant the Township a right-of-way for trail purposes. Trails will be planned and designed to avoid adverse effects on residents and the natural environment.

The trails are shown conceptually on Schedules C, D, E, and I. Additions to the trail system and changes in alignment of the proposed trails may be made without amendment to this plan.

This plan also endorses and promotes the system of trails in the Village of Bath, as shown in the *Bath Parks and Recreation Master Plan (1991)*.

When considering applications or development adjacent to or encompassing lands shown as the Waterfront, Millhaven or Amherst Island Trails, or including trails shown in the *Bath Parks and Recreation Master Plan (1991)*, the Township will encourage arrangements to have the route maintained and available for public use with the landowner's consent.

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

(OPA No. 19)

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

4.8.7 Division of Land and Open Space Acquisition

- a) Whenever the development or redevelopment of land for residential purposes occurs, the Township shall require the dedication of up to five percent (5%) of such lands to the Township for open space purposes. Alternatively, where a proposal exceeds 15 units per residential hectare of land, exclusive of Environmental Protection areas, the Township shall require the dedication of lands for recreational purposes at a rate of one hectare (2.5 acres) for each 300 dwelling units in accordance with the provisions of the Planning Act.
- b) For industrial or commercial developments, the parkland dedication shall be up to two percent (2%) of the land proposed for development.
- c) All lands dedicated to the Township for recreational purposes shall be located to the satisfaction of, and conveyed in a physical condition acceptable to the Township. In the approval of a plan of subdivision or condominium, the proponent will be required to prepare a plan of the parkland area showing the nature, size and location of facilities, landscape amenities, proposed grading and site drainage, and a cost estimate of the works. Upon approval of the above plan by the Township, the proponent shall prepare the necessary construction drawings for incorporation into the subdivision or site plan agreement. It is a policy of Council that the development proponent is responsible for the cost of constructing such works.
- d) Instead of accepting a land dedication, the Township may request cash-in-lieu of such lands. The valuation of land and the use of such monies shall be in accordance with the applicable provisions of the Planning Act.
- e) In considering land severance applications, the Township will require the conveyance of lands for open space or recreational purposes or accept cash-in-lieu of the land dedication.

4.8.8 Implementation

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

4.9 WASTE MANAGEMENT

4.9.1 General Principles

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

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

(OPA No. 19)

4.9.2 Uses Permitted

The uses permitted shall be limited to licensed municipally or privately operated waste disposal or management sites and may include transfer stations, waste processing facilities, landfill sites, salvage yards, sewage treatment plants, hauled sewage or sewage disposal sites and sewage lagoons. The types of wastes permitted shall be limited to municipal wastes and controlled wastes as defined by the Ministry of the Environment and Energy. The waste disposal site shall not be used for the storage or disposal of nuclear or toxic waste.

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

4.9.3 General Policies

- a) Council supports the principles of reduction, re-use and recycling as part of its waste management strategy.
- b) Council supports efforts to establish adequate waste management facilities to provide for future Township needs. To this end, Council will continue to monitor the operation of the Violet site and develop strategies to extend the projected duration of that landfill site. Should a new site become necessary, the Township will explore the establishment of a new waste disposal site either on its own or in conjunction with other area municipalities or the County or seek private landfill facilities as approved by the Ministry of Environment.
- c) An amendment to the Official Plan and implementing Zoning By-law shall be required for the establishment or expansion of waste management or disposal sites. Waste disposal or management sites shall be subject to the approval of the Ministry of the Environment and shall conform to the requirements of the Environmental Protection Act and/or the Environmental Assessment Act. Prior to the approval of any Official Plan or Zoning By-law amendments, in consultation with the appropriate approval authority, studies shall be prepared which demonstrate to the satisfaction of Council or any approval agency that:

- i) a need exists for the proposed use;
 - ii) the site is physically suited to the proposed use particularly with regard to topography, relief, land forms, soils, surface, and groundwater characteristics. Hydrology and hydrogeology studies shall be prepared which demonstrate the impact of the proposed operation on ground and surface water;
 - iii) the proposed operation is compatible with adjacent land uses or land use designations;
 - iv) adequate buffering will be provided;
 - v) site access is acceptable to the road authority having jurisdiction and road systems are adequate to serve the site;
 - vi) the site is large enough to accommodate the proposed use and any mitigative measure necessary;
 - vii) studies of gas, leachate, and other such studies as may be deemed necessary are provided; and
 - viii) all studies submitted with an application shall be carried out by a professional qualified in the appropriate field of investigation.
- d) When considering amendments to this Plan and to the implementing Zoning By-law to permit the establishment of new waste management sites or the expansion of an existing operation, Council shall ensure that the site is not closer than:
- 100 metres to a property boundary;
 - 100 metres from a road allowance;
 - 500 metres from an existing sensitive land use;
 - 150 metres from a commercial use; and
 - 150 metres from surface water (ie. lakes, creeks, streams, or rivers).

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

- e) This Plan recognizes the concept of an influence area surrounding waste management uses in order to protect affected land uses from proposed or existing waste management uses from encroachment by incompatible uses. 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 guidelines and Section

4.9.3.1 of this Plan.

- f) No building permits should be issued for development of existing vacant lots of record within the 500 metre influence area of an active or closed waste management facility unless studies are submitted and approved by the approval authority to show there will be no adverse impact on the lot proposed to be developed and the waste disposal site identified on Schedules 'A' and 'B' to this Plan. In the case of sewage treatment plants or lagoons the actual separation distance will be established in accordance with Ministry of Environment guidelines specifying separation distances from sensitive land uses without the need to amend this Plan.
- g) Waste Management sites shall be closed and rehabilitated in accordance with the standards established by the Ministry of the Environment to uses compatible with the area in which the site is located.
- h) No uses except those approved by the Ministry of the Environment and Council shall be permitted on rehabilitated waste disposal sites until after the passage of a period of time considered appropriate by the Ministry of the Environment.
- i) Council will work with the Ministry of the Environment to identify and then designate closed waste management or disposal sites on Schedule 'A' to this Plan.
- j) No use shall be made of land formerly used as a landfill site within a period of 25 years from the year in which the landfill ceased to be used, unless the approval of the Ministry of Environment has been given for the proposed use.

4.9.3.1 Waste Management Site - Sewage Treatment Facilities

The active waste disposal sites located in:

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

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

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

(OPA No. 19)

4.9.4 Salvage (Wrecking) Yards

4.9.4.1 Existing Salvage Yards

Existing salvage yards shall:

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

4.9.4.2 New Salvage Yards

- a) If a proposal is received to create a new salvage yard, Council will ensure that, as part of the evaluation of the request, the following minimum requirements are met:
 - an amendment to the Official Plan and Zoning By-law is processed;
 - not be located within 300 metres of any sensitive receptor;
 - be located a sufficient distance from a waterbody so as not to cause or contribute to the pollution of the waterbody;
 - be located a sufficient distance from an aquifer discharge or recharge area so that pollution to the groundwater does not occur.
 - be adequately buffered on all sides either naturally or by artificial means in order that no portion of the operation including the storage area, may be seen from a public road; and
 - carry on all operations within the salvage yard in compliance with requirements of provincial legislation and regulations.
- b) The operations of salvage yards should be regulated through a comprehensive Municipal salvage yard by-law.

4.9.5 Implementation

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

PART 5

GENERAL DEVELOPMENT POLICIES

5.1 INTRODUCTION

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

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

5.2 ADVERSE IMPACTS

5.2.1 Buffering and Conflicting Uses

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

(OPA No. 19)

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

- d) The Ministry of Environment guidelines and procedures respecting land use

compatibility and separation distances will be used as a guide in the evaluation and approval of development proposals.

- e) Open storage areas will be subject to appropriate landscaping and screening to ensure they do not detract from the visual amenity along provincial highways, visual amenity of sensitive land uses such as residential areas or areas of visual attraction such as the Loyalist Parkway.

5.2.2 Decommissioning of Sites

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

5.2.2.1 Re-Use of Potentially Contaminated Sites

- a) Potentially contaminated sites include lands where contaminants may be Sources of site contamination can include disposal of waste materials, raw present due to previous industrial, transportation, utility, or similar uses. material storage, residues left in containers, maintenance activities, and spills. Some commercial uses such as gasoline stations and automotive repair garages have a similar potential.
- b) Mapping showing contaminated sites was not available at the time of drafting of this Plan. Where there is evidence that development is being proposed on lands that may be contaminated, council shall require that an appropriate study be prepared in accordance with Provincial guidelines for the decommissioning and clean-up of the contaminated site, and submitted along with the development application.
- c) Where the study produces reasonable evidence to suggest the presence of site contamination, the proponent may be required to undertake further appropriate technical studies as part of the development review process in order to:
 - identify the nature and extent of contamination,
 - determine potential human health and safety concerns as well as effects on ecological health and the natural environment,
 - demonstrate that the site can be rehabilitated to meet provincial standards, and
 - establish procedures for site rehabilitation and mitigation of the contamination in accordance with the Ministry of Environment Guidelines for the Decommissioning and Clean-up of Sites in Ontario.
- d) Upon completion of the study identified above, the proponent will be required to restore the site and to make it suitable for the use proposed prior

to development.

- e) The site is to be decommissioned or cleaned up to the satisfaction of the municipality and in accordance with Ministry of the Environment guidelines, and subject of the submission to the municipality of a Ministry of the Environment acknowledged “Record of Site Condition”.

5.2.3 Noise and Vibration

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

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

5.3 DIVISION OF LAND

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

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

5.3.1 Plans of Subdivision

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

- a) Council will consider the information as specified in Section 51(24) of the Planning Act. Where deemed appropriate, additional information may be required.
- b) Council will approve only those plans which conform with this Plan.
- c) Council will hold a public meeting prior to conditional approval of a plan of subdivision.
- d) Prior to final approval of a plan of subdivision, the Township will enter into a subdivision agreement with the developer whereby such internal and external services, as appropriate, will be provided by the developer in accordance with the specifications and financial securities contained in the agreement.
- e) As a general rule, a registered plan created for residential purposes will not be further subdivided so as to increase the number of lots unless further division is in keeping with the intent of this Plan, and is compatible with general development of the area.
- f) Development, when on private services or communal services, will require the submission of a detailed servicing options study and/or hydrogeological and terrain analysis report which addresses the ability of the site to sustain development on the basis of those services. The developer shall be responsible for the installation of a communal system to the approval requirements of the municipality and other approval authorities. Communal systems are subject to the ownership and responsibility requirements of the Ministry of the Environment.
- g) When a plan of subdivision is proposed for property bordering a waterbody, the Township may require that the five percent (5%) parkland dedication permitted under the Planning Act be comprised of land abutting the waterbody.

5.3.1.1 Preliminary Engineering Studies

As a part of the review and conditional approval of a plan of subdivision, preliminary engineering information or studies may be required to ensure an orderly and logical sequence of development. Prior to conditional approvals and Zoning By-law amendments, Council may require the submission of engineering

studies to address:

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

(OPA No. 19)

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

5.3.2 Deeming of Plans of Subdivision

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

5.3.3 Part Lot Control

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

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

5.3.4 Condominiums

Development proposals submitted for approval under the Condominium Act, and which are in conformity with the policies and land use designations of this Plan, may be recommended

for approval. Information required to evaluate a proposal must be supplied by the development proponent. The municipality may require the signing of a site plan and/or development agreement.

5.3.5 Consents

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

5.3.5.1 Applications

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

5.3.5.2 Consent Policies

- a) Consents will be considered if required for technical or legal reasons such as boundary adjustments, easements, rights-of-way or other purposes that do not create a new lot.
- b) Consents should have the effect of "infilling" in existing developed areas, or result in the rounding out of developed areas, and not of unduly extending development areas.
- c) The number of new lots created by consent shall be restricted to two (2) per lot as it existed as of November 5, 1991 for the former Township of Amherst Island, January 27, 1986 for the former Township of Ernestown, and July 8, 1991 for the former Village of Bath. Notwithstanding the foregoing, more than two (2) lots may be permitted in exceptional circumstances such as an urban setting where a road extension is not required and servicing is already in place, or where infilling policies can be met.

(OPA No. 19)

- d) Consents shall not be granted where the effect is to create strip development or have the effect of extending strip development and thereby hindering the development of the rear of the property.
- e) Severances should not be considered on large multi parceled reference plans or on lands which are subject to a subdivision application.
- f) Consents should not be considered where the extension of a road or other public service or facility is required and considered uneconomic to provide.

- g) Minimum lot area requirements shall comply with the appropriate land use policies in Part 4 of this Plan.
- h) Consents for development on private services will be considered only:
- where favourable comments have been received from the appropriate agency regarding the ability of the site to support adequate onsite sewage disposal facilities: and
 - where there is confirmation of sufficient reserve sewage system capacity to treat the septage (hauled sewage) from the new lot pursuant to Section 7.2.5a
 - a well is established and pump tested to confirm there is sufficient quantity and quality of potable water available which meets the health and aesthetic parameters of the Ministry of Environment's Drinking Water Objectives as a condition to approval;
 - Dug and blasted wells are discouraged, and should only be considered where a drilled well is not feasible.

(OPA No. 19)

- i) Consents must comply with the minimum distance separation formulae.
- j) Consents shall not be considered in areas which are not suitable for the proposed use because of flooding, erosion, steep slopes or other hazardous conditions, or in areas of significant environmental features or environmental sensitivity.
- k) Consents shall be considered only where the land fronts on an existing public road which is maintained year round.
- l) Consents will not be permitted where the entrances would create a drainage problem or traffic hazard due to limited sight lines, grades or proximity to intersections. A report from the governing road authority will be sought.
- m) Direct access from Township, County, and Provincial roads shall be in accordance with the written recommendation and requirements of the appropriate road authority.
- n) Consents which would result in landlocking a parcel will not be considered.
- o) Consents within 500 metres of an active or closed waste management site, 300 metres of a salvage yard, or distances specified in Section 4.9.3.1 of this Plan with respect to sewage treatment facilities, should be prohibited.
- p) Consents within or adjacent areas designated as aggregate or aggregate reserve overlay shall comply with the influence area policies of Section 4.3.3.6 of this Plan.

- q) Approval of a severance may be subject to such conditions as are appropriate and authorized under the Planning Act or other applicable statutes, including:
- the provision for entering into an agreement with the municipality to address such matters as internal and external services;
 - financial matters;
 - dedication of land for park purposes and/or cash-in-lieu; and
 - requirement for rezoning or minor variance.
 - land dedications to establish road widenings and road alignments with new sections of roads shall be provided for as a condition of development proposals as authorized by the Planning Act.

5.4 ENVIRONMENTAL MANAGEMENT

5.4.1 Subwatershed Planning

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

- a) the need to prepare a subwatershed plan for any given area should be determined following consultation with the Conservation Authority, and provincial agencies;
- b) terms of reference for a subwatershed plan should be determined in consultation with the Conservation Authority, and Provincial agencies;
- c) a public consultation process will occur;
- d) subwatershed plans for undeveloped areas should have regard to the portion of the affected watershed that has already been developed or committed for development through this Plan;
- e) environmental designations will be updated as new information becomes available;
- f) the quality of stormwater runoff from development shall comply with the water quality standards of approval agencies having jurisdiction.

5.4.2 The Bay of Quinte Remedial Action Plan (QRAP)

The Bay of Quinte has been identified by the International Joint Commission as a Great Lake area of concern. The Bay of Quinte extends from the Murray Canal to the eastern limits of Adolphus and Long Reach. The Bay of Quinte water quality impairment is related to four (4) problems: eutrophication; bacteriological contamination; persistent toxic contaminants;

and destruction of fish and wildlife habitats. Wilton Creek, Spring Creek, and Little Creek, which flow through Loyalist Township eventually lead to the Bay of Quinte.

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

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

5.4.3 Stormwater Management

Development proposals are to be accompanied by stormwater management plans where required by the Township and/or Conservation Authority.

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, and rural areas subject to site plan control with a land area greater than one (1) hectare, must provide for stormwater management. Consent applications may not require this condition if the 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 of stormwater management in accordance with the standards of the municipality, Conservation Authorities, and provincial agencies;
- b) developments minimize, as required by the approval agency:

- nutrient enrichment,
 - bacteriological contamination,
 - toxic contamination,
 - sediment and phosphorous loading, and
 - changes in flood levels and base flows in waterbodies;
- c) stormwater management reports be prepared by a professional qualified in the field and be submitted with plans of subdivision prior to draft approval; and
- d) development proponents submit a drainage and grading plan where deemed appropriate by the municipality and/or Conservation Authority.
- e) 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.

5.4.4 Flood Plain Mapping

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

5.4.5 Flood and Erosion Prone Lands - Additions or Reconstruction

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.

Where this is not practical, 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 below the one hundred year flood level will require the approval of the Conservation Authority and other appropriate approval authorities, and will require appropriate flood mitigation measures.
- b) Minor additions to existing 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.

5.4.6 Development Adjacent to Water Bodies

Development adjacent to waterbodies shall be guided by the following:

- a) Shoreline areas will be protected from insensitive development that may have the effect of removing natural vegetation, disturbing the existing soil mantle and impairing water quality in the adjacent waterbody.
- b) The Conservation Authority and appropriate public agencies are to be consulted on all development proposals affecting shoreline areas.
- c) Development should be creatively designed to enhance and protect the sensitive nature of shoreline resources, avoiding the crowding of buildings, the removal of vegetation and the pollution of ground and surface waters.
- d) New buildings or structures 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. The fifteen (15) metre setback may be altered in consultation with the Conservation Authority.
- e) The construction and components associated with subsurface disposal systems shall have the same setback requirements as new buildings and structures. Where a new septic system is required to replace a substandard or malfunctioning system, and where there is no other location on the property (as assessed by the appropriate approval authority), the replacement construction may be less than 30 metres, but should not be less than 15 metres from the high water mark and, wherever feasible, above the flood line elevation where one has been defined by the Conservation Authority.
- f) Subject to the approval of the appropriate agency, those buildings, structures, and uses requiring proximity to water, such as docks, boat houses or similar accessory uses, may be located within the 30 metre setback from the high water mark of the waterbody and within the 15 metre floodline setback as defined by the Conservation Authority.
- g) A natural vegetative buffer strip of 15 metres should be maintained adjacent to the water's edge to filter pollutants from runoff. Within this buffer area, clear cutting of

trees is not permitted.

- h) Land covered by water and forming the bed of a waterbody should be left in an undisturbed condition. No dredging, filling or alteration of the shoreline of any waterbody, or lands covered by water, shall be permitted without the approval of the appropriate federal or provincial ministry and/or the Conservation Authority.
- i) The Township will attempt to acquire and maintain public access to waterbodies.
- j) As areas adjacent to selected water bodies have the potential for the identification of significant archeological resources, the need for archeological assessment by a licenced archeologist will be considered as part of the development process.

5.4.7 Forestry

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

5.4.7.1 Policies

- a) Due to the shallowness of soils, many areas of the Township are unsuitable for agriculture. Because of the benefits identified above, landowners are encouraged to enter into management agreements with the appropriate ministry and/or Conservation Authority to facilitate the reforestation of idle lands.
- b) Council encourages the appropriate public agencies to develop and more widely promote reforestation programs to facilitate the achievement of environmental goals such as erosion control, land reclamation, and water recharge.
- c) Council encourages public and private landholders to maintain the forested appearance of the landscape.
- d) Council encourages forestry as an interim activity within areas suitable for Aggregate uses and as an end use when the resource extraction has been completed.
- e) Council endorses the protection and development of treed areas along waterbodies and lands designated in an Environmental category on the Land Use Schedules through the planting of trees native to the area and the provision of development setbacks from waterbodies and land designated in an Environmental category.

- f) Development should be carried out in a manner that encourages the protection and management of woodlands. Development applications affecting significant woodlands as identified by the Conservation Authority should:
 - i) be accompanied by a strategy maximizing the woodland areas to be protected;
 - ii) identify planning and economic construction measures which may be used in the retention of existing wooded areas;
 - iii) identify potential tree planting to mitigate losses; and
 - iv) identify, and wherever practical, protect hedgerows along lot lines.

5.4.8 Tree Planting

Council recognizes the benefits which accrue from tree planting and landscaping associated with new and existing development. This is reflected in the Urban Design Policies of this Plan. Council also recognizes the aesthetic and environmental benefits that tree planting and landscaping can provide to the existing urban community. Accordingly, it is the intention of this Plan that Council develop tree planting policies and landscaping standards.

5.4.8.1 Policies

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

5.4.9 Soil Preservation

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

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

5.5 HERITAGE

Loyalist Township has a long documented heritage dating back to the Native (aboriginal) settlements as evidenced by archaeological artifacts found in the area of Parrott's Bay. By comparison European settlement has a relatively short history dating back to the United Empire Loyalists. The recognition of historical elements is important as they are representative of the Township's heritage and historical activities and events.

Historical elements may include old farmsteads and buildings recognized as being of historical and/or architectural merit and there is one heritage district located in the former Village of Bath which is shown on Schedule 'H'.

There are also archaeological sites scattered across the Township. Their identification and study should be contemplated before development threatens their integrity.

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

5.5.1 Policies

- a) Council recognizes that there is a possible link between heritage resources and economic development, particularly tourism.
- b) Pursuant to the Ontario Heritage Act, Council will continue with a Municipal Heritage Committee.
(OPA No. 19)
- c) Council may designate individual properties, either on its own initiative or on the recommendation of Municipal Heritage Committee, as being of historic or architectural value or interest and may also examine areas within Loyalist Township for possible designation as a Heritage Conservation District (HCD).
(OPA No. 19)
- d) Council recognizes that there may be archaeological remnants which constitute valuable records of past human settlement. Council, in consultation with the Ministry of Culture, will, in areas deemed to have archaeological potential, require that an archaeological assessment and the mitigation of any adverse impacts to significant archaeological resources be completed prior to development. Such archaeological impact assessment and impact mitigation reports are:
(OPA No. 19)
 - i) to be undertaken by a professionally qualified archaeologist licenced under the Ontario Heritage Act; and
 - ii) to include implementation and impact mitigation measures which may form

part of a development agreement.

Criteria for determining areas of archaeological potential are based on provincial guidelines, as issued by the Ministry of Culture and amended from time to time, and include but are not limited to:

- Known archaeological sites within 250m
- Water source (primary, secondary, ancient) within 300m
- Elevated topography (e.g. knolls, drumlins, eskers, plateaux)
- Pockets of sandy soil in a clay or rocky area
- Unusual land formations (e.g. mounds, caverns, waterfalls)
- Resource-rich areas (concentrations of animal, vegetable or mineral resources)
- Non-aboriginal settlement (e.g. monuments, cemeteries)
- Historic transportation (e.g. road, rail, portage)
- Property protected under the *Ontario Heritage Act*
- Local knowledge
- Recent disturbance (extensive and intensive)

(OPA No. 19)

- e) Council will consult appropriate government agencies such as the Ministry of Citizenship, Culture, and Recreation, and the Ministry of Government Services when an identified human cemetery, marked or unmarked human burial is effected by land use development. The provisions under the Heritage Act and the Cemetery Act shall apply.

(OPA No. 19)

- f) Council may provide for measures which enhance public appreciation of the Township's heritage resources and public efforts at heritage conservation.
- g) Council may, in association with the Ministry of Citizenship, Culture and Recreation, participate in conserving resources of archaeological value pursuant to Part VI of the Ontario Heritage Act. Council may also adopt by-laws under Section 34(1) 3.3 of the Planning Act for prohibiting any land use activities on land that is the site of a significant archaeological resource.
- h) Council, as is feasible, will take measures to enhance, rehabilitate, restore, and maintain cultural heritage resources owned by the municipality.
- i) Council, where feasible and desirable, will consider incentives in exchange for preservation of significant cultural heritage resources. This may include permitting increased densities, density transfers, and other means considered appropriate in exchange for heritage resource conservation.
- j) When considering development applications for properties which include elements designated under Part IV of the Ontario Heritage Act, or which are located wholly or

in part within a Heritage Conservation District (designated under Part V of the Ontario Heritage Act), Council may require the preparation of a Heritage Impact Statement.

- k) Council may, by by-law, adopt terms of reference for Heritage Impact Statements.
- l) When reviewing applications for zoning amendments, site plan control approval, demolition control, consent, minor variance, or the provision of utilities affecting lands adjacent to a designated heritage resource, the Township will ensure that the proposal is compatible by:
 - i. Respecting the massing, profile and character of adjacent heritage buildings;
 - ii. Approximating the width of nearby heritage buildings when constructing new buildings facing the street;
 - iii. Approximating the established setback pattern on the street;
 - iv. Being physically oriented to the street in a similar fashion to existing heritage buildings;
 - v. Minimizing shadowing on adjacent heritage properties, particularly on landscaped open spaces and outdoor amenity areas;
 - vi. Having minimal impact on the heritage qualities of the street as a public place in heritage areas;
 - vii. Minimizing the loss of landscaped open space;
 - viii. Ensuring that parking facilities are compatibly integrated into heritage areas;
 - ix. Requiring local utility companies to place metering equipment, transformer boxes, power lines, conduit equipment boxes, and other utility equipment and devices in locations that do not detract from the visual character or architectural integrity of the heritage resource.

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

- 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
- c) those lands which comprise part of the heritage attributes (for example viewplanes, streetscapes) of a protected heritage property.

(OPA No. 19)

5.5.2 Heritage Master Plan

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

- built heritage resources;

- significant landscapes, vistas;
- areas of known archeological sites; and
- areas of archaeological potential.

Council recognizes the need for a Master Plan to provide an inventory, mapping, documentation of heritage resources, heritage conservation/promotion policies, heritage conservation guidelines, and other relevant recommendations and strategies for heritage conservation. It is recognized that not all elements of a Heritage Master Plan are appropriately addressed in this Plan.

5.5.3 Heritage Conservation Districts

- a) Pursuant to the Ontario Heritage Act, Council may, by by-law:
 - i) define the municipality, or any area or areas within the municipality as an area to be examined for designation as a Heritage Conservation District; and
 - ii) designate the municipality, or any areas within the municipality, as a Heritage Conservation District.

- b) An area may be examined as a potential Heritage Conservation District if it satisfies at least one of the following criteria:
 - i) it represents a group of architecturally significant buildings due to their craftsmanship, originality, style, or age (representative of a particular period);
 - ii) it is associated with past events or distinguished individuals;
 - iii) it is locally recognized as an area of special interest;
 - iv) it can be associated with a former way of life which is of significance to the Township;
 - v) it is an aesthetically pleasing environment that contributes positively to the texture of a particular area within the Township by means of offering diversity and interest within its contemporary setting; or
 - vi) it contains human-modified heritage features which collectively constitute a significant cultural landscape.

- c) Once an area has been chosen as a potential Heritage Conservation District, Council may undertake the necessary study for the preparation of a Heritage Conservation District Plan for the area selected. Such study will consider, but is not necessarily limited to the following:
 - land use;

- pedestrian and vehicular movement systems;
 - the condition and historical and/or architectural significance of individual buildings and sites;
 - ownership patterns;
 - the visual environment;
 - the socio-economic characteristics of the area as a whole;
 - physical condition of the properties;
 - current and proposed restoration improvements;
 - present and potential development proposals;
 - planning restrictions;
 - method of financing a proposed action; and
 - method of implementation.
- d) Once a Heritage Conservation District Plan has been prepared, Council may implement the Plan by passing an appropriate by-law under the Ontario Heritage Act.
- e) Should it be necessary for Council to amend the Zoning By-law under Section 34 of The Planning Act to implement the District Plan, Council will proceed with the appropriate amendments.

5.5.4 Loyalist Parkway - Provincial Highway No. 33

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.

5.6 HOUSING

This Plan encourages the provision of an adequate supply of affordable housing by type, tenure, 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 will be recognized through policies on Home Occupations.

5.6.1 Housing Supply and Affordability

- a) Council will:
 - i) endeavor to maintain a ten (10) year supply of residentially designated and developable land within the urban area;
 - ii) endeavor to maintain a three (3) year supply of draft approved and/or registered lots and blocks in plans of subdivision for new residential developments; and
 - iii) endeavor to maintain adequate water and sewage capacity to allow the achievement of the above targets.
- b) When evaluating requests for new residential development or redevelopment, Council will:
 - i) encourage a minimum of 25% of new residential development to be affordable, that is, affordable to households within the lowest 60% of the income distribution as defined from time to time by the appropriate provincial agency; and
 - ii) encourage housing forms and densities designed to be affordable.
- c) 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.
- d) Council will make all reasonable efforts to ensure the time taken to process residential applications is kept to a minimum.
- e) 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.
- f) 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.

5.6.2 Home Occupations/Bed and Breakfast Establishments

Home occupations are important generators of employment and income. They also act as incubators for businesses which may grow beyond the home location. Home occupations refer to those economic activities conducted primarily by the occupants within a residential dwelling unit. Home occupations 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.

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

- a) Home occupations and bed and breakfast establishments are allowed in all residential, commercial, hamlet, agricultural, and rural designations.
- b) In permitting a home occupation, it is Council's intent that:
 - i) "home occupation" means a use which is clearly incidental or secondary to the residential use of a dwelling;
 - ii) it does not change the residential character of the dwelling;
 - iii) it does not create or become a public nuisance in regard to noise, noxious odours, emission of smoke, traffic, parking or signage;
 - iv) there are no goods, wares or merchandise publicly offered or exposed for sale on the premises outside of any buildings;
 - v) the home 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;
 - vii) the amount of the dwelling unit that may be occupied by the home occupation

will be specified in the zoning by-law.

- c) Home occupations and bed and breakfast establishments will be regulated by the implementing Zoning By-law which shall establish appropriate definition and provisions for home occupation uses.

5.6.3 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.

5.6.3.1 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.

5.6.3.1.1 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 all residential designations.
- c) Group Homes also may be permitted in Commercial and Institutional designations.

5.6.3.1.2 Special Care Facilities

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

5.6.3.1.3 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) The location of any new facilities shall be subject to any applicable minimum separation distance between such facilities as may be provided for in the Zoning By-law.
- b) All facilities shall be included in an appropriate zoning category.

- c) 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), and
 - a building constructed specifically to accommodate such a facility.
- d) Such facilities shall be subject to Site Plan Control.
- e) Site services, such as sewage disposal, water, gas, electricity, shall be adequate for the facility, or capable of being made adequate.
- f) Adequate parking facilities shall be provided in accordance with the requirements of the Zoning By-law.
- g) 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.
- h) Adequate buffering shall be provided so as to minimize any adverse impacts on adjacent properties.
- i) Community-based care facilities shall be operated in accordance with the following policies:
 - 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
 - the owner or operator is to provide the Township with written notification of the date on which any such facility ceases operation or changes.

5.6.3.2 Day Nurseries

Day Nurseries, as defined by the Day Nurseries Act are permitted in all designations except in Environmental Protection Areas provided that such uses are necessary in the area and can be made compatible with surrounding uses.

5.6.4 Increased Height and Density Provisions

- a) Council may pass Zoning By-laws in accordance with the Planning Act to permit an

increase in the maximum height or density of a development, in exchange for the provision of such facilities, services or matters as are set out in the By-law.

- b) The facilities, services, or matters provided in exchange for increased height or density of a development project shall be directly linked to the nature of the development and shall be located on the lands which are being developed.
- c) The transfer of increased height and density provisions from one site to another site or from one project to another project is not permitted.
- d) Development resulting from the application of increased height or density provisions shall meet all other applicable Zoning By-law provisions and regulations.
- e) Before passing a Zoning By-law to allow an increase in height or density of a development project, Council will have regard to the following matters:
 - i) the type or types of development to which increased height or density provisions may apply;
 - ii) the area or areas of the Township where these provisions may apply;
 - iii) the facilities, services, or matters which may be provided in exchange for increased height or density; and
 - iv) the extent of the increases in height or density which may be granted.
- f) Development resulting from the application of increased height or density provisions shall be compatible with adjacent uses and meet the general intent and purpose of this Plan.
- g) The facilities, services, and matters which are to be provided shall be commensurate with the increased height or density which may be granted for each development project.
- h) As a condition to the application of increased height or density provisions to a proposed development, the owner of the subject land will be required to enter into an agreement with the Township, to be registered against the title to the land. The agreement will deal with the facilities, services, and matters that are to be provided, the timing of their provision, and the increase in height or density to be given.
- i) Any proposal for increased height and density shall require a site specific amendment to this Plan to establish an appropriate policy framework with respect to the permitted height or density increase and the facilities, services, and matters to be provided.

5.7 INSTITUTIONAL

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

5.7.1 Policies

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

5.8 SECONDARY PLANS AND NEIGHBOURHOOD PLANS

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

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

- definition of the boundaries of the planning unit;
- type and location of proposed land uses;
- density of development;
- land ownership pattern;
- road design including the location of arterial and collector roads;
- traffic impacts and improvements required to accommodate new development;
- subdivision of land;
- servicing;
- environmental concerns and stormwater management;
- provision of recreational and community facilities;
- heritage conservation and urban design;
- timing and staging of growth;
- appropriateness of intensification initiatives;
- integration with adjacent established land uses; and

- strategies for implementation.

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

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

In cases other than development in the fringe area designation or where the method of servicing changes from private services (wells and septic) to partial or full municipal services (piped water and/or sanitary sewers), Council may consider adopting a development strategy based on a neighbourhood plan. Neighbourhood plans which are not adopted as Secondary

Plans to the Official Plan have no legal status under the Planning Act, although they continue to serve as guidelines for land use and coordination of development in areas covered by such plans.

5.9 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, Shoreline Residential, or Resort Commercial designations as identified on Schedule 'A'. A portable Asphalt plant:

(MMAH Modification No.2 April 12, 2001)

- 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 and Energy separation distances and must first obtain a certificate of approval under the Environmental Protection Act from that Ministry; and
- iv) shall be located no closer to a sensitive receptor than the distance specified in the certificate of approval.

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

and condition.

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

5.10 WAYSIDE PITS AND QUARRIES

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

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

5.11 WIND ENERGY RESOURCES

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

5.11.1 Definitions

For the purposes of Section 7.6, the following definitions shall apply:

“Wind Energy Generating System” means a structure that converts wind energy to electrical energy, including but not limited to a wind charger or wind turbine.

“Agriculture-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 agriculture/farm use, and may be connected to the provincial or local electrical transmission grid.

“Commercial-Scale Wind Energy Generating System” means one or more Wind Energy Generating Systems that individually or collectively produce more than a total of 150 Kilowatts (150 kW) based upon the nameplate rating capacity, and that are connected to the provincial or local electrical transmission grid for commercial purposes and includes any Wind Energy Generating System Accessory Facility, and during the construction period only, construction uses, buildings and structures such as temporary lay down areas, docking areas, temporary construction storage yards, temporary concrete batching plant, temporary construction office, etc. and any such Wind Energy Generating System Accessory Facility and construction activities may or may not be located on properties which a Commercial-Scale Wind Energy Generating System is located.

(Mod. OPA No. 18)

“Micro-Scale Wind Energy Generating System” a maximum of one Wind Energy Generating System with a maximum nameplate rating capacity of 10 kilowatts (10 kW).

“Nameplate Rating Capacity” means the maximum electrical energy generating potential of a Wind Energy Generating System.

“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 Ministry of Environment publication “Interpretation for Applying MOE NPC Technical Publications to Wind Turbine Generation”.

“Sensitive Receptor” or “Sensitive Land Use” has the meaning as defined in Section 8.21.21 of the Official Plan and as defined by the Ministry of Environment Land Use Compatibility Guidelines.

“Small-Scale Wind Energy Generating System” means a maximum of one Wind Energy Generating System with a nameplate rating capacity between 10 kilowatts (10kW) and 40 kilowatts (40 kW).

“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.

“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.

(OPA No. 18)

5.11.2 General Policies

5.11.2.1 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 10 kilowatts (10 kW).

5.11.2.2 Wind turbines require a Certificate of Approval (Noise) from the Ministry of the Environment under Section 9 of the Environmental Protection Act unless exempted.

(Mod. OPA No. 18)

5.11.3 Policies for Commercial-Scale Wind-Energy Generating Systems

5.11.3.1 Commercial-Scale Wind-Energy Generating Systems shall generally be located on Amherst Island, and in Concessions Broken Front, 1 and 2 on the mainland, where

wind speed resources are rated acceptable or very good by the Ministry of Natural Resources' Ontario Wind Atlas.

5.11.3.2 Commercial-Scale Wind-Energy Generating Systems shall only be allowed in Rural, Agricultural and Industrial land use designations and shall not be located on lands adjacent to Environmental Protection and Environmentally Sensitive classifications 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.

For the purpose of interpreting “adjacent lands”, Sections 4.2.2 (Environmental Protection Areas) and 4.2.3 (Environmentally Sensitive Areas) of this Plan shall be read.

5.11.3.3 Commercial-Scale Wind-Energy Generating Systems shall be separated from urban land uses (except Industrial), the Hamlet and Shoreline Residential designations on Schedule A and residential land use designations on Schedule C, D and E in order to reduce the potential impact to public health and safety, noise and visual intrusion on these areas.

5.11.3.4 In addition to the foregoing, Commercial-Scale Wind-Energy Generating Systems shall be located so as to have regard for:

- a) Sensitive land uses, as defined by the Ministry of the Environment Land Use Compatibility Guidelines.
- b) Bird migration routes, feeding areas, bat and raptor populations.

5.11.3.5 The proposed sites for Commercial-Scale Wind-Energy Generating Systems shall have suitable access to a public road with the existing design capacity to accommodate the necessary construction and maintenance vehicles. Any upgrades needed to public roads to facilitate the transfer of wind turbine components and necessary construction and maintenance vehicles shall be undertaken at the full expense of the owner of the Commercial-Scale Wind Energy Generating System and shall not negatively impact heritage stone fencing found along roads on Amherst Island. Any proponent proposing wind turbine development on Amherst Island shall be aware that the Amherst Island ferry is not capable of being used to transport unusually large objects due to its physical capacity and its side-loading configuration.

5.11.3.6 Commercial-Scale Wind Energy Generating Systems greater or equal to two megawatts (2 MW) are made subject to the *Environmental Assessment Act* by the Electricity Projects Regulation 116/01. Proponents must conduct an environmental screening according to the Ministry of the Environment's “Guide to Environmental Assessment Requirements for Electricity Projects”.

5.11.3.7 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 heritage features and birds and bats.

At a minimum, the proponent shall 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 noise standards for sensitive land uses. The noise impact study shall be in accordance with the Ministry of the Environment "Noise Guidelines for Wind Farms, Interpretation for Applying MOE NPC Publications to Wind Power Generation Facilities" dated October 2008; except that a participating sensitive receptor (participating receptor) will be subject to the same sound level limits as a non-participating sensitive receptor/point of reception. Amherst Island shall be considered a Class 3 (Rural) area for the purposes of determining noise impacts. Class 3 is defined by "Interpretation for Applying MOE NPC 232: Sound Level Limits for Stationary Sources in Class 3 (Rural) Areas;

(Subject of Appeal) (Mod. OPA No. 18)

- 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 worst 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) Analysis of any impacts on environmental features and functions such as bird migration, raptor and bat populations and feeding activities;
- f) 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;
- g) 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.

(Mod. OPA No. 18)

- h) 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;
- i) A tree inventory to identify key woodland features and individual trees that are

- to be retained.
- j) An archaeological assessment where turbines are proposed in areas that meet the criteria of policy 5.5.1.d. of the Official Plan.
 - k) 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.
 - l) A traffic impact assessment for projects on Amherst Island to address logistics of construction and labour traffic which plan to use the Amherst Island ferry.
 - m) 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.
- 5.11.3.8** Loyalist Township may retain at the expense of the applicant independent qualified professionals to review all or any part of studies arising out of Section 5.11 or any other relevant study identified in the Official Plan.
- 5.11.3.9** Pursuant to Section 34(10.2) of the Planning Act, R.S.O. 1990, as amended, no application for a zoning by-law amendment shall be considered by Loyalist Township until the studies and information arising from Section 5.11, Section 8.11b.1 or any other relevant study identified in the Official Plan are completed to the satisfaction of Loyalist Township.
- 5.11.3.10** The implementing zoning by-law shall regulate provisions for Commercial-Scale Wind Energy Generating Systems governing such matters as height and setbacks from roads, sensitive land uses, lot lines and other features adjacent to a Generating System.
- 5.11.3.11** A zoning by-law amendment to permit a Wind Energy Generating System may include a Holding provision under Section 35 of the *Planning Act* and in accordance with Section 8.5.1 of this Plan. Holding provisions shall set out conditions that must be satisfied before the Holding symbol is removed, and may include, but not be limited to, a requirement that a contract has been executed with the appropriate authority to allow the system to be connected to a transmission grid for electrical distribution and completion of an Environmental Screening Report, as defined in Ontario Regulation 116/01, that is acceptable to the Ministry of Environment.
- 5.11.3.12** The implementing zoning by-law may include setbacks for new sensitive land uses in areas adjacent to an established Commercial-Scale Wind Energy Generating Systems. A consent or subdivision shall be prohibited unless the subject property can be spatially separated from any active Commercial-Scale Wind Energy Generating Systems to sufficiently address noise emissions.
- 5.11.3.13** Subject to federal and provincial requirements, and where feasible, the development of new private transmission and distribution facilities for Commercial Scale Wind Energy Systems along public right-of-ways and electricity corridors shall be located below grade and/or co-located with existing infrastructure. The development of new private transmission and distribution infrastructure within private energy projects shall be located below grade, except where environmental or site characteristics dictate otherwise.

- 5.11.3.14** Commercial-Scale Wind Energy Generating Systems shall be subject to municipal site plan control under Section 41 of the *Planning Act* to address, at a minimum, the following issues: road access, parking, accessory buildings and structures, vegetative buffers and other landscaping, fencing, lighting, signage, topsoil retention, sound attenuation, electrical cables and other utilities on site, the finish and colour of the exterior surface of the Commercial-Scale Wind Energy Generating System, location of external works/facilities such as but not limited to power transmission lines and electrical substations, outdoor storage, storm water management/drainage and erosion control, tile drainage, decommissioning and site rehabilitation information and any other identified impact mitigation measures. No surface of the Commercial-Scale Wind Energy Generating System shall bear any sign or commercial identification except for a small plate containing safety and warning information.
- 5.11.3.15** The Township will require proponents of Commercial-Scale Wind Energy Generating Systems to prepare a Dispute Resolution Protocol, to the satisfaction of the Township, to resolve functionality and compatibility issues with the System in a collaborative and timely manner with area landowners and residents.
- 5.11.3.16** If Commercial-Scale Wind Energy Generating Systems are decommissioned, the site shall be appropriately rehabilitated to the satisfaction of Loyalist Township in conformity with the decommissioning and site rehabilitation plan for a use permitted by the applicable policies of the plan. Loyalist Township may require the posting of securities for decommissioning and site rehabilitation costs.

(OPA No. 18)

5.11.4 Policies for Agriculture-Related Wind-Energy Generating Systems

- 5.11.4.1** Agriculture-Related Wind Energy Generating Systems shall be permitted as-of-right in the Rural and Agricultural designations of this Plan, as an accessory use to an existing and permitted farm or agriculture-related use.
- 5.11.4.2** A Wind Energy Generating System Accessory Facility shall be a permitted accessory use with an Agriculture-Related Wind Energy Generating System.
- 5.11.4.3** Agriculture-Related Wind Energy Generating Systems shall be subject to municipal site plan control under Section 41 of the *Planning Act*. Site plan issues to be addressed include those listed in policy 5.11.3.14.
- 5.11.4.4** Council may require a report from a professional engineer concerning the design of a proposed Agriculture-Related Wind Energy Generating System. The Township may retain a professional engineer to undertake an independent peer review of the design of the system at the expense of the applicant.
- 5.11.4.5** Agriculture-Related Wind Energy Generating Systems shall satisfy all requirements of the Ministry of the Environment and/or Ministry of Energy concerning noise attenuation and all other applicable provincial or federal requirements.

- 5.11.4.6** The implementing zoning by-law shall take into account the compatibility of Agriculture-Related Wind Energy Generating Systems with the surrounding land uses, as well as the safety of the system in relation to adjacent land uses.
(OPA No. 18)

5.11.5 Policies for Small-Scale Wind-Energy Generating Systems

- 5.11.5.1** Small-Scale Wind Energy Generating Systems shall be permitted as-of-right in the Industrial, Rural and Agricultural designations of this Plan.
- 5.11.5.2** A Wind Energy Generating System Accessory Facility shall be a permitted accessory use with a Small-Scale Wind Energy Generating System.
- 5.11.5.3** Small-Scale Wind Energy Generating Systems shall be subject to municipal site plan control under Section 41 of the *Planning Act*.
- 5.11.5.4** Council may require a report from a professional engineer concerning the design of a proposed Small-Scale Wind Energy Generating System. The Township may retain a professional engineer to undertake an independent peer review of the design of the system at the expense of the applicant.
- 5.11.5.5** Small-Scale Wind Energy Generating Systems shall satisfy all requirements of the Ministry of the Environment and/or Ministry of Energy concerning noise attenuation and all other applicable provincial or federal requirements.
- 5.11.5.6** The implementing zoning by-law shall take into account the compatibility of Small-Scale Wind Energy Generating Systems with the surrounding land uses, as well as the safety of the system in relation to adjacent land uses.
(OPA No. 18)

5.12 SOLAR ENERGY RESOURCES

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

5.12.1 Definitions

“Solar Energy Generating System” means a structure that converts solar energy to electrical energy.

“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.

“Nameplate Rating Capacity” means the maximum electrical energy generating potential of a Solar Energy Generating System.

“Small-Scale Solar Energy Generating System” means a Solar Energy Generating System with a nameplate rating capacity between zero kilowatts (0 kW) and forty kilowatts (40 kW) which produces electricity primarily for domestic, on-site consumption, and which may include a limited sale of electricity to the transmission grid.

(OPA No. 18)

5.12.2 General Policies

5.12.2.1 Nothing in this Section, save and except policy 5.12.4.1, shall restrict the installation or operation of a Small-Scale Solar Energy Generating System that is mounted directly on the roof of a dwelling or other structure or is located on the ground of the same site as the dwelling.

(OPA No. 18)

5.12.3 Policies for Commercial-Scale Solar Energy Generating Systems

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

5.12.3.2 Commercial-Scale Solar Energy Generating Systems shall not be located on lands adjacent to Environmental Protection and Environmentally Sensitive classifications 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.

5.12.3.3 For the purpose of interpreting “adjacent lands”, Sections 4.2.2 (Environmental Protection Areas) and 4.2.3 (Environmentally Sensitive Areas) of this Plan shall be read.

5.12.3.4 The proponent may be required to undertake one or more of the following applicable studies to the Township’s satisfaction:

- a) Visual impact study to determine the impact of glare on adjacent sensitive land uses, and to identify appropriate mitigation strategies.
- b) An Environmental Impact Assessment.
- c) A Noise Impact Study to address electrical transformers and any other equipment that may emit a noise.
- d) An Aggregate Impact Assessment if located in an area with high aggregate potential as identified as Aggregate Reserve areas on Schedule B, the proponent must demonstrate that the Commercial-Scale Solar Energy

Generating System serves a greater long term public interest during the lifetime of the System than the aggregate resources and does not compromise future extraction of the aggregate resource.

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

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

5.12.3.7 Pursuant to Section 34(10.2) of the Planning Act, R.S.O. 1990, as amended, no application for a zoning by-law amendment shall be considered by Loyalist Township until the studies and information arising from Section 5.12, Section 8.11b.1 or any other relevant study identified in the Official Plan are completed to the satisfaction of Loyalist Township.

(OPA No. 18)

5.12.4 Policies for Small-Scale Solar Energy Generating Systems

5.12.4.1 Small-Scale Solar Energy Generating Systems shall be permitted as-of-right in all land use designations except Environmental Protection, Environmentally Sensitive and Agricultural, and lands shown in the Environmentally Sensitive overlay, except that a dwelling in the Agricultural designation may have a Small-Scale Solar Energy Generating System for residential purposes.

(OPA No. 18)

5.13 BIOMASS ENERGY RESOURCES

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

5.13.1 Definitions

“Biomass Energy Generating System” means a system that produces usable energy through the combustion of biological material.

5.13.2 Policies

5.13.2.1 Biomass Energy Generating Systems may be required to comply with the requirements of the Minimum Distance Separation formulae as amended from time to time depending on the location of the system and where the manure is an input.

- 5.13.2.2** The Ministry of the Environment must be contacted to determine approval requirements such as the need for Certificates of Approval (C of A) under the Environmental Protection Act and Regulation 347. C of A'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.
- 5.13.2.3** 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.
- (Mod. OPA No. 18)**
- 5.13.2.4** Biomass Energy Generating Systems shall be permitted as of right in the Industrial designation and may be permitted by zoning by-law amendment in the Agricultural and Rural designations.
- 5.13.2.5** Biomass Energy Generating Systems not located in the Industrial designation shall only be permitted as accessory uses to an existing and active farm.
- 5.13.2.6** Except for the Industrial designation, the energy produced by a Biomass Energy Generating System shall be primarily for domestic, on-site consumption. Limited sale of electricity to the transmission grid may also be permitted.
- 5.13.2.7** Except for the Industrial designation, the majority of the biological material used in a Biomass Energy Generating System shall come from the farm on which the Generating System is located.
- 5.13.2.8** Biomass Energy Generating Systems shall not be located on lands adjacent to Environmental Protection and Environmentally Sensitive classifications 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.
For the purpose of interpreting "adjacent lands", Sections 4.2.2 (Environmental Protection Areas) and 4.2.3 (Environmentally Sensitive Areas) of this Plan shall be read.
- 5.13.2.9** 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.
 - d) Environmental Impact Assessment.
 - e) Noise Impact Assessment to address electrical transformers and any other equipment that may emit a noise.
- 5.13.2.10** 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 works/facilities, storm water management/drainage, tile drainage, and any other identified impact mitigation measures.

5.13.2.11 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.

5.13.2.12 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 5.13, Section 8.11b.1 or any other relevant study identified in the Official Plan are completed to the satisfaction of Loyalist Township.

(OPA No. 18)

5.14 ACCESSIBILITY

5.14.1 Universal physical access to publicly accessible 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 encouraging the owners of private buildings and spaces to do likewise through public education and retrofit programs.

5.14.2 Notwithstanding policy 5.14.1, 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.

(OPA No. 19)

PART 6

COMMUNITY IMPROVEMENT

6.1 GENERAL PRINCIPLES

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

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

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

6.2 CRITERIA FOR COMMUNITY IMPROVEMENT AREA DESIGNATION

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

- 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 under utilized lands and/or buildings;
(OPA No. 19)

- e) the presence of vacant lands/buildings that could be developed, redeveloped or converted to another use;
 - f) the need to upgrade the streetscape or aesthetics of an area;
 - g) the need to upgrade elements of the transportation system, including but not limited to, sub-standard road conditions and road widths, and poorly designed intersections;
 - h) the need to provide or improve recreational and cultural facilities and public open space, including parkland acquisition, facilities improvement, and trails enhancement;
 - i) the presence of incompatible land use activity;
 - j) the presence of hazard lands which have an impact on the Township's pattern of development, or areas requiring improvements because of poor drainage conditions, including ditching and floodproofing;
 - k) the presence of buildings or lands of architectural and/or historical merit and sites of archaeological significance or interest, in need of improvement or revitalization;
 - l) areas requiring shoreline improvements to enhance public usability while furthering public efforts at shoreline management along waterbodies, particularly the shoreline of Lake Ontario;
 - m) 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;
 - n) the presence of environmental contamination;
 - o) the opportunity to improve the energy efficiency of an area;
 - p) the opportunity to provide affordable housing; and
 - q) the opportunity to increase the accessibility of buildings and/or properties.
- (OPA No. 19)**

The above listing is not to be construed as indicating that areas selected for community improvement must meet all the above criteria. The criteria should not be treated as being of equal importance. Weighting of criteria will vary with funds available, the severity of the

problem, and the relationship of community improvement to other policies in this Plan and capital expenditure priorities of the Township.

6.3 SELECTION OF COMMUNITY IMPROVEMENT AREAS

The criteria outlined in the above section were applied to Loyalist Township. The resulting Community Improvement Areas are shown on Schedule 'F' and are described as follows:

- 1) Amherstview area from Coronation Boulevard to Speers Boulevard south of the CNR mainline;
- 2) Odessa;
- 3) the older areas of Bath;
- 4) the Hamlets of :
 - Millhaven,
 - Morven,
 - Stella,
 - Violet, and
 - Wilton
- e) Trails (although not shown on Schedule 'F') 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.

6.4 COMMUNITY IMPROVEMENT POLICIES

- a) It is the policy of Council to:
 - i) maintain and improve municipal services, public utilities and social and recreational facilities;
 - ii) encourage improvement activities which contribute to a strong economic base including tourism, commercial and industrial development;
 - iii) encourage the maintenance of the existing housing stock, and promote the rehabilitation, renovation and repair of older buildings;
 - iv) preserve historically and/or architecturally significant buildings or areas;

- v) improve traffic and parking patterns to make them more compatible with surrounding uses and needs;
 - vi) improve conditions in older predominantly residential areas;
 - vii) improve the overall streetscape and/or aesthetics of publicly owned lands through the implementation of tree planting and/or landscaping measures so as to enhance the environment and aesthetics of the community;
 - viii) improve the overall streetscape and/or aesthetics of commercial areas of the Township;
 - ix) ensure improvements made are carried out in such a way as to be compatible with other goals, policies and objectives of this Plan;
 - x) encourage, where feasible, energy efficient conservation through energy efficient land uses and buildings;
- (OPA No. 19)**
- xi) provide advice and guidance on maintenance and rehabilitation of buildings and structures and on energy conservation;
 - xii) encourage public participation in the community improvement planning process;
 - xiii) undertake a monitoring program to review budgeting and program direction in respect to the attainment of specific policies;
 - xiv) work with business groups to identify and facilitate improvements.

6.5 PHASING OF IMPROVEMENTS

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

- a) Community Improvement Areas are listed as follows in terms of areas chosen, given their overall need for improvement:
 - Amherstview;
 - Bath;
 - Odessa;
 - Millhaven;
 - Morven;
 - Stella;
 - Violet;

- Wilton; and
- Trails.

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

- b) Council will give priority to:
 - i) making improvements to publicly owned buildings, structures and facilities;
 - ii) integrating community improvement projects into other municipal improvement programs and capital works budgeting; and
 - iii) determining specific community improvement project priorities and the budget allocation as part of the annual municipal budgeting process.

6.6 **IMPLEMENTATION**

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

- a) designation, by by-law, of community improvement project area(s) and adoption of community improvement plan(s) for the project area(s);
- b) the acquisition of land and/or buildings within community improvement project areas where a Community Improvement Plan has been adopted, approved and is in effect, and the subsequent
 - i) clearance, grading or environmental remediation of these properties;
 - ii) repair, rehabilitation, construction or improvement of these properties;
 - iii) sale, lease, or other disposition of these properties to any person or governmental authority;
 - iv) other preparation of land or buildings for community improvement.

(OPA No. 19)
- c) seek funds from other levels of government such as the county, provincial, and the federal government where their programs facilitate the implementation of the community improvement plan;
- d) enactment and enforcement of a property standards by-law with respect to residential, commercial and industrial building stock and lands;

- e) encouragement of public participation in the preparation of community improvement plan(s);
- f) encouragement of private sector use of government programs where they complement community improvement efforts;
- g) encouragement of infill development of vacant and/or under utilized properties in community improvement areas;
- h) the provision of public funds such as grants, loans and other financial instruments to registered and assessed owners, and tenants of lands and buildings located within a community improvement area;
- i) the provision of information on municipal initiatives, financial assistance programs, and other government assistance programs; and
- j) holding land within the community improvement project area acquired before or after the passing of the by-law designating the project area.

(OPA No. 19)

PART 7

INFRASTRUCTURE POLICIES

7.1 INTRODUCTION

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.

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

7.2 ENERGY AND UTILITIES

There are a number of Federal and Provincial government related authorities within the Township, as well as municipal bodies and private corporations, including telecommunications and energy companies, which are responsible for the delivery, regulation, and maintenance of essential services. Such services include electrical power supply, supply of natural gas, communication systems, water distribution, sewage collection, and stormwater facilities. It is important that such agencies be involved in the planned development of the Township to ensure that residents receive the benefits of the coordinated provision of all services.

(OPA No. 19)

7.2.1 Energy

- a) Existing electrical and natural gas facilities and the development of new electrical or natural gas facilities directly related to the provision of energy such as transmission lines, transformer stations, pipelines, distributing stations, and booster stations shall be permitted provided that development satisfies the provision of the Environmental Assessment Act, the National Energy Act, including regulations made under those Acts and any other relevant statutes and are in keeping with the general intent of this Plan.
- b) Encourage, where feasible, the joint use of public rights-of way as utility corridors.
- c) The delivery of natural gas is regulated through the National Energy Board Act. Any works, excavation, or blasting within 30 metres of a pipeline must be undertaken in compliance with the requirements of the National Energy Board and/or other agencies having jurisdiction.

- d) All permanent structures and excavations must be located a minimum of 10 metres from the limits of a pipeline right-of-way.
- e) All facilities located within or crossing a Provincial right-of-way corridor are subject to the requirements of the Public Transportation and Highway Improvement Act. Any such installations must satisfy the requirements of the Ministry of Transportation regarding location and permits.
(MMAH Modification No. 3 April 12, 2001)
- f) New development can increase the population density of an area, which may require pipeline operators to replace their pipelines to comply with Canadian standards. Therefore the Township shall require early consultation with pipeline operators or their designated representatives for any development proposals with 200m of pipelines.
- g) In areas of more urban development, the Township will encourage the development of TransCanada's right-of-way for passive parkland or open space purposes, subject to TransCanada's easement rights.

(OPA No. 19)

7.2.2 Communication

- a) Telephone and television communication are provided by private corporations regulated through the Canadian Radio and Television Commission. The distribution systems are allowed in all designations, subject to development approval by the Township.
- b) The Township will encourage innovative methods to minimize the visual impact of communication features, either by containing such features within streetscape elements (gateways, lamp posts, transit shelters, etc.), or by screening them from view.
- c) The Township will encourage the underground installation of communication facilities in a common trench where feasible in order to minimize the impact of transmission lines, poles or other structures.
- d) Coordination of communication providers and other public and private utility providers shall be encouraged to prevent unnecessary over-digging and disruption of road rights-of-way when development or infrastructure upgrades take place.

(OPA No. 19)

7.2.3 Public Utilities

- a) Public utilities, for purposes of this Section, refers to water supply, sanitary collection, and stormwater detention. Such uses and facilities are permitted in all

land use designations provided that:

- i) such use is necessary in the proposed location and that due consideration has been given to alternative locations;
 - ii) the public utility will be designed and developed in such a manner that it will be as compatible as practical as well as sensitive to surrounding land uses;
 - iii) in order to ensure compatibility with adjacent land uses, measures required as part of development may include adequate buffering; and
 - iv) there is regard as to the nature of existing uses on adjacent lands, and the massing and design of public uses related thereto.
- b) Utility lines and required plants shall be installed in an efficient and economical manner with minimal disruption to existing development.
 - c) Council, within the urban area, encourages the appropriate public and private agencies to place electric power, telephone lines, multi-use cables and other similar utility services underground wherever economically feasible and desirable. Where overhead wires presently exist, the placing of such electric power and communication lines underground will be encouraged where economically feasible and practical when major street improvements are undertaken.
 - d) New public uses and facilities such as maintenance yards, public works depots, offices or other similar uses shall be located on lands designated and zoned for the intended use.
 - e) Land within or adjacent to utility corridors may be subject to development restrictions or approvals of the respective agencies. The respective utility should be consulted by persons having an interest in the development of such lands.
 - f) Council shall encourage the appropriate authorities to locate new power facilities outside of areas designated Agricultural and Environmental Protection, as described in Part 4 of this Plan.
 - g) All facilities located within or crossing a Provincial right-of-way corridor are subject to the requirements of the Public Transportation and Highway Improvement Act. Any such installations must satisfy the requirements of the Ministry of Transportation regarding location and permits.
(MMAH Modification No. 4 April 12, 2001)
 - h) Schedule C designates a future utility and pedestrian corridor linking Highway 33 with the west end of Nicholson Point Road to service possible future development on Nicholson Point. The alignment of this corridor is conceptual only and may be changed without amendment to this Plan.

(OPA No. 19)

7.2.4 Servicing of Development

- a) All development 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.
- b) Development which occurs outside the urban area designation on Schedule ‘A’ shall take place on private services (wells and septic) or on communal services in accordance with Section 7.2.5, subject to the approval of the Township and agencies having jurisdiction.
- c) Properties developed before January 1, 1996 for residential and industrial purposes fronting on County Road No. 6, north of the Canadian National Railway corridor and south of Shane Street may for remedial reasons connect to a municipal water supply. In addition, a Township owned public works site fronting on the west side of County Road No. 6 will also be allowed to connect to municipal water.

Any property satisfying these requirements is limited to a maximum of one water service connection. Existing vacant property or new property created by consent or subdivision activity and/or property residentially developed after January 1, 1996 will not be eligible for connection to a municipally operated water supply.

- d) In accordance with Section 4.7.4.7, properties developed before January 1, 2002 for residential purposes fronting on or in close proximity to Highway 33 within the Shoreline Residential designation on Schedule “D” in Lots 27 to 31, Concessions 1 and Broken Front, may for water quality reasons connect to a municipal water supply provided looping is not required. (ie. The water supply does not meet Ontario Drinking Water Standards)

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

(OPA No. 1)

- e) Existing legal non-conforming properties developed before January 1, 2002 for residential purposes fronting on or in close proximity to Highway 33 within the Industrial designation on Schedule “C” in Lots 25 to 28, Concessions 1 and Broken Front, may for water quality reasons (i.e. the water supply does not meet Ontario Drinking Water Standards) connect to a municipal water supply provided looping is not required.

Any property satisfying these requirements is limited to a maximum of one water connection.

(OPA No. 2)

7.2.5 Communal Systems

The use of communal water and sewer systems is being recommended by Provincial authorities for small scale housing development where the situation warrants. At present no such systems exist in the Township and none have been proposed. Such systems are not to replace the municipal piped water supply and sanitary sewage systems of the Township. Communal systems may only be considered where they meet the following requirements:

- a) are outside lands intended to be developed on full municipal services (water and sewer) as outlined in this Official Plan; and/or
- b) solve an existing servicing problem and municipal services (water and sewer) cannot be extended by the Township; or
- c) are recommended as part of a servicing options review study as part of approval of a development in the rural portions of the Township; and
- d) communal water supply and sewage disposal shall be subject to the Ministry of Environment's responsibility/ownership requirements and if Council is willing to implement those requirements.
- e) A new communal sewage system may only be established or an existing communal sewage system expanded if there is confirmation of sufficient reserve sewage system capacity to treat the septage (hauled sewage) from the system. Reserve sewage system capacity is considered sufficient if the hauled sewage from the communal system can be treated or disposed of at sites approved under the *Environmental Protection Act* or the *Ontario Water Resources Act*, but not by land-applying untreated, hauled sewage.

(OPA No. 19)

7.2.5a Septage (Hauled Sewage)

- a) The creation of a new lot with a private sewage disposal system, or the establishment or expansion of a communal sewage system, shall only be permitted if there is confirmation of sufficient reserve sewage system capacity to treat the additional septage (hauled sewage). Reserve sewage system capacity is considered sufficient if the hauled sewage from the lot can be treated or disposed of at sites approved under the *Environmental Protection Act* or the *Ontario Water Resources Act*, but not by land-applying untreated, hauled sewage.
- b) Council will monitor, on an annual basis, the amount of uncommitted reserve sewage system capacity available at the Loyalist East Water Pollution Control Plant that can be devoted to the treatment of septage (hauled sewage) produced by development outside of the serviced areas. Development shall not be approved if there is insufficient reserve sewage system capacity.

7.2.6 Growth Management

To guide and efficiently manage urban development within the Township, Council shall:

- a) prepare strategic servicing plans for the long term economic expansion of existing water, sewer, and storm system;
- b) provide for phased sequential development within the urban area, and within a given neighbourhood;
- c) ensure that development and public works are undertaken in accordance with a phasing program; and
- d) ensure an acceptable level of service in the provision of water, sanitary sewers, stormwater services, and other utilities as may be required.

7.3 RAILWAYS

Rail service is an essential element for local industry and residents. Conflicts, however, can arise between railways and sensitive land uses. To minimize potential conflicts between rail, vehicular and pedestrian traffic, and adjacent land uses:

- a) Council will have regard for the development requirements of Canadian National Railways (CNR). concerning safety, buffering, and setbacks. Council will ensure that development proposals are circulated to CN Rail for review and comment.
- b) Council will require appropriate noise and vibration controls to safeguard future development of sensitive uses adjacent to the railway lines.

7.3.1 Railroad Crossing Improvements

Wherever possible, railroad crossings are to be improved through the construction of grade separations or by other protective measures such as visibility triangles, signals, or gates. To this end:

- a) the Township will work towards the elimination of all grade crossings at arterials and collector roads such as at County Road No. 6, County Road No. 7, and Coronation Boulevard (County Road No. 24); and
- b) where new development is proposed near these locations, the railroad and appropriate road authority will be consulted.

7.4 RECREATION

The Township recognizes the need for the provision of open space for a variety of purposes,

including 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.

7.4.1 Standards

Park and open space areas shall be provided on an overall Township basis as described in the Recreation Master Plan. Such standards and possible park locations may be incorporated into this Plan by amendment. Such park and open space areas will include the following type of parks:

- a) Neighbourhood Parks should serve from 3,000 to 4,000 people and range in size from 1.6 to 4.0 hectares. 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.

Neighbourhood park and open space areas are intended to serve the immediate recreational needs of the neighbourhood and should be within walking distance of the area being served.

Neighbourhood parks shall have frontage onto a collector or local road and should be adjacent an elementary school playground.

In non-urban areas of the Township, the standard for neighbourhood park and open space areas may be increased to 1.2 hectares (3 acres) per thousand persons as these Hamlet and Rural parks often serve as combination community and neighbourhood parks.

- b) Community Parks are intended to serve more than one neighbourhood and may be designed for both active and passive recreational activities. Community parks should range in size from 4 to 10 hectares.

Community parks should, wherever possible, be located on an arterial road and be adjacent to secondary schools and major indoor sports facilities.

- c) District Parks are intended to serve the Township as a whole and 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.

District parks may be designed to serve the specialized passive and active recreational needs of the population by conserving large tracts for major competitive sports needs, agricultural fair grounds, trail systems, and enjoyment of the natural environment.

Sites for district parks shall, wherever possible, be located on arterial roads or provincial highways and/or in areas with unique or distinct natural features.

7.4.2 Parkland Acquisition

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, gifts, and bequests of individuals and/or corporations and other appropriate means.

Through the development and redevelopment approvals, Council may acquire lands based on the following standards:

- a) Up to 5% of the lands being subdivided for residential purposes;
- b) Where residential development proposals exceed 15 units per residential hectare of land, the Township will require a land dedication for recreational purposes at a rate specified in Section 4.8.7 of this Plan;
- c) For industrial and commercial development, the parkland dedication shall be up to two percent (2%) of the land proposed for development;
- d) Instead of land dedication, the Township may accept cash-in-lieu of such lands. The valuation of lands and use of monies shall be in accordance with the provisions of the Planning Act; and
- e) 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.
- f) 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. These lands have also been identified in the *Loyalist Township Recreation Master Plan (2005)* as priorities for acquisition.
(OPA No. 19)

7.4.3 Community Services

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.

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.

7.4.4 Education Facilities

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

7.5 TRANSPORTATION

The Township's transportation system will be strengthened and broadened by:

- a) promoting a safe, integrated, accessible transportation system consisting of a network of roads, parking facilities and pedestrian pathways to accommodate various modes of transport such as automobiles, public transit, bicycles, and walking;
- b) ongoing monitoring of the existing ferry service from the mainland to Amherst Island to ensure a safe, cost effective transportation system consistent with the needs of Island residents;
- c) encouraging land use patterns which support the viability of public transit; and
- d) ensuring that the design or redesign of roadways safely accommodates automobiles, public transit, cyclists, and pedestrians alike.

The Township may participate in joint area studies related to transportation and, where appropriate, the relevant findings of such studies may be incorporated into this Plan by amendment.

7.5.1 Roads

7.5.1.1 General

Road ownership within Loyalist township falls under three (3) jurisdictions:

- the Township,
- the County, and

- the Province.

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

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

The general alignment of existing and proposed freeways, arterials, and collectors is shown on Schedules 'G'.

7.5.1.2 Classification Principles

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

- a) The overall road pattern should be in harmony with the proposed road pattern of the adjoining municipalities, the County road system, and the provincial highway system.
- b) Freeways and provincial highways should permit the movement of large volumes of traffic through the planning area to and from the major traffic generating areas.
- c) Arterial roads should permit the movement of medium volumes of traffic between major traffic generating areas and local roads as well as serving a local service function.
- d) Collector roads should permit the movement of medium volumes of traffic between arterial and local roads.
- e) Local roads should provide land access only to the areas in which they are located and should not serve major traffic generating areas.

7.5.1.3 Classification of Roads

The existing roads within the Township are classified on Schedule 'A' according to their ultimate function. The road right-of-way width should be appropriate for the intended road function and is subject to the approval of the public road authority having jurisdiction bearing in mind proper engineering and environmental concerns. Where additional land is required for widening and extensions, such land shall be obtained, wherever possible, in the course of recommending and approving applications for development under the Planning

Act. The functional road classification is as follows:

a) Provincial Highways

The designation applies to roadways under the jurisdiction of the Ministry of Transportation. These roads are designed to facilitate through traffic movement of medium to high volumes.

Any development located on property adjacent to Provincial Highways 401 and 33 is subject to the permit control of the Ministry of Transportation as per *The Public Transportation and Highway Improvement Act*. As such, all permits must be obtained from the Ministry of Transportation prior to any grading and construction being undertaken. 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 that address the anticipated traffic volumes of the proposed development, as well as stormwater management plans which show the intended treatment of the calculated runoff, may be required by the Ministry of Transportation as part of their review and approval of any development plans.

b) Roads Under Municipal Jurisdiction

Municipal roads, whether under Township or County jurisdiction are classified and defined as follows:

i) Major Arterial Roads

Major arterial roads are existing and proposed roads of two (2) or four (4) traffic lanes with a design right-of-way width of 35 to 45 metres. Major arterial roads are designed to collect and carry large volumes of traffic at relatively high operating speeds to and from major traffic generating sectors. To facilitate this function, direct access to abutting properties is generally prohibited. County Road No. 23 (Taylor Kidd Boulevard) is designated as a control access highway by county By-law 2120, as amended. In the case of County Road No. 23, access from adjacent lands is restricted in accordance with the provision of that By-law. With respect to County Road Nos. 4 and 6, no new entrances are permitted except those approved prior to the adoption of the County of Lennox and Addington By-law No. 2207/87, as amended.

ii) Rural Arterial Roads

Rural arterial roads are existing and proposed roads of two (2) and four (4) lanes with a design right-of-way width of 26 to 35 metres. Rural arterial roads are designed to collect and carry high volumes of

traffic, at relatively high operating speeds to provincial highways and major arterial roads and/or to distribute traffic to collector and local roads. New entrances onto a rural arterial road should generally be discouraged, and only be permitted where:

- A new entrance is created through the Plan of Subdivision process;
- A lot is an existing lot of record where such lot was created in accordance with the Planning Act and there is not alternative means of access available.

iii) Urban Arterial Roads

Urban arterial roads are existing and proposed roads of two (2) and four (4) lanes with a design right-of-way width of 26 to 35 metres. Such roads are designed to carry relatively high volumes and provide for movement between principal traffic generators and the interconnection of provincial highways, and major and rural arterial roads. Normally the operating speed for vehicles is 60 kilometres per hour or less. New entrances onto an urban arterial road should generally be discouraged, and only be permitted where:

- A new entrance is created through the Plan of Subdivision process;
- A lot is an existing lot of record where such lot was created in accordance with the Planning Act and there is not alternative means of access available.

iv) Rural Collector Roads

Rural collector roads are existing and proposed roads of two (2) traffic lanes with a design right-of-way width of 26 to 30 metres. Rural collector roads are designed to collect and distribute traffic at moderate to relatively high operating speeds to and from local roads and arterial roads. Rural collector roads are designed to tolerate limited direct access to adjacent properties.

v) Urban Collector Roads

Urban collector roads are existing and proposed roads of two (2) traffic lanes with a design right-of-way width of 23 to 30 metres. Urban collector roads are designed to collect and distribute traffic at relatively low operating speeds to and from local roads and arterial roads and further provide for the interconnection of rural, arterial, and collector roads. Direct access to abutting properties is generally permitted.

The urban collector shown as part of the Windermere Estates in Lot 11 to 13 of the Broken Front Concession and Concession 1 shall have a right of way of 26 metres unless a lesser right of way width is approved by the Township. Such right of way shall not be less than 23 metres.

vi) Local Roads

Township roads are designed primarily to provide for land access to abutting properties. The minimum right-of-way width is intended to be 20 metres.

7.5.1.4 Development Policies

- a) To provide attractive streetscapes through attention to the design of the public realm, built form, and the relationship between private development and public areas.
- b) In considering development or redevelopment along public roads, Council shall require appropriate setbacks, safe ingress and egress and buffering where such is necessary to mitigate negative effects.
- c) Council shall not assume any roads which do not meet municipal standards as established by Council and consistent with accepted engineering practice. The municipality shall be under no obligation to assume roads which exist or may be constructed within the Township.
- d) Access, setbacks, and other development issues along roads shall meet or exceed the requirements of the road authority having jurisdiction.

7.5.1.5 Road Improvements

- a) In the course of approving a subdivision, a consent, and in exercising Site Plan Control, Council may require the dedication of lands for the widening and extension of roads to provide for a right-of-way width in accordance with the designated functional classification. Although road widenings may be obtained through the exercise of site plan approval, road extensions will be secured by way of the subdivision or consent process.

Where a road widening is required, such widening should normally consist of one half of the difference between the existing road width and the width required for the designated functional classification described above.

- b) Road allowance widths specified in Section 7.5.1.3 shall increase on approaches to major intersections as required for channelization and additional turning lanes.

- c) Provision shall be made in the implementing Zoning By-law for adequate setbacks from the centreline of roads.
- d) In order to maintain a satisfactory transportation system, Council will pursue a program of improving road alignments, sight triangles, surface treatment, proper signing, signalization, and acquiring adequate road allowances for existing and new roads as future development warrants.
- e) The establishment of new local roads, road widenings, re-alignments, and minor bypasses will not require an amendment to this Plan.
- f) The establishment of new collectors or arterials will require an amendment to this Plan. Consideration shall be given to the future development of a new north-south arterial or collector road at the easterly end of the aggregate designation (formerly in Bath) in Lot 8 of the Broken Front Concession and Concession One to connect Highway No. 33 to the future extension of County Road No. 23 (Taylor-Kidd Boulevard) as indicated on Schedule C.
- g) Consideration shall be given to the impact of road improvements on the character of streetscapes and heritage features.
- h) The Township encourages, where feasible, the joint use of public right-of-way or utility corridors.

(OPA No. 19)

7.5.1.6 Road Closings

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.

7.5.2 Ferry Service

The ferry service is an integral part of Loyalist Township's transportation system. Adequate ferry service between Amherst Island and the mainland is vital for the prosperity and maintenance of a viable community. Council will, therefore:

- a) continue to monitor the ferry capacity and usage;
- b) review, from time to time, opportunities for improved ferry service both through expanded capacity of the ferry and improvements to infrastructure such as terminals and parking facilities;
- c) seek the cooperation of the province in the ongoing maintenance and possible future expansion of ferry operation;
- d) seek out public/private partnerships and development opportunities which would result in a net improvement to ferry access to Amherst Island; and
- e) pursue opportunities with adjoining municipalities in seeking joint solutions which result in ferry access improvements.

7.5.3 Transit Supportive Development Guidelines

Amherstview is the sole area where public transit is presently available. The following transit supportive guidelines should be considered in the planning of land uses and roads as part of the urban expansion of Amherstview, Bath, and Odessa.

- a) Collector and arterial roads should be designed to be as straight and direct as possible to prevent circuitous transit routes.
- b) Ninety percent (90%) of residences, jobs, or other activities/uses should be located within 400 metres (1,300 feet) walking distance of a potential transit stop.
- c) Medium and high residential densities should be considered and encouraged along transit routes.
- d) Local road patterns should provide for convenient pedestrian access to transit stops and transfer nodes.

7.5.4 Pedestrian and Bicycle Circulation

Council encourages the development of a pedestrian and bicycle circulation system which links the various activity and open space nodes such as schools, parks, and commercial areas by a system of pedestrian paths, sidewalks, and bicycle routes.

- a) Council shall cooperate with the adjoining municipalities in the development of a pedestrian and bicycle circulation plan which promotes well defined linkages between focal points of public activity and interest.

- b) Council may prepare a pedestrian and bicycle circulation plan and proceed with the development of such facilities. The pedestrian and bicycle circulation plan may address such matters as:
 - i) provisions for safe and unobstructed pedestrian walkways and paths;
 - ii) minimization of potential conflict with other modes of transportation;
 - iii) integration of the pedestrian and bicycle circulation system with natural amenities such as open spaces; and
 - iv) policies for the acquisition and dedication of lands to be developed as part of the pedestrian and bicycle circulation system.
- c) Council supports the development of bicycle lanes as part of new road construction or reconstruction, particularly along arterials and collectors.

7.5.5 Parking

- a) Parking shall be provided for any land use in the Township in the quantity and subject to the provisions of the implementing Zoning By-law.
- b) Shared use parking arrangements may be considered where uses are compatible and peak parking demand characteristics are complementary, so as to provide for more efficient use of parking facilities. Such arrangements are restricted to cases where the uses are located on roadways designated as arterial roads or collector roads, or the business requesting shared use parking arrangements are located on the same side of the street.
- c) Requests to amend the Zoning By-law to permit shared use parking arrangements shall be supported by appropriate site specific parking analyses which demonstrate the complementary nature of parking demands for existing and proposed uses on-site and the ability to provide safe movement of pedestrians between uses.
- d) Parking for persons with disabilities is encouraged at locations close to the building entrances. Such spaces should be clearly signed.
- e) The provisions of vehicular and pedestrian interconnections between adjacent uses is encouraged where it is suitable and where zoning is compatible, both to facilitate walking between sites and to discourage unnecessary vehicle turning movements to and from the adjoining roadways.
- f) The buffering of parking areas shall be encouraged, so as to help screen and visually enhance these facilities.

PART 8

IMPLEMENTATION AND INTERPRETATION

8.1 INTRODUCTION

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

The Plan will be implemented by means of the powers conferred upon Loyalist Township by The Planning Act, the Municipal Act, the Development Charges Act, the Environmental Assessment Act, the Environmental Protection Act, the Heritage Act, the Local Improvement Act, and such other statutes as may be applicable.

8.2 CONFORMITY TO OFFICIAL PLAN

No public works shall be undertaken, and no by-law under the Planning Act or any other general or special Act shall be passed, unless such public work or by-law conforms to this Official Plan except as provided for in subsections 24(2), 24(3), and 24(4) of the Planning Act.

8.3 PROVINCIAL, AGENCY, AND COUNTY POLICIES

The Township will have regard to the Provincial Policy Statement, relevant agency programs, and County Policies, and, where appropriate, reflect these in the Official Plan.

8.4 COMMITTEES

8.4.1 General

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

8.4.2 Planning Advisory and Site Plan Control Committee

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

- a) Advise and make recommendations to Council on planning matters;
- b) Hold public meetings as required under the Planning Act; and
- c) Review, evaluate, and make recommendations to Council with respect to Planning

approvals required under the Planning Act.

8.4.3 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; and
- d) Applications for consent under Section 53 of the Planning Act, R.S.O. 1990, as amended.

8.5 ZONING BY-LAW

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

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

8.5.1 Use of the "H" Symbol

It is not intended that all land use areas designated in the Official Plan will be immediately zoned and available for such uses, and no provision of this Plan shall be interpreted to require Council to zone any land within the municipality so as to permit the immediate development of such lands for a designated use. Areas may be further specified in the Zoning By-law in a Holding (H) category pursuant to Section 36 of The Planning Act, and in accordance with the following policies:

- a) Lands may be placed within a Holding category in the implementing Zoning By-law by use of the "H" symbol when the principle of development has been established, in order to achieve one or more of the following objectives:
 - i) identify areas that may be developed in the foreseeable future;

- ii) reserve their use until necessary municipal services become available;
 - iii) effect the phasing and/or proper design of residential, commercial, or industrial development;
 - iv) ensure the proper servicing and financial agreements are in place; and/or
 - v) delay development until such time as it is determined that identified development constraints can be overcome to the satisfaction of Council.
- b) Lands shown in a Holding (H) category in the implementing Zoning By-law:
- i) should be restricted to existing uses, and
 - ii) new development proposed on such lands shall not be permitted until Council deems it appropriate to remove the Holding symbol through a by-law enacted under Section 36 of the Planning Act, and in accordance with Subsection (c) below.
- c) Removal of Holding Zones

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

- i) conformity of the proposed use with the provisions of the Zoning By-law;
- ii) availability of required services;
- iii) agreement on the phasing and design of the proposed development;
- iv) development constraints which have been identified can be overcome to the satisfaction of Council;
- v) fulfilment of the financial requirements as set by the municipality; and
- vi) that any necessary agreements, such as subdivision agreements and/or site plan control agreements have been executed and/or registered on title.

8.5.2 Development Zones

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

use. Under the "Development", or similar category, lands may be used for agriculture, open space and their existing use, with restrictions limiting enlargement.

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

8.5.3 Existing Non-Conforming Uses

8.5.3.1 Recognition of Existing Land Uses

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

8.5.3.2 Existing Non-Conforming Land Uses

Any land use existing at the date of approval of this Official Plan that does not conform with the land use designations as shown on the Land Use Schedules or the policies related thereto, as a general rule, should cease to exist in the long run. In special instances, however, it may be desirable to permit the extension or enlargement of such a non-conforming use in order to avoid unnecessary hardship, provided the general intent of the Plan is maintained. Extensions and enlargements shall be handled through the use of Section 34(10) or Section 45 of The Planning Act (R.S.O. 1990, c.P.13).

a) Section 34(10) of The Planning Act

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

- i) Council shall determine the feasibility of acquiring the property concerned at the time of application, or possibly at some future date, and of holding, selling, leasing or redeveloping the property in

accordance with the provisions of The Planning Act.

Consideration will be given to the re-establishment of the use in a different location, where it would be able to perform and produce under improved conditions in accordance with the policies of this Plan.

- ii) If acquisition does not appear to be feasible, and if the merits of the individual case make it desirable to grant permission for the extension or enlargement of the non-conforming use, Council may consider the passing of a Zoning By-law pursuant to Section 34(10) of The Planning Act, and such By-law may then be passed without the necessity to amend the Official Plan, providing it complies with the policies below.
- iii) Prior to making any decision on the application, Council may refer such application to the Planning Advisory Committee for a report on the various aspects of the matter for the information of Council. Council shall be satisfied that those of the following requirements which are relevant to the application for the extension or enlargement of the non-conforming use are, or will be, fulfilled in order to safeguard the wider interests of the general public:
 - that the proposed extension or enlargement of the established non-conforming use will not unduly aggravate any conflicts created by the existence of the use, having regard to the policies of the Official Plan and the provisions of the Zoning By-law;
 - that the proposed extension or enlargement will be in an appropriate proportion to the size of the non-conforming use established prior to the passing of the implementing Zoning By-law;
 - that an application which would affect the boundary areas of different land use designations on the Land Use Schedule will only be processed under these policies if it can be considered as a "minor adjustment" permitted under the flexibility of interpretation in the interpretation section of the Official Plan without the need for an amendment. Any major variations will require an amendment to the Official Plan;
 - the characteristics of the existing non-conforming use and the proposed extension or enlargement shall be examined with regard to noise, vibration, fumes, smoke, dust, odors, lighting and traffic generation. An amendment to the implementing by-law may be refused if one or more of such nuisance factors will be created or increased so as to add essentially to the

- incompatibility of the use with the surrounding area;
- that the neighbouring conforming uses will be protected, where necessary, by the provision of buffering, and provisions for alleviating adverse effects caused by outside storage, lighting, advertising signs, etc. Such provisions shall be applied to the proposed extension or enlargement and, wherever feasible, be also extended to the established use in order to improve its compatibility with the surrounding area;
- that adequate provisions have been, or will be, made for traffic, off-street parking, and loading facilities; and
- that applicable municipal services are adequate or can be made adequate.

iv) Council will not pass an implementing Zoning By-law pursuant to Section 34(10) of The Planning Act, unless satisfied that such extension will not unduly adversely affect adjacent land uses. Council will, in accordance with Section 34(12) of The Planning Act, notify property owners of an application for the extension or enlargement of a non-conforming use.

b) Section 45 of The Planning Act (R.S.O. 1990 c.P.13)

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

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

In evaluating applications related to non-conforming uses, the Committee of Adjustment shall be guided by the matters outlined in Subsection 4.3.2 above.

(Mod. OPA No. 19)

8.6 TEMPORARY USE BY-LAWS

Council, in accordance with the provisions of Section 39 of The Planning Act may pass by-laws to authorize the temporary use of land, buildings or structures for any purpose.

Applications for temporary uses will be evaluated on the basis of the following:

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

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

8.7 INTERIM CONTROL BY-LAW

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

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

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

- i) consider the planning justification which demonstrates the need to carry out the study; and
- ii) be satisfied that the required study can be carried out expeditiously.

8.8 SIGN BY-LAW

The Township may enact a sign by-law to regulate the size and placement of signs in the municipality.

8.9 SITE PLAN CONTROL

Pursuant to Section 41 of The Planning Act (R.S.O. 1990 c.P.13), the entire area within the Corporate limits of Loyalist Township is a proposed site plan control area.

- a) Specific areas and uses where site plan control will apply will be established by by-law. Such by-law may designate site plan control area(s) by reference to specific zones in the implementing Zoning By-law for the Township. The By-law may define any class or classes of development where development may be undertaken without the approval of plans and drawings as may otherwise be required hereunder.
- b) It is generally intended that the following uses be exempted from the site plan control requirements unless approval conditions as part of the creation of a new lot by plan of subdivision or consent to land severance require they be subject to site plan approval:
 - i) a single unit dwelling;
 - ii) a semi-detached dwelling;
 - iii) a duplex dwelling;
 - iv) permitted agricultural buildings and structures used in non-intensive farming operations; and
 - v) accessory buildings, minor renovations, and extensions to the above uses.

In areas designated or adjacent to areas designated Environmental Protection or Environmentally Sensitive, 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.

(OPA No. 19)

- c) Council may require site plan drawings, elevations and cross-sections for all residential buildings containing three (3) or more dwelling units.
- d) In accordance with Section 41 of The Planning Act, the Infrastructure section and Schedule "F" of this Official Plan, sufficient road widening will, where feasible, be required to ensure roads meet the road allowance widths specified in the Infrastructure section of this Plan.
- e) Where a roads needs study is completed and additional information is available on the precise areas where road widening is necessary, such information may be included into this Plan by amendment.
- f) Where road widening is required, the dedication should be applied equally on both sides of the road. The actual extent of road widening required to obtain the planned right-of-way width depends on the existing allowance width. Topographic constraints may require additional lands to be dedicated.
- g) The owner will be required to enter into one or more agreements as a condition to the approval of plans and drawings in accordance with the provisions of Section 41 of The Planning Act.
- h) Pursuant to Section 41(13)(b) of The Planning Act, Council may by by-law delegate the Council's power or authority to a committee of the Council or an appointed officer. Such delegation shall not include any Council authority under Section 41(13)(a) of The Planning Act.
- i) Council may require that site plan drawings show matters relating to external design, including without limitation the character, scale, appearance and design features of buildings, and their sustainable design.
- j) Council may require that site plan drawings show the sustainable design elements on any adjoining highway under the jurisdiction of the Township or the County of Lennox and Addington, including without limitation trees, shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers and bicycle parking facilities.

(OPA No. 19)

8.10 PROPERTY CONDITIONS

Council encourages the development and maintenance of an efficient and pleasant environment for living, working, shopping, and recreation. Although the quality of property and its maintenance is generally high, there is an ongoing need to ensure that adequate

standards of maintenance will be pursued in future to safeguard the values built into the physical community. To this end, it is the intention of Council to implement a property standards program.

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

The Property Standards By-law, as executed under the Building Code Act (S.O. 1992, C.23, as amended) will be applicable to all property and may contain requirements and provisions for:

- i) garbage disposal;
- ii) pest prevention;
- iii) structural maintenance of buildings;
- iv) safety of buildings;
- v) cleanliness of buildings;
- vi) services to buildings such as plumbing, heating and electricity;
- vii) keeping lands and waterfront properties free from rubbish, debris, weeds, and wrecked, discarded or dismantled objects and materials such as vehicles, boats, trailers, and mechanical equipment;
- viii) maintaining yards, lands, parking and storage areas;
- ix) maintaining fences, swimming pools, accessory buildings and signs;
- x) occupancy standards; and
- xi) administration and enforcement of the by-law.

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

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

The measures to be used generally in achieving the property maintenance program may include:

- i) an education and public relations program to show people the benefits of continued property maintenance;
- ii) the provision of information showing what improvements can be made without increasing assessment;
- iii) the establishing and/or seeking out of community and/or home improvement related rehabilitation assistance programs; and
- iv) such other measures as deemed suitable and desirable by Council.

Complementary to the enforcement of minimum standards on private properties, the municipality will undertake to keep in a fit and well maintained condition all Township properties and structures, and to provide or maintain in good repair such municipal services as roads and sidewalks.

8.11 PLANS OF SUBDIVISION

Loyalist Township will approve those plans of subdivision which comply with the policies of this Plan and which, to the satisfaction of Council, can be supplied with adequate services such as schools, fire protection, acceptable method of sewage disposal, potable water, roads, stormwater management, and which, by reason of such approval, would not adversely affect the financial capability of the Township.

8.11a MANDATORY PRE-CONSULTATION

The Township shall, by by-law, require pre-consultation for all development applications for which the Township is the approval authority.

(OPA No. 18)

8.11b DEVELOPMENT APPLICATIONS: ADDITIONAL INFORMATION AND MATERIAL REQUIRED

8.11b.1 Studies and Assessments

Pursuant to Sections 22(5), 34(10.2), 51(18) and 53(3) of the *Planning Act*, Council and/or its designated approval authorities may require applicants to provide additional information or material to accompany the following applications:

- Official Plan Amendments
- Zoning By-law Amendments
- Applications for Plan of Subdivision or Condominium

- Consent Applications

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 4.3.3.5 of the Official Plan
- Archaeological Impact Assessment and Impact Mitigation Report
- Biomass Energy Generating System-related studies pursuant to Section 5.13 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
- Floodplain Management / Slope Stability Report
- Geotechnical Study
- 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 (MDS) I and/or II Calculation
- Municipal Servicing Capacity Report
- Noise / Dust / Vibration Study
- Provision of private utilities, including telecommunication services.
- Relationship Plan for proposed medium- or high-density development adjacent to lower-density development pursuant to Sections 4.6.1.6.h and 4.6.1.7.h of the Official Plan
- Relationship Study, pursuant to Section 5.3.1.1.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

- Solar Energy Generating System-related studies pursuant to Sections 5.12 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
- Wind Energy Generating System-related studies pursuant to Section 5.11 of the Official Plan

8.11b.2 Official Plan Amendments

In addition to the information and materials required under the *Planning Act* and Ontario Regulation 543/06, as amended, the following shall be provided by the applicant at the time of the filing of an application to amend the Township's Official Plan:

- Description of the applicant's interest in the land (owner, tenant, purchaser);
- Identification of the registered land owner, if different from the applicant;
- Identification of the agent for the applicant, if any;
- Assessment Roll Number;
- Owner's authorization / consent to apply for an Official Plan Amendment if the owner is not the applicant;
- Written confirmation of pre-consultation with the municipality;
- Description and sketch of any existing or proposed easements and/or rights-of-way
- Description and/or sketch of existing uses, previous uses and complete description (i.e. frontage and depth) of the subject lands;
- Description and/or sketch of the existing land uses adjacent to and within 500 metres of the subject lands;
- Description and/or sketch of the natural and artificial features (for example buildings, railways, wells, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas) on the subject lands and within 500 metres of the subject land;
- Description and/or sketch of the boundaries and dimensions of the subject land.
- Owner's authorization / consent to use and disclose personal information and to allow site visits.

8.11b.3 Zoning By-law Amendments

In addition to the information and materials required under the *Planning Act* and

Ontario Regulation 545/06, as amended, the following shall be provided by the applicant at the time of the filing of an application to amend the Township's Zoning By-law:

- Description of the applicant's interest in the land (owner, tenant, purchaser);
- Identification of the registered land owner, if different from the applicant;
- Identification of the agent for the applicant, if any;
- Assessment Roll Number;
- Owner's authorization / consent to apply for a Zoning By-law Amendment if the owner is not the applicant;
- Written confirmation of pre-consultation with the municipality;
- Description and/or sketch of existing uses, previous uses and complete description (i.e. frontage and depth) of the subject lands;
- Description and/or sketch of the existing land uses, and natural and artificial features, adjacent to and within 500 metres of the subject lands;
- Description and/or sketch of the natural features on the subject lands and within 500 metres of the subject land.
- Owner's authorization / consent to use and disclose personal information and to allow site visits.

8.11b.4 Applications for Plan of Subdivision or Condominium

In addition to the information and materials required under Section 51(17) of the *Planning Act* and Ontario Regulation 544/06, as amended, the following shall be provided by the applicant at the time of the filing of an application for a plan of subdivision or condominium:

- Identification of the agent for the applicant, if any;
- Identification of the planner, if any;
- Identification of the Ontario Land Surveyor, if any;
- Assessment Roll Number;
- Description of the existing and all previous known uses of the subject lands;
- Description of existing uses of surrounding lands;
- Written confirmation of pre-consultation with the municipality;
- Analysis of housing affordability;
- Preliminary Stormwater Management Report;
- Any studies identified by the Township under Section 5.3.1 of this Plan.
- Owner's authorization / consent to use and disclose personal information and to allow site visits.

8.11b.5 Consent Applications

In addition to the information and materials required under Section 53 of the *Planning*

Act and Ontario Regulation 197/96, as amended, the following shall be provided by the applicant at the time of the filing of a consent application:

- Identification of the agent for the applicant, if any;
- Assessment Roll Number;
- Directions to the property;
- Information regarding benefiting lands for lot additions;
- Zoning of the subject property;
- Written confirmation of pre-consultation with the municipality;
- Description of the existing land uses on the subject lands and within 500 metres of the subject lands;
- Description of the natural features on the subject lands and within 500 metres of the subject lands;
- If the application is a re-submission, information related to the previous consent;
- Owner's authorization / consent to apply for an application for consent if the owner is not the applicant;
- Owner's authorization / consent to use and disclose personal information and to allow site visits.

(OPA No. 18)

8.12 EXISTING VACANT LOTS

In keeping with the intent of this Official Plan, the development of existing vacant lots is encouraged prior to further approvals being recommended.

Existing lots may be developed where:

- i) the lot complies with the servicing policies of this Plan;
- ii) the proposed use complies with the designations and land use policies in this Plan;
- iii) the proposed use conforms to the access provision of this Plan;
- iv) the lot complies with the Minimum Distance Separation Formulae for those lands designated agricultural or rural; and
- v) meets the requirement of agencies such as the Conservation Authority.

8.13 VALIDATION

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

- i) compliance with the Ontario regulations implementing Section 57 of the Planning Act;
- ii) scattered development resulting in a demand for services which are not possible or economical to provide or maintain shall be discouraged. Such services may include items such as garbage collection, police and fire protection, snow removal, road construction, road maintenance, park facilities and transportation to and from school;
- iii) prevention of ribbon development along arterial and collector roads;
- iv) validation shall not be obtained where a traffic hazard would be created because of limited site lines, curves, or grades;
- v) validation shall not be encouraged in areas designated in an Environmental category, as shown on the Land Uses Schedules;
- vi) in no instance shall any parcel be validated which does not conform with the provisions of the Zoning By-law; and
- viii) validation shall not be used as a substitute for the consent or plan of subdivision process.

8.14 LAND ACQUISITION

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

8.15 MUNICIPAL ACT LEGISLATION

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

8.16 FINANCE AND PUBLIC WORKS PROGRAM

The implementation of the policies of this Plan will involve the Township directly in the financing of certain projects. The text and Schedules of this Plan outline the nature and scope of these projects which include the 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) Capital Works

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.

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

b) Finance

It is the intent of this Plan that:

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

circumstances;

- viii) the Township may require the preparation of an economic impact analysis in conjunction with consideration of any significant proposal, as determined by Council. The purpose of such an analysis is to determine the likely impact of the proposal on municipal operating and capital costs over both the short and long term.

8.17 PUBLIC PARTICIPATION AND NOTICE PROCEDURES

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

a) Objectives

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

b) Program Elements

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

- i) public participation;
- ii) provision of accurate and objective information;
- iii) provision of opportunities to express opinions;
- iv) information is presented in non-technical language;
- v) consideration is given to public responses;
- vi) flexibility in the process; and
- vii) acknowledgment of the interests and views of the participants.

c) Provision of Planning Documents

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

d) Public Participation

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

e) Notification Procedures

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

f) Exemptions

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

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

8.18 OFFICIAL PLAN AMENDMENTS AND REVIEW

a) Amendment

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

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

- i) the need for the use;
 - ii) alternative locations for the proposed use;
 - iii) compatibility of the use with surrounding uses;
 - iv) impact on resources including: agricultural land, aggregate resources, environmental resources, groundwater supplies, wildlife resources, heritage resources, and forestry resources;
 - v) the adequacy of water supply and sewage disposal services required by the proposed use;
 - vi) vehicular and pedestrian access; and
 - vii) financial impact on the municipality.
- b) Review and Monitoring

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

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

8.19 CHANGES TO AGENCY NAMES, RESPONSIBILITIES, AND LEGISLATION

8.19.1 Agency Names and Responsibility

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

8.19.2 Legislation

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

8.19.3 Amendment to the Plan

The changes mentioned in Subsection 17.1 and 17.2 may be incorporated into the Plan in accordance with Part 8, Section 15(f) of this Plan.

8.20 INTERPRETATION: BOUNDARIES AND QUANTITIES

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

8.21 DEFINITIONS

The definition of terms contained in this Plan are as follows:

8.21.1 "ADJACENT" means, for the purposes of Section 5.5 (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*.

(OPA No. 19)

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

8.21.3 "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.

(OPA No. 19)

8.21.4 "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.

8.21.5 "BERM" means high embankment or ridge of earth functioning as a protective barrier.

8.21.6 "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.

8.21.7 "COUNCIL" means the elected Council of Loyalist Township, while "Municipality" refers to Loyalist Township and its Council.

8.21.8 "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.

8.21.9 "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;
- iv) drainage works, except for the maintenance of existing municipal and agricultural drains.

8.21.10 "ENVIRONMENT" refers to any combination of: air, soils and water; plant and animal life; social and cultural conditions; buildings or structures.

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

8.21.12 "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.

8.21.13 "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.

(OPA No. 19)

8.21.14 "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.

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

(OPA No. 19)

8.21.16 "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.

8.21.17 "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.

8.21.18 "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.

8.21.19 “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.

(OPA No. 19)

8.21.20 “MINIMUM DISTANCE SEPARATION 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.

8.21.21 "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.

8.21.22 "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.

8.21.23 "PORTABLE ASPHALT PLANT" means a facility:

- a) 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;
- b) which is not of permanent construction but which is to be dismantled at the completion of the construction project; and
- c) which does not remain at one location for more than one year.

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

8.21.25 “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.

(OPA No. 19)

8.21.26 "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.

8.21.27 "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.

(OPA No. 19)

8.21.28 "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.

(OPA No. 19)

8.21.29 "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.

8.21.30 "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.

- 8.21.31 "SUSTAINABLE DEVELOPMENT"** means development that meets the requirements of the present without compromising the ability of future generations to meet their own needs.
- 8.21.32 "WATERBODY"** means all classes of lakes, ponds, rivers, creeks, and streams having defined and permanent banks and beds.
- 8.21.33 "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.
- 8.21.34 "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.
- 8.21.35 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.

(OPA No. 19)

APPENDIX 1

ENVIRONMENTAL IMPACT ASSESSMENTS

In considering any development or site alteration adjacent to an Environmental Protection designated area, or within and adjacent to an Environmentally Sensitive designated area, Council, in consultation with the appropriate agencies, may require the proponent to undertake an Environmental Impact Assessment (EIA).

The scale and subject matter of the EIA required will vary with the scale and type of development proposed. This shall be determined in pre-consultation with the Conservation Authority and the municipality prior to the EIA proceeding.

The following are sample terms of reference for an Environmental Impact Assessment as recommended in the *Central Cataraqui Region Natural Heritage Study (2006)*. Revisions to these terms of reference may be made without amendment to this Plan.

An Environmental Impact Assessment (EIA) shall:

- be prepared by a qualified professional who has been educated in, and has current knowledge of, biology, ecology, landscape ecology and any other relevant fields of study, as required, and who understands the natural heritage system of the region. The qualifications of the individual(s) who prepare the plan should be included as an appendix in the EIA;
- be consistent with the intent of the 2005 Provincial Policy Statement;
- for areas on and adjacent to the site, include descriptions and clearly legible, appropriately scaled maps of the existing land uses (i.e. land use designations and zoning), and the proposed development and site alteration, including all proposed buildings, structures, driveways and parking areas, and sources of human intrusion, light, noise, dust, etc.;
- on clearly legible, scaled maps, illustrate the precise location of all of the natural features and areas (regardless of whether evaluated, and not just those identified as provincially significant) on, or adjacent to the site;
- provide a thorough inventory of flora and fauna and related habitat communities (which is to be completed during the growing season, and preferably in more than one of spring, summer, and fall - additional field work may be required during the winter for specific attributes, for example, deer wintering yards), as well as relevant information on soils and geology, slope, hydrology, and hydrogeology;
- include the best information available from others (including other agencies) regarding the items listed above, including regional natural heritage reports where they have been prepared;
- review the ecological functions of the natural features identified above, including the habitat needs of species that utilize adjacent lands, and an assessment of how the site contributes to the natural heritage system of the adjacent area and the municipality;
- discuss the significance of the natural features and areas identified above;

- predict the impacts of the proposed development and site alteration on the various attributes of the environment on and adjacent to the site, such as habitat, vegetation, soil, surface and ground water, air, and any other relevant attributes, taking into consideration the sensitivity of the attributes, impacts both during and after construction, and where appropriate, the role of flooding and erosion hazards;
- predict the cumulative impacts of the proposal (and any other existing or known future proposals in the vicinity);
- evaluate the significance of all predicted positive and negative impacts on the environment;
- recommend extents of land where: (1) disturbance must be avoided, and (2) disturbance must be limited, in order to maintain the natural features and ecological functions of the area, supported by a detailed rationale;
- explore opportunities for enhancement of the natural heritage system;
- review alternative development options, and recommend measures that could be implemented to avoid or mitigate the predicted negative impacts (e.g. timing of work, fencing, erosion and sediment control, pathway routing, etc.) of the development proposed (i.e. Why is the development form proposed the most appropriate and what are the best measures available to protect the features of the site?);
- identify any measures needed to monitor the mitigation measures and to assess the long-term impacts associated with the proposal; and
- conclude with an independent professional opinion as to whether or not impacts of the development and site alteration are negative, and whether the development proposal is consistent with the intent of the 2005 Provincial Policy Statement.

Sensitive information regarding the habitat of endangered or threatened species, or the habitat of other species at risk, shall be utilized and considered by the author, but shall not be shared in a manner that could further endanger the species or its habitat.

Changes to the boundary of an evaluated Area of Natural and Scientific Interest or wetland shall be subject to the approval of the Ministry of Natural Resources.

The completion and acceptance of an EIA shall not guarantee that a development or site alteration proposal will automatically be permitted. Input from other agencies may be required, and Council or their designate have approval authority for applications under the *Planning Act*.

Any approved development or site alteration shall occur in accordance with the recommendations of the approved EIA. The recommendations would normally need to be implemented through a subdivision, site plan or development agreement between the proponent and the municipality. The municipality may require that the proponent/applicant provide funds to be held in reserve for the purpose of long-term monitoring, which may occur following the completion of the development or site alteration.

(OPA No. 19)