

SECTION 3 GENERAL DEVELOPMENT POLICIES

The following "General Development Policies" apply to all land use designations in this Plan, unless otherwise noted. The "General Development Policies" provide policy guidance with respect to the making of development applications to the Township, special land uses or developments, and inter-jurisdictional policy areas.

3.1 GENERAL POLICIES

- 3.1.1 It shall be a policy of the Township to ensure that all development occurs in accordance with the land use designations shown on the attached schedules and with the policies of this Plan. No zoning by-law shall be approved and no public works shall be undertaken which do not comply with the provisions of this Plan without an Official Plan amendment.
- 3.1.2 Settlement Areas, as designated on the schedules to this Plan, and other development areas shall be encouraged to develop in a compact manner in order to ensure the most efficient and economical provision of public services.
- 3.1.3 The Municipality shall ensure that municipal services, parks and school facilities are adequate to accommodate new development, particularly new residential development.
- 3.1.4 The Township may request any party proposing a development to assess the financial impact of the proposal on the Municipality and may require said party to enter into an agreement with the Municipality to alleviate any adverse financial implications. A balance of residential, commercial, industrial, and farm assessment shall be maintained.
- 3.1.5 No new buildings shall be permitted to locate in close proximity of either side of a natural or a municipal drainage course. The intent of this restriction is to allow for regular and unimpaired maintenance of the drainage course.
- 3.1.6 Prior to permitting any development of the shoreland areas below the 1:100 year flood elevation, the placement of fill to a minimum elevation will be required. No opening of any habitable structures in these areas shall be below the required flood proofing standard. For the purpose of this Plan, the term shorelands shall mean public or private lands covered by the waters of a lake, river, stream, pond and includes adjacent lands that are seasonally inundated by water.
- 3.1.7 It shall be a policy of this Plan to minimize direct vehicular access to all provincial highways and arterial roads, in order to maintain the safety and efficiency of these roads. Strip development on these roads shall be discouraged.

- 3.1.8 It is recognized that noise from traffic or transportation facilities can cause annoyance and adversely affect the use of adjoining properties. To reduce such potential land use conflicts, the design of development near transportation facilities shall incorporate noise reduction measures which meet provincial guidelines.
- 3.1.9 The Township will ensure through the adoption of zoning by-laws under the Planning Act, that adequate standards are required for all development relating to off-street parking and loading requirements and other similar criteria, including landscaping and adequate buffering, and controls regulating the height, bulk, location, size, floor area, spacing and character of buildings.
- 3.1.10 Where, under the policies of this Plan a land use is permitted, uses normally accessory to such use are also permitted.
- 3.1.11 The Township may require the following items be addressed either prior to approval or at the appropriate development stage of a plan of subdivision, consent, zoning by-law amendment or site plan agreement:
- (a) Soil and drainage conditions are suitable to permit the proper siting of buildings;
 - (b) Suitable arrangements have been made for water supply, sewage disposal, storm drainage and all other necessary public services;
 - (c) No traffic hazards will ensue because of excess traffic generation, or limited sight lines on curves or grades;
 - (d) The land fronts on an improved public road, on a road which is maintained by the Municipality and which meets municipal standards, or in the case of residential development on existing lots on a private road in accordance with the relevant policies of this Plan;
 - (e) The potential impact of all adjacent land uses upon the proposed use has been adequately investigated;
 - (f) Appropriate action is taken to minimize any adverse effects of the use on adjacent lands and/or to afford protection from any such effects and an adequate buffer distance is provided between the use and adjacent uses in accordance with the policies of the Plan;
 - (g) The Minimum Distance Separation Formula is complied with; and,
 - (h) All new development permitted by the land use policies and designations of this Plan shall have regard for the heritage resources and shall, wherever possible, incorporate these resources into any plan that may be prepared for such new development within the Municipality.

- 3.1.12 Council may require a site evaluation report for applications for development on the shoreline of Severn Sound, to the satisfaction of the Township and that Severn Sound Environmental Association, that provide:
- (a) Sufficient information about the nature of the site, the development proposal and its appropriateness;
 - (b) Site specific information such as a description of the lands, location, slope and soil characteristics, vegetation, drainage, erosion and flooding characteristics;
 - (c) Description of the regional context of the site, detailing the surrounding land use characteristics and environment;
 - (d) Environmentally sensitive areas shall be identified and analyzed, including significant fish and wildlife habitat;
 - (e) Potential impacts of the development should be identified, including storm water quality and quantity, erosion, vegetation, habitat, shoreline and visual/aesthetic impacts;
 - (f) The Site Evaluation Report should assess the constraints to development and address how the development constraints can be overcome effectively through the utilization of appropriate development control techniques (i.e. Site Plan Control); and
 - (g) The report should also address the appropriateness of the proposed development and its ability to satisfy the principles of a "Green Waterfront" as set out in Section 2 of this Plan.
- 3.1.13 In the course of considering a development proposal, Council may undertake, or direct to be undertaken, planning studies to ensure that the objectives and policies of this Plan are met. Such studies may include the ecological, social and economic impacts on the Municipality and its residents. Council may refuse developments which would have significant adverse impacts or may require agreements or remedial works to offset such impacts.
- 3.1.14 Certain areas and types of development in the Township may be subject to the site plan control provisions of the Planning Act. The specific land uses and designations which may be subject to site plan control and the associated policies are outlined in Section 7, Implementation.
- 3.1.15 All development and site alteration in the Township shall have regard to, and comply with, the County of Simcoe Road and Entrance By-laws, Tree Cutting By-law, and policies respecting waste disposal sites.

3.2 PUBLIC USES

- 3.2.1 Except as may be otherwise specifically stated in this Plan, it shall be a policy of this Plan to permit the use of any land or the use of any building or structure, for the purposes of public service by this Municipality, any telephone or telegraph company, any natural gas company, any conservation authority established by the Government of Ontario or any Department or Ministry of the Government of Ontario or of Canada or authorized contractors/agents of the Ministry or Agency. All public uses shall have regard to the specific Official Plan policies and zoning regulations for the designation and zone within which they are located. Such public service uses shall not include waste management facilities, waste disposal operations or other similar uses. Such uses shall only be permitted by an amendment to this Plan which is supported by detailed documentation on the environmental, social, financial and servicing aspects of such development.
- 3.2.2 All existing electric power facilities and the development of any new electric power facilities, including all works as defined in the Power Corporations Act, such as transmission lines, transformer stations and distributing stations, shall be permitted in any land use designation, without an amendment to the Plan provided that such development satisfies the provisions of the Environmental Assessment Act, including regulations made under the Act, and any other relevant statutes.

3.3 GROUP HOMES

- 3.3.1 It shall be a policy of Council to permit the establishment of group homes within the corporate limits of the Township in accordance with the following policies and all other relevant policies of this Plan.
- 3.3.2 For the purpose of this section, a group home shall mean a dwelling in which not less than three nor more than ten people receive specialized or sheltered residential care and accommodation by virtue of their physical, mental, emotional or social status and which is approved or licensed in accordance with any Act of the Parliament of Canada or Ontario. This does not include an establishment operated primarily for persons who have been placed on probation, released on parole, admitted for correctional purposes or are criminally insane.
- 3.3.3 Council shall establish, through the Zoning By-law, the zones in which group homes may be permitted and such other matters as the number of persons who may reside in a group home and the minimum separation distance between group homes. Since the Municipality is essentially rural in nature only those group homes which require a rural or small community setting will be permitted.

3.4 HOME OCCUPATIONS

- 3.4.1 Home occupations may be permitted in the Agricultural, Rural, Village Residential and Shoreline Residential designations subject to the policies of this Plan and the provisions of the Zoning By-law.
- 3.4.2 Home occupations may be permitted in the above designations where the dwelling fronts on a private road provided the use is a low traffic generator and subject to more detailed regulations in the implementing Zoning By-law.
- 3.4.3 Home occupations in the Agricultural and Rural designation may be permitted in either a dwelling or an accessory building or structure, the size of which will be regulated by the Zoning By-law to ensure that the agricultural and rural residential character is maintained.
- 3.4.4 The implementing zoning by-law may include more detailed regulations with regard to home occupations.

3.5 HERITAGE RESOURCES

3.5.1 General Policies

- 3.5.1.1 Council recognizes the importance of heritage resources within the Township of Tay. Therefore, it is the policy of this Plan to encourage the identification, recording, conservation, protection, restoration, maintenance, and enhancement of heritage resources. All new development permitted by the land use policies and designations of this plan shall have regard for heritage resources and shall, wherever possible, incorporate these resources into any new development plans. In addition, all new development will be planned in a manner which preserves and enhances the context in which heritage resources are situated.
- 3.5.1.2 The Township has established and shall maintain the Tay Heritage LACAC to provide consultation regarding the Township's Heritage Resource program and the designation, demolition, or alteration of buildings, structures, and sites of architectural or historic interest or significance.
- 3.5.1.3 The policies of this Section of the Plan serve to provide the framework to ensure the conservation, recording, restoration, protection, maintenance and enhancement of heritage resources.

3.5.2 Inventory of Heritage Resources

- 3.5.2.1 The Township, in consultation with the Tay Heritage LACAC, shall develop, administer, and maintain a comprehensive Heritage Resources Inventory of heritage resources having historical, cultural, architectural, and archaeological significance. The Heritage Resources Inventory will include those properties which have been designated pursuant to the Ontario Heritage Act and those sites which have not. The Heritage Resources Inventory may also include buildings, structures and/or sites identified in federal, provincial, or County Heritage inventories.
- 3.5.2.2 Each resource will be appropriately described, illustrated and evaluated in accordance with the heritage evaluation criteria developed by the Tay Heritage LACAC and approved by Council.
- 3.5.2.3 The Township, in consultation with the Tay Heritage LACAC, may develop a Heritage Resources Master Plan. The Heritage Resources Master Plan shall develop goals, objectives, strategies, policies, criteria, and guidelines relating to the Township's heritage conservation efforts and shall include the Heritage Resources Inventory of the heritage resources recognized by the Township. The Heritage Resources Master Plan shall serve to implement the heritage policies contained in this Plan.

3.5.3 Designation of Heritage Properties

It is a policy of this Plan to control as fully as possible the demolition, removal, or inappropriate alteration of building of historic or architectural value or interest included in the Township's Heritage Resource Inventory and, for these purposes, Council may:

- (a) Pass by-laws pursuant to the Ontario Heritage Act to designate properties, buildings or structures to be of historic or architectural value or interest;
- (b) Pass by-laws providing for the acquisition by purchase, lease or otherwise any property designated or for the expropriation of any such property;
- (c) Acquire heritage easements, apply restrictive covenants and enter into development agreements, as appropriate, for the preservation of heritage resources;
- (d) Encourage the documentation of heritage resources which are to be demolished or significant altered for archival purposes.

3.5.4 Heritage Impact Assessment

A Heritage Impact Assessment shall be required when a development proposal includes or is contiguous to a heritage resource identified in the Townships Heritage Resource Inventory. A Heritage Impact Assessment will include the following elements;

- (a) Identification and evaluation of the heritage resources;
- (b) Graphic and written inventory of the heritage resources;
- (c) Assessment of the proposals impact on the heritage resources;
- (d) Means to mitigate negative impacts; and
- (e) Identification of, and justification for, the Assessments recommendations.

Additional information may be required by the Township depending on the nature and location of the proposal. The Township and/or the Tay Heritage LACAC shall make available any relevant information that it maintains respecting the heritage resource. A completed Heritage Impact Assessment shall be submitted to the Township and Council, in consultation with the Tay Heritage LACAC, shall review and approve the report. Council, in consultation with the Tay Heritage LACAC, may scope or waive the requirement of a Heritage Impact Assessment where the scale and nature of the proposed development would not warrant the completion of the study.

Detailed guidelines for the completion of a Heritage Impact Assessment will be developed by the Township, in consultation with the Tay Heritage LACAC, and adopted by resolution of Council.

3.5.5 Archaeological Resources

3.5.5.1 It is a policy of this Plan to identify, protect and conserve significant archaeological sites and resources within the Township. Within the Township of Tay there are known, and there may be unknown, archaeological sites and resources requiring protection and conservation. It is also a policy of this plan to encourage that all heritage resources recovered locally be retained locally.

3.5.5.2 Where a development application is submitted and the site contains archaeological resources or there is a moderate to high potential for resource the Township, or on the direction of the County or other relevant agency, shall require the owner to undertake an Archaeological assessment in accordance with the requirements of the Archaeological Assessment Technical Guidelines (1993) or its successors. The Archaeological Assessment will be subject to the approval by the Township and the Province and shall be prepared by a qualified

professional.

3.6 SEVERN SOUND REMEDIAL ACTION PLAN

It is a policy of this Plan to ensure that provisions are made for the protection of the Severn Sound ecosystem in accordance with the objectives of the "Severn Sound Remedial Action Plan" including:

- (a) The improvement of water quality through remedial action and the maintenance of that enhanced quality level as development occurs by addressing potential development impacts such as nutrient, sediment, phosphorus, toxic and bacteria loadings;
- (b) The protection of all remaining wetland and critical fish habitats and any other environmentally sensitive areas from adverse impacts from development, shoreline alternation, and other impacts that could threaten or destroy such areas;
- (c) The Municipality will encourage the appropriate agency or agencies to enforce remedial actions and will co-operate with the appropriate agencies to ensure that the environmental objectives of the Remedial Action Plan are met;
- (d) The Municipality will encourage the upgrading of deficient existing private sewage disposal systems on an individual basis where necessary;
- (e) The Municipality will ensure that new developments are designed to adequately protect the environment and ecosystems of Severn Sound; and
- (f) The Municipality will ensure the effective and environmentally sound management of storm water drainage.

3.7 WATERFRONT DOCKING AND STORAGE FACILITIES

New or expanded waterfront docking and storage facilities shall be subject to the following policies.

- (a) Facilities should be located within lot line extensions of the property such that they do not interfere with navigation and aids to navigation, developed or potential beach areas and other uses within the shoreline areas. Approval from the appropriate government ministries or agencies may be required;
- (b) Developers of such uses other than marinas shall not rely on filling or dredging of the shoreland areas;
- (c) Where filling or dredging is required in the shoreland areas, prior approval shall be obtained from the appropriate government ministries or agencies;

- (d) For the use of land which is under water, appropriate land tenure shall be obtained from the Ministry of Natural Resources according to the provisions of the Public Lands Act, prior to actual construction or work commencing;
- (e) The facilities constructed shall be no longer in dimension than is necessary to carry on the proposed activity;
- (f) The facilities shall be developed on appropriate soils;
- (g) Facilities shall be located so as to be protected from potentially damaging storm and high water conditions;
- (h) The uses shall be located so as not to adversely affect fisheries habitat; and
- (i) Waterfront docking and storage facilities may be subject to the provisions of site plan control.

The boundary of the Township of Tay extends to the middle of all Bays, Channels, etc. as defined in the Territorial Divisions Act and the County of Simcoe Act and as such the Township can exercise a degree of planning controls over those lands which are covered with water within the Municipal boundary.

As the control of this area is multi-jurisdictional, the Township will request and make every effort to co-ordinate its planning programs with Provincial and Federal programs relating to the lands and waters within the Township's jurisdiction.

The implementing Zoning By-law shall establish appropriate zone categories and regulations regarding the development or re-development of shoreland areas and the land covered with water.

3.8 ACCESSORY DWELLING UNITS

Notwithstanding any other provisions of this Plan, the conversion of individual dwelling units to accommodate an accessory dwelling unit shall be permitted as-of-right on all lands within the Township of Tay. For the purpose of this Section, "Accessory Dwelling Unit" shall be considered secondary and incidental to the existing individual dwelling unit.

Appropriate standards and provisions shall be established in the General Zoning By-law in accordance with the following guidelines:

- (a) The accessory dwelling unit is being permitted in conjunction with a single detached, semi-detached or row house dwelling;
- (b) Only one accessory dwelling is permitted per single detached, semi-detached or row house dwelling;

- (c) The dwelling is accessory and secondary to the single detached, semi-detached or row house dwelling unit;
- (d) The accessory dwelling unit forms an integral part of the single detached dwelling and is so designed to maintain the character of the single detached, semi-detached or row house dwelling and the surrounding neighbourhood;
- (e) The internal construction of the unit, i.e. washrooms, kitchens, etc., comply with the applicable codes and regulations;
- (f) Adequate parking for the accessory apartment is available;
- (g) Where necessary, buffering of adjacent uses is provided;
- (h) The addition of an accessory dwelling unit shall not cause an encroachment into any required yard or height restriction imposed by the Zoning By-law. In the case where an existing single detached, semi-detached or row house dwelling is legally non-complying such accessory dwelling unit shall not cause a further encroachment;
- (i) The minimum floor area for the accessory dwelling unit and all other standards will comply with the Ontario Building Code, Ontario Fire Code, and all other applicable requirements, and;
- (j) The lot upon which an accessory dwelling unit is to be located is connected to full municipal services; or
- (k) The lot upon which an accessory dwelling unit is to be located is adequate to accommodate a private sewage disposal system acceptable to the applicable Agency to adequately service the residential and accessory dwelling units.

3.9 GARDEN SUITE DWELLING UNIT

Notwithstanding any other provisions of this Plan, the establishment of an "Garden Suite" may be permitted, subject to a Temporary Use By-law, on land designated "Agricultural" and "Rural". The "Garden Suite" shall be considered secondary and incidental to the existing dwelling unit.

In considering "Garden Suite" dwelling units Council, prior to passing a Temporary Use By-law, shall be satisfied that:

- (a) The "Garden Suite" is being permitted in conjunction with a single detached dwelling unit;

- (b) The "Garden Suite" is secondary to the single detached dwelling unit and no more than two dwelling units in total, including the Garden Suite, shall be permitted per lot;
- (c) Adequate parking for the "Garden Suite" is available;
- (d) Where necessary buffering of adjacent uses is provided;
- (e) The "Garden Suite" shall not cause an encroachment into any required yard imposed by the Zoning By-law. In the case where an existing single detached dwelling is legally non-complying, the "Garden Suite" shall not cause further encroachment;
- (f) The internal construction of the "Garden Suite" i.e. washrooms, kitchen, etc. comply with the applicable codes and regulations and shall be portable;
- (g) The "Garden Suite" is serviced through extension from the existing dwelling unit;
- (h) The lot upon which the "Garden Suite" is to be located is adequate to accommodate a private sewage disposal system acceptable to the appropriate Agency to adequately service the principle residential unit and the "Garden Suite";
- (i) An adequate water supply is available to service the garden suite; and
- (j) An agreement is entered into with the Township regarding the maintenance, alterations and improvements and eventual removal of the "Garden Suite" unit. This agreement may include a bond or security held by the Township which would ensure the removal of the unit.

3.10 EXPANSION OF SETTLEMENT AREAS

This Plan, through its land use Schedules and policies, establishes a Settlement pattern that will accommodate the forecasted and projected growth for the Township to the year 2016. It is not anticipated that expansions to the existing Settlement Areas or the development of new estate residential subdivisions will be required during the planning period of this Plan.

Any application to expand or extend a Settlement Area or establish a new residential development outside a Settlement Area will not be considered until a Growth and Settlement and/or justification study has been completed. In addition to other considerations, the expansion of a settlement area or the designation of a new residential development shall:

- (a) Generally conform to the Township's Growth and Settlement Study;
- (b) Consider the suitability of the Settlement Area expansion or new development in comparison to other reasonable alternatives available elsewhere in the Municipality;
- (c) Consider the Agricultural and Aggregate Resources of the Township and conform with the Minimum Distance Separation formulae;
- (d) Consider the impact of any proposed Settlement Area expansion or new development on the Natural Heritage System in accordance with Section 4.8 of this Plan;
- (e) Be accompanied by detailed environmental studies as required by this Plan; and
- (f) Be appropriately serviced in accordance with Section 6 of this Plan.

3.11 CONSENT POLICIES

3.11.1 General Policies

It is intended that, wherever possible, the creation of new lots shall occur by plan of subdivision. However, there are circumstances, particularly for single lot development or in the defined Settlement Areas, where a plan of subdivision is not necessary for proper and orderly development. Therefore, an application to the Committee of Adjustment for a consent to sever a parcel of land may be approved where it is clearly evident that a plan of subdivision is not necessary and there is compliance with the policies of this Plan and the relevant provisions of the Planning Act. Generally, the creation of more than 5 lots shall occur only by plan of subdivision.

To assist the Committee of Adjustment in their evaluation of applications for consent, the following policies serve to define the circumstances in which approval of a consent application may be considered. In making a decision on specific applications for consent, the Committee of Adjustment shall consider the policies of this Section and all other relevant policies in this Plan as well as the matters set out in the Planning Act and the provisions of the Zoning By-law.

3.11.2 Policies Applicable to all Land Use Designations

3.11.2.1 The proposed lot and the lot to be retained shall be of an appropriate size and have adequate frontage for the existing and proposed uses and the severed and retained lots shall comply with the provisions of the implementing zoning by-law.

3.11.2.2 The creation of new lots shall have regard for the servicing hierarchy and policies of Section 6 of this Plan.

3.11.2.3 Where development is proposed on private services, the Municipality may request that a hydrogeological report providing information on adequate water supplies and soil conditions for the proper siting of buildings and private sewage treatment systems be prepared. The Municipality may also request that the report address any potential off-site impacts from the proposed development including but not limited to ground water quality and quantity, storm water quality and quantity, and impacts on and from adjacent land uses. Circumstances where the Committee of Adjustment may request the assessment of off-site impacts would include:

- (a) Where there are known ground or surface water quality or quantity problems in the immediate area.
- (b) Where the proposed lot(s) would result in a grouping of more than five (5) dwellings at a net residential density greater than 2.47 units per hectare.

3.11.2.4 All lots created by consent shall front on and have access to an improved public street. Consents shall not be permitted where a traffic hazard would be created due to the curve, grade and/or traffic volumes on the road upon which the lot fronts. New residential lots created by consent shall only have access from local or collector roads. Direct access to Provincial Highways and Arterial roads shall not be permitted.

3.11.2.5 The creation of non-residential lots with access onto Provincial Highways and Arterial Roads shall be restricted. Where such a severance is proposed on a Provincial Highway or County Road, the applicant must submit evidence that an access permit will be issued. It shall be noted, however, that the ability to obtain an access permit does not guarantee the granting of a severance.

3.11.2.6 The creation of strip or linear residential development, shall be prevented wherever possible. However, the creation of infilling lots may be permitted between two existing residential lots on local or collector roads where the distance between the lots is approximately 55 metres or less. Also, existing strip or linear residential areas may be extended to a physical feature such as a

river, sideroad, or major slope where such feature is approximately 55 metres or less from the residential area. Notwithstanding the above, no lot shall be created which would restrict proper access to rear lands.

- 3.11.2.7 A consent may be permitted for technical or legal reasons such as boundary adjustments, easements, right-of-ways or other similar purposes that do not result in the creation of a new lot.
- 3.11.2.8 Consents for non-agricultural uses shall comply with the Minimum Separation Distance requirements of the Agricultural Code of Practice as they relate to any nearby agricultural uses. Consents shall not be granted where the proposed use would adversely affect existing or proposed agricultural operations.
- 3.11.2.9 A consent may be granted for any permitted use except accessory uses in any land use designation providing there is compliance with all the relevant policies of this Plan.
- 3.11.2.10 Scattered rural development by consent shall be discouraged in order to minimize the overall impact on the environment and natural resources, to allow for the more efficient delivery of services, and to protect the rural character of the Township. Non-agricultural development should be located in or adjacent to the defined Settlement Areas of the Municipality. It is anticipated that the number of new lots created by consent in the rural and agricultural areas shall be very limited. New lots for agricultural and other resource development purposes in the Rural designation shall have a minimum lot frontage of 30 metres and a minimum lot area of 20 hectares; lot creation for other purposes is not permitted unless it meets the infill provisions of this section.
- 3.11.2.11 Applications for consents within areas identified as a "Waste Disposal Assessment Area" shall be subject to the policies of Section 6.
- 3.11.2.12 Consents for a residential use shall not be permitted within or adjacent to areas designated "Extractive Industrial".

3.11.3 Consents within Areas of Good Agricultural Land

- 3.11.3.1 The policies of this subsection apply with regard to areas of good agricultural land as defined by the policies and designations of this Plan. Generally, the areas designated "AGRICULTURAL" on the Schedules to this Plan are considered to be good agricultural land. Consents in the "AGRICULTURAL" designation are generally prohibited, with exceptions permitted for consents related to the agricultural use and development of the lands.

- 3.11.3.2 A consent may be granted where the parcel to be severed and the parcel to be retained are both to be used for agricultural purposes. Generally, new agricultural lots shall have a minimum area of 40 hectares. Where the proposed lots would be less than 40 hectares, the applicant shall satisfy the Committee of Adjustment that the parcels are large enough for the proposed uses and for a reasonable number of alternative uses, and that the proposed agricultural uses are suitable for the area.
- 3.11.3.3 A consent may be granted to dispose of a farmhouse rendered surplus by farm consolidation provided that the Minimum Separation Distance is provided between the proposed lot and any livestock operations, including the farm from which the lot is being severed. It would be preferable if the accessory buildings to the surplus farmhouse were included on the severed lot. For the purpose of this section farm consolidation severance's shall be limited to consolidations of abutting properties.
- 3.11.3.4 A consent may be granted for a retirement lot for a farmer who is retiring from active working life and wishes to build a house in which to retire. The Committee of Adjustment shall consider the following and other policies of this plan when dealing with an Application for consent for retirement purposes:
- (a) The land must be an active and productive agricultural farm unit.
 - (b) The farmer retiring must have owned and farmed the lands for at least twenty (20) years.
 - (c) The owner must be intending to sell the main farm unit and build on and retire to the proposed lot.
 - (d) The proposed lot should have a minimum area of 0.4 hectares and a maximum area of 0.8 hectares. The lot should meet the Minimum Distance Separation criteria of the Agricultural Code of Practice with respect to the farm operation and any adjacent livestock operations and be located on the least productive lands.
 - (e) The proposed lot must be suitable for the sustained operation of a private sewage disposal system and private potable water supply.
 - (f) Only one consent for the lifetime of the original farm unit shall be permitted for retirement purposes.

3.11.4 Consents in "Rural" Lands

In areas of good agricultural land within the "Rural" designation, the policies of subsection 3.11.3 shall apply with regard to the granting of consents. In all other areas designated

"Rural" or included in any other non-agricultural designation on the schedules to this Plan, the policies of subsection 3.11.2 shall apply with regard to the granting of consents. For the purpose of this section, good agricultural land shall mean lands within the Rural designation which are considered by the Committee of Adjustment in accordance with Section 4.4 to be currently used for agricultural purposes.

3.11.5 Two Dwelling Lots

Through a number of different circumstances there have occurred in the Township situations where two single detached dwellings have been constructed on one parcel of land. In recognition of the significant financial burden this places on the property owners, consent may be granted for a two dwelling property notwithstanding the other policies of this Plan. The Committee of Adjustment shall consider the following policies when dealing with an application for consent for a two dwelling property:

- (a) The construction of the second dwelling occurred prior to October 15, 1980;
- (b) The issuance of the Building Permit for the second dwelling must not have been subject to an undertaking or an agreement that the existing dwelling would be demolished subsequent to the completion of the second dwelling;
- (c) The proposed severed and retained parcels and all structures contained thereon shall comply with the provisions of the General Zoning By-law. A zone change as appropriate may be required;
- (d) The existing sewage disposal system on the severed and retained lots shall have been inspected by the appropriate Agency and any improvements necessary to upgrade the systems shall be completed prior to final approval;
- (e) Both the severed and retained parcels must front onto an opened and assumed public roadway; and
- (f) All applicable development charges and municipal fees shall be paid with respect to the severed parcel containing the second dwelling unit.

3.12 FLOOD PLAINS

Development shall be directed to areas outside of hazardous lands adjacent to lake, river and stream systems which are impacted by flooding hazards.

Structural development and site alterations are not permitted within the floodway of a river or stream system where there would be an unacceptable risk to public health and safety or property damage.

Development and site alteration may be permitted within the flood fringe of a river or

stream system where flood depths and velocities would be less severe than those experienced in the flood way. Development may be permitted within the flood fringe if the following criteria can be achieved:

- (a) The hazards can be safely addressed and the development and site alteration is carried out in accordance with established standards and procedures for flood fringe development;
- (b) New hazards will not be created and existing hazards aggravated;
- (c) No adverse environmental impacts will result;
- (d) Vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies; and,
- (e) The development does not include institutional uses, essential emergency services, or the disposal, manufacture, treatment, or storage of hazardous substances.

Uses, which may be permitted in the floodway and flood fringe, include open space for public or private recreation and natural heritage preservation, agricultural uses and related structures subject to the approval of the appropriate regulatory agency, structural works for flood and erosion and sediment control, and additions to existing structures subject to the approval of the appropriate regulatory agency. Generally, agricultural structures in the flood fringe may be rebuilt where destroyed by fire or other event.

3.13 AGGREGATE POTENTIAL AREAS

High potential aggregate resources, as identified on Schedule 5.2.1 of the County Official Plan, shall be protected for potential long term use. Suitable uses in areas of high aggregate potential include agriculture, forestry, and other resource related developments, as well as public utility installations, if their siting does not preclude or hinder aggregate development. When considering development in areas adjacent to or in the high potential aggregate resource areas, Council shall ensure that the proposed development does not preclude or hinder the establishment or new operations or access to the aggregate resources unless it has been demonstrated that:

- (a) Future aggregate resource use is not feasible because of natural, physical or man-made constraints; or,
- (b) The proposal serves a greater long term public interest; and,
- (c) Provided any issues of public health, public safety and environmental impact are addressed.