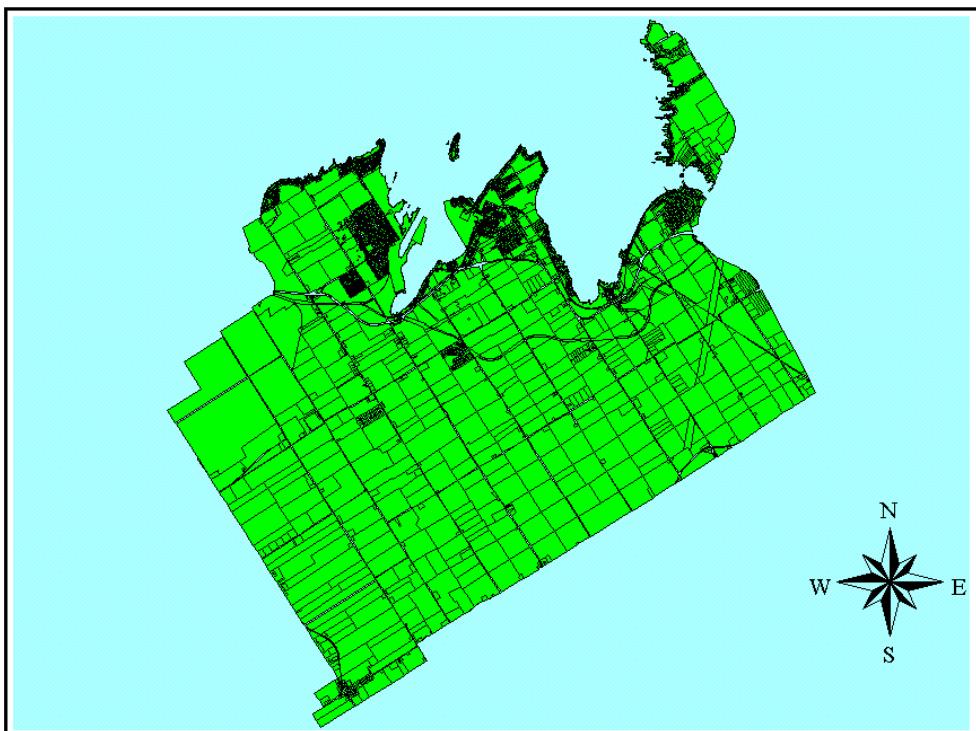


The "Consolidated" Official Plan of the Township of Tay



Adopted by Council on July 8th, 1998

Approved by the Ministry of Municipal Affairs and Housing as of February 23rd, 1999



Consolidated December 2007

OFFICIAL PLAN OF THE TOWNSHIP OF TAY

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Schedule "A"	Land Use Plan
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Schedule "F"	Waverley Settlement Area

SECTION 1 **INTRODUCTION**

1.1 TITLE AND CONTENT

- 1.1.1 The Official Plan for the Township of Tay consists of this written text and the attached schedules.
- 1.1.2 The Background Studies, inclusive of maps, tables, and graphs are not intended as part of the document receiving formal approval under the Planning Act and are included as background supporting data only.
- 1.1.3 The Official Plan covers the whole of the Township of Tay and, when approved, shall be known as:

"THE OFFICIAL PLAN OF THE TOWNSHIP OF TAY"

1.2 PURPOSE

- 1.2.1 The Official Plan of the Township of Tay is intended to update the previous Official Plans to present standards and to provide a document which will guide the Township's future to 2016, the end of the planning period.
- 1.2.2 This Official Plan reflects the Township's policies relating to the future development of the Municipality. It is an important legal document that affects the lives of all the residents of the Township. It is intended that the Plan provide a framework within which Council and the Committee of Adjustment can make decisions on land use and development matters such as subdivisions, zoning by-laws, holding zones and consents for conveyances of land.
- 1.2.3 The purpose of this Plan is:
 - (a) To provide a vision for the Municipality as a community of communities;
 - (b) To provide guidelines for future development for both the public and private sectors with respect to land use designations and the principles of development;
 - (c) To permit the orderly growth of the Township while correcting existing problems and safeguarding the health, convenience, and economic well-being of the residents;
 - (d) To ensure that the timing of development within the Municipality coincides with the Township's ability to provide the required services in order to avoid undue strain on municipal finances;

- (e) To provide a policy framework for the Municipality to use in exercising its powers in relation to land use control and the construction of public works;
- (f) To provide services and plan for the future growth of established settlement areas within the Township; and,
- (g) Interpret and apply the intent of provincial legislation and the Provincial Policy Statement and the County of Simcoe Official Plan in the context of the Township practices and authority.

1.3 STATUS OF THE PLAN

- 1.3.1 The Township, in accordance with the Planning Act, is permitted to have an Official Plan. This Plan is the Official Plan for the Township of Tay.
- 1.3.2 Upon approval by the Appropriate Authority, this Plan will supersede the Official Plans for the former municipalities of Port McNicoll, Victoria Harbour, and Tay Township. Following its approval, the Planning Act requires that no public work be undertaken and no municipal by-law be passed which does not conform to this Plan.
- 1.3.3 The policies contained in this Plan are intended to provide a statement of the intentions of the Township Council. If clarification of any policy is necessary, reference should be made first to the Community Vision, then to the General Objectives of the Plan. The Community Vision provides a general statement of intent, recognizing that it may not be possible or feasible to achieve the Community Vision in all situations or within the timeframe of the Plan. The Community Vision describes a broad overview of the expected results of the policies, but is not intended to take precedence over any other part of the Plan.
- 1.3.4 Policies in this Plan which use the words "will" or "shall" are to be construed as expressing a mandatory requirement. Where the words "should" or "encourage" are used, it indicates that the Township desires consideration of the policy but does not require full compliance. Such policies provide direction and support for achieving the Vision of a Sustainable Community. None of the policies are intended to commit Council to provide funding for their implementation.

1.4 PLAN CONTENTS

- 1.4.1 The Plan comprises eight Sections and seven schedules. The Sections are organized as follows:
 - Section 1 Introduction - introduces the Plan, including its title and components, the status of the Plan, its general purpose, and the content of the Plan.

Section 2 Goals and Objectives - contains the vision for the Township and the policies intended to achieve this vision, the principles of the protection of the natural heritage system of the Township, protection and preservation of farm land, and the wise use of natural resources.

Section 3 General Development Policies - contains general policies that apply to all land use designations and provides specific policy direction regarding public uses, group homes, home based business, heritage resources, Severn Sound and shoreline works, accessory apartments, garden suites, settlement expansion, and consents.

Section 4 Land Use Designations and Policies - identifies the eight primary land use designations forming the land use concept for the Township and the general principles, permitted uses, general policies, and the special policies for each designation.

Section 5 Policy Areas - identifies areas of the Township which require separate land use policies to address unique historical, environmental, servicing, ownership, and/or planning constraints.

Section 6 Infrastructure - contains the policies that promote the integration of land use and infrastructure requirements respecting sewage servicing, water supply, transportation, stormwater management, waste management, and contaminated sites.

Section 7 Implementation - contains the tools to be used to implement and monitor the goals, objectives, land use concept, and policies of the Plan.

Section 8 Interpretation - contains the policies respecting the general interpretation of the Plan and its land use schedules.

Schedules - in six schedules, the land use, natural heritage, settlement, and infrastructure concepts and designations are set out.

SECTION 2 **GOALS AND OBJECTIVES****2.1 COMMUNITY VISION**

- 2.1.0.1 Prior to the development of the principles, policies, and land use concept in this Plan, the Township wanted to establish a positive and progressive vision for its future and to develop clear and comprehensive goals and objectives to achieve this future. To do this, the Township embarked on a community-based strategic planning process intended to bring together its previously separate and distinct communities to develop a vision for the new Municipality. The following section paints a picture of what the Township would like to achieve by the year 2016. Achieving this Vision will require commitment to the policies in this Plan and partnerships among all levels of government, the private sector, and the community.
- 2.1.0.2 The "Vision Statement" developed by the community for the new Township of Tay, which was adopted by Council in November of 1994, is as follows:

The Township of Tay is a 'community of communities' which will work together to build a prosperous and progressive future.

The Township is proud of our heritage and values the unique environmental features, waterfront areas, and natural setting that are a part of our community.

Through tourism, agriculture, commerce and industry, the Township will endeavor to develop a diverse and stable local economy which is compatible with our lifestyles.

The Township will strive to ensure a range of community services to provide residents and visitors with lifelong opportunities in our community.

The Township was built on a long history of partnerships. The Township is committed to building upon and using these partnerships to achieve broad community development goals and to ensure that Tay remains a safe, affordable and active community."

- 2.1.0.3 To support the community vision for the Township, goals were developed for eight key elements of the community.
- (a) Community identity
 - (b) Economic development
 - (c) Tourism and waterfront
 - (d) Community services
 - (e) Housing

- (f) Planning and the environment
- (g) Infrastructure and transportation
- (h) Community development and governance

2.1.0.4 Implementation of the community vision and the eight community goals requires many specific actions and activities by the levels of government and many different partner groups. The following describes the eight community goals in detail and lists the objectives required to implement them.

2.1.1 Community Identity

2.1.1.1 *To create a common community identity which brings together the urban, rural and seasonal communities of Tay, while recognizing each community's character and foster pride in its people and its unique history and natural environment, including Ste. Marie Among the Hurons, Martyr's Shrine, the rolling hills, and the vistas of the Sound.*

2.1.1.2 As a Municipality amalgamated in 1994, the Township faces the challenges of bringing together the residents of a number of separate municipalities and generating a common sense of community identity. Residents are very attached to their communities, and they want to maintain a continued sense of belonging within these communities. A 'community of communities' is the concept put forward in the community vision.

2.1.1.3 To build a community identity within the new Township of Tay, residents need to develop a sense of belonging and feeling of attachment to the entire Municipality, and not just to their own community. Building on the valued features of safety, friendliness, cooperation, community spirit, and quality of life, the Community Identity goal will be achieved through the following objectives:

- (a) Developing an awareness and identity for Tay as a 'unified community of communities'.
- (b) Promoting and marketing of the community identity of Tay
- (c) Encouraging and supporting community-based events and initiatives which bring the community together
- (c) Fostering resident awareness and attachment to Tay

2.1.2 Economic Development

2.1.2.1 *To create economic diversity and stability by supporting existing and new businesses in traditional sectors, such as agriculture and manufacturing, and emerging sectors, such as high technology and cottage industries, and fostering employment, training and entrepreneurial opportunities for the Township's residents in the community and the surrounding region.*

- 2.1.2.2 Economic conditions in the Township, like everywhere else, are changing. The traditional economic activities, like manufacturing and agriculture, are employing fewer people and new economic activities, like high technology businesses, are now growing. The shift from large companies with numerous employees to small companies with few employees is also being felt in Tay. Self-employment and cottage industries are seen as key opportunities for the Township's future economic health.
- 2.1.2.3 To create a positive and proactive response to these changes, the Township needs to diversify and stabilize its economy. The Township also needs to create an environment that supports existing businesses and attracts new businesses. Residents also need access to opportunities for developing the technical and entrepreneurial skills required in the markets of today and the future. The Economic Development goal will be achieved through the implementation of the following objectives;
- (a) Encourage and support small and home-based business and cottage industry development.
 - (b) Foster and promote local entrepreneurship.
 - (c) Maximize use of existing land, human and business resources in the community for economic development.
 - (d) Support the development of business services.
 - (e) encourage the provision of training initiatives in the Township
 - (f) Expand promotion and marketing of economic opportunities.
 - (g) Tie into regional economic development initiatives.

2.1.3 Tourism and Waterfront

- 2.1.3.1 *To develop a vibrant tourism industry in Tay which promotes tourism, waterfront and service commercial opportunities in the Township, and recognizes and enhances our heritage and our air, water and natural resources for future generations.*
- 2.1.3.2 Tay is situated in the heart of some of the most spectacular natural and waterfront areas in the province. The attractions abound in the Township and the surrounding area, and its location at the 'gateway' to the Georgian Bay and Lake Huron vacation areas is enviable. The Township also enjoys a long and rich history of offering four-season recreation and leisure pursuits for both residents and visitors alike.
- 2.1.3.3 Tourism and waterfront development present a significant opportunity for the Townships' future. While the community is reasonably developed in terms of its tourism infrastructure, there is considerable potential for the Township to promote, stimulate and support the development of its tourism and waterfront resources. This development must take place in a manner which is compatible with the environment and provides an opportunity for continued public access to

natural areas and the waterfront. Building on the Township's existing tourism sector, natural amenities, locational attributes and waterfront, the Tourism and Waterfront goal will be implemented through the following objectives:

- (a) Expand the promotion of tourism and waterfront opportunities.
- (b) Support the existing tourism industry.
- (c) Encourage the expansion of the tourism and waterfront infrastructure.
- (d) Secure public access to waterfront areas.
- (e) Tie into regional tourism and waterfront initiatives.

2.1.4 Community Services

2.1.4.1 *To foster a healthy and safe community with leisure, recreation and educational opportunities for residents of all ages and incomes through partnerships with public, private and non-government organizations.*

2.1.4.2 Like most small communities in Ontario, the Township is experiencing changes in the community and social services needs of its residents. These changes have a profound affect on the ability of the community to address these needs, and to ensure the continued quality of life in the community. An aging population, limited opportunities for youth, need for 'life long' educational programs, and an increasing pressure to 'do more with less' have pressed the community service resources of the Township to their limits.

2.1.4.3 Despite these circumstances, the Township has the opportunity to use its resources and those of the organizations and agencies in the surrounding area, to meet the needs of its residents. The Township also has the potential to foster its community identity and build partnerships in the Municipality by 'working together' to meet the residents' community service needs. Utilizing the existing community resources in the Township and surrounding area, the tradition of volunteer involvement, and the potential for 'working together', the Community Services goal will be implemented through the following objectives:

- (a) Encourage and support initiatives to ensure continued awareness, information and access to health and social services in the community and North Simcoe area.
- (b) Expand year-round leisure and recreation facilities and programs for residents of all ages and incomes.
- (c) Encourage and support continued maintenance and enhancement of education, fire protection, police and library services and programs.

2.1.5 Housing

2.1.5.1 *To encourage the provision of a wide range of housing types which meet the needs of year-round and seasonal residents of all ages and incomes in the Township.*

- 2.1.5.2 Housing is an important issue in the future development of the Township. Different groups, whether it is seniors or young families or seasonal residents, will require types of housing which meet their needs. If these forms of housing are not available in the Township, then the potential for these people to leave the community will increase. To keep the existing residents, and to attract new residents, the community must encourage, support and provide housing opportunities for a diversity of residents.
- 2.1.5.3 To respond to the housing issue, there are opportunities for the community to develop partnerships to provide housing in the Township. These partnerships may be between various groups, including private developers, organizations and churches. Other opportunities to ensure that there is an adequate mix of housing in the Township include implementing property standards by-laws, and developing planning policies that are flexible enough to permit a range of housing types. The Housing goal should be implemented through the following objectives:
- (a) Identify future population growth patterns and housing needs for the Township.
 - (b) Investigate opportunities to ensure that appropriate and adequate housing is available for residents of all ages and incomes in the community in the future.
 - (c) Develop planning policies and guidelines to ensure the maintenance of the Township's existing housing stock.
 - (d) Investigate and implement a strategy for the seasonal dwellings.

2.1.6 Planning and Environment

- 2.1.6.1 *To plan and manage land development in Tay to complement the existing natural and built environments, and to provide opportunities for appropriate future growth in the community which is compatible with the environment and lifestyles in Tay.*
- 2.1.6.2 Balancing development and environmental concerns is a crucial issue with the people of Tay. The community is of 'mixed minds' when it considers the desire to preserve and protect its natural areas, and the need to stimulate development in order to survive. There is no question that Tay residents would like to have their community planned and managed to encourage both environmental protection and community development. Many initiatives are impacting planning and the environmental conditions in Tay, planning reform, an ambitious Remedial Action Plan for Severn Sound, and the identification of the future growth and settlement patterns in the Township are just a few of these influencing factors.

- 2.1.6.3 Building on the community's desire to balance the need for development with

the preservation and protection of Tay's environment, the Planning and Environment goal should be implemented through the following objectives:

- (a) Identify future growth and development patterns for the Township.
- (b) Establish priorities to preserve and protect the environment, waterfront, heritage, character and lifestyles of Tay.
- (c) Update and revise the Official Plan, Zoning By-law and related by-laws to plan and manage future development in the community.
- (d) Develop Municipal Master Servicing Plans consistent with planning objectives in the Official Plan.
- (e) Promote and support community involvement in environmental awareness and protection initiatives.

2.1.7 Infrastructure and Transportation

2.1.7.1 *To develop and maintain transportation and infrastructure systems that support existing and future development, protect the environment, improve transportation, and integrate current systems within the Township.*

2.1.7.2 Roads, sewers and water systems are the 'foundation' of any Municipality. Maintaining, upgrading and improving these systems is crucial to the future growth and development of a community. This is also true for the Township of Tay.

2.1.7.3 As an amalgamated community, the new Township inherited an infrastructure comprised of a mix of municipal and private road, water and sewer systems. The challenge facing the Township is the need to develop a comprehensive strategy which shows how these municipal and private systems function together and how the municipal systems relate to the Provincial and County infrastructures, including transportation and water systems.

2.1.7.4 Focusing on the Township's current mix of municipal and private infrastructures, environmental protection concerns, inter-regional transportation issues, and fiscal constraints, the Infrastructure and Transportation goal will be implemented through the following objectives:

- (a) Conduct and implement studies and strategies to ensure that the servicing infrastructure supports the development planned for the community.
- (b) Conduct regular, ongoing preventative maintenance and improvement projects for the infrastructure in Tay.
- (c) Explore opportunities to improve transportation networks and systems in the community.

2.1.8 Community Development and Governance

2.1.8.1 *To govern and manage Tay in a fiscally responsible and accountable manner, and build on the community's longstanding tradition of public awareness and involvement in community development initiatives.*

2.1.8.2 Since the Township is recently amalgamated, a strong local government that provides leadership and fosters a sense of community is essential. Bearing in mind the community's keen desire to be fiscally responsible, to foster community-based partnerships, and to develop the residents awareness and attachment to the Township, the Community Development and Governance goal should be guided by the following objectives:

- (a) Ensure fiscal responsibility in planning and delivery of municipal services.
- (b) Encourage and support more community-based service delivery through partnerships, volunteers and community activities.
- (c) Enhance communications to increase awareness and attachment to the community.

2.2 GENERAL GOALS

In concert with the Community Vision set out in Section 2.1, the general land use goals of this Plan are as follows:

- 2.2.1 This Plan is based on the premise that the Municipality will remain predominantly rural in nature with two major and two minor settlement areas during the planning period. Also, the Plan is based on the related premise that the Townships Settlement Strategy will maintain the integrity of the Natural Heritage System, Agricultural and Resource lands, and preserve the rural character of the Township.
- 2.2.2 Communities have developed in the Township which provide for a variety of uses including residential, commercial and industrial uses. The Plan provides for the completion of the existing communities while restricting and regulating residential, commercial and industrial development in other areas of the Township.
- 2.2.3 To promote the utilization of existing servicing infrastructure and the establishment of the most efficient service delivery systems and settlement patterns.
- 2.2.4 The tourist industry is recognized as an important economic benefit to the Township. New tourist commercial development and the expansion of existing development which provide a stable economic base for the Township are accommodated in the Plan.

- 2.2.5 Avoid the establishment of new scattered residential development in the rural areas by suspending the further approval of estate residential type development for the planning period of this Plan.
- 2.2.6 Direct and encourage the distribution and concentration of the projected growth of the Township among the Major and Minor Communities and the other existing settlement areas of the Township and reduce the amount and relative percentage share of the projected future residential growth of the Township locating in Shoreline Residential and Rural areas.
- 2.2.7 The Township, as part of its Official Plan Review and Consolidation Project, prepared a "Municipal Growth Management Strategy". The Municipal Growth Management Strategy, implemented through this Plan, is intended to encourage cost effective land use patterns and to strengthen the role of Settlement Areas as the focus of concentrated growth. The policies also generally seek to strengthen the role of rural areas for rural, resource, and resource-based recreational activities by reducing the amount of dispersed and scattered development.
- 2.2.8 The existing Settlement pattern and community hierarchy of the Township as described below is not anticipated to change taking into consideration the forecast and projected growth of the Municipality over the planning period to the year 2016. The identified Community boundaries on Schedules A and B to this Plan are intended to represent the ultimate extent and limits of the servicing areas for the various communities which in some cases may accommodate growth beyond the planning period. Generally the need for the approval of additional residential development proposals situated beyond these areas is not anticipated during the planning period.

Growth and Settlement Strategy			
Community/Area	Projected Growth in Units	Existing Vacant Lots	Settlement Area ultimate growth capacity (persons)
Port McNicoll	148	64	3820 *
Victoria Harbour	335	630	4600
Waubaushene	40	63	1200
Waverley	20	50	500
Shoreline/Rural areas	127	129	3400

* Includes the growth projected from the CPR redevelopment project.

** Source Tay's Growth & Settlement Study (Reinders & Associates Ltd.)

Population and Household Forecasts						
Year	Population			Households		
	Population	Growth	Rate	Households	Growth Rate	HH Size
1991	9,635			3514		
1996	10,467	832	1.7 %	3906	2.2 %	2.68
2001*	8995	-1472	-2.8 %	3413	-2.5 %	2.64
2006	9595	600	1.3 %	3678	1.6 %	2.61
2011	10,182	587	1.2 %	3915	1.3 %	2.61
2016	10,733	551	1.1 %	4133	1.1 %	2.60
2021	11,257	524	1.0 %	4350	1.1 %	2.58

* Note: Adjustment made for annexation of Tay Point to Town's of Midland and Penetanguishene as at January 1, 1998
 ** Hemson Consulting Ltd., April 1995

2.2.9 Major Communities

The major communities of Victoria Harbour and Port McNicoll will continue to be the main focus of growth in the Municipality. Both communities are viewed as Major Settlement areas in terms of population, community form and historic momentum of growth. Both possess significant servicing infrastructure with surplus capacity or the capability for expansion. The further development of either area would be predicted to result in limited disruption to surrounding areas in terms of land use compatibility, transportation and other similar factors. Also, the impact of growth in regard to environmental and agricultural matters would be limited.

2.2.10 Minor Communities

The two Settlement Areas of Waubaushene and Waverley are viewed as Minor Communities in the context of the Townships settlement hierarchy by comparison to the other settlement areas of the Township. These communities represent areas of historic settlement activity and consist of significant population groupings, built form, and past planning recognition and/or activity. Municipal infrastructure in the form of centralized water supply systems are either present or planned. These areas typically provide some level of commercial or institutional service to the settlement and surrounding areas and offer recreational opportunities. The future growth opportunities of Waubaushene and Waverley will be closely tied to the provision of appropriate services, environmental considerations, and the need to balance the settlement form to complement and enhance the existing community.

2.2.11 Shoreline and Rural Areas

- 2.2.11.1 The Township has numerous existing clusters of development situated throughout the Municipality which have unique characteristics and vary considerably from each other in terms of scale, origins, and servicing. These areas include both permanent Estate Residential type developments on large lots located in the rural areas of the Municipality and older seasonal residential cottage type development on smaller lots situated in the Shoreline Areas. Some of these areas may be serviced by full municipal centralized water and sanitary sewers while the majority are serviced by private sewage treatment systems and wells.
- 2.2.11.2 Existing shoreline and rural development include the built up areas of Elimere Point, Robins Point, Sturgeon Bay/Tanner Point, Forest Harbour, and Port Severn as well as clusters at Elliott Corners and Vasey. Substantial residential growth in these areas is unlikely and generally not encouraged, although some infilling and conversions of seasonal residential uses are expected to occur during the planning period.
- 2.2.11.3 Shoreline residential areas contain both permanent and seasonal dwellings generally serving the seasonal residents. While provisions are made for the conversion of seasonal residences to permanent use, these areas generally are not considered as communities in the Official Plan.
- 2.2.11.4 The Township has approximately 48 kilometres of shoreline on the Severn Sound of Georgian Bay. This waterfront is a unique resource and a significant land and water asset to the Township of Tay. Any development along the waterfront should enhance and protect the qualities that contribute to the character and attraction of this unique resource. Any development or redevelopment of the waterfront should be based on the following nine principles of a "Green Waterfront":
- (a) Clean
The waterfront should be clean and free of contaminants that impair beneficial uses by people and by other living things.
- (b) Green
The diversity and productivity of the Severn Sound ecosystem should be protected and restored through remedial measures to restore healthy natural habitats and maintain natural ecological processes.

(c) Useable

The waterfront should support a mix of public and private uses in appropriate locations that minimize conflicts with adjacent uses, enhance shoreline residential areas, and permits appropriate industrial and commercial uses.

(d) Diverse

Waterfront uses and its environments should provide diverse experiences for visitors and residents. A mix of open spaces and facilities should be provided which balance both the public's demands and the environmental limits for these uses.

(e) Open

The density and design of waterfront development should not create a visual barrier or be an intrusion on the shoreline area. The shoreline should be, wherever possible, clearly identified as open to public access.

(f) Accessible

The waterfront should be easily accessible, where possible, and should be safe and accessible to the disabled as well as other sectors of the community.

(g) Connected

The waterfront should be linked, where possible, by continuous trails and by green corridors connecting the waterfront to the valley systems and major public open spaces. However, this linkage should not conflict with private and/or established uses.

(h) Affordable

Waterfront parks and facilities should be available to all groups and shoreline residential developments should include, where possible, affordable housing.

(i) Attractive

Waterfront design should protect vistas and views of the lake, emphasize sensitive design and massing of buildings, incorporate attractive and usable links, and create distinctive and memorable places along the waterfront.

2.2.11.5 Development shall maintain the principle of no net loss of fish habitat in accordance with the Federal Fisheries Act of Canada as demonstrated through an E.I.S.

2.2.12 Heritage Resources

2.2.12.1 The Township of Tay has inherited a rich legacy of heritage resources. Heritage resources are defined as structures, sites, environments, artifacts, and traditions which are of historical, architectural or archaeological value, significance or interest. These include, but are not limited to, structures such as buildings, groups of buildings, monuments, bridges, fences and gates, sites associated with a historic event; environments such as landscapes, streetscapes, parks, scenic roadways and historic corridors; artifacts and assemblages from an archaeological site or a museum; and traditions reflecting the social and cultural heritage of the community.

2.2.12.2 Tay's heritage resources provide a link to the past and are an expression of the Township's culture and history. They contribute in a very significant way to the Township's identity and unique character. While the Township's heritage resources are important from a historical and cultural perspective, they are also of social, economic, and educational value. The Township's heritage resources also help to instill civic pride, foster a sense of community, and contribute to tourism for the area.

2.2.12.3 It is therefore a goal of this Plan to support the identification and management of local heritage resources by encouraging their conservation, restoration, protection, maintenance and enhancement.

2.3 GENERAL OBJECTIVES

The general objectives of this Plan are:

- 2.3.1 To maintain the Township as a predominantly rural, agricultural and shoreline Municipality with distinct settlement areas;
- 2.3.2 To protect good agricultural land and to direct non-agricultural land uses to non-productive or marginally productive lands, wherever possible;
- 2.3.3 To discourage the creation of new parcels of land in agricultural areas through the granting of consents unless such parcels are related to agricultural land uses;

- 2.3.4 To accommodate additional population in a manner which is consistent with the other objectives and policies of this Plan;
- 2.3.5 To permit the development of a reasonable range of residential uses in order to provide for a variety of lifestyles, including seniors housing;
- 2.3.6 To encourage the infilling and completion of existing settlement areas, developments and communities;
- 2.3.7 To provide for appropriate commercial and light industrial uses in communities and adjacent to major traffic routes;
- 2.3.8 To provide for the development of new and the expansion of existing tourist commercial uses which provide a stable economic base in appropriate areas of the Township;
- 2.3.9 To allow for the conversion of seasonal residences to permanent residences in compliance with the policies of the Plan;
- 2.3.10 To protect as much as possible the sand and gravel resources of the Municipality;
- 2.3.11 To discourage the creation of new parcels which would conflict with existing or future extraction of aggregate resources;
- 2.3.12 To delineate waste disposal assessment areas and establish appropriate policies with respect to development adjacent to former waste management facilities;
- 2.3.13 To ensure the provision of sufficient recreational and open space facilities including additional public access to the waterfront for present and future residents of the Municipality;
- 2.3.14 To preserve the unique attributes of the regional landscape including significant historical and archaeological sites and areas, physical features and sites or locations of local significance;
- 2.3.15 To protect important and sensitive natural heritage areas;
- 2.3.16 To develop and maintain a rational and safe system of transportation routes;
- 2.3.17 To encourage the efficient use of public service facilities including centralized sewage treatment and water supply systems;
- 2.3.18 To ensure that the residents of the Township have continuing opportunities to participate in the planning of their Municipality; and,

- 2.3.19 To provide for more detailed planning studies in areas of the Municipality which require such studies.

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 significantly 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 alteration, 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.

SECTION 4 **LAND USE DESIGNATIONS AND POLICIES**

4.0 The land use concept for the Township of Tay is set out on the six attached Schedules "A" to "F" and through fourteen land use designations, two Policy Areas, and three overlay designations. Each land use policy is organized into four sections; General Principles, Permitted Uses, General Policies, and Development Policies and each policy section must be read in conjunction with the land use schedules and the other policies of this Plan.

4.1 RESIDENTIAL

4.1.1 It is a goal of this Plan that all living area needs of the Township to be satisfied by this Plan occur in those areas designated for residential development in accordance with the Township's planned settlement pattern. This Plan recognizes four main Settlement Areas and sets out four land use designations to accommodate the Township's living area needs.

4.1.2 Residential areas are either designated "Village Residential", "Shoreline Residential", "Mobile Home Residential", or "Estate Residential". It is intended that the "Village Residential" areas within the four main Settlement Areas will be the primary focus for residential development in the Township during the planning period.

4.1.3 In addition to the four residential designations, residential dwellings may also be permitted in other land use designations as accessory uses to the resource, resource-based recreational or rural land uses subject to the relevant policies of this Plan.

4.1.4 Applications for new residential development will have regard to the policies of Section 3.10 and 6 of this Plan. Council may require supporting documentation including, but not limited to, financial, servicing, transportation, environmental, and land use impacts of the proposed development.

4.1.1 Village Residential**4.1.1.1 General Principles**

4.1.1.1 The "Village Residential" designation is intended to recognize the significant existing residential areas of the Township's four main Settlement Areas of Port McNicoll, Victoria Harbour, Waubaushene, and Waverley and also provide the lands to accommodate the approved and projected residential growth for the Plan's planning period.

- 4.1.1.1.2 Development in the "Village Residential" designation shall protect the low-density residential character of the communities and provide for limited medium density development in appropriate locations.
- 4.1.1.1.3 The expansion of Settlement Areas or the designation of new lands for "Village Residential" development shall only occur in accordance with the policies of Sections 3.10 and 6 of this Plan.

4.1.1.2 Permitted Uses

- 4.1.1.2.1 The predominate use of lands designated "Village Residential" shall be for low density single detached, semi-detached, and duplex dwellings.
- 4.1.1.2.2 Home Occupations are also permitted in accordance with the Policies of Section 3.4 of this Plan.
- 4.1.1.2.3 Multiple Residential uses, including triplexes, row and townhousing, and low rise apartment buildings are also permitted, subject to the Policies of Section 4.1.1.3.
- 4.1.1.2.4 Existing seasonal trailer and existing Park Model Home trailer parks are permitted and shall be recognized by the Townships General Zoning By-law.

4.1.1.3 General Policies

- 4.1.1.3.1 The "Village Residential" lands should be developed on the basis of a gross residential density of 9.8 to 12.8 lots per hectare.
- 4.1.1.3.2 All development in the "Village Residential" designation shall be serviced by and connected to the municipal Centralized Sewage Treatment System and/or the Centralized Water Supply System and any other service deemed appropriate by Council. Development shall not include the replacement or upgrading of an existing dwelling nor the addition of a garage, carport, sundeck, or other non-habitable structures.
- 4.1.1.3.3 All existing Multiple Residential uses shall be zoned accordingly in the Township's General Zoning By-law. All new Multiple Residential uses shall have regard to the following policies:
 - (a) The proposal is compatible with the density and character of the adjacent development;
 - (b) The municipal services are capable of providing service to the proposed development;

- (c) Access will be from arterial or collector roads which can adequately handle the increased traffic flows;
- (d) That adequate off-street parking requirements together with landscaping, buffering and private open space provisions will be established in the amending by-law and a site plan be required for each development;
- (e) It is clearly established that schools, parks and local commercial facilities are adequate to service the development; and,
- (f) Density of development should to some extent be related to the size of the site and to avoid excessive densities on inadequate sites, the following standards may be used as guides in considering the appropriateness of any residential development;

<u>Site of Area</u>	<u>Maximum Suggested Density</u>
Under 1 gross hectare	20 dwelling units/gross hectare
Between 1 & 2 gross hectares	25 dwelling units/gross hectare
Between 2 & 3 gross hectares	37 dwelling units/gross hectare

- 4.1.1.3.4 It shall be the policy of Council to encourage the development of high quality housing consistent with the supply of serviced land and market demand.
- 4.1.1.3.5 Development proposals within the "Village Residential" designation will be reviewed with regard to their compatibility with the existing character of the Settlement Area. Designs, which utilize neo-traditional concepts and alternative development standards to recreate the pedestrian orientated "small village" character, will be encouraged.

4.1.1.4 **Development Policies**

4.1.1.4.1 Development Policies for 10 Winfield Drive – Victoria Harbour Beach and Marine Resort

4.1.1.4.1.1 The existing trailer and Park Model Home Park in the Victoria Harbour Settlement Area (Victoria Harbour Beach and Marine Resort) shall be permitted by this Plan and shall be recognized in the Township's General Zoning By-law. The By-law shall establish provisions and regulations concerning density, park size and yards, site size and yards, and other similar provisions including landscaping and adequate buffering, and controls regulating the height, bulk, locations, spacing and character of buildings.

- 4.1.1.4.2 Development Policies for Parts 1, 3, 4 and 5 Plan 51R-21316, and known municipally as 80 Ellen Street:
- 4.1.1.4.2.1 The policies of this Section apply to lands described as Parts 1, 3, 4 and 5 Plan 51R-21316 and known municipally as 80 Ellen Street within Victoria Harbour.
- 4.1.1.4.2.2 The lands shall be comprehensively planned to provide for the development of high quality residential uses that are sensitive to adjacent uses and the use and enjoyment of the shoreline. In this regard, all development on the subject property shall conform to the following principles/policies as set out below:
- a) All buildings and structures shall be designed in a manner that ensures that the street frontage is as open and transparent as possible. In this regard, no fences or walls should be erected on the perimeter of the site. However, picket fences or other open type fences not exceeding 0.9 metres in height in conjunction with the establishment of landscaping are permissible anywhere on the site.
 - b) The lands shall be developed with public accesses from the lands onto Ellen Street, Albert Street and the CN corridor.
 - c) The views of Georgian Bay from Ellen Street and the CN corridor shall be protected wherever possible and every effort will be made to ensure that appropriately sized openings are located on the property to afford those using the old abandoned CN rail line as a focal point for the area.
 - d) View corridors from Ellen Street and from the intersection of Ellen Street with the CN corridor shall be protected to ensure that spacing between buildings is sufficient and aligned. The intent of these view corridors is to provide unobstructed views of Georgian Bay. These corridors shall have a minimum width of 25 metres.
 - e) Public access to the water is an important component of any project. Additional open space lands shall be obtained on the property to maximize this access. This open space area could take the form of a shoreline walkway or the identification of a block of land immediately adjacent to the Albert Street right-of-way. Selecting a block of land in this location will ensure that the views of Georgian Bay from the core of Victoria Harbour are not compromised by new development.
 - f) In addition to residential uses, limited and small-scale commercial uses may be permitted in the first floor of any residential building fronting onto the east side of Albert Street.

- g) The maximum of dwelling units permissible on the lands is limited to 100.*(OPA No. 27)*

4.1.1.4.3 Grandview Beach/Paradise Point Development Policy Area

4.1.1.4.3.1 General Principles

4.1.1.4.3.1.1 Those lands, as outlined on Schedule "C", Port McNicoll Settlement Area, referenced to this subsection and which are designated "Village Residential", "Open Space" and "Environmental Protection 3" are in addition to the policies of this Plan, subject to the policies of this section.

4.1.1.4.3.1.2 The Grandview Beach/Paradise Point Area is a mixture of permanent and seasonal residential uses. Many of the current buildings were constructed and the subdivision of the area occurred well over 40 years ago. The geology of the area exhibits significant sedimentary bedrock, exposed at the surface and where present the native soils are described as thin clay and gravel overburden. The bedrock is described as flat lying, layered limestone which allows for both the vertical and horizontal movement of groundwater. The concern associated with the above is the unfiltered migration of contaminants into the local groundwater supply.

4.1.1.4.3.1.3 Since 1974, a virtual development freeze has been in place within this area. This was due to the actions of the Ministry of the Environment and the local health unit with respect to health safety concerns and environmental impacts from surface water contamination and septic system effluent.

4.1.1.4.3.1.4 In 2001 a Class Environmental Assessment was undertaken, for the area generally north of Woodlands Ave. and Earldom Blvd. in an effort to identify problems and evaluate solutions. The report concluded by saying that the best alternative from a technical perspective was to connect both water and sewage to adjacent municipal systems however this was also the highest cost solution. The preferred alternative, which evolved due to public input, was to upgrade the existing water and sewage systems. That the upgrade would vary depending on the condition of the individual systems and specific sites. This option however depended to a great degree upon the individual homeowner implementing these changes on a voluntary basis.

4.1.1.4.3.1.5 It is a goal of this Plan to extend and provide municipal sanitary and water services to this area by the year 2014. Therefore and until such time as full services are available, no new lots may be created with the exception of those created for a public purpose. The development of currently vacant lots will not be permitted. Redevelopment and limited expansion of existing

dwellings may be considered based on the policies of this section.

4.1.1.4.3.1.6 The guiding principle in regard to redevelopment and expansion shall be that no development should be permitted that would likely contribute to additional effluent loading and groundwater contamination within the policy area. Only proposals that clearly substantiate adherence to the above principle need be considered.

4.1.1.4.3.2 Permitted Uses

4.1.1.4.3.2.1 Lands designated "Village Residential" shall be restricted to permanent single detached dwellings existing as of the adoption of the amendment which implemented this section. Home occupation uses may also be permitted in accordance with the policies of Section 3.4 of the Plan provided that the home occupation use will not or it is unlikely to conflict with the policy concerning additional effluent loading.

4.1.1.4.3.2.2 The permitted uses of Section 4.6, Open Space and Section 4.8.4 Environmental Protection Policy Area 3 may be allowed but only in compliance with the no additional effluent loading principle.

4.1.1.4.3.3 General Policies

4.1.1.4.3.3.1 To ensure compliance with the restrictive policies of this section it is intended that the Zoning By-law will be amended to apply both a Holding Zone provision and an Exception section which will be applied throughout the Development policy area. It is envisioned that "minor" development or redevelopment may take place under the Holding Zone category and this will be further set out in the Zoning By-law. For more significant development the Holding Zone category will need to be removed. This is to ensure that proposed development which includes the use of a tertiary treatment sewage system and upgraded wells including bacterial disinfection systems will need to meet the specific requirements of the Municipality and be sanctioned by Council's approval.

4.1.1.4.3.3.2 The Holding Zone provisions will set out in detail what development and redevelopment may be permitted. As a general rule development which will not add new residential units and which will not likely add to the sewage effluent loading of the area may be permitted. Development of this nature might include accessory non habitable attached and detached buildings and structures such as a garage, carport, porch and deck. This may also include the replacement or expansion of an existing dwelling provided that the dwelling does not exceed 200 m² (2150 square feet) in size and does not exceed a fixture rating of 20 units as may be calculated from the Ontario Building Code. A replacement dwelling or habitable

addition will be required, as a minimum, to include well improvements, if not connected to a permanent year round municipal system. This will include appropriate grouting protection to a minimum depth of 15 metres (50 feet) and the installation of a bacterial disinfection system. Exceptions to the above may be considered where no well exists on the property and the dwelling is serviced by the municipally operated seasonal water system and the dwelling is used only during the months that the seasonal water system is functioning, or the only useful aquifer is at a level less than 15 metres from the surface. In these circumstances appropriate evidence will need to be presented to the Municipality and an amendment to the Zoning By-law will be required. In the event of a well which has recently been installed, since 1995, and/or purported to provide safe potable water, the above requirement (15 metres/grouting and bacterial disinfection systems) may be waived, by way of an amendment to the Zoning By-law, where the owner can provide appropriate evidence of acceptable water quality to the satisfaction of the Municipality

4.1.1.4.3.3.3 Where development is proposed that would exceed a fixture rating of 20 units, as may be calculated by the Ontario Building Code, or a maximum building size of over 200 m² or includes the addition of a bedroom(s), a tertiary treatment sewage system will be required. Such a system will need to reduce nitrate concentrations in the sewage effluent as well as achieving and maintaining an appropriate bacterial removal minimum.

4.1.1.4.3.3.4 The information will set out any required works and upgrades to the existing water system and sewage facility that will be required and how such works will provide compliance with the no addition effluent loading principle and the Ontario Drinking Water Guidelines. Again, such works should be installed and functioning properly prior to any rezoning.

4.1.1.4.3.3.5 In the event of rezoning, as set out above, the Municipality may require the owner to enter into a Site Plan Control Agreement. Such an agreement may set out building envelopes, septic facility areas, well locations and other information deemed appropriate by the Township. The intent of the above is generally to ensure that any works undertaken to comply with the policies of this section will be properly reserved and protected to facilitate their proper operation. (*OPA No. 29*)

4.1.1.4.4 Special Policies for Part of Lots 12 and 13, Concessions 6 and 7 (Victoria Harbour Golf Course Community):

The policies of this Section apply to lands described as Part of Lots 12 and 13, Concession 6 and 7 and generally known as the Victoria Harbour Golf Course Community:

- a) Development will be staged in a manner that ensures that:
- b) Adequate municipal sewage and water capacity is available to service the development;
- c) Off-site road improvements are completed as the development places additional demands on the adjacent road network;
- d) Compensation for the loss of interior forest patches will be required through the planting of native species trees that contribute to interior forest cover on and/or off the subject property, as part of ongoing restoration initiatives for Hogg Creek to the satisfaction of the Township and the Severn Sound Environmental Association;
- e) The present terrain, drainage and cover of the site shall be maintained as much as possible in the design and that radical changes in terrain would not be permitted in the development of the proposed subdivision;
- f) A Stage Two Archeological Investigation shall be completed prior to any alteration of the lands; and,
- g) A D4 Study for the former landfill site located in proximity to the subject lands shall be required as a condition of draft plan of subdivision approval. (*OPA #28*)

4.1.2 Shoreline Residential

4.1.2.1 General Principles

- 4.1.2.1.1 The "Shoreline Residential" designation recognizes the existing shoreline residential areas and communities in the Township and is intended to protect the low-density shoreline residential character of these areas. Development in the shoreline communities shall be compatible with existing land uses in the adjacent areas.
- 4.1.2.1.2 It is a goal of this Plan is to extend sanitary sewers to all currently unserviced shoreline communities. As the purpose of providing sanitary services is primarily remedial in nature, the Township will not support new shoreline or adjacent back lot development. It is also recognized that existing Shoreline Residential areas generally do not constitute viable settlement areas and are not preferred development locations and therefore only existing Shoreline

communities or existing vacant lots will be serviced by new servicing infrastructure in these areas.

- 4.1.2.1.3 Development in the "Shoreline Residential" designation shall have regard to the aesthetic quality of the waterfront and shoreline area and to the principles for a "Green Waterfront" as set out in Section 2 of this Plan.
- 4.1.2.1.4 New development within the waterfront area and in the "Shoreline Residential" designations shall not be permitted where it will contribute to the demand for public services which are uneconomic to provide, improve or maintain.

4.1.2.2 Permitted Uses

- 4.1.2.2.1 Lands designated "Shoreline Residential" shall allow for seasonal and permanent single detached dwellings.
- 4.1.2.2.2 Home occupations may be permitted subject to the Home Occupation policies outlined in Section 3.

4.1.2.3 General Policies

- 4.1.2.3.1 It is a policy of this Plan to permit both seasonal and permanent single detached dwellings in the "SHORELINE RESIDENTIAL" designation. However, seasonal lots at the time of the passing of the implementing Zoning By-law shall be subject to a holding symbol "(H)". The holding symbol will prohibit any enlargement, renovation or addition to the habitable area of the seasonal dwelling until the owner obtains written confirmation from the appropriate agency that the dwellings private sewage treatment system conforms to current standards. Once confirmation is obtained and the appropriate application submitted, the holding symbol shall be removed by the Township.
- 4.1.2.3.2 All lots that do not have frontage on, and direct access to, a public road shall be placed in a Limited Service Residential zone in the implementing Zoning By-law and shall also be subject to a holding symbol "(H)". The holding symbol will prohibit the construction of a new dwelling or any enlargement, renovation or addition to the habitable area of the dwelling until the following criteria is met:
 - (a) Confirmation from the appropriate agency is obtained that the dwellings private sewage treatment system conforms to current standards; and
 - (b) The owner enters into a private road agreement with the Township.
- 4.1.2.3.3 Once confirmation is obtained, the agreement entered into, and the appropriate applications submitted, the holding symbol shall be removed by

the Township.

4.1.2.4 Development Policies

- 4.1.2.4.1 Where new development is proposed in areas designated "Shoreline Residential", the dedication of parkland or payment in lieu of parkland will be required. It shall be the policy of the Township to encourage parkland dedication in particular to acquire shoreline property for park purposes in the "Shoreline Residential" designation in accordance with Section 4.6.4.
- 4.1.2.4.2 Lands designated "SHORELINE RESIDENTIAL" in part of Lots 19 and 20 Concession IV shall be permitted to be developed for new shoreline residential development by way of Plan of Subdivision. The preferred method of servicing would be by municipal sewer and water. If municipal sewer and water are not available, servicing shall be in accordance with Section 6.0 of this Plan.
- 4.1.2.4.3 Design of the plan of Subdivision shall take into consideration the following principles:
 - (a) The maximum development capacity permitted for the area shall not exceed 135 units. The development capacity shall be allocated as follows:
 - (i) Lands designated "RESORT RESIDENTIAL" in Part Lot 20, Concession IV – 50 units
 - (ii) Lands designated "RESORT RESIDENTIAL" in Part Lot 19, Concession IV – 85 units
 - (b) Maintenance of the landforms and physical features of the site in their natural state as far as possible, to ensure that the important natural characteristics of the site are maintained;
 - (c) Protection of any natural stream, pond, marsh and woodland habitat for natural wildlife;
 - (d) Maintenance of the natural characteristics of watercourses consistent with sound water management practices;
 - (e) Protection of the streams and groundwater recharge areas from domestic waste discharge; and,
 - (f) Protection and maintenance of the remaining trees and woodlands wherever possible.

- 4.1.2.4.4 Development applications for shoreline residential proposals shall provide the following to the Township as supporting information:
- (a) A survey of the subject property;
 - (b) A Concept Plan at a scale of 1:1000 or as approved by the Township;
 - (c) Contour mapping at a scale of 1:1000 with 1.0 metre contours and 0.5 metre interpolated intervals;
 - (d) Terrain analysis describing soils, slopes, vegetation, surface water drainage and other unique characteristics of the site;
 - (e) A hydrogeological report;
 - (f) A functional servicing report;
 - (g) A stormwater management report; and,
 - (h) A planning report which describes how the proposal satisfies the design criteria of Section 4.1.2.4 of this Plan.
 - (i) A Heritage Impact Assessment and/or Archaeological Report in accordance with Section 3.5 of this Plan.
 - (j) A small pond in part of Lot 19, Concession 4 has formed due to previous excavation on the property. Any development of the property for residential purposes shall ensure the removal of the pond does not adversely affect downstream developments.

4.1.3 Mobile Home Residential

4.1.3.1 General Principles

- 4.1.3.1.1 The “Mobile Home Residential” designation recognizes the existing mobile home parks that have developed in the Township. This Plan intends that the existing Parks will be developed as full service residential developments and will remain developments owned and maintained by a single owner. It is not expected that new mobile home developments will be required during the life of this Plan. Applications for new Mobile Home Parks will require an Amendment to this Plan and a Growth and Settlement Study in accordance with Section 3.10.

4.1.3.2 Permitted Uses

4.1.3.2.1 Lands designated "Mobile Home Residential" shall be used for mobile homes and certain accessory uses.

4.1.3.2.2 Limited local commercial and recreational uses may be permitted in accordance with the following policies.

4.1.3.2.3 The uses permitted shall be limited to:

- (a) Mobile home units equipped for year-round occupancy;
- (b) An administration or rental office and limited ancillary commercial facilities such as a variety store or Laundromat;
- (c) Recreational facilities such as a recreation centre, bowling greens, golf practice range, swimming pool and other similar uses;
- (d) Open space and park uses;
- (e) Accessory storage facilities; and
- (f) Private water supply and sewage disposal facilities.

4.1.3.3 General Policies

4.1.3.3.1 This designation is not intended to apply to individual mobile homes but to 4.1.3.3.2 developments where the entire project is owned and managed by a single owner or organization which owns all the land and leases home sites within the project to individual home owners.

4.1.3.3.2 All services within any mobile home project, including water supply, sewage disposal, roads, and all recreational amenities shall be provided by the developer-owner and their maintenance shall remain its continuing responsibility. Existing private communal water supply and sewage works shall be permitted only in accordance with agreements, acceptable to the Ministry of the Environment, between the Municipality and the owner, for perpetual care and operation of the systems. The Municipality is under no obligation to permit the expansion of these communal systems to service additional development.

4.1.3.3.3 Mobile Home projects shall be guided by and located in accordance with the following:

- (a) With direct access to an existing paved public road;
- (b) On marginal agricultural land;

- (c) Where they would not adversely affect adjacent uses;
 - (d) Where the soil conditions are suitable for on-site sewage disposal;
 - (e) Where an adequate source of water supply is available;
 - (f) Where there are no significant soil drainage or other environmental problems;
 - (g) Outside the Natural Heritage System and lands designated "Environmental Protection Policy Area 1" or within lands designated "Environmental Protection Policy Area 2" where an E.I.S. prepared in accordance with Section 4.8 demonstrates that no adverse impacts will occur;
 - (h) Where the mobile home project would not be subject to any significant adverse impacts from existing adjacent uses;
 - (i) Maximum density shall be 15 mobile homes per gross hectare;
 - (j) Ancillary commercial uses shall not exceed 1 percent of the total park area;
 - (k) The total number of mobile home units in any mobile home park shall not exceed 200; and,
 - (l) No less than 5 percent of the total park shall be used for communal open space or recreational amenities such as parks, bowling greens, and golf practice ranges.
- 4.1.3.3.4 Each mobile home project shall be served by its own private communal water supply system. On-site private sewage disposal system or systems, which may utilize septic tanks and tile beds or lagoons or proprietary aerobic subsurface sewage disposal systems are preferred. However, an individual private sewage disposal system for each mobile home may be permitted. The private water supply and sewage disposal systems shall be subject to approval by the appropriate Agencies.

4.1.3.3.5 A storm drainage system shall be provided for each mobile home project and shall be approved by the appropriate agencies.

4.1.3.4 Development Policies

4.1.3.4.1 The layout of each mobile home project shall be fitted to existing terrain with a minimum of disturbance of the land and environment. Existing trees and other natural site features shall be preserved as much as possible.

4.1.3.4.2 Access to all dwellings within a mobile home project shall be from internal roads constructed by the developer to standards set by the Township. Adequate off-street parking shall be provided within each mobile home project for all permitted uses.

4.1.3.4.3 Detailed regulations shall be provided in the implementing General Zoning By-law to govern minimum and maximum floor areas of individual dwellings, number of bedrooms per unit, minimum areas of individual home sites, setbacks between buildings and roadways, parking standards, screening requirements and storage facilities.

4.1.3.4.4 All services such as hydro, telephone, fuel, water and sewer lines shall be placed underground unless it can be shown to the satisfaction of Council that the inclusion of one or more services underground is not feasible.

4.1.4 Estate Residential

4.1.4.1 General Principles

4.1.4.1.1 The "Estate Residential" designation recognizes existing estate residential developments designed to provide large lots for single detached dwellings generally in a natural setting in the rural area of the Township.

4.1.4.1.2 As one of the main objectives of the Township's municipal growth management strategy is to direct the majority of new growth to the existing Settlement Areas, no new Estate Residential developments will be permitted within the planning period of this Plan. Applications for new estate residential developments will require an Amendment to this Plan and a Growth and Settlement Study in accordance with Section 3.10 and a Planning report addressing the requirements of this Section.

4.1.4.2 Permitted Uses

4.1.4.2.1 Land designated "Estate Residential" shall be used for single family dwellings on large lots. Accessory uses such as a garage or shed may be permitted.

A park may also be permitted.

4.1.4.3 General Policies

- 4.1.4.3.1 Proposals for re-designation for estate residential land uses shall generally be restricted to areas designated "Rural" and shall not detract from the rural character of such areas. This, however, does not preclude the ability of Council to require the extension of a municipal sewer and/or water treatment facility in accordance with Section 6.2 and 6.3 of this Plan.
- 4.1.4.3.2 Estate residential development shall only be permitted by registered plan of subdivision.
- 4.1.4.3.3 In an estate residential subdivision there shall be a range of lot sizes directly related to the site's topography, vegetation, soil, and drainage characteristics, the governing criteria being to retain a rural character in the development and to ensure the development designed is sensitive to the physical characteristics of the area. The lot sizes shall range from 0.4 hectares, to upwards of 1.0 hectares or more in size.
- 4.1.4.3.4 The minimum floor area of dwelling units within an estate residential development should be larger than required in standard residential uses. Wherever possible all lots shall have access onto an internal local subdivision road.
- 4.1.4.3.5 As a minimum standard estate residential development shall be supplied with individual private wells and private sewage disposal systems. This, however, does not preclude the ability of Council to require a communal water system or extension of such a system in accordance with Section 6.2 and 6.3 of this Plan.
- 4.1.4.3.6 Persons proposing an estate residential development may be required to provide evidence as to the development's financial impact on the Municipality. They may also be required to enter into an agreement with the Municipality to offset any adverse financial impact. The development may be refused if the potential financial impact is severe even though the proposal conforms with the other policies of this Plan.
- 4.1.4.3.7 Estate residential development shall not be permitted in the following areas:
 - (a) Areas having good agricultural lands;
 - (b) Areas within or adjacent to existing or future commercial and industrial lands;
 - (c) Areas in proximity to existing or future landfill sites, pits or quarries;

- (d) Areas within the Natural Heritage System and designated "Environmental Protection Policy Area 1";
- (e) Areas within the Natural Heritage System and designated "Environmental Protection Policy Area 2" unless no adverse impacts are demonstrated by an E.I.S. prepared in accordance with Section 4.8 of this Plan;
- (f) Areas in such a relationship to major highways, airports, railways, hydro transmission lines and other surface utilities as would be likely to seriously prejudice the character of the area and its quiet enjoyment by future residents;
- (g) Areas in proximity to existing or proposed intensive or Developmentized agricultural uses where the provisions of the Agricultural Code of Practice would restrict the agricultural use; and,
- (h) Areas identified as Settlement Areas.

4.1.4.3.8 Estate residential development shall not be permitted in areas wherein outstanding physical resources can be conserved in their natural state or otherwise preserved for open space and recreation purposes.

4.1.4.4 Development Policies

4.1.4.4.1 Design of the plan of subdivision shall take into consideration the following principles:

- (a) Maintenance of the landforms and physical features of the site in their natural state as far as possible, to ensure that the important natural characteristics of the site are maintained;
- (b) Protection of any stream, pond, marsh, and woodland habitat for natural wildlife;
- (c) Maintenance of the natural characteristics of watercourses consistent with sound water management practices;
- (d) Protection of the streams and groundwater recharge areas from domestic waste discharge; and
- (e) Protection and maintenance of the remaining trees and woodland wherever possible.

4.2 COMMERCIAL

- 4.2.0.1 It is the intent of this Plan that commercial development occur in an orderly manner and in accordance with its planned function. This Plan recognizes three distinct commercial land use designations.
- 4.2.0.2 Commercial areas are designated either "Village Commercial", "Marine Commercial, or "Highway/Service/Tourist Commercial". It is intended that the "Village Commercial" areas be the primary focus for retail and business activity for the Township in each of the four main Settlement Areas.
- 4.2.0.3 In addition to the three commercial land use designations, neighbourhood commercial uses may be permitted in some residential designations, subject to the relevant policies of this Plan.
- 4.2.0.4 Council may require supporting information indicating the economic, physical, transportation, and retail impact of the proposal. Council may require a retail impact study which must indicate how the project will fit within the commercial structure of the Township and whether it will adversely affect the viability of any nearby commercial uses.

4.2.1 Village Commercial

4.2.1.1 General Principles

- 4.2.1.1.1 The "Village Commercial" designation recognizes the main retail and business cores of the four main Settlement Areas of the Township. It shall be a policy of this Plan to strengthen the "Village Commercial" areas and encourage their development to serve a Township wide market for the provision of higher order goods and services while at the same time maintaining the local service function of the areas.

4.2.1.2 Permitted Uses

- 4.2.1.2.1 Permitted uses within the "Village Commercial" designation includes a broad range of retail commercial, office, entertainment, service establishments, cultural, and financial uses.
- 4.2.1.2.2 Complimentary uses which may also be permitted in the Village Commercial designation include schools, parks, residential uses, lodgings, institutional uses, public buildings and uses, and automobile service stations.

4.2.1.3 General Policies

- 4.2.1.3.1 It shall be a policy of this Plan to encourage, through the use of various tools such as Zoning By-laws, architectural guidelines, site plan control, and community improvement plans, that a land use pattern develops which permits the proposed functional role of the "Village Commercial" areas to be realized. It is also a policy of this Plan to encourage the improvement in the physical form, economic strength and tourism potential of the core areas.
- 4.2.1.3.2 Access to and within the "Village Commercial" areas by various modes of transportation (vehicle and pedestrian) shall be ensured in a safe and convenient form, and that adequate parking is provided in the core areas.
- 4.2.1.3.3 Complimentary uses, as indicated in Section 4.2.1.2 of this Plan, may be permitted provided their function will not conflict or interfere with the satisfactory operation and development of the "Village Commercial" cores of the Settlement Areas.
- 4.2.1.3.4 In order to improve and maintain the vitality of the "Village Commercial" area, residential uses in and in close proximity to the core areas shall be encouraged. Residential uses within the core areas shall be provided in conjunction with a main commercial use. As a general policy, the residential uses should be located on the second story and the residential floor area should be no more than the commercial floor area.
- 4.2.1.3.5 It shall be a policy of this Plan to encourage, reinforce and improve the architectural and historical integrity of buildings within the "Village Commercial" areas through such means as architectural guidelines. The Township will also encourage and cooperate with the private sector in the improvement and redevelopment of the "Village Commercial" areas including upgrading store facades, initiation of an architectural theme, provision of street plantings and street furniture, and the control and direction of commercial signing and lighting. This Plan shall also reinforce and strengthen the core commercial areas by promoting the development of social and cultural activities, tourist and entertainment facilities, and public amenity/open space areas.

4.2.1.4 Development Policies

- 4.2.1.4.1 All development or redevelopment in the "Village Commercial" designation may be subject to Site Plan Control in accordance with the Planning Act and Section 7 of this Plan.
 - 4.2.1.4.2 All commercial uses shall be screened from adjacent residential, institutional or open space uses, where appropriate, through the use of landscape
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buffering, screening, and/or setbacks.

- 4.2.1.4.3 In accordance with the Planning Act, council may enter into an Agreement with an owner or operator of a commercial building within the Village Commercial areas to exempt the owner or occupant from the requirement of providing and/or maintaining off-street parking facilities. All monies received under such an Agreement shall be paid into a Development account and may be used by the Township to acquire lands for and/or develop off-street parking facilities.
- 4.2.1.4.4 Neighbourhood commercial uses are defined as one or more retail or service commercial establishments providing day to day services to customers in the surrounding area. Uses generally permitted include variety stores, personal service shops, and other convenience commercial uses.
- 4.2.1.4.5 Neighbourhood commercial uses may be located in areas designated Village Commercial in this Plan. A retail analysis shall accompany the application to amend the General Zoning By-law and shall illustrate the adjacent primary residential market, and demonstrate that the day to day neighbourhood commercial shopping needs are not being adequately met by existing or planned facilities.
- 4.2.1.4.6 Neighbourhood commercial uses shall be located adjacent to arterial or collector roads and pedestrian accessibility to neighbourhood commercial uses is encouraged. The gross building floor area shall generally not exceed 1000 square metres and the size shall be limited in accordance with the implementing Zoning By-law.

4.2.2 Highway/Service/Tourist Commercial

4.2.2.1 General Principles

- 4.2.2.1.1 The "Highway/Service/Tourist Commercial" designation recognizes and indicates those lands where the predominant use of lands shall be for commercial uses which require exposure and vehicular accessibility to Provincial Highways, Arterial or Collector roads. "Highway/Service/Tourist Commercial" uses are those which cater to tourist or seasonal traffic and do not cater to pedestrian shopping trade but to persons coming by vehicle to specific premises to do business. As well, the "Highway/Service/Tourist Commercial" designation also supports commercial uses whose land requirements are such that they are not generally compatible, nor economically viable, in the "Village Commercial" areas.

4.2.2.2 Permitted Uses

- 4.2.2.2.1 Highway/Service/Tourist commercial type uses include uses that are accessed by highway travel that service the traveling public or are too land extensive to be accommodated in our Village Commercial areas. These uses may include automobile service stations, gas bars, car washes, hotels, motels, restaurants, nursery and garden centres, small scale accessory retail generally not exceeding 120 square metres in area for each use, and Special feature establishments.
- 4.2.2.2.2 The existing trailer parks located within the Highway/Service/Tourist Commercial designation are accessed by local roads and as such are not suitable for full highway/service/tourist commercial uses. However, the use of existing trailer parks will be recognized by this Official Plan. The permitted uses of any redevelopment of these trailer parks would be limited to hotel, motel, banquet hall, convention facilities, and accessory restaurant. The redevelopment of existing trailer parks for plans of subdivision for permanent detached dwelling purposes may also be considered and would require an amendment to this Plan.
- 4.2.2.2.3 A dwelling may be permitted as an accessory use, within a commercial establishment where there exists a suitable environment for a residence and where the presence of a residence is essential to the carrying on of commercial activities.
- 4.2.2.2.4 Regulations may be contained in the General Zoning By-law governing such highway/service/tourist commercial uses.”

4.2.2.3 General Policies

- 4.2.2.3.1 It is a Policy of this Plan to ensure that “Highway/Service/Tourist Commercial” uses do not conflict with or directly compete with uses normally found in the “Village Commercial” areas. “Highway/Service/Tourist Commercial” uses shall not be scattered throughout the rural area, but shall be located in close proximity to the communities of the Township so as to provide employment and service opportunities for the Township residents. An amendment to this Plan shall be required for the establishment of new “Highway/Service/Tourist Commercial” areas.
- 4.2.2.3.2 Development within lands designated “Highway/Service/Tourist Commercial” will be permitted only when adequate vehicular access and egress, off-street parking, adequate servicing, and public works required to service the development are available or provided. Development within the “Highway/Service/Tourist Commercial” areas will not necessarily be granted access to Provincial Highways or to Arterial Roads. Access shall require

entrance permit approval from the appropriate Agency.

4.2.2.3.3 In considering an application for amendment to this Plan to permit new "Highway/Service/Tourist Commercial" uses, Council will consider the following criteria:

- a) New "Highway/Service/Tourist Commercial" uses are generally restricted to provincial highways and arterial roads, and to the waterfront areas where consolidated development presently exists so as to be easily accessible by vehicular traffic. New "Highway/Service/Tourist Commercial" uses shall only be permitted to locate on paved public roads;
 - b) "Highway/Service/Tourist Commercial" uses shall be grouped whenever possible and served by a service road to reduce to a minimum the number of accesses onto major roadways. The indiscriminate mixing of "Highway/Service/Tourist Commercial" uses with non-compatible uses is not permitted;
 - c) Access to the proposed "Highway/Service/Tourist Commercial" use would not create a hazard due to limited sight lines caused by curves or grades.
 - d) A feasibility and/or market study may be required to support "Highway/Service/Tourist Commercial" proposals.
 - e) Soil and drainage conditions are suitable for the siting of buildings. Buildings and structures will not be permitted on lands subject to flooding, excessive slopes, unstable soils or other physical hazards.
- 4.2.2.3.4 Outside storage may be permitted in the rear yard of a "Highway/Service/Tourist Commercial" use subject to the buffering provisions for outside storage uses in the General Zoning By-law. Outside storage shall not be permitted in the front or side yards.
- 4.2.2.3.5 All new "Highway/Service/Tourist Commercial" uses will provide a buffer area of a minimum of 30 metres between the use and any adjacent residential uses. Depending on the nature and extent of buffer planting and/or visual separators provided, a lesser separation distance may be acceptable. Adequate buffer planting shall be provided between Highway/Service/Tourist Commercial areas and any adjacent residential areas. Buffer planting may include provisions for grass strips and appropriate planting of trees and shrubs.
- 4.2.2.3.6 All new "Highway/Service/Tourist Commercial" development or redevelopment of existing Highway/Service/Tourist commercial uses, permitted by the policies of this Plan may be subject to site plan control.
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- 4.2.2.3.7 Existing campgrounds and trailer parks shall be for seasonal use only and shall be subject to the standards of the implementing General Zoning By-law.

4.2.2.4 Development Policies

- 4.2.2.4.1 These policies apply to "Highway/Service/Tourist Commercial" development adjacent to Highways 12, 93 and 400. Highways 12, 93 and 400 are significant entrances to the Township and the intent of these policies is to provide a measure of development control on lands adjacent to these highways. Where there is a conflict between these policies and any other policies, the policies in this subsection shall apply. These policies are in addition to and do not preclude the requirements, policies and regulations of the Ministry of Transportation.
- 4.2.2.4.2 No outside storage shall be permitted in the rear yard within 30 metres of Highway 12, Highway 69, Highway 93 or Highway 400 or associated service road. All outside storage shall be screened with fencing and/or vegetative plantings so as to create a visual screening of the storage areas. Outside display may be permitted in any yard abutting or facing any Highway. The amount of display permitted may vary depending on such factors as the nature of the materials being displayed and the degree of landscaping provided in conjunction with the display area.
- 4.2.2.4.3 Landscaping and selective plantings shall be provided in areas adjacent to these Highways. Existing treed areas should be incorporated into any landscaping designs. Incorporating these features may reduce landscaping requirements and provide buffering from adjacent land uses.
- 4.2.2.4.4 The design and placement of signs shall be considered by Council. This consideration shall include the height, size and illumination of all signs along the Highways. A sign by-law regulating signs along these Highways may be implemented.

4.2.3 Marine Commercial

4.2.3.1 General Principles

- 4.2.3.1.1 The Township has approximately 30 kilometres of shoreline on Severn Sound and is considered the first and best access to Georgian Bay. The existing marinas in the Township therefore form a significant component of the Municipality's tourist commercial base and its shoreline infrastructure.
- 4.2.3.1.2 It is a policy of this Plan to support and encourage the development of the Township's marine commercial areas and strengthen their role in the local

economy by becoming full season facilities while still maintaining the marina as the principle function and use of the lands.

4.2.3.2 Permitted Uses

- 4.2.3.2.1 The primary use of lands designated "Marine Commercial" shall be for boat docking (both long term lease and transient use), boat storage, car parking, fuel and water supply, sewage pump outs and minor repair service.
- 4.2.3.2.2 Complimentary uses also permitted in accordance with the policies of this Plan include hotel, motel, restaurants, recreation facilities, related retail, servicing and repair of boats and snowmobiles, and similar uses to the needs of water born and other recreational activities.
- 4.2.3.2.3 A dwelling may be permitted as an accessory use for a caretaker or owner of the marina.

4.2.3.3 General Policies

- 4.2.3.3.1 Permitted commercial uses shall be low profile in nature and respect the character of the surrounding neighbourhood.
- 4.2.3.3.2 "Marine Commercial" uses shall be serviced in accordance with the policies of Section 6 of this Plan and shall have facilities for sewage pump out and gray water disposal.
- 4.2.3.3.3 Adequate off-street parking shall be provided and shall be directly related to the number of boat slips within the marina.
- 4.2.3.3.4 Facilities for the sale of gas and oil and for the fuelling of marine craft shall be provided at a separate pier or dock area from where other craft are docked on a seasonal or transient basis. Adequate provision shall be made for fire safety and emergency response to docking areas. Fuel storage tanks for such facilities shall be installed and operated in accordance with Federal and Provincial requirements.
- 4.2.3.3.5 Where overnight accommodation is provided dockside, sewage pump out stations and garbage disposal facilities shall be provided in accordance with the requirements of the appropriate Agency.

4.2.3.4 Development Policies

- 4.2.3.4.1 All development or redevelopment in the "Marine Commercial" designation shall be subject to Site Plan Control in accordance with the Planning Act and Section 7 of this Plan.

- 4.2.3.4.2 Prior to the issuance of a building permit, Site Plan approval, or the enactment of any Zoning By-law relating to marina development, Council shall be satisfied that the following items will be addressed at the appropriate stage of development:
- (a) The necessary drainage plans, pier construction, and shoreline stabilization plans have been prepared and approved by the Township and the appropriate Agency;
 - (b) Geotechnical reports, acceptable to the Township, establishing that the soil and drainage conditions are suitable for the proposed buildings and/or structures;
 - (c) The development is adequately serviced with water and sewage treatment services in accordance with the Policies of Section 6 of this Plan and as approved by the appropriate Agency;
 - (d) An EIA report as setout in Section 3 of this Plan has been prepared and approved by the Township and the appropriate Agency;
 - (e) Any marina or docking facility shall be subject to the policies of Section 3 of this Plan.

4.2.4 Neighbourhood Commercial

4.2.4.1 General Principles

- 4.2.4.1.1 The “Neighbourhood Commercial” designation generally provides for small convenience stores and other local services, to be strategically located to provide for the day to day services of the public within a reasonable walking distance of residential neighbourhoods.

4.2.4.2 Permitted Uses

- 4.2.4.2.1 Neighbourhood commercial uses generally are to be limited to variety or convenience stores, laundromats, and day nurseries.

4.2.4.3 General Policies

- 4.2.4.3.1 It is a policy of this plan to ensure that Neighbourhood Commercial uses do not conflict with or compete with uses normally found in the “Village Commercial” designation. As such, neighbourhood commercial uses shall be limited in terms of number and size and shall be located away from the Communities downtowns.

- 4.2.4.3.2 A retail analysis shall accompany the application to amend the Official Plan to create new Neighbourhood commercial locations and shall illustrate the adjacent primary residential market, and demonstrate that the proposal will not negatively impact any other designation Neighbourhood Commercial or Village Commercial properties.
- 4.2.4.3.3 Neighbourhood commercial uses shall be located adjacent to arterial or collector roads and pedestrian accessibility to neighbourhood commercial uses is paramount.
- 4.2.4.3.4 The gross building floor area shall generally not exceed 400 square metres and the size shall be limited in accordance with the implementing Zoning By-law.
- 4.2.4.3.5 Building architecture shall be complimentary to the adjacent residential neighbourhood and landscaping shall form an integral part of the design.

4.3 INDUSTRIAL

- 4.3.0.1 It is the intent of this Plan that industrial development occur in appropriate locations and in accordance with the policies of this Plan. This Plan recognizes two industrial land use designations.
- 4.3.0.2 The "Light Industrial/Commercial" designation recognizes areas and uses related to the manufacture or processing or storage of goods. The "Extractive Industrial" designation recognizes aggregate resource related industrial uses.
- 4.3.0.3 Council may require supporting information indicating the economic, physical, transportation, and servicing impact of the proposal.

4.3.1 Light Industrial/Commercial

4.3.1.1 General Principles

- 4.3.1.1.1 The "Light Industrial/Commercial" designation recognizes areas of significant existing light industrial/commercial development and areas with the potential for the creation of new industrial employment opportunities in the Township.
- 4.3.1.1.2 The designation, design, and development of light industrial/commercial areas shall generally occur adjacent to the four main Settlement Areas of the Township and/or at prominent highway locations, and shall have minimal impact on the existing residential communities.

4.3.1.2 Permitted Uses

- 4.3.1.2.1 Lands designated "Light Industrial/Commercial" may be used for land extensive types of commercial uses such as building supply outlets, mobile home sales, prefabricated building sales and display, and swimming pool sales and display.
- 4.3.1.2.2 Lands designated "Light Industrial/Commercial" may also be used as warehousing, storage, machinery repairs, farm implement dealers, light manufacturing, processing or assembly operation, contractors' establishments, research establishments and service industrial uses. Accessory commercial uses which are complementary to and serve the industrial uses may be permitted.
- 4.3.1.2.3 Only existing residential uses shall be permitted with the exception of a dwelling for a caretaker employed on the premises or the owner.

4.3.1.3 General Policies

- 4.3.1.3.1 Uses which create undue adverse effects which may occur as the result of smoke, noise, odours or any other forms of emission or visual appearance are not permitted. No use shall be permitted which, as a result of its nature, or the materials used or the waste produced therein, is declared to be a noxious trade, business or manufacture.
- 4.3.1.3.2 Only uses of a "dry nature" shall be permitted and shall meet all relevant requirements of the Section 6 of this Plan.
- 4.3.1.3.3 "Light Industrial/Commercial" uses shall be:
 - (a) Encouraged to locate on lands which have a low potential for agricultural production;
 - (b) Limited to sites served by highways or arterial roads capable of handling the traffic generated by such uses
 - (c) Grouped and concentrated in one area wherever possible to minimize any undesirable effects they might have; and
 - (d) Located in industrial subdivisions rather than strip development.
- 4.3.1.3.4 Notwithstanding (a) to (d) above, "Light Industrial/Commercial" uses may be developed as individual uses on separate lots or in the form of a multiple use building only where a rationale is presented to Council which justifies why the proposed uses cannot reasonably meet the criteria noted in (a) to (d) above,

due to the particular nature and requirements of the proposed uses for the site size, location, configuration, or other specific matters.

- 4.3.1.3.5 Access to parking areas shall be limited in number and designed to minimize the danger to vehicular and pedestrian traffic. Access to individual lots in a Light Industrial/Commercial area shall be via a service road whenever possible. Off-street parking areas shall be required for every building within this designation to provide adequate parking and loading space.
- 4.3.1.3.6 Where any "Light Industrial/Commercial" area abuts on existing or proposed residential areas or where a roadway is the only separation between two such areas, a buffering area of a minimum of 60 metres shall be provided. This buffer area shall be suitably landscaped with grass, trees and shrubs. Depending on the nature and extent of the buffer planting and/or visual separators provided; a lesser separation distance may be acceptable.
- 4.3.1.3.7 Means of waste disposal, drainage and water supply for industrial uses shall ensure that any undue adverse effects as described in this Section shall be confined to the site in question. Means of waste disposal and water supply shall be to the satisfaction of Council, and the agencies having jurisdiction as outlined in Section 6 of this Plan.
- 4.3.1.3.8 Outside storage shall generally be restricted to suitably screened rear yard areas only. Display areas may be permitted in any yard subject to the buffering provisions established in the Zoning By-law.

4.3.1.4 Development Policies

- 4.3.1.4.1 A feasibility and /or market study may be required to support a Light Industrial/Commercial proposal in addition to the other requirements of this Plan.
- 4.3.1.4.2 Development and redevelopment in the "Light Industrial/Commercial" designation may be subject to Site Plan Control in accordance with the Planning Act and Section 7 of this Plan.
- 4.3.1.4.3 These policies apply to Light Industrial/Commercial development adjacent to Highways 12, 93 and 400. Highways 12, 93 and 400 are significant entrances to the Township, and the intent of these policies is to provide a measure of development control on lands adjacent to these highways. Where there is a conflict between these policies and any other policies, the policies in this subsection shall apply. These policies are in addition to and do not preclude the requirements, policies and regulations of the Ministry of Transportation.

- 4.3.1.4.4 No outside storage shall be permitted in any yard within 30 metres of Highway 12, or Highway 93 or Highway 400 or associated road. All outside storage shall be screened with fencing and/or vegetative plantings so as to create a visual screening of the storage areas. Outside display may be permitted in any yard abutting or facing any Highway. The amount of display permitted may vary depending on such factors as the nature of the materials being displayed and the degree of landscaping provided in conjunction with the display area.
- 4.3.1.4.5 Landscaping and selective plantings shall be provided in areas adjacent to these Highways. Existing treed areas should be incorporated into any landscaping designs. Incorporating these features may reduce landscaping requirements and provide buffering from adjacent land uses.
- 4.3.1.4.6 The design and placement of signs shall be considered by Council. This consideration shall include the height, size and illumination of all signs along the Highways. A sign by-law regulating signs along these Highways may be implemented.

4.3.2 Extractive Industrial

4.3.2.1 General Principles

- 4.3.2.1.1 The purpose of the "Extractive Industrial" designation is to identify and protect mineral aggregate resources within the Township, where possible, from development which could prevent the future recovery of the aggregate resource. It is the intent of this Plan to ensure the future supply of aggregate materials to the area, ensure the current and orderly extraction of deposits, encourage best management practices for the industry in the Township, minimize disruption to sensitive land uses, and ensure the rehabilitation of exhausted sites.

4.3.2.2 Permitted Uses

- 4.3.2.2.1 Lands designated "Extractive Industrial" may be used for the extraction of aggregates which are found in a natural state on the site. Uses such as forestry, agriculture, conservation and outdoor recreation shall also be permitted, provided that such uses are not permitted to develop so as to preclude or interfere with the use of the land for pits and quarries.
- 4.3.2.2.2 Materials which are foreign to the site cannot be transported to the said site for purposes of extracting aggregates therefrom. Aggregates extracted from the site may be crushed or mixed at the site but no manufacturing process such as an asphalt or concrete block manufacturing plant shall be permitted.

4.3.2.3 General Policies

- 4.3.2.3.1 An expansion to an existing licensed operation designated "Extractive Industrial" may, depending on the size of the expansion and the nature of the abutting land use designation on which the expansion would occur, require an amendment to this Plan and shall require an amendment to the Zoning By-law.
- 4.3.2.3.2 In considering an application for an amendment to the Official Plan and/or Zoning By-law for an extractive use, the following information and site development plan will be required which shall indicate:
- (a) The true shape, topography, contours, dimension, size and location of the property to be developed as well as the extent of adjacent property held for future pit or quarry operations;
 - (b) The existing use of all lands and the location and use of all buildings and structures lying within a distance of 150 metres from the land that is to be the subject of the extractive operation;
 - (c) The degree to which the operation will be exposed to the public;
 - (d) The effect of the operation on nearby communities;
 - (e) The location, height, dimensions and use of all buildings or structures existing or proposed to be erected on the property;
 - (f) Existing and anticipated final grades of excavation, shown by contours where necessary, as well as excavation setbacks;
 - (g) Any possible effects on ground and surface water patterns and quality;
 - (h) The haulage routes proposed to and from the site and the traffic density thereon;
 - (i) As far as possible, ultimate pit development, progressive and ultimate road plans, any water diversion or storage, location or stock piles for stripping and products, progressive and ultimate rehabilitation, and the intended use of the land after the extractive operations have ceased;
 - (j) Cross-sections through the deposit; and
 - (k) Any related planning and land use considerations or other matters which Council deems advisable including dust control, disposal of liquid waste, noise emissions, vibration effect on agricultural operations, locations of

heritage resources and wildlife movement patterns.

4.3.2.3.3 It shall be a policy of this Plan that an applicant who wishes to undertake an extractive operation must enter into a development agreement with the Township. This agreement shall be entered into prior to the Township's enactment of the implementing Zoning By-law referred to above. Such an agreement shall include, where applicable:

- (a) Arrangements for the specific rehabilitation of the subject lands after use, or in stages during use;
- (b) A guarantee that the operation of the subject extractive industry will continue to be conducted in accordance with the latest and highest standards of the sand and gravel industry;
- (c) Routes to be used by gravel trucks and other heavy machinery and financial arrangements for the maintenance of these routes;
- (d) Timing of blasting operations;
- (e) Arrangements for a tree buffer and/or berming to provide an effective visual buffer between any proposed excavations and any road, including unopened road allowances and adjacent designations for a use other than extractive;
- (f) Provision that no new excavation or other processing shall take place until such buffering has been established effectively;
- (g) Provision that no polluted water from washing or screening operations shall be discharged into any creek or watercourse; and,
- (h) Arrangements for the mitigation of any adverse impacts on heritage resources.

4.3.2.3.4 All pit and quarry uses must satisfy the requirements of the Environmental Protection Act and the Aggregate Resources Act.

4.3.2.4 Development Policies

4.3.2.4.1 Wayside pits and quarries and portable asphalt plants are temporary operations opened by or on behalf of the public road authority, such as the Ministry of Transportation, the Township, or the County. Such pits are opened solely for a particular public project such as for road construction or maintenance. They are not to be located on the road right-of-way.

- 4.3.2.4.2 Wayside operations are regulated through the Aggregate Resources Act by the Ministry of Natural Resources. This Act provides input provisions for the Township in the issuance of wayside permits and in this respect Council shall seek the fullest possible involvement in the administration of the Act to ensure that wayside licenses are issued in conformity with this Plan.
- 4.3.2.4.3 Wayside pits and quarries and portable asphalt plants are permitted in the Township without amendment to this Plan or the Zoning By-law. The establishment of such operations will be discouraged in areas zoned for residential purposes or in areas where severe environmental disruption may occur, particularly areas designated Environmental Protection. In considering the appropriateness of a location for a wayside pit or quarry or a portable asphalt plant, Council shall have regard to the considerations set out in Section 4.3.2.3 of this Plan.
- 4.3.2.4.4 The conditions governing the operation and rehabilitation of this type of operation should be included in an agreement similar to that outlined above for site development plans. The points covered by this agreement should include those matters as set out in Section 4.3.2.3 of this Plan.
- 4.3.2.4.5 It shall be the policy of this Plan to consult with the Ministry of Natural Resources and other appropriate Provincial agencies to investigate means to identify and rehabilitate abandoned pits located within the Township, including sources of funding.
- 4.3.2.4.6 When a pit or quarry has been worked out and rehabilitated, the policies of this Plan with regard to the "Rural" land use designation shall apply to such lands, unless the adjacent land use designations are predominantly "Agricultural". In the latter case, the "Agricultural" designation shall apply.

4.4 AGRICULTURAL

4.4.1 General Principles

- 4.4.1.1 It shall be the policy of this Plan to protect and preserve existing and potentially productive agricultural land. As a general rule, agricultural uses shall take precedence over all other uses. This policy shall also include the preservation, wherever possible, of the natural landscape and rural characteristics of the area. It is also the intent of this Plan to encourage the use of best management practices within the agricultural areas of the Township.
- 4.4.1.2 The "Agricultural" designation has been applied to the areas of the Township that contain predominantly good agricultural lands. The identification and delineation of good agricultural lands has been based on an analysis of four

main criteria:

- (a) CLI soils ratings and the Soil Survey of Simcoe County were reviewed to provide indicators of prime land. Classes 1 to 4 of the CLI were used in the identification of "Agricultural" lands;
- (b) Current and past use of the land was determined based on visual inspections, air photo interpretation, and local knowledge;
- (c) The level of agricultural investment was determined through visual inspection, air photo analysis, and local knowledge. High investment indicated good land quality and a commitment to the long-term use of the land for agriculture; and
- (d) Parcel fabric was reviewed with respect to the degree of fragmentation of the land that had occurred. The higher the fragmentation and the smaller the parcel size, the less flexibility and lower viability the lands and area were felt to have.

4.4.1.3 The lands designated "AGRICULTURAL" on Schedule "A" to this Plan represents the core agricultural resource base of the Township identified utilizing the above-described evaluation methodology.

4.4.2 Permitted Uses

- 4.4.2.1 The permitted uses in the "Agricultural" designation shall be general and Developmentized agricultural uses including buildings and structures normally accessory to an agricultural use such as a dwelling, barns and sheds. Even if such lands are not being used for agricultural purposes at the present time, they shall be considered as good agricultural lands.
- 4.4.2.2 Subject to the policies of this Plan, generally one garden suite dwelling may be allowed on a farm property as an accessory residential use to the farm operation, in addition to the existing farm house
- 4.4.2.3 The retail sale of produce grown on the farm, supplemented by produce grown locally within the Township may be permitted.
- 4.4.2.4 Home occupations may be permitted, subject to the Home Occupation policies of Section 3.
- 4.4.2.5 The construction of a dwelling and accessory uses may be permitted on an existing vacant lot, which fronts on an existing public highway which is maintained year-round and is of a reasonable standard of construction.

4.4.2.6 Utility corridors, lines, towers and associated facilities may be permitted in accordance with the policies of this Plan.

4.4.3 General Policies

4.4.3.1 Often good agricultural lands do not end abruptly and cannot be easily defined by a simple boundary on an Official Plan land use schedule. Where an application is submitted to develop lands designated "Agricultural" on the boundary of lands designated "Rural" for non-agricultural use, the policies of Section 4.4.4 shall apply.

4.4.3.2 Where possible Developmentized or intensive agricultural uses shall be conducted in accordance with the latest standards of the Agricultural Code of Practice. The preparation of Nutrient Management Plans are encouraged for all agricultural operations, and specifically for Developmentized or intensive livestock operations. Nutrient Management Plans may be required for all new or expanding livestock operations which are greater than 150 livestock units or greater than 50 livestock units with more than 5 livestock units per tillable hectare. Nutrient Management Plans shall utilize the current best management practices in developing a practical, affordable approach to addressing odour, water quality, and soil health associated with livestock manure management. Generally such uses should be located on poorer quality lands and shall be subject to a Zoning By-law amendment if they are to be located on lots below 10 hectares.

4.4.3.3 An agricultural use or a farm unit other than intensive or certain Developmentized agricultural uses, shall have a minimum lot size of approximately 40 hectares. Existing smaller sized farm units are recognized but farm related severance policies of Section 3.11 shall generally apply to farm units having a minimum of approximately 40 hectares.

4.4.3.4 The implementing Zoning By-law shall zone lands designated "Agricultural" in an agricultural zone. Where, under the policies of Section 4.4.4, a non-agricultural use is permitted without amendment to this Plan in the "Agricultural" designation, a rezoning of the lands is required.

4.4.3.5 The planning and location of utility corridors, lines, towers and associated uses shall, wherever possible, respect the intent of this Plan which is to protect and preserve existing and potentially productive agricultural land to the greatest extent possible. Such uses should be encouraged to locate in areas having poorer soils and should be located and designed so as to minimize disturbance to existing farm operations. Such uses shall not require an amendment to the Zoning By-law.

4.4.3.6 The policies of Section 3.11, Consent Policies, shall apply to the creation of new lots by consent in areas designated as "Agricultural".

4.4.4 Development Policies

4.4.4.1 Where non-agricultural development is proposed in an "Agricultural" designation which abuts a "Rural" designation, a Report shall be prepared to assess and determine the capability of the lands for agriculture. The following criteria shall be utilized in preparing the Report and determining the agricultural capability of these lands.

- (a) The current use of the land and its use in the past five years;
- (b) The predominant soil capability for agriculture; Class 1 to 4 are considered as lands with a high capability rating using the Canada Land Inventory;
- (c) The crop rating in the Soil Survey of Simcoe County;
- (d) An examination of past crop records;
- (e) Where available, any soil tests or other information of the soils on the subject property;
- (f) Local knowledge of the site, its past and current use, its soils and other relevant physical characteristics; and,
- (g) Compliance with the Agricultural Code of Practice.

4.4.4.2 The objective in evaluating these factors is to ensure that lands which are used or have been recently used for agriculture are generally retained for agriculture and that no single factor shall determine the land's agricultural capability. Rather, a combined evaluation of all of the above factors shall be utilized in determining agricultural capability.

4.4.4.3 Where the Township is satisfied under the above policies that a parcel of land designated "Agricultural" which abuts the boundary of the "Rural" designation is not good agricultural land, the "Rural" policies of this Plan may be applied in these instances without the necessity of an Official Plan amendment to change the land use designation.

4.4.4.4 In regard to the above, the proposed development shall only be permitted when the Township is satisfied that the subject site consists of marginal agricultural land, that the proposed use will not limit or restrict surrounding agricultural uses and that the use conforms with the relevant policies of the "Rural" and other sections of this Plan.

4.5 RURAL**4.5.1 General Principles**

- 4.5.1.1 The "Rural" designation is intended to indicate marginal agricultural lands which are generally not good agricultural lands as defined in Section 4.4 of this Plan. The "Rural" designation is intended to recognize and preserve, as much as possible, the natural landscape and the rural characteristics of the area while still permitting a limited range of compatible and complimentary uses. However, existing agricultural uses shall be preserved and protected wherever possible and such uses shall take precedence over all other uses. The policies of Section 4.4 shall apply to such uses.
- 4.5.1.2 Areas of good agricultural land as defined in Section 4.4 may be present within the "Rural" designation. In such instances the policies of the "Agricultural" designation shall apply to these areas.

4.5.2 Permitted Uses

- 4.5.2.1 All uses permitted under Section "4.4 Agricultural", shall be allowed within the area designated "Rural" on the attached schedules. The policies of Section 4.4 pertaining to such permitted uses shall apply.
- 4.5.2.2 Commercial sod operations may be permitted.
- 4.5.2.3 Rural Commercial uses such as agricultural supply outlets, farm produce sales outlets, feed mills, saw mills, equestrian centres, nursery and garden centres, conference centres, tourist accommodation, veterinary clinic and tourist country retail uses or accessory retail uses may be permitted.
- 4.5.2.4 Accessory uses to the above including a single family dwelling may be permitted. The construction of a dwelling and accessory uses may be permitted on an existing vacant lot, which lot shall front on an existing public road which is maintained year-round and is of a reasonable standard of construction. A single family dwelling and accessory uses may be permitted.
- 4.5.2.5 Home occupations may be permitted subject to the Home Occupation policies outlined in Section 3.

4.5.3 General Policies

- 4.5.3.1 The lands designated "Rural" shall be zoned in a Rural Zone in the implementing Zoning By-law. Areas within the "Rural" designation which are considered to be prime agricultural land may be zoned in an Agricultural

Zone. Agriculturally related and non-agricultural uses as set out in Section 4.5.2 shall be subject to a zoning amendment.

- 4.5.3.2 No new non-agricultural use shall be permitted that would interfere with or hinder existing agricultural operations.
- 4.5.3.3 In addition to any other policies found herein, the general criteria for permitting non-agricultural or agriculturally related uses shall be:
 - (a) The use of poorer quality lands wherever possible;
 - (b) No interference with agricultural uses;
 - (c) Location on good roads where heavy traffic is likely to be generated by the use; and
 - (d) Adequate distance and buffering from incompatible uses.
- 4.5.3.4 Permitted non-agricultural or agriculturally related uses should, wherever possible, be consolidated into groups rather than allowed to spread out in a scattered manner along roadways.
- 4.5.3.5 The policies of Section 3.11, Consent Policies, shall apply to all lands designated "Rural" in this Plan.

4.5.4 Development Policies

- 4.5.4.1 Rural Commercial uses may be permitted in the Rural designation without amendment to the Plan and with amendment to the General Zoning By-law provided that the following policies are met in addition to the policies of Section 3.1.11 of this Plan:
 - a) should be located on land which have a low potential for agricultural production;
 - b) outside storage, if permitted, should be located in the rear yard and buffered from view;
 - c) outside display, if permitted, shall be limited so as to maintain the rural character of the area;
 - d) the permitted uses of the Rural Commercial Zone may be limited by site specific amendment to those uses and size of associated buildings and structures that would maintain the rural character of the area in which they are proposed to be located; and,
 - e) any buildings and structures shall be designed to compliment and enhance the rural character of the area.

- 4.5.4.2 In addition to article 5.4.1.1, Rural Commercial uses involving tourist accommodation may also be permitted in the Rural designation without amendment to the Plan and with amendment to the General Zoning By-law provided that the following policies are met in addition to the policies of Section 3.1.11 of this Plan:
- a) tourist accommodation shall be in a form whereby the guest rooms are located in the main building to ensure a lodge format and maintain a quiet rural character, and not in the form of a campground, cabins or trailer park;
 - b) guest rooms shall be limited to ten (10); and,
 - c) buildings containing the accommodation use shall be setback a minimum distance of 70 metres from side and rear lot lines.
 - d) no tourist accommodation use, other than a bed and breakfast, shall be located in proximity to any other tourist accommodation use or in close proximity to residential uses.
- 4.5.4.3 In addition to article 5.4.1.1, Rural Commercial uses involving retailing may also be permitted in the Rural designation without amendment to the Plan and with amendment to the General Zoning By-law provided that the following policies are met in addition to the policies of Section 3.1.11 of this Plan:
- a) retail uses shall be in the form of tourist country type store selling fruits and vegetables, baked goods and preserves, antiques, gifts and/or crafts, artisan items, gardening products and/or agricultural items produced on site.
 - b) no retail store shall be larger than 93 square meters;
 - c) buildings and structures containing the retail use shall be setback a minimum distance of 70 metres from side and rear lot lines.
 - d) no retail use, other than that use involving the sale of goods produced on the premise, shall be located in proximity to any other retail use or in close proximity to residential uses.
- 4.5.4.4 Agricultural related and certain non-agriculturally related development may be appropriate in the "Rural" designation. When considering agriculturally related and non-agricultural development proposals which require a determination of agricultural capabilities within the "Rural" designation, the Municipality shall require the preparation of a Report in accordance with Section 4.4.4 of this Plan. The Report shall establish to the Township's satisfaction that the lands involved are not good agricultural lands.

4.6 OPEN SPACE**4.6.1 General Principles**

- 4.6.1.1 The "Open Space" designation recognizes significant areas utilized for low intensity public, quasi-public, or private open space uses.
- 4.6.1.2 It is a policy of this Plan to provide an open space system which provides a range of leisure and recreational activities for all ages and interest groups, preserve certain natural features of the Township, maintain and enhance scenic vistas, conserve beaches, and other waterfront lands.

4.6.2 Permitted Uses

- 4.6.2.1 The "Open Space" designation shall mean that the main permitted uses will be public, quasi-public, and private open space uses for active and passive recreational and conservation uses. Uses may include public and private parks, fairgrounds, community centres, playing fields, golf courses, beaches, boat launches and docks, nature trails, and picnic areas.
- 4.6.2.2 The permitted uses in the "Open Space" designation may also include conservation of heritage resources, agriculture, nursery gardening, and forestry uses. Public and institutional uses may be permitted by amendment to the Zoning By-law.
- 4.6.2.3 Only buildings and structures incidental to the permitted uses shall be allowed.

4.6.3 General Policies

- 4.6.3.1 Where any lands designated for open space are under private ownership, it shall not be construed that these are to remain in this designation indefinitely, nor that these sites are free and open to the public, nor that they will be acquired by the Municipality or any other governmental agency. If, at any time, proposals are made to develop such lands for other purposes and, if at that time the Municipality or any other implementing authority does not wish to purchase such lands in order to maintain the open space, then an application for the redesignation of such land for other purposes will be given due consideration, consistent with the policies of this Plan.

- 4.6.3.2 Where recreation, conservation or significant historical or archaeological areas are designed for public use, adequate automobile parking areas shall be established and access points to parking areas shall be designed in such a manner that they will minimize the danger of vehicular and pedestrian traffic.
- 4.6.3.3 The Township shall prepare and implement a Recreational Master Plan. The findings and recommendations of this Master Plan may be used in determining parkland needs within a specific development.

4.6.4 Development Policies

- 4.6.4.1 Acquisition of open space lands will be by direct purchase or by agreement or other means when the amount required is in excess of the amount obtained by dedication under the Planning Act.
- 4.6.4.2 It shall be a policy of this Plan to ensure an adequate ratio of public open space lands to population is maintained. This ratio shall generally be 4 hectares per 1000 population for the four main Settlement Areas of the Township.
- 4.6.4.3 It shall be the policy of the Township to encourage parkland dedication and in particular to obtain waterfront for public access and park purposes. Where development occurs within the Township, Council may require that a minimum of 50% of the parkland dedication be provided in the waterfront area and that this dedication be acceptable to Council both in size, topography, and shape. Generally this parkland dedication should be adjacent to existing parks or access points to the waterfront.
- 4.6.4.4 It is not necessary that the entire parkland dedication be provided in the form of land, but rather a portion in certain cases could be in the form of a cash equivalent. Funds received as part of the cash-in-lieu payment shall be kept in a separate account and used only to purchase other lands for park purposes, recreational equipment, or to upgrade existing open space facilities.
- 4.6.4.5 Lands possessing inherent physical hazards will not necessarily be considered as parkland dedication unless improvements are made to the satisfaction of the Municipality.
- 4.6.4.6 Public parks shall be provided for at an appropriate standard in accordance with the provisions of the Planning Act. Any public parks operated by Government authorities other than the Township of Tay may be included in this standard where such lands are of an appropriate nature and location.

- 4.6.4.7 Municipally owned "Open Space" lands should be developed as they are acquired as time and resources permit. Such development could include the establishment of paths or walkways, the provision of playing fields, picnic areas, beaches, boat launching facilities, or the provision of other such recreational facilities or opportunities so that residents of the Municipality will be encouraged to use the open space areas.
- 4.6.4.8 Visual and physical means of access shall be provided, to the satisfaction of Council, to all recreational areas, open space, parks and public facilities.
- 4.6.4.9 Whenever and wherever possible the dedication or purchase and development of suitable land for passive and active recreational uses as well as for the conservation of natural wildlife habitat areas shall be encouraged. Lands to be purchased could include lands to provide public access to the shoreline and significant natural watercourses. Consideration could also be given to the use and development of reforested areas as recreational areas.
- 4.6.4.10 Council may accept sites containing sufficient heritage resources in full or partial fulfillment of any required parkland dedication permitted under the Planning Act.
- 4.6.4.11 The lands designated "OPEN SPACE" in part of Lots 12 and 13, Concession 6 are proposed for a golf course development. In order to ensure that the design of the golf course respects the important elements of the natural heritage system, an Environmental Impact Assessment ("EIA") must be prepared in accordance with the Terms of Reference prepared by Gartner Lee Limited dated June, 2000. The "EIA", as set out in the Terms of Reference, shall address the following objectives:
- a) the layout and characteristics of the proposed golf course development;
 - b) the location and extent of existing environmental conditions (features and functions);
 - c) the degree of sensitivity of the site's environmental features and functions to the construction and operation of a golf course;
 - d) an assessment of the potential impacts of the undertaking on the natural environment given that the principle of a golf course development has already been established for the site;
 - e) the need for any mitigating measures to protect the environmentally sensitive/significant features and functions both on-site and in the surrounding area, and definitions of such measures; and
 - f) recommendations for golf course management, maintenance and construction and post-construction monitoring. (*OPA No. 24 - 08.12.00*)

- 4.6.4.11.1** In addition to the preparation of an Environmental Impact Assessment (EIA):
- a) Site Plan Control shall be used to ensure that the golf course is designed and developed in a manner that will not cause adverse impacts on the surface water, ground water or the natural environment in accordance with an approved Golf Course Management Plan and Edge Management Plan;
 - b) The Open Space designation abuts the Environmental Protection One designation along Hogg Creek. The Environmental Protection One designation is intended to recognize the riparian constraint area and meander belt having a minimum width of 30 metres from the top of the steep slopes associated with the Hogg Creek. This area shall be protected from the golf course before, during and after construction and development. Further, additional native plantings shall be required in within the Environmental Protection One and Open Space designations in order to improve the integrity of Hogg Creek to the satisfaction of the Township and the Severn Sound Environmental Association;
 - c) Compensation for the loss of interior forest patches will be required through the planting of trees that contribute to interior forest cover on and/or off the subject property, as part of ongoing restoration initiatives for Hogg Creek to the satisfaction of the Township and the Severn Sound Environmental Association;
 - d) The present terrain, drainage and cover of the site shall be maintained as much as possible in the design and that radical changes in terrain would not be permitted in the development of the proposed golf course;
 - e) Irrigation water for the golf course shall be obtained primarily from collection of storm water and from Georgian Bay in accordance with an approved Ministry of the Environment Permit to Take Water;
 - f) A Stage Two Archeological Investigation shall be completed prior to any alteration of the lands; and,
 - g) A D4 Study for the former landfill site located on the subject lands shall be required as a condition of site plan approval. (OPA No. 28)

4.7 INSTITUTIONAL

4.7.1 General Principles

- 4.7.1.1** The “Institutional” designation recognizes existing institutional and public uses, but does not designate new sites for future institutional uses.
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4.7.1.2 It is a policy of this Plan to encourage the shared use of community and educational facilities in a complimentary manner with the other land uses, direct health related and educational uses to locate within the Settlement Areas and to increase the adequacy of such services in the Township, and to integrate institutional uses in residential and commercial areas.

4.7.2 Permitted Uses

4.7.2.1 The predominant use of lands designated "Institutional" shall be for public, quasi-public or private institutional uses and may include hospitals, medical clinics, cemeteries, schools, government administrative offices and works buildings, post offices, day care centres, and places of worship.

4.7.2.2 Accessory residential uses which are incidental and supportive of the permitted institutional uses may be permitted.

4.7.3 General Policies

4.7.3.1 Where an application is made to redesignate land to the "Institutional" land use designation the application Council may require the submission of a Report addressing the following information:

- (a) The need for the proposed facility;
- (b) The locational requirements for the proposed facility;
- (c) Review of public facilities such as schools, parks, open space, medical services, emergency services, etc. to ensure the adequacy thereof in accordance with the proposed use;
- (d) Review of municipal hard services to the site in accordance with Section 6 of this Plan; and
- (e) Concept plan of the proposed use including any buffering and screening to be provided.

4.7.3.2 All new "Institutional" developments and redevelopment may be subject to Site Plan Control.

4.7.3.3 All new institutional uses shall have sufficient land area to accommodate the parking requirements generated by the use. Institutional uses should be located to minimize potential conflicts with adjacent uses particularly residential areas. Visual screening, planting, fencing, and buffering between institutional uses and adjacent residential uses shall be required.

4.7.3.4 Elementary and secondary schools should be located adjacent to public parks and open spaces, and within the defined settlement areas, where possible. Generally any new school site should be centrally located in regard to the area served and the community role it plays. Location should also be considered in regard to minimizing traffic hazards for children and minimizing the need for the Board(s) to extend services to the proposed school site.

4.7.3.5 Some minor institutional uses are permitted within other land use designations as indicated in this Plan and shall be implemented through the General Zoning By-law.

4.7.4 Development Policies

4.7.4.1 The lands designated "Institutional" in part of Lots 16 and 17, Concession 3 which encompass the Martyrs' Shrine shall be subject to the following policies.

- (a) The lands encompassing the Martyrs' Shrine shall be regarded as having International, National, Provincial, and local, religious and historical significance. It is therefore the policy of Council to, recognize the distinctive character of the Shrine;
- (b) The Martyrs' Shrine shall be regarded as a site of Regional Tourist significance, creating local economic benefits. Council recognizes the religious, historic, and heritage value of the site. It is the intention of Council to recognize the need of the Jesuit Fathers to maintain, enhance and generally improve the facilities associated with the Shrine in accordance with the needs of those travelling, visiting, or staying at the Shrine. It is therefore the policy of Council to support and encourage an appropriate level of services to meet the specific needs of those visiting the Shrine;
- (c) It is recognized that the principal use on this site is the Martyr's Shrine which represents a significant religious and tourist opportunity for the area. In conjunction with this use, certain accessory uses play a significant role in the operation of this facility. Those accessory uses which are considered integral to the facility shall generally include the papal field, cafeteria, residences for the Jesuit Fathers, souvenir, gift and book shop, and overnight accommodation serving those persons specifically visiting the Shrine. Additionally, accommodations and facilities for an outdoor education centre may also be permitted;
- (d) Any new development or redevelopment may be subject to site plan control; and

- (e) As part of the Site Plan review, or rezoning process for any new development or redevelopment Council may require a study which may include but is not limited to one or more of the following areas:
 1. Traffic.
 2. Drainage.
 3. Hydrogeology.
 4. Servicing.
 5. Sewage.
- (f) Council in considering applications for development on lands adjacent to the Martyr's Shrine shall have regard to the effect such development may have on the religious, historical, or heritage of the Shrine particularly on the papal field. Council need not approve any development which in their opinion would have an adverse impact on the religious, historical or heritage value of the Shrine.

4.8 ENVIRONMENTAL PROTECTION

4.8.1 Basis and Objectives

- 4.8.1.1 The Township, located on the southern shore of Severn Sound, is blessed with a unique and diverse natural environment. From the broad rolling uplands of Faints Hill in the south, to the flat valley of Hogg Creek, from the teeming Port McNicoll Marsh to the mature hardwood forests of the Sturgeon River, Tay has a rich and valuable natural setting. Within this setting, the Township supports a diverse wildlife population, a rich variety of bird species (including provincially and regionally significant varieties), waterfowl production and staging areas, and significant fish spawning and nursery areas. Managing land use change and activities in order to sustain a healthy environment and to maintain and improve this precious natural setting is a main goal of this Plan.
- 4.8.1.2 Utilizing the functional assessment approach, a Natural Heritage System has been identified and delineated for the Township in the Gartner Lee Limited report "Natural Heritage Strategy Study – Township of Tay, November 1995" and on Schedule A to this Plan. The key environmental features were examined and each assessed to determine the function they perform, the attributes they posses, and how each is linked to each other. This analysis identified four main natural heritage units; Wye River, Hogg Creek, Sturgeon River, and the Severn Sound Shoreline.

(a) Wye River Natural Heritage Unit

The Wye River watershed occupies the northwest portion of the Township and is

dominated by the Provincially significant Wye Marsh wetland. The Wye River unit also includes forest cover areas associated with the small head water tributaries that flow west to join the river in the Township of Tiny. The main functions, features and linkages provided by the Wye River natural heritage unit are described in Table 1.

Table 1

Wye River		
Functions	Attributes	Linkages
<p>Wye Marsh</p> <p>Terrain:</p> <ul style="list-style-type: none"> ▪ significant ground water discharge from outwash slopes to marsh ▪ flood attenuation/storage ▪ nutrient trap <p>Vegetation:</p> <ul style="list-style-type: none"> ▪ diverse mix of upland habitats ▪ heavily forested buffer around wetland (lowland and upland) <p>Wye River Headwaters</p> <p>Terrain:</p> <ul style="list-style-type: none"> ▪ ground water recharge (uplands) ▪ ground water discharge (slopes) ▪ surface water conveyance <p>Vegetation:</p> <ul style="list-style-type: none"> ▪ erosion control (steep slopes) ▪ temperature control (shading of tributaries) ▪ riparian cover ▪ terrestrial wildlife habitat 	<ul style="list-style-type: none"> ▪ provincially significant wetland ▪ regionally significant life science ANSI ▪ 16 rare plants and 11 rare animals ▪ unique wetland types (fens, bog) ▪ migratory waterfowl stopover area (feeding, resting) ▪ warm water fishery (bass, pike spawning) <ul style="list-style-type: none"> ▪ coldwater fishery ▪ trout spawning/rearing ▪ upland wetland (Ebenezer swamp) 	<ul style="list-style-type: none"> ▪ strong ground/surface water connection (discharge from slopes to marsh) ▪ aquatic linkages to Tiffin basin (Severn Sound) <ul style="list-style-type: none"> ▪ strong ground/surface water connection on tableland (infiltration) ▪ terrestrial linkage to Hogg Creek watershed via forested corridors north of Waverley ▪ aquatic linkage from eastern tributaries to main branch of Wye River.

(b) Hogg Creek Natural Heritage Unit

The Hogg Creek watershed occupies the central portion of the Township, and with the exception of a small portion of the headwater area, the entire watershed is contained within the Township of Tay. The small meandering creek occupies a narrow valley floodplain flanked by broad hills on each side. The watershed is sparsely wooded, with forest cover confined to the steep sloped areas, portions of the creek course, and the Elliotts Corners wetland. The functions, features, and linkages for the Hogg Creek unit are set out in Table 2.

Table 2

Hogg Creek		
Functions	Attributes	Linkages
<p>Terrain:</p> <ul style="list-style-type: none"> ▪ Ground water recharge (tablelands) ▪ Ground water discharge (slopes and Elliotts Corners wetland) ▪ Surface water conveyance ▪ Flood attenuation/storage (wetland) <p>Vegetation:</p> <ul style="list-style-type: none"> ▪ Erosion control (steep slopes) ▪ riparian corridors ▪ shading of streams/cooling water temperature 	<ul style="list-style-type: none"> ▪ significant coldwater fishery (migratory and resident) ▪ high fish diversity (21 species) ▪ large upland wetland (Elliotts Corners) ▪ high potential for rare plants and animals (Elliotts Corners) ▪ regionally significant earth science ANSI (raised beach bar deposit near Elliotts Corners) 	<ul style="list-style-type: none"> ▪ strong ground/surface water connection on tableland (Elliotts Corners wetland) ▪ aquatic and terrestrial connection to Hogg Bay ▪ forested corridor linking Hogg Creek and Sturgeon River watersheds. ▪

(c) Sturgeon River Natural Heritage Unit

Occupying the eastern portion of the Township, the Sturgeon River watershed is very significant to the natural heritage system. While only the downstream portion of the Sturgeon River lies within the Township, it is heavily wooded from valley floor up the slopes of the hills and covering good portions of the unit's tablelands. Because of this, the Sturgeon River heritage unit provides extensive areas of habitat which supports a high diversity of plants and animals. Moreover, because of the continuous nature of the forest cover, the Sturgeon River watershed promotes significant wildlife movement and linkages within the watershed and to other watersheds. The specific functions, features, and linkages of the Sturgeon River habitat unit are described in Table 3.

Table 3

Sturgeon River		
Functions	Attributes	Linkages
<p>Terrain:</p> <ul style="list-style-type: none"> ▪ Ground water recharge (tableland) ▪ Ground water discharge (slopes) ▪ Surface water conveyance ▪ Nutrient trap (Sturgeon Bay Marsh) <p>Vegetation:</p> <ul style="list-style-type: none"> ▪ Shading of river ▪ Wide riparian corridors ▪ Erosion control on slopes ▪ Large blocks of terrestrial habitat 	<ul style="list-style-type: none"> ▪ Feeding area for provincially significant species (Sturgeon Bay Marsh) ▪ Provincial significant earth science ANSI (Waubaushene Beaches Nature Reserve) ▪ Old growth forest ▪ Coldwater fish spawning (river) ▪ Warm water fish nursery (marsh) 	<ul style="list-style-type: none"> ▪ Strong ground/surface water connection (western slope) ▪ Aquatic link to Sturgeon Bay ▪ Terrestrial wildlife corridor east to Matchedash Bay, west to Hogg Creek, and south into Sturgeon river headlands

(d) Severn Sound Shoreline Natural Heritage Unit

The Severn Sound heritage unit occupies the narrow band of near shore waters of the Sound and the adjacent shoreline area. The Severn Sound heritage unit contains four lacustrine or coastal wetlands (three of which are Provincially significant) which function as significant fish, bird, and wildlife habitat. The significant functions, features and linkages performed by the Severn Sound natural heritage unit are described in Table 4.

Table 4

Severn Sound		
Functions	Attributes	Linkages
<p>Terrain:</p> <ul style="list-style-type: none"> ▪ Shoreline erosion protection ▪ Sediment/nutrient trap (coastal marshes) ▪ Aquatic habitat (fish, colonial water birds, waterfowl) 	<ul style="list-style-type: none"> ▪ Coastal marshes (excluding Sturgeon Bay marsh) ▪ Feeding/nesting habitat for rare species ▪ 2 locally significant earth science ANSI's (Port McNicoll quarry and Waubaushene Beaches Nature Reserve) 	<ul style="list-style-type: none"> ▪ aquatic linkage along shoreline between coastal marshes ▪ forested corridor for terrestrial wildlife linking Wye Marsh and Port McNicoll Marsh

The Natural Heritage System defined by the Environment Protection Policy Area designations and overlays on Schedule A to this Plan is intended to preserve and protect the significant functions, features, and linkages of each of these heritage units. The "Environmental Protection Policy Area 1" designation is also intended to protect the natural heritage systems core conservation areas of wetlands, significant wildlife habitat, Areas of Natural and Scientific Interest, significant corridors, significant woodlands, significant hydrogeological areas, and areas supporting vulnerable, endangered and threatened species.

The Natural Heritage System is defined in this Plan by one land use designation and two overlay designations:

Environmental Protection Policy Area 1 – No development is permitted, long term protection encouraged, with very limited uses permitted as well as environmental management activities.

Environmental Protection Policy Area 2 – Development is possible, subject to the results and recommendations of an Environmental Impact Assessment (EIA).

Environmental Protection Policy Area 3 – Development is committed as a result of previous approvals, Detail design is to reflect the results and recommendations of a scoped EIA.

In addition, this section sets out the scope and content of the required EIA for the Environmental Protection designations with respect to development proposed on natural heritage lands and within adjacent lands.

4.8.2 Environmental Protection Policy Area 1

4.8.2.1 General Principles

4.8.2.1.1 The “Environmental Protection Policy Area 1” designation recognizes and protects those lands by virtue of their significant functions, attributes, and linkages, make up the core of the natural heritage system in the Township. The “Environmental Protection Policy Area 1” designation includes:

- (a) Significant portions of the habitat of threatened or endangered species;
- (b) All wetlands (class 1 to 7 and unclassified);
- (c) All life and earth science ANSI’s (provincial, regional, and locally significant);
- (d) Major river valleys; and,
- (e) Significant forested blocks which coincide with one of the above or one of the six functional terrain units.

4.8.2.2 Permitted Uses

4.8.2.2.1 Permitted uses within the “Environmental Protection Policy Area 1” designation may include conservation, forestry uses, and existing agricultural uses. Passive outdoor recreational uses including trails, observation towers, boardwalks, etc. may also be permitted subject to the results and recommendation of an Environmental Impact Assessment (EIA) completed in accordance with this Section.

4.8.2.3 General Policies

4.8.2.3.1 No development proposed on lands adjacent to those designated “Environmental Protection Policy Area 1” shall be permitted except in accordance with the results and recommendations of an Environmental Impact Assessment approved by the Township. It shall be a policy of this plan that all lands within 120 metres of the boundary of a wetland or significant portions of the habitat of endangered and threatened species and within 50 metres of all other environmental features within the “Environmental

Protection Policy Area 1", shall be deemed to be adjacent lands.

- 4.8.2.3.2 No buildings or structures nor the placing nor removal of fill of any kind whether originating on the site or elsewhere shall be permitted in lands designated "Environmental Protection Policy Area 1",
- 4.8.2.3.3 Where land designated "Environmental Protection Policy Area 1" is under private ownership this Plan does not indicate that this land 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 will be purchased by the Municipality or public agency. An application for the redesignation of land designated "Environmental Protection Policy Area 1" for other purposes may be given due consideration by the Municipality subject to the results and recommendations of an EIA submitted in support of the application and prepared in accordance with this Section.
- 4.8.2.3.4 An amendment to this Plan will not be required for minor changes to the "Environmental Protection Policy Area 1" boundary which are deemed insignificant through an EIA. Where the boundaries of the "Environmental Protection Policy Area 1" are in question, the EIA shall address this matter. If an amendment to this Plan is deemed unnecessary by Council, the Township may proceed with an amendment to the General Zoning By-law to refine the boundaries of the environmental feature or area.
- 4.8.2.3.5 The Township shall cause this Official Plan and the General Zoning By-law to be updated and amended to incorporate any new information and mapping, including detailed flood and fill line mapping, with respect to the Township's natural heritage system.
- 4.8.2.3.6 Building setbacks will be imposed from the boundaries of the "Environmental Protection Policy Area 1" designation in accordance with the results and recommendations of the EIA required by this section and the setbacks shall be incorporated into the appropriate implementing Zoning By-law.

4.8.2.4 Development Policies

- 4.8.2.4.1 An Environmental Impact Assessment (EIA) shall be required for any development proposed within or on lands adjacent to areas designated "Environmental Protection Policy Area 1". The purpose of an EIA is to demonstrate that no negative impacts on the natural features or ecological functions for which the area was identified and designated shall occur as a result of the proposed development. The EIA shall provide a sound basis for the approval, modification or of rejection development proposals in and adjacent to natural heritage features and lands designated "Environmental Protection Policy Area 1".

4.8.2.4.2 Generally, EIA's shall include the following items:

- (a) Description of the study area and the natural heritage system context;
- (b) Description of the development proposal;
- (c) Identification of those features, functions, and linkages likely to be affected by the development proposal;
- (d) Assessment of the potential impacts of the proposed development on key features, functions, and linkages;
- (e) Identification of mitigation requirements and monitoring requirements;
- (f) Consider opportunities for remediation and enhancement where impairment has occurred;
- (g) Quantification of residual impacts if any; and
- (h) Results and recommendations.

4.8.2.4.3 The EIA shall be prepared in accordance with the "Natural Heritage Training Manual for Policy 2.3 of the PPS (1997)" and the "Natural Heritage Training Manual for Policy 3.1 of the PPS (1997)" or their successors and will be subject to the approval by the Township, the County of Simcoe, or other agency having jurisdiction. The EIA must be approved by the Municipality, in addition to other relevant agencies, before an amendment to this Plan or to the General Zoning By-law is made or a consent is granted which would permit the proposed development.

4.8.2.4.4 The preparation of an EIA shall have regard to the Gartner Lee Limited report "Natural Heritage Strategy Study – Township of Tay, November 1995" and the policies of this Section.

4.8.3 Environmental Protection Policy Area 2

4.8.3.1 General Principles

4.8.3.1.1 The "Environmental Protection Policy Area 2" designation is an overlay designation which recognizes areas which are environmentally significant but do not form part of the core of the natural heritage system. Lands contained within the "Environmental Protection Policy Area 2" overlay designation on Schedule A include:

- (a) Non-forested outwash sands and gravel's that perform important recharge functions;

- (b) Small woodlands on the edges of “Environmental Protection Policy Area 1” lands;
 - (c) Younger forest stands with a sparse canopy cover comprising of successional, second growth species; and
 - (d) Areas of steep slopes that generally lack forest cover.
- 4.8.3.1.2 The intent of the “Environmental Protection Policy Area 2” overlay designation is to protect these areas, as much as possible, in order to minimize the loss and fragmentation of woodlands and protect significant wildlife habitat.

4.8.3.2 Permitted Uses

- 4.8.3.2.1 The uses permitted in areas subject to the “Environmental Protection Policy Area 2” overlay designation shall be those permitted by the underlying land use designation. As an example, where the “Environmental Protection Policy Area 2” designation covers the “Rural” designation, the uses permitted shall conform to the “Rural” designation’s permitted uses.

4.8.3.3 General Policies

- 4.8.3.3.1 Uses permitted by the underlying land use designation shall not be subject to the policies and/or requirements of this Section. However, new development on land in or adjacent to the “Environmental Protection Policy Area 2” overlay designation is discouraged and development is encouraged to locate outside the natural heritage system designation.
- 4.8.3.3.2 Development in or adjacent to the “Environmental Protection Policy Area 2” overlay designation which requires either an Amendment to this Plan, or the General Zoning By-law, or an application for consent, shall be subject to the requirement for the preparation and submission of an EIA in accordance with this Section. It shall be a policy of this plan that all lands within 50 metres of the “Environmental Protection Policy Area 2” overlay designation shall be deemed to be adjacent lands.

4.8.3.4 Development Policies

- 4.8.3.4.1 The EIA required by this Section must demonstrate, to the satisfaction of the Township, that the proposed development can occur without having a negative impact on the features, functions, or linkage of the natural heritage system. The EIA study requirements are set out in Section 4.8.2.4 of this Plan.

4.8.4 Environmental Protection Policy Area 3**4.8.4.1 General Principles**

- 4.8.4.1.1 The “Environmental Protection Policy Area 3” overlay designation recognizes areas within the Township which form part of the natural heritage system but where some form of development rights and/or permissions have already been granted. Generally, these lands have received Official Plan approval but still require plan of subdivision, plan of condominium, Secondary Plan, or site plan approval.
- 4.8.4.1.2 The intent of the “Environmental Protection Policy Area 3” overlay designation is to maintain, to the greatest extent possible, the important features, functions and linkages of these areas by integrating the development with the natural environment through sensitive design.

4.8.4.2 Permitted Uses

- 4.8.4.2.1 The uses permitted in areas subject to the “Environmental Protection Policy Area 3” overlay designation shall be those permitted by the underlying land use designation. As an example, where the “Environmental Protection Policy Area 3” designation covers the “Village Residential” designation, the uses permitted shall conform to the “Village Residential” designations permitted uses.

4.8.4.3 General Policies

- 4.8.4.3.1 Development in the “Environmental Protection Policy Area 3” overlay designation shall be subject to the requirement for the preparation and submission of a scoped EIA in accordance with this section.

4.8.4.4 Development Policies

- 4.8.4.4.1 The scoped EIA required by this Section shall have as its primary objective the integration of the permitted development with the natural heritage system through sensitive design. The scoped EIA shall also protect, to the greatest extent possible, the important features, functions, and linkages of the natural heritage system while still permitting the proposed development in accordance with this Plan.
- 4.8.4.4.2 The scoped EIA required by the “Environmental Protection Policy Area 3” overlay designation will not be required to identify and assess the impacts of the development on the natural heritage system but shall address matters of design and mitigation. The scoped EIA should include:

- (a) Description of the study area and the natural heritage system context;

- (b) Description of the development proposal;
- (c) Identification of those feature and functions and linkages that need to be addressed as part of the design;
- (d) Identification of mitigation requirements; and
- (e) Results and recommendations.

SECTION 5 **POLICY AREAS****5.1 METHODIST ISLAND - POLICY AREA NO. 1**

- 5.1.1 A portion of Island No. 72 (known as Methodist Island), being generally those lands located along the western side of the island are designated as "Policy Area No. 1" and any development or redevelopment of these lands shall be subject to the policies of this Section. This portion of Methodist Island, due to topography, elevation and wave action will be subject to flooding during one in one hundred year lake level events and therefore possesses inherent constraints to proper development. As such, any proposal for development must satisfy the criteria listed below through the preparation of an overall comprehensive Site Evaluation Report for all the area designated as Policy Area No. 1. The comprehensive Site Evaluation Report will be subject to the review and approval of the Township and all relevant agencies and Ministries having jurisdiction. The subject lands shall be placed in an appropriate holding zone through the Township's General Zoning By-law, which may be removed upon approval by the Municipality of the Site Evaluation Report.
- 5.1.2 The overall comprehensive Site Evaluation Report shall address and contain the following:
- (a) A coastal review, utilizing acceptable engineering methods as determined by the Ministry of Natural Resources, which shall address flood proofing elevations (including 1:100 year still lake level, wind set-up and wave uprush), topping and spray, ice piling, and safe access. The report will make specific recommendations with respect to mitigative measure for shoreline protection works. (Breakwalls, revetments, etc.);
 - (b) A review of fish habitat at or near the island will be conducted to determine possible impacts of shoreline works and any proposed docking. The review will be conducted to satisfaction of the Ministry of Natural Resources and the Federal Fisheries Act;
 - (c) A soils and site servicing study, utilizing acceptable engineering methods as determined by the Simcoe County District Health Unit, shall address sewage design and sizing, lot size, lot grading, and minimum elevations and the cumulative development on individual septic systems;
 - (d) A review utilizing landscape architectural standards to make recommendations as to the nature and type of planting required to maintain the visual and aesthetic quality of the island's shoreline; and

- (e) A planning review to make recommendations on permanent access for sewage systems maintenance and operation, form and content of development agreements, and content of site plan control agreements.

5.2 FOREST HARBOUR - POLICY AREA NO.2**5.2.1 Introduction**

- 5.2.1.1 The Forest Harbour "Policy Area No. 2" is the result of the special studies and planning investigations conducted for the whole area and it establishes planning objectives, policies and more detailed land use designations and servicing standards. Tay Township Council approved these policies to guide development, environmental improvements, servicing and both public and private sector decision making with regard to the future of the Forest Harbour area.

5.2.2 Purpose

- 5.2.2.1 The purpose of these policies are to determine the capacity of the lands to sustain development, and to identify land use policies and development and servicing standards which are consistent with the type of existing development and the objective of improved environmental conditions. This Policy Area No. 2 also serves to identify implementation options and policies to guide municipal decision making regarding capital works and development proposals.

5.2.3 Relationship to the balance of the Official Plan

- 5.2.3.1 The Official Plan of the Township of Tay has as one of its goals to maintain and enhance the quality of the natural environment of the Township. This Section provides more detailed policies for the use of land within the Forest Harbour plan area and the standards of development and servicing which are intended to maximize the quality of environment. To that end, the background studies for this Section have extensively investigated the soils, ground water and hydrogeological conditions of the area. The technical results of these studies are the basis for the development and servicing policies and standards. It would be contrary to the overall goal to significantly vary from the amount of development and servicing standards identified by this Section.
- 5.2.3.2 The unique and difficult problems and situation of the Forest Harbour area warrant special planning and development policy resolution. The policies of this Section are intended to achieve the objectives stated and are not intended for application outside the planning area.

- 5.2.3.3 In the same sense, certain aspects of this Section may be seen to diverge from the objectives and guidelines for proposals of the Official Plan. In this area, what may be seen as permitting isolated residential development is warranted to solve existing problems and overcome economic and other hardships.
- 5.2.3.4 The existing pattern and standard of development of the major property within "Policy Area No. 2", known throughout this Section as the Forest Harbour Development is unacceptable to the Municipality. This land is owned by the Forest Harbour Ratepayers Incorporated. Further, the Municipality knows that the provincial and county agencies involved with planning, environmental and public health as well as the corporate owner of the Forest Harbour Development are all actively seeking resolution and environmental development improvements.

5.2.4 General Objectives

- 5.2.4.0.1 To establish a plan for the future of the Forest Harbour area which is environmentally sound, physically possible, publicly acceptable, and financially feasible from both the municipal and the major land owner's point of view.
- 5.2.4.0.2 To prescribe and encourage the reorganization and environmental improvement of the Forest Harbour Development, to the extent of the existing approximate amount of development.
- 5.2.4.0.3 To be consistent with municipal planning objectives and provincial interests and policies.
- 5.2.4.0.4 In establishing these objectives and the related development policies, it is the intention of the Municipality to recognize the existing amount of residential use of the Forest Harbour Development, prior to considering other lands, with respect to assigning available development capacity within the Secondary Plan area. This is done in order to promote the economic viability and feasibility of real and necessary environmental and development improvements within the Forest Harbour Development under a constrained financial situation.

5.2.4.1 Residential Objectives

- 5.2.4.1.1 To provide residential areas which are sufficient for properly sized lots for the existing amount of residential use in the Forest Harbour Development.
- 5.2.4.1.2 To improve the appearance of areas to be developed for residential houses and cottages.
- 5.2.4.1.3 To separate the seasonal trailer and camp site uses from areas intended for

permanent and seasonal residences and to prescribe an area more suited to provide for and manage a trailer and camp site.

- 5.2.4.1.4 The Official Plan intends that permanent residential development is directed to identified Settlement Areas which are capable of providing a range of municipal services at lower cost. The Forest Harbour area is not intended as a location for significant permanent residential development. Although lot size and private service treatment are established considering that lots are for permanent use, it is expected that predominant residential use in the Forest Harbour area will be of a seasonal nature. The approximately 39 permanent residential uses in the plan area at present may double in the future without significantly changing the social and seasonal use character of the plan area.
- 5.2.4.1.5 While the Municipality does not accept the conditions of the existing development in the Forest Harbour Development, it does recognize the desire by the present tenants and future owners for privacy, seclusion, and the low cost and primarily summer seasonal recreational retreat. This was an original attraction to the area and to the extent that it can be maintained without detriment to the environment or municipal or land owner finances, this Section encourages a rural and natural character of the development for the area.
- 5.2.4.1.6 The residential objectives are primarily for residential uses in the Forest Harbour Development. The lands designated for permanent or seasonal residences may ultimately have larger investments on them as separate legal lots, thus the property value and appearance of those areas should not be affected by low investment temporary uses such as recreational trailers or camping uses. Recreational trailers, non-permanent mobile homes and camping uses are best organized in a block or cluster with proper services established particularly for them. Intermixing of the trailers and camp sites in areas intended for permanent homes and cottages is not in the municipal or major land owner's interests, and will not be permitted.

5.2.4.2 Servicing Objectives

- 5.2.4.2.1 To achieve the upgrading of all existing private water and sewage systems to acceptable standards where these systems are to remain as service to separate residential uses on titled lots.
- 5.2.4.2.2 To ensure that all future development in the plan area is properly provided with acceptable water and sewage treatment services.
- 5.2.4.2.3 To clean up and close any existing sub-standard water or sewage treatment service which is not intended to provide service to a separate lot development.

- 5.2.4.2.4 To improve the management and collection of solid waste in the plan area.
- 5.2.4.2.5 To provide an adequate, low cost road system for public access to all residential areas.
- 5.2.4.2.6 The overall improvements to the existing private sewage treatment and water supply services and communal waste management are important to both the overall environmental objective of the Municipality in this Plan and to the successful resolution of the unsatisfactory development situation in the Forest Harbour Development. Many of the present tenants in the Forest Harbour Development want legal title and development permits in the near future. This can only be accomplished by land division plans which address the servicing objectives and related policies. This has the benefit to future lot owners of ensuring that the lot obtained can have proper water and waste servicing and suitable road access, and that the services on other individual properties throughout the area will not cause pollution and will be of an acceptable standard.

5.2.4.3 Environmental Objectives

- 5.2.4.3.1 To alleviate further pollution to the surface and subsurface environments.
- 5.2.4.3.2 To maintain and improve the quality of the surface and subsurface environment over the time of establishing the intended land use and development standards of this Section.
- 5.2.4.3.3 To protect in a natural undeveloped state all lands which are environmentally sensitive or which have significant physical limitations to development.
- 5.2.4.3.4 To maintain to the greatest degree possible the appearance and character of the vegetation and landscape as part of the natural attraction and value of the area.

5.2.4.4 Parks and Recreation Objectives

- 5.2.4.4.1 To expand one existing park as a municipal waterfront park serving the residents of the area.
- 5.2.4.4.2 To encourage provision of private recreational opportunities in residential areas and environmental protection areas.

5.2.5 Land Use Plan

5.2.5.1 Development Concept

- 5.2.5.1.1 The land use designations for the "Policy Area No. 2" area are shown on Schedule "A". This forms the overall development concept for the area and designates land for various Limited Service Residential categories, Residential, Environmental Protection or Rural land use according to the Section's objectives and the technical studies undertaken. Proposed land development will conform to the development concept shown on this Schedule and described in this Section.
- 5.2.5.1.2 The Limited Service Residential designation is used and further divided into classes based on lands which have varying environmental capacities and gross development area requirements and/or varying permitted land uses. There are four classes of residential designation applied to the lands in the Forest Harbour Development as well as the Limited Service Residential designation applied to the developed lands of the subdivision or shoreline.
- 5.2.5.1.3 The development concept for the Forest Harbour Development permits all of the existing uses which are presently scattered throughout it to be reorganized and upgraded to private lots or blocks of land suited to the particular use and the required water and sewage systems. The relocation of uses which do not conform to the policies is intended to be achieved by the development process and agreements during plan implementation.

5.2.5.2 Ultimate Housing Development

- 5.2.5.2.1 The development concept has prescribed the number of lots to be created in the Forest Harbour Development to that which has been identified as the capability of the land based on soils, hydrology, nitrate migration and existing development factors. The amount of development should not exceed 94 lots for single family residential use or a combination of a reduced number of lots and a small number of blocks for trailer and camping uses. The amount of trailer and camping use will have the equivalent environmental loading effect of the number of reduced lots.
- 5.2.5.2.2 Table 5 indicates the overall residential lot development projection for the "Policy Area No. 2" related to complete potential use of the development concept. The total amount of development of the Forest Harbour Development lands shall not exceed 94 lots for single family residential uses or a combination of a reduced number of lots and a small number of blocks for trailer and camping uses.

This may rise by up to 48 uses if all of the remaining shore line and subdivision

lots are developed, some at considerable remedial expense.

TABLE 5

Secondary Plan Area Residential Lot Development Projection						
	Current			Projected		
	Permanent	Seasonal	Total	Permanent	Seasonal	Total
Forest Harbour Development	22	72	94	44	50	94
Other Areas	17	95	112	24	136	160
Plan Area Total	39	167	206	68	186	254

- 5.2.5.2.3 This projection considers only residential uses involving structures and not seasonal camp site uses. Some or all of the remaining 48 lots in the subdivision and shoreline area may be developed in the future. These 48 lots have been projected on the basis of the current ratio of permanent versus seasonal use in the other areas.

5.2.5.3 Population

- 5.2.5.3.1 The estimate of current permanent population in the "Policy Area No. 2" is approximately 100 persons. The total seasonal population increases to an estimated 535 persons on summer weekends. The permanent population may rise by up to 2.5 persons for each of the projected 29 new permanent uses or by 72 persons. The seasonal total population may increase by up to 2.5 persons for each of the 19 remaining lots or by 48 persons. This would mean a summer weekend total population of an estimated 655 persons in the area.

5.2.6 Land Use Policies

- 5.2.6.0.1 The land use policies express the permitted uses and land division options available for each designation of the development concept. The development standards for each of the land use designations are based on results of the soils and hydrogeology study for the planning area. These development standards are expressed in this section in terms of gross area required for a permanent residential use. Development standards in the Servicing Policy section describe minimum net lot size.

5.2.6.1 Limited Service Residential 1

- 5.2.6.1.1 This designation is applied to lands with relatively good soil and hydrogeological characteristics which are located south of the intended public access road in the Forest Harbour Development and on both sides of an existing private road along the southeast property limit. The permitted uses are single family residences for either permanent or seasonal residential use. The gross area per lot requirement of 4500 m² establishes the environmental capacity of this area of as a maximum of 46 lots. The actual number of lots created will depend on the detailed soils conditions and the lot by lot minimum area requirement for either a partially or fully built-up leaching bed. The location of permanent buildings, tile beds, etc. may further constrain the opportunity to achieve full development potential.
- 5.2.6.1.2 Development of these lands will occur by either plan of subdivision or by a consent plan dealing with both or each of the two parts of this designation or any smaller portion which is a logical part of an overall orderly development concept for the Forest Harbour Development lands. Construction of the appropriate portion of the access road will be the responsibility of this development. Other roads developed by the development agreements for the division of this land may be either public access roads or private roads as described in Section 5.2.7.

5.2.6.2 Limited Service Residential 2

- 5.2.6.2.1 This designation is applied to lands which lie along the north side of the intended public access road and which have relatively good engineering development conditions. This is an area where the developer may choose to create either lots for permanent or seasonal residences or one or more blocks for a trailer or camp site use or a combination of lots and blocks. The gross environmental capacity of this area is up to eleven single family residential lots based on the requirements for 4,500 m² gross area for each residential use.
- 5.2.6.2.2 The household use of a permanent or seasonal residence has a certain quantitative effect on the sub-surface nitrate conditions of the area. A seasonal temporary use such as a trailer or camping use is considered to have only 25% of the overall annual quantitative effect on nitrate loading as does a permanent residence. Thus in areas where trailer and camping uses are permitted, each single family residential use may be replaced by four temporary uses. There is no division of land permitted for these individual temporary uses, and they are to be provided with water and sewage treatment services on a communal basis approved for the whole legal parcel involved. No permanent structures are permitted other than for servicing and site management facilities.

- 5.2.6.2.3 Land division may occur either by plan of subdivision or by the severance process of suitable parts of an overall development concept. Part of the access road through the Forest Harbour Development will be constructed at the time of development of this area. The developer may construct either public access roads or private roads or driveways to the interior lands of this area depending on the form of development chosen.
- 5.2.6.2.4 This designation also applies to lands abutting the south side of the public access road which are not Forest Harbour Development lands. The development of these lands for single family residential lots will contribute to the construction costs of the intended public road thus improving the economical viability of the development concept proposals.

5.2.6.3 Limited Service Residential 3

- 5.2.6.3.1 This designation is applied to an area of land with engineering conditions which require a gross area of 8,000 m² for each residential lot to be created. The environmental capacity of this area is up to 7 single family residential lots.
- 5.2.6.3.2 In addition to the permitted single family residential uses, this designation permits trailer or camping uses according to the same calculation and policies set out for the LSR-2 area. Instead of 7 residential lots, there could be 7 blocks created and developed to serve up to a maximum of 4 trailer or camping uses per block. Such uses shall be developed based on a contract with the block owner to share the well and septic system approved on the block by the Health Unit for such uses.

5.2.6.4 Limited Service Residential 4

- 5.2.6.4.1 This designation is applied to several parts of the Forest Harbour Development which require a gross area of 8,000 m² per residential lot to be created. The permitted uses of these lands are seasonal and permanent residential uses. The relocation of non permitted uses will be undertaken as part of the land division and development of these areas.
- 5.2.6.4.2 Development of the LSR-4 lands in the east part of the Forest Harbour Development will be responsible for the construction of part of the public access road through the area. Additional public or private roads may be constructed at the option of the developer. The development capacity of this east part of the LSR-4 designation is up to 16 lots.

- 5.2.6.4.3 The lands in the northwest part of the Forest Harbour Development front on an existing public or intended public access road. Although the environmental capacity of these lands requires a large gross area for each lot, it is recognized that there is an existing overuse of the shore lands in the planning area which includes the 14 residences within this part of the Limited Service Residential 4 designation. Up to 14 single family residential lots may be created provided that adequate areas can be provided for the provision of individual on-site or shared services.
- 5.2.6.4.4 The permitted land uses of the LSR-4 area as well as the LSR-1 area recognize that the Forest Harbour Development tenants have, in many instances, invested in permanent or seasonal residential structures on these lands. Further, it is these lands which have or will have the greatest frontage on public access roads which makes them more suitable for permanent residential use and therefore higher investment. It is not appropriate, therefore, to permit seasonal temporary uses such as trailers and campsites on adjacent lots.

5.2.6.5 Limited Service Residential

- 5.2.6.5.1 The Limited Service Residential designation is applied to the three existing plans of subdivision as designated by the Official Plan, plus it is applied to adjacent and other shorelands in the plan area which have been developed for existing cottage lots. There has been permanent residential development or conversion from cottages to permanent houses in this area. No further land division of this area is possible and development will occur on some or all of the remaining lots by infilling construction. Development permits will be issued for these lots when the private servicing system is designed, constructed or upgraded to MOE and Health Unit satisfaction. Many of these lots will require significant remedial engineering measures at the owner's expense prior to obtaining agency approvals for servicing. Where the private services require more suitable land than is available, the Municipality encourages the integration of lots to achieve suitable area.

5.2.6.6 Summary of Development Capacity

- 5.2.6.6.1 The summary of development capacity related to the development concept and to the results of the Background studies is shown on Table 6.

Table 6

Summary of Forest Harbour Development Capacity			
Designation	Gross Area Requirement per lot (M2)	Permitted Uses	Development Capacity – No. of Potential Lots
LSR1	4,500	Residential	46
LSR2	4,500	Residential, Trailer, Camping	11
LSR3	8,000	Residential, Trailer, Camping	7
LSR4 – East Part	8,000	Residential	16
LSR4 – West Part	N/A	Residential	14
Total			94

5.2.6.7 Environmental Protection

- 5.2.6.7.1 The Environmental Protection designation has been applied to all lands within the "Policy Area No. 2" area which have inherent environmental hazards and/or sensitive limitations related to seasonal flooding, poor drainage, high or emerging groundwater, poor soil conditions for development or severe slopes or a combination of these physical conditions.
- 5.2.6.7.2 There are lands designated Environmental Protection which have been subdivided in the past into lots or parts of lots. Development of single family dwellings and accessory uses on these lots or portions of lots is permitted only where the environmental limitations can be properly managed to the satisfaction of the development and servicing approval agencies and so as not to be to the detriment of adjoining lands or lots. No further land division is permitted.
- 5.2.6.7.3 No residential development is permitted on the Environmental Protection lands within the Forest Harbour Development. The permitted uses are open space, recreation, and conservation uses. The Forest Harbour Development may provide private or communal recreation facilities such as tennis courts or other areas on suitable parts of these lands.
- 5.2.6.7.4 The relocation of existing development and residential structures within Environmental Protection lands to proper lots within the residential areas is required by the Municipality. It is intended that the relocation of non-complying uses will be addressed in the development agreements related to land division of the adjacent residential areas.

5.2.6.8 Parks and Recreation

- 5.2.6.8.1 The Municipality owns five parcels of land which are zoned for public open space in the area. Only two of these sites are used for public access and recreation on the waterfront. There is an opportunity to expand the Bayview Park site during the implementation of this Section. The expansion of this site is desired so that the Municipality may consider an effective municipal park development on this property.
- 5.2.6.8.2 During the land division process of the Forest Harbour Development, the Municipality would normally be seeking dedication of lands of up to 5% of the involved properties which are suitable for parks and recreation. In this case, the dedication of undeveloped lands adjacent to the existing Bayview Park will be considered as adequate dedication from the land division of all Forest Harbour Development lands. No further public dedication or cash in lieu will be sought from this owner.
- 5.2.6.8.3 The Municipality will consider the merits of land dedication versus cash in lieu for the land division of other properties in the future, but generally cash in lieu is preferred given the location of existing park sites in the area.
- 5.2.6.8.4 The Municipality encourages a limited use of environmental protection lands for open space recreation within the Forest Harbour Development.

5.2.6.9 Rural

- 5.2.6.9.1 The Rural designation is applied to lands which are largely vacant to recognize and to preserve as much as possible the natural landscape and rural characteristics of the area. The uses permitted in this designation are the three existing residences, home occupations, agricultural and farm related uses, forestry and public uses.
- 5.2.6.9.2 The rural lands on the east side of Concession XI, XII, Duck Bay Road are either an existing lot or an appropriately sized part of a larger parcel for a Rural lot if and when lands to the east are developed for Limited Service Residential uses. Rural lands on the west side of the road contain one lot and the balance is unused. Given the constraints of soil and groundwater conditions of the area and concern for nitrate migration, no further development or land division is expected.
- 5.2.6.9.3 An approximately 100 acre rural parcel lies in the southeast corner of the "Policy Area No. 2". The Background Studies to this Section identified a limited capacity for supporting sewage treatment systems on this land, however, due to its existing nature and desire for possible interim use by the owner, no development potential is designated.

- 5.2.6.9.4 There has been some extraction of sand and gravel from portions of this property in the past. The former pit areas create limitations to further development until rehabilitation has occurred. Lands to the south of this parcel outside the planning area are designated Extractive Industrial. The remaining extent and location of aggregate resource in the planning area rural lands is unknown. Prior to redesignation of this area for Extractive Industrial uses or other uses subsequent to rehabilitation, the following work is required:
- (a) Analysis of the extent and quality of aggregate available.
 - (b) Site plans required by the Aggregate Resources Act and studies to address existing conditions, pit development and operation, potential impacts and separation, buffers and screening to adjacent residential areas, access, storm and groundwater management, effect on natural environment and waste disposal.
 - (c) Comprehensive rehabilitation plans for the desired redevelopment and integration of the property into the uses or the intended uses of the planning area.

- 5.2.6.9.5 Any change in the designation of this area will recognize the municipal concern for the correction of existing development problems on lands to the north and west by development of the stable and viable residential area. This will require significant attention to minimizing the potential for undesirable influences of an extractive industrial designation upon these Rural lands.

5.2.7 Servicing Policies

5.2.7.1 General

- 5.2.7.1.1 Protection of the natural environment and clean up of the existing sources of pollution and the provision of adequate and approved water supply and sewage treatment services are the objectives of the servicing policies. The servicing policies reflect the results of the technical Background Studies and other requirements of the overall development concept.

5.2.7.2 Servicing Standards

- 5.2.7.2.1 Residential development of the Forest Harbour Development lands will, for the most part, be provided with private water supply and sewage treatment systems. The minimum lot area standards shown in Table 7 are the site development criteria established regarding the soils capability for the provision of a leaching bed and the need for an adequate separation from the water supply. Lots which are less than 2,500 m² in area should be considered for a Class 6 sewage system.

- 5.2.7.2.2 Other minimum lot areas of development proposals will relate to soils capability for lots ranging from 2,500 m² to 4,000 m². Development permits for the remaining lots along the shoreline, in the registered plans and in the western parts of the LSR-4 designated areas of the Forest Harbour Development will be considered using these standards as a guideline. Specific Ministry of the Environment and Energy and Simcoe County District Health Unit approval of the service for these lots is required. Lots of less than 2,500 m² may be permitted within the Forest Harbour Development where the location of the existing residential buildings and leaching beds constrain land division options.

Table 7

Lot Size Standards related to Sanitary Sewage Systems*			
Designation	Sewage System		Minimum Lot Area (m2)
	Class	Bed	
LSR1			
LSR2	4	Fully trenched	2,500
	4	Partially built up	3,000
	4	Fully built up	4,000
LSR3	4	Minimum partially built up	3,000
	4	Minimum partially trenched	3,500
	4	Fully built up	4,000
	4 or 6	Fully built up, or filter be	2,500**

* This Table does not apply to lots of record.

** Some lots of less than 2,500 square metres may be more suited for a Class 6 system depending on site conditions

- 5.2.7.2.3 All existing sewage systems considered to be substandard and those which have not been issued a use permit will be inspected and upgraded or entirely reconstructed to comply with the Simcoe County District Health Unit requirements and/or Ministry of the Environment and Energy regulations. The time frame for undertaking the initial inspections will be dealt with in the Implementation Section. Detailed individual site plans may be required on some lots. This will depend on the site constraints of the individual lot. Imported fill required for leaching beds and mantles will be all in accordance with the Simcoe County District Health Unit requirements and/or the Ministry of the Environment and Energy regulations.

- 5.2.7.2.4 The development of a block or blocks of land for a maximum of 4 trailer and/or camping uses per block will require the approval of adequate sewage treatment and water supply systems by the appropriate Agency.

5.2.7.2.5 Schemes for the provision of joint or communal water supply and/or sewage treatment for two to five private lots will be designed and constructed to the satisfaction of the Health Unit and Ministry of the Environment and Energy. Required easements for these services will be suitably registered. The provision of joint or communal water supply and/or sewage treatment shall only be considered for existing permanent, and/or seasonal dwellings and for trailer and camping uses and only when the need is justified in terms of the objectives of this Plan.

5.2.7.3 Water Supply

5.2.7.3.1 Existing water supply systems will be inspected in terms of water quality and quantity prior to the issuance of development permits for that property. If the supply is found to be contaminated or production is insufficient for domestic use, the system should be treated or abandoned.

5.2.7.4 Roads Plan

5.2.7.4.1 The roads plan for "Policy Area No. 2" is indicated on Schedule "B". This plan intends that the development of the Forest Harbour Development will proceed by constructing all or portions of the access road through this area.

5.2.7.4.2 An access road is a publicly owned and maintained road which provides access to lots or blocks in low density areas. These roads must be constructed of a good gravel base within a 20 metre R.O.W. and treated for dust control with emulsified liquid asphalt. Only roads which have been constructed to this standard will be accepted by the Municipality as public access roads. All other roads will remain private responsibilities until such time as they are brought up to the access road standard.

5.2.7.4.3 The upgrading and improvement of a section of Forest Harbour Parkway to access road standard is indicated on Schedule "B". It is intended that this will be a municipal project with the co-operation and financial contribution of the abutting landowners. The Municipality wishes to complete this upgrading in the near future so as to create a public road through the Plan area for the purposes of snowplowing, road maintenance and solid waste collection.

5.2.7.4.4 The development concept and the land division policies permits the creation of lots on either public access or private roads. Land division of the Forest Harbour Development on roads of an access standard is encouraged for the benefit of the ultimate lot owners. Lots on private roads will not receive any municipal and public services even though their assessment and therefore tax will be relatively similar to those lots on public roads. The Municipality

encourages development of lots along private roads only for summer seasonal use as winter access will be the responsibility of the abutting owners.

- 5.2.7.4.5 Where the division of land and the development of lots takes place on private roads, the road construction standard and ongoing maintenance are the responsibility of the developer or association of abutting owners. Municipal assumption of these roads will not be considered by the Municipality until such time as the roads are constructed to the access road standard by the developer or abutting property owners.
- 5.2.7.4.6 The policy to permit new separate lots along private roads is an exception to the Official Plan policy and recognizes the unique problems and constrained financial ability for development improvements in the Forest Harbour "Policy Area No. 2". Each private road is to have a registered R.O.W. easement which connects directly to the public access road. Development along the private road, should for the most part, be seasonal uses which do not require significant road maintenance and winter snowplowing.

5.2.7.5 Municipal and Public Services

- 5.2.7.5.1 Existing permanent and seasonal residences of the planning area have been provided with limited municipal services of snowplowing, minimum road maintenance and refuse collection along the public roads. The residences of the Forest Harbour Development have received only refuse pickup at one communal waste bin located at the public road, and fire fighting services as necessary.
- 5.2.7.5.2 The Municipality will continue to collect domestic refuse only from residences located on public access roads and from communal waste bins which serve private road development. The owners of these latter facilities will be required to maintain the bins and site in an orderly manner at a location on an access road. Municipal refuse collection, snowplowing and road maintenance will be extended into the Forest Harbour Development when the roads associated with the development and land division are constructed to access road standards and are dedicated to the Municipality. Municipal fire protection service is limited by the conditions and extent of public roads. The construction of the public access road through the Forest Harbour Development will improve fire protection capability.
- 5.2.7.5.3 Similarly, the Municipality will request the school boards to provide school bus service within the Forest Harbour Development only when a public access road is completed through the property and demand warrants the extension of service beyond the present pickup points on the internal roads.

- 5.2.7.5.4 The provision and extension of Ontario Hydro and telephone services can occur in conjunction with the land division and lot development as the numbers warrant. It is understood that Ontario Hydro will consider taking over the ownership of any private power facilities now in the area upon land division approval and individual development.

5.2.8 Implementation

- 5.2.8.0.1 In order to achieve the objectives of a workable financially feasible resolution to the planning and development problems of the Forest Harbour Development, a responsive and flexible implementation program is necessary. All parties to the development future of the planning area should continue to work co-operatively and with flexibility from the normal course of planning and development approvals. This section describes the tools and mechanism available and the overall intended approach to plan implementation.

5.2.8.1 Development Concept

- 5.2.8.1.1 This Section has provided an overall development concept for the planning area with more detailed land use designations and development standards and options for the Forest Harbour Development. The first step in implementing this land use plan is the preparation of an overall development concept for the Forest Harbour Development by the corporate owners. This will provide a reference for the individual plans of land division and demonstrate which of the land use options and what extent of development within the options of this Section the landowner to pursue. It will demonstrate the intended compliance with the servicing policies of this plan. It will also show the present tenants essentially where the proposed lots will be subject to detailed on-site inspection. The detailed work for land division applications would establish boundaries around existing buildings, tile beds, wells, etc. The development concept will establish the approach for proposed and orderly development of the area prior to land division applications by consent or by plan of subdivision and the development concept shall be circulated to the Ministry of the Environment and Energy and the Simcoe County Health Unit for comment prior to any Council decision.
- 5.2.8.1.2 The development concept can be drawn on the available contour mapping for the area. It should show the public access roads of this Section, plus any proposed roads and whether they are intended for access road standard for more permanent development or for private road seasonal uses. The development concept will also indicate if the landowner wishes to make use of the potential environmental capacity for development in all single family lots or by a combination of lots and blocks for seasonal trailer and camping uses in the designated areas.

- 5.2.8.1.3 The Ministry of the Environment and Energy and the Health Unit should be able to make use of the overall development concept by seeking the more immediate improvement of sanitary sewage systems which are causing pollution at present where these systems are intended to provide for permanent lots in the future. Other polluting sources can and should be cleaned up and shut down immediately.
- 5.2.8.1.4 The application for land division of one part of the Forest Harbour Development can proceed prior to an overall development concept because of its location and frontage on public or intended public roads. The Limited Service Residential 4 west area which has frontage on external roads may be divided, according to the policies of this plan, prior to the preparation of the development concept. However, under no circumstances shall the subdivision of these lands exceed 14 single family residential lots and shall only be permitted if adequate areas can be provided for the provision of individual on-site or shared services.

5.2.8.2 Private Initiative

- 5.2.8.2.1 The developer of the Forest Harbour Development may proceed with private development initiatives by way of draft plan of subdivision, draft plan of co-operative or by plan for consent to sever a series of lots. The consent to sever a series of lots must be for an area logically suited to an independent division of land for a small number of lots (i.e. 6 - 12) or a larger number of lots, depending on the area in question.
- 5.2.8.2.2 The application for land division must be in substantial compliance with the development concept so as to ensure the proper and orderly development of the area. Applications for land division by consent will be reviewed with respect to the policies of this Section and the relevant parts of the Official Plan, as well as to good planning and engineering practice.
- 5.2.8.2.3 The applications for land division will address:
- a) Relocation of unsuited uses.
 - b) Provision of on-site private or shared services.
 - c) Construction of the required public access road and the construction of other roads.
 - d) Intended lot boundaries. The division of land by plan of subdivision or plan of condominium should be a logical part of the overall development concept.

5.2.8.2.4 These applications, in addition to normal requirements, will address whether the roads are to be public access roads or held by the developer and subsequent owners as private roads. The development agreements related to the land division will be required to establish implementation of all approval and municipal concerns.

5.2.8.3 Zoning

5.2.8.3.1 The Holding zone of Forest Harbour Development may be amended at either the time of municipal and agency approval of the overall development concept, or when each land division by either draft plan or a series of severances is approved. The zoning applied to various developments will provide for and regulate the intended uses. A minimum lot area will be set to reflect the servicing requirements at the time of more detailed known site conditions.

5.2.8.3.2 Minimum lot frontages may have to vary substantially to provide for some very limited possibilities for lot width for some future lots on public access or private roads. In all cases, the development plans will demonstrate property frontage for each lot on a road which is sufficient for proper physical driveway access to the lot.

5.2.8.4 Municipal Action

5.2.8.4.1 In order to improve the financial feasibility of those aspects of the "Policy Area No. 2" implementation which will be the responsibility of the Forest Harbour Development landowner, the Municipality will require that the development agreement for each plan of subdivision or severance application contribute the amount of 20 percent of the current lot levy to the Municipality. Eighty percent of the levy shall be deposited in a special fund to be retained, managed and expended by the developer for the purpose of providing roads, streetlighting or other services normally required by the land division agreement. In this way, the developer will have a source of funds from which to improve the financial feasibility of undertaking the development.

5.2.8.5 Timing

5.2.8.5.1 It is understood that the Forest Harbour Development tenants seek free hold title and development permits as soon as possible. The Ministry of the Environment and Energy, the Simcoe County District Health Unit and the Municipality are also concerned for environmental cleanup and improvement of some of the worst situations in the immediate future.

5.2.8.5.2 The Municipality requires that Forest Harbour Development landowner neither lease nor renew nor extend existing leases, nor allow the continued use of sites

for any use which does not comply with the policies and standards of this Section.

5.2.8.6 Municipal Action - Building Permit

5.2.8.6.1 The Municipality has not been issuing development or building permits for sites in the Forest Harbour Development in recent years as the land has been zoned in a Holding classification. The Municipality confirms that no development or building permit will be issued on the Forest Harbour Development land until such time as there is an acceptable overall development concept as described by this Section, the subject lots have been legally registered, the zoning by-law suitably amended and site servicing requirements and environmental improvements have been designed and/or fulfilled to the satisfaction of the Municipality, the Ministry of the Environment, and the Simcoe County District Health Unit.

5.3 PORT MCNICOLL - POLICY AREA NO. 3**5.3.1 General**

5.3.1.1 The policies and designations of the "Policy Area" shall take precedence where a conflict exists between the "Policy Area" and any other sections of the Official Plan.

5.3.1.2 The policies of the "Policy Area" apply to the area as shown on Schedule "C" to the Official Plan.

5.3.2 Planning Objectives

5.3.2.1 The "Policy Area" lies immediately to the east and south of the existing built up area of Port McNicoll with the easterly boundary along Georgian Bay and the Hogg Bay and Port McNicoll Marsh. Historically these lands have been utilized as a rail terminus connected with the Port McNicoll harbour. Thus, owing to the area's location and historical use, the redevelopment of these lands pose unique and complex planning and development issues. The main objectives to be addressed relate:

- (a) To the provision of policies which will provide protection to the natural environment of the area in keeping with recommendations of the *Comprehensive Environmental Impact Study, Skelton Brumwell and Associates 1997*, while allowing for the redevelopment of the area;
- (b) To the integration of the redevelopment with the existing community and the development of linkages with the harbour and waterfront areas;
- (c) To the provision of the appropriate infrastructure to adequately service

- (d) the development and the existing community;
To ensure that the development proceeds in a orderly and phased approach while allowing sufficient flexibility to adapt to changing market conditions.

5.3.3 Land Use**5.3.3.1 Village Residential**

- 5.3.3.1.0.1 The lands designated "Village Residential" are intended to provide a diverse range of housing.

5.3.3.1.1 Goal

- 5.3.3.1.1.1 To provide for a range and mix of housing.

5.3.3.1.2 Objectives

- 5.3.3.1.2.1 To encourage diverse residential communities which provide a broad range of housing sizes, densities, design and tenure to meet the needs of the community.

- 5.3.3.1.2.2 To provide intensified use of serviced residential areas without detracting from the environmental character of the area.

- 5.3.3.1.2.3 To protect privacy and the amenities of the area while avoiding monotony and excessive contrasts in height and scale.

- 5.3.3.1.2.4 To encourage innovative residential development which incorporates design standards such as neo-traditional urban design and alternative development standards and the environmental goals of the "Policy Area".

- 5.3.3.1.2.5 To recognize the unique locational and environmental features of the area.

- 5.3.3.1.2.6 To ensure effective and efficient processing of development applications.

- 5.3.3.1.2.7 To reflect the historic development pattern and to preserve elements of the historic use where feasible.

5.3.3.1.3 Permitted Uses

5.3.3.1.3.1 The permitted uses of the "Village Residential" designation shall include single residential dwellings, semi detached dwellings, duplexes, triplexes, fourplexes, town housing, linked, cluster and low rise walk up or garden apartments. Tenure of the residential development in addition to sole proprietorship can include rental and condominium developments. Additionally parks and recreation facilities are permitted.

5.3.3.1.4 Policies

5.3.3.1.4.1 Number of Units

The maximum number of residential units, exclusive of those associated with the "commercial" designation, is 650.

5.3.3.1.4.2 Municipal Servicing

Prior to development occurring it must be established that an adequate supply of municipal water and sanitary sewage capacity is available to service the development.

5.3.3.1.4.3 Staging of development

It is intended that the development of these lands will be staged and the staging is based on the adequacy of municipal sewers and will be a function of the market place.

5.3.3.1.4.4 Urban Design

Prior to any phase of development occurring, in addition to the Urban Design Guidelines set out in Section 5.3.4, detailed urban design guidelines such as neo-traditional urban design and alternative development standards shall be established to the satisfaction of the Township which take into consideration the policies of this "Policy Area"

5.3.3.1.4.5 Recreational Open Space Facility

A major premise in the redevelopment of the Canadian Pacific Railway Lands is the provision of recreational facilities and public access to the Harbour Area. In this regard:

(a) Recreational Facilities

Recreational facilities such as tennis courts, passive parkland areas, etc. shall be incorporated into each stage of the development.

(b) Harbour Area

Public access be provided to the sea wall on the northerly spit through the use of the trail system, boardwalk and/or passive parkland areas. Prior to the approval of any residential development within this area, the approval of the Gateway and Harbour Master Plans is required which will address the open space and recreational components of the development of these areas.

5.3.3.1.4.6 Mixed Development

In order to reduce visual monotony, provide for diverse residential communities and to provide for innovation in design the various residential unit types are permitted to be inter-spread within each staged area.

5.3.3.1.4.7 Building Height

The height of any building within a residential area shall be compatible with adjacent buildings with respect to separation, distances and design.

5.3.3.1.4.8 Landscaping/Buffering

Detailed landscaping and buffering plans shall be provided for each stage of development which address adjacent uses, grade alteration and the retention or planting of vegetation.

5.3.3.1.4.9 Stormwater/Erosion Control

It shall be the policy of the "Policy Area" to utilize the natural drainage system wherever possible and to employ natural drainage controls such as grassed swales.

Where necessary, stormwater retention facilities shall be constructed to ensure that the "Environmental Protection" areas are not negatively impacted through erosion or sedimentation. During the construction phase of development, temporary sediment and erosion controls shall be instituted as well as the protection for proposed retained vegetation.

5.3.3.1.4.10 Marina/Boating Facilities

In conjunction with the residential development of the northerly spit, marina, docking and boating facilities are permitted within this designation and the adjacent waters of the harbour area in accordance with Section 5.3.3.3. These facilities would serve to accommodate the residents of the Village Residential developments, those utilizing the Trent Severn Waterway and provide opportunities for passage cruise ships and tourist attractions.

5.3.3.1.4.11 Cargill Elevator Lands

The development of the Cargill Elevator Lands is dependent on the site decommissioning as set out in Section 5.3.6. In conjunction with the site decommissioning, it may be necessary to transport materials from this site to locations outside of the Canadian Pacific Railway lands. The transportation of materials should be via the existing rail bed to the Fourth Line. Where lands have been designated for development, outside the Cargill Elevator Policy Area, which will be impacted by the haulage of materials, no development shall proceed until such time as the Cargill Elevator Lands have been decommissioned.

5.3.3.1.4.12 Traffic Impact Analysis

The redevelopment of the Canadian Pacific Railway Lands will have an impact on the local transportation network and the need for the connecting link between Talbot Street and Triple Bay Road. As such, prior to development occurring on-site, a Traffic Impact Analysis will be required which will assess the impacts of development on the existing road system and intersections. Recommendations from this study will indicate any necessary road or intersection improvements and the timing of the road or intersection improvements.

The construction of the connecting link between Talbot Street and Triple Bay Road will occur when:

- (a) Residential development proceeds in the lands to the south of Talbot Street and/or;
- (b) When the proposed tourist/commercial development exceeds the capacity of the existing road system. In order to determine this, the Traffic Impact Analysis will also address the amount of tourist and commercial development in conjunction with the proposed residential development utilizing Talbot Street and First Avenue which could occur within the

existing road network.

The Traffic Impact Analysis will also establish the appropriate triggers which will signal when this connecting link will be constructed.

5.3.3.1.4.13 Zoning By-law

The Zoning By-law will establish the regulations for the development of the residential areas.

5.3.3.1.4.14 Separation Distance from Port McNicoll Sewage Treatment Plant

Village Residential development shall not be permitted within 150 metres of the expanded and upgraded Port McNicoll Sewage Treatment Plant.

5.3.3.1.4.15 Setback from Shoreline

For those lands which front onto the shoreline of Hogg Bay west of the Cargill Elevator Lands, development shall be setback 15 metres or the top of the present railway embankment from the shoreline in order to protect fish and wildlife habitat.

5.3.3.2 Commercial

5.3.3.2.0.1 The "Commercial" designation of lands within this "Policy Area" form a focal link between the existing community and the harbour area.

5.3.3.2.1 Goal

5.3.3.2.1.1 To provide for a range of commercial uses to serve the existing and future residents of the community while providing commercial services to the travelling or boating public.

5.3.3.2.2 Objectives

5.3.3.2.2.1 To establish an appropriate design for the development of the commercial area.

5.3.3.2.2.2 To provide for a commercial area which is accessible, diverse, unique and provides a sense of vitality to the community.

5.3.3.2.2.3 To provide for accessory residential usage.

5.3.3.2.3 Permitted Uses

5.3.3.2.3.1 The area designated as "Commercial" shall provide a range of retail, and service establishment uses, public uses and office uses. Dwelling units associated with an existing commercial use may also be permitted.

5.3.3.2.4 Policies

5.3.3.2.4.1 Concept Plan

Prior to development occurring within the "Commercial" designation, a conceptual design, and site plan which sets out the location of buildings, massing, vehicular and pedestrian access, parking areas, landscaping and building orientation is required. Linkages to the trail system shall also be set out.

5.3.3.2.4.2 Landscaping/Buffering

The buffering or screening of unsightly site elements such as loading areas, parking, refuse storage areas, transformers, etc. shall be accomplished through the use of grass strips, trees, shrubs or decorative screens, walls or fences comprised of natural materials.

5.3.3.2.4.3 Pedestrian Access

Continuous and convenient pedestrian access through the commercial area shall be provided, which not only links the commercial uses, but provides linkages to the existing community and Harbour Area. The use of shelters, canopies, etc. at the entrance and along store fronts shall be provided for protection from climatic elements.

5.3.3.2.4.4 Co-ordinated Design

The development of the commercial area shall be co-ordinated in terms of:

- a) setback from streets;
- b) facades;
- c) signage;
- d) street function;
- e) building heights;
- f) lighting;
- g) landscaping;
- h) off street parking and loading facilities; and,
- i) pedestrian and vehicular access.

5.3.3.2.4.5 Building Heights

In determining the maximum height of commercial buildings, regard shall be given to the height of adjoining buildings to determine the physical separation from the adjacent building in relationship to height.

5.3.3.2.4.6 Building Orientation

In considering the location of the commercial buildings, the orientation to both the Harbour Area and existing community shall be taken into account.

5.3.3.2.4.7 Office Use

Office uses such as a professional office shall not be located on the ground floor of any building.

5.3.3.2.4.8 Residential Uses

Residential uses located above the ground floor are permitted, however, the total floor area shall not exceed that of the commercial component of a specific building.

5.3.3.2.4.9 Storage of Soil

The engineered storage of non-hazardous soils from within this Policy Area can be stored underneath a permitted Commercial designation subject to a Site Specific Risk Assessment. This Site Specific Risk Assessment shall address the:

- a) source and nature of the compounds to be stored on-site
- b) effectiveness of the control measures proposed to eliminate or reduce impacts
- c) extent of monitoring and maintaining required including appropriate performance schedule
- d) contingency measures incorporated in the design of the control measures
- e) persons responsible for and financial arrangements for ongoing monitoring and maintenance of the site.

5.3.3.3 Marine Commercial

5.3.3.3.0.1 This designation is intended to recognize the existing marina and permit marina and docking facilities in the harbour area located between the north and south spit.

5.3.3.3.1 Goal

5.3.3.3.1.1 To accommodate the boating public.

5.3.3.3.2 Objectives

5.3.3.3.2.1 To permit the continued use of the existing marina.

5.3.3.3.2.2 To restrict the docking of boats to the centrally located Harbour Area.

5.3.3.3.2.3 To attract boaters using the Trent Severn Waterway to the community of Port McNicoll.

5.3.3.3.2.4 To provide opportunities to establish commercial passenger boating.

5.3.3.3.3 Permitted Uses

The predominant use of areas designated as "Marine Commercial" shall be for Marina and docking facilities. Ancillary uses to the above may include the sale of gas, oil and marine products, fishery equipment and bait, convenience food and beverages for the boating public and an accessory residence. Overnight boating accommodation is also permitted.

5.3.3.3.4 Policies**5.3.3.3.4.1 Existing Marina**

It is the intention of this designation to allow the continued use of the existing marina which presently provides marine services for the recreational fishery and boaters within the area.

5.3.3.3.4.2 Harbour Development Plan

All docks, docking facilities and marinas outside of those facilities provided at the existing marina shall be restricted to the Harbour Area. Within the Harbour Area prior to any development occurring a harbour development plan, subject to the approval of Council, shall be prepared showing the location of all marinas, docks and associated facilities. This plan shall also

take into consideration opportunities for swimming and recreation within the Harbour Area.

5.3.3.3.4.3 Commercial Cruise Opportunity

It is the intent of this plan to provide opportunities for a pleasure boat cruise operation to originate from the Harbour Area, and as such consideration for this use may be given in the Harbour Development Plan. A commercial ticket office, and shelter area is permitted as part of this operation.

5.3.3.3.4.4 Overnight Accommodation

Where overnight boat accommodation or a commercial boat operation is provided, facilities for garbage disposal and sewage pump-out station shall be provided in accordance with the regulations established by the appropriate approval authority for these facilities.

5.3.3.3.4.5 Marine Commercial Development

Where new marine commercial development or redevelopment is permitted, the development shall be subject to:

- (a) Site Plan control.
- (b) The preparation and approval of necessary drainage, plans and bank stabilization design.
- (c) Engineering reports acceptable to the Township establishing that the soil and drainage conditions are suitable for the location and design of any buildings or structures proposed.
- (d) The development being adequately serviced with water and a sanitary sewage system.
- (e) Adequate off street parking shall be provided to accommodate the number of boats and commercial boating passengers.

5.3.3.3.4.6 Buffering

Adequate buffer including fencing and/or planting shall be provided between the Marine Commercial area and any adjacent Residential areas. Buffer planting may include provisions for grass strips and appropriate planting of trees and shrubs.

5.3.3.4 Institutional

5.3.3.4.0.1 The "Institutional" designation is intended to accommodate those facilities necessary for the development of this "Policy Area".

5.3.3.4.1 Goal

5.3.3.4.1.1 To provide for public facilities.

5.3.3.4.2 Objectives

5.3.3.4.2.1 To provide a centrally located area to accommodate required public facilities.

5.3.3.4.2 Permitted Uses

5.3.3.4.2.1 The permitted uses in the "Institutional" designation shall be for public uses such as a sanitary sewage treatment plant, hydro substation, sports field, recreational trail, etc. The engineered storage of non-hazardous soils in conjunction with a permitted use is permitted.

5.3.3.4.3 Policies**5.3.3.4.3.1 Landscape Buffering Requirements**

A public facility use shall be naturally landscaped and buffered from any adjacent residential designation.

5.3.3.4.4.2 Architectural Design

All public facility buildings or structures shall be architecturally designed so as to blend in with the surrounding residential use.

5.3.3.4.4.3 Setbacks

All public facility buildings and structures shall be setback an appropriate distance from any lot line so as to permit appropriate landscaping and buffering.

5.3.3.4.4.4 Parking Facilities

Adequate off-street parking shall be provided for all public facility uses which shall include appropriate parking for sports field and point of entry for the recreational trail system.

5.3.3.4.4.5 Storage of Soil

The engineered storage of non-hazardous soils from within this Policy Area can be stored underneath a permitted public facility or within an engineered berm subject to a Site Specific Risk Assessment. This Site Specific Risk Assessment shall address the:

- a) source and nature of the compounds to be stored on-site
- b) effectiveness of the control measures proposed to eliminate or reduce impacts
- c) extent of monitoring and maintenance required including appropriate performance schedule
- d) contingency measures incorporated in the design of the control measures
- e) persons responsible for and financial arrangements for ongoing monitoring and maintenance of the site.

5.3.3.4.4.6 Ownership

Generally the ownership of any land on which an institutional use is located shall be vested with the municipality and appropriate financial and maintenance agreements acceptable to the municipality shall be developed with the development proponents where any land is used for the storage of impacted soils. The development proponents shall indemnify the municipality with respect to the maintenance, monitoring and financial costs respecting the storage of impacted soils. Alternative ownership options may be considered providing the municipality is satisfied and all necessary agreements are entered into with the municipality.

5.3.3.5 Environmental Protection**5.3.3.5.0.1 The "Environmental Protection" designation is comprised of:**

- (a) The wetland areas and associated natural watercourses draining into the Hogg Bay Marsh and Port McNicoll Marsh which fall within the "Policy Area".
- (b) A setback area from the wetland which will provide protection to the wetland areas, wildlife habitats and flooding from wave action.
- (c) An area comprising a significant woodlot contains several significant bird habitats.

5.3.3.5.1 Goal

5.3.3.5.1.1 To maintain, enhance and protect this area to provide for a healthy ecosystem which will continue to sustain all life forms.

5.3.3.5.2 Objectives

5.3.3.5.2.1 To maintain the area in its natural state.

5.3.3.5.2.2 To provide protection to significant habitats.

5.3.3.5.2.3 To provide appropriate buffer areas which will provide protection to the wetlands, wildlife habitat and vegetation communities.

5.3.3.5.2.4 To provide for flood control, erosion control and aquifer protection.

5.3.3.5.3 Policies

5.3.3.5.3.1 Natural State

It is the intention of the Plan that lands within this designation remain in its natural state, and that no buildings or structures be permitted unless considered necessary for:

- a) servicing;
- b) conservation;
- c) limited public access to the wetland areas; and
- d) recreational trails.

Structures related to public access shall be limited to boardwalks, trails, viewing decks and shelters and shall be located so as not to impact on significant habitat or spawning areas.

Those areas considered appropriate for viewing areas are designated within the wetlands with the letters "PA" on Schedule "C".

5.3.3.5.3.2 Recreational Trails

The development of the recreational trail system shall be in accordance with Section 5.3.5.

5.3.3.5.3.3 Flood Prone Areas

Where buildings or structures are permitted in accordance with this section, the placing of such buildings or structures shall be cognizant of the flood prone hazard limit of 178.5 metre elevation C.G.D.

5.3.3.5.3.4 Ownership

Generally the ownership of these lands shall be vested with the municipality to ensure that the level of environmental protection is maintained. This, however, does not preclude alternative ownership options being considered such as a public land trust or agency, condominium ownership, lease agreements, etc. providing the level of protection is ensured and the municipality is satisfied with the ownership option.

5.3.3.5.3.5 Encroachment Into Environmental Protection Designation

A Scoped EIS in accordance with the policy of Section 5.3.9 (d) shall be prepared to the satisfaction of the Township where:

- a) wetland restoration or rehabilitation is proposed in an Environmental Protection designation
- b) public access is proposed which is not identified on Schedule "C"
- c) an extension of development into the Environmental Protection designation is proposed except for limited extension of the most northerly residential cluster located to the north of Arpin Street.

Where the above encroachments are supported by a Scoped EIS, no amendment to this Official Plan is required. No development may occur within the wetland area itself.

Further, any decommissioning work that may be required in the central wetland pond area as a result of the recommendations of the *Frontline Environmental Decommissioning Workplan* (June 1997), shall be conducted in accordance with the recommendations of the *Comprehensive Environmental Impact Study*, Skelton Brumwell and Associates 1997.

5.3.3.6 Open Space - Impacted Soil Area**5.3.3.6.0.1** The "Open Space - Impacted Soil Area" designation applies to site specific areas which were defined by the Decommissioning Study as exhibiting non-hazardous soils, but which are not conducive to development.

5.3.3.6.1 Goal

5.3.3.6.1.1 To preserve these areas in their natural state.

5.3.3.6.2 Objectives

5.3.3.6.2.1 To restrict usage of these sites so that the soils and vegetation are left undisturbed.

5.3.3.6.2.2 To add a limited soil cap where appropriate in these areas.

5.3.3.6.2.3 To provide appropriate setback from the boundary of these areas.

5.3.3.6.2.4 To provide additional landscaping of indigenous trees, shrubs, etc.

5.3.3.6.3 Permitted Use

5.3.3.6.3.1 The permitted uses within this designation shall be limited to:

- a) open space uses; and,
- b) recreational trails.

5.3.3.6.4 Policies

5.3.3.6.4.1 Natural State

It is the intention of Council that in those areas designated as "Open Space - Impacted Soil Area" the removal of vegetation and disturbance of the soils is prohibited.

5.3.3.6.4.2 Residential Setback

The minimum setback from any residential building adjacent to an "Open Space - Impacted Soil Area" designation shall not be less than 15 metres. Larger setbacks may be necessary depending on the results of the required Site Specific Risk Assessment to be undertaken.

5.3.3.6.4.3 Trails

The development of the pedestrian trail system within or on the boundary of these lands shall be constructed in accordance with the trail policy described in Section 5.3.5.

5.3.3.6.4.4 Storage of Soil Cap

The engineered storage of non-hazardous soils within a Soil Cap is subject to a Site Specific Risk Assessment. This Site Specific Risk Assessment shall address the:

- a) source and nature of the compounds to be stored on-site
- b) effectiveness of the control measures proposed to eliminate or reduce impacts
- c) extent of monitoring and maintenance required including appropriate performance schedule
- d) contingency measures incorporated in the design of the control measures
- e) persons responsible for and financial arrangements for ongoing monitoring and maintenance of the site.

5.3.3.6.4.5 Ownership

Generally the ownership of these lands shall be vested with the municipality and appropriate financial and maintenance agreements acceptable to the municipality shall be developed with the development proponents. The development proponents shall indemnify the municipality with respect to the maintenance, monitoring and financial costs respecting these lands. Alternative ownership options may be considered providing the municipality is satisfied and all necessary agreements are entered into with the municipality.

5.3.3.7 Open Space**5.3.3.7.0.1 The lands designated Open Space are intended to:**

- a) Provide public access to the waterfront areas.
- b) Provide a "Gateway" as a focal point to the development by providing a visual impression for the existing community.

5.3.3.7.1 Goal

5.3.3.7.1.1 To provide public access to the waterfront area and to establish this area as a focal point of the Policy Area.

5.3.3.7.2 Objectives

5.3.3.7.2.1 To ensure that the development of open space lands will not adversely impact on sensitive wetland areas and wildlife habitat.

5.3.3.7.2.2 To provide a linkage to the waterfront area for the residents of the Township of Tay.

5.3.3.7.2.3 To provide a visual and symbolic entrance to the community.

5.3.3.7.3 Permitted Uses

5.3.3.7.3.1 In those areas designated as "Open Space" the predominant use of the land shall be for passive outdoor recreation and open space use which may include areas for walking, swimming and picnicking.

5.3.3.7.4 Policies

5.3.3.7.4.1 Access and Signage

All Open Space areas shall be integrated into the development in such a manner that ease of access and appropriate signage is provided for the general public.

5.3.3.7.4.2 Trail Network

The trail network throughout the development shall be designed so as to link with the designated Open Space lands.

5.3.3.7.4.3 Roadways

Where access to an area designated as "Open Space" follows a public road or a road or trail system through a condominium development, appropriate provision both physically and/or through agreement, must be provided to accommodate public access.

5.3.3.7.4.4 Development Plan - Gateway

Within the "Gateway" area located to the east of First Avenue, detailed development plans shall be prepared to establish the open space uses which are complementary to the natural environment.

This area shall be subject to site plan control and shall be developed in conjunction with Phase 1 of the development. Additionally, a Site Specific Risk Assessment is to be undertaken which will address the:

- a) Type and nature of materials which exist on the site.
- b) Measures proposed to eliminate or reduce any impacts.
- c) Extent of any monitoring, maintenance necessary and appropriate performance schedules.
- d) Contingencies to be incorporated with respect to the control measures.
- e) Person responsible for and financial arrangements for the ongoing monitoring and maintenance of the site.

5.3.3.7.4.5 Marina/Docking Facilities

Within the area located adjacent to the "Open Space" lands within the Harbour Area, the development of docking, docking facilities, marina, etc. is permitted in accordance with the policies of Section 5.3.3.3.

5.3.3.7.4.6 Ownership

The ownership of these lands designated "Open Space" shall be vested with the Township. The Township's objective in accordance with The Planning Act will be to assume ownership of 5% of the overall developable lands which are outside of lands which fall under the Environmental Protection, Open Space - Impacted Soils Area, and Institutional designation and are useable Open Space lands. Where marina or docking facilities are proposed in accordance with the Harbour Development Plan, agreements may be reached for the use of certain portions of these lands. Additional public open space lands above the 5% land dedication will be acquired to meet the objectives of this Policy Area through agreements, etc. with the proponents.

5.3.4 Urban Design**5.3.4.0.1** It is intended that all development within this "Policy Area" shall be subject to Urban Design standards to create/establish a visual impression of the

communities, built and natural environment. This impression or visual impact occurs through the:

- a) scale of development;
- b) massing and layout of buildings;
- c) architectural style - mixed use;
- d) building material;
- e) landscaping;
- f) lighting; and,
- g) colours.

5.3.4.0.2 The integration of the above in conjunction with the existing community and natural environment will provide a visual identity for the development.

5.3.4.1 Goal

5.3.4.1.1 To provide a visual community identity combining the built and natural environment.

5.3.4.2 Objectives

5.3.4.2.1 To adopt urban design guidelines or policies for the development of these lands which provide for a diverse, compatible, aesthetically pleasing community.

5.3.4.2.2 To encourage the development of attractive public places such as streetscapes, vistas and open space areas.

5.3.4.2.3 To enhance the visual assets of the natural environment.

5.3.4.3 Design Guidelines

5.3.4.3.1 Through the conceptual design of all buildings, siting, massing, access and open space areas, development shall be compatible with and complement the natural environment.

5.3.4.3.2 The orientation of the buildings shall take into consideration:

- a) privacy for the residential user; and,
- b) the provision of vistas through building orientation or through the use of balconies, window orientation, etc.

5.3.4.3.3 The development shall be so designed as to take into account the flow of sunlight into open areas such as parks, courtyards, etc.

- 5.3.4.3.4 Care should be taken to provide shelters and avoid the creation of wind tunnels which may have an adverse effect on the environment.
- 5.3.4.3.5 All street or open space furniture and signage shall be designed in form, texture and colour with the natural environment.
- 5.3.4.3.6 The texture and colour of all buildings shall be complementary to the natural environment.
- 5.3.4.3.7 The height and scale of buildings, while being diverse, shall through the use of colour setback, etc. be so designed as to not overpower the visual impression of the built environment.
- 5.3.4.3.8 All landscaping and buffering shall be complimentary to the natural environment and trees or vegetative planting shall be done with indigenous species.
- 5.3.4.3.9 Commercial store frontages shall provide protective measures from inclement weather for the public such as canopies, arcades, etc.
- 5.3.4.3.10 Parking areas shall be designed and located in order that:
- a) they can be appropriately screened and buffered;
 - b) they allow for the visibility of store fronts;
 - c) minimize conflicts with pedestrian access; and,
 - d) they are coordinated with adjacent commercial use.
- 5.3.4.3.11 Loading areas, refuse storage areas, transformers and other unsightly elements shall be appropriately screened from adjacent residential uses.
- 5.3.4.3.12 Consideration in the development of these lands shall be given to the redirection in yard requirements and setbacks between buildings.
- 5.3.4.3.13 Where development is to occur in forested areas, the development shall be located and designed so as to minimize the effect in the existing vegetation. Whenever possible, the existing vegetation shall be maintained.
- 5.3.4.3.14 Individual sites shall be developed in a manner which preserves the natural drainage pattern in order to minimize erosion, sedimentation and the need for large scale storm drainage system.

5.3.4.4 Development Phases

- 5.3.4.4.1 As the development of this area proceeds through the various phases, detailed design guidelines, in conjunction with the above, addressing the specific characteristics of the sites shall be designed and approved by the municipality prior to the approval of any phases of the project. The use of neo-traditional guidelines and alternative development standards is to be considered.
- 5.3.4.4.2 The development of each phase is intended to provide a range and mix of housing styles and types. While it is possible to develop a phase with single detailed dwellings or townhouses, it is not the intent of this Policy Area to provide for an entire phase of the development in higher density housing types. Care should thus be taken at each stage to ensure this objective is not negatively impacted.

5.3.5 Recreational Trail System

- 5.3.5.0.1 It is the intention of this "Policy Area" to establish a "Recreational Trail System" which will link the major components of the development and will permit access for the existing residents of the Township of Tay. The approximate location of the trail system is shown on Schedule "H", however, this does not preclude the development of additional trails beyond that shown.
- 5.3.5.0.2 The following policies shall apply to the development of the "Trail System":

5.3.5.1 Natural State

- 5.3.5.1.1 Except where the trail system follows a road or man-made feature, the trail system shall remain in or as close to a natural state.

5.3.5.2 Trail Width

- 5.3.5.2.1 The maximum width of the trail shall not exceed 3 metres in width and shall be accessible to the handicapped. Where the trail passes through a natural area, the trail width shall be reduced in width to protect existing vegetation and reduce the degree to which vegetation is removed. A trail which parallels and is adjacent to a roadway shall be separated from vehicular traffic.

5.3.5.3 Existing Trails

5.3.5.3.1 The actual trail shall incorporate the existing trail system and be designed so as to avoid the unwarranted removal of vegetation.

5.3.5.4 Indigenous Species

5.3.5.4.1 Where vegetation is to be planted to enhance the trail system or provide for additional buffering only indigenous species similar to those in the immediate area shall be planted.

5.3.5.5 Trail Bed

5.3.5.5.1 The material forming the base of the trail bed shall be of a permeable nature such as crushed gravel and shall not be of a material which will increase erosion or upon decomposition adversely impact on the sensitive nature of the environment.

5.3.5.6 Structures

5.3.5.6.1 Where fence, boardwalk viewing platform, etc. are required, these shall be made of natural materials and shall be constructed in harmony with the natural environment.

5.3.5.7 Signage

5.3.5.7.1 Appropriate signage shall be placed at the access point to the trail system which will provide the direction of the trail system, layout of the trail and appropriate cautionary statements to advise the public of the sensitive nature of the environment through which the trail passes.

5.3.5.8 Trail Development Plans

5.3.5.8.1 Appropriate trail development plans shall be prepared and approved by Council outlining:

- a) the location of the trail system;
- b) the trail width;
- c) the nature of the trail be that existing or new;
- d) vegetation to be planted;
- e) significant habitats that require extra protection;
- f) trail bed material;
- g) structures to be built;
- h) timing respecting the establishment of the trails; and

- i) construction, maintenance and ownership of the trails.
- 5.3.5.8.2 Trail development plans shall be prepared in conjunction with the appropriate phase of development and shall be comprehensive in nature to ensure that the trail linkages function as a complete trail.
- 5.3.5.8.3 These plans shall also reflect the recommendations of the *Comprehensive Environmental Impact Study, Skelton Brumwell and Associates 1997*.

5.3.5.9 Ownership

- 5.3.5.9.1 Generally, the ownership of the trail system shall be vested with the municipality to ensure they are maintained and open to the public. This, however, does not preclude alternative ownership options being considered providing that the trail system is properly maintained and open to the public and the municipality is satisfied with the ownership option.

5.3.6 Cargill Elevator Policy Area

- 5.3.6.0.1 The "Cargill Elevator Policy Area" applies to the former Cargill Lands at the eastern extremity of the southerly harbour spit. These lands formerly under the ownership of Cargill have been re-acquired by Canadian Pacific, but do not form part of the development agreement respecting the adjacent CPR lands.

5.3.6.1 Goal

- 5.3.6.1.1 To ensure that the future development of these lands is compatible with the adjacent lands and the natural environment.

5.3.6.2 Objectives

- 5.3.6.2.1 To provide for a compatible interim use of the subject lands.
- 5.3.6.2.2 To establish the long term use of these lands.
- 5.3.6.2.3 To establish the parameters and policy framework for the development of these lands.

5.3.6.3 Interim Use

- 5.3.6.3.1 The interim use of these lands shall be restricted to uses which do not require a human occupation of the land and do not unduly disturb the soil.

An example of such a use could be boat storage, marine commercial, parking, conservation, open space, outdoor recreation.

5.3.6.4 Long Term Use

The long term use of these lands may include:

- a) a residential use;
- b) private recreational uses;
- c) public park;
- d) a restaurant or eating establishment;
- e) marine facilities.

5.3.6.5 Policies**5.3.6.5.1 Residential**

5.3.6.5.1.1 Residential development of these lands shall require the development of a detailed site plan and shall be compatible with both the form and characteristics of the residential development located to the south and on the north side of the harbour.

5.3.6.5.2 Open Space

5.3.6.5.2.1 At the northerly end of the spit, an area shall be reserved as a public park. In conjunction with the public park, an eating establishment and docking facility may be developed.

5.3.6.5.3 Environmental Impact Study

5.3.6.5.3.1 Prior to any development occurring on-site for a long term use, a scoped Environmental Impact Study will be required, which addresses:

- a) the nature and limit of any wetland;
- b) the impacts or protection required for flora and fauna; and,
- c) the appropriate setbacks.

5.3.6.5.4 Site Specific Decommissioning Study

5.3.6.5.4.1 Prior to any development occurring on-site for a long term use, a site specific decommissioning study and pre-demolition audit will be required which will address among other things;

- a) the rail bed materials;

- b) groundwater quality;
- c) impacted soils; and,
- d) the removal and/or disposal of contaminated soils, or materials as well as the demolition and disposal of structures on-site. The haulage of such materials or soils shall only occur via a connection with the access road leading to the Cargill lands and the road linkage to the Fourth Line.

5.3.6.5.5 Site Plan Control

5.3.6.5.5.1 The development of these lands for any Interim Use shall be subject to site plan control.

5.3.7 Archaeological Sites and Cultural Heritage Features

5.3.7.1 It is not the intent of this "Policy Area" to require that a detailed archaeological study of the area be undertaken. Archaeological assessments are required only in situations or areas where disturbances to the soil is proposed. Areas not slated for development which are being left in their natural state are not subject to an archaeological assessment.

5.3.7.2 A comprehensive heritage study shall be undertaken for a specific catchment area prior to development proceeding within the specific catchment area. These catchment areas include:

- a) Hogg Bay
- b) The Harbour
- c) The Central Wetland Pond and Cove
- d) The northerly lands.

5.3.7.3 These comprehensive studies shall apply to the specific locations where development is proposed and shall be undertaken by a qualified heritage consultant.

5.3.7.4 The Study should identify and document all significant heritage features and intended recommended measures such that scheduling of any necessary mitigation activities be coordinated with the schedule for development. Each study shall be subject to the acceptance of the Township and the Ministry of Citizenship, Culture and Recreation.

5.3.8 Infrastructure

5.3.8.0.1 The following policies respecting servicing shall apply to the redevelopment of this "Policy Area".

5.3.8.1 Municipal Water and Sewage Services

5.3.8.1.1 Development within this "Policy Area" is premised on the provision of municipal water and sewage services.

5.3.8.1.2 The existing Sewage Treatment Plant for Port McNicoll is presently at capacity. Any development in the "Policy Area" requires an expansion and upgrading of the Sewage Treatment Plant to a tertiary facility. No development shall occur in the "Policy Area" until such time as capacity is made available at the Port McNicoll Sewage Treatment Plant. If capacity is made available at the existing Sewage Treatment Plant, it shall be allocated to the lands subject to this amendment.

5.3.8.2 Stormwater Management

5.3.8.2.1 In order to provide protection to the natural environment, it is intended that a stormwater management program suitable to the Township be employed. It is intended that erosion and sedimentation control, stormwater quality, and reduction in stormwater volume and velocity be controlled through natural processes, artificial wetlands, temporary retention ponds, retention of vegetation and compact development forms which reduce the amount of impermeable area and runoff. The *Comprehensive Environmental Impact Study, Skelton Brumwell and Associates 1997*, should be used as a guide for the development of appropriate stormwater quality and quantity measures.

5.3.8.2.2 Specific stormwater management plans addressing stormwater quality and erosion control management will be necessary to support the development of the anticipated phases of the overall development and shall reflect the four main catchment areas of the site being; Hogg Bay, the Harbour, the central wetland pond and cove, and the northerly lands. These stormwater management plans, subject to the approval of the Township and approval agencies, are required prior to any development occurring in the lands of the corresponding catchment area.

5.3.8.3 Transportation Network

5.3.8.3.1 Schedule "B" attached hereto sets out the major road network for the redevelopment of this "Policy Area". It is the intent of the "Policy Area" that the connection of the Fourth Line with Talbot Street is significant to the redevelopment of these lands and the existing development of Port McNicoll. In this regard the construction of this road should be considered within the initial stage of development once sewage capacity is available. The timing of the development of these lands leading into the Cargill Elevator lands and the development of the Cargill lands are dependent on the completion of this connecting link. With the exception of this connecting road which will have a right-of-way width of 20 metres consideration of reduced right-of-way widths, pavement widths and standards may be considered to reduce the impact on the environment subject to approval of the Township.

5.3.9 Implementation

5.3.9.0.1 This section is intended to provide a synopsis which outlines in general terms specific requirements to be undertaken prior to any development proceeding. The implementation policies are as follows:

5.3.9.1 Municipal Services

5.3.9.1.1 No residential or commercial development nor any development requiring sewage and/or water facilities may proceed unless such development is serviced with municipal water and municipal sewage facilities.

5.3.9.2 Commercial

5.3.9.2.1 The development of those lands designated as "Commercial" shall be subject to:

5.3.9.2.1 The development of a detailed concept plan which addresses:

- a) The location and orientation of all buildings and structures.
- b) Pedestrian and vehicular access.
- c) Buffering and landscaping.
- d) The trail system.
- e) Parking and loading facilities.
- f) Drainage and stormwater management.

5.3.9.2.2 The development of detailed urban design guidelines.

5.3.9.2.3 A site specific risk assessment for the storage of soils.

5.3.9.3 Institutional

5.3.9.3.1 The development of those lands designated "Institutional" shall be subject to a Site Specific Risk Assessment for the storage of soils.

5.3.9.4 Environmental Protection

5.3.9.4.1 The recommendations of the *Comprehensive Environmental Impact Study, Skelton Brumwell and Associates 1997*, regarding the need to establish wetland boundaries and the setbacks as permanent indicators, should be incorporated and shown in any development plans and delineated in the field. These boundaries of the Environmental Protection designation and the setbacks shall not be altered unless through an approved Scoped EIS.

5.3.9.4.2 At a minimum, any Scoped EIS that is required should ensure that any proposed encroachment or alteration to the boundaries not result in a loss of wetland area, features or functions and should include the following matters:

- a) outline the proposal
- b) determine specific habitat requirements
- c) determine habitat
- d) water quality
- e) flow pattern and other environmental impacts and mitigative measures
- f) determine net impacts
- g) evaluate and determine mitigative measures to ensure no negative impacts on features or functions
- h) determine specific wetland functions which may be impacted.

5.3.9.5 Cargill Elevator Policy Area

5.3.9.5.1 With the exemption of the interim uses which require the preparation of a site plan, no development shall occur on the Cargill Lands until:

- a) an environmental impact study and
- b) a decommissioning study

are completed and implemented.

5.3.9.6 Marine Commercial

5.3.9.6.1 Prior to any new development occurring within the Marine Commercial designation, the applicant shall be required to undertake:

- a) a site plan
- b) engineering reports addressing drainage, soil conditions, bank stabilization
- c) off street parking.

5.3.9.6.2 Development of Marine Commercial facilities within the Harbour Area are subject to a Harbour Master Plan which addresses:

- a) the location of all marinas and tourist facilities
- b) open space areas
- c) ticket booths, shelters
- d) garbage disposal and sewage facilities
- e) parking facilities.

5.3.9.7 Village Residential

5.3.9.7.0.1 This section, owing to the diversity of the redevelopment area, has been divided as follows:

- a) Policy applying to all Village Residential areas.
- b) Policy specifically applying to the northerly spit.
- c) Policy specifically applying to the areas south of Talbot Street.

5.3.9.7.1 The implementation policy for each stage of development is as follows:

5.3.9.7.1.1 All development is to be staged or phased.

5.3.9.7.1.2 All development is to be serviced with municipal water and sewer facilities.

5.3.9.7.1.3 Conceptual development plans are to be prepared setting out open space areas and building types, massing and orientation.

5.3.9.7.1.4 Detailed urban design guidelines are to be prepared for each stage of development.

5.3.9.7.1.5 Trail development plans dividing staged residential areas are to be prepared.

5.3.9.7.1.6 Archaeological assessments are to be undertaken.

- 5.3.9.7.1.7 Maximum total units set not to exceed 650.
- 5.3.9.7.1.8 Landscaping and buffering plans are to be prepared.
- 5.3.9.7.1.9 Stormwater and erosion control plans are to be prepared.
- 5.3.9.7.1.10 Traffic Impact Analysis is to be undertaken in accordance with the policy of Section 5.3.3.1.
- 5.3.9.7.1.11 Scoped Environmental Impact Studies are to be done in areas where encroachment into the Environmental designation are proposed.

5.3.9.7.2 Northerly Spit

- 5.3.9.7.2.1 In addition to the above, the approval of a Gateway Development Plan and Harbour Master Plan are a pre-requisite to development proceeding in this area.
- 5.3.9.7.3 South of Talbot Street
- 5.3.9.7.3.1 Development within this area is also subject to:
 - a) Additional setbacks from Open Space Impacted Soil Area designation.
 - b) The decommissioning of the Cargill Lands.
 - c) The development of the connecting link for Talbot Street to the Fourth Line.

SECTION 6 **INFRASTRUCTURE****6.1 GENERAL PRINCIPLES**

- 6.1.1 The planning, financing, and construction of infrastructure is an important part of the Township's planning process and corporate responsibility. The responsibility for planning infrastructure is shared with other government agencies and levels of government. Infrastructure shall include, but not be limited to, sewage treatment servicing, water supply, roads, storm water management, and waste management.
- 6.1.2 The principles for infrastructure planning for the Township are as follows:
- (a) The staging of development must be coordinated to ensure that adequate services are available to provide for the projected growth;
 - (b) Sewage treatment and water supply capacity are essential to meet the development requirements of the Townships identified Settlement Areas;
 - (c) Servicing options should be based on a hierarchy which considers environmental, technical, and capital and operating costs to determine the appropriateness of the servicing for new developments;
 - (d) Long term master planning should be undertaken or continued for the Townships infrastructure so that development can occur in a sustainable manner; and
 - (e) Innovative fiscal arrangements and partnerships with other levels of government and the private sector may provide opportunities for the cost effective provision of infrastructure services and should be explored.
- 6.1.3 To ensure that servicing for development is planned and coordinated with the Townships ability to finance same, the Municipality will prepare and update a Five Year Capital Budget. The Five Year Capital Budget should establish a schedule and staging for the construction of, and improvements to, the Townships infrastructure based on the following:
- (a) The Township Population and Household forecasts and the policies of this Plan;
 - (b) The need to provide opportunities within each identified settlement area for the required services; and,
 - (c) The results of the Townships master plans for sewage and water servicing, stormwater management, and road needs as prepared and updated from time to time.

6.2 SEWAGE TREATMENT SERVICING**6.2.1 General Policies**

6.2.1.1 The following hierarchy of sewage treatment servicing options will be used to evaluate any development applications, except where specific exclusions are made in this Plan. The feasibility of the options will be considered in the following order:

- (a) Extensions of servicing from a centralized sewage treatment facility;
- (b) Private sewage treatment systems.

6.2.1.2 Notwithstanding the above, the following exclusions from the servicing hierarchy will apply:

- (a) Within the Port McNicoll and Victoria Harbour Settlement Areas identified on Schedules "A" and "B" of this Plan, all sewage treatment servicing shall be by way of the existing centralized sewage treatment facility, and within the Waubaushene and Waverley Settlement Areas identified on Schedules "A" and "B" of this Plan, all sewage treatment shall be by way of private sewage treatment systems;
- (b) The use of communal sewage systems for treatment of industrial waste water will not be permitted;
- (c) The designation of new or expanded residential areas or the expansion of settlement areas will not be permitted except in accordance with the policies of Section 3.10; and
- (d) Where a plan of subdivision was submitted prior to December 31, 1993 for lands known as Elimere Point, Lots 18 to 20, Concession 3 and 4 and are appropriately designated in this Plan.
- (e) Private sewage treatment systems for developments proposing more than five lots or residences shall not be permitted.

6.2.1.3 The Township completed and adopted in 1994 the "Sewage Servicing Master Plan" which addresses the long range sewage treatment capacity needs for the Township for both new growth and the servicing of existing unserviced shoreline communities. To meet long term sewage treatment servicing needs, the Township will update the "Sewage Servicing Master Plan" in conjunction with reviews of this Plan. The Township will consider amendments to this Plan where required to address changes to the master plan.

6.2.2 Centralized Sewage Treatment Facilities

- 6.2.2.1 Where lands fall within a Settlement Area identified on Schedules A and B to this Plan and are serviced by a centralized sewage treatment system, they shall be serviced from that facility. However, this policy is not intended to commit Council to provide funding for the provision of sewage treatment capacity, nor approve development until sewage treatment capacity is available.
- 6.2.2.2 The nature and concentrations of wastewater flows from industrial and commercial uses will be regulated by the Township through a Sewer Use By-law that may be amended from time to time.

6.2.3 Communal Sewage Treatment Facilities

- 6.2.3.1 Where a communal sewage treatment facility is permitted by this Plan, development applications will be reviewed by the Township and may be approved providing that:
 - (a) The areas where communal sewage treatment systems are considered appropriate are established by amendment to this Plan and are set out in Policy 6.2.3 (i);
 - (b) There is a reasonable expectation that full centralized sewage treatment services can be extended in the future to service the area and the system shall be designed to permit connection to that centralized sewage treatment system;
 - (c) A detailed hydrogeological study, as required by the Townships "Guidelines for Hydrogeological Studies", and an engineering design report shall demonstrate that the system will operate satisfactorily with respect to impacts of the effluent from both a quality and quantity perspective;
 - (d) Appropriate maximum and minimum densities and number of tile fields and area are established;
 - (e) The design and construction of all communal sewage treatment systems shall be to the Ministry of the Environment and Township standards;
 - (f) Where the development of a communal sewage treatment system is proposed by a private developer, the costs related to the design and construction of the system shall be the responsibility of the developer and financial assurance shall be provided for capital improvements should repair or replacement of the system be necessary;
 - (g) Notwithstanding Policy 6.2.3 (e), the Township may as part of the approval process, enter into agreements with the developer respecting the design,

construction, operation, and maintenance of the system. Municipal ownership does not apply to sewage facilities which service single ownership commercial/industrial developments or condominium developments;

- (h) Effluent criteria of the communal sewage treatment system shall be satisfactory to, and meet the requirements of, the Township and the Ministry of the Environment;
- (i) Areas approved for the use of communal sewage treatment systems are:
Elimere Point Lots 18 - 20, Con. 3 & 4

6.2.4 Private Sewage Treatment Systems

- 6.2.4.1 Generally throughout the Township the minimum servicing requirement shall be an in-ground sewage treatment system on an individual lot basis. Each development application shall comply with the Policy 6.2.1 of this Plan regarding the sewage servicing hierarchy. Private sewage treatment systems shall be approved by the appropriate agency pursuant to the Environmental Protection Act.
- 6.2.4.2 Prior to the approval of any development application for five or more residential units or industrial and commercial developments generating wastewater in excess of 10,000 litres per day that proposes the use of private sewage treatment systems, a study as required by the Townships "Guidelines for Hydrogeological Studies" shall have demonstrated that the system will operate satisfactorily.
- 6.2.4.3 The Township may establish and/or participate, where appropriate, in programs to inform residents about the proper care and maintenance of private sewage treatment systems.

6.3 WATER SERVICING

6.3.1 General Policies

- 6.3.1.1 The following hierarchy of water supply servicing options will be used to evaluate any development applications, except where specific exclusions are made in this Plan. The feasibility of the options will be considered in the following order:
 - (a) Extensions of servicing from a centralized water supply facility;
 - (b) Private wells.

6.3.1.2 Notwithstanding the above, the following exclusions from the servicing hierarchy will apply:

- (a) Within the Settlement Areas identified on Schedules "A" and "B" of this Plan, all water supply servicing shall be by way of the existing or proposed centralized water supply facility;
- (b) The designation of new residential areas or the expansion of settlement areas will not be permitted except in accordance with the policies of Section 3.10; and
- (c) Private water systems for developments proposing more than five lots or residences shall not be permitted.

6.3.1.3 The Township will complete a "Water Supply Master Plan" for input into this Plan and the Five Year Capital Budget. This master plan will include, but not be limited to, the following matters:

- (a) Existing water supply facilities including capacity allocations and expansion requirements;
- (b) Status of raw water supply quality;
- (c) Means to conserve water to reduce requirements for facility expansions; and
- (d) Major distribution infrastructure improvements to implement the objectives of this Plan.

6.3.1.4 To meet the long range needs for water supply, the Township will update the "Water Supply Master Plan" in conjunction with reviews of this Plan. The Township will consider amendments to this Plan where required to address changes to the master plan.

6.3.2 Centralized Water Supply Systems

6.3.2.1 Where lands fall within a Settlement Area identified on Schedules "A" and "B" and are serviced by a centralized water supply system, they shall be serviced from that facility. However, this policy is not intended to commit Council to provide funding for the provision of water supply capacity, nor approve development until water supply capacity is available.

6.3.2.2 The Township may consider the implementation and installation of water meters on all individual connections to a centralized water supply system. The Township may also consider, where appropriate, the integration of its water supply systems to improve the efficiency and operation of the systems.

6.3.3 Communal Water Supply Systems

- 6.3.3.1 As no new or expanded communal water systems are envisioned by this Plan, this policy applies to the upgrading and replacement of existing systems.
- 6.3.3.2 Where lands fall within an existing development appropriately designated by this Plan and are serviced by a communal water supply system, they shall be serviced from that facility. However, this policy is not intended to commit Council to provide funding for the provision of water supply capacity, nor approve development until water supply capacity is available.
- 6.3.3.3 Communal water supply systems shall be designed in accordance with the Ministry of the Environment and the Townships standards. As part of the approval process the Township may enter into agreements with the developer respecting the design, construction, operation and maintenance of the system."

6.3.4 Private Wells

- 6.3.4.1 Generally throughout the Township the minimum water servicing requirement shall be a private well on an individual lot basis. Each development application shall comply with the Policy 6.3.1 of this Plan regarding the water supply servicing hierarchy. Private wells shall be approved by the appropriate agency pursuant to the Environmental Protection Act.
- 6.3.4.2 Prior to the approval of any development application for five or more residential units or industrial and commercial developments generating wastewater in excess of 10,000 litres per day that proposes the use of private wells, a study as required by the Townships "Guidelines for Hydrogeological Studies" shall have demonstrated that such wells will operate satisfactorily.

6.4 TRANSPORTATION SYSTEM**6.4.1 General Principles**

- 6.4.1.1 The Transportation Plan as outlined in Schedule "B" is based on the need to provide a functional hierarchy of transportation routes as outlined in the following sections to assist in the implementation of the land use policies of this Plan. The road pattern incorporates the following general goals and principles.
 - (a) To provide the safest and most efficient flow of traffic between the major communities of the Township with direct accessibility provided between major traffic generating areas on non-congested, well designed roadways;
 - (b) To facilitate the satisfactory movement of both people and goods to and from the

various communities within the Township and to and from the adjacent municipalities and other parts of the province;

- (c) To utilize existing roads to the greatest practical benefit;
 - (d) To ensure that arterial and collector roads provide convenient access between the major traffic generating areas;
 - (e) To ensure that local roads and streets provide access primarily to the areas in which such local roads and streets are located and through traffic is minimized as much as possible;
 - (f) To restrict development on private and unassumed roads;
 - (g) To provide for the ease of winter and summer maintenance ; and
 - (h) In securing extensions to transportation routes and other necessary transportation improvements in general, including realignment and road widening, consideration shall be given to the impact of such extensions or improvements on heritage resources, especially on the character of streetscapes and major crossroads or intersections.
- 6.4.1.2 Schedule "B" describes a hierarchy of transportation routes composed on Provincial Highways, Arterial County Roads, Collector, and Local Roads. Schedule "B" also identifies symbolically those intersections and bridges which have been identified for improvement and those roads where widenings are required. The following sections describe specific policies with respect to each category of the road system.

6.4.2 Provincial Highways

- 6.4.2.1 It is the intention of this Plan that major traffic volumes be directed to provincial highways as much as possible. The Township supports the improvement of all provincial highways in the Municipality in order to fulfil their role as carriers of large volumes of through or inter-community traffic. The Municipality shall, however, make representation to the Province of Ontario to be consulted prior to the finalization of any highway improvement plans affecting the Municipality.

- 6.4.2.2 Access points to provincial highways shall be restricted and the use of service roads encouraged wherever possible. A combined access point serving a number of properties or access from an adjoining Township road shall be encouraged as alternatives to direct highway access to all properties. All access points to provincial highways are subject to approval from the Ministry of Transportation.

6.4.3 Arterial Roads

- 6.4.3.1 Arterial Roads, like provincial highways, are intended to be major transportation routes carrying significant volumes of through or inter-community traffic. Generally a right-of-way width of 30 metres is required.
- 6.4.3.2 Direct access to abutting properties will be restricted wherever possible. In the case of abutting commercial properties, access by means of a service road shall be encouraged wherever possible. A combined access point serving a number of properties or access from an adjoining Township road shall be encouraged as alternatives to direct road access to all properties. Access to County Roads No. 58, 57, 37, and 23, all identified as Arterial Roads on Schedule "B", shall be regulated in accordance with the County Official Plan and the County Entrance Permit By-law.

6.4.4 Collector Roads

- 6.4.4.1 These roads are intended to collect traffic from individual local roads and direct it to arterial or provincial highways. Generally, the right-of-way width shall be 25 metres. However, in low traffic volume areas or in presently built-up areas where the wider right-of-way is likely to be difficult to obtain because of building locations or the number of properties involved, a minimum right-of-way width of 20 metres may be provided.
- 6.4.4.2 Access to collector roads shall be very carefully controlled and the reversal of lots, the use of combined access points and the development of service roads will be encouraged.

6.4.5 Local Roads

- 6.4.5.1 The remainder of the roads in the Township are classified as local two lane traffic roads with a minimum right of way width of 20 metres designed primarily to provide land access to abutting property and to discourage the movement of through traffic.
- 6.4.5.2 Right-of-way widths may be reduced, subject to the approval of Council, where the reduced width forms part of design considerations for new residential development. Alternative development standards and neo-traditional planning approaches will be considered on a case by case basis.

6.4.6 Private and Unassumed Roads

- 6.4.6.1 No new development or expansion of existing development shall be permitted on existing lots of record on private and unassumed roads unless an agreement has been entered into with the Township regarding the servicing of these areas. This

agreement may include provisions regarding the servicing of the development and an arrangement to contribute to the eventual upgrading of the road.

6.4.7 General Road Policies

6.4.7.1 Schedule "B" to this Plan identifies a number of road realignments and or extensions. It is the intention of this Plan that these improvements occur at such time as appropriate or warranted by development in the area. The realignments/extensions identified are:

- (a) an east-west connection in Elimere Point between Triple Bay Road and Ogden Beach Road;
- (b) a road connection between Talbot Street and Triple Bay Road in Port McNicoll; and,
- (c) a road connection between Sandhill Road and Frazer Lane in Waubaushene.

6.4.7.2 Schedule "B" to this Plan identifies a number of roads that require, because of volume, planned function, or substandard width, road widenings to the required width. It is the intention of this Plan that these improvements occur at such time as appropriate or warranted by development in the area. The road widenings identified are:

- (a) Lovejoy Street;
- (b) Rumney Road (between Lots 3 to 5);
- (c) Waldie Avenue; and
- (d) All Arterial and Collector roads, where necessary.

6.4.7.3 Schedule "B" to this Plan identifies a number of intersections and bridges requiring improvement because of volume or substandard level of service. It is the intention of this Plan that these improvements occur at such time as appropriate or warranted by developments in the area. The intersection and bridges identified are:

- (a) Highway 12 and Newton Street;
- (b) Highway 12 and Park Street;
- (c) Albert Street and Jephson Street;

(d) Duck Bay Road Bridge.

(e) Rosemount Road bridges.

6.4.7.4 The Township will complete a "Roads Needs Plan" for input into this Plan and the Five Year Capital Budget. This roads needs plan will include, but not be limited to, the following matters:

(a) Existing road system including capacity, level of service, and improvement requirements;

(b) Status of road surface, intersections, and bridges; and

(c) Road signage and marking;

6.4.7.5 However, this policy is not intended to commit Council to provide funding for the provision of any of the capital works identified in the Roads Needs Plan.

6.4.8 Rail Corridors

6.4.8.1 Abandoned rail corridors should be protected, where appropriate, to provide opportunities for uses that would benefit from the linear characteristics of these corridors. However, this policy is not intended to commit Council to provide funding for the acquisition of any rail corridor within the Township. Where a rail corridor is abandoned and offered for sale to the Township, Council shall consider the acquisition in terms of its costs, potential uses, and long term public benefits.

6.4.8.2 The potential uses for a linear corridor to be considered by Council include the following uses:

(a) Recreational trails;

(b) Roads or connecting roads;

(c) Utility corridor;

(d) Development lands; and

(e) Sale to abutting owners.

6.5 STORM WATER MANAGEMENT**6.5.1 General Principles**

- 6.5.1.1 The Municipality shall practice, encourage and require the effective management of storm water in accordance with the best available management practices.
- 6.5.1.2 Storm water shall be managed to protect and support a healthy aquatic ecosystem and limit the impact on the receiving water body.

6.5.2 General Policies

- 6.5.2.1 Where Council considers it appropriate, detailed storm water management plans will be required prior to the approval of a proposed development or redevelopment which may include land severance's of five or more lots. Where storm water management plans are required such plans shall be prepared in accordance with the "Storm Water Management Planning and Design Manual (1994)" and the "Fish Habitat Protection Guidelines for Developing Areas (1994)" or their successors and will be subject to approval by the Township, the County of Simcoe, or other agency having jurisdiction.
- 6.5.2.2 The Township will complete "Master Drainage Plans" for each watershed or subwatershed for input into this Plan and the Five Year Capital Budget. A master plan will be prepared prior to the approval of any expansion to an existing Settlement Area identified by this Plan or triggered by a decreased level of water quality within the sub-watershed. A master plan will include, but not be limited to, the following matters:
 - (a) Storm water quality management;
 - (b) Storm water quantity management;
 - (c) Flooding controls; and
 - (d) Erosion and sediment controls.
- 6.5.2.3 When "Master Drainage Plans" have been prepared, all subdivision plans shall be prepared in conformity with the adopted master plan and shall contain measures to manage development related storm water to a no-net increase standard.

6.6 WASTE MANAGEMENT SYSTEM**6.6.1 General Principles**

- 6.6.1.1 The County of Simcoe is responsible for the development, operation, monitoring, maintenance, and rehabilitation of all solid waste management facilities and services in the County. The Township will cooperate with the County to ensure that waste management systems of an appropriate size and type are provided to accommodate present and future requirements.
- 6.6.1.2 Waste management facilities, including landfill sites, will be established and/or expanded according to a "Waste Management Master Plan" process and subject to the provincial standards and requirements of the Environmental Protection Act and the Environmental Assessment Act, where applicable.

6.6.2 Waste Disposal Assessment Areas

- 6.6.2.1 Waste disposal assessment areas identify potential environmentally sensitive areas for future development. The existing or prior use of the lands for the disposal of waste may have effect on future uses of these lands and possibly adjacent lands. In recognition of this, an overlay designation "Waste Disposal Assessment Area" is denoted on Schedule "A" to this Plan and identifies lands for which the following policies are intended to ensure that all development occurs cognizant of the existing or prior waste disposal use in the area so as to safeguard all future uses.
- 6.6.2.2 It is recognized that existing or prior use of lands for waste disposal sites may influence future uses that are not designed cognizant of the presence of a waste disposal site. In areas identified as a "Waste Disposal Assessment Area" overlay uses may be permitted by the Township in consultation with the Ministry of the Environment in accordance with the underlying land use designation subject to the following policies:
- (a) Written approval has been received from the Ministry of the Environment that the development satisfies the provisions of the Environmental Protection Act;
 - (b) Studies have been carried out to the satisfaction of the Township and the Ministry of the Environment that show that the development is compatible and can safely take place;
 - (c) The Municipality shall require the construction and phasing of all development to coincide with the control of any problems identified by the engineering studies;
 - (d) Studies of gas, leachate and hydrogeology, shall be carried out by a qualified

engineer and/or Hydrogeologist;

- (e) The Township shall be satisfied with the required studies with respect to any matter regarding structural stability, safety, and integrity of any and all structures; and,
 - (f) Notwithstanding the land use designations on the various Schedules to this Plan, residential development will not be allowed to proceed on areas identified by Sections (b) and (d) above, as containing organic or chemical wastes.
- 6.6.2.3 In areas subject to a "Waste Disposal Assessment Area" overlay, only land uses compatible with potential impacts of waste disposal sites or their engineered controls will be permitted and may have to be determined by Amendment to this Plan as supported by the results of studies conducted under this Section.
- 6.6.2.4 Land subject to a "Waste Disposal Assessment Area" overlay may be zoned in a holding category as an interim measure. When such areas are deemed suitable for development, lands affected by the overlay and holding zone may be rezoned in accordance with the policies of this Plan.
- 6.6.2.5 Accessory buildings such as barns or private garages and renovations to existing buildings shall not be subject to the policies of this section.

6.7 CONTAMINATED LANDS

- 6.7.1 Where a change in the legal use of land is proposed on or adjacent to a known, suspected or potentially contaminated site, identified in consultation with the Ministry of the Environment, such planning approvals shall be withheld until an environmental audit of the site is completed to the satisfaction of the Township and, if necessary, a site clean-up plan is designed in accordance with the "Guideline for use at Contaminated Sites in Ontario (1997)", or its successor. Approvals may be granted in stages and/or subject to conditions respecting site clean up, as appropriate.

SECTION 7 IMPLEMENTATION**7.1 GENERAL**

- 7.1.1 This Plan may be implemented by a number of means including such things as zoning by-laws and the use of holding zones, temporary use by-laws, interim control by-laws, public participation processes and site plan control by-laws. This section contains policies regarding these and other methods of Plan implementation.

7.2 ZONING BY-LAW AND HOLDING ZONES

- 7.2.1 The existing Zoning By-law shall be reviewed, and if necessary, a new or revised by-law shall be prepared by Council to establish;
- (a) Suitable land use zones to permit the types of development provided for by this Plan;
 - (b) Site development standards appropriate to each type of development; and
 - (c) Other development regulations as required to meet the intent of this Plan.
- 7.2.2 Council shall ensure conformity to the intent of this Plan in considering applications to amend the Zoning By-law. It is not intended that all lands be zoned at the outset for the uses indicated on the schedules to this Plan. Applications for re-zoning will be considered on an individual basis in order to achieve the objectives of this Plan.
- 7.2.3 The Planning Act provides for the use of the holding symbol "H" (or "h") in conjunction with any land use zone found within the implementing zoning by-law. The purpose of this holding symbol is to generally limit the use of land until such time as Council is satisfied that further development may take place.
- 7.2.4 The objective in using the holding symbol is to prevent or limit the use of land in order to achieve orderly, phased development and to ensure that the servicing and design criteria established in the Plan have been met prior to removing the holding symbol.
- 7.2.5 Generally, the holding symbol should be applied to undeveloped or unserviced lots in areas where development is anticipated by the designations of this Plan.

- 7.2.6 The holding symbol may be used in conjunction with any land use zone established in the implementing zoning by-law. In conjunction with the use of this symbol, the by-law shall specify the use to which the lands, buildings or structures may be put, if any, while the holding symbol is in effect and may specify the use or uses permitted when the holding symbol is removed.
- 7.2.7 Where the holding symbol is used in conjunction with a Residential Zone, Council, through the by-law, may permit the development of not more than one single family dwelling on a lot existing before the passing of this by-law. Where the holding symbol is used in conjunction with other land use zones, generally no new uses involving buildings will be permitted while the holding symbol is in effect. Uses existing prior to the by-law may also be recognized if, in the opinion of Council, the recognition of the existing use will not hinder the long-term use of the property.
- 7.2.8 Prior to the removal of any holding symbol, Council shall be satisfied, by the developer, that all conditions of approval have been met and all other conditions either have been met or will be met and that the policies of this Plan have been fulfilled in regard to such aspects as phasing, servicing and design criteria.

7.2.9 ***Special Policies for Part of Lots 12 and 13, Concessions 6 and 7 (Victoria Harbour Golf Course Community):***

The policies of this Section apply to lands described as Part of Lots 12 and 13, Concession 6 and 7 and generally known as the Victoria Harbour Golf Course Community:

Prior to passing a By-law to lift the Holding Symbol, Council will require that:

- a) the applicable Subdivision and/or Site Plan Agreements between the Owner and the Township are in place;
- b) the Ministry of Transportation has approved road improvements and servicing works within the Highway 12 right of way as is necessary to service the development;
- c) the approvals for water taking for the irrigation of the golf course have been obtained from the Ministry of Environment and Department of Fisheries and Oceans as may be required; and,
- d) the Township has confirmed that there is municipal sewer and water servicing capacity for the development. (OPA No. 28)

7.3 TEMPORARY USE BY-LAWS

- 7.3.1 The Planning Act permits the passing of a by-law to authorize the temporary use of land, buildings or structures for any purpose set out in the by-law that might otherwise be prohibited. Such a by-law must describe the area affected and set an expiry date for the by-law in accordance with the Planning Act.
- 7.3.2 Notwithstanding the other policies of this Plan, temporary uses may be permitted in the Municipality. Council, before passing a by-law to permit a temporary use, shall be satisfied that those of the following requirements which are relevant to the specific application, are, or will be, fulfilled in order to safeguard the wider interest of the general public;
- (a) That the proposed development or redevelopment is, in fact, temporary in nature;
 - (b) That the proposed use will be compatible with adjacent uses;
 - (c) That the size of the parcel of land or building to be used is appropriate for the proposed use;
 - (d) The municipal services are sufficient;
 - (e) That items such as noise, vibration, fumes, smoke, dust, odours, lighting and traffic generating capacity be considered to ensure that the impact of any such use will not be detrimental to adjacent uses or the wider community;
 - (f) That where necessary, neighbouring uses will be protected by the provision of areas for landscaping, buffering or screening, appropriate setbacks for buildings, structures or uses, devices and measures to reduce nuisances and regulations for alleviating adverse effects caused by such features as lighting or advertising signs; and
 - (g) That the by-law will establish suitable regulations in regard to setbacks, lot coverage, parking and other such items as may be required.

7.4 INTERIM CONTROL BY-LAWS

- 7.4.1 Council may pass interim control by-laws in accordance with the provisions of the Planning Act. The Planning Act permits the passing of by-laws to prohibit the use of land, buildings or structures within the Municipality or within a defined area for, or except for, such purposes as may be set out in the by-law. The purpose of such a by-law is to prevent development or redevelopment until a review or study can be undertaken in respect to the land use planning merits of any use or proposal.

7.5 PUBLIC PARTICIPATION

- 7.5.1 The Township will provide opportunities for public participation in the development, implementation and monitoring of Township planning policies and projects in accordance with this Plan, the Planning Act, the Environmental Assessment Act, and other relevant legislation. The Township will use innovative approaches to involve the community when considering changes to this Plan.
- 7.5.2 The Township will co-operate with the County in public participation programs during the processing of related amendments to the County Official Plan or this Plan.
- 7.5.3 In public participation programs associated with amendments to this Plan or the five year review of this Plan, the Township will endeavour to:
- (a) Establish realistic objectives and timelines for public participation programs;
 - (b) Solicit public input through the Township's public participation programs;
 - (c) Demonstrate how comments from the public have been considered in the development of planning policy and decisions; and,
 - (d) Ensure that the public participation process is sufficiently flexible to allow for changes as necessary.

7.6 SITE PLAN CONTROL

- 7.6.1 The Planning Act permits a Municipality to require, as a condition of development or redevelopment, a site plan and agreement setting out the various aspects and conditions of development. The Planning Act requires that proposed site plan control areas be shown or described in the Official Plan. The following policies identify those areas or uses proposed to be subject to site plan control in the Township of Tay.
- 7.6.2 The general objectives of site plan control are:
- (a) To protect existing adjacent uses from new development where it is likely that the new use would have a detrimental impact either visually or physically on the existing use or uses;
 - (b) To ensure adherence to proper development standards and to encourage

aesthetic design and proper landscaping;

- (c) To ensure the safe and efficient movement of both vehicular and pedestrian traffic as it relates to the development and surrounding area;
- (d) To ensure the granting of any required easements to the Municipality for maintenance or improvement of drainage works, watercourses, public utilities, roadways and similar undertakings;
- (e) To ensure proper grading, storm drainage and maintenance in regard to surface water and public utilities; and
- (f) To control the placement of buildings and related site facilities.

7.6.3 Where, in this Official Plan, an area is proposed as a site plan control area or the policies state that development may be subject to site plan control, Council shall pass by-laws designating the whole or part of such an area as a site plan control area.

7.6.4 All areas or lots which are used for a non-conforming use are proposed site plan control areas. The designations and land uses where Council may, as a condition of development or redevelopment, require a site plan agreement are as follows:

Mobile Home Residential
Village Commercial
Marine Commercial
Highway/Service/Tourist Commercial
Light Industrial/Commercial
Extractive Industrial
Institutional
Open Space
All Commercial and Industrial uses
Amendment to the Zoning By-law requiring an exception zoning

7.6.5 All townhouses, row houses, or apartment building uses shall also be included as proposed site plan control areas in accordance with the relevant policies of this Plan. This policy may apply regardless of the number of dwelling units included in a development.

7.7 EXTENSIONS OR ENLARGEMENTS OF NON-CONFORMING USES

7.7.1 Nothing in this Plan shall interfere with the continuation of a land use which is legally existing at the date of approval of this Plan or previous Plans of the

Municipality.

- 7.7.2 Any land use existing at the date of approval of this Plan that does not conform with the land use designations as shown on the map schedules to this Official Plan 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.
- 7.7.3 Any application, in accordance with 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.
- 7.7.4 Council may 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. Special attention will be given to the chances for the re-establishment of the use under consideration in a different location where it would be able to perform and produce under improved conditions in accordance with the policies of this Official Plan.
- 7.7.5 Council or Committee, before granting approval shall be satisfied that those of the following requirements which are relevant to the specific 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.
- (a) The proposed extension or enlargement of the established non-conforming use shall not unduly aggravate the situation created by the existence of the use, especially in regard to the policies of this Plan and the requirements of the zoning by-law applying to the area;
 - (b) The proposed extension or enlargement shall be in an appropriate proportion to the size of the non-conforming use established prior to the passing of the implementing zoning by-law;
 - (c) An application which would affect the boundary of different land use designations on the Land Use Plan will only be processed under these policies if it can be considered as a "minor adjustment" permitted under the flexibility policies of Section 8 of this Plan without the need for an amendment. Any major boundary adjustments will require an amendment to the Official Plan;
 - (d) 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, odours, lighting and traffic generating capacity. No amendment to the implementing by-law shall be passed which would significantly increase the incompatibility of the use with the surrounding area;

- (e) The neighbouring conforming uses will be protected, where necessary, by the provision of areas for landscaping, buffering or screening, appropriate setbacks for buildings and structures, devices and measures to reduce nuisances and, where necessary, by regulations for alleviating adverse effects caused by outside storage, lighting, advertising signs, etc. Such provisions and regulations 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;
- (f) Traffic and parking conditions in the vicinity will not be adversely affected by the application and traffic hazards will be kept to a minimum by appropriate design of ingress and egress points to and from the site and improvement of sight conditions especially in proximity to intersections;
- (g) Adequate provisions have been, or will be made for off-street parking and loading facilities; and
- (h) Applicable municipal services such as storm drainage, water supply and roads are adequate or can be made adequate.

7.8 RECOGNITION OF NON-CONFORMING USES

7.8.1 In special circumstances, uses of land which exist at the date of adoption of this Plan may be deemed to conform with the intent of this Plan for the purposes of the General Zoning By-law. Such uses may be zoned in accordance with their present use and performance standards, provided:

- (a) The zoning will not permit any significant change of use or performance standard that will aggravate any situation detrimental to adjacent complying uses;
- (b) They do not constitute a danger to surrounding uses and persons by virtue of their hazardous nature or the traffic they generate;
- (c) They do not pollute air and/or water to the extent of interfering with the ordinary enjoyment of property; and
- (d) They do not interfere with the desirable development or enjoyment of the

adjacent area.

7.9 FINANCIAL RESTRICTIONS

- 7.9.1 The ability of the Township to finance public services is dependent upon property taxes and related to the type of development that occurs. Future development will be regulated under this Plan to ensure that the level of expenditure and debt, as compared to revenue and assessment, is maintained at equitable levels. More particularly the Township may:
- (a) Restrict residential development if the amount of this causes an imbalance in the assessment ratio; or
 - (b) Delay any proposed development where it becomes necessary to carry out large scale public works in order to adequately serve said development and which cannot be adequately financed.
 - (c) Conduct the required study and pass a by-law under the Development Charges Act to set and establish the required development charges relating to the forecasted growth related capital projects for the Township.

7.10 DETAILED PLANS

- 7.10.1 Prior to issuing building permits, amending the General Zoning By-law, approving subdivision or other matters for which the Municipality is responsible, the Township shall be satisfied that all necessary approvals have been obtained. The developer, when proposing major developments shall provide detailed plans indicating the relationship and potential effects of the proposal in relation to existing development and shall identify the locations of specific land uses by lot, parcel or building, right-of-ways, density of development and similar design elements. In addition, the developer shall identify and give consideration to the use of the lands in the vicinity of the proposal and their potential adverse effects upon his proposed development. The developer shall attempt to reduce these effects as far as possible through appropriate design.
- 7.10.2 The developer may be requested to provide supplementary information relating to servicing, access and similar factors as may require the approval of local, County and Provincial agencies.

7.11 CONSTRUCTION OF PUBLIC WORKS

- 7.11.1 It is intended that the construction of public works within the Township shall be carried out in accordance with the policies of this Plan.

7.12 CAPITAL WORKS PROGRAM

- 7.12.1 It is intended that this Plan will enable the Municipality to prepare and adopt successive five year capital works programs based upon the policies of this Plan.

7.13 OFFICIAL PLAN REVIEW AND HOUSEKEEPING AMENDMENTS

- 7.13.1 There shall be a special public meeting of Council every five years with the first such meeting taking place approximately five years after approval of this Plan. The meeting will be held in accordance with the provisions of the Planning Act for the purpose of determining the need for a revision of the Plan.
- 7.13.2 The above section does not preclude Council from undertaking a review of this Plan or any of its policies at any time as conditions warrant.
- 7.13.3 An Amendment to this Plan shall not be required to correct typographical errors or errors or omissions in formatting, grammar, and/or numbering which do not effect the substantive content of this Plan.

7.14 DRAFT APPROVAL OF SUBDIVISION PLANS

- 7.14.1 Where a subdivision plan has received draft approval and final registration has not taken place within two years of the date of draft approval, Council may request the approval Agency to withdraw the draft approval.

7.15 COMMUNITY IMPROVEMENT AND PROPERTY STANDARDS

- 7.15.1 It shall be a policy of this Plan to provide for, through the use of a maintenance and occupancy by-law, a minimum standard for the maintenance and occupancy of all buildings, yards, etc. Further it shall be the policy of this Plan that the Township will consider establishing a comprehensive program of preservation/rehabilitation/ redevelopment so that the quality of buildings and facilities in the Municipality remains stable and constant. To implement this policy, the Township may pass by-laws designating certain areas as community improvement areas. These areas shall be established based on the objectives listed below. In addition to designating areas, the Township would prepare community improvement plans which will outline the facilities improvements required so that the quality of life in the community is maintained.
- 7.15.2 The following objectives shall be considered when establishing Community Improvement Areas:

- (a) Reduce or perhaps eliminate deficiencies in municipal, social, recreation and physical facilities and therefore maintain the quality, safety and stability of the community;
- (b) Guide and prioritize the spending of municipal and provincial funds in regard to community improvements;
- (c) Encourage, support and aid in the co-ordination of private efforts to rehabilitate/redevelop property, which will have a positive impact on the stability of the community;
- (d) Improve existing recreation and social services, and construct new facilities having regard to the recommendations of the Culture and Recreation Master Plan;
- (e) Stabilize and/or improve the property and business tax bases in commercial and industrial areas by upgrading municipal services and therefore stimulating private investment; and,
- (f) Improve the existing transportation deficiencies as outlined in the Road Needs Plan.

SECTION 8 **INTERPRETATION**8.1 Land Use Boundaries and Roads

It is intended that the boundaries of the land use designations shown on the schedules to this Plan be considered as approximate, except where defined by highways, arterial roads, railways, rivers or streams or other similar geographical barriers. It is also intended that the location of roads as indicated on the schedules be considered as approximate and not absolute. Therefore, amendments to this Plan will not be required in order to make minor adjustments to the approximate land use boundaries or to the location of roads, provided the general intent of the Plan is preserved. Such minor deviations will not be reflected on the schedules.

8.2 Figures and Quantities

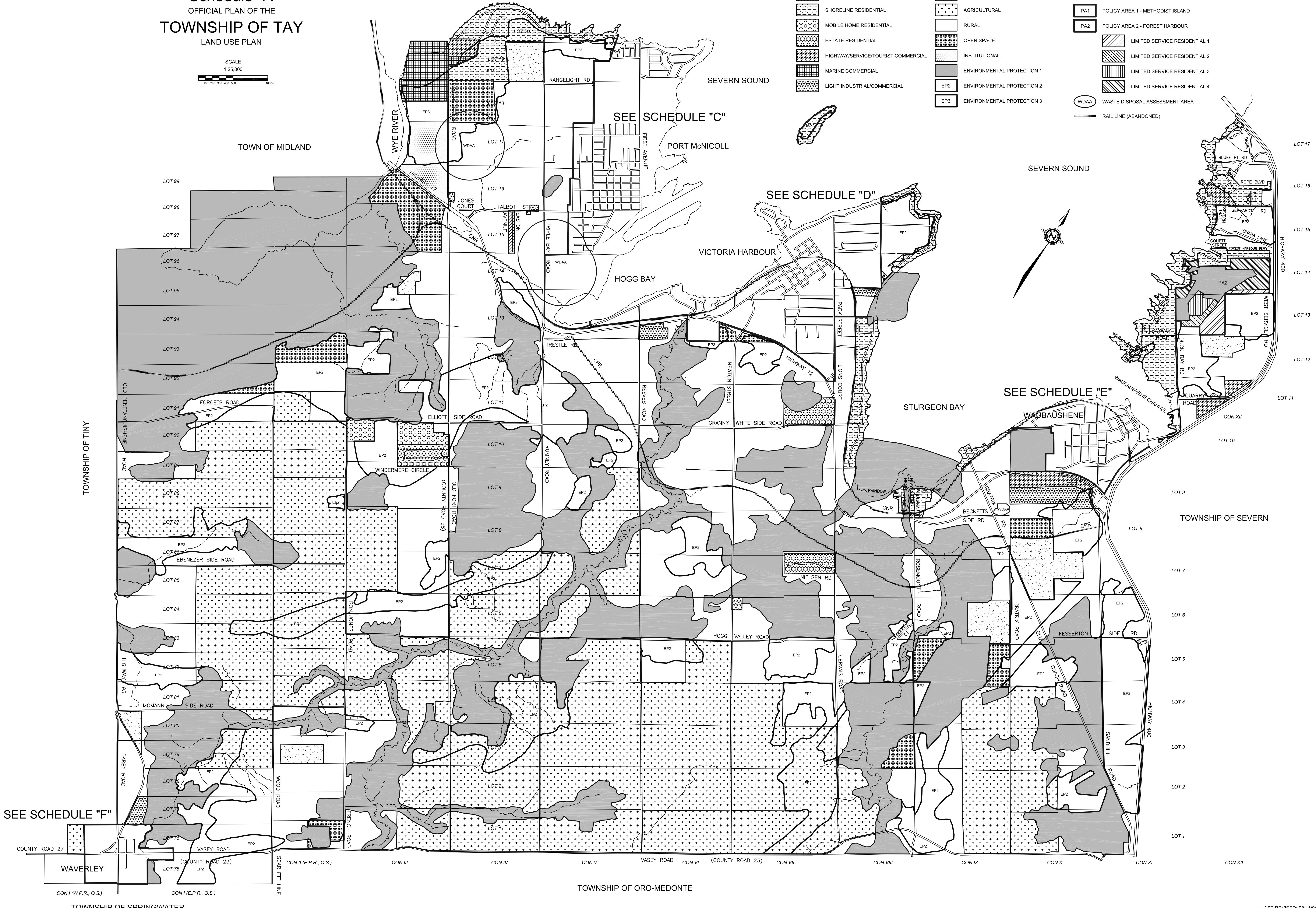
It is intended that all figures and quantities herein shall be considered as approximate only and not absolute. Amendments to the Official Plan will not be required for any reasonable variance from any such figure or quantity.

Schedule "A"
OFFICIAL PLAN OF THE
TOWNSHIP OF TAY

LAND USE PLAN

SCALE
1:25,000
0 100 200 300 400 500 1000m

TOWNSHIP OF TAY

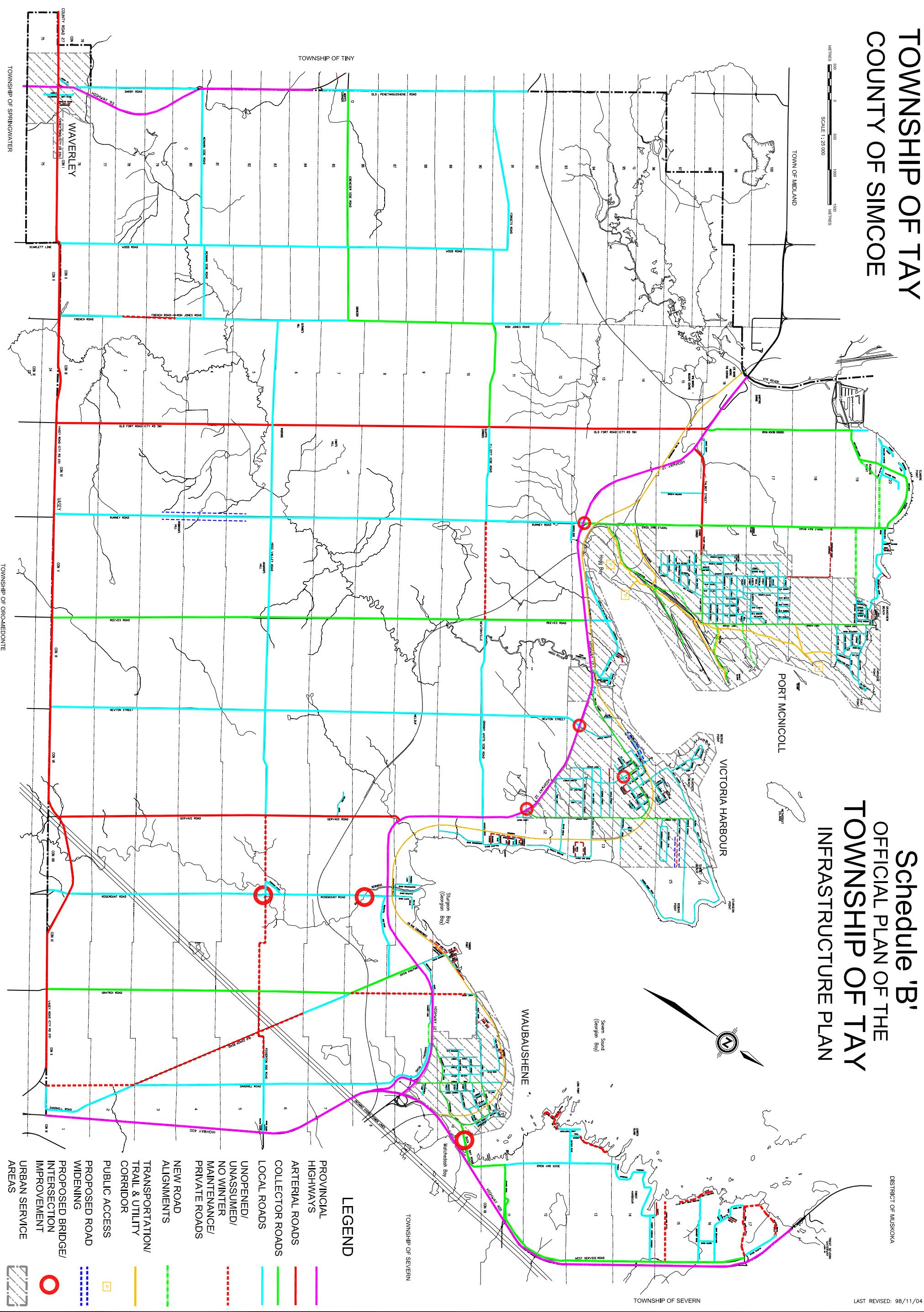


TOWNSHIP OF TAY COUNTY OF SIMCOE

Schedule 'B' OFFICIAL PLAN OF THE TOWNSHIP OF TAY INFRASTRUCTURE PLAN

DISTRICT OF MUSKOCA

LAST REVISED: 98/11/04

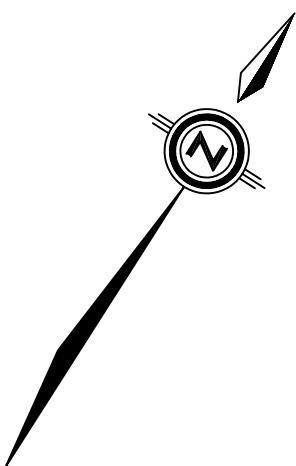
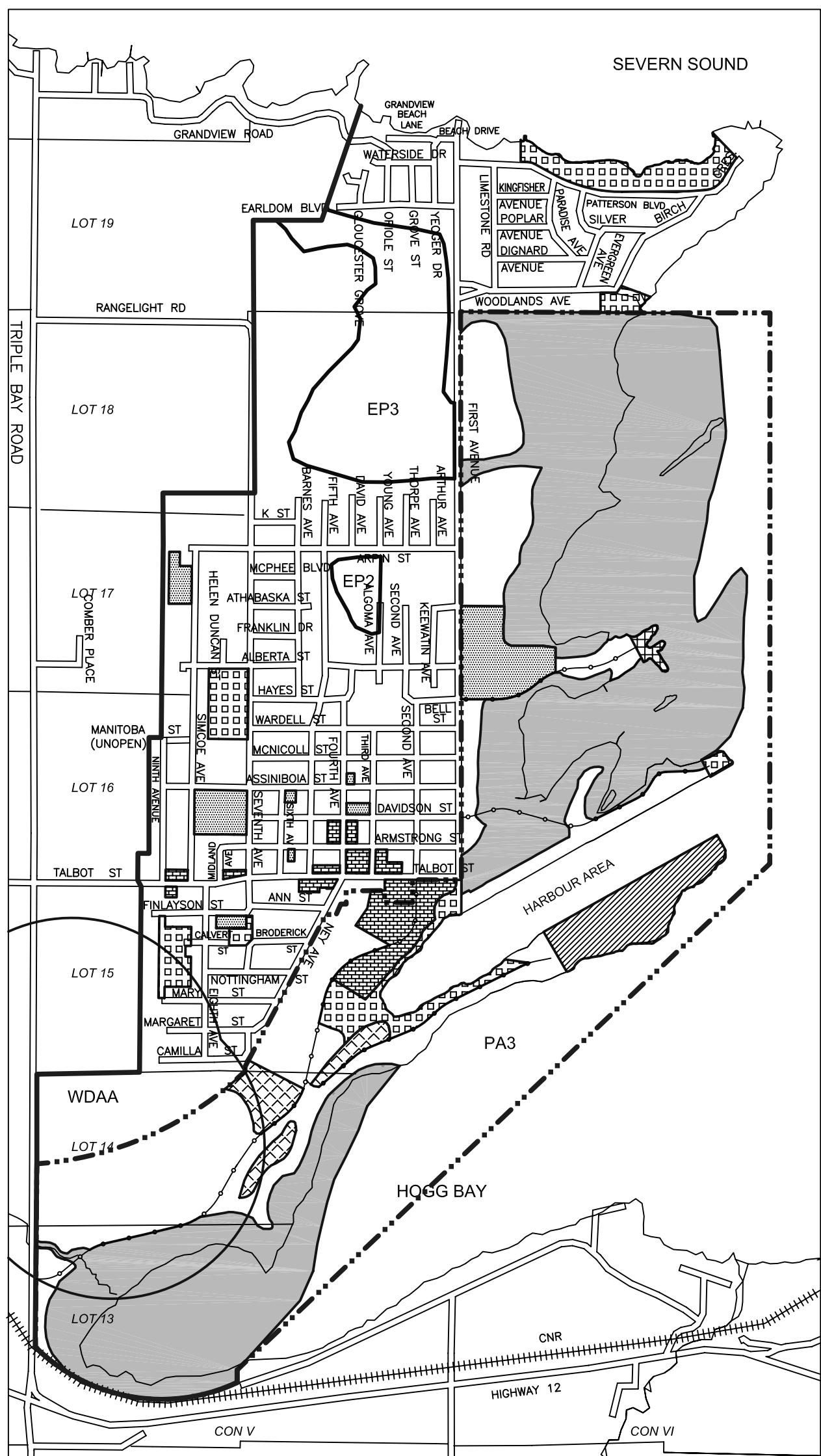


Schedule "C"

OFFICIAL PLAN OF THE

TOWNSHIP OF TAY

PORT MCNICOLL SETTLEMENT AREA



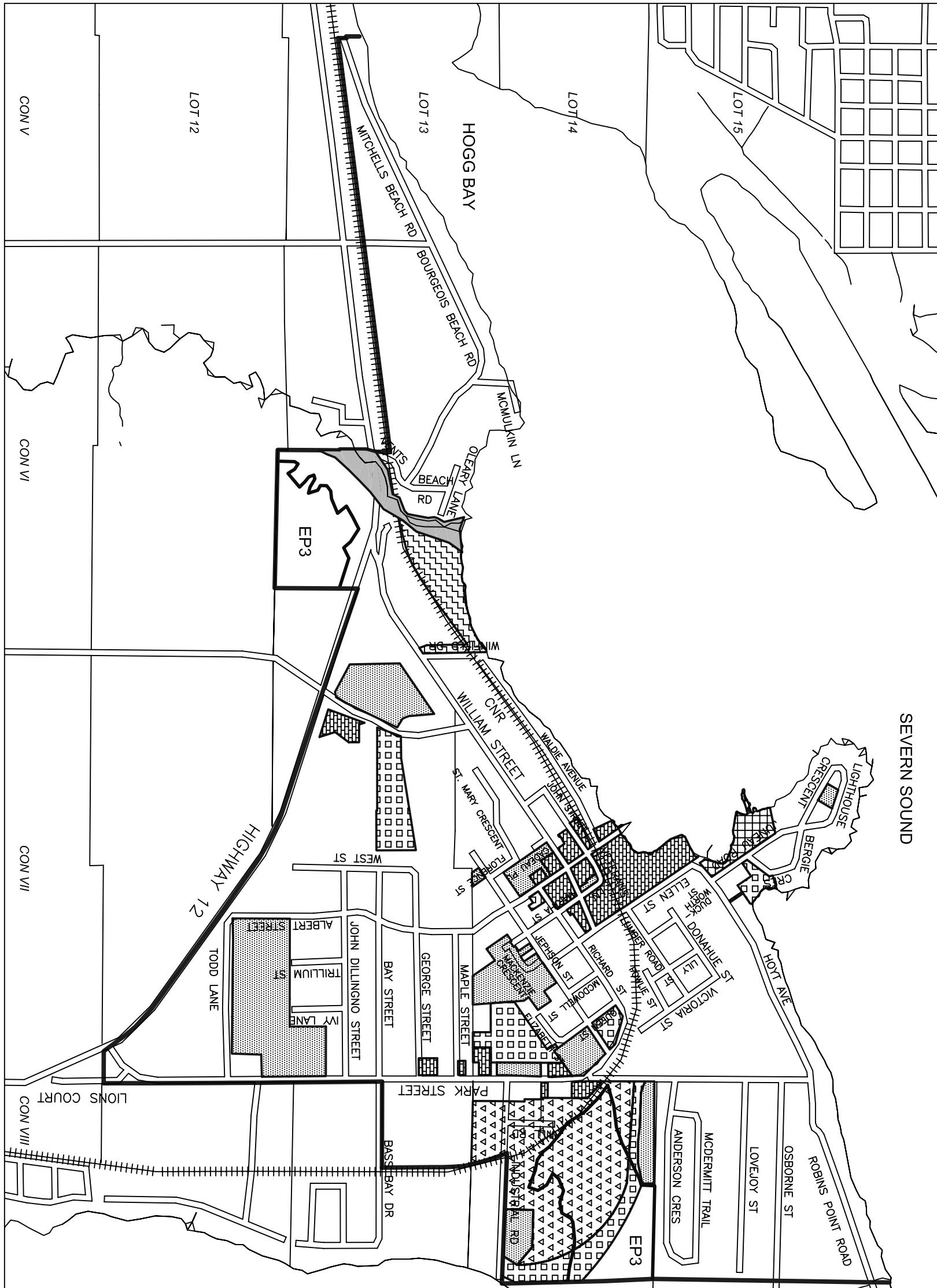
LEGEND

	VILLAGE RESIDENTIAL
	VILLAGE COMMERCIAL
	MARINE COMMERCIAL
	OPEN SPACE
	OPEN SPACE - IMPACTED SOIL
	INSTITUTIONAL
	CARGILL ELEVATOR POLICY AREA
	ENVIRONMENTAL PROTECTION 1
	ENVIRONMENTAL PROTECTION 2
	ENVIRONMENTAL PROTECTION 3
	PA3 - PORT MCNICOLL
	PROPOSED ROAD (POLICY AREA 3)
	WASTE DISPOSAL ASSESSMENT AREA
	SETTLEMENT AREA BOUNDARY
	RAIL LINE (ABANDONED)

SCALE
1:17,000

0 100 200 300 400 500 1000m

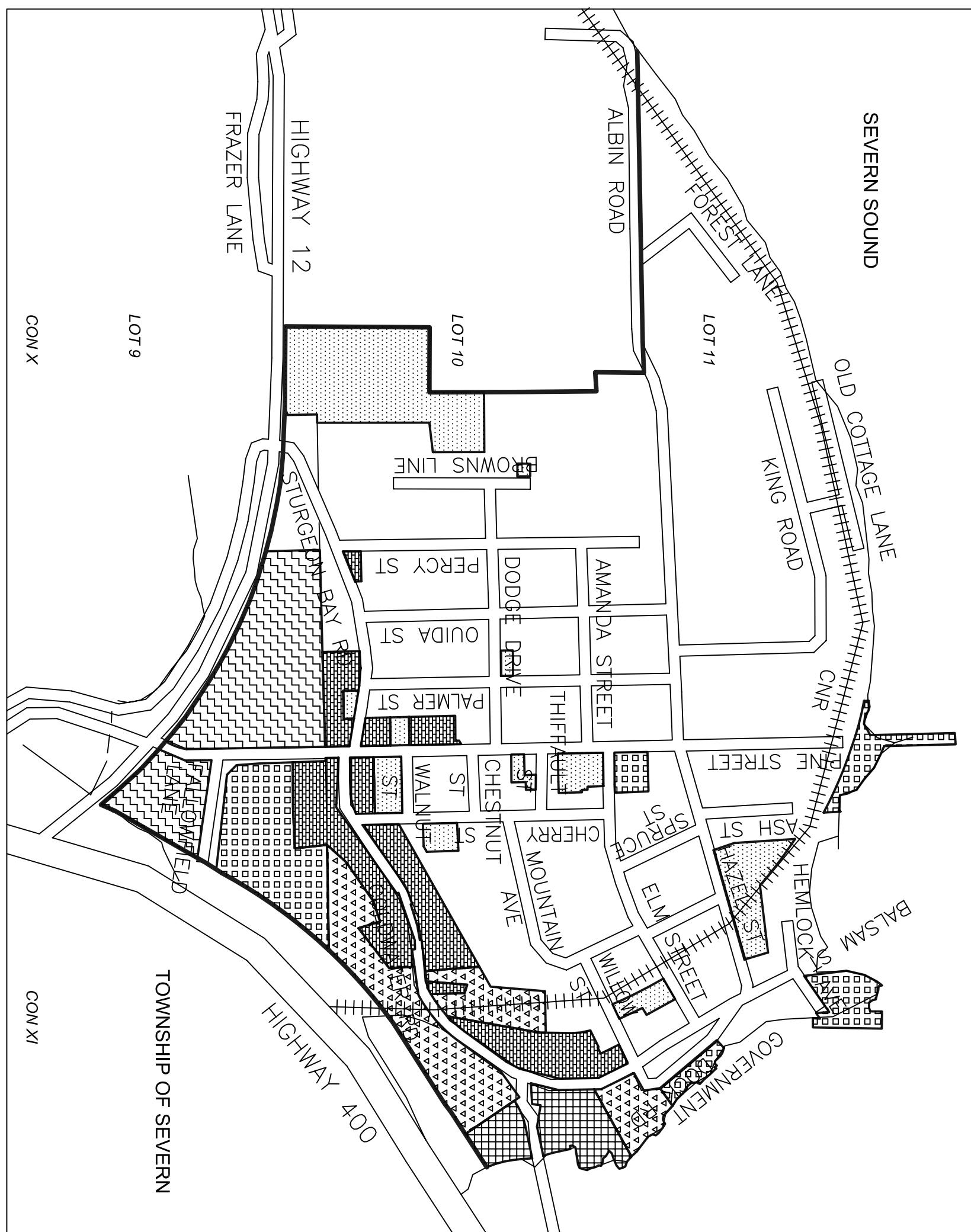
Schedule "D" OFFICIAL PLAN OF THE TOWNSHIP OF TAY VICTORIA HARBOUR SETTLEMENT AREA



LEGEND

- VILLAGE RESIDENTIAL
 - VILLAGE COMMERCIAL
 - MARINE COMMERCIAL
 - LIGHT INDUSTRIAL/COMMERCIAL
 - OPEN SPACE
 - INSTITUTIONAL
 - ENVIRONMENTAL PROTECTION 1
 - ENVIRONMENTAL PROTECTION 3
 - SETTLEMENT AREA BOUNDARY
 - RAIL LINE (ABANDONED)
- SCALE
1:16,000
- 0 100 200 300 400 500
1000m

Schedule "E" OFFICIAL PLAN OF THE TOWNSHIP OF TAY WAUBAUSHENE SETTLEMENT AREA

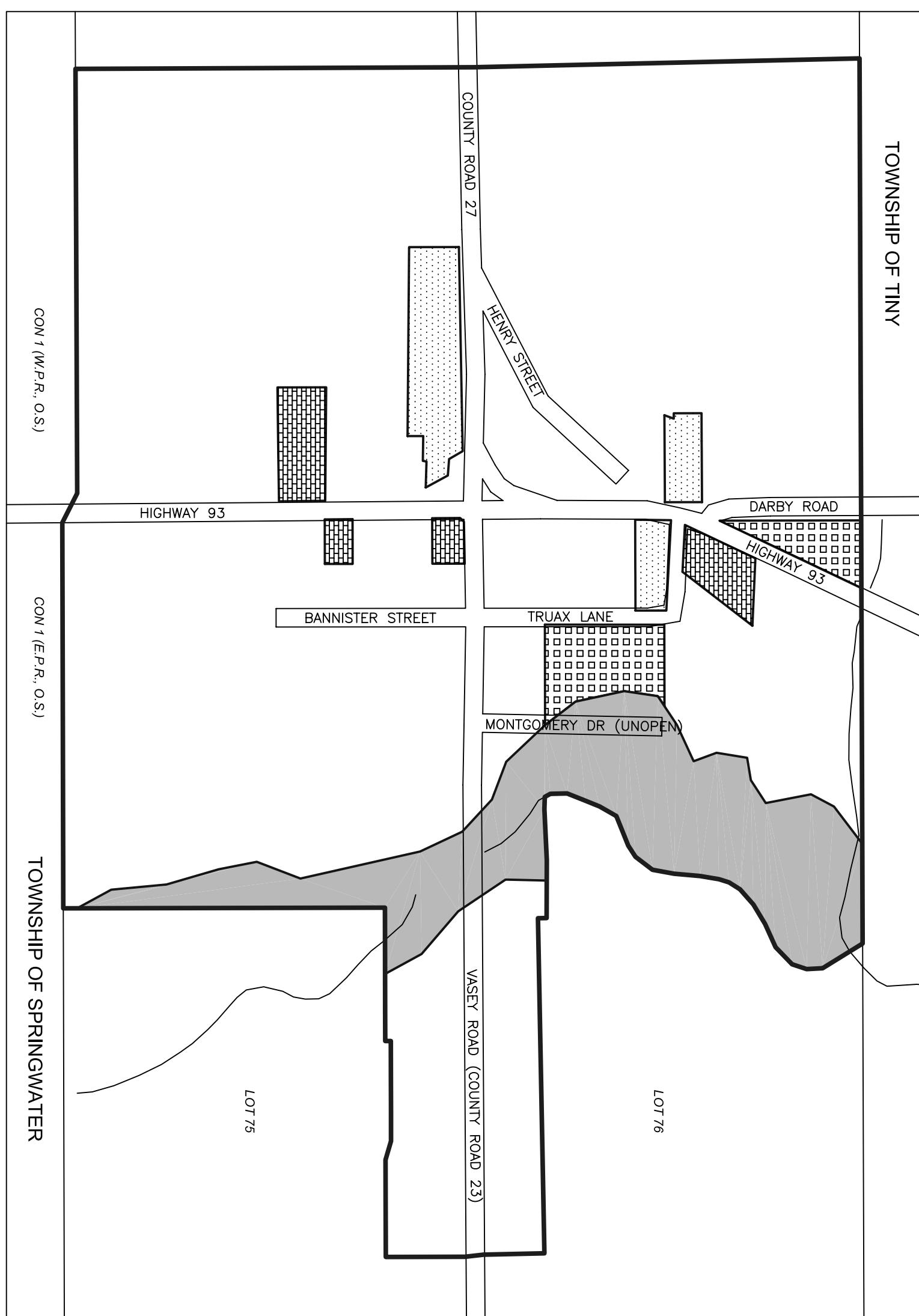


LEGEND

	VILLAGE RESIDENTIAL
	VILLAGE COMMERCIAL
	MARINE COMMERCIAL
	LIGHT INDUSTRIAL/COMMERCIAL
	OPEN SPACE
	INSTITUTIONAL
	HIGHWAY/SERVICE/TOURIST COMMERCIAL
	SETTLEMENT AREA BOUNDARY
	RAIL LINE (ABANDONED)

SCALE
1:9,000
0 50 100 150 200 250
500m

Schedule "F" OFFICIAL PLAN OF THE **TOWNSHIP OF TAY** WAVERLEY SETTLEMENT AREA



LEGEND

- VILLAGE RESIDENTIAL
- VILLAGE COMMERCIAL
- OPEN SPACE
- INSTITUTIONAL
- ENVIRONMENTAL PROTECTION 1
- SETTLEMENT AREA BOUNDARY

SCALE
1: 5,500

