

**OFFICIAL PLAN
FOR THE
TOWNSHIP OF EAST GARAFRAXA**



PREPARED BY:



December, 2004

Includes Final MMAH Modifications - October 26, 2005

MINISTERS APPROVAL

OFFICIAL PLAN
FOR THE
TOWNSHIP OF EAST GARAFRAXA

The Official Plan for the Township of East Garafraxa which was adopted by the Council of the Corporation of the Township of East Garafraxa, on the *14th* day of *December 2004*, by By-law Number 59-2004 is hereby approved in accordance with Section 17 of The Planning Act, R.S.O. 1990, c.P.13, as amended, as the Official Plan for the Township of East Garafraxa.

October 26, 2005

DATE

THE CORPORATION
OF THE
TOWNSHIP OF EAST GARAFRAXA
BY-LAW NUMBER 59-2004

The Council of the Corporation of the Township of East Garafraxa in accordance with the provisions of the Planning Act, R.S.O., 1990, c.P.13, as amended, hereby ENACTS as follows:

1. THAT the Official Plan for the Township of East Garafraxa, being the attached text and Schedules A, A-1, A-2 and B is hereby adopted.
2. THAT the Clerk is hereby authorized and directed to make application to the Minister of Municipal Affairs for approval of the aforementioned Official Plan for the Township of East Garafraxa and to provide such information as required by Section 17 (7) of The Planning Act, R.S.O., 1990, c.P. 13, as amended.
3. THAT this By-law shall come into force and take effect on the day of passing thereof, subject to receiving the approval of the Minister of Municipal Affairs.
4. AND THAT upon approval of this Plan by the Minister of Municipal Affairs, the Official Plan for the Township of East Garafraxa approved by the Minister on July 20, 1981 is hereby rescinded.

Enacted and passed this 14th day of December 2004.

J. Earl Lennox
MAYOR

Susan M. Stone
CLERK

Certified that the above is a true copy of By-law No. 59-2004 as enacted and passed by the Council to the Corporation of the Township of East Garafraxa on the _____ day of _____ 2004.

CLERK

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1.0 INTRODUCTION

1.1 INTENT OF THE PLAN

This Official Plan is intended to form the foundation for decisions that are to be made by Council, members of the public and government agencies with respect to future land use in the Township of East Garafraxa, while providing members of the public with a sense of assurance as to the future development of their lands and the lands around them.

This Official Plan is also intended to ensure that public works are undertaken by Township or County authorities, or by private developers, that comply with the provisions of this Official Plan.

The policies of this Official Plan are intended to make information regarding the future development pattern of the Township available to the public, in order to reduce land speculation that arises when residents and land developers are not advised of the development policies and plans of the Township.

The basic intent of this Official Plan is to guide future development to areas where it is most suited and to protect the physical and natural resources of the Township in order to allow for their continued use and enjoyment. This Official Plan is intended to manage land use change in a manner that has the greatest positive impact on the Township.

This Official Plan establishes the pattern which development within the Township of East Garafraxa should follow until 2024. In accordance with the Planning Act, this Plan will be reviewed every five years to determine whether the Basis has changed and whether the Official Plan continues to represent appropriate guidelines for future land use in the Township.

1.2 BACKGROUND INFORMATION

This Plan replaces the Official Plan that was approved by the Minister of Municipal Affairs on July 20th, 1981.

This Plan has been developed following the preparation of detailed background studies. In preparing this Official Plan, the Council of the Township of East Garafraxa has had regard for the policies of the Provincial Government contained in the Provincial Policy Statement, 1996, as amended.

1.3 STRUCTURE

1.3.1 The Basis

The Basis of the Plan describes the basic assumptions, observations and forecasts that have been derived from a comprehensive background study and extensive public input. This section is included to provide an understanding of the circumstances that the policies of the Plan are intended to address.

1.3.2 Principles and Objectives

The Principles and Objectives of this Plan establish the primary direction for the future of the Township of East Garafraxa. Should uncertainty or conflict arise in the interpretation or implementation of this Plan, reference should be made to the Principles and Objectives.

1.3.3 Future Land Use

The designations on Schedule A, Schedule A-1 and Schedule A-2 graphically depict the future land use throughout the Township. The policies in this section describe how development will occur within the different land use designations.

1.3.4 Development Criteria

This section contains general development policies that act as the primary guidelines to be used in considering all development proposals and public works projects. It establishes a series of tests or criteria that must be satisfied prior to any development occurring in the Township. This part of the Plan addresses the form of development and the relationships between development, the natural environment and the residents of the Township. Schedule B graphically depicts features that must be considered through the development process.

1.3.5 Implementation and Interpretation

The Implementation and Interpretation section of this Plan describes the development approval process and planning tools that the Township may use to implement the policies of this Plan. It outlines how the planning process in the Township will work and what forms of regulations may be used to ensure that development occurs in a manner consistent with the policies of the Plan.

2.0 BASIS

This section of the Official Plan identifies the primary factors that have been considered during the preparation of this Plan. Should any of these factors substantially change, this Official Plan should be reviewed to determine whether major policy or land use designation changes are warranted.

- 2.1 The Township will experience increased growth pressure as the Greater Toronto Area continues to grow and areas of the Oak Ridges Moraine and Niagara Escarpment limit growth to the south.
- 2.2 It is projected that the permanent population of the Township will continue to rise steadily, increasing by approximately 600 to 880 persons during the next 20 years, provided that existing Communities, *Estate Residential Areas* and rural residential development can be developed in a manner that is sustainable.
- 2.3 Council and the public have indicated a commitment to respect the natural heritage features and unique landscape character of the Township and to maintain the sense of community.
- 2.4 The Township of East Garafraxa contains many significant environmental areas and features. The valley systems, significant forest areas, Provincially and locally significant wetlands, Areas of Natural and Scientific Interest, and other natural areas in the Township provide habitat for a wide range of species.
- 2.5 Council has indicated a commitment to protect Agriculture and agricultural lands. Farm operations within the Township have become larger. There have also been a significant number of small scale farms established. Agriculture plays an important role in the economy of the Township, it's heritage and the open landscape character. Prime agricultural areas must be protected for future agricultural use so that the economy and character of the Township is also preserved.
- 2.6 Opportunity for home occupations, home industries and self-employment are factors affecting the demand for rural and small community residences.

3.0 MISSION AND PRINCIPLES

3.1 MISSION

The Township's Mission Statement is:

In East Garafraxa our future is built on a commitment to respect our natural heritage, our sense of community and the land while enhancing our opportunities for growth.

This Mission is reflected in the Principles, Objectives and Policies of this Official Plan. No development should be approved that would contradict the Mission Statement.

3.2 PRINCIPLES

The following expresses the fundamental principles on which this Plan is based.

- 3.2.1** Cost effective development and land use patterns that stimulate economic growth and protect the resources of the Township will be encouraged. Settlement areas will be the focus of residential growth. Residential development will generally be discouraged in the *Agricultural* area.
- 3.2.2** The preservation of the quality of life, the quality of the environment and prime agricultural areas is significant in the Township. Natural features will be enhanced and protected. Prime agricultural areas will be maintained, protected and enhanced.
- 3.2.3** The financial health of the Township and economic opportunities for present and future inhabitants will be guided through growth management policies of this Plan.

4.0 OBJECTIVES

The objectives of this Official Plan establish the fundamental policies that will guide future development in the Township of East Garafraxa. Each of the objectives is equally important when considering future development. Where situations of uncertainty or conflict arise in the interpretation or implementation of this Plan, reference should be made to these objectives.

- 4.1 To uphold health and safety within the Township of East Garafraxa and to encourage a healthy social relationship amongst existing and future residents.
- 4.2 To encourage economic and social development that is compatible with existing development and the environment and that will provide a viable and sustainable future for the Township.
- 4.3 To recognize the importance of agriculture in the Township, protecting the land and ensuring that agricultural operations can be sustained through changing market conditions, technological advancements and economic fluctuation.
- 4.4 To maintain and protect the natural heritage features in the Township in a manner that recognizes both its ecosystem functions and contribution to the natural landscape.
- 4.5 To provide a level of service that recognizes the financial resources and rural nature of the Township.
- 4.6 To protect the quality and quantity of groundwater and surface water and the functions of the water systems throughout the Township.
- 4.7 To protect high potential aggregate resources and woodlands for their long term use.
- 4.8 To provide opportunities for growth primarily in Marsville, and to a limited extent, in Orton.
- 4.9 To protect cultural and archaeological resources in the Township and provide opportunities for tourism and recreation.
- 4.10 To encourage growth in the employment area.

5.0 FUTURE LAND USE

It is intended that lands within the Township of East Garafraxa shall be used and/or developed in accordance with the policies in this Plan and with the land use pattern as indicated on the following Schedules:

- Schedule A Township of East Garafraxa Land Use and Transportation
- Schedule A-1 Community of Marsville Land Use and Transportation
- Schedule A-2 Community of Orton Land Use and Transportation
- Schedule B Environmental Features

All of the Schedules, including Schedule B – Environmental Features, form part of the Official Plan. The Land Use Plans establish the land use pattern in a general manner for the entire Township in accordance with the following land use designations:

- Agricultural
- Rural
- Estate Residential
- Community
- Employment Area
- Extractive Industrial
- Environmental Protection
- Open Space

The Community designation is further described in the following designations:

- Community Residential
- Community Institutional
- Community Commercial
- Employment Area

5.1 AGRICULTURAL

5.1.1 Identification

Lands designated *Agricultural* are shown on Schedule A, A-1 and A-2. It is intended that this designation reflect predominately agricultural areas, where soils are primarily Classes 1, 2 and 3 as defined by the Canada Land Inventory of Soil Capability for Agriculture, areas with significant agricultural infrastructure and areas where the existing fragmentation of the land or surrounding land uses have not limited the future agricultural use of the land.

5.1.2 Objectives

- a) To encourage all forms of agriculture and protect the long-term ability of farming operations to adapt to changing markets conditions.
- b) To maintain scenic values and agricultural heritage of lands and buildings in the *Agricultural* area.
- c) To preserve large parcel sizes and minimize the intrusion of non-agricultural uses into agricultural areas.
- d) To encourage a best management approach to farming and farm planning to prevent farming practices which may be harmful to the environment or health of residents.

5.1.3 Permitted Uses

The primary use of land in the *Agricultural* designation shall be agricultural uses that include the use of lands, buildings or structures for the growing of crops, including nursery and horticultural crops, raising of livestock and other animals for food, or fur, including poultry, and fish, aquaculture, agroforestry, and maple syrup production, subject to the provisions outlined in this Plan.

In addition to agriculture, the following uses shall also be permitted;

- a) One single-detached residential dwelling per lot,
- b) Home occupations,
- c) Small scale agriculturally related home industries,
- d) Forest, wildlife and fisheries management,
- e) Produce stands, accessory to an agricultural operation,

- f) Public transportation and utility facilities that must be located in the *Agricultural* designation due to their function,
- g) Small-scale commercial and industrial operations servicing the agricultural community that must, by the nature of the operation, be located in close proximity to agricultural uses, or are permitted as temporary uses within existing agricultural buildings,
- h) Farm oriented tourist businesses including bed and breakfast uses that do not reduce the agricultural capability of the land, remove farm infrastructure or adversely effect adjacent farm operations, and
- i) Wayside pits and quarries and portable asphalt plants used on public authority contracts, subject to the Aggregate Resources Act.

5.1.4 Severance Policies

- a) It is the policy of this Plan that the agricultural land base is to be preserved as much as possible in large parcels and, in general, severances are discouraged. Severances of agricultural land will only be considered when the lands have been owned by the applicant for 10 years prior to the application being made.
- b) Agricultural lands shall not be subdivided into parcels of less than approximately 38 hectares in size.
- c) Severances of any additional farm dwellings or dwellings resulting from a farm consolidation shall be permitted where the farm lands are to be added to an existing farm operation, the amount of lands removed from agricultural production are minimized and provided that no residential development is permitted on the retained parcel of farmland.
- d) A maximum of one lot may be severed per original farm of approximately 40 hectares where no lot has been previously created, and where the applicant has owned the subject lands for a minimum of 10 years. The consent may be granted to create either
 - i) an agricultural parcel, where both the severed and retained parcels are a minimum of 38 hectares in size, or
 - ii) a lot for a retiring farmer, provided that a retirement lot has not been taken from the original parcel after January 1, 1970 and the applicant owned the lands prior to January 1, 1994 and the proposed severance meets the following criteria:

- a) the size of the lot is kept to the minimum required to site a dwelling, well, sewage disposal system and accessory uses;
 - b) the new lot complies with Minimum Distance Separation Formula 1 (MDSI) as amended from time to time;
 - c) the new lot is directed to an area of lower quality agricultural capability;
 - d) the land is not required as part of an existing Nutrient Management Plan for the retained land or any other farm operation;
 - e) the lot shall abut an existing residential lot where possible or shall be created at the limits of the existing parcel to minimize the impact on agriculture;
 - f) where the land has received bio-solids, a report has been prepared to the satisfaction of Council, confirming that there is no threat to human health and water quality; and
 - g) The lot shall not further restrict the ability of an adjacent farming operation to comply with its approved Nutrient Management Plan.
- e) In addition to lots permitted through section 5.1.4, consents may be permitted to recreate original parcels generally 40 hectares(100 acre) in size along the original lot lines.

5.1.5 Development Policies

In addition to the Development Criteria in Section 7, the following policies shall apply:

- a) A temporary dwelling unit may be permitted with an amendment to the Zoning By-law, in close proximity to the existing cluster of farm buildings, as a temporary use on a farm of at least 38 hectares, where the nature of the farm operation requires farm families or employees to be accommodated on the farm.
- b) In order to encourage the retention of existing agricultural buildings, Council may pass a Temporary Use By-law in accordance with Section 9.1 of this Plan, to permit an agricultural building that existed on the date of approval of this Plan to be used for a non-agricultural purpose, as a temporary use, provided that the intent of this Plan is met. In considering such development, Council will ensure that:

- i) the exterior of the building is maintained and that the rural character of the surrounding lands is not changed. Prior to approving such development, Council shall require a report and preliminary building plans prepared by a professional architect or engineer outlining the extent of building renovations being proposed in order to ensure that the renovations required will comply with the Building Code.
 - ii) the proposed use does not adversely affect the continuation of agricultural uses on the surrounding lands;
 - iii) Council may extend the Temporary Use By-law
 - iv) the use does not adversely impact the character of the surrounding lands in terms of noise, odour, dust or traffic; and,
 - v) the building complies with the requirements of the Building Code for the form of occupancy proposed
- c) Site Plan Control will be applied to all institutional, industrial, recreational and commercial uses or temporary uses to ensure that the development is integrated into the rural environment and that the exterior of the building is not changed to indicate that a non-agricultural use is occurring within the building;
- d) Any application to redesignate lands from the *Agricultural* designation to another use shall be supported by a report justifying the proposed use in terms of:
- i) the impact of the proposal on neighbouring agricultural uses,
 - ii) the need for the proposed use in the Township and the amount of land available for that use within existing designated areas,
 - iii) the amount of land required for the proposed use,
 - iv) the availability of alternate sites of lower agricultural capability,
 - v) The ability of the existing and proposed uses to meet the requirements of Minimum Distance Separation Formula I (MDSI)
- e) Applications to permit new agriculture-related commercial or industrial uses must demonstrate by way of appropriate technical assessment that the location will be able to supply water in adequate quantity and quality and sustain a sewage treatment and disposal system in accordance with the applicable legislated requirements.

5.1.6 Zoning

- a) *Agricultural* lands will be zoned in an appropriate category in the implementing Zoning By-law.
- b) Farm-related commercial and industrial uses will be placed in a separate Zoning category.
- c) All new and expanding livestock buildings and manure storage facilities will be required to meet Minimum Distance Separation II of the Provincial Policy Statement. New residential development and proposed lot creations must meet Minimum Distance Separation I.

5.2 RURAL

5.2.1 Identification

Lands designated *Rural* are shown on Schedule A, A-1 and A-2. *Rural* lands include areas having low agricultural soil capability or areas where lot fragmentation or surrounding land uses limit the long-term availability of lands for agricultural activities. The *Rural* designation may also include agricultural operations that are not located within the *Agricultural* designation

5.2.2 Objectives

- a) To encourage agriculture and preserve the long term continuation of farming operations in the *Rural* areas,
- b) To maintain the open landscape character,
- c) To encourage a best management approach to farming and farm planning to prevent farming practices which may be harmful to the environment or health of residents; and
- d) To provide opportunities for rural land uses which have a minimal impact on agricultural and environmentally sensitive lands.

5.2.3 Permitted Uses

The permitted uses in the *Rural* designation shall be:

- a) Agriculture that include the use of lands, buildings or structures for the growing of crops, including nursery and horticultural crops, raising of livestock and other animals for food, or fur, including poultry, and fish, aquaculture, agroforestry and maple syrup production, subject to the provisions outlined in this Plan.
- b) Single-detached residential dwelling;
- c) Small scale commercial and industrial uses that serve the *Agricultural* and *Rural* areas;
- d) Home occupations and home industries;
- e) Recreational, agri-tourism and tourism related uses, and bed and breakfasts, provided that any use does not negatively impact the natural environment or reduce the scenic qualities of the *Rural* area;

- f) Forest, wildlife and fisheries management;
- g) Transportation and utility facilities; and,
- h) Wayside pits and quarries and portable asphalt plants, subject to the Aggregate Resources Act and portable asphalt plants.

5.2.4 Severance Policies

New lots may be created for the following purposes;

- a) A maximum of three severances from any original Township lot of approximately 40 hectares, where the severed and retained lots are at least 10 hectares and the applicant has owned the land for at least ten years prior to the application;
- b) In addition, new lots may be created to permit infilling in rural residential areas where the following conditions exist:
 - i) a lot may be created between two existing non-farm agricultural dwellings which are on similar sized lots on the same side of the road and are not more than 100 metres apart, or a single lot extension of an existing cluster of three or more lots each having less than 100 metres of frontage on the same side of the road, and where such dwellings existed prior to January 1st, 2003;
 - ii) creating lots of approximately 2 hectares in size within existing clusters of existing lots of 4 hectares to 12 hectares as of the date of adoption of this Plan.
- c) In addition to the lot creation policies in Section 8.3, the following policies shall apply:
 - i) the proposed retained and severed lands will have at least 60 metres of frontage.
 - ii) Where lands have been used for the spreading of bio-solids in the previous five years, a report confirming no residual contaminants shall be required in accordance with Section 7.3.
 - iii) the land shall not further restrict the ability of an adjacent farming operation to comply with its approved Nutrient Management Plan.
 - iv) New lots shall reflect the physical characteristics of the land and the lot pattern in the immediate vicinity and shall not adversely affect agricultural uses in the Township.

- v) Natural heritage features should not be fragmented where practical.

5.2.5 Development Policies

In addition to the Development Criteria in Section 7, the following policies shall apply:

- a) In assessing applications for any development severance, priority over the application will be given to the preservation of nearby agricultural operations.
- b) New residential developments of three lots or more shall require an amendment to this Plan and be developed in accordance with the *Estate Residential* and *Community* policies in Sections 5.3 and 5.4 respectively.
- c) Small scale, industrial and commercial developments in the *Rural* area shall be designed to maintain the historical and cultural character of the Township. In order to encourage the retention of existing agricultural buildings, Council may pass a Temporary Use By-law in accordance with Section 9.1 of this Plan, to permit an agricultural building that existed on the date of approval of this Plan to be used for a non-agricultural purpose, as a temporary use, provided that the intent of this Plan is met. In considering such development, Council will ensure that:
 - i) the exterior of the building is maintained and that the rural character of the surrounding lands is not changed. Prior to approving such development, Council shall require a report and preliminary building plans prepared by a professional architect or engineer outlining the extent of building renovations being proposed in order to ensure that the renovations required will comply with the Building Code;
 - ii) the use does not adversely impact the rural character of the surrounding lands in terms of noise, odour, dust or traffic;
 - iii) the proposed use does not adversely affect the continuation of agricultural uses on the surrounding lands;
 - iv) the building complies with the requirements of the Building Code for the form of occupancy proposed; and,
 - v) applications to permit new commercial or industrial uses must demonstrate by way of appropriate technical assessment that the location will be able to supply water in adequate quality and

quantity and sustain a sewage treatment and disposal system in accordance with the applicable legislated requirements.

Council may extend the Temporary Use By-law or may pass a By-law to permit the permanent use of the lands after three years where it has been demonstrated that the use satisfies the Objectives in Section 4.0 and 5.2.2 of this Plan.

- d) Site Plan Control will be applied to all industrial, recreational and commercial uses to ensure that the development is integrated into the rural environment and to ensure that agricultural buildings used for non-agricultural purposes are retained.
- e) The scale of non-residential uses in the *Rural* area shall be restricted by the amount of sewage effluent generated by the use. Small scale uses shall be defined as those uses which generate less than 10,000 litres of sewage effluent daily. Uses which generate larger volumes of sewage, or which generate non-domestic or hazardous effluent shall not be permitted in the *Rural* area which will include the submission of technical studies that addresses the feasibility of water and sewage services.
- f) New developments in the *Rural* designation, with the exception of agricultural operations and wayside pits and quarries, shall not result in traffic, noise, odour or dust which would change the character of the *Rural* area.
- g) The development of recreational facilities in the *Rural* area shall respect the open landscape characteristic and environmentally sensitive lands. Significant alteration of these features shall not be permitted in order to accommodate a recreational use. The development of recreational facilities that generate more than 10,000 litres per day of sewage effluent shall require an amendment to this Plan which will include the submission of technical studies that addresses the feasibility of water and sewage services.
- h) Agricultural operations having greater than 150 Animal Units or Nutrient Units shall be subject to the policies of Section 7.1.
- i) Golf Courses may be developed in the *Rural* designation by amendment to this Plan where the Development Criteria in Section 7.0, the Objectives in Section 4.0, and the criteria set out in Section 9.7 have been satisfied. In addition, the development or expansion of golf courses shall comply with the following criteria;
 - i) road access shall be from a paved public roadway system;

- ii) water for irrigation shall be obtained from surface run-off and surface sources rather than sub-surface sources;
- iii) the natural topography of the landscape shall be maintained except for minor modifications required for buildings, parking areas, tees and greens;
- iv) a buffer strip of undisturbed vegetation of not less than 15 metres shall be maintained adjacent to natural watercourses. Where the watercourse is identified as a cold water stream on Schedule B, a buffer strip not less than 30 metres shall be required.
- v) where development occurs within a valley or stream corridor, modification to the contours shall maintain the predevelopment characteristics of the flood plain;
- vi) applications shall be accompanied by the following:
 - a) a site and grading plan;
 - b) a hydrogeological report;
 - c) a landscape analysis and landscaping plan;
 - d) an environmental analysis;
 - e) a traffic impact analysis;
 - f) a supply and demand analysis; and
 - g) any other requirements of Council.
- vii) golf courses shall be designed to comply with the Audubon Golf Course certification program.
- j) New development proposed in or adjacent to high potential aggregate deposits or areas designated as Extractive Industrial shall not preclude or hinder the establishment of new operations or access to the resources.

5.2.6 Zoning

- a) The Zoning By-law shall place lands in the appropriate Zone to recognize the different uses permitted within this designation.
- b) The Minimum Distance Separation Formulae I and II (MDS I and MDSII) will not be applied to barns and manure storage on lots that are used primarily for residential purposes that have an accessory small scale farm having a maximum of 2 livestock units.
- c) The Zoning By-law shall provide Minimum Distance Separation (MDS) requirements for agricultural operations. The Zoning By-law shall also provide a special setback for agricultural operations from specific residential zones.

5.3 ESTATE RESIDENTIAL

5.3.1 Identification

The *Estate Residential* designation is intended to recognize existing estate residential lots in plans of subdivision and provide policies where this form of development is planned for in the future. New estate residential will generally be associated with areas having interesting topography and mature trees.

5.3.2 Objectives

- a) To identify areas where estate residential subdivisions have occurred in the Township.
- b) To guide residential growth in a manner that will be sustainable, preserve the rural character and be compatible with the natural environment and surrounding land uses.

5.3.3 Permitted Uses

The predominant use of land in the *Estate Residential* designation shall be single-detached residences. Other uses permitted in the *Estate Residential* designation include:

- a) Public parks and recreational facilities,
- b) Lower tier municipal uses;
- c) Home occupations.

5.3.4 Additional Estate Residential Lands

Additional lands may be designated *Estate Residential* through an amendment to the Official Plan. Lands designated *Agricultural*, *Extractive Industrial* or lands within 1 km of any settlement area will not be considered for future *Estate Residential* development. Consideration of new *Estate Residential* development shall include an assessment of:

- a) adjacent land use and features, such as natural topography, natural heritage features, major river valleys, or significant forest areas including buffering options to prevent land use conflict.
- b) the need for additional lots based on the number, distribution and density of vacant lots in the Township;
- c) the additional lots that may be created in conformity with this Plan; and

- d) the consequences of the development of the lots with regard to the Growth Management objectives of Section 8 of this Plan.
- e) the impact of the development on agricultural uses based on Minimum Distance Separation Formulae I and II (MDS I and MDS II).
- f) the appropriate servicing for the site, including water supply and sewage disposal, as outlined in Section 8.7 of this Plan.

5.3.5 Severance Policies

New development in the *Estate Residential* designation shall occur by Plan of Subdivision. There shall be no lots created by severance in the *Estate Residential* designation. Lots within plans of subdivision which have been created through the subdivision approval process shall not be further divided into new lots

5.3.6 Development Policies

In addition to the Development Criteria in Section 7, the following policies shall apply:

- a) Lot size and density shall minimize land consumption and reduce servicing costs. In addition to the Development Criteria in Section 7, lot size, pattern and density shall be supported and determined by a detailed hydrogeological study and other studies as determined and completed to the satisfaction of Council to address planning considerations such as design, servicing of the site and stormwater management.
- b) The depth of any lot should not exceed four times the frontage.
- c) The existing topography or vegetation shall provide sufficient screening so that a minimum number of dwellings can be viewed directly from main roads and the visible landscape remains unimpaired. Where the existing topography and vegetation provides no visual buffering adjacent to existing roads, tree screening and earth berms shall be provided in order to shield dwellings from passing traffic and to create as much privacy and enclosure as possible.
- d) Council may require a Tree Preservation Plan to preserve existing mature trees and provide for reforestation so that a substantial proportion of the area of each lot is tree covered.

- e) The natural topography, surface drainage pattern and vegetative cover shall be an essential consideration in the layout of the road system, lot pattern and design of proposed units.
- f) Lands to be developed for estate residential purposes shall have direct access to an external paved road system. Access to individual lots or units shall be from paved internal public roads.
- g) New development proposed in or adjacent to high potential aggregate deposits or areas designated as Extractive Industrial shall not preclude or hinder the establishment of new operations or access to the resources.

5.3.7 Zoning

Estate Residential lots shall be placed in an Estate Residential Zone, which will reflect an appropriate range of uses and regulations for these lots.

Site specific Zones may be used to reflect the results of the studies prepared in support of any development application.

5.4 COMMUNITY

5.4.1 Identification

The existing communities in the Township provide an important residential, commercial and social function to residents of the Township. The boundaries of the *Community* areas of the Township of East Garafraxa are identified on Schedule A, A-1 and A-2.

A mix of residential, commercial, open space, environmental protection and small scale institutional uses are encouraged within the *Community* boundaries.

5.4.2 Community Designations

Within the Communities there are three specific designations that apply only to the lands within the *Community* boundaries as shown on Schedules A-1 and A-2. These designations are:

- *Community Residential*
- *Community Commercial*
- *Community Institutional*

Lands not designated with a *Community* designation that falls within the *Community* boundaries are subject to the policies of the respective designation.

Within the Communities the Employment Area, Open Space, Rural and Environmental Protection designations may also apply as shown on Schedules A-1 and A-2.

5.4.2.1 ***Community Residential***

Land in the *Community Residential* designation may be used for the following:

- a) Single-detached residential dwellings;
- b) Home occupations; and
- c) Public open space.

Lot size and density in *Community Residential* areas shall minimize land consumption and reduce servicing costs. In addition to the Development Criteria in Section 7.0 and Growth Management policies in Section 8.0, lot size, density and pattern shall be supported and determined by a detailed hydrogeological study and other studies as determined and completed to the satisfaction of Council to address planning considerations such as design, servicing of the site and stormwater management.

Residential development by registered plan of subdivision will be encouraged. However, infilling or minor expansions through the creation of lots by severance may be permitted subject to the approval of the sewage and water services by the appropriate authority.

5.4.2.2 *Community Commercial*

Commercial uses within the communities should be of a size and nature that reflects the role of the community as a local service centre. Commercial uses that attract tourism are also encouraged provided that the size of these uses is in keeping with the character of the community. Permitted commercial uses shall include:

- a) retail stores and food services;
- b) automotive and service uses
- c) professional and administrative offices;
- d) residential uses accessory to commercial uses;
- e) larger retail uses serving the agricultural community, and,
- f) existing residential uses

All new Commercial uses shall be subject to site plan control.

5.4.2.3 *Community Institutional*

Community Institutional uses are intended to provide a focus for social activities within the Township and to serve the Community and surrounding areas.

Permitted uses include:

- a) public schools;
- b) places of worship;
- c) community halls;
- d) municipal facilities;
- e) public parking areas; and,
- f) medical facilities.

5.4.3 Drainage

Council shall require that proposals for new development within the Community of Marsville and Orton be accompanied by an evaluation of drainage issues.

5.4.4 Severance Policies

Development within the *Community* shall generally occur by Plan of Subdivision. Infilling lots and development consisting of a maximum of three lots may be created by consent.

5.4.5 Development Policies

In addition to the Development Criteria in Section 7, the following policies shall apply within the *Community* designation:

- a) the rate of growth in each *Community* shall not exceed that provided for in Section 8.
- b) Expansion of legally existing uses in *Community* areas, which are incompatible due to noise, odour or other emissions, will be discouraged.
- c) New development shall be designed to maintain the small-town character of Marsville and Orton. The built form and building materials should reflect the Communities' character. Greater attention will be given to streetscape and landscape elements on developments within the *Community* areas. Site Plan control may be used to regulate development in a manner that reflects the character of the community and respects the neighbouring uses.
- d) Development standards in the *Community* of Marsville and Orton shall be in accordance with the Townships Road and Development Standards and detailed design criteria established by Council for use in development review.
- e) Community development shall be planned to provide a continuous open space and parks system within the community. Parks that serve the Communities should be linked through Environmental Protection corridors.

5.4.6 Zoning

Residential, Commercial, Institutional, Open Space, Environmental Protection, Employment Area and Recreational uses will be placed in separate zones in the implementing Zoning By-law.

The Zoning By-law will be used to limit uses and floor space as well as providing specific regulations that will ensure that new development is compatible and in keeping with the general character of the Communities.

5.5 EMPLOYMENT AREA

5.5.1 Identification

Employment Areas are used for larger scale industrial, commercial and institutional development. They have high exposure to traffic and are easily accessible. The following policies shall apply to those lands having an *Employment Area* designation on Schedules A, A-1 and A-2:

5.5.2 Objectives

- a) To encourage dry industrial and commercial development that will provide a variety of opportunities for employment and economic growth in the Township of East Garafraxa.
- b) To direct and focus large-scale commercial, industrial and institutional uses to specific areas in the Township where those uses will benefit from roadway exposure and be compatible with adjacent land uses.
- c) To provide development criteria to minimize potential land use conflicts and ensure an attractive and functional employment area.

5.5.3 Permitted Uses

Lands in the *Employment Area* designation may be used for the following:

- a) manufacturing, assembly, clean processing, recycling, warehousing and materials storage, including contractors yards, transportation terminals, and other similar facilities associated with buildings and structures;
- b) accessory retail sales, offices, cafeterias and other accessory uses that are smaller in scale and that are located on the same lot as the primary industrial use to which they are incidental;
- c) free-standing business oriented sales, service and office operations such as vehicle, machinery and equipment sales, service and leasing operations, printing, telecommunication and electronic data processing facilities, and vehicle fuel retailing operations;
- d) business and professional offices;
- e) specialized retail outlets;
- f) restaurant facilities;
- g) hotels and motels;

- h) open space, recreation uses;
- i) fire halls, police and ambulance stations, utilities and similar facilities;
- j) automotive commercial uses, such as service stations, automotive sales and service, including mechanical and body repair, recreational vehicle or trailer sales and service, car rental outlet;
- k) building materials outlets, gardening supply, nursery centres, and other similar uses;
- l) existing legal residential uses; and
- m) accessory residential use;

5.5.4 Prohibited Uses

Prohibited uses include the following:

- a) scrap, salvage or wrecking yards or facilities;
- b) the manufacture of asphalt and petroleum refinery operations;
- c) the extraction or storage of hazardous or potentially hazardous materials;
- d) the extraction or storage of mineral aggregates;
- e) noxious uses; and
- f) residential lots.

5.5.5 Severance Policies

- a) new lots shall be of a sufficient size to accommodate the appropriate sewage and water systems, on-site storm water management, parking, loading and buffering from adjacent uses.
- b) new lots should not be created without consideration for area wide storm water and transportation impacts of the development.
- c) where the proposed development requires the extension of municipal roads or other services, a plan of subdivision shall be required. Subsequent development by part lot control or consent will be considered only where servicing and land use compatibility issues can be addressed.

5.5.6 Development Policies

Site Plan control will be used to regulate development in a manner that reflects the character of the community and respects surrounding land uses. Site plan control will be used to incorporate the following features:

- a) increased setbacks along the road having the greater standard of design and construction to provide adequate areas for landscaping and buffering;
- b) building design that reflects the rural character of the Township;
- c) landscaping designed by a professional landscape architect; and
- d) signs and lighting that minimize the visual impact on surrounding uses.

5.5.7 Buffering

All *Employment Area* uses shall minimize the noise, visual, traffic, pollution and other related nuisances and hazards arising there from. Industrial uses that are in proximity to non-industrial uses shall provide to the satisfaction of the Township, a combination of the mitigation measures to reduce any potential negative impacts that the development may have on these non-industrial uses. These measures may include landscaping, fencing or berming between potentially incompatible uses; and; appropriate building design and siting.

Where residential land or other sensitive land uses are within the distances identified below from proposed Employment Area uses, an assessment of the potential impact of the industrial use and mitigation measures to prevent adverse effects that may be experienced shall be required accordance with the Ministry of Environment Guidelines:

<u>TYPE OF USE</u>	<u>AREA OF INFLUENCE</u>
a) Class III (Heavy industrial uses) Large scale manufacturing or processing industries, characterized by major annoyances and high probability of fugitive emissions	1000 metres
b) Class II (Medium industrial uses) Medium scale processing and manufacturing including outdoor storage, associated with minor annoyances including noise, odour, dust, vibrations and low probability of fugitive emissions	300 metres

- c) Class I (Light industrial uses)
Small scale, self-contained plants or buildings
having a low probability of fugitive emission,
and has no outdoor storage 70 metres

Where an impact assessment study recommends larger setbacks, such larger setbacks shall be considered the appropriate minimum setbacks for industrial development from residential or other sensitive land uses. Should a technical assessment be undertaken that demonstrates, that either the full distance is not required and/or mitigation measures will be applied to minimize any anticipated adverse effects, site-specific notification shall be implemented to deal with future changes in uses which would not normally require rezoning.

5.5.8 Infrastructure and Amenities

Development in the *Employment Area* designation shall be designed so as to incorporate the following:

- a) water supply servicing;
- b) sanitary sewage servicing;
- c) appropriate storm drainage works;
- d) appropriate outdoor lighting, sidewalks, walkways and landscaping;
- e) off-street parking, including parking for the disabled, loading, service and other similar areas that have routes, roadway access and internal driving aisles accessible at all times and that ensure that all vehicle movements are accommodated off the public roads while being compatible with adjacent land uses; and,
- f) any other services, works or consideration the Township may deem appropriate or that are required elsewhere in this Plan.

5.5.9 Zoning

Employment Areas will have commercial, industrial and institutional zoning to reflect the existing uses and provide for reasonable expansions to those uses

The Zoning By-law shall contain provisions including adequate setbacks from specific land uses, property lines, parking and loading requirements, landscaped area or buffering requirements, prohibition of nuisances, and regulations for outside storage.

5.6 EXTRACTIVE INDUSTRIAL

5.6.1 Identification

This Plan recognizes all existing pits, other than wayside pits, with licenses issued in accordance with the Aggregate Resources Act and high potential aggregate resources. New *Extractive Industrial* operations, including peat extraction operations will require an amendment to this Plan. The following policies outline conditions under which pits and peat extraction activities may operate and expand and where new extractive operations may be considered.

5.6.2 Objectives

- a) To identify areas where extractive operations presently exist in the Township.
- b) To protect high potential aggregate resources for their future use from potentially incompatible uses.
- c) To provide criteria for the future development of extractive operations in order to minimize their impact on the natural landscape and existing land uses.

5.6.3 Permitted Uses

The predominant use of land in this category shall be for the extraction of gravel, sand, other aggregate or mineral resources and peat. Permitted uses include;

- a) Aggregate extraction operations, in accordance with the Aggregate Resources Act;
- b) Existing uses;
- c) Agricultural operations;
- d) Peat extraction;
- e) Forest, fisheries and wildlife management;
- f) Outdoor recreational uses;
- g) Public roads and infrastructure
- h) Wayside pits and quarries and portable asphalt plants.

5.6.4 Severance Policies

New lots in the Extractive Industrial designation shall be discouraged. The consolidation of existing parcels in the Extractive Industrial designation shall be encouraged.

5.6.5 Development Policies

Development of new *Extractive Industrial* uses outside of the *Extractive Industrial* designation shall proceed by Official Plan Amendment only. When considering applications for new aggregate resource extraction uses, preference shall be given to those areas identified as High Potential Aggregate Resource on Schedule B.

Where lands are identified as High Potential Aggregate Resources on Schedule B, Council shall consider the impact of non-aggregate uses on the ability to extract aggregates from the lands prior to permitting such uses. Non-aggregate uses will only be permitted where it can be demonstrated that those uses will not adversely affect the availability and extraction of aggregate resource in the Township in the future.

When considering applications for peat extraction, Council shall require the submission of detailed site, staging and after-use plans to the satisfaction of Council in consultation with the Conservation Authority.

In addition to the Development Criteria in Section 7, the following policies shall apply to the development of new extractive operations, the expansion of existing extractive operations and/or amendments to existing operation:

- a) In order to preserve the scenic beauty and amenity of the area, extractive operations will generally be restricted to areas that can be screened from the public view.
- b) *Extractive Industrial* operations will generally be setback from any adjoining residential property and lands designated *Estate Residential* and *Community Residential* designation. Where a proposed extractive industrial operation is proposed within 300 metres of sensitive land where land use compatibility issues may arise, Council will require studies that will assess the potential impacts of aggregate uses on the adjoining lands and will establish buffer areas and distances based on the results of those studies
- c) No quarry, excavation of aggregate or peat shall occur within 30 metres of the limit of any road right-of-way and 15 metres from any adjoining property line unless the adjoining property is also zoned for *Extractive Industrial* uses in which case the setback may be eliminated

- d) Residential development, other than development on existing lots or draft plan approved lots, and other forms of development that may be incompatible with the extractive industrial operation, will not be permitted to establish within 120 metres of licensed extractive areas.
- e) All extractive industrial uses must satisfy the requirements of the Ministry of Environment and Energy with regard to use and impact on ground and surface water, disposal of liquid wastes, noise, dust and control of air pollution and other matters, and the requirements of the Aggregate Resources Act.
- f) Aggregate extraction may occur in *Agricultural* area through an amendment to this Plan provided that rehabilitation of the site is carried out and approximately the same acreage and average soil capability for agriculture are restored.
- g) Wherever possible, rehabilitation shall be progressive as the extraction proceeds. Where it is not practical to rehabilitate immediately to the planned after use, interim rehabilitation shall occur.
- h) Extractive operations including wayside pits and associated haul routes shall satisfy the following criteria:
 - i) The protection of sensitive ecological, geological, historic and archaeological sites or areas on, or adjacent to the proposed site,
 - ii) The protection of surface and groundwater resources,
 - iii) The maintenance and rehabilitation of *Agricultural* areas;
 - iv) The minimization of adverse impact of extractive and accessory operations on existing and approved residential development,
 - v) The preservation of the natural and cultural landscapes as much as possible during extraction and after rehabilitation, and
 - vi) Maximum safety and the prevention of traffic conflicts on haul routes.
- i) As a condition of the license, the extractive operation shall be screened while it is in progress and prior to extraction in a manner compatible with the surrounding visual environment. Screening shall satisfy the following criteria:
 - i) Overburden material supplemented with native tree and shrub plantings should be utilized for screening purposes.

- ii) Tree screen plantings are to be of compatible species and sizes to permit only very limited visual contact from the surrounding landscape. Native species should be used wherever possible.
 - iii) All plantings should be properly maintained to ensure continued survival and good growth rates.
 - vi) Where an existing forest is to be considered as an effective screen along the perimeter of the site, provisions shall be included in the Aggregate License protecting the forested area being used as a natural screen.
- j) For the purposes of this Plan a wayside pit shall mean:
- a temporary pit opened and used by or for a public road authority solely for the purpose of a particular project or contract of road construction and not located on the road right-of-way.*
- k) An application for a wayside permit shall be accompanied by;
- i) confirmation of the specific road projects for which the aggregate is required;
 - ii) a sketch map drawn to scale indicating property features, present pit areas, excavation faces, areas to be excavated and other areas to be used; and,
 - iii) a rehabilitation statement or plan compatible with the proposed operation and land use in the area.
- l) The opportunity to use existing aggregate including abandoned pits shall be encouraged.

5.6.6 Special Policy for East Half Lot 2, Concession 17, West Half Lot 2, Concession 16, and West Half of Lot 2, Concession 18

On the above-noted properties, a processing plant for aggregate material and/or concrete batching plant will be permitted, but shall not be located within 90 metres of an existing residence or property zoned for residential purposes and within 30 metres of any boundary of the property on which the operation is being carried out. Council may at its discretion reduce these requirements.

5.6.7 Zoning

Existing *Extractive Industrial* uses will be zoned specifically in the Zoning By-law.
New extractive uses will require an amendment to the Zoning By-law.

5.7 ENVIRONMENTAL PROTECTION

5.7.1 Identification

The *Environmental Protection* designation includes lands that are environmentally sensitive and those used for outdoor recreation. The outdoor amenities of the Township include passive parks and trails. The *Environmental Protection* designation includes:

- a) Areas with physical constraints to development such as poor drainage, organic soils, flood susceptibility, erosion, steep slopes or any other physical condition which is hazardous to potential development;
- b) Fish habitat;
- c) Significant portions of the habitat of threatened or endangered species and other areas of significant wildlife habitat;
- d) Areas of Natural or Scientific Interest (ANSI);
- e) Environmentally Sensitive Areas (ESA);
- f) Wetlands;
- g) Significant forest areas; and

These areas are shown as, *Environmental Protection* on Schedule A, A-1 and A-2. Environmental Features are identified in greater detail on Schedule B to the Official Plan.

5.7.2 Objectives

- a) To protect and enhance the *Environmental Protection* areas and natural heritage features in the Township of East Garafraxa;
- b) To establish criteria regarding the scope, content and evaluation of Environmental Impact Assessments undertaken in support of development within and adjacent to important natural features in the Township and to prohibit development where the proposal would have a negative impact on the functions, features or linkages of the *Environmental Protection* areas;
- c) To encourage the maintenance and improvement of public and privately owned lands to provide for a sustainable natural ecosystem throughout the Township.

5.7.3 Permitted Uses

Uses permitted within the *Environmental Protection* designation include:

- a) Existing agricultural operations;
- b) Legally existing uses;
- c) Single-detached dwellings on existing lots subject to rezoning where such zoning satisfies the requirements of this Plan;
- d) Passive recreation uses such as nature viewing and trail activities, that do not require buildings or structures or involve the use of motorized vehicles and do not adversely affect the environment, soil or topography or impact on nearby agricultural uses;
- e) Forest, wildlife and fisheries management and archaeological activities;
- f) Essential transportation and utility facilities;
- g) Passive recreational and eco-tourism related uses such as trails and interpretive facilities.

The *Environmental Protection* designation recognizes existing uses. New agricultural operations will not be permitted if located entirely within the *Environmental Protection* designation.

5.7.4 Severance Policies

New lots shall not be permitted within the *Environmental Protection* areas except through acquisition by a public body. Severances may be permitted for the purpose of correcting title or enlarging existing lots.

Creation of three lots or less adjacent to or partially including lands designated *Environmental Protection* will require the preparation of a scoped Environmental Impact Assessment, as outlined in Section 7.7 of this Plan and prepared to the satisfaction of Council.

5.7.5 Development Policies

In addition to the Development Criteria in Section 7, the following policies shall apply:

- a) Council encourages the continued development of and improvement to the trails and passive recreational uses in the Township provided that

- they are in harmony with the open landscape character and are sensitive to the natural environment.
- b) Golf courses may be developed to include lands designated *Environmental Protection* by amendment to this Plan, provided that the Environmental Protection lands are adequately buffered to prevent intrusion by persons using the adjacent lands and the provisions of Section 5.2.5(j) are met.
 - c) Development proposed in or adjacent to an area designated Environmental Protection will require an Environmental Impact Assessment to demonstrate that there will be no negative impacts on the features and functions of the Environmental Protection area. Buffering of the features may be required to mitigate predicted impacts.
 - d) The Township will seek technical advice of the appropriate review agencies, including the appropriate Conservation Authorities when dealing with development proposals in or adjacent to this designation, and such review shall be at the cost of the applicant.
 - e) Where new development is proposed on a site that includes areas designated *Environmental Protection* because of physical or environmental hazards, the hazardous lands shall not be included as part of the dedication for parkland provided for in the Planning Act.
 - f) In considering development proposals on lands containing important natural heritage features and ANSI's shown on Schedule B, Council may require the conveyance of portions of the natural heritage features to a public agency or otherwise setting the lands aside for non-development purposes.
 - g) Any development of permitted uses within *Environmental Protection*, as identified on Schedule A, A-1 and A-2, should be such that the ecological, educational or interpretive values of such areas are substantially maintained.
 - h) All development adjacent to the *Environmental Protection* areas shall be subject to Site Plan Control. Site Plan Control may not be required for a single detached dwelling on an existing lot of record.

5.7.6 Zoning

The Zoning By-law will recognize legally existing uses within the *Environmental Protection* designation and may provide for limited expansions of those uses. Environmentally sensitive lands will be recognized through an environmental protection zone. New development within *Environmental Protection* will require an Amendment to this Plan and the Zoning By-law except where, at the time of adoption of this Plan plans for development have been approved by the

appropriate authority.

5.8 OPEN SPACE

5.8.1 Identification

- a) To encourage parks throughout the Township.
- b) To provide sufficient lands to meet the recreational needs of the population; and,
- c) To protect sensitive environments within the Township.

5.8.2 Permitted Uses

- a) The *Open Space* designation includes, neighbourhood parks, parkettes and open space linkages. Lands designated *Open Space* shall be used primarily for active and passive recreational purposes.
- b) Community recreation centres, public utilities and stormwater management facilities may also be permitted on lands designated *Open Space*.

5.8.3 Severance Policies

Lands designated Open Space should only be divided where it is necessary to do so in order to improve the lands for public parks and open space uses.

5.8.4 Development Policies

- a) The intent of the *Open Space* designation is to establish an identifiable and continuous open space network through the Township. The open space network is intended to integrate, wherever possible, environmental features with parks to provide opportunities for active and passive recreation.
- b) Certain lands included within the *Open Space* designation are shown on Schedule A, Schedule A-1 and Schedule A-2. The actual locations, configurations and boundaries of the Community Park, Neighbourhood Parks, Parkettes and open space linkages shall be established in plans of subdivision and in the zoning by-law.
- c) All lands dedicated to the Township shall be conveyed in a physical condition acceptable to Council. When an open watercourse is involved in an area to be dedicated, Council may require that easements for access to and maintenance of watercourses be dedicated to the Township as a condition of approval.

- d) Parks or portions thereof may be designed to include stormwater quantity/quality control features. Where stormwater quantity/quality control features are included in parks, the design of such features will be subject to the approval of the Township, in consultation with the Conservation Authority. The stormwater control features portion of the park shall not be included as part of the parkland dedication.
- e) Where any lands included within the *Open Space* designation are under private ownership, it shall not be construed that these sites are free and open to the public, nor that they will be acquired by the Township or any other authority.
- f) Neighbourhood parks are identified as *Open Space* on Schedule A, Schedule A-1 and Schedule A-2. They are expected to provide a mix of active and passive recreational activities and may incorporate a community recreation centre. Neighbourhood parks are to be located adjacent to schools, natural areas and/or environmental features wherever possible. Neighbourhood parks must have sufficient frontage on a public road to ensure visual contact with the entire park;

5.8.5 Zoning

Open Space uses will be placed in a separate zone.

6.0 TRANSPORTATION AND UTILITIES

This section should be read in conjunction with Schedule A - Land Use and Transportation, Schedule A-1 and Schedule A-2.

6.1 MUNICIPAL STANDARDS

The Township will not open or maintain roadways that are not constructed to municipal standards. New roads developed within plans of subdivisions will be constructed to Township standards by those developing the lands at the applicants expense. All new plans of subdivision shall be accessible from a paved road system.

- a) Where possible, equal amounts of widening will be required from either side of the road allowance, but in specific cases, it may be necessary to deviate from this policy where physical characteristics of the land make it impossible. In such cases, it may be necessary to acquire more than half or even all of the total required widening from one side in order to attain the full width required.
- b) Sight triangles shall be provided at all intersections as follows, or as required by the roads authority:
 - i) Intersections between Township and Township Roads
- 10.0 m by 10.0 m
 - ii) Intersections between Township and County Roads
- 15.0 m by 15.0 m
 - iii) Intersections between County Roads and County Roads
- 30.0 m by 30.0 m
- c) All new septic system tile fields shall be kept to a minimum 10 meters back from all original County and Township road allowances to protect the Township from relocation costs during any road rebuilding operations.
- d) All entrances onto Township roads must meet Township entrance standards.

6.2 COUNTY ROADS

- a) Wherever possible, County Roads shall have a minimum 30.5 metre (100') Road Allowance. Existing County road allowances less than 30.5 metres wide may require widening where possible to bring them up to standard.
- b) Access to County Roads shall be permitted in accordance with County policies and design criteria.

6.3 TOWNSHIP ROADS

- a) All Township side roads and concession roads shall have a minimum 26 metre road allowance. In certain areas a wider Road Allowance may be required to provide sufficient area to ensure proper grades and stabilization of slopes due to topography or environmental conditions. The Township will require dedication of lands to achieve this road allowance width as a condition of land division or site plan approval.
- b) Local roads within plans of subdivisions and in community areas shall have a minimum 20 metre road allowance.

6.4 PRIVATE ROADS

New building lot creation by severance or subdivision will not be permitted on private roads.

Building permits will not be issued for lands that do not have frontage and safe and adequate access to a year-round maintained municipal road.

6.5 ROAD IMPROVEMENTS

- a) The Township shall assess existing roads and intersections with a view to improve such aspects as grade, alignment, sight distance, access and traffic flow.
- b) The Township shall monitor the condition of roads and bridges and plan for their repair or replacement as will be required to maintain the road system.

6.6 DEVELOPMENT POLICIES

The following development criteria shall apply to all transportation and utility facilities:

- a) All new and reconstructed transportation and utility facilities shall be designed and located to minimize impacts to the environment and be consistent with the objectives of this Plan. Site and design guidelines include the following:
- i) In plans of subdivision, grading and tree removal should be minimized where possible through sensitive road alignment.
 - ii) New Roads should be designed to ensure that there are no negative up or down stream flood impacts and will remain flood free under Regional Storm conditions.
 - iii) Finished slopes should be graded to a 3 to 1 slope or less and covered with vegetation. Large cuts should be terraced to minimize surface erosion and slope failure.
 - iv) Site rehabilitation should use native species of vegetation and blend into the surrounding landscape.
 - v) Vegetation screens should be used where feasible provided that they do not interfere with vision or create problems with blowing snow.
 - vi) Transportation and utility structures should be sited and designed to minimize visual and environmental impacts. The effects of blowing snow shall be considered in all road design.
 - vii) A development setback from the top of bank for utility structures will be required to minimize visual impacts.
 - viii) The visual impact and environmental impact of utility structures should be minimized by siting, structural design, coloration, landscape planting and other mitigation techniques.
 - ix) The Township or County road standards may be modified to accommodate physical, environmental or natural features.
 - x) New road systems should be through roads. The use of cul de sacs shall be discouraged.
- b) New transportation and utility facilities such as gas, telephone, cable services should avoid *Environmental Protection Areas* wherever possible. However, these uses shall be permitted in all designations.
- c) Wherever possible, communication facilities shall utilize existing towers and share facilities.

7.0 DEVELOPMENT CRITERIA

The following policies apply to all of the lands within the Township of East Garafraxa. Due to the scale of the mapping, the precise limits of the environmental features and exact locations of contaminated and hazard lands shall be determined by on-site inspection by the appropriate authority.

In addition to meeting all applicable Federal, Provincial, County and Township requirements including health and servicing requirements, and having regard for the Provincial Policy Statement issued under Section 3 of the Planning Act, all applications for development and land division will be subject to the following policies:

7.1 AGRICULTURAL LIVESTOCK OPERATIONS

Where livestock operations are permitted, livestock operations having 2.5 animal units per hectare (1 unit per acre), or greater than 150 nutrient units in accordance with the regulations to The Nutrient Management Act and any other applicable legislation, shall only be permitted where the operation:

- a) meets the Minimum Distance Separation Formulae;
- b) has an approved Nutrient Management Strategy.
- c) has an approved Environmental Farm Plan ;
- d) Meets the specific regulations as may be implemented through site specific zoning;
- e) Has been shown through a hydro-geological study and a Nutrient Management Plan to not affect groundwater quality or quantity; and,
- f) Where the use exceeds 150 nutrient units, a site plan agreement is registered against the lands.

7.2 AREAS OF NATURAL AND SCIENTIFIC INTEREST

In accordance with the Provincial Policy Statement, development and site alteration will only be considered in ANSIs and on lands within 120 metres of an ANSI where:

- i) an Environmental Impact Assessment has been prepared;
- ii) the development does not significantly alter the natural topography or geological features of the earth science ANSI;
- iii) the development does not result in negative impacts on the natural features or ecological functions or cause harmful disruption to any life science ANSI;
- iv) methods are employed to minimize the impact of the use on the values for which the site has been identified;

7.3 BIOSOLIDS

There shall be no spreading of biosolids, waste vegetables, restaurant waste or other waste except under agreement with the Township of East Garafraxa. Council shall require a certificate confirming that a Nutrient Management Plan has been approved by the appropriate approval authority prior to passing a By-law to permit the spreading of bio-solids.

Under no circumstance, shall the application of biosolids be permitted in areas of groundwater sensitivity, as shown on Schedule B as Areas More Vulnerable to Contamination.

Where lands have been used for the spreading of biosolids in the past 5 years approval of severances, Official Plan Amendments and Zoning By-law Amendments shall be contingent on a report completed by a qualified professional confirming that the soil and ground water is not contaminated from heavy metals or bio hazards in accordance with Provincial guidelines for human habitation and potable water.

7.4 COMPATIBILITY

New development must be compatible with surrounding land uses. Proposals for development may be required to provide an assessment of the impact of the proposed development on the adjacent land uses including noise, odour, dust, traffic, character, scale and the visual impact of the proposal.

Where industrial and large scale commercial uses locate in the vicinity of sensitive land uses, such as schools and residential development, studies shall

be required to assess the impact of these uses and to provide recommendations regarding appropriate setback distances and mitigation measures in accordance with the provisions of Section 5.5.7 of this Plan.

7.5 CUMULATIVE IMPACTS

Development may be permitted where:

- a) The long-term capacity of the site can support the use without a negative impact on environmental features, functions and attributes such as, water quantity and quality, natural vegetation, soil, wildlife, population, visual character and cultural heritage features;
- b) The cumulative impact of development will not have detrimental effects on the environment including water quality and quantity, vegetation, soil, wildlife, and the natural landscape;

7.6 DEER YARDS

- a) Within and adjacent to the deer yards shown on Schedule B, development shall only be permitted where it can be demonstrated to the satisfaction of Council that the development will not remove critical deer wintering habitat. Development should avoid areas of dense conifer cover. The Township may seek technical advice or a peer review or review by the appropriate review agencies and such review shall be at the cost of the applicant.
- b) Where any development and site alteration is proposed within significant deer habitat areas shown on Schedule B, Council shall require the submission of an Environmental Impact Assessment prepared by a qualified biologist. The recommendations of that report may be implemented through site specific zoning and site plan control.

7.7 ENVIRONMENTAL IMPACT ASSESSMENT

- a) An Environmental Impact Assessment shall be required where development and site alteration is proposed within 120 metres of a Provincially Significant Wetland, 120 metres of the significant habitat of threatened and endangered species, or where they are proposed in or adjacent to other wetlands, significant forest areas, significant wildlife habitat, significant valleylands, significant Areas of Natural and Scientific Interest or fish habitat. For the purposes of this section, adjacent to is defined as:
 - 30 metres for any other wetlands
 - 50 metres for significant forest areas

- 50 metres for significant wildlife habitat
- 50 metres for significant valleylands
- 30 metres for fisheries habitat
- 120 metres for significant Areas of Natural and Scientific Interest.

b) All Environmental Impact Assessment shall be undertaken by qualified professionals in accordance with the policies of this Plan and shall include a description and analysis of the following:

- i) The proposed development;
- ii) The boundaries of the natural features and ecological functions of the area potentially affected directly and indirectly by the development;
- iii) The sensitivity of the features and functions to development;
- iv) The direct and indirect effects to the ecosystem that might be caused by the development;
- v) Any environmental hazards (i.e. slope, flooding contaminants) that need to be addressed as part of the development;
- vi) Identification and evaluation of measures to avoid and minimize impacts and mitigation measures to be employed before and after development;
- vii) A Management Plan identifying how adverse effects will be avoided or minimized over the construction period and the life of the undertaking; and, how environmental features and functions will be enhanced where appropriate. The Management Plan should describe the net effect of the undertaking after implementation of the Management Plan. The Management Plan shall also establish the limits of buffers and/or setbacks adjacent to the environmental resource; and
- viii) Any monitoring that may be required to ensure that mitigating measures are achieving the intended goals.

c) Where major developments such as subdivisions or developments that require an Official Plan Amendment are proposed detailed

Environmental Impact Assessments shall be undertaken by qualified professionals and shall contain specific detailed information regarding the hydrogeological, and biological functions and linkages related to the following features:

- i) wetlands;
 - ii) habitat of endangered and threatened species;
 - iii) fish habitat;
 - iv) deer yards;
 - v) significant forested areas;
 - vi) valley and stream corridors;
 - vii) significant wildlife habitat; and,
 - viii) Areas of Natural and Scientific Interest.
- d) Minor development proposals requiring rezoning, minor variance, consent to sever land or site plan approval may only need to be supported by a Scoped Environmental Impact Assessment. A Scoped Environmental Impact Assessment shall identify and address all of the issues that would be studied in a Detailed Environmental Impact Assessment. A Scoped Environmental Impact Assessment may take the form of a letter or a checklist prepared by a qualified professional provided there is little or no impact associated with the proposed development.
- e) Prior to approving a development on the basis of an Environmental Impact Assessment, Council shall be satisfied that the proposed use will:
- i) not discharge any substance that could harm air quality, groundwater, surface water and plant and animal life;
 - ii) be supplied by an adequate supply of water and that the groundwater taking associated with the use will not harm existing water supplies and plant and animal life;
 - iii) not cause erosion or siltation of watercourses or changes to watercourse morphology;
 - iv) not interfere with groundwater recharge to the extent that it would adversely affect groundwater supply for any use;

- v) not cause an increase in flood potential on or off the site;
- vi) maintain, enhance or restore the natural condition of affected watercourses and protect aquatic habitat;
- vii) not encourage the demand for further development that would negatively affect wetland function or contiguous wetland areas;
- viii) enhance and restore endangered terrestrial and aquatic habitat where appropriate and feasible; and
- ix) demonstrate that there will be no negative impacts resulting from the proposed use on the significant natural features that are identified on Schedule B to this Plan.

7.8 FISH HABITAT

Water resources and vegetation abutting watercourses will be maintained in a clean and healthy condition to protect aquatic life and functions. Development adjacent to significant fish habitat areas shall demonstrate the following to the satisfaction of Council

- a) net gain or no net loss of productive capacity of fish habitat;
- b) maintenance of minimum base flow of watercourses;
- c) maintenance of existing watercourses in a healthy natural state;
- d) maintenance of vegetative buffers in accordance with the sensitivity of the fishery resource and development criteria; and,
- e) best available construction and management practices shall be used to protect water quality and quantity, both during and after construction. Treatment of surface run-off to maintain water quality and hydrological characteristics in receiving watercourses shall meet the standards established by the Ministries of Environment and Natural Resources.

7.9 FLOOD PLAINS

The following development criteria shall apply to development proposed within flood plains, as identified on Schedule B, and confirmed by the appropriate Conservation Authority:

- a) No building or structure shall be permitted in any areas susceptible to flooding, except watershed management and flood and erosion control projects and accessory buildings, structures, facilities and site modifications carried out or supervised by a public agency.

- b) Watershed management and flood and erosion control projects shall be carried out in accordance with the standards, policies or guidelines of the Ministry of Natural Resources and/or Conservation Authority. Where possible, such projects should be designed and located to avoid or minimize the impact on wetlands, wildlife habitat, source areas, streams, steep slopes and other areas of visual and environmental significance.
- c) When considering a new project, the implementing authority shall consider the number, distribution and location of flood and erosion control works within the watershed in terms of their cumulative effect on the objectives of the applicable designation and watershed management policies/activities of the Ministry of Natural Resources and the Conservation Authority

7.10 FOREST AREAS

- a) Significant Forest Areas include but are not limited to, county Forests, all woodlands 40 ha in size or larger and all forest stands that are in excess of 60 years of age and 4.0 ha in size. Only County Forests currently shown on Schedule B – Environmental Features. The identification of other significant forest areas shall be undertaken through the completion of an Environmental Impact Assessment, as outlined in Section 7.7 of this Plan. In addition to those items outlined in Section 7.7, an assessment of forested areas shall be undertaken to determine:
 - i) The size of the overall woodland feature;
 - ii) Whether the woodland is dominated by trees in excess of 60 years of age; and,
 - iii) The ecological functions of the woodland including the provision of interior habitat, provision of linkages to, or overlap with other natural heritage features and woodland diversity.

Schedule 'B' will be updated as additional significant forest areas are identified. The following policies shall further apply to significant forest areas:

- i) Disturbance of Significant Forest Areas should be minimized. Significant forests should generally be maintained as public or private open space.
- ii) Prior to development and site alteration occurring in, and adjacent to Significant Forest Areas, an assessment of the forest area and the impact of the proposed development on the natural functions of that area shall be prepared by a qualified biologist to

the satisfaction of Council and the County. Proposed developments in significant forest areas shall have site plan agreements containing specific management details regarding the protection of existing trees.

- iii) Existing tree cover or other stabilizing vegetation should be maintained on slopes in excess of 25 per cent (1 in 4 slopes); and,
 - iv) The cutting of trees will be regulated by a tree cutting By-law passed by the County of Dufferin or the Township.
- b) Wherever possible, existing forested areas, tree lines and hedge rows shall be preserved, except where the removal of vegetation will result in lands being added for agricultural use.

7.11 SIGNIFICANT HABITAT AREAS

- a) Habitat of rare and vulnerable species considered significant wildlife habitat and the significant habitat of threatened and endangered plant and animal species of which are identified by the Ministry of Natural Resources shall be protected. Should additional habitat areas be identified in the Township, Schedule B shall be revised to include those areas.
- b) No development and site alteration is permitted within the significant habitat of threatened and endangered species. Where development and site alteration are proposed within 120 metres of the significant habitat of threatened and endangered species, Council shall require the submission of an Environmental Impact Assessment Report, as outlined in Section 7.7 of this Plan.
- c) Development and site alteration proposed in or within 50 metres of significant wildlife habitat as related to the habitat of rare and vulnerable species, or found to be acceptable with such areas shall be designed so as to:
 - i) ensure that there will be no negative impacts on the natural features or ecological functions on the particular plant or animal species, as identified by on-site elevation;
 - ii) maintain wildlife corridors and linkages with adjacent areas; and,
 - iii) enhance wildlife habitat wherever possible.

7.12 HAZARD LANDS

Schedule B identifies some potential hazards. These areas and areas within 100 metres of hazard areas, including pits, quarries, waste disposal sites, floodplains, contaminated soils, unstable soils, steep slopes and organic soils, will not be considered for development unless it is demonstrated to the satisfaction of Council, in consultation with the Ministries of Natural Resources and Environment that the development can occur without potential threat to life, property or the environment.

7.13 HERITAGE RESOURCES

In order to protect the integrity of potentially sensitive sites, heritage resources in the Township are not shown on a map. Development and site alterations may be permitted on lands containing archaeological resources or areas of archaeological potential if significant archaeological resources have been conserved by removal and documentation, or preservation on site. Where significant archaeological resources must be preserved on site, only development and site alterations which maintain the heritage integrity of the site will be permitted.

Where an application is made to develop lands in the vicinity of a potentially significant site, the following development criteria shall apply:

- a) Care shall be taken to preserve known archaeological sites or areas of high archaeological potential.
- b) Existing heritage features, areas and properties should be retained. To determine whether such actions are feasible, consideration shall be given to both economic and social benefits and costs. Council may require an impact assessment report prepared by a professional archeologist where development is proposed on a site containing heritage resources.
- c) New development including reconstruction and alterations should be designed in harmony with the area's character and the existing heritage features and buildings in terms of mass, height and setback and in the treatment of architectural details, especially on building facades.
- d) Where new development involves a heritage feature it should express the feature in some way. This may include one or more of the following:
 - i) preservation and display of fragments of the former building's features and landscaping;
 - ii) marking the traces of former locations, shapes and circulation lines;

- iii) displaying graphic and verbal descriptions of the former use;
 - iv) reflection of the former architecture and use in the new development.
- e) Where development will destroy or significantly alter cultural landscapes or heritage features, actions should be taken to salvage information of the features being lost. Such actions could include archaeological salvage excavation, and the recording of buildings or structures through measured drawings, photographs or their physical removal to an alternative location.

7.14 MINIMUM DISTANCE SEPARATION FORMULAE

When considering a severance for any purpose, all proposed lots must meet the Minimum Distance Separation Formula I and Formula II, based on the maximum capacity of a future livestock operation on the retained and abutting lands or buildings. For the purpose of determining the maximum capacity, the Minimum Distance Separation Formulae II shall be calculated in accordance with the floor area requirements defined by OMAF, for the most restrictive type of animal that could reasonably be housed in any existing structures. Where agricultural lands have no buildings, the calculation shall be based on the tillable land area.

7.16 PARKLAND DEVELOPMENT

In addition to the permitted uses in any designation, parkland development projects, including any accessory buildings, structures, facilities and site modifications carried out or supervised by a public agency shall be permitted in any designation in the Township of East Garafraxa, with the appropriate zoning.

7.17 STREAM VALLEYS

All buildings and structures shall be set back from the crest of the embankment of any stream valley in order to ensure adequate structural stability, to avoid adversely affecting the visual amenity of the landscape and to protect the quality of the stream and fisheries habitat. The Township shall consult the Conservation Authority when considering the appropriate setback.

No development or alteration of the natural shoreline and shoreline vegetation shall be permitted within 30 metres of the high water mark.

7.18 STEEP SLOPES AND RAVINES

The following development criteria shall apply to development affecting steep slopes and ravines:

- a) The crest or brow and toe of the slope or ravine shall be established by the means of a site inspection by the Conservation Authority and these lines shall be surveyed, if required, and plotted on proposed development plans.
- b) The Conservation Authority may establish a minimum development setback from the brow or crest and toe of a slope or ravine and no disturbance of grades or vegetation below the crest or brow and above the toe shall occur except for erosion and sedimentation control projects approved by the Conservation Authority.
- c) On existing vacant lots, where the restrictions established by b) above cannot be achieved on a steep slope, the development setback may be reduced or eliminated provided an Engineering Report prepared by a professional soils consultant, is prepared to the satisfaction of the Conservation Authority and the Township of East Garafraxa. The report shall confirm that the slopes will be stable during and after construction.
- d) Development should be designed in such a way as to minimize the disturbance of and ensure the stability of slopes.

7.19 STORMWATER MANAGEMENT

New and expanding commercial, industrial, recreational and institutional development and residential Plans of Subdivision shall be accompanied by a Stormwater Management Report prepared by a qualified professional to the satisfaction of the Township and the appropriate Conservation Authority. Stormwater management is to be addressed prior to development with the preparation of a Stormwater Management Report. The report shall be prepared in accordance with the Township's design criteria and the following:

- a) the Stormwater Management Practices Planning and Design Manual (2003), or its successor, as prepared by the Ministry of Environment and Energy;
- b) Best Management Practices (BMP);
- c) a Stormwater quantity system which ensures that post-development run-off rates will not be greater than the pre-development run-off rates for storms up to and including the 100 year event; and
- d) the effects of development on watershed flow regimes including the interconnection with groundwater resources.

7.20 TECHNICAL REPORTS

Where this Plan requires that technical reports be submitted in support of a development application, the reports shall be prepared by a professional with the appropriate qualifications at the cost of the developer. Council may retain independent experts to peer review any technical report submitted in support of an application. The costs of the peer review will be borne by the applicant.

7.21 TOWNSHIP USES

The Township of East Garafraxa may use lands for municipal purposes within any of the designations in this Plan. When considering municipal land uses the Township shall ensure that the development of lands is done in accordance with the Development Criteria outlined in this Plan.

7.22 WASTE DISPOSAL AREAS

- a) Active and inactive waste disposal sites in the Township are identified on Schedule B.
- b) Prior to approving any new development within 500 metres of an active or inactive waste disposal site, the applicant must demonstrate to the satisfaction of Council that there are no environmental problems associated with the site that may make the lands unsuitable for development. In addition, it must be demonstrated that the water supply will not be negatively affected and that there are no other problems such as leachate, gas, other contaminants, rodents or vermin.
- c) Re-use of inactive waste disposal site will require approval in accordance with Section 46 of the Environmental Protection Act.

7.23 WATERSHED MANAGEMENT AND FLOOD CONTROL

In addition to the permitted uses in any designation, water shed management and flood and erosion control projects and accessory buildings, structures, facilities and site modification required to accommodate them, carried out or supervised by a public agency shall be permitted in any designation in the Township of East Garafraxa.

7.24 WATER QUALITY

The following development criteria shall apply to development affecting the water quality of surface and ground water resources:

- a) Changes to the natural drainage should be avoided.
- b) No sewage tile field or the spreading of agricultural or bio-solid nutrients shall be permitted within 30 metres of:

- i) the high water mark of any waterbody or watercourse;
- ii) the top of a stream bank or ravine;
- iii) the edge of any wetland; and
- iv) any municipal or private well head

Where this setback cannot be achieved on an existing lot of record the distance may be varied to the satisfaction of the appropriate authority. This setback may be increased depending on physical conditions to ensure that minimum travel time parameters are also met.

- c) A setback for other development will be established from each side of a stream, river, pond, lake or wetland necessary to maintain existing water quality. The width of this buffer shall be determined in consultation with the Conservation Authority and other agencies as required, which shall consider:
 - i) soil type;
 - ii) types and amounts of vegetation cover;
 - iii) slope of the land including existing drainage patterns;
 - iv) fish and wildlife; and,
 - v) nature of the development.
- d) No alteration of the natural grade or drainage shall occur within the setback, where, in the opinion of the implementing authority, such action would adversely affect surface and/or ground water resources.
- e) The cutting of trees within the setback shall be regulated by Site Plan Control or as a condition of consent or subdivision. The cutting of trees shall be permitted in the setback where lands are designated Agricultural, provided that sufficient vegetation is maintained to prevent erosion and provide for leaching and retention of nutrients.
- f) All applications for major development proposals such as subdivisions or commercial, industrial or institutional shall be accompanied by a Water Resource Management (WRM) Report. The WRM Report shall be prepared by a qualified professional to the satisfaction of the Township and Conservation Authority and other agencies as may be required. The WRM Report shall address the potential impacts and cumulative impacts on surface and ground water quality and quantity by requiring:

- i) maintenance or enhancement of natural hydrological characteristics including baseflow of watercourses;
 - ii) maintenance or enhancement of sensitive groundwater recharge/discharge areas, aquifer and headwater areas;
 - iii) the development and monitoring of water budgets for groundwater aquifers;
 - iv) the protection or enhancement of fish and wildlife habitat;
 - v) maintenance of existing drainage patterns where possible; and
 - vi) management of all watercourses within the Township as coldwater streams and respect to water quality and quantity.
- g) During and after development sediment and erosion control measures shall be carried out to the satisfaction of the implementing authority.
- h) **[MMAH – not yet approved]** Prior to permitting development in Areas more Vulnerable to Contamination, as shown on Schedule B, the Township shall be satisfied that the requirements of subsection f) have been satisfied. In addition, the spreading of potentially harmful chemicals or nutrients or processes that may contaminate or deplete the groundwater supply in these areas shall be prohibited.”
- i) Spreading of biosolids shall not be permitted within Areas more Vulnerable to Contamination, as shown on Schedule B.

7.25 WATER QUANTITY

The following development criteria shall apply to development affecting the quantity of water resources:

- a) Permitted uses which involve water taking or undertake stream diversions must demonstrate such actions to be an essential part of their operation and shall be of a scale and intensity that will not adversely affect water quality, quantity and the natural environment. The implementing authority may require that studies be undertaken to justify the need and amount of water taking and/or diversions and to mitigate impact on the natural environment.
- b) When considering whether to allow a use that involves water taking or diversion, the implementing authority shall consider the number, distribution, location and intensity of such activities within the watershed in terms of:

- i) the impact on water quality and quantity;
 - ii) the cumulative effect on the objectives of the Plan and designation; and,
 - iii) the quantity and character of natural streams and water supplies.
- c) Commercial water taking and bottling operations shall be considered an industrial use and shall require an amendment to this Plan.
 - d) Commercial, industrial and new agricultural operations requiring in excess of 50,000 litres of water per day shall enter into a development agreement with the Township.
 - e) Water for irrigation shall be obtained from surface runoff and surface sources rather than subsurface sources wherever possible.

7.26 WETLANDS

- a) There are Provincially significant wetlands within the Township and numerous wetlands that are locally significant or have yet to be evaluated. These areas shall be protected and maintained in a natural state.
- b) An Environmental Impact Assessment Report shall be required where development is proposed within 120 metres of any Provincially significant wetland or within a locally significant wetland as identified on Schedule B. Development adjacent to wetlands shall only be permitted if it can be demonstrated that it will not result in any negative impact to the natural features or ecological function of the wetland. A Report may not be required for a single detached dwelling on an existing lot of record.
- c) Existing agricultural uses are permitted within wetlands. Peat extraction shall be prohibited in all wetlands

8.0 GROWTH MANAGEMENT

All applications for development and land division within the Township of East Garafraxa will be subject to the Growth Management policies of this Plan. These policies deal with managing the rate, location and servicing of growth in the Township

8.1 RATE OF GROWTH

In order to meet projected housing targets there is a need to develop approximately 12 -15 new units per year. Plans of subdivision may be phased and creation of lots by consent may be withheld to ensure that this rate of growth is not exceeded and is not concentrated in one area of the Township. The Township shall review the rate of residential growth on an annual basis.

8.2 LOCATION OF GROWTH

New growth in the Township shall be distributed primarily to the Community of Marsville and secondarily to the *Community* of Orton. *Estate Residential, Rural* and *Agricultural* areas will accommodate limited growth. Approximate distribution of growth shall be in accordance with the following guidelines:

Communities	80 percent
Estate Residential Areas	10 percent
Rural and Agricultural Areas	10 percent

8.3 LOT CREATION

Within this Plan there are land division policies that apply to the various land use designations. The following policies apply to all land division in the Township:

- a) Ribbon or strip development shall be prevented.
- b) The size and configuration of new lots shall be subject to the requirements of this Plan and the implementing Zoning By-law.
- c) The location, design, size and density of lots shall retain the open rural landscape and protect natural features;

- d) **[MMAH not approved]** Where a lot is proposed in more than one designation, the severance policy of the most restrictive designation shall apply. There should be sufficient area in the least restrictive designation to accommodate the development.
- e) New building shall have safe and adequate access and shall front onto a public road that meets current standards of construction and is maintained all year round.
- f) New lots may include a portion of lands containing physical constraints to development such as poor drainage, flood susceptibility and steep slopes. New lots will not be permitted where physical condition may jeopardize public health and safety and where new development may negatively impact the environment.
- g) The proposed lot complies with the Minimum Distance Separation Formulae

8.4 TECHNICAL CONSENTS

In addition to severances permitted in each designation, consents may be permitted for the following purposes:

- i) an easement or right of way; and
- ii) a lot addition, deed correction or boundary adjustment which does not create an additional lot or result in a significant reduction of the land area actively farmed.
- iii) To recreate original Township lots of approximately 40 hectares (100 acres) each along the originally surveyed lot lines.

8.5 SUBDIVISIONS

Where three or more lots are to be created from a single parcel of land existing as of the date of adoption of this Plan, a plan of subdivision shall be required. Exceptions to this policy may be considered where the proposal would not result in strip development, there are no residual lands resulting from the development and there is no need to extend municipal services including roads. The following policies apply to all development by plan of subdivision:

- a) In considering a proposed plan of subdivision, Council shall ensure that all costs associated with the development of the land are borne by the developer.
- b) All roads within a plan of subdivision shall be constructed to Municipal standards, shall be paved and shall be dedicated to the Township.
- c) Prior to considering a plan of subdivision Council shall require the applicant to submit professional reports addressing the Development Criteria in Section 7 of this Plan,

8.6 PARKLAND DEDICATION

- a) The minimum parkland dedication as part of a plan of subdivision or consent shall not include lands that are unsuitable for parkland development.
- b) As an alternative to parkland conveyance, Council may require the payment of cash in lieu of parkland or an improved park to the satisfaction of Council.
- c) Parkland may be acquired pursuant to the provisions of the Planning Act and by other available means, including:
 - i) using moneys allocated in the Municipal Budget;
 - ii) using donations, gifts, and bequests from individuals or corporations; and/or,
 - iii) using moneys allocated by any authority having jurisdiction.

8.7 MUNICIPAL WATER AND SEWAGE SERVICES

- a) Private sewer and water supplies will continue to be the preferred form of servicing for small scale development outside of communities.

- b) For development within Communities, and for major development outside of the settlement area, a servicing option report will be required to be completed to the satisfaction of Council where:
- i) full municipal sewage and water services is the preferred form of servicing for urban and rural settlement areas subject to the Township and the requisite approval authorities having confirmed prior to the preparation of the servicing option report that assimilative capacity of the receiving environment for waste water services is available; and,;
 - ii) communal services are the preferred means of servicing multiple lots/units in areas where full municipal sewage and water services are not or cannot be provided, where site conditions are suitable over the long term and;
 - iii) where the use of communal systems is not feasible development may be serviced by individual on-site systems where site conditions are suitable over the long term; and,
 - iv) partial services are discourage except where necessary to address failed services or because of physical constraints.
- c) Municipally operated water supplies will be maintained in accordance with Provincial standards. The costs of maintaining municipal water systems shall be borne by the users of the systems. Any expansions or upgrading of the existing municipal water systems or any new municipal water systems shall be constructed at the cost of those who would use the system.
- d) Any proposal to develop lands utilizing communal services shall require an amendment to this Plan. In addition to those matters to be considered in accordance with Section 9.7 of this Plan, Council shall also require a financial impact assessment outlining the long-term capital and operating costs associated with communal services.

9.0 IMPLEMENTATION

9.1 ZONING BY-LAWS

9.1.1 Implementing By-law

This Plan shall be implemented by the passage of Zoning By-laws in compliance with the provisions of this Plan and pursuant to the Planning Act. The implementing By-law will also implement the following policies:

- a) It is the intent of this Plan that existing uses that do not conform to the provisions of this Plan, shall, in the long term, be brought into conformity with the provisions of this Plan. However, this Plan is not intended to prevent the continuation, extension or enlargement of uses which do not comply to the provisions of this Plan. After deeming it unfeasible to acquire a non-conforming property so as to bring it into compliance with this Plan through redevelopment, the Township may zone lands to permit the continuation, extension or enlargement of legally existing non-conforming uses provided that Council is satisfied that the zoning shall:
 - i) have no adverse effect on the present uses of the surrounding lands;
 - ii) comply with the Minimum Distance Separation Formulae in the Provincial Policy Statement;
 - iii) apply to a use that has frontage on a public road which has been assumed for public use as a road and is fully maintained year round including winter snow and ice control, by the Township, County or the Province; and,
 - iv) will not detrimentally affect the implementation of this Plan.
- b) No provision of this Plan shall be deemed to require Council to zone all lands in the Township in order to permit immediate development of such lands for their designated uses. Therefore the Township may zone lands to reflect existing uses only, where there is insufficient information to determine specific zoning categories or where the development of such lands is considered to be premature or not in the public interest. Such lands may be zoned in accordance with the provisions of this Plan at such time as there is sufficient information to determine specific zoning categories and the development of such lands is no longer considered to be premature or not in the public interest.

9.1.2 Holding Category

The Township may zone lands to include a holding symbol 'H' as provided for in Section 36 of the Planning Act in conjunction with a specific zoning category in order to specify the permitted uses of such lands at such time as the holding symbol is removed by amendment to the zoning by-law. The use of the lands zoned to include the holding symbol with a specific zoning category may include existing uses and a limited range of uses compatible with the intended future use of the lands.

The use of the holding symbol shall be restricted to the following situations:

- i) Where adequate services are not available but anticipated. At such time as adequate services are available, the Township shall amend the Zoning By-law to remove the holding symbol;
- ii) Where such lands are affected by adverse environmental or other constraints on development which can be resolved to the Township's satisfaction. Upon resolution of the adverse environmental or other constraints on development to the Township's satisfaction, the Township shall amend the Zoning By-law to remove the holding symbol;
- iii) Where the development of such lands may impose adverse financial impacts upon the Township. Upon resolution of such adverse financial impacts to the Township's satisfaction, the Township shall amend the Zoning By-law to remove the holding symbol;
- iv) Where the development of the land requires a development agreement, the Holding provision may be used until such time as the appropriate agreement is completed and registered on title; and,
- v) Where the development is proceeding by Plan of Subdivision, upon the completion of all conditions of Draft Plan Approval, the holding symbol may be removed.

9.1.3 Interim Control By-laws

The Township may pass interim control by-laws pursuant to Section 38 the Planning Act, R.S.O.1990, c.P.13 where the Township has directed that a study of land use planning policies be undertaken.

9.1.4 Temporary Uses

Notwithstanding the policies contained in the Official Plan, Council may authorize the temporary use of land in accordance with Section 39 of the Planning Act, which may not comply with the land use designation as established by the Official Plan, provided that:

- a) Such temporary use is determined to not have any detrimental effect upon the existing land uses in the area; and,
- b) The proposed temporary uses conforms to the noted principles in Section 3.2 of this Plan and the following criteria are met:
 - i) The proposed use shall be of a temporary nature and shall not entail any major construction or investment on the part of the owner, so that the owner will not experience undue hardship in reverting to the original use or a use permitted in the land use designation upon the termination of the temporary use provisions;
 - ii) The proposed use shall be compatible with adjacent land uses and the character of the surrounding neighbourhood;
 - iii) The proposed use shall not require the extension or expansion of existing municipal services;
 - iv) The proposed use shall not create any traffic circulation problems within the surrounding area nor shall it adversely affect the volume and/or type of traffic serviced by the area roads;
 - v) Parking facilities required by the proposed use shall be provided entirely on-site; and,
 - vi) The proposed use shall generally be beneficial to the community.
- c) Council may permit the installation of garden suites where:
 - i) the property owner enters into an agreement with the Township to ensure that the garden suite is occupied and removed when it is no longer required;
 - ii) the sewage and water systems can accommodate the garden suite;
 - iii) the garden suite is limited in size to ensure that it is clearly secondary to the principle dwelling.

- d) Council may pass a temporary use by-law to permit a temporary dwelling unit for full time farm help where:
 - i) Council is satisfied that the nature of the operation requires full time farm help;
 - ii) appropriate sewage and water systems are available for the unit;
 - iii) the dwelling is clearly a temporary building but not a mobile home;
 - iv) an agreement is registered on the title of the land confirming that the dwelling unit will be removed when it is no longer needed.

9.2 NON-CONFORMING USES

- a) The Township of East Garafraxa or a Committee appointed by Council shall be guided by the general intent and purpose of this Plan and the implementing Zoning By-law in making decisions under the Planning Act on applications dealing with non-conforming uses.
- b) This Plan will not limit the authority of the Township to pass a By-law for permitting the extension or enlargement of any land, building or structure which is being legally used, at the time of the passing of such By-law, for a purpose which does not conform with the land use designation of the Official Plan. Such a By-law shall, however, be in conformity with the policies included in this Section of the Official Plan.
- c) Any land use legally existing at the date of approval of this Plan which does not conform with the land use designation shown on Schedule A, A-1 and A-2, Land Use Plan, and termed a 'non-conforming use', should in the long term, cease to exist. In special instances, however, it may be desirable to permit the extension or enlargement of a non-conforming use in order to avoid unnecessary hardship, provided the applicant is in conformity with the policies of this Section of the Plan.
- d) A minor variance or zoning by-law amendment for the extension or enlargement of a legally non-conforming use shall not aggravate the situation created by the existence of the use, especially in regard to the policies of the Official Plan and the requirements of the Zoning By-law applying to the areas subject to the following criteria:
 - i) An approved minor variance or by-law amendment to permit the extension or enlargement shall be in an appropriate proportion with respect to what is normally required by the Zoning By-law.

- ii) The characteristics of the proposed minor variance or the existing non-conforming use and the proposed extension or enlargement shall be examined with regard to noise, vibration, fumes, smoke, dust, odour, lighting, aesthetics and traffic generating capacity. No approval shall be granted if one or more of such nuisance factors will be created or increased so as to add substantially to the incompatibility of the use with the surrounding area. The proposal shall satisfy the requirements of any agency including the Health Unit, the Conservation Authority, the Ministry of Natural Resources and the Ministry of Environment and Energy;
- iii) 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. Where necessary, regulations for alleviating adverse effects caused by outside storage, lighting, advertising signs, and similar uses may be required. Such provisions and regulations shall be applied to the minor variance or proposed extension or enlargement and, wherever feasible in order to improve its compatibility with the surrounding area;
- iv) Traffic and parking conditions in the vicinity will not be adversely affected by the granting of the application, and traffic hazards will be kept to a minimum by the appropriate design of entrance and exit points to and from the site and improvements of sight conditions particularly near intersections;
- v) Adequate provisions have been or will be made for off street parking and loading facilities; and,
- vi) That the water supply and sewage disposal facilities, and other necessary municipal services such as roads, are adequate or can be made adequate at the cost of the applicant.

9.3 SITE PLAN CONTROL

9.3.1 Site Plan Control Area

Pursuant to the Planning Act, the Township designates all of the land within the Township as a Site Plan Control Area excepting those lands designated as Extractive Industrial. The Council may pass a By-law designating any portion of the Township as a Site Plan Control Area.

9.3.2 Policies

- a) It is the intention to apply Site Plan Control to all commercial uses, industrial uses, institutional uses, recreational uses, agricultural livestock operations exceeding 150 nutrient units, single detached residential dwellings within estate residential subdivisions and as otherwise provided in this Plan whereby the Township may require drawings provided in Section (c) below.
- b) For the purpose of this Plan 'development' and 'redevelopment' shall be the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability thereof, or the laying out and establishment of a commercial parking lot or golf course.
- c) No development or re-development shall be undertaken within the designated area unless Council has approved one or both of the following:
 - i) Site plans showing location of all buildings and structures existing or to be erected and all servicing and utility facilities and works to be provided, all in accordance with this Plan and the implementing Zoning Bylaw;
 - ii) Drawings showing plans, elevations and cross-section views for each building to be erected including the massing and conceptual design, the relationship of the buildings to adjacent buildings, streets and exterior public area, and the provision of interior walkways, stairs, elevators, escalators to which the public has access from streets, open spaces and interior walkways in adjacent buildings
 - iv) A lot grading plan.

- d) In accordance with the Planning Act, the owner of land may be required to enter into a Site Plan Agreement and provide to the satisfaction of Council and at no expense to the Township, any or all of the requirements set out in the Planning Act.
- e) Where a proposed development is within the designated Site Plan Control Area, the dedication free of all charges and encumbrances to the appropriate authority, of the widening needed to achieve the road allowance to meet the Township and County rights-of-way and sight triangle standards may be required along the limit of the subject land as a condition of site plan approval.

9.4 OFFICIAL PLAN AMENDMENTS

Should changing conditions necessitate that this Official Plan be amended, the procedures outlined in the Planning Act and the Regulations thereunder will ensure adequate notification of the general public.

Subject to a public resolution of Township Council, an Official Plan Amendment will not be required to:

- i. Change the numbering or ordering of the Sections in this Official Plan, provided Sections are not added or deleted;
- ii. Consolidate approved Amendments or Map Schedules;
- iii. Correct grammatical or typographical errors which do not affect the intent of the Official Plan's policies or Map schedules;
- iv. Change measurement to different units of measures or correct references to legislation or regulation where the legislation or regulations has been replaced or changed.

An amendment to Schedule A, A-1 and A-2 or the text of this Plan is required to permit the establishment of uses other than those permitted in this Plan. In considering an amendment to Schedule A with a view to designating additional areas for a particular use or changing the designated uses of a particular area, or changing the policies of this Plan, Council shall have due regard to the following criteria which are in addition to those specified in the remainder of this Plan;

- a) the need for the proposed use excepting those amendments to follow for the establishment of new mineral aggregate operations;
- b) the extent to which the existing areas in the proposed categories are developed, and the nature and adequacy of such existing development excepting those amendments to allow for the establishment of new mineral aggregate operations;

- c) the physical suitability of the land for such proposed use;
- d) the location of the areas under consideration with respect to:
 - i) the adequacy of the existing and proposed roadway system in relation to the development of such proposed areas;
 - ii) the convenience and accessibility of the site for vehicular and pedestrian traffic and traffic safety in relation thereto;
 - iii) the adequacy of the potable water supply, sewage disposal facilities, and other municipal services in view of the policies contained in this Plan and in accordance with technical reports or recommendations which the Council shall request from the developer and subject to the requirements of any other appropriate authority;
 - iv) the compatibility of the proposed use with uses in the surrounding area;
 - v) the potential effect of the proposed use on the financial position of the Township; and,
 - vi) the potential effect of the proposed use on the population level and the social character of the community.”

9.5 CAPITAL WORKS PROGRAM

- a) It is intended that the Council will prepare a capital works program in conformity with the proposals and policies of this Plan, in order to assess the immediate and long-term requirements and plan the major expenditures within the financial resources of the Township. The program would be reviewed annually.
- b) The Township may levy against benefiting properties all or part of the cost of municipal services and facilities.

9.6 CONSERVATION AUTHORITY REGULATIONS

The following works shall be subject to the Fill, Construction and Alteration to Waterways Regulations, as administered by the Grand River Conservation Authority and the Credit Valley Conservation :

- a) the straightening, changing, diverting or interfering in any way with the existing channel of a watercourse;

- b) the construction of any building or structure in a wetland or in any area susceptible to flooding under regional storm conditions; and
- c) the placing or dumping of fill of any kind in a defined area regulated by the Conservation Authority.

10.0 INTERPRETATION

10.1 PLAN BOUNDARIES

The outer limit of the Plan Area and the *Community* designations where abutting a road, lot line or natural features shown on Schedule A, Schedule A-1 and Schedule A-2 are fixed and inflexible and can be changed only by an amendment to this Plan.

10.2 ROAD LOCATIONS

The locations of roads as indicated on the Schedules shall be considered as approximate only. Amendments to this Plan therefore will not be required in order to make minor adjustments or deviations to the location of roads, provided that the general intent of this Plan is maintained.

10.3 USES

Examples of permitted uses as included in this Plan are intended to illustrate the range of activities in each respective land use designation. Wherever a use is permitted, it is intended that uses, buildings or structures normally incidental, accessory and essential to that use shall also be permitted. Specific uses and related regulations shall in any case, be defined for an area at such time as the Zoning By-law comes into effect.

10.4 LAND USE DESIGNATIONS

It is intended that the boundaries of the Land Use categories shown on Schedule A, Schedule A-1 and Schedule A-2 of this Plan, shall be considered as general only, except in the case of roads and other definite physical barriers. They are not intended to define the exact limits of such areas. Minor adjustments may be made in these boundaries for the purpose of any Zoning By-law if appropriate without necessitating an amendment to this Plan. Other than such minor adjustments, no areas or zones, except as provided in this Plan, shall be created that do not conform to this Plan.

Council recognizes that the boundaries of the *Environmental Protection* area on Schedule A, Schedule A-1 and Schedule A-2 of this Plan may be imprecise and may be refined through appropriate environmental studies. The Township shall determine the extent of these Environmental Protection

areas on a site-by-site basis when considering development proposals, in consultation with the Conservation Authority. Minor adjustments to the *Environmental Protection* designation can occur without necessitating an amendment to this Plan.

10.5 PLAN REVIEW

The Plan shall be reviewed at least once within five years of its approval by the Township. Should economic or social changes occur which necessitate an earlier review, Council may direct such a review to be undertaken.

10.6 FLEXIBILITY

The interpretation of the numerical figures with the exception of density figures can be varied within 5 per cent of the figures in the text and such minor variation will not require an amendment.

10.7 LEGISLATION

Where this Plan makes reference to legislation it is intended to reflect the most current legislation in effect at the time.

