



Official Plan
for the
**TOWNSHIP OF
MINDEN HILLS**



Adopted By Council on July 25, 2013

Approved by the County of Haliburton
on February 25, 2014

TOWNSHIP OF MINDEN HILLS

OFFICIAL PLAN

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**LIST OF CONSOLIDATED AMENDMENTS
(DOES NOT FORM PART OF OPA 9)**

#	TITLE	ADOPTED	APPROVAL	IN EFFECT
1	General Amendment to incorporate changes to the Planning Act, County of Haliburton Official Plan, Provincial Policy Statement (2005) and approval of Zoning By-law 2006-10	May 10, 2007	September 26, 2007	September 26, 2007
2	To expand the boundaries of the Employment designation at the intersection of Water Street and Hwy. 35 on Schedule C-2 (to permit Canadian Tire store)	May 31, 2007	August 29, 2007	August 29, 2007
3	Schedule 'C' amended by changing land use on Part Lot 3, Concession A, Twp. of Minden from Residential to Employment Area (Limberlost Garden Centre)	By-law 09-06 October 30, 2009	February 24, 2010	February 23, 2010
4	Schedule 'A3', Part Lot 9, Concession 9, Twp. of Minden amended by adding to the uses permitted in the Waterfront designation a siding and eaves contractors showroom and sales office (Twin Lakes Resort)	By-law 10-24 April 29, 2010	June 25, 2010	July 26, 2010
5	Schedule 'A5', Part Lot 5, Concession 13, Twp. of Snowdon amended to permit a standard plan of condominium consisting of 12 units (Threebrooks Estates)	By-law 11-10	July 27, 2011	August 24, 2011
6	Schedule 'A3', Part Lot 12, Concession 10, Twp. of Minden amended by adding a section to permit a landscaping and garden supply establishment in the Waterfront designation (Mervin & Barbara Johnston)	By-law 11-58 June 30, 2011	January 31, 2012	February 22, 2012
7	Schedule 'A3', Part Lot 3, Concession 5, Twp. Of Minden Amended By Adding Section 6.2.5.16 To Allow Two Existing Single Detached Dwellings On One Single Property Within The Waterfront (Spink/Bonis)	By-law 12-30	June 28, 2012	July 19, 2012
8	Amendment to allow for the development of a parking lot for the HHIC			
9	Comprehensive Official Plan Update	By-law 13-41	July 25, 2013	February 25, 2014

TOWNSHIP OF MINDEN HILLS OFFICIAL PLAN

Section 1 - Structure of the Plan

This Official Plan is divided into six parts, each of which is described below.

SECTION 1 (Structure, Vision, Goals and Guiding Principles) contains the vision of the Township. This vision is based on an understanding of past and future trends and well as the values of the Township residents. The goals and guiding principles form the basis of the Plan and establish a context for the policies in the Plan. This section of the Plan also describes how the vision is implemented through a series of land use designations.

SECTION 2 (Land Use Designations – Urban Settlement Area) contains the land use designation and policies that primarily apply to Urban Settlement Area lands throughout the Township.

SECTION 3 (Land Use Designations – Rural Settlement Area) contains the land use designation and policies that primarily apply to Rural Area lands throughout the Township.

SECTION 4 (General Environmental Policies) contains the policies dealing with rivers and streams, floodplains and hazardous slopes throughout the Township. In addition, policies that specify the requirements for water resource and stormwater management reports and environmental impact studies are contained in this section.

SECTION 5 (General Policies) contains policies that deal with land use planning matters such as water and sewer servicing, transportation, cultural heritage resources and the subdivision of land. These policies apply to the whole of the Township.

SECTION 6 (Plan Implementation and Administration) describes how the policies of the Official Plan will be implemented through statutory measures and other means.

1.1 Purpose of the Plan

The purpose of this Official Plan is to establish a vision, planning principles as well as general and specific policies that are intended to provide Council and the community with a blueprint to guide future decision making with respect to the use of land.

This Plan is more than a development control document. In addition to matters related to land use planning and the administration of Planning Act authority, this Plan is intended to provide leadership on matters such as sustainability, health and well-being and social development.

This is a 20-year plan intending to provide guidance to the year 2032 and this Plan recognizes both the challenges and opportunities created by the retiring baby boom demographic that will occur during the next 20 years. Minden Hills is a community with tremendous potential to achieve great things in urban and rural

settings and this Plan has been prepared to assist the community in recognizing and seizing these opportunities.

1.2 Vision

Minden Hills is a progressive community that is recognized as an exceptional place to live, work and play in the Haliburton Highlands. This identity will be promoted to benefit social and economic interests of the entire Minden Hills community, which is comprised of the primary urban settlement in the Township, several rural settlement areas, as well as extensive shoreline and rural areas.

The natural environment and open space in Minden Hills is fundamental to the identity of the Township and through this Official Plan and its implementation, Minden Hills will become a leader in sustainability aimed at protecting the natural environment and the clean air and water that it provides. It is also recognized that maintaining the health and well-being of the citizens of Minden Hills is integral to the development of a sustainable, economically viable and socially vibrant community.

Future growth and development will be encouraged in Minden Hills' primary settlement area where there will also be a focus on public and private sector community improvement. The timeframe for this Official Plan is 20 years to the year 2032 and during this timeframe Minden Hills will work to become a highly sought-after community through its diversity in housing, employment opportunities, sustainable and healthy active recreational lifestyle opportunities and its vibrant natural environment.

1.3 Principles

1.3.1 Growth Management

- 1.3.1.1 Evaluation of environmental impact will be the biggest factor in determining the suitability of any property for development.
- 1.3.1.2 Residential, commercial and industrial development should be encouraged to locate within the settlement boundaries of the Village of Minden, as shown on Schedule A-1. Tourism and tourism related activities should be encouraged to locate throughout the rural area of the Township.
- 1.3.1.3 Development geared to providing services to the older segment of the population and that improve accessibility for an aging population should be encouraged. Development that will stabilize or increase the size of the youth population should also be encouraged.
- 1.3.1.4 The Township will encourage the development of residential housing to accommodate resident, year-round use as well as recreation-based, non-permanent use. The target for new resident population growth to the year 2032 is anticipated to be between 500 and 800 people.

- 1.3.1.5 The historic pattern of rural and urban area growth will continue, however the Township will promote and encourage compatible growth and intensification within the Minden Settlement Area.
- 1.3.1.6 The Settlement Area of Minden, as identified on Schedule “A-1” shall continue as the center of diversity in residential development, economic activity, and social and cultural services. All future development within this area should occur on lots serviced with Municipal water and sewer services.
- 1.3.1.7 Additional residential and commercial development is also anticipated within the **rural** settlement area of Carnarvon, as identified on Schedule “A”. Development in this area shall be based on the provision of private, individual water and septic services.
- 1.3.1.8 Limited development is anticipated in other rural settlement areas identified on Schedule “A”. Any future development shall be based on the provision of private, individual water and septic services and shall comply with Waterfront designation policies where applicable. These areas are indicated as existing nodes of settlement and are recognized primarily for their historical significance in the development of the Township.
- 1.3.1.9 Land use on the shores of rivers, lakes and streams shall be limited to low density residential and low intensity recreation-based uses.
- 1.3.1.10 Development in the rural areas of the Township shall be directed to municipal assumed, year round maintained roads, and will be permitted in a low-density, dispersed pattern.

1.3.2 Community Character

- 1.3.2.1 The Township will assess new development proposals on the basis of their ability to support, maintain and/or revitalize the character of the location in which the development is proposed.
- 1.3.2.2 The urban streetscape of the Minden Settlement Area will be improved through Community Improvement, partnerships with service groups and stakeholders and the enforcement of property standards.
- 1.3.2.3 The urban area will continue to develop a community that is walkable, safe and accessible.

1.3.3 Economy

- 1.3.3.1 Minden Hills will strengthen its role as a service centre in the County by supporting and maintaining employment lands and uses and by providing a broad base of community services.
- 1.3.3.2 The Township will encourage economic growth in order to sustain and improve the quality of life of all citizens.

- 1.3.3.3 Land use that generates employment opportunities and a broad range of commercial and service facilities geared specifically to meet the needs of residents and visitors will be encouraged.
- 1.3.3.4 The Township will support and maintain existing and future transportation and servicing infrastructure in the interest of fostering economic growth and investment in the Minden Settlement Area.
- 1.3.3.5 The Township will establish and maintain a supply of employment lands suited to a diverse range of commercial and industrial uses.
- 1.3.3.6 Cultural heritage features and resources will be recognized, protected and, where appropriate, utilized in conjunction with economic development and tourism initiatives.

1.3.4 Natural Environment

- 1.3.4.1 To protect significant natural heritage features and functions in the Township.
- 1.3.4.2 A thorough understanding of the natural environment will guide land use decision-making in the Township.
- 1.3.4.3 Groundwater and surface water resources are critical resources that need to be protected from adverse impacts.
- 1.3.4.4 The maintenance of an open space system that links environmental and recreational resources in the Township will continue to be a priority in future community development.

1.3.5 Lake and Shoreline Areas

- 1.3.5.1 Lake and shoreline areas are a unique and special natural resource.
- 1.3.5.2 Efforts by stakeholders to physically maintain and/or remediate ecologically functional and natural shorelines will be encouraged.
- 1.3.5.3 Development policies and guidelines in the Official Plan will aspire to maintain a natural shoreline character on lakes in the Township.
- 1.3.5.4 Water quality of lakes will be improved or protected through stormwater management practices, revegetating shoreline areas and upgrading or replacing septic systems.
- 1.3.5.5 The maintenance of dark skies in rural and shoreline areas will be encouraged.

1.3.6 Wellness and Quality of Life

- 1.3.6.1 The relationship between the quality of urban and rural communities and the quality of life of citizens is recognized in this Plan.

- 1.3.6.2 The impacts of planning approvals on wellness and quality of life will be a factor in the administration of planning approvals.
- 1.3.6.3 The planning process will be utilized to help create healthy active communities that support active lifestyles and active transportation.
- 1.3.6.4 Local food production and land uses that will encourage more economic and social investment in local food production will be supported.

Section 2 Land Use Designations (Urban Settlement Area)

2.1 Urban Settlement Area Designations

2.1.1 The settlement area boundaries of the Village of Minden are identified on Schedules “A-1”. The boundaries recognize existing development and abutting serviceable lands that can potentially accommodate the growth anticipated within the urban area.

2.1.2 There are 8 land use designations identified within the Village:

- Residential
- Service and Business Area
- Downtown
- Downtown Transition
- Business Park
- Parks and Open Space
- Hazard Lands Overlay
- Environmental Protection

2.1.3 Schedule “D” to this Plan identifies lands within the Urban Settlement Area that are currently designated Mineral Aggregate Resources or have resource potential. Where lands are shown on Schedule “D” as being in the Mineral Aggregate Resource designation, this designation and the policies of Section 3.6 shall apply provided such lands remain licensed in accordance with the Aggregate Resources Act (ARA). In the event the ARA license lapses or is revoked on these lands, the land use designations of Schedule “A-1 shall take effect without the requirement for an Official Plan Amendment. Other lands which are shown on Schedule “D” as having resource significance shall also be subject to the policies of Section 3.6, but such lands shall be considered by Council to have a very low priority for future extraction, unless such extraction is undertaken in conjunction with development.

2.2 Residential

2.2.1 Purpose

The purpose of the Residential designation is to allow a mix of residential densities and dwelling types, from single detached dwellings to higher density apartment dwellings.

2.2.2 Permitted Uses

Permitted uses within the Residential designation shall include:

- a) Detached dwellings;
- b) Semi-detached dwellings;
- c) Townhouse dwellings;
- d) Apartment dwellings and multi-residential uses;
- e) Assisted living facilities designed for seniors;
- f) Secondary suites subject to Section 2.2.6;
- g) Home based business subject to Section 5.5;
- h) Institutional uses; and,
- i) Parks and open space uses.

2.2.3 Development Policies

2.2.3.1 Home based businesses are small scale live-work businesses and may include artisans, hairstylists, bookkeepers, home day care and bed and breakfast uses that are appropriate and compatible in a residential neighbourhood. Such uses will be regulated in the Zoning By-law.

2.2.3.2 Open space (parks, recreation facilities, recreational trails and natural areas) and institutional uses (schools, churches, nursing homes, community facilities, libraries) are permitted in the residential neighbourhoods, subject to the approval of a zoning by-law amendment which shall be accompanied by the following:

- a) a Site Plan illustrating the massing, location and, if applicable, phasing of proposed land uses;
- b) a Functional Servicing and Stormwater Management report; and,
- c) any other study or technical report required by staff or Council.

2.2.3.3 Prior to the approval of a Zoning Amendment for any use listed in Section 2.2.2, Council shall be satisfied that:

- a) the proposed use or expansion is compatible with the character of the area in which it is proposed;
- b) the proposed use is compatible with and can be appropriately buffered from adjacent uses, if necessary;
- c) increased traffic generated by the proposed use can be accommodated; and,
- d) the proposed use can adequately accommodate parking requirements.

2.2.3.4 This Plan does not provide separate designations for low, medium and high density areas. More than one residential zone will be used in the Zoning By-law to differentiate between the densities, and to direct higher density uses to specific areas. In general, medium and high density uses should be located in the vicinity of commercial and institutional uses, near the downtown core, along major streets, and serviced with municipal water and sewer services.

2.2.3.5 Residential development will be subject to the following density guidelines:

- Low density development that includes primarily single detached dwellings shall not exceed a density of 16 units per developable hectare (6.5 units per acre);
- Medium density development that includes primarily low rise apartment or townhouse/rowhouse dwellings shall not exceed a density of 24 units per developable hectare (10 units per acre);
- High density development that includes primarily multi-storey apartments shall not exceed a density of 40 units per developable hectare (16 units per acre); and,
- Residential densities shall be calculated per developable hectare which includes the residential lot and excludes public lands such as roads, parks, schools and public storm water management facilities.

2.2.3.6 Due to the scale of the community, neighbourhood commercial facilities are not permitted in the residential designations, but will be directed to appropriate lands in the Downtown, Downtown Transition and Service and Business Area designations.

2.2.3.7 Residential development will be phased in a logical sequence, from the centre of the Village towards the limits of the boundary of the Village of Minden, as dictated by servicing constraints.

2.2.4 Subdivision Design Policies

2.2.4.1 Subdivision design will contribute to the well-being and cohesiveness of the community. To promote this, the following principles are used to guide subdivision layout, both within subdivisions and between subdivisions:

- Street patterns will be designed to distribute traffic throughout the site and provide numerous linkages both within the subdivision and with abutting development;
- Alternative development standards will be used to encourage a variety of street types, and neighbourhood character;
- A mix of housing types will be encouraged;
- Pedestrian facilities, including sidewalks and links with schools, recreation facilities, and commercial areas, will be part of the development;
- Natural features will be integrated into the design and preserved for public enjoyment;
- Views and vistas should be preserved and new ones created where feasible;
- Trees will be planted on the boulevard between the sidewalk and the street;
- Energy conservation issues will be addressed through siting of buildings and orientation of streets;
- Walking and bicycle trails linking the development to other facilities in the community should be provided;
- Home occupations will generally be allowed in residential areas, subject to standards established in the zoning by-law.

2.2.5 Residential Intensification

Residential intensification is development and redevelopment that makes better use of residential lands within an urban area at a density that is usually higher than what previously existed. The Township encourages intensification and wishes to see redevelopment occur within the Minden Settlement Area provided such proposals are consistent with the goals of intensification set out in Section 2.2.5.1.

2.2.5.1 Goals of Intensification

- a) To see a minimum of 250 livable, affordable residential units constructed within the existing Minden Settlement Area;
- b) To see a mix of housing types accommodated through intensification including low rise apartments, secondary suites and street level townhouses;

- c) To ensure intensification opportunities are designed in a manner that is compatible with surrounding land use; and,
- d) To ensure residential intensification opportunities contribute to the character and quality of Minden through the use of good building and site design, and contributing to the Township's efforts to become more accessible and active.

2.2.5.2 Intensification Policies

- a) Intensification and redevelopment proposals are encouraged to achieve a unit density and housing type that is in keeping with the character of the density of the neighbourhood where it is proposed. The implementing Zoning By-law may establish minimum and maximum densities of between 10 and 25 units per hectare;
- b) Notwithstanding subsection (a), the creation of new freehold or vacant condominium infill lots for ground-oriented detached dwellings, may be permitted provided the proposed lot and unit type is similar to and compatible with the established character of the street or neighbourhood where it is proposed. The Zoning By-law shall establish minimum lot area and frontages and minimum and/or maximum densities which are considered appropriate within the Residential designation; and,
- c) The creation of accessory apartments and in-law suites within residential neighbourhoods is considered to be an appropriate form of residential intensification. The establishment of accessory apartments shall occur in accordance with Section 2.2.6.

2.2.6 Accessory Apartments

Accessory apartments or secondary suites may be permitted in single detached dwellings in the *Residential* designation, provided:

- a) the apartment will comply with the Ontario Building and Fire Codes as well as applicable provisions of the Township's Zoning By-law;
- b) adequate parking is available on the lot for both dwelling units; and,
- c) the second dwelling unit is designed and located in the interest of maintaining the character of a detached dwelling as viewed from the streetscape.

2.2.7 Implementation

Lands within the *Residential* designation will primarily be zoned to recognize existing residential uses. Vacant Greenfield future residential development land will be zoned in a holding or development zone that will reflect existing uses. Other existing community uses located throughout the residential area will be zoned to reflect the current use.

2.3 Service and Business Area

2.3.1 Purpose

The purpose of the *Service and Business Area* designation is to provide for business and commerce uses, together with compatible industrial and community uses along the Highway 35 corridor. Diversity within this designation will be accommodated in a manner that encourages competing and complementary uses.

2.3.2 Permitted Uses

Permitted uses in the *Service and Business Area* shall include:

- a) Restaurants,
- b) Auto and recreational vehicle service and retail uses;
- c) Retail uses with a total floor area greater than 1,400 m²;
- d) Hardware and home building supply uses;
- e) Wholesale uses;
- f) Wholly enclosed industrial uses and accessory retail of goods produced on-site;
- g) Institutional uses; and,
- h) Public uses and offices.

2.3.3 Development Policies

2.3.3.1 The following provisions apply to all *Service and Business Area* lands:

- a) All development shall proceed on the basis of municipal water and sewage service if such services are accessible to lands proposed for development;
- b) Adequate parking and loading facilities will be provided;
- c) Shared access, parking and internal roadways for adjacent developments is encouraged;
- d) All development shall have regard for, and may be required to be coordinated with, the streetscape and facades in the Area, with a view towards preserving or enhancing the appearance of the Area;
- e) Where an employment use abuts a *Residential, Parks and Open Space* or *Institutional* designation, screening and/or landscaped buffers should be provided in an effective and aesthetically pleasing manner; and,

- f) Development will be subject to site plan control.

2.3.3.2

The *Service and Business Area* is primarily intended to provide commercial services and facilities to the traveling public or to accommodate commercial activities which may not be conveniently located elsewhere and/or which require extensive land areas for structural space, vehicular parking, outdoor storage or display of goods and materials. Complementary industrial uses may also be permitted.

- a) Uses should be readily accessible to motorists and ingress and egress points should be limited in number, readily distinguishable, and be separated by landscaped boulevards or service roads wherever possible;
- b) Development and re-development should encourage the reduction of ingress and egress points along Highway 35, and be integrated with existing development;
- c) Pedestrian and bicycle access and facilities, both along and across Highway 35, with links to and between existing areas and destinations will be a primary consideration in the long term development and redevelopment of the Highway 35 corridor;
- d) Staggered setbacks shall be encouraged; and,
- e) Industrial uses will be limited to low impact uses in terms of noise, emissions, visual appearance, odour, or elements having similar negative effects on adjacent uses.

2.3.4

Implementation

Lands within the *Service and Business Area* designation will primarily be zoned to recognize existing commercial uses. Other uses will be zoned to reflect the current use.

2.4 Downtown**2.4.1 Purpose**

The purpose of the *Downtown* designation is to:

- a) Reinforce the role of Downtown Minden as a primary destination for business, commerce and hospitality in the community and County of Haliburton.
- b) Encourage re-development in the Downtown to foster growth in tourism, recreation and hospitality sectors.
- c) Encourage re-investment and redevelopment of currently underutilized or vacant buildings.
- d) Create attractive pedestrian and cycling linkages within the Downtown and from the Downtown along Gull River and the Riverwalk, specifically where recommended by Council endorsed or approved plans such as the Active Transportation Plan for Minden.
- e) Encourage the retention and/or re-creation and promotion of cultural heritage attributes in buildings and public spaces in the Downtown.

2.4.2 Downtown Vision

The Vision for Downtown Minden is to creatively evolve to become a leading riverfront destination in Ontario by showcasing its high quality small town culture and providing accessible, healthy, active experiences and opportunities to residents and visitors on a year round basis.

2.4.3 Permitted Uses

Permitted uses in the *Downtown* designation include:

- a) Retail uses;
- b) Service uses;
- c) Business offices;
- d) Banks and financial institutions;
- e) Hotels, inns and bed and breakfast establishments;
- f) Theatres;
- g) Day care centres;
- h) Private and commercial schools;
- i) Places of worship, schools, libraries and other institutional uses;
- j) Health care facilities;
- k) Restaurants and take-out restaurants;

- l) Residential uses;
- m) Funeral homes;
- n) Festivals and open air markets;
- o) Public uses and service utilities and structures;
- p) Museums and art galleries, and;
- q) Existing residential uses and minor expansions thereto.

2.4.4 Development Policies

2.4.4.1 General Policies

The following policies are intended to guide proposals for new development or redevelopment in the *Downtown* designation:

- a) Land assembly is encouraged to create larger, more viable development parcels;
- b) All future development shall occur on the basis of being connected to full sewer and water services;
- c) Hospitality and tourist oriented uses that will enhance the pedestrian and cycling linkages between the downtown and open space areas are encouraged;
- d) All development proposals requiring a Planning Act approval may be required to restore or enhance their building façade in order to maintain the architectural character and identity of the Downtown.

2.4.4.2 Mixed Use Intensification

2.4.4.2.1 In accordance with Section 2.2.5.1 of this Plan, it is a goal of this Plan to accommodate at least 250 new housing units within the Minden Settlement Area.

2.4.4.2.2 For the purpose of this Plan, residential intensification is defined as the development or redevelopment of existing vacant land or underutilized land. In reviewing intensification proposals, the Township will assess the density of such proposals relative to the surrounding neighbourhood as well as the site and building design of the proposal and how issues such as landscaping, traffic, parking, utilities and maintenance have been addressed. The financial feasibility of or market potential for the proposed development will not form the basis of any decision to approve an intensification or redevelopment proposal.

2.4.4.2.3 While intensification opportunities will be encouraged, proponents will be expected to demonstrate, through the provision of detailed site plans and elevation plans, that such proposals will be respectful of, compatible with, and designed to be integrated with the community or neighbourhood where they are proposed.

- 2.4.4.2.4** In considering proposals for residential and mixed-use intensification, the following criteria are applicable to proposals within the *Downtown* designation:
- a) Single and semi-detached housing types will not be permitted in the Downtown designation;
 - b) In order to encourage residential intensification proposals within or in the Downtown, the Township may provide incentives through a Community Improvement Plan. Council may also consider providing exemptions from the provision of on-site parking, local development charges and/or parkland dedication. However, the establishment of incentives or exemptions shall only occur subsequent to the completion of a Municipal led feasibility study to confirm that the provision of such incentives will not be detrimental to the financial position of the Township;
 - c) At least 50% of the dwellings to be constructed in the Downtown should be affordable to low and moderate income households;
 - d) Intensification proposals will be encouraged to incorporate high quality urban design, landscaping treatments and accessibility. To support the integration of quality urban design and accessibility, the Township may prepare and adopt urban design guidelines and may enforce these standards through site plan control;
 - e) The Township may establish minimum building heights and/or densities in the implementing Zoning By-law for site-specific areas in the Downtown; and,
 - f) Residential intensification projects proposed within the Downtown or Downtown Transition designation will be encouraged to incorporate street level space for mixed use retail, service commercial uses and/or professional offices.

2.4.4.3 Parking

Commercial uses located in the *Downtown* designation shall generally be exempt from the provision of on-site parking, although the provision of on-site parking for owners, employees and for the physically challenged is encouraged. In lieu of the provision of on-site parking in accordance with applicable zone requirements, the Township may pass a by-law to accept cash-in-lieu where parking can be reasonably accommodated on the street or off-site in another appropriate location. In determining the cash-in-lieu payment, Council shall have regard to the cost to provide and maintain a parking space in the Downtown.

2.4.4.4 Public Space in the Downtown

Public land in the *Downtown* designation includes streets, sidewalks, parking lots, parks and administrative or public buildings. It is a policy of this Plan that the Township may partner with stakeholders to maintain public space in a manner that is complementary to the Downtown and creates a more accessible pedestrian environment. In conjunction with this Official Plan, the Township has

prepared a Village Master Plan, which provided the following recommendations for projects aimed to revitalize public lands and improve accessibility:

- a) To widen sidewalks and create bumpouts along Water Street;
- b) To establish a signalized traffic control at the intersection of Milne Street, Bobcaygeon Road and Newcastle Street;
- c) To establish a playground or plaza and public washroom and formalize a public parking area south of and accessible from Bobcaygeon Street and also accessible from Peck Street;
- d) To establish a consistent theme for the Downtown which is incorporated into wayfinding signage, directional signage, murals and cultural heritage signage and public art;
- e) The use of site planning, landscaping and lighting to create strategic clearly defined gateways;
- f) The use of paths and pedestrian crossings to encourage active transportation and make access in the Downtown more accessible and free of barriers; and,
- g) Streetscape improvements including the replacement of overhead wires with underground installations, traffic calming, introduction of streetscape features such as lighting, furniture, vegetation and wider sidewalks, subject to the availability of resources and/or cost sharing with stakeholders.

2.4.5 Implementing Zoning By-law

All lands that are used for commercial purposes in the *Downtown* designation shall be placed in a commercial or mixed-use residential zone in the implementing Zoning By-law. The Downtown area will also be designated as a Community Improvement Area pursuant to Section 6.16 of the Official Plan as another means of implementing the Vision and purpose of the *Downtown* designation as well as the approved recommendations from the Village Master Plan.

2.5 Downtown Transition

2.5.1 Purpose

The purpose of the *Downtown Transition* designation is to encourage the development of new medium density residential use on lands that abut Bobcaygeon Road and that are accessible to Downtown services and businesses.

2.5.2 Location

The *Downtown Transition* designation as shown on Schedule A-1 to this Plan applies to lands primarily abutting Bobcaygeon Road leading into and out of the Downtown.

2.5.3 Permitted Uses

Permitted uses in the *Downtown Transition* designation include:

- a) residential uses;
- b) rooming houses or boarding houses;
- c) boutique retail uses smaller than 200 m²;
- d) professional offices and clinics providing health services;
- e) hotels and motels;
- f) public uses;
- g) restaurants; and;
- h) home occupations.

2.5.4 Development Policies

2.5.4.1 Residential Uses

New street-level residential uses, including single detached and semi-detached units, townhouses and apartments are permitted in the *Downtown Transition* designation both as a primary use and as an accessory use to a commercial business.

2.5.4.2 Development Criteria

The following policies shall apply to the *Downtown Transition* designation:

- a) the maximum building height should be limited to 4 storeys;
- b) the unit density should not exceed 15 units per hectare;

- c) buildings are encouraged to be built within 1 metre of the front lot line, but may be setback up to 5 metres, provided amenities and landscaping are incorporated in the front yard;
- d) design features such as pitched roof lines, awning and front porches are encouraged;
- e) interior side yard setbacks should be maintained but may be reduced to accommodate redevelopment provided the reduction is appropriate for the location;
- f) adequate on-site or off-site parking is provided;
- g) roads, sidewalks and trails will be designed to be safe, accessible and where feasible, interconnected, to facilitate pedestrian and cycling access and linkages; and,
- h) the Site Plan and Site Plan Agreement will address appropriate urban design matters including accessibility provisions, exterior design features, massing and relationship to adjacent buildings as well as sustainable design elements located on municipal road allowances and land.

2.5.4.3 Parking

Parking for any use should be accommodated on-site, however where additional parking cannot be accommodated due to site constraints, the Township may accept cash-in-lieu of parking.

2.5.5 Implementing Zoning By-Law

Lands within the *Downtown Transition* designation will be zoned for low-density residential use. Mixed use and/or commercial uses will also be recognized in the *Downtown Transition* designation when such uses are established through site-specific zoning amendments.

2.6 Business Park**2.6.1 Purpose**

The *Business Park* designation as shown on Schedule A-1 to this Plan applies to new development lands in the Minden Settlement Area. The purpose of the *Business Park* designation is to accommodate the Township's future need for land suitable for industrial purposes.

2.6.2 Permitted Uses

Permitted uses on lands designated *Business Park* include:

- a) manufacturing, assembly, processing, fabrication,
- b) storage and/or warehousing uses;
- c) research establishments;
- d) wholesaling;
- e) contractor yards; and,
- f) service commercial establishments and similar uses.

Accessory retail and office uses are also permitted, provided they occupy only a limited amount of the gross floor area and are clearly accessory and incidental to the industrial use.

2.6.3 Development Policies

2.6.3.1 The development or redevelopment of uses in the *Business Park* designation shall be subject to Site Plan Control. Any redevelopment of existing industrial uses which would involve an expansion of the floor area of more than 25% may also be subject to Site Plan Control. In reviewing an application for Site Plan approval, Council shall be satisfied that:

- a) The proposed use is compliant with the Ministry of Environment D-Series Guidelines to ensure the industrial use is compatible with adjacent residential or other sensitive uses which are existing or are planned in accordance with this Official Plan. To address this issue Council may require the business owner to retain a qualified professional to complete an assessment which demonstrates that the proposed use is compliant with the MOE D-Series Guidelines.
- b) The use has access to a municipal road and is serviced by municipal water and sanitary services. Where municipal water and sanitary uses are not available, Section 2.6.3.2 shall apply;
- c) Adequate parking and loading facilities are provided on the site;

- d) The proposed buildings or structures on unvegetated sites incorporate landscaping to enhance the site and surrounding area;
- e) Outdoor storage areas are substantially screened from view; and,
- f) Where a proposed use abuts or is in close proximity to an existing sensitive land use, fencing, landscaping, berming or a combination of these features are utilized to ensure that there is adequate screening between the uses. It is anticipated that where a D-Series assessment is completed, recommendations for buffering will be required.

2.6.3.2 Lands designated *Business Park* in this Official Plan are located within the urban settlement boundary and are therefore intended to be connected to full urban services. Until such time as it may be feasible to extend municipal services to lands in the Business Park designation, such lands may be developed for industrial purposes subject to the following criteria:

- a) The proposed industrial use does not require septic or water service or the use has an average daily flow that does not exceed 4,500 litres per day; and,
- b) The proponent of the proposed use enters into an agreement with the Township to commit to the future cost sharing for the installation of water and sanitary sewer services.

2.6.4 Implementation

All lands within the *Business Park* designation shall be placed in an appropriate Industrial Zone in the implementing zoning by-law. Lands in the Business Park designation may be subject to a Holding provision to ensure technical issues relating to development have been addressed. A Holding provision may also be applied to historic but dormant industrial lands, the purpose of which is to require the clearance and potential remediation in accordance with Ministry of Environment standards before such lands may be used in accordance with this Plan.

2.7 Hazard Lands Overlay

2.7.1 Purpose

The purpose of the *Hazard Lands Overlay* designation is to:

- a) identify lands which may pose a risk to people and property due to flooding; and,
- b) establish policies to guide development or redevelopment in such areas.

2.7.2 Location

The *Hazard Lands Overlay* designation as shown on the Schedules “A” and “A-1” to this Plan applies primarily to lands adjacent to the Gull River and its tributaries, primarily within the Minden Settlement Area.

2.7.3 Permitted Uses

Permitted uses on lands designated *Hazard Lands Overlay* include existing uses, open space uses and uses related to conservation or flood control.

2.7.4 Form of Development

It is the intent of this Plan that new development within the *Hazard Lands Overlay* designation be restricted, however, development may be permitted in accordance with the underlying land use designation without the need for an Official Plan Amendment, but shall be subject to the policies in Section 2.7.5.

2.7.5 Development Policies

2.7.5.1

Development will generally be directed to areas outside of hazardous lands adjacent to the shoreline of inland lakes, and river and stream systems which pose risks due to wave uprush, flooding and/or erosion hazards. Hazardous sites may also consist of steep slopes, unstable soils, organic soils, and unstable bedrock. Where development of a vacant lot or the physical expansion of existing buildings and structures is proposed within or partly within these features, the development proponent shall submit a technical study prepared by a qualified professional to the satisfaction of Council which demonstrates the following:

- a) the hazard can be safely addressed, and the development and site alteration can be carried out in accordance with established standards and procedures;
- b) new hazards are not created and existing hazards are not aggravated;
- c) no adverse environmental impacts will result;

- d) vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies; and,
- e) the development does not include institutional uses or essential emergency services or the disposal, manufacture, treatment or storage of hazardous substances.

2.7.5.2 Recommendations made in the technical report(s) will be implemented through the planning process. Where the technical report indicates that development within a particular hazard is not feasible, the development shall not proceed.

2.7.5.3 Within a floodway, the creation of a new lot, a change in land use or the construction of buildings and structures requiring a Planning Act approval is prohibited, except for development and site alteration which, by its very nature, must be located within a floodway. For the purpose of this policy, Schedule F to this Plan identifies the location of the Floodway as originally derived from Flood Damage Reduction Program mapping (FDRP 1988). A floodway consists of those areas, usually low lands adjoining watercourses, which have been or may be subject to flooding hazards.

2.7.5.4 Where development and site alteration is proposed in the vicinity of flooding hazards, a detailed engineering study will first confirm the actual extent of the flooding hazard. Development and site alteration will only proceed if it has been demonstrated to the satisfaction of the approval authority that it can occur safely on the subject lands outside of the flooding hazard, and not upon lands which are high points within the flood hazard. Lands impacted by flooding hazards will be zoned appropriately to prohibit development and site alteration, except for that development and site alteration which must, by its very nature, be located within a floodway.

2.7.6 Implementation

Lands within the *Hazard Lands Overlay* designation will primarily be zoned to recognize existing uses as zone exceptions and such exceptions may establish limitations on new development and expansion in accordance with the policies of this Plan.

2.8 Parks and Open Space

2.8.1 Purpose

The purpose of the *Parks and Open Space* designation is to:

- a) identify large land holdings in the Minden Settlement Area in public ownership;
- b) ensure that the residents and tourists have access to a properly planned and accessible parkland system, and;
- c) where applicable, provide safe and connected pedestrian and non-motorized vehicular access to public spaces and shorelines.

2.8.2 Location

The *Parks and Open Space* designation as shown on the Schedules to this Plan applies to municipal parks, buildings and facilities held in public ownership and are maintained or intended to be maintained for active or passive recreational use.

2.8.3 Permitted Uses

Permitted uses in the *Parks and Open Space* designation may include parks, playgrounds, recreational trails and uses, sports fields, golf courses, community facilities, interpretive centres, museums, cultural heritage uses, banquet facilities and accessory uses such as washrooms, change rooms, administration offices and concession services.

2.8.4 Improvements to Community Parks

It is a policy of this Plan that lands located in the Parks and Open Space designation in the Township will continue to provide a wide range of recreational opportunities for the Township's residents and visitors. However, it is also a policy of this Plan that before any major changes in funding or the level of service in each of the existing community parks are made, a long-range plan is prepared. Such a long-range plan should review and obtain public input on the current and proposed functions of recreation and park facilities and the type and scale of the improvements required to ensure that the park facilities meet the community's needs and are cost-effective to operate.

2.8.5 Zoning By-law Implementation

All lands in the *Parks and Open Space* designation shall be placed in an Open Space (OS) Zone in the implementing Zoning By-law.

Section 3 Land Use Designations (Rural)

The policies in this section of the Plan apply to the rural area of the Township which is comprised of the following land use designations:

- Rural Settlement Area
- Waterfront
- Rural
- Environmental Protection
- Wilderness
- Mineral Aggregate Resource
- Hazard Land Overlay

3.1 Rural Settlement Area

3.1.1 Purpose

The purpose of the *Rural Settlement Area* is to recognize the following historical and cultural settlements in the Township of Minden Hills as shown on Schedule “A”:

- Carnarvon;
- Gelert;
- Howland;
- Ingoldsby;
- Irondale;
- Lochlin;
- Lutterworth; and,
- Moore’s Falls.

3.1.2 Permitted Uses

The primary permitted use in the *Rural Settlement Area* designation shall be detached residential uses. Commercial uses, home based businesses, small scale institutional uses and open space shall also be permitted.

3.1.3 General Policies

- 3.1.3.1 Rural settlement areas have been identified as nodes of existing development, and are recognized for their historical significance in the development of the Township.
- 3.1.3.2 Limited new development is anticipated in these areas, with the exception of Carnarvon, where the development potential is greater.
- 3.1.3.3 Infill development and development on lots smaller in size than generally permitted in the rural area may be considered, so long as the development is still serviced with private, individual water and septic services.
- 3.1.3.4 All new development shall occur on the basis of private water and septic services. The use of private communal services may require the Township to enter into a Responsibility Agreement to guarantee the long-term operation and maintenance of such systems. The Township will not enter into any such agreement except by amendment to this Plan.
- 3.1.3.5 Regardless of a property's identification in a settlement area, the Waterfront policies of this plan shall apply to any lot with frontage on a shoreline located within an identified settlement area.
- 3.1.3.6 Rural settlement areas should facilitate pedestrian mobility and other modes of active transportation.

3.1.4 Implementation

Lands within the *Rural Settlement Area* designation will primarily be zoned to recognize existing uses. Zone standards shall also reflect that all uses within the *Rural Settlement Area* designation are serviced by private wells and septic systems.

3.2 Waterfront**3.2.1 Purpose**

The purpose of the *Waterfront* designation is to identify land areas that front on, are adjacent to, or have an influence on lakes, rivers or streams, and generally includes property within 300 metres of a shoreline, as shown on Schedule "A".

3.2.2 Permitted Uses

3.2.2.1 The following uses may be permitted within the *Waterfront* designation:

- Recreation-based residential uses which are limited to single detached dwellings in the form of shoreline/linear development or backlot development;
- commercial uses, limited to tourist, marina and related uses subject to Section 3.2.3.7;
- home occupations;
- open space and conservation uses subject to Section 3.2.3.8; or,
- waterfront landings subject to Section 3.2.3.9.

3.2.3 General Development Policies**3.2.3.1 Lake Capacity**

Before approving any development proposal adjacent to a lake, Council must be assured that the proposed development will not exceed the capacity of the lake to accommodate development. The Plan recognizes three factors as limiting lake capacity:

- water quality;
- surface capacity for recreation; and,
- shoreline development capacity.

3.2.3.1.1 Water Quality

3.2.3.1.1.1 The Ministry of Natural Resources, in association with the Ministry of the Environment, has undertaken a sensitivity analysis of the development capacity of lake trout lakes throughout the Township of Minden Hills. A number of lakes have been identified as exhibiting a high or moderate sensitivity to new development.

3.2.3.1.1.2 Council recognizes the importance of cold water lakes and streams within the Township. Therefore, development shall only take place in a manner that does not adversely affect the habitat essential to the maintenance of a healthy cold water fishery.

3.2.3.1.1.3 The lakes listed below have been identified by the Ministry of Environment and Ministry of Natural Resources as lakes with naturally reproducing lake trout populations. According to existing and modelled water quality conditions, these lakes are highly sensitive to further shoreline development, and considered to be at development capacity:

- Bob Lake
- Davis Lake
- Kashagawigamog Lake
- Little Bob Lake
- Little Boshkung Lake
- Moore Lake (including East Moore Lake)
- North Pigeon Lake
- Sheldon Lake
- Twelve Mile Lake
- South Anson Lake
- Mountain Lake

3.2.3.1.1.4 Existing development rights are recognized on the above noted lakes. New development shall not be permitted unless unique or special circumstances allow the development to occur. Prior to the approval of the development proposal within 300 m of the highly sensitive lake trout lake, detailed studies will be required to demonstrate that the physical features, design and siting of the development will not have an adverse impact upon the quality of the lake and related lake trout habitat. The Ministry of the Environment and Ministry of Natural Resources shall be consulted in these circumstances.

3.2.3.1.1.5 Council will not consider any application that involves the creation of a new lot, or new medium density, lifestyle or cluster residential units, or any non- residential development, on the shorelines of lakes listed in Section 3.2.3.1.1.3, unless at least one of the following applies.

- Each created and retained lot has an existing dwelling and septic tank tile field, and its use is and will remain residential.
- If the proposed development is non-residential, includes appropriate stormwater management design and it does not involve or require any new individual on-site or communal sewage disposal systems, or expansion of existing systems.
- Tile fields on the lots created will be located such that:
 - the tile field is located more than 300 metres from the shoreline, or

- the drainage flow to the lake from the tile field will be greater than 300 metres; or
- the drainage flow from the tile field is toward a lake not listed in Section 3.2.3.1.1.3.
- The proposed new use has a scale and density that is less than currently exists on site, and shall demonstrate a net reduction of the phosphorus loading on the lake. Prior to any redevelopment being approved, a Lake Impact Assessment shall be completed to the satisfaction of the County, local municipality, the Ministry of Natural Resources and the Ministry of the Environment. The Lake Impact Assessment shall among other things, provide recommendations on implementation tools related to hydrogeology, soils and vegetation matters on site.
- The proposed development is to be serviced with full municipal sewage services and appropriate storm water management design is incorporated on site.
- Where the local municipality has in place tools such as a site alteration by-law, site plan control and a tree cutting by-law under the Municipal Act, and where a site-specific soils investigation, prepared by a qualified professional, demonstrates that phosphorus can be retained in deep, native, acidic soils on-site, to the satisfaction of the Ministry of the Environment. A tree cutting by-law in place at the County of Haliburton will be considered as sufficient to meet the local requirement for a tree cutting by-law. However, in the absence of a tree cutting by-law at the County, a by-law must be in place at the local municipality.

3.2.3.1.1.6 Lakes that are moderately sensitive to additional shoreline development and are nearing development capacity in terms of water quality may require further detailed studies prior to approval of a development application. Council shall consult with the Ministry of Environment and Ministry of Natural Resources as part of the development approval process to determine the appropriateness of the development proposed, and the need for the proponent to undertake an environmental impact study. The following lakes have been identified as having moderate sensitivity.

- Bow Lake
- Lutterworth (Devil's) Lake
- Gull Lake
- Soyers Lake

3.2.3.1.2 Surface Capacity for Recreation

3.2.3.1.2.1 Research has established relationships between recreational development on a given lake, and the resulting use of the lake's surface area for fishing, boating, swimming, water skiing, and other related activities. Beyond a certain limit, the amount of recreational use on a given lake will significantly reduce its attractiveness for shoreline residents and visitors. As well, in some

circumstances, recreational boating can intensify to the point where public safety is at risk.

- 3.2.3.1.2.2 If Council determines that proposed shoreline development applications could unduly add to existing aquatic recreational stresses, conflicts, and hazards, it may require that an applicant submit a boating capacity study. This study will demonstrate to Council's satisfaction that the boating activity generated by the proposed development will not unduly add to existing aquatic recreational stresses, conflicts, and hazards; that any impacts can be mitigated so that the lake's recreational attractiveness will be maintained or enhanced; and, that issues of public safety are minimized. Council may impose conditions of approval to ensure the implementation of impact mitigation recommendations.

3.2.3.1.3 Shoreline Development Capability

- 3.2.3.1.3.1 Council may consider an application for development that involves the creation of a new lot, new medium density, lifestyle or cluster residential units, or any non-residential development, on the shorelines of lakes listed in Section 3.2.3.1.1.6 only if the applicant submits a site evaluation report as described in Section 3.2.3.5.5.

3.2.3.2 Lake Trophic State

The trophic state of a lake generally refers to the level of biological activity that exists or occurs within a lake and is typically expressed by phosphorus concentration. The Township endorses the use of lake trophic assessment as developed by the Ministry of Environment in the Lakeshore Capacity Assessment Handbook (2010) as a means to ensure good planning in shoreline areas.

At the time this Plan was prepared, the only lakes in the Township that were the subject of formal monitoring and assessment were the lake trout lakes, given that lake trout lakes are considered by the Province to be significant wildlife habitat. However, awareness for the trophic state of other lakes is necessary to ensure that all of the Township's lakes remain healthy for aquatic species and attractive for recreational use. On this basis, where the policies of this Plan require the preparation of a lake trophic assessment to support or justify a planning approval, such assessment is to be prepared in accordance with methodologies developed by the Ministry of Environment in the Lakeshore Capacity Handbook (2010).

Council also is supportive of Lake Associations undertaking trophic state assessment and analysis and sharing the results of this work with the Township for consideration in decision-making or the formulation of future planning policy or regulation at the time of an Official Plan Review.

3.2.3.3 Servicing and Access Requirements

- 3.2.3.3.1 Development in the waterfront area will be serviced by private individual water and sewage systems.
- 3.2.3.3.2 New lots will have frontage on and direct access from a year round maintained, public road. However, Council may consider the following alternatives if it is

satisfied that public road access is not available or that the cost of such access and its maintenance is unreasonable, in which case, the following access may be considered:

- a seasonally maintained public road;
- a private road, with a legal right-of-way on an infill basis only or as a minor extension of an existing private road;
- a private road, with a condominium description (common elements condominium); or,
- water access.

3.2.3.3.3 The creation of new lots with only water access will be permitted where:

- road access is not available;
- road access cannot be provided by way of an extension from an existing road in the vicinity; and,
- adequate docking and parking facilities are secured on the mainland to the satisfaction of the Township and secured through an appropriate agreement and/or approval.

3.2.3.4 Protection of the Shoreline

3.2.3.4.1 The shoreline activity area is the portion of a shoreline frontage of a lot located within the required setback from the shoreline where accessory shoreline structures are located and where there is access to the water for activities such as swimming or boat launching, and includes structures projecting into the water. To maintain an appropriate balance between a natural shoreline and built form within the waterfront, structures in shoreline activity areas should be focused within a defined area of the shoreline frontage and be limited in extent. Clearing should be restricted to the minimum required for access, the safety of residents and a limited view of the water. Such activity areas may be developed in more than one location on a property, where appropriate. The extent of shoreline activity areas will be considered within the following parameters:

- a) A maximum of 30% of the shoreline frontage or up to 15 metres, whichever is the lesser, for shoreline/linear residential development;
- b) A maximum of 30% of the shoreline frontage or up to 30 metres, whichever is the lesser, for commercial development, or waterfront landings;
- c) A maximum of 50% or up to 45 metres, whichever is the lesser, of the shoreline frontage for marinas.

3.2.3.4.2 The shoreline frontage that is within the setbacks identified in the above policy should be retained or restored as a natural vegetative buffer, in order to:

- Protect the riparian and littoral zones and associated habitat;
- Prevent erosion, siltation and nutrient migration;
- Maintain shoreline character and appearance; and,
- Minimize the visual impact of development.

The principle of development in the vegetative buffer shall be minimal disturbance of the ground, shrub and canopy layers. Site plan control will be utilized as a means to implement this principle and the intent of this policy.

3.2.3.4.3 Within the natural vegetative buffer, meandering pathways or access points to the shoreline that are constructed of permeable material, pruning of trees for viewing purposes, or the removal of trees for safety reasons may be permitted, but should be specifically designed, and located.

3.2.3.4.4 A boathouse is not a permitted structure on lands in the Waterfront Area and furthermore the Township's Zoning By-law will restrict development on the lake bed for buildings and structures including boathouses. The redevelopment or reconstruction of existing boathouses will be subject to site plan control.

3.2.3.5 Development Policies for Recreation Based Residential Development

3.2.3.5.1 It is the intent of this Plan that new development and redevelopment in the Waterfront designation be directed to lands that are physically suitable for development in their natural state in an effort to maintain the area's unique character. Creating lands that are suitable for development by blasting or filling the natural landscape or dredging the lake bottom shall not be permitted in conjunction with a Planning Act approval.

3.2.3.5.2 New recreation-based development shall consist primarily of single detached dwellings on separate lots that front on or abut the shoreline. New lots should have at least 60 metres of shoreline frontage and a minimum lot area of 0.4 hectares. Larger lots may be required in areas where environmental or physical constraints exist on the lands and on narrow channels (less than 120 metres (400 ft.) or small water bodies, or in deer wintering areas or sensitive fish habitat. All new lots on islands shall have a frontage of 120 metres and an area of 1.5 hectares and shall address the criteria in Section 3.2.3.3.3.

3.2.3.5.3 Council will also encourage all new recreation-based development to utilize sewage disposal systems that incorporate soils capable of retaining phosphorus to prevent its migration into the lake.

3.2.3.5.4 New recreation-based development in the Waterfront designation may include plans of subdivisions, condominium or infilling by consent to sever. Backlot development shall not be permitted, except where the retained and severed lands jointly comprise a parcel located in the both the Rural and Waterfront designations, in which case the consent policies of Section 6.2.2 shall apply.

- 3.2.3.5.5 Applications for development within the Waterfront designation, which are subject to a Planning Act approval, will be evaluated and based on the submission of a Site Evaluation Report which shall provide the following information:
- a) Sufficient information about the nature of the lands, the development proposal, and the natural and physical context of the site within the lake system;
 - b) Site specific information such as a description of the lands, location, slope and soil characteristics, vegetation, drainage, erosion and flooding characteristics;
 - c) Description of the surrounding land use and natural features;
 - d) Environmentally sensitive areas shall be identified and analyzed, including wetlands, fish habitat, and wildlife habitat;
 - e) Potential impacts of the development should be identified including lake water quality impacts, storm water quality and quantity impacts, erosion, vegetation, habitat, shoreline and visual/aesthetic impacts. In consideration of this criteria Council may require the completion of a Lake Trophic Assessment in accordance with Section 3.2.3.2 prior to the finalization of any planning approval;
 - f) The Site Evaluation Report shall assess the constraints to development and address how the constraints can be managed or mitigated effectively through the utilization of appropriate development control techniques including site plan control; and,
 - g) The Township shall require a proponent to enter into a Development Agreement or Site Plan Agreement as a mechanism to implement recommendations of a Site Evaluation Report.

The requirement to provide a Site Evaluation Report shall not be applicable to minor variance applications unless requested by staff or Committee.

- 3.2.3.5.6 Circumstances may occur where reduced requirements are appropriate and desirable. Variances to these standards may be considered by zoning amendment or application to the Committee of Adjustment provided the intent of the Plan is maintained and, where the land has features that compensate for the deficiencies from the requirements. Situations in which variances may be considered include a property with large frontage and a smaller lot area, or a large lot area with a somewhat reduced frontage. Increased building setbacks and landscaping measures that maintain or enhance the visual integrity of the area may be required as conditions of development in such instances.
- 3.2.3.5.7 Wherever possible, existing, undersized shoreline lots should be merged to create larger parcels. Development of existing undersized lots for residential use may be permitted where it has been demonstrated to the satisfaction of the Township, that the lot is suitable for development and all other applicable policies of the Plan are satisfied. Existing vacant lots of record that are below 30 metres of frontage

and 1,400 square metres (15,000 square feet) in area may be considered for development subject to **the approval of** a zoning amendment which establishes site specific regulations. A site evaluation report may be required by the Township to confirm the suitability of the lot for development.

3.2.3.5.8 Where more than one dwelling exists on a property in the Waterfront designation, the subdivision of such lands may be permitted subject to the policies of Section 6.2.2 and provided Council is satisfied the separation of existing dwellings will produce net benefits to the lake and the shoreline.

3.2.3.6 Shoreline Setbacks

3.2.3.6.1 Setbacks will be implemented through zoning:

- to establish vegetative buffers for shoreline protection and the protection of habitat, wetlands or other sensitive natural areas; and,
- to maintain a natural area between buildings, reduce the dominance of built form, ensure compatibility, maintain privacy and attenuate noise.

3.2.3.6.2 Setbacks are utilized to attenuate phosphorus loadings from storm water as well as to maintain the natural integrity of shorelines, including fish and wildlife habitat. Setbacks are also utilized to reduce or soften the visual impact of development on a lot. Vegetation within the setback should be disturbed as little as possible, and the soil mantle should not be altered.

3.2.3.6.3 In general, development and site alteration should be set back a minimum of 30 metres (100 feet) from the high water mark of lakes and rivers, with the following exceptions: The minimum setback is 23 metres (75 feet) for principle buildings and structures and 30 metres (100 feet) for tile fields for a vacant lot in existence on the date of approval of this Official Plan.

3.2.3.6.4 A lesser setback may be permitted if:

- it is not physically possible, due to terrain or lot depth features, to meet the required setback;
- in the case of redevelopment of a property, the imposition of the new setback would result in a more negative impact on the property than allowing reconstruction at the existing setback; and,
- a site evaluation report in support of the request to reduce the setback is submitted, to the satisfaction of the Township.

3.2.3.6.5 Major development proposals (i.e. multi-lot plan of subdivision) within 300 metres of a waterbody, other than at capacity lake trout lakes which are regulated under Section 3.2.3.1.1.3 of this plan, will require a lake impact assessment to determine if the lake can accommodate development without adversely affecting water quality.

3.2.3.7 Commercial Uses

3.2.3.7.1 Waterfront commercial uses include:

- tourist commercial uses, which include resort and service commercial uses, and private and public children’s camps; and,
- marinas, which are facilities, buildings and structures located on the shoreline which provide docking, mooring, sales, service, repair and storage of boats.

3.2.3.7.2 The continued operation, upgrading, expansion and redevelopment of existing commercial properties within the waterfront will be encouraged and facilitated.

3.2.3.7.3 Appropriate limits for the upgrading, expansion or redevelopment of each existing waterfront commercial use will be established by zoning for individual sites. Such limits will ensure that:

- the location, size, characteristics and capacity of the property will be addressed;
- any increased density of development or intensity of use (such as buildings, structures and facilities, floor area, rooms, boat slips, lot coverage, recreational and leisure facilities) will be appropriate for the site;
- adequate access and services, including water supply and waste disposal, will be available;
- compatibility with surrounding properties will be addressed; and,
- the phasing of development can be accommodated, where appropriate.

3.2.3.7.4 Since the location and impact of new commercial activities cannot be anticipated, new waterfront commercial uses will proceed by amendment to this Plan. Such an amendment should also establish policies to guide the scale, size and density of development, and recognize and respond to the characteristics and capacity of the particular site. At a minimum, the consideration of a new waterfront commercial use through the amendment process will ensure:

- the intent of the plan will be maintained;
- the site is suitable for the use proposed (appropriate density, intensity of use, location of buildings and structures, and type of facilities);
- the water frontage is adequate and suitable for the use proposed;
- adequate potable water and sewage disposal can be provided;
- access routes are appropriate or can be upgraded to accommodate the additional traffic; and,
- the proposal will be made compatible with surrounding properties.

3.2.3.7.5 Waterfront commercial uses, particularly resort commercial and institutional accommodation, should incorporate substantial active and passive open space areas, and integrated recreational facilities.

3.2.3.7.6 All waterfront commercial development will be subject to site plan control.

3.2.3.8 Open Space and Conservation Uses

3.2.3.8.1 Open space and conservation uses are encouraged throughout the Waterfront designation. The predominant use of lands shall be for passive and active recreation and conservation purposes.

3.2.3.8.2 Permitted uses shall include public parks and access areas for hiking, picnicking, cross-country skiing, snowmobiling, angling, or other similar outdoor recreational activities. Conservation areas including nature study and wilderness areas and private parks (exclusive of campgrounds, trailer parks, or golf courses).

3.2.3.8.3 Only those buildings and structures incidental to the principal permitted recreational uses shall be permitted.

3.2.3.8.4 Recreational uses shall be compatible with adjacent land uses and, where necessary, such facilities shall be designed in such a manner so as to provide adequate spatial separation, buffering, landscaping and/or fencing to ensure that any adverse effects associated with such uses are minimized.

3.2.3.8.5 Open Space areas may be zoned in a separate classification in the implementing by-law where suitable regulations and provisions are established to govern the use and development of such lands.

3.2.3.9 Waterfront Landings

3.2.3.9.1 Waterfront landings and individual access points are facilities which provide mainland docking and parking facilities required for water access properties. These facilities are generally considered to be accessory to a primary residential or waterfront commercial use. Waterfront landings and individual access points will not include facilities normally associated with a commercial marina use, such as vessel or vehicle sales or rental, fuel storage or sale, or extensive storage structures.

3.2.3.9.2 Waterfront landings and individual access points may be permitted or expanded provided the following matters are addressed and implemented through zoning, site plan, or other municipal agreements:

- the property has adequate area and frontage to accommodate the facility;
- sufficient docking and parking facilities should be provided to serve the primary residential use;
- the property, particularly the shoreline, is suitable for the use;
- access to and from the facility by both water and land is suitable;

- the facility will not have a negative impact on environmentally sensitive areas, habitat, or heritage areas;
- the facility will be designed in a manner that is compatible with abutting properties;
- parking facilities will be setback at least 30 metres (100 feet) from the normal or controlled high water mark and a natural vegetative buffer will be maintained within the setback area; and,
- storm water management and construction mitigation is addressed.

3.2.3.9.3 New waterfront landings and individual access points will be secured through ownership or a registered right of way.

3.2.3.9.4 The establishment or expansion of a waterfront landing will be subject to site plan control.

3.2.3.10 Lake Plans and Strategies

3.2.3.10.1 Council encourages cottage and shoreline associations to prepare Lake Plans and Strategies as a tool to establish and improve communication and good land stewardship practices amongst those who share a lake community and to articulate lake specific principles and goals outlined in this Plan. However, this Official Plan will continue to be the primary land use document to guide land use in the Township. Council may consider Amendments to the Official Plan or Zoning By-law where Lake Plans and Strategies reveal new planning issues not already addressed by this Plan.

3.2.3.10.2 Council supports the preparation of Lake Plans and Strategies that assess issues such as trophic state assessment which may include remedial actions or best management practices required to reduce or manage water quality impacts, recreational carrying capacity, shoreline development limits, lake level management, public land securement strategies, conservation easements, fisheries, vegetation retention and health, shoreline erosion, cottage conversion and septic system maintenance and re-inspection, and other issues important to lake communities. Such Plans are also encouraged to establish monitoring programs and/or remediation programs to be primarily implemented by local residents and stakeholders such as the Municipality and the Province.

Lake Plans and Strategies may also include a Waterfront Design Guidelines as described in Section 3.2.4 of this Plan.

3.2.3.11 Septic Systems

Council supports improvements and upgrades to aging septic systems as one of a number of measures to maintain or improve the quality of surface and ground water. Where resources are available, Council will also consider partnerships with public or private sector partners who wish to promote awareness and education on the importance of a functional, properly maintained septic system. Examples of programs that may be considered by Council include inspection

programs, installation and education programs for contractors or citizens or field studies for new septic system technology.

3.2.4 Waterfront Design

Waterfront design policies address the complex relationships between all of the elements of built form, the natural environment and the lake environment, and focuses on:

- the connections between people and these places,
- the relationship between buildings and the lake, natural areas and vegetative buffers, and other uses,
- the lake as public domain,
- the processes for ensuring successful lake communities.

It is anticipated that the Township's waterfront will see some degree of change during the life of this Plan. In order to ensure that the waterfront areas evolve in a manner that is respectful of the existing character of shoreline area, it is the desire of Council to create and encourage a high quality of built form that is sensitive to the Township's lake heritage and relates to the principles listed above. On this basis, the following are objectives of this Plan relating to waterfront design:

- to improve the aesthetic quality of the Township's waterfront built form, and promote development which is based on good design principles and standards that reflect the goals, objectives, and policies of this Plan;
- to enhance the unique character of the Township's waterfront areas by encouraging high quality design that is complementary and compatible with existing development, the Township's natural heritage, and which fosters a strong sense of place;
- to exercise appropriate municipal development control in order to achieve a consistently high quality of site, building and landscape design.
- to be sensitive to the impact of light and sound on the lake environment.
- to protect significant natural heritage values and ecological functions.

3.2.4.1 Waterfront Building Design

- a) The design of new buildings should achieve a complementary design relationship to existing buildings, while accommodating a diversity of architectural styles, building materials, subdued lighting, energy conservation techniques and innovative built forms.
- b) The design of all buildings shall have regard to appropriate setbacks and the protection or provision of vegetative buffers along the lakefront. Buildings and building expansions should be massed to recognize appropriate scale and provide an appropriate building height at the waterfront and be designed to provide visual variety and interest. Generally, building features such as canopies, decks, and varying facade materials and stepbacks should be used to reinforce a lake friendly scale.

- c) Buildings should be oriented to the lake, where possible, and present their principal building facades and building design to the lake.
- d) Roofscapes shall be an integral part of the design of a building and harmonize with the design of the rest of the building as well as the adjacent treeline.
- e) Buildings in the Waterfront will be designed and constructed to blend in to the natural environment and preserve historic architectural characteristics of the lake. The Zoning By-law implementing this Official Plan may include regulations that will:
 - i) limit lot coverage within the front 40 metres of the lot;
 - ii) limit the expansion and additions to existing dwellings where the building does not comply with current By-law standards and regulations including shoreline setbacks;
 - iii) establish standards to direct and mitigate development on lands containing steep slopes including defining steep slopes or a range of slopes, regulating building placement and height based on the nature of the slope, regulating structures including stairs used to provide access to the water;
 - iv) limit the height of buildings to ensure that building height does not intercept the mature, natural tree line when viewed from the water;
 - v) limit the size of docks to a maximum percent of the shoreline frontage of the lot or a defined size, whichever is greater; and,
 - vi) where human habitation is permitted by the implementing Zoning By-law, the human habitation use shall be permitted subject to the use being counted as a sleeping cabin and to the establishment of maximum floor area regulations.
- f) Council will establish all lands within the Waterfront designation as a site plan control area.

3.2.4.2 Waterfront Landscape, Natural Area Design and Tree Preservation

Site design incorporates the built form of structures, vegetation buffers, landscaping, services and the layout of all amenities. Site design shall promote an appropriate design relationship between the lake, adjacent land uses, on-site uses and structures and visual aesthetics, in order to promote a lake environment that is pleasant, natural and attractive to the community. The following measures will be implemented through site plan control, where a site plan agreement is required prior to obtaining a building permit.

- a) The preparation of any landscape design shall consider a development's compatibility with the density, height, form, setbacks and building materials used in a development on adjacent lands;

- b) The design of sites adjacent to woodlots and watercourses shall be sensitive to natural areas. In these instances, buildings should be sited with the greatest possible setbacks from sensitive natural areas while on-site landscaping should be well integrated with natural areas;
- c) Site design shall also address compatibility between differing adjacent land uses through appropriate site layout, building locations and landscape treatments;
- d) Site design shall generally not permit the alteration of the existing topography through filling, soil removal, or blasting, except where such activity minimizes visual impact. Development on steep slopes shall be subject to strict controls and Site Plan Approval;
- e) Parking areas shall be well removed from the waterfront and visually buffered from the shoreline and adjacent lands;
- f) A minimum of 90 percent of the front 40 metres of a lot should be maintained in a natural vegetative state;
- g) Vegetation buffers and landscaping are a major contributor to a quality lakefront. A high quality of natural area preservation and landscape design will be required to enhance the visual aesthetics of development and to enhance the site and waterfront compatibility;
- h) In an effort to maintain dark skies and minimize light travel, lighting within the shoreline setback will be limited to low valence installations;
- i) Landscaping shall be used to screen or buffer development from adjacent uses, and mitigate the visual impact of the development, where necessary;
- j) Landscape materials shall be selected for their ecological characteristics. Native species are encouraged, and landscape treatments or species that are dependent on the regular use of pesticides, herbicides and fertilizers shall be discouraged;
- k) Existing natural areas between uses should be preserved wherever possible; and,
- l) Significant treed areas on a development site shall generally be preserved, maintained and integrated into the new landscape design.

3.2.4.3 Waterfront and Adjacent Development

- a) Non-residential buildings higher than two storeys should be designed to minimize overlook conditions particularly if located adjacent to existing residential dwellings. Massing strategies such as stepping down towards buildings of lower height should be employed to minimize impacts;

- b) Development on private lands shall be designed with the intent of recognizing the relationship between the public realm and adjacent land uses;
- c) Noise generating activities should be located away from sensitive land uses, such as residential areas and waterfront areas, and buffered as necessary;
- d) Lighting shall be designed to minimize light trespass onto adjacent lands and the water;
- e) When a non-residential development is located adjacent to existing or planned residential areas, sufficient building setbacks should be provided to minimize potential height and massing impacts such as shadowing and high wind speeds. Site Plan applications may be required to submit wind and/or shadow studies to address such potential conditions;
- f) Landscaping plays an important role in buffering potential negative effects. There should be a wide and generously-planted landscape strip using a combination of deciduous and coniferous trees; as well as opaque fencing with noise attenuation properties where required, along the property line abutting existing residential development;
- g) When a non-residential development abuts a street with a residential use on the opposite side, the frontage should be treated with a wide landscaped strip and, where possible, parking shall not be located closer to the street than the building face; and,
- h) On large sites, efforts should be made to encourage pedestrian linkages between uses and adjacent sites.

3.2.4.4 Waterfront Servicing

- a) Site and building services and utilities such as wells, sewage treatment systems, waste storage facilities, loading, air conditioning equipment, satellite dishes, and hydro equipment and telephone transformers shall be located and/or screened from the lake and adjacent residential dwellings or other sensitive land uses, in order to buffer their visual and operational effects.

3.2.4.5 Waterfront Development Approvals

- a) The Waterfront Design policies of this Plan, shall be employed in the evaluation of all Planning Act applications located within the Waterfront designation.
- b) The Township shall exercise its powers of zoning and site plan approval to encourage a high quality of building and landscape design and may prepare a Site Plan Manual in order to assist with the implementation of the design policies of this Plan.

- c) The Township shall ensure that its municipal By-laws are regularly reviewed and amended to reflect the Waterfront Design policies of this Plan.

3.2.5 Watershed Management

The Township's lake and river systems are divided into a number of watersheds that are connected to lakes and watercourses in other municipalities and whose waters flow into and through these lakes in adjacent municipalities. Consequently, it is a policy of this Plan that the Township will work with its neighbours in joint watershed programs, where established and of top priority, in order to protect and preserve lake water quality or, where necessary, remediate lake water quality on these shared lake systems.

Issues of water quality, water quantity, phosphorus loading and lake capacity shall therefore be considered on a watershed basis.

3.2.6 Disposition of Shore Road Allowances

3.2.6.1 Original shoreline road allowances may be closed, and the portion of the road allowance above the normal high water mark conveyed to the abutting owners provided that:

- it has no present or potential use as a public waterfront area, harbour, beach, trail, portage, public access to the water, public travel, or any other municipal purpose;
- it does not include or affect a significant sensitive environmental, natural, or heritage area, which should be retained by the municipality for protection; and,
- it does not contain significant historical or cultural features, which should be preserved on-site.

3.2.6.2 The conveyance of shoreline road allowances may be considered in order to correct existing building encroachments.

3.2.6.3 Road allowances leading to water should not be closed and conveyed to abutting owners, and will not be conveyed to abutting owners where they would represent the only existing public land providing access to a waterbody, unless a comparable or better parcel located in the vicinity is provided in exchange, and such an exchange would be advantageous to the Township and in the public interest.

3.2.6.4 Where an existing building encroaches on a road allowance leading to water, a lease may be granted for an amount of time to be specified by the Township and no further encroachment or enlargement should be permitted.

3.2.7 Implementing Zoning By-law

All residential and recreational lands within the *Waterfront* designation shall be placed in an appropriate Shoreline Residential Zone in the implementing Zoning By-law. The Zoning By-law may also contain zoning categories that distinguish

lands which have municipal as opposed to private road or water access. Existing backlot development may also be defined in a separate zoning category.

Lands located within the *Waterfront* designation that are generally undeveloped and are characterized by large lot areas and/or shoreline frontages may be placed in a zone category that reflects these characteristics.

3.2.8 Special Policies

3.2.8.1 Special Policy Waterfront One (OPA 4)

On lands located in Part Lot 9, Concession 9 (Minden), a contractor's sales office and showroom specializing in eavestroughing and siding shall be a permitted use, provided there shall be no outdoor storage or display of any good or material.

3.2.8.2 Special Policy Waterfront Two (OPA 5)

On lands located in Part Lot 5, Concession 13 (Snowdon), legally described as Standard Condominium No. 5, a standard condominium consisting of 12 single detached units and related common elements shall be permitted.

3.2.8.3 Special Policy Waterfront Three (OPA 6)

On lands located in Part Lot 12, Concession 10 (Minden), a landscaping and garden supply business shall be permitted on lands which do not front directly on Twelve Mile Lake.

3.2.8.4 Special Policy Waterfront Four (OPA 7)

On lands located in Part Lot 3, Concession 5 (Minden), two detached dwellings units shall be permitted on one lot.

3.3 Rural

3.3.1 Purpose

The purpose of the Rural designation is to:

- Preserve and promote the rural character of the Township and the maintenance of the open countryside are basic principles applicable to all development in the Rural designation.
- Reinforce the character of an open and natural landscape, the development pattern will continue to be characterized by large wide lots with varying setbacks.
- To establish that the preservation of the open, natural appearance of the countryside will be a priority.

3.3.2 Permitted Uses

3.3.2.1 Permitted uses include:

- a single detached dwelling;
- a semi-detached or duplex dwelling;
- a hunt camp;
- accessory businesses including home occupations, home industries, and bed and breakfast establishments;
- agricultural uses;
- forestry uses;
- existing extractive operations;
- kennels;
- resource management uses; and,
- uses in connection with government utilities or departments.

3.3.2.2 Certain other uses may be appropriate on land in the Rural designation, however, their potential for off-site impacts cannot be determined in advance and should be reviewed on a site-by-site basis. Uses such as major recreation uses, commercial and industrial ventures, institutional developments, or resource based operations, may be allowed by site specific zoning amendment, but will not require an amendment to this Plan so long as the general intent of the Plan is maintained.

3.3.3 Development Policies for New Lots

3.3.3.1 Lot areas and frontages will be sufficient to retain the traditional development pattern and character of the area in which the development is proposed. In this regard, the following provisions apply:

- lot frontages will not be less than 60 metres (200 feet) nor lot areas less than 1 hectare (2.5 acres); and,
- a variety of larger lot areas and frontages will be encouraged in any development proposal to enhance the rural character of the Township.

3.3.3.2 Notwithstanding Section 3.3.3.1, variable setbacks, rights-of-way, larger or smaller frontages, and/or limits to building heights or building envelopes, may be implemented through the Zoning By-law, in order to further the rural design principles of this Plan.

3.3.3.3 In general, applications for new lot creation will be subject to the following criteria:

- a maximum of 4 lots (including severed and retained parcels) may be created per original 40 hectare (100 acre) parcel, provided that the average lot area is 10 hectares (25 acres), the average lot frontage is 100 metres (330 feet) and the minimum lot area is not less than 1 hectare (2.5 acre);
- on parcels of land that are smaller than 40 hectares (100 acres), the maximum number of lots created shall be determined on the basis of an average lot area of 10 hectares (25 acres) and an average lot frontage of 100 metres (330 feet);
- lots may be considered on smaller parcels of land provided the lot frontage is not less than the average frontage of lots on the same side of the road as the proposal; and,
- any lot in existence at the time of the passage of this By-law that fronts on a year round municipally maintained road may be severed at least once, so long as minimum frontages and areas can be met.

3.3.3.4 Lot creation should incorporate the following design considerations:

- any new lot shall have frontage on a publicly owned and publicly year round maintained road;
- the lots will maintain the character of the area in which they are being developed;
- the physical features of the property will be maintained and major earth moving projects will be discouraged;
- if the property subject to a consent application is located partially or completely within a Natural Feature area shown on Schedule "B" or in another natural feature discussed in Section 4, specific measures may be required to protect the natural feature(s) on, or in the vicinity of, the site;

- the lots shall have sufficient area to accommodate an on-site sewage disposal system and a potable water supply;
- entrances shall not create a traffic hazard; and,
- the appearance of a continuous row of residential development will be discouraged.

3.3.3.5 When residential severances are proposed, zoning amendment, subdivision, consent, and site plan control processes may be used to ensure that the proposed development is in keeping with the rural character of the area.

3.3.3.6 Accessory home businesses are expected to occur either as home occupations or home industries, as defined in the Zoning By-law. Such uses may be recognized where they would be at a scale consistent with existing uses, and where there would be no nuisance effects on surrounding properties, no significant environmental impacts, and no significant increase in traffic. Site plan control may be used in cases where a home business is to be recognized by Council.

3.3.4 Agricultural Land Uses

3.3.4.1 Agriculture is recognized as a traditional rural use which contributes to the character and landscape of the rural designation and supports the development of a local food system. For the purpose of this Plan, agriculture is considered in a broad sense, and includes traditional agricultural uses as well as specialized or alternative operations such as maple sugar operations or hobby farms.

3.3.4.2 The preservation of existing agricultural uses will be supported, and sensitive uses should not be permitted adjacent to existing agricultural operations unless potential impacts can be mitigated.

3.3.4.3 New agricultural operations will be encouraged in the rural area where:

- they are on a parcel of land which is of sufficient size; and,
- environmentally sensitive areas and heritage areas will be protected;

3.3.4.4 New land uses and lots, and new or expanded livestock operations will comply with the Provincial minimum distance separation formulae.

3.3.4.5 Agricultural lots will be of sufficient size to:

- accommodate the agricultural use proposed;
- avoid negative impacts on the environment; and,
- avoid negative impacts on ground and surface water quality.

3.3.4.6 Adequate setbacks and buffers will be maintained on agricultural properties along property lines, to ensure compatibility with abutting uses.

3.3.5 Rural Residential

3.3.5.1 Rural Residential development is considered to be the development of a limited number of single detached dwellings serviced with individual water and septic services, located on large lots which front on existing publicly owned and year round maintained roads.

3.3.5.2 Rural Residential development should be directed to areas where residential development exists and would be compatible, and should not be located in remote, undeveloped areas, or in close proximity to:

- existing or known mineral or aggregate deposits;
- aggregate or other resource related industry or activity;
- incompatible rural industries or businesses;
- farm operations where a land use conflict would result;
- incompatible public uses or facilities;
- hazards or development constraints; or
- areas of natural features including heritage areas, wetlands, fish or wildlife habitat.

3.3.6 Rural Business

3.3.6.1 Rural business includes commercial and industrial uses that are:

- resource related;
- agriculture-related;
- related to outdoor recreation;
- space extensive and would not be appropriate in a settlement designation; or,
- functionally related to, or serving, the rural area.

3.3.6.2 Examples of commercial and industrial ventures that may be appropriate in the Rural area include saw mills, fuel wood operations, garden centres, private ski trails, contractors, or boat storage, so long as Council can be satisfied that:

- the proposed use is compatible with the character of the area;
- adequate water, sewer, parking, loading facilities and landscaping can be provided on site;
- the use shall not have a negative impact on the enjoyment and privacy of neighbouring properties; and,

- the proposed use is accessed by a publicly owned and maintained year round road that can accommodate the traffic generated by the proposed development.

3.3.6.3 Tourist commercial establishments, including resort commercial establishments, and institutional accommodation or centres may be permitted in the Rural designation by way of a zoning amendment in order to address specific location, development and access concerns.

3.3.6.4 Large scale uses not normally found in the rural area will only be permitted by amendment to this Plan, in order to address specific location, impact, and development guideline concerns.

3.3.6.5 Other commercial, industrial and institutional uses should be directed to the Village of Minden and other settlement areas.

3.3.7 Mobile Homes and Mobile Home Parks

3.3.7.1 In providing for an adequate supply of housing by type and tenure, the development of mobile home parks as an alternative to traditional forms of housing may be considered in appropriate locations.

3.3.7.2 Development of new mobile home parks or a major expansion of existing facilities shall require an amendment to this Plan.

3.3.7.3 Mobile home parks shall generally be developed, owned and operated as a single unit. Ownership and maintenance of internal roads, services, common elements, open space areas and buildings shall be the responsibility of the owner/operator.

3.3.7.4 The development of mobile home dwellings on individual lots dispersed throughout the Municipality will not be permitted.

3.3.7.5 The provision and maintenance of on-site facilities and services shall be addressed in a site plan agreement between the Township and the owner.

3.3.7.6 Where development is permitted on the basis of communal water and sewage works, the developer shall be responsible for the installation of such works and the payment of monies into a Trust Fund established with a Corporation registered under the Loan and Corporations Trust Act, which Trust Fund is established to the satisfaction of both the Township and the Ministry of the Environment to provide for the long term maintenance and/or replacement of the communal services. Development shall not be permitted on communal services if assumption and maintenance of the communal services will have a detrimental effect upon the finances of the Township.

3.3.7.7 Regard shall be had for the natural features and physical characteristics of the site in order to minimize any environmental impacts.

3.3.7.8 In areas where the existing topography or vegetative cover affords only limited protection from adjacent boundary roads, tree screening and earthen berms may

be required to supplement existing tree cover so as to buffer the proposed mobile home park development from traffic on boundary roads. The means of buffering shall be undertaken with a view to creating privacy and preventing the development from becoming a visually dominant element in the rural landscape.

3.3.7.9 Where it is demonstrated that the development of a mobile home park will result in a need to upgrade local roads or require the extension of any other service by the Municipality, the application shall be considered premature unless the proponent is prepared to undertake the construction of such public works to the satisfaction of, and at no cost to, the Municipality.

3.3.7.10 Adequate off street parking facilities shall be provided for all permitted uses, and access points to and from a mobile home park development shall be limited in number and designed in a manner that will minimize danger to both vehicular and pedestrian traffic.

3.3.7.11 Mobile home parks shall be zoned in a separate zoning classification in the implementing zoning by-law, with suitable provisions and regulations prescribed to govern the future development and use of lands.

3.3.8 Other Land Uses (Public and Institutional Land Uses)

3.3.8.1 In considering the establishment of new institutional or public uses, council shall have regard for the following matters in assessing the appropriateness of the location:

- that the proposal is of a scale which may be integrated with the established character of the area;
- that the use is compatible with adjacent land uses and natural features; and,
- that the proposal is accessible from a road that is both publicly owned and publicly maintained on a year round basis.

3.3.9 Mineral Resources

3.3.9.1 It is the intent of Council to work with the Ministry of Northern Development and Mines (MNDM) to obtain information regarding mineral resources, to identify areas of mineral potential and abandoned mine sites.

3.3.9.2 For the purpose of this official plan, Mining is understood to include above and below ground work, pits and quarries used for mineral extraction, as well as associated processing, transportation, waste and tailing storage, and directly related activities. Mining excludes pits and quarries used for aggregate extractions as part of the aggregate policies.

3.3.9.3 Schedule “D” to this Official Plan identifies known mineral resources and labels those resources as Area of High Mineral Potential.

3.3.9.4 Mining and related activities will only be permitted outside of identified settlement areas and the Waterfront designation. The compatibility of mining activities with

surrounding land use designations will determine the specific nature of permitted mining and mining related activities.

3.3.9.5 The establishment of mining related activities shall be subject to the approval of MNDM under the Mining Act and the Environmental Protection Act and will require an amendment to the Official Plan and Zoning By-law.

3.3.9.6 An influence area will be used as a means of protecting existing land uses in the vicinity of proposed mining operations from a land use conflict and reciprocally to protect Areas of High Mineral Potential and mining operations from the encroachment of incompatible land uses. Development may be permitted in the influence area only where the impacts of mining operations can be properly mitigated. The influence areas shall be 1,000 metres (3,280 feet). The establishment or modification of the influence area should be carried out in consultation with the Ministry of Northern Development and Mines and the Ministry of Environment and may be done without an amendment of this plan.

3.3.9.7 Known abandoned mine sites, have been identified on Schedule 'D' as a Mining Hazard. Proposals for development on or adjacent to these sites shall be prohibited until the nature and extent of any hazards have been mitigated based on a technical report prepared by a qualified professional and approved by MNDM.

3.3.10 Waste Management

3.3.10.1 All waste management sites operating in the Township, whether publicly or privately owned, shall be operated in a manner that safeguards the environment and protects nearby residents and sensitive land uses from undue impact. No residential use is permitted in conjunction with a licensed waste management site.

3.3.10.2 The Township of Minden Hills will continue to use the existing waste disposal sites identified as an Open Waste Management Site, on Schedule "E" to this Plan. Arrangements for the disposal of solid wastes will be reviewed, from time to time, by Council.

3.3.10.3 All operating waste management sites shall be covered by a current Certificate of Approval issued by the Ministry of Environment under the provisions of the Environmental Protection Act.

3.3.10.4 The establishment of new waste disposal or waste treatment facilities including landfill or recycling facilities, salvage yards, sewage lagoons, or sites used for the disposal of wastes from septic or holding tanks, shall require an amendment to the Official Plan, in order to address feasibility, site suitability, traffic, and haul routes, and to assess impacts. No such facility will be located within 500 metres of development other than compatible uses, such as an aggregate operation, a forestry use or a suitable industrial use, after the evaluation of the presence and impact of any adverse effects or risks to health and safety and the identification of any necessary remedial measures has been completed.

3.3.10.5 If a new waste management site is proposed to be opened in the Township, an amendment to this Plan will be required. The proponent will be required to submit

complete documentation to support the proposal prior to the application being considered by Council.

- 3.3.10.6 No reuse of a closed waste disposal site or a site used for the disposal of wastes may be undertaken for a period of 25 years without the consent of the Ministry of the Environment under the Environmental Protection Act, the Ontario Water Resources Act and the Environmental Assessment Act.

3.3.11 Implementation

Lands within the Rural designation will primarily be zoned to Rural (RU) or to other specific zone categories to reflect uses permitted in the Rural designation.

3.4 Environmental Protection

3.4.1 Purpose

3.4.1.1 To maintain and enhance the ecological integrity of environmental and natural heritage features in the Township.

3.4.1.2 To recognize the important natural role that wetland areas provide in managing stormwater, facilitating groundwater recharge and providing habitat to flora and fauna.

3.4.1.3 To identify natural features that are Provincially and locally significant.

3.4.2 Description of the Environmental Protection Designation

3.4.2.1 The Environmental Protection designation primarily is comprised of lands having environmental significance such as Provincially Significant and unevaluated wetlands as shown on Schedule “B” to this Plan. However the Environmental Protection designation may also include natural hazard lands such as floodplains, steep slopes or lands characterized by any other physical condition which makes them physically unsuitable for development. General policies relating to these features can be found in Section 4.

3.4.2.2 Lands designated Environmental Protection, as shown on Schedule “A” or “A-1”, are intended for protection and conservation of the natural land and/or environment. These lands should be managed to complement adjacent land uses and should be protected in their natural state. The Environmental Protection designation is based upon resource mapping provided by the Ministry of Natural Resources.

3.4.3 Permitted Uses

3.4.3.1 Permitted uses in the Environmental Protection designation are limited to those uses which do not diminish the natural environment or the habitats of the fish or wildlife therein such as resource management uses and wildlife conservation areas.

3.4.3.2 No permanent buildings or structures shall be permitted, except those required for flood and erosion control and which have obtained applicable approval from the Ministry of Natural Resources or Department of Fisheries and Oceans.

3.4.4 Development

3.4.4.1 Within the areas designated Environmental Protection, the preservation and enhancement of the natural environment will take precedence over all other uses and therefore development within the *Environmental Protection* designation shall not be permitted. However, where it has been demonstrated through the completion of an EIS in accordance with Section 4.11 that specific lands should not be placed in the Environmental Protection designation and can accommodate development, such lands may be redesignated by an Official Plan Amendment.

3.4.4.2 In addition development proposals on lands within 120 metres of a Wetland identified on Schedule “B” to this Plan, and on lands which connect individual wetland areas, shall be subject to the preparation of an EIS in accordance with Section 4.11 and shall specifically ensure that the development will not result in:

- i) The loss of wetland functions;
- ii) Conflict with existing wetland management practices; or;
- iii) The loss of contiguous wetland area or wetland complex.

3.4.5 Parkland Dedication

3.4.5.1 The Township is under no obligation to accept Environmental Protection lands as part or all of a parkland dedication in accordance with the Planning Act.

3.4.6 Redesignation

3.4.6.1 Where privately owned lands are designated Environmental Protection in this Plan, it does not mean that this land will necessarily remain as such indefinitely, nor shall it mean that such lands are free and open to the general public or will be purchased by the Municipality or another public agency.

3.4.6.2 Where a parcel of land is deemed not to be environmentally significant or environmentally sensitive by the Municipal Council, in consultation with the Ministry of Natural Resources, such lands may be redesignated at the time of an Official Plan Review or by an Official Plan Amendment.

3.4.7 Non-Conforming Uses

3.4.7.1 The expansion of any non-conforming uses in the Environmental Protection designation shall be subject to a Minor Variance. The expansion of such uses may only be considered provided the expansion does not adversely affect the ecological integrity of the natural lands, fisheries and wildlife habitat, and areas of biological or ecological significance exhibited by the feature. The expansion of non-conforming uses in floodplains is prohibited.

3.4.7.2 The replacement of non-conforming buildings and uses in the Environmental Protection designation may be permitted provided the replacement does not adversely affect the ecological integrity of the natural lands, fisheries and wildlife habitat, and areas of biological or ecological significance in the area.

3.4.8 Implementation

Lands within the Environmental Protection designation will primarily be zoned to restrict or prohibit development.

3.5 Wilderness

3.5.1 Purpose

3.5.1.1 The purpose of the *Wilderness* designation is to identify all lands in the Township that are owned by the Crown.

3.5.1.2 While it is recognized that the regulation of Crown lands is outside the jurisdiction of the municipality, the provisions of this Plan are intended to facilitate the utilization of fish, wildlife, minerals and vegetation for economic purposes while ensuring that the quality of the natural environment is maintained, and to facilitate the orderly development and conservation of land and water resources.

3.5.1.3 The Township supports the development of Crown land for Provincial Parks and Conservation Reserves, to increase the wilderness recreational opportunities available to the residents and visitors of the Township.

3.5.1.4 The objectives and policies of the Plan for these areas are based on the land-use guidelines of the Ministry of Natural Resources, including Ontario's Living Legacy, Land Use Strategy 1999.

3.5.1.5 The provision of outdoor recreation opportunities and the development of resources for the social and economic benefit of residents and visitors shall be encouraged on lands designated as "*Wilderness*".

3.5.2 Implementation

Lands within the *Wilderness* designation will primarily be zoned to recognize Crown lands and public use with the exception of environmental features which shall be zoned to restrict or prohibit development.

3.6 Mineral Aggregate Resource

3.6.1 Purpose

The purpose of the *Mineral Aggregate Resource* designation is to identify those lands where aggregate extraction and processing is a permitted use.

3.6.2 Permitted Uses

Land uses within the *Mineral Aggregate Resource* designation as shown on Schedule “D” to this Plan shall primarily be limited to aggregate extraction and processing which includes the extraction of unconsolidated and consolidated material. Accessory uses such as aggregate washing, and asphalt and concrete production may also be permitted uses subject to the provisions of a zoning by-law amendment. Existing uses otherwise permitted within the *Rural* designation may also be permitted but expansion may not be permitted to such uses without an amendment to this Plan.

3.6.3 Development Policies

3.6.3.1 Local and regional needs for mineral aggregate ~~should~~ **shall** be met with minimal disturbance to the social and natural environment.

3.6.3.2 Mineral aggregate extraction and associated uses are permitted uses within the areas designated “Mineral Aggregate Resource” on Schedule “D”. This designation identifies areas where mineral aggregate extraction is presently carried out and includes all licensed public or private pits or quarries which are currently licensed under the Aggregate Resources Act (ARA). Schedule “D” also identifies areas where mineral aggregate deposits may exist and have the potential to supply aggregate demand in the future.

3.6.3.3 All extraction operations should be undertaken in a manner that minimizes impacts on the physical environment and adjacent land uses, after issues of public health, public safety and environmental impact have been addressed.

3.6.3.4 New applications to designate or zone lands for aggregate extraction purposes shall require an Official Plan Amendment and Zoning By-law Amendment. Applications to designate or zone lands as Mineral Aggregate Resources shall provide the following information for consideration by the Township:

- a) Information required pursuant to the Aggregate Resources Act;
- b) Effect on the natural environment;
- c) A rehabilitation plan;
- d) A site development plan which includes the following information:
 - i) True shape, topography, contours, dimensions, size and location of the property to be rezoned as well as the extent of adjacent

- property held for future pit or quarry operations;
- ii) The location, height, dimensions and use of all buildings or structures existing or proposed to be erected on the property;
- iii) Existing and anticipated final grades of excavation, shown by contours where necessary, as well as excavation setbacks;
- iv) Drainage provisions;
- v) All entrances and exits;
- vi) As far as possible, ultimate pit development, progressive and ultimate road plan, any water diversion or storage, location of stockpiles for stripping and products, progressive and ultimate rehabilitation, and where possible intended use of the land after the extractive operations have ceased; and,
- vi) Cross-sections through the deposit.
- e) The physical suitability of haulage routes proposed to and from the site and their ability to sustain the traffic volumes anticipated.
- f) The effect of the operation on nearby communities and land uses.
- g) Any related planning and land use consideration.

3.6.3.5 When considering a Planning Act approval to permit the establishment of a new extractive operation, the Township shall require that:

- a) Extractive operations be generally restricted to areas not exposed to the public;
- b) Excavation of sand and gravel shall be a minimum 120 metres from the property line of lands designated or used for residential use;
- c) Extraction of sand and gravel shall be setback up to 120 metres from lands designated for uses other than residential at the discretion of the Township;
- d) Extraction of quarry stone or the processing of sand, gravel or stone shall be setback a minimum of 200 metres from the property line of lands designated for residential use;
- e) Extraction of quarry stone or the processing of sand, gravel or stone shall be setback up to 200 metres from the property line of lands designated for uses other than residential at the discretion of the Township;
- f) No excavations shall take place within 30 metres of a right-of-way, and within 15 metres of a property line; and,
- g) Haul routes shall maximize the use of County Roads and avoid the use of roads within the settlement areas and the Waterfront designation.

3.6.3.6 All pit and quarry uses must satisfy the requirements of the Ministry of the Environment related to water supply and disposal of liquid waste. The taking of water in any pit or quarry of more than 50,000 litres per day requires a Permit to Take Water from the Ministry of the Environment. Noise and vibration levels of quarry operations including blasting, shall conform to the requirements Aggregate Resources of Ontario Provincial Standards (1997) document issued by the Ministry of Natural Resources. Equipment related to aggregate extraction may require a Certificate of Approval from the Ministry of Environment.

3.6.3.7 A noise or compatibility study shall be required to assess the impact of a sensitive land use that is proposed within 500 metres of a quarry, within 300 metres of a pit below the water table, or within 150 metres of a pit above the water table.

3.6.3.8 The Township, in consultation with Ministry of Natural Resources, may permit other land uses or developments in areas with aggregate resource potential as shown on Schedule “D” without amendment to this Plan provided that:

- extraction of the aggregate is not feasible;
- the proposed land use or development serves a greater long term interest of the general public than aggregate extraction;
- the proposed land use or development would not significantly preclude or hinder future extraction; and,
- issues of public health, public safety and environmental impact are addressed.

3.6.4 Implementation

Lands within the Mineral Aggregate Resource designation will primarily be zoned to permit aggregate operations and, where permissible, secondary uses such as concrete manufacturing.

Section 4 General Environmental Policies

4.1 General

4.1.1 Environmental protection and effective resource management are important to the future of the Township. The municipality must exercise strong management in this regard, while recognizing there are a number of other public and private agencies that also have a mandate to concentrate on certain elements of this duty.

4.1.2 For the purposes of this Plan, references to shoreline and normal or controlled high water mark are interchangeable.

4.2 Significant Natural Heritage Features

4.2.1 Schedules “B” indicates where a number of environmental features are present. These include: wetlands, fish habitat areas, potential aggregate resources, Ontario Living Legacy sites, moose and deer wintering areas, and lakes that are at or near development capacity.

4.2.2 Significant natural heritage features consist of the following:

- Parts of the habitat of endangered and threatened species listed in the municipal heritage register (Section 4.3), as identified by the Ministry of Natural Resources. No development is permitted in the habitat of endangered and threatened species.
- Fish Habitat, as identified by the Ministry of Natural Resources as either spawning areas or fish sanctuaries.
- Known flood hazards along the Gull River, as identified on Schedules “A” and “A-1” and “F”.
- Provincially Significant Wetlands, which are identified by the Ministry of Natural Resources and are shown on Schedule “B”.
- Unevaluated wetlands as described in Section 4.2.3.
- Moose and deer wintering areas/yards, as identified by the Ministry of Natural Resources.
- Areas of Natural and Scientific Interest, as identified by the Ministry of Natural Resources. When this Plan was adopted, there were no such areas in the Township. Any such areas identified in the future will be designated on Schedules “B”.

4.2.3 Very few of the wetlands in Haliburton County have been evaluated by the Ministry of Natural Resources because of the relatively high cost of applying the Northern Ontario Wetland Evaluation System; this is not likely to change in the

near future. Many of these unevaluated wetlands may be locally, regionally, or provincially significant. The County of Haliburton, the Ministry of Natural Resources, and Ducks Unlimited Canada in partnership have undertaken an initiative to map the wetlands in the County more accurately through remote sensing. This study has resulted in the creation of a wetland screening map that may not be consistent with the wetland mapping identified on Schedule B to this Plan, but will be used by the Township as a screening tool when reviewing development applications in the following manner:

- a) Where a development or site alteration proposal will extend into a wetland area identified on the County of Haliburton Wetland Mapping, the applicant will undertake a site assessment to accurately delineate the wetland boundaries. If the proposed development or site alteration is determined to occur within the wetland then the applicant will undertake an Environmental Impact Study (EIS) in accordance with the policies of this Plan to demonstrate that there will be no negative impacts to the feature or its ecological function;
- b) Where a development or site alteration proposal is located within the adjacent lands to a wetland identified on the County of Haliburton Wetland Mapping, the applicant will undertake a scoped Environmental Impact Study (EIS), satisfactory to the Township and County, demonstrating that there will be no negative impacts to the wetland feature or its ecological function; and,
- c) The assessment referred to in (a) and (b) will be completed prior to the development proposal and will be completed by a qualified professional.

4.2.4 Council will only consider a Planning Act application for development within the following areas if the applicant submits an Environmental Impact Statement as described in Section 4.11:

- *Fish Habitat;*
- *Significant Moose and deer wintering areas/yards; and,*
- *Adjacent lands contiguous to significant natural heritage features as noted in Section 4.2.8.*

4.2.5 Within the Moose/Deer Wintering Areas designation, or its adjacent lands, where the proposed development is the creation of lots by consent, or further development on no more than four abutting lots in a Waterfront area, Council may exempt the applicant from having to submit a natural heritage evaluation, only if the development approval includes a consent agreement and/or zoning by-law that requires:

- minimum lot frontage of 90 metres (295 feet); and,
- that at least 80% of the shoreline frontage to a depth of 30 metres (98 feet) will be maintained in its natural state.

- 4.2.6 Council will consider an application for development within unevaluated wetlands, or within their adjacent lands, provided that, as requested by Council, the applicant submits an evaluation of the wetland using the Northern Ontario Wetland Evaluation System and/or an Environmental Impact Statement (EIS). An evaluation may be required to demonstrate, to Council's satisfaction, that the proposed development will have no negative impacts on the wetland or its ecological functions.
- 4.2.7 An EIS will be conducted using the Natural Heritage Reference Manual and supporting technical manuals produced by the Ministry of Natural Resources as a guide. The study area for the EIS will be the entire significant natural heritage feature and its adjacent lands. The evaluation will consider how to maintain, and where possible improve, the diversity of natural features in the study area and the connections between them. If in the course of preparing an EIS, the applicant becomes aware that the study area includes actual habitat of endangered or threatened species, the applicant will advise the Township at the earliest opportunity. For Provincially Significant Wetlands, the evaluation must demonstrate, to Council's satisfaction, that the proposed development will have no negative impacts on the wetland or its ecological function.
- 4.2.8 Adjacent lands contiguous to significant natural heritage features are lands within the following distances from the features:

- Provincially Significant Wetlands and unevaluated wetlands 120 metres (394 feet)
- Fish Habitat – 30 metres (98 feet)
- Significant Wildlife Habitat – Species of Conservation Concern – 150 metres (492 feet) from the centres of the nests
- All other features – 50 metres (164 feet).

For the purposes of a specific development application, the adjacent lands contiguous to a specific feature may be varied from these standards, where documented and justified to Council's satisfaction.

4.3 Municipal Heritage Register

- 4.3.1 Certain significant natural heritage features are not appropriate for designation on Schedule "B" either because their locations may well change in the short to medium term, or because they could be prone to vandalism or destruction if their locations were known to the general public.
- 4.3.2 The Township will maintain a register of the following features. The identification and location of these features into the register will be of equal validity for purposes of the Plan, as if the features were designated on Schedule "B".
- Significant parts of the habitat of endangered and threatened species. Access to this information will be restricted to the extent required by the Ministry of Natural Resources.

- Significant Wildlife Habitat – Species of Conservation Concern. This information will be used to supplement Schedule “B” on a short to medium term basis.

4.4 Water Resources

4.4.1 The Township recognizes the importance of maintaining and improving the quality and quantity of groundwater and surface water. As such, the function of watercourses and sensitive ground water recharge/discharge areas, aquifers and head water areas will be protected or enhanced. All major development applications, including plans of subdivision and water taking industries, shall be supported by hydrological and terrain analysis reports and nitrate impact assessments where there may be an impact on ground or surface water resources. An impact assessment of development on a surface waterbody will also be required for major development adjacent to a waterbody. These studies, among other matters, will address the impacts of the proposed development on ground and surface water resources.

4.4.2 Development and site alteration will be set back from all watercourses within the Township in order to protect their natural features and functions, provide riparian habitat, and minimize the risk to public safety and property. The setback distance shall be determined on-site in consultation with the appropriate approval authorities. In general, development and site alteration should be set back a minimum of 30 metres (100 feet) from the high water mark of lakes, rivers and streams, with the following exception:

- The minimum setback is 23 metres (75 feet) for buildings and structures and 30 metres (100 feet) for tile fields for a lot in existence on the date of approval of this Official Plan.

In cases where these setbacks are not achievable, the greatest setback possible will be required, subject to the provisions of Section 3.2.3.6.4.

4.5 Forestry and Forest Management

4.5.1 Forest areas are to be maintained and increased to the greatest extent possible.

4.5.2 The Township also recognizes the importance of forestry operations and encourages sound forest management practices on all lands in the Township.

4.5.3 Restoration and tree planting efforts should be directed to areas that would create or re-establish natural corridors such as river and stream riparian areas.

4.6 Recreation

4.6.1 The Township will support the development of recreational trails, particularly along unopened road allowances.

4.6.2 Trails created through private agreements and trails which connect to other municipalities are also encouraged.

4.7 Soil Conservation

- 4.7.1 The Township will support measures to protect the soils of the Municipality from wind erosion, flooding and other natural hazards.

4.8 Fish and Wildlife Habitat

- 4.8.1 The importance of protecting wildlife corridors and preventing the fragmentation of these lands cannot be overemphasized. These areas, as shown on Schedules “B” will be protected against interruption when new or enlarged development is under consideration.

- 4.8.2 Fish and wildlife habitat is recognized as a valuable resource in the Township. Significant habitat has been identified on Schedules “B” Development and site alteration will only be permitted in fish and wildlife habitat if it is demonstrated that there will be no negative impacts on the natural features or ecological function(s) for which the area is identified. The Township may consult federal, provincial, municipal, or other appropriate agencies for the successful implementation of this policy.

4.9 Endangered and Threatened Species Habitat

- 4.9.1 An endangered species is a species listed on the Species at Risk in Ontario List (SARO list), under O. Reg. 230/08 of the Endangered Species Act that is at risk of extinction throughout all or a portion of its Ontario range, if limiting factors are not reversed. A threatened species is a native species that is at risk of becoming endangered through all or a portion of its Ontario range. The “significant habitat” of such species is the land that is necessary for the maintenance, survival and/or recovery of naturally occurring or re-introduced populations of endangered or threatened species.

- 4.9.2 According to data provided by the Ministry of Natural Resources, the following endangered and threatened species have the potential to be found in the Municipality:

- i) Spotted Wintergreen (E)
- ii) Engelmann’s Quillwort (E)
- iii) Butternut (E)
- iv) American Ginseng (E)
- v) Whip-poor-will (T)
- vi) Chimney Swift (T)
- vii) Peregrine Falcon (T)
- viii) Least Bittern (T)
- ix) Flooded Jellyskin (T)
- x) Blanding’s Turtle (T)
- xi) Eastern Musk Turtle (T)
- xii) Eastern Hog-Nosed Snake (T)
- xiii) Pale-bellied Frost Lichen (T)
- xiv) Bobolink (T)
- xv) Cerulean Warbler (T)

- xvi) Barn Swallow (T)
- xvii) Eastern Meadowlark (T)
- xviii) Little Brown Myotis (E)
- xix) Northern Myotis (E)

The above list of threatened and endangered species has been incorporated with this policy for information purposes and was accurate at the time Official Plan Amendment #9 was approved. Notwithstanding, in all cases the Species at Risk in Ontario list (SARO) prepared by the Ministry of Natural Resources shall prevail and shall be the primary confirmation for endangered and threatened species in the Township.

4.9.3 The Ontario Ministry of Natural Resources is responsible for approving and defining significant habitat of endangered species and threatened species. For significant habitat of endangered species and threatened species, identified by the Ministry of Natural Resources in the Township of Minden Hills, the following policies will apply:

- a) An Environmental Impact Study must be undertaken by the proponent to confirm the presence of any endangered species and threatened species and/or their significant habitat.
- b) Development and site alteration shall not be permitted in the significant habitat area of endangered species and threatened species.
- c) Development and site alteration on adjacent lands to the significant habitat of an endangered species or threatened species is not permitted, unless it has been demonstrated (through appropriate evaluation) that there will be no negative impacts on the natural features or their ecological functions. "Adjacent to" will generally mean within 120 metres of such habitat unless it is determined through the consideration of appropriate information or studies that a greater or lesser distance should be considered for particular species or site.
- d) Development proponents should exercise due diligence to ensure that any activities being contemplated would not contravene the Endangered Species Act, 2007, that came into effect on June 30, 2008.

4.10 Steep Slope and Erosion Areas

4.10.1 Development will be set back from areas exhibiting steep slopes (greater than 20%) or active erosion. The setback distance will be determined on site in consultation with a qualified specialist. A reduction of the setback distance will be considered only when supported by a geotechnical investigation prepared by a soils expert. The geotechnical investigation shall be prepared to the satisfaction of the appropriate approval authority.

4.11 Environmental Impact Studies (EIS)

- 4.11.1 Where required elsewhere in this Plan, or as required by the Township and the governing agencies through the development review process, an Environmental Impact Study (EIS) shall be prepared in accordance with the requirements of this section, and in consultation with other appropriate authorities.
- 4.11.2 The purpose of an EIS is to collect and evaluate the appropriate information required to have a complete understanding of the boundaries, attributes and functions of the environmental features, and to make an informed decision as to whether or not a proposed use will have a negative impact on the critical natural features and ecological functions of the environmental feature.
- 4.11.3 The EIS shall include:
- a description and photographs of the physical features on site, including structures, soils, vegetation, wildlife, topography, watercourses and other relevant features;
 - a general description of the physical features of the land around the site;
 - a description of the ecological and hydrogeological functions of the subject property;
 - a summary of the development proposal including a detailed drawing of the proposed development;
 - a description of the potential impacts of the development on the physical features of the site;
 - where necessary, a review of alternative development options and alternative methods of mitigating the impacts of the proposed development;
 - exploration of opportunities for environmental enhancement; and,
 - an implementation and monitoring plan, including mitigation measures and enhancements.
- 4.11.4 The EIS should demonstrate, where applicable, that the proposed use will:
- not discharge any substance that could harm air quality, groundwater, surface water and/or associated plant and animal life;
 - be supplied by an adequate supply of water and that the water taking associated with the use will not harm existing water supplies and/or associated plant and animal life;
 - not cause erosion or siltation of watercourses or changes to watercourse morphology;
 - not interfere with groundwater recharge to the extent that it would adversely affect groundwater supply for any use;
 - not cause an increase in flood potential on or off site;

- maintain, enhance, or restore the natural condition of affected watercourses, and protect, enhance, or restore aquatic habitat;
- not significantly affect the scenic qualities of the area; and,
- enhance and restore endangered terrestrial and aquatic habitat where appropriate and feasible.

Section 5 General Development Policies

5.1 Bed and Breakfast Establishments

- 5.1.1 Bed and breakfast establishments may be permitted as an accessory use within a single detached dwelling provided that:
- the physical character of the dwelling is not substantially altered;
 - the use does not have a negative impact on the privacy and enjoyment of neighbouring properties;
 - the number of rooms available for rent does not exceed three (3); and,
 - adequate water, sewage disposal, parking facilities and access are provided on the site.
- 5.1.2 The Zoning By-law shall further define a bed and breakfast use and contain other appropriate provisions.

5.2 Cultural and Heritage Building Conservation and Archaeological Resources

- 5.2.1 The Ontario Heritage Act provides the framework for the conservation of cultural, heritage and archaeological resources within communities in Ontario. The Heritage Act may be used to conserve, protect and enhance the cultural heritage in the municipality through the designation, by by-law, of individual properties, conservation districts, heritage areas, and archaeological sites. A Municipal Heritage Committee may also be established pursuant to the Heritage Act to advise and assist Council on conservation matters related to cultural heritage resources.
- 5.2.2 The Township's heritage and archaeological resources should be conserved and enhanced wherever practical. Heritage resources include archaeological sites, cemeteries and burials, buildings and structural remains of historical and architectural value, heritage landscapes, and areas of historic and scenic interest.
- 5.2.3 The Township recognizes that there may be archaeological remnants of prehistoric and early historic habitation within the Township, as well as areas exhibiting archaeological potential. Council may, in cooperation with the Ministry of Culture and the Ministry of Consumer and Business Services, require archaeological impact assessments, surveys and/or the preservation on-site, or rescue excavation of, significant archaeological resources by archaeologists licensed under the Heritage Act, that might be affected by any future development.
- 5.2.4 Council may maintain the integrity of archaeological resources by adopting zoning by-laws under Section 34 of the Planning Act, to prohibit any land use activities or the erection of buildings or structures on land which has been identified as a site of significant archaeological resources.

- 5.2.5 Council shall ensure adequate archaeological assessment and consult appropriate government agencies, including the Ministry of Culture and the Ministry of Consumer and Business Services when an identified marked or unmarked cemetery is affected by land use development. The provisions under both the Cemeteries Act and the Heritage Act shall apply where appropriate.
- 5.2.6 Council will have regard for cultural heritage resources in the undertaking of municipal public works. When necessary, Council will require satisfactory measures to mitigate any negative impacts on significant heritage resources.
- 5.2.7 Council recognizes that archaeological potential will be determined for individual development applications and building permits through the use of provincial screening criteria, or qualified mapping developed based on the known archaeological records within the Township. Archaeological potential criteria include features such as proximity to water, current or ancient shorelines, rolling topography, unusual landforms, any locally known significant heritage areas such as portage routes or other places of past human settlement.
- 5.2.8 Subject to the availability of resources, Council will develop an inventory of cultural heritage resources, including archaeological sites, registered heritage properties and buildings, cultural heritage landscapes, as well as buildings and lands of cultural importance or deserving of cultural heritage recognition in the Township. Upon completion of the inventory, it is intended that the location of all land and buildings identified for cultural heritage importance will be identified on a map and integrated into this Official Plan in a Schedule. This Schedule and any additional policies may be integrated either through an Official Plan Update or through a separate amendment undertaken in accordance with the Planning Act.

5.3 Energy Conservation and Reduction of Light Pollution

- 5.3.1 The wise management and conservation of energy resources can be promoted by the Township through various activities. The Township will encourage the use of an orderly and compact urban development pattern that can minimize the need for automobile trips.
- 5.3.2 The Township may investigate ways in which the Zoning Bylaw and subdivision and development standards can be modified to encourage energy conservation and reduce light glare.
- 5.3.3 The use of alternative energy sources, the use of landscaping and building orientation to reduce energy costs, and methods of lighting that limit the amount of light directed or escaping towards the sky and reduce ambient night lighting, will be encouraged in the design of new and redeveloped residential and non-residential facilities in the Township, particularly in rural and waterfront areas.

5.4 Group Homes

- 5.4.1 Group homes may be permitted in all designations that permit residential development, subject to the provisions of the Zoning By-law. The Zoning By-law

may differentiate between open custody and closed custody group homes, and shall establish location and size criteria for group homes.

- 5.4.2 In general, a group home shall be a licensed single housekeeping unit with residents who, by reason of emotional, mental, social, physical or other conditions, require a group living arrangement. The group home should complement and fit in with the character of the surrounding residential community, and may provide accommodation for up to six (6) residents at any one time.

5.5 Home Occupations and Industries

- 5.5.1 Home businesses are an increasingly important component of the local economy. Privately operated legal businesses may be permitted as a secondary use in residential dwellings and/or accessory buildings provided they maintain the integrity and character of the neighbourhood, are compatible with surrounding uses, and will not cause traffic or parking impacts.

- 5.5.2 The Zoning By-law may incorporate standards for home occupations and industries by:

- identification of the zones which shall permit or regulate various forms of home occupation or home industry;
- restrictions on the number of people who may be employed in the home occupation or industry;
- limiting maximum floor area of the business;
- requiring continuation of the residential appearance of the building;
- regulating signs; and,
- parking standards.

- 5.5.3 The standards will take into consideration the adequacy of lot size, on-site services and separation distances to ensure compatibility with adjacent land uses.

5.6 Hunt Camps

- 5.6.1 Hunt camps, which are used only as a temporary base for hunting or trapping activities, may be permitted within the Rural designation. A hunt camp shall not be required to front on a public road and may be serviced by any type of sewage disposal system approvable under the Building Code Act.

- 5.6.2 The policies of this Plan are not binding on undertakings carried out on Crown Land by the Crown or its agents, but the policies of this Plan will be binding on any lands that cease to be Crown lands. Council will encourage all levels of government to have regard to the policies of the Plan wherever possible, and will recognize existing hunt camps on lots that do not meet the size requirements of these policies.

5.7 Parkland Dedication & Recreational Trails

- 5.7.1 In considering land division, the Township may require an applicant to dedicate a portion of the gross area being developed for the provision of public open space other than roads or to facilitate recreational trail connections. Alternately, the Township may require a payment of cash in lieu of parkland as per Section 51.1 of the Planning Act.
- 5.7.2 Parkland dedication requirements will be established in a Municipal By-law, for lands not developed at the time of passage of this Plan.
- 5.7.3 Recreational trails play a role in the health and economy of the community. Through development applications reviewed in accordance with the policies of this Plan, Council will encourage the maintenance of existing, and the establishment of new, public recreational trails which diversify year-round recreational opportunities in the Township and preserve the natural environment.
- 5.7.4 Pursuant to Council review and approval, recreational trails will be permitted in all land use designations and on unopened Township road allowances except where the creation of such a trail would be detrimental to an identified natural feature or function or create a compatibility issue with an abutting land use.

5.8 Portages

- 5.8.1 Existing portages shall be protected from incompatible uses. Development on sites adjacent to portages shall be setback a sufficient distance to ensure that there is no conflict between the portage uses and the abutting uses.

5.9 Wayside Pits and Quarries, Portable Asphalt Plants

- 5.9.1 A wayside pit or wayside quarry means a temporary pit or quarry opened and used by or for a public authority or its agent, solely for the purpose of a particular project or contract of road construction. A portable asphalt plant means a facility with equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material, and includes stockpiling and storage of bulk materials used in the process, which is designed to be dismantled and moved to another location as required.
- 5.9.2 Wayside pits, wayside quarries and portable asphalt plants are permitted throughout the Township without an amendment to this Plan or the Zoning By-law, except in areas of existing development or environmental concern.
- 5.9.3 Plans submitted by applicants for wayside pits, wayside quarries, or portable asphalt plants will be reviewed by the appropriate Provincial agencies, and the anticipated time frame for the proposed use will be made available to the public.
- 5.9.4 Discontinued sites will be rehabilitated back to their former use, and any physical plant shall be removed from the site upon completion of the public project. An inspection and report, prepared to the satisfaction of the Township, will be required to ensure that the property has been appropriately rehabilitated.

5.10 Community Facilities

- 5.10.1 School and recreational facilities should be located together and combined where feasible. Where public parkland is used for school expansion, it should be replaced with additional recreational facilities.
- 5.10.2 Recreational facilities shall be highly visible and easily accessed.
- 5.10.3 Pedestrian walkways, bicycle lanes and multi-use recreational trails should link public facilities to each other and to residential areas. Special attention will be given to developing additional pedestrian linkages to existing recreation facilities.
- 5.10.4 In this period of limited funds, cooperation with the private sector in establishing recreational facilities should be pursued. Joint use opportunities will be actively encouraged.
- 5.10.5 Existing school facilities are important components of the recreation inventory and should be modified or adapted to meet a variety of community needs. New schools should be designed with joint use with other community groups as a major objective.
- 5.10.6 There shall be a broad definition of recreation to recognize the cultural and social needs of the community. Policies should be flexible to ensure that these needs are considered in conjunction with the usual sports activities.
- 5.10.7 Recreation and community facilities shall provide for handicapped accessibility.
- 5.10.8 Alternative venues should be considered for recreational facilities. Multi-use facilities should be encouraged in order to make better use of community resources.
- 5.10.9 Access to schools will be a major consideration when reviewing subdivision applications. Schools must be easily accessible by pedestrians and cyclists and be linked by walking paths, bicycle lanes and multi-use recreational trails to other public facilities and services.
- 5.10.10 Dedication of parkland will be a key condition of development. Parkland must be of a size and in a location that satisfies the community's needs. Where suitable land is not available, cash in lieu of parkland will be taken.
- 5.10.11 As the population in the Township ages, more attention shall be given to housing for the elderly. Housing types that accommodate aging in place will allow seniors to stay in residential units as they age. To accommodate this, the following options will generally be considered:
 - providing a mix of housing types on the same block;
 - permitting accessory apartments and garden suites;
 - lowering the minimum size requirement for housing units;

- implementing alternative development standards that allow smaller setbacks and yards;
- allowing mixed use neighbourhoods;
- accommodating services for seniors within residential neighbourhoods;
- locating walk-in/drive-in medical clinics, with appropriate parking, in new residential neighbourhoods;
- the provision of well-lit accessible streets, sidewalks as well as accessible public buildings, facilities and places of business; and,
- responding to issues associated with those who are physically challenged.

5.11 Expansion of Boundaries

5.11.1 The boundaries of Minden have been expanded and have been established to accommodate growth anticipated over the next 20 years, particularly commercial development along the Highway 35 corridor.

5.11.2 Expansion of the boundaries may be considered in the context of a Comprehensive Official Plan Review of this Plan where:

- the community is substantially developed; or,
- additional areas are required to accommodate a particular land use.

5.11.3 Such expansion will be considered within the following context:

- the community will continue to generally be compact, efficient and well defined;
- the character, focus and sense of the community will be maintained and enhanced;
- the land is physically suitable for such development and generally does not include areas which consist of hazard lands, significant terrain constraints, environmentally sensitive or important natural features;
- the aesthetic qualities of the community will be preserved;
- an efficient road pattern will be maintained and established with proper motor vehicle, pedestrian and bicycle access and links to any Township, County or Provincial Road; and,
- development and re-development in the Village of Minden shall continue to be fully serviced.

5.12 Services and Utilities

5.12.1 Water and sewage disposal services in the Township are currently provided on a private basis, with the exception of the Village of Minden. It is recognized that

development in non-urban land use designations will occur, in most cases, on the basis of individual water and sewage systems.

5.12.2 Public utility authorities may be permitted to locate all work defined by Provincial Statute in any land use designation provided the use meets the appropriate requirements of the Zoning By-law and conforms to this Official Plan. Such works include roads, buildings, structures or utilities.

5.12.3 Public services and utilities will be planned and implemented in accordance with the requirements of the Environmental Assessment Act. The Township shall be advised of plans for new public works before any applications for permits are approved.

5.12.4 Contaminated sites may be placed in a Holding Zone, which may be removed when the site has been acceptably decommissioned or cleaned up, in accordance with the Ministry of the Environment's Guideline for Use at Contaminated Sites in Ontario, to the satisfaction of the Township, as required by a site remediation plan and subject to the submission of a Provincially recognized Record of Site Condition.

5.13 Servicing and Access Requirements

5.13.1 New development in the Village shall be serviced with piped municipal water and sewage facilities. Lot creation will only be considered if sufficient water and sewer plant capacity exists to accommodate the proposed development.

5.13.2 All lots will front on and have access to roads municipally maintained year round.

5.13.3 Storm water management shall be addressed in all development applications.

5.14 Functional Classification of Roads

Roads within the Township of Minden Hills are important facilities for moving people, goods and services within and through the Township and have been classified according to their functions and for the jurisdiction having responsibility for maintenance. All roads identified on Schedule "C" and "C-1" to this Plan belong to one of the following categories:

5.14.1 Provincial Highways

Provincial Highways, by virtue of their location and physical characteristics are existing or proposed roads which are designed to facilitate the through movement of large volumes of traffic to and from major traffic generating sectors at relatively high operating speeds. To facilitate this function, access to abutting properties should be restricted. Access to Highway 35, as well as development adjacent to the highway and/or located within the area of permit control, is subject to the safety and geometric requirements of the Ministry of Transportation. Permits shall be obtained from the Ministry of Transportation prior to any grading and/or construction taking place.

5.14.2 County Roads

County Roads are roads, under the jurisdiction of the County of Haliburton, which function as strategic links in the overall road network. County Roads are to be designed to facilitate the movement of relatively high volumes of local and through traffic at moderate operating speeds, between Provincial Highways, County Roads and Township Roads. Access to abutting properties should be limited, particularly in areas of new development. The design right-of-way width will vary from 26 to 36 metres.

5.14.3 Township Roads

Township Roads are roads, under the jurisdiction of the Municipality, consisting of two traffic lanes typically within a standard right-of-way width of 20 metres. Township Roads are intended to facilitate local traffic movement at relatively low operating speeds, and access to adjacent properties.

5.14.4 Private Roads

Private roads are access routes located on private property and maintained by private individuals, Corporations or Associations and are shown on Schedule "C" and "C-1" to this Plan. Such roads generally provide access to more than one property. It is anticipated that the expansion of new private roads or individual rights-of way for the purpose of facilitating new lot creation will be limited.

Private roads will not be assumed and maintained by the Township unless the road is brought up to municipal standards to sustain year-round use. The cost of bringing such a road up to municipal standards shall be borne by the landowners that will benefit from the year round maintenance of the road. Notwithstanding, the Township will not be compelled to assume and maintain roads of this nature.

The construction or expansion of a dwelling unit on an existing lot of record or any building containing a permitted non-residential use on a lot that is accessed only by a private road may be permitted, subject to Section 5.14.7.

5.14.5 Other Roads

There are a number of access roads or forest roads over Crown land in the Township. Subject to the approval or permission of the Ministry of Natural Resources, the Township will support the use of such roads for recreation and resource-related uses, however the Township will not expend financial resources to maintain, upgrade or assume such roads. Improvements or capital works proposed for such roads must be authorized by the Ministry of Natural Resources. Where Planning Act approvals are sought for lands that require access over Crown land, such approvals will be contingent on the proponent obtaining support or a clearance from the Ministry of Natural Resources for the use of Crown land for access.

There are also a number of unopened municipal road allowances located throughout the Township. The Township does not intend to improve these road allowances for public use, but where the improvement of an unopened road

allowance would yield a substantial public benefit, Council will consider the provision of long-term maintenance provided the cost to upgrade the unopened road allowance is borne by landowners who would directly benefit from the improvement.

Council intends to retain all unopened road allowances, but may consider the closing and conveyance of an unopened road allowance only in accordance with Section 5.14.8.

5.14.6 General Road Policies

5.14.6.1 Where additional land is required for widenings, extensions and intersection improvements, such land shall be obtained, wherever possible, in the course of approving plans of subdivision, site plans, and/or consents, in accordance with the provisions of the Planning Act, R.S.O., 1990, c.P. 13, as amended. Right-of-way widths and geometric design standards shall be determined by the Province, the County or the Township, in consultation with the Ministry of Transportation.

5.14.6.2 Except as otherwise noted in this plan, no land shall be developed for commercial, industrial, recreational, institutional or community facility purposes unless such lands are accessible by means of an improved public road, which is maintained year round, and, which is of an acceptable standard of construction to accommodate the transportation needs and traffic to be generated by the new development and/or redevelopment.

5.14.6.3 Council shall give consideration to the preparation of a Municipal Roads Needs Study. Such a study shall include an examination and analysis of municipal roads to determine existing road conditions, the needs of all users, and, where deficiencies are identified, the expenditures necessary to improve and upgrade municipal roads to an acceptable level. Such a study should establish a priority of needs for such works.

5.14.6.4 As a condition to the approval of a site plan, as part of the review and consideration of an application to amend this Plan, or the implementing zoning by-law, or, as part of an application for draft approval of a proposed plan of subdivision or plan of condominium, Council may require a traffic impact analysis to determine the adequacy of the existing and/or proposed road network adjacent to the site and to determine the nature and extent of any improvements that may be required to the existing road system to facilitate the development of the lands.

5.14.6.5 Council will require, as a condition of the approval of any new development or redevelopment, that sufficient lands are conveyed to the Municipality to provide for a road right-of-way width in accordance with the functional classification.

5.14.6.6 In considering development or redevelopment proposals for residential purposes adjacent to Provincial Highways or County Roads, Council shall require the submission of a noise analysis that addresses potential impacts and the need to implement increased setbacks, buffering, screening and landscaping or other attenuation measures so as to reduce the negative effects of such roads on proposed adjacent sensitive land uses (including residences, schools and day care facilities).

5.14.6.7 Council will not assume or dedicate any roads which do not meet the minimum acceptable standards of the Township.

5.14.6.8 All new or existing private roads to be dedicated to the Municipality must be brought up to current Municipal standards prior to being assumed by the Township. Existing seasonally maintained public roads must also be brought up to current Municipal standards before they will be considered for year-round service.

5.14.7 Conditions Under Which Development is Permitted

All lots that front on a Private Road, Seasonal Township Road or a Forest Access Road as shown on Schedule “C” and “C-1” to this Plan shall be subject to Site Plan Control.

It is not the intent of this policy to control the siting of all buildings or structures on the lot, unless it is deemed by Council that issues relating to buffering, building placement and/or drainage should be dealt with in the context of a Site Plan Agreement.

Prior to considering a Site Plan Agreement, Council shall be satisfied that:

- a) The use of the lot is permitted by the implementing zoning by-law;
- b) The lot and all buildings and structures on the lot comply with the implementing zoning by-law; and,
- c) The sewage disposal system is operating in accordance with current standards and that the use is serviced by an appropriate water supply on the same lot.

The Site Plan Agreement shall contain wording that indicates that:

- i) the owner acknowledges and agrees that the lot in question does not front on an improved public road;
- ii) the owner acknowledges and agrees that the Township does not or is not required to maintain or snowplow the said road or street;
- iii) the owner acknowledges and agrees that the Township will not take over or assume a private road or street as a Township public road or street unless it has been built according to an appropriate road standard; and,
- iv) the owner acknowledges and agrees that the Township is not liable for any injuries, losses or damages as a consequence of the Township issuing a building permit.

5.14.8 Closing and Conveyance of Road Allowances

Unopened road allowances will be retained by the Township and may be used to accommodate future transportation needs, if warranted.

Notwithstanding, Council may pass by-laws to close any portion of an opened or unopened road allowance in accordance with the Municipal Act, and in doing so, the Township may convey ownership of some or all of the lands.

Prior to considering the closure and conveyance of any road allowance, Council will consider the following criteria:

- i) If the road allowance to be closed provides an existing or potential public access to a lake or river by leading to the water's edge, Council must be satisfied that there is an adequate alternate public access to the water body in proximity to the road allowance to be closed; and,
- ii) If the road allowance is used by a formalized recreational trail organization, as indicated on the Schedules or Appendices to this Plan, it must be demonstrated that the closure will not be detrimental to the greater trail network; and,
- iii) If the closure of the road allowance would cause or lead to the creation of a land-locked parcel of land.

Where the Township is requested to close and convey any portion of a road allowance, Council may, as a condition of such conveyance, require any of the following:

- i) The exchange of other property to provide appropriate land or water access;
- ii) Notification of such closure and conveyance in accordance with By-law 2003-07 passed in accordance with the Municipal Act;
- iii) The subject lands be rezoned;
- iv) The removal or structural repair of buildings or structures;
- v) The prospective owner of such lands to assume responsibility for all costs associated with the closure including the preparation of a survey and all legal documents necessary to effect the land transfer; or,
- vi) Consideration or compensation for the transfer of the road allowance.

5.15 Storm Water Management

- 5.15.1 Where development is proposed, appropriate storm water management and construction mitigation measures shall be implemented.
- 5.15.2 Proponents should use best management practices and address the effect of storm water upon receiving waterbodies with respect to velocity, sedimentation, water quality and identified significant fish or other habitat.

5.15.3 Any application for commercial or industrial development must be accompanied by a storm water management report prepared by a qualified professional, to the satisfaction of the Township.

5.16 Active Transportation

5.16.1 Minden Hills recognizes the positive role that active transportation can play in improving mobility as well as the health and quality of life within the community. On this basis Council supports the development of walking and/or cycling routes within the Township and will use studies such as the Active Transportation Plan for Minden (2008) and the Haliburton County Cycling Master Plan (2008) as resources to help inform future infrastructure planning, with respect to road development and maintenance. Other potential initiatives that could facilitate and support active transportation include:

- a) the establishment of safer ingress and egress to Highway 35;
- b) incorporating design features and traffic calming measures to slow traffic in gateway areas;
- c) establishment of a community safety zone at Parkside Street and Bobcaygeon Road;
- d) compile an integrated trails, sidewalk and pathway inventory; and,
- e) maintain and improve existing sidewalk and trail infrastructure.

5.17 Growth Management

5.17.1 At the time this Plan was being updated, the County of Haliburton was in the process of undertaking a Growth Management Strategy. In preparing this study, the Township encourages the County to consider the opportunity presented by an aging demographic and the role that the County can play in accommodating resident and recreational growth attributed to retirees seeking out housing options suited to a retirement lifestyle. The Township of Minden Hills wishes to seize economic and social opportunities that may be available as a result of the aging population. When the results of this study have been incorporated by an Amendment to the County Plan, the Township of Minden Hills will, if necessary, amend the growth management and intensification policies of this Plan.

5.18 Community Urban Design Guidelines

5.18.1 Community design guidelines are used to ensure that development contributes to the well being of residents and enhances the positive aspects of the community character. Community design policies contribute to and guide:

- The revitalization of the downtown core;
- New commercial and industrial development;

- Subdivision design;
- Preservation of cultural heritage features and scenic values;
- Conservation of natural features;
- Location and design of roads;
- Community integration; and,
- Aesthetics.

5.18.2 The following policies are designed to protect the viability of the commercial core and to enhance its appeal:

- The preservation and re-use of historic buildings and features is encouraged;
- Through traffic will be redirected to maintain the destination function of the core area and improve the environment for pedestrians;
- A mix of retail, small business, residential intensification and institutional uses is encouraged in the downtown core;
- Signage, streetscape and building facades should be coordinated through a program to enhance the attractive and distinctive small town character;
- Creation of new views and vistas will be encouraged in any redevelopment proposal;
- Cash in lieu of parking is an option for new development; the cash may be used to create interconnected and clearly identified parking areas near the fringes of the core area in convenient locations that enhance the pedestrian experience; and,
- Definition and softening of the visual impact of large parking areas in the core should be implemented.

5.18.3 New commercial development is encouraged to implement the following design requirements:

- Landscaping and green spaces are to be provided between the road and sidewalk and between the sidewalk, large parking lots, and parking aisles, to soften the impact of the asphalt;
- Pedestrian linkages will be provided between abutting residential, recreational, institutional and small scale commercial uses;
- Flexible design standards will be implemented so design features consistent with the existing small town character can be included in the design; to permit the use of smaller setbacks, parking behind buildings, wall mounted signs and architectural compatibility with traditional forms;
- Access for pedestrians and cyclists should be incorporated in site design;
- Pedestrian friendly streetscapes are encouraged through the use of overhead canopies, bollards, flags, flagpoles and small 'village greens';

- The location and layout of parking lots will avoid a linear form of development dominated by large asphalt parking lots; and,
- Development along Highway 35 shall take into account the need to maintain proper traffic flow through the area.

5.18.4 The main entrances to the Village create an impression of the community, and require specific design considerations to reflect the character of the Village. Streetscape improvements and regulation of signs and parking areas will be important components in any strategy to improve the visual features of the entrances.

5.18.5 Public open space along the shoreline of the Gull River and access to the water will be preserved, expanded and enhanced.

Section 6 Implementation and Administration

6.1 Zoning

6.1.1 Comprehensive Zoning By-law

6.1.1.1 The Township's comprehensive Zoning By-laws will be updated as necessary to conform to the policies of this plan. Such a by-law will, among other matters, set standards and regulations and define more precisely, the uses and limits of areas to be allocated for specific land uses.

6.1.1.2 Zoning may be implemented to identify areas with limited Municipal service provision.

6.1.2 Holding By-laws

6.1.2.1 The Planning Act provides for the use of a Holding symbol (H) in conjunction with any land use zone found within the Zoning By-law.

6.1.2.2 Holding By-laws shall be implemented by use of the symbol "H" in conjunction with the land use zones of the Zoning By-law, and may include provisions for interim permitted uses, such as existing uses and minor extensions thereto, and other uses which are deemed compatible with surrounding land uses and will not adversely affect the future development potential of the land.

6.1.2.3 The purpose of the Holding Zone is to:

- Prevent or limit the use of land in order to achieve orderly development;
- To ensure that any required studies have been completed;
- To allow for the implementation of special design features; and,
- To allow for the entering into of a site plan agreement as a requirement of the development process.

6.1.2.4 Generally, the Holding symbol should be applied to vacant land which may eventually be developed, but which is now considered to be premature or inappropriate for immediate development or redevelopment, or may not have adequate infrastructure currently available.

6.1.2.5 Application to remove the Holding (H) symbol will be considered in accordance with the provisions of the Planning Act, and will include confirmation that the proposed development is no longer premature or inappropriate.

6.1.3 Temporary Use By-laws

6.1.3.1 Council may pass by-laws to permit the temporary use of lands, buildings or structures, pursuant to Section 39 of the Planning Act, provided that the following requirements are complied with:

- the use generally conforms with the intent of this Official Plan;
- the use is compatible with surrounding land uses and activities;
- such temporary uses or activities do not result in hazardous conditions for either vehicular or pedestrian traffic; and,
- that relevant parking and service area requirements are complied with.

6.1.3.2 Such a by-law shall define the area to which it applies and prescribe the period of time, up to 3 years with the possibility of renewal, for which the authorization shall be in effect, having regard for the appropriateness and temporary nature of the use or activity.

6.1.3.3 Upon expiry of the temporary zoning by-law, the use must cease to exist.

6.1.3.4 Council may also pass a temporary use by-law to permit a Garden Suite for a time period not to exceed 20 years. Garden Suites shall only be permitted in the Rural designation as an accessory use to an existing residential dwelling. The Garden Suite shall be connected to the same septic system and water supply as the principle dwelling on the lot. A Garden Suite must be of modular construction and shall be designed to be portable. In conjunction with the approval of a Temporary Use By-law for a Garden Suite, Council may require the owner to enter into an agreement and/or provide the Township with requisite securities.

6.1.4 Non-Conforming Uses

6.1.4.1 Any land use legally existing prior to the approval of this plan which does not conform to the permitted uses of this plan, should cease to exist in the long term. In extenuating circumstances, it may be desirable to permit the extension or enlargement of the non-conforming use, in order to prevent undue hardship.

6.1.4.2 Certain uses of land that existed at the date of approval of this plan may be deemed to conform to the intent of this plan for the purpose of a zoning by-law. Such uses may be zoned specifically for their existing use, provided:

- the zoning will not permit any change of use or regulation;
- the zoning will not aggravate the existing situation;
- the use is located outside the flood way portion of a river or stream system's flood plain;
- the use does not constitute a danger to surrounding uses or persons by virtue of their hazardous nature, the traffic they generate, or pollution of air or water, to the extent of interfering with the ordinary enjoyment of property;

- the zoning is not detrimental to or incompatible with the abutting uses; and,
- the zoning will not interfere with the desirable development of adjacent areas.

6.1.4.3 Any land use that is illegal, under the existing approved By-laws of the Township, does not become legal by virtue of the adoption of this Plan.

6.1.5 Minor Variances

In accordance with the *Planning Act*, Council will appoint a Committee of Adjustment for the purpose of hearing applications for relief from a provision or provisions of the Township's Zoning By-law.

In determining whether to approve an application for a minor variance, Committee will need to be satisfied that the application meets the four tests:

- 1) That the requested variance conforms with the general intent of the Official Plan;
- 2) That the requested variance is in keeping with the spirit and intent of the Township's Zoning By-law;
- 3) That the requested variance is appropriate for the desirable development of the lot; and,
- 4) That the requested variance is minor.

In making a determination of whether a variance is minor as required in item four, Committee will have more regard for the degree of impact which could result from the relief and less regard to the magnitude of numeric or absolute relief sought by the applicant. In addition, applicants who request a minor variance should be prepared to demonstrate a need for the requested relief on the basis that the subject zoning provision is not warranted in a particular circumstance, causes undue hardship, or is otherwise impossible to comply with.

6.2 Lot Creation

6.2.1 Plans of Subdivision or Condominium Descriptions

6.2.1.1 This section applies to any proposal for the creation of 5 (five) or more lots or in situations where the Township identifies that it is in the public interest to proceed by way of subdivision approval or condominium description.

6.2.1.2 All applications must be accompanied by a hydrogeology and terrain analysis report (demonstrating that the water quality of the subject and surrounding properties will not be adversely affected and that the impact from the proposed sewage disposal systems will be acceptable), an impact assessment of septic system effluent on the groundwater, and a storm water management report (prepared by qualified professionals, to the satisfaction of the Township).

- 6.2.1.3 An aquifer evaluation report will be required to confirm that a suitable water supply can be obtained for each proposed lot.
- 6.2.1.4 Approval from the appropriate road authority for access to the development, and confirmation of road allowance widenings and reserves will be required at the time of application.
- 6.2.1.5 All areas of environmental constraint and significance, including but not limited to those indicated on Schedule "B", shall be investigated and reported on by qualified professionals, the results and recommendations of which shall be implemented through conditions of draft plan approval.
- 6.2.1.6 Communal water and sewage systems that may service multiple lot development will require approval by the Ministry of the Environment.

6.2.2 Consents to Land Severance

- 6.2.2.1 Consents may be permitted for the creation of up to 5 lots (four new plus one existing), provided the policies of this plan are adhered to.
- 6.2.2.2 Council shall establish that a plan of subdivision is not required for the proper and orderly development of the land.
- 6.2.2.3 The intent and purpose of the Official Plan and Zoning By-law must be maintained.
- 6.2.2.4 The lot should be reasonably well proportioned, of regular shape and dimension, and must be of sufficient size and configuration to be serviced by private on-site water and sewage disposal systems.
- 6.2.2.5 The lot must front on an existing year round publicly maintained Township road, unless it is located in the Waterfront designation, in which case the provisions of Section 3.2 apply.
- 6.2.2.6 The lot shall not create a traffic hazard to sight lines, curves, or grades of existing development, as set out in accepted traffic engineering standards.
- 6.2.2.7 The lot shall meet Minimum Distance Separation requirements in the Rural area if there is an agricultural operation in the vicinity.
- 6.2.2.8 Severances will not be considered where the creation of a new lot may:
 - be subject to the danger of flooding, erosion, steep slopes, high water tables or other physical hazard;
 - have a negative impact on natural features and environmentally sensitive areas of surrounding lands; or,
 - be in proximity to extractive industrial operations or areas identified as having mineral or aggregate resources.
- 6.2.2.9 Consent applications may be considered to:

- correct lot boundaries; or,
- convey additional lands to an adjacent lot provided the conveyance does not lead to the creation of an additional building lot and/or create an undersized or irregularly shaped lot.

6.2.2.10 Any application for consent to sever for commercial or industrial purposes must also be accompanied by a storm water management report prepared by a qualified professional, to the satisfaction of the Township.

6.2.3 Part Lot Control Exemption

6.2.3.1 Where the Township determines that it is appropriate, lot creation may occur through the release of Part Lot Control, in accordance with the Planning Act.

6.2.4 Use of Development Agreements

6.2.4.1 The Township may require a proponent to enter into municipal agreements as may be required in this Plan and in accordance with relevant Provincial statutes.

6.3 Deeming

6.3.1 Council may deem any plan of subdivision, or part thereof, that has been registered for eight years or more, not to be a registered plan of subdivision pursuant to Section 50 of the Planning Act, where such subdivision does not conform with the Official Plan.

6.4 Site Plan Control

6.4.1 All areas of the Township are designated as Site Plan Control areas under the provisions of the Planning Act. All uses in the Township may fall under Site Plan Control. All lands within designations that permit single detached dwellings are also designated as proposed Site Plan Control areas. Furthermore, residential apartment buildings containing fewer than 25 dwelling units located within the *Downtown*, *Downtown Transition* or *Residential* designations shall also be subject to site plan control.

6.4.2 Site Plan Control shall be utilized by the Township to ensure its compatibility with the vision and principles of this plan and to ensure:

- safe, orderly and functional development;
- safe and efficient access for all modes of transportation;
- land use compatibility between new and existing development;
- the provision of functional and appealing on-site amenities and facilities such as landscaping, fencing and lighting;
- the provision and appropriate placement of required services such as driveways, parking, loading facilities and garbage storage;

- the proposed development has regard for accessibility for persons with disabilities;
- appropriate protection to the natural environment, including recreational water quality;
- sustainable design elements on an adjoining street are provided, which may include trees, shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers, and bicycle parking facilities;
- the provision of easements or grading and site alterations necessary for public utilities and site drainage; and,
- the proposed development is built and maintained as approved;

6.4.3 As part of the Site Plan Control process, the dedication (free of all charge and encumbrance to the appropriate authority) for the following road improvements may be required:

- Land for a widening of the road allowance to Municipal standards. Any road widening obtained under this policy must be taken equally on both sides of the centre line of the existing travelled surface of the road.
- Where a road widening must be taken unequally, or in its entirety from one side of the road, only one-half will be taken through Site Plan Control.
- A dedication for sight triangles and turning lanes at the intersection of public roads, to meet engineering standards as described in the Site Plan Control By-law, may be required to meet applicable Municipal standards where such dedication would extend beyond the road allowance widths stated above.
- A dedication may be required for an area necessary to construct grade improvements or separations where the proposed development requires such improvements respecting traffic volume or hazards to the road onto which the proposed development abuts or is immediately adjacent to, which extends beyond the road allowance widths as stated above. A dedication may also be required to improve or accommodate safe access for pedestrians and bicyclists. Such dedication may only be required to the extent that the dedication meets applicable Municipal standards.

6.5 Municipal Land Acquisition

6.5.1 The Council of the Corporation of the Township of Minden Hills may acquire land to implement any feature of this Plan in accordance with the provisions of the Planning Act, the Municipal Act, or any other Act.

6.5.2 New municipal parks may be established, through the provisions of the Planning Act and Municipal purchases, on the shores of waterbodies and for the preservation of unique natural features.

6.6 Maintenance and Occupancy By-laws

6.6.1 Council may enact a by-law setting forth the minimum standards for the maintenance and occupancy or use of property within the Township of Minden Hills and for prohibiting the occupancy or use of property that does not conform to the standards established thereunder. The by-law shall contain provisions for requiring property, which does not conform, to be repaired and maintained in accordance with the prescribed standards, or, for the site to be cleared of all buildings, structures, debris or refuse and left in a graded and leveled condition. The Council for the Township of Minden Hills shall, upon the enactment of a Property Standards By-law, appoint a Property Standards Committee responsible for the administration and enforcement of the said By-law.

6.6.2 Regard shall be had for the following matters in the enactment of the Property Standards By-law:

- the physical condition of yards and passageways, including the accumulation of debris and rubbish;
- the adequacy of sanitation facilities inclusive of drainage and facilities for waste disposal and garbage;
- the physical condition of all buildings or dwellings with particular regard to such matters as: structural standards and appearances; adequacy of heat, light and ventilation; condition of stairs, interior walls, ceilings, floors and plumbing facilities and appurtenances; and, adequacy of electrical services, fire protection, safety and warning devices; and,
- the physical condition of accessory buildings and the property.

6.7 Interpretation of Land Use Designation Boundaries and Figures

6.7.1 The boundaries between land uses designated on the Schedules to the Plan are approximate. Where boundaries coincide with roads, railway lines, rivers, transmission lines, lot lines or other clearly defined physical features, they are not open to flexible interpretation. Where the general intent of the Plan is maintained, minor adjustments to boundaries will not require amendment to this Plan.

6.7.2 It is recognized that the boundaries of the Natural Features overlay designations identified in Schedules “B” and “B-A” may be imprecise and subject to change or refinement. The Township shall determine the extent of the environmental areas on a site-by-site basis when considering any development proposal, in consultation with the appropriate agencies. Any refinement to the designation shall not require an Amendment to this Plan.

6.7.3 Where a lot is within more than one designation on the Land Use Schedules to this Plan, each portion of the lot shall be used in accordance with the applicable policies of that designation.

6.7.4 The figures and quantities identified in the policies to this Plan are not intended to be interpreted in a rigid manner where non-conformity should require an

Amendment to this Plan. Where numerical figures and quantities are identified in this Plan, such standards should be respected and upheld but may be modified where it can be demonstrated that the intent of the Plan and/or a specific planning principle or principles established in this Plan has been upheld.

6.8 Official Plan Review Process

6.8.1 The Official Plan is not a static document and shall be amended periodically to reflect changing conditions and to serve the overall public interest.

6.8.2 Council will review the need for changes to the Official Plan at least every five years as dictated by Section 26 of the Planning Act. The five year review will consist of an assessment of:

- the relevance of the goals and objectives that form the foundation of this Plan;
- the extent to which the anticipated development pressures have occurred;
- the suitability of the policies applicable to the various land use designations; and,
- the need for revised or new policy initiatives.

6.9 Official Plan Amendment Review Process

6.9.1 While the Plan is intended to provide direction for growth for the future, there is recognition that an Official Plan cannot anticipate all forms of development that may be appropriate and desirable in the community. As such, Amendment to the Official Plan may be initiated or considered by the Township at any time, to ensure that the Plan remains current and relevant.

6.9.2 Requests for site specific changes to the Official Plan may be considered by Council upon application, and will be evaluated on the basis of the following criteria:

- conformity with the overall intent, philosophy, goals, principles and policies of the Official Plan;
- suitability of the location of the site for the proposed land use;
- compatibility of the proposed land use with surrounding uses;
- the need for and feasibility of the use, where considered appropriate;
- the impact of the proposal on municipal services and infrastructure;
- the economic and health benefits and financial implication to the Township; and,
- regard for the County of Haliburton Official Plan and the Provincial Policy Statement.

6.10 Alternative Notice Requirements

6.10.1 Official Plan Amendments

- 6.10.1.1 Council may provide by resolution that the setting of a public meeting date and the giving of notice thereof may be delegated to a Committee of Council or an appointed official.
- 6.10.1.2 Where Council proposes to convene any subsequent public meeting or meetings pursuant to Section 17(18) of the Planning Act, as amended, such meetings shall be held not sooner than 10 days after compliance with the requirements for the giving of notice.
- 6.10.1.3 Where it is found necessary to make a technical amendment to the Plan which does not change the effect of the Plan, such as correcting clerical, grammatical or typographical errors or the numbering of provisions, Council may forego the public meeting required pursuant to Section 17(18) of the Planning Act, as amended.
- 6.10.1.4 If, following the giving of notice, a member of the public or an agency advises that there is insufficient time to respond, Council may proceed with the public meeting, but will defer any decision on the application until a subsequent meeting, such subsequent meeting not to be held sooner than 30 days after the giving of the original notice for the public meeting.

6.10.2 Zoning By-law Amendment

- 6.10.2.1 Where Council proposes to convene a subsequent public meeting or meetings pursuant to Section 34 (14), of the Planning Act, as amended, such meetings shall be held not sooner than 10 days after compliance with the requirements for the giving of notice.
- 6.10.2.2 Where it is found necessary to make a technical amendment to a bylaw, such as correcting clerical, grammatical or typographical errors or the numbering of provisions, Council may forego the public meeting required pursuant to Section 34(14) of the Planning Act, as amended.
- 6.10.2.3 Council may provide by resolution that the setting of a public meeting date and the giving of notice thereof may be delegated to a Committee of Council or an appointed official.

6.11 Official Plan Implementation

- 6.11.1 This Plan will be implemented through the Planning Act, other applicable provincial legislation and appropriate local and county initiatives.

6.12 Boat Impact Assessment

- 6.12.1 A boat impact assessment will be required prior to the approval of an application for an Official Plan or Zoning By-law amendment, or upon the request of the

Township, where the establishment of a significant boat docking or mooring facility is proposed. A boat impact assessment is intended to evaluate the suitability of a site and the immediate area to accommodate a significant boat docking or mooring facility and its associated boat traffic.

6.12.2 A significant boat docking facility includes:

- a facility or an addition to a facility which from the date of approval of this plan would cumulatively accommodate 15 or more boats;
- a new or expanded facility associated with a commercial use on a narrow waterbody; and,
- the establishment of a new marina, waterfront landing, or boat livery.

6.12.3 A boat impact assessment will consider:

- a description of the proposal including property size and location, environmental influences or development constraints, and physical characteristics of the land and the water interface;
- a plan showing the location, orientation and size of existing and proposed facilities;
- a review of the context and factors related to the boating facility that may affect the use of the water resource, such as existing boat traffic and other water use, size of the water system, expected boat traffic (volume, frequency and distribution), access to the property and the boating facility from the land and water, influences or constraints to navigation, reported accidents or occurrences, and any other pertinent information; and,
- an assessment of the potential impact of the proposal and identification of any mitigation measures which may be required, including suitability of the location, extent, type and orientation of facilities (e.g. docking, lighting, parking), and mitigation measures to reduce impact.

6.13 Monitoring

6.13.1 The Township will monitor the effect of this plan through an inventory of development activity such as lot creation, building permit activity and land use changes, as well as through review of social, economic and environmental trends.

6.14 Information to be provided with applications

6.14.1 On an application for official plan amendment made pursuant to Section 22 of the Planning Act, the applicant shall provide the information or reports required as noted elsewhere in this Plan prior to Council accepting or further considering the request for an amendment to the Official Plan, as provided in Sections 22(5) and 22 (6) of the Planning Act.

- 6.14.2 On an application for zoning amendment made pursuant to Section 34 of the Planning Act, the applicant shall provide the information or reports required as noted elsewhere in the Plan prior to Council accepting or further considering the request for an amendment to the zoning by-law, as provided in Sections 34(10.2) and 34(10.3) of the Planning Act.
- 6.14.3 Council may waive the requirement for such additional information or reports where it is satisfied that such information is not required for the evaluation of the application.
- 6.14.4 Notwithstanding, Sections 6.14.1 and 6.14.2, Council may request the provision of additional studies, reports, assessments, or technical drawings not otherwise noted in the development policies of this Plan, if such studies are considered to be necessary or fundamental to support an application for Official Plan or Zoning By-law Amendment.

6.15 Site Alteration and Tree Conservation By-laws

- 6.15.1 The Township supports the efforts of the County of Haliburton to control the removal of trees and natural vegetation adjacent to lakes and waterways. The Township may pass local by-laws to prohibit or regulate the destruction or injuring of trees, require that a permit be obtained to injure or destroy trees, and impose conditions to a permit, as provided in the Municipal Act, 2001, as amended (Section 135).
- 6.15.2 The Township may pass by-laws respecting the dumping or placing of fill, removal of topsoil or the alteration of the grade or land as provided in the Municipal Act, 2001, as amended (Section 142).

6.16 Community Improvement Areas

- 6.16.1 Definition and Identification
- a) Community Improvement is generally defined as encompassing all those activities, both public and private, which maintain, rehabilitate and redevelop the existing physical environment to accommodate the social and economic priorities of the Township of Minden Hills within the context of the requirements of the *Planning Act*.
 - b) Community Improvement Policy (CIP) Areas are designated in compliance with the provisions of the *Planning Act* and are intended to identify areas in which Community Improvement Plans may be undertaken.
 - c) All areas designated Residential, Downtown, Downtown Transition or Waterfront are designated as Community Improvement Project Areas. Specific Community Improvement Areas may be defined by by-law and Community Improvement Plans may be prepared for all or a portion of the defined areas but for clarity, lands located within the Waterfront

designation shall not be a focus for intensification as provided in the Community Improvement Policies of this Plan.

6.16.2 Community Improvement Goals

- a) To implement the approved recommendations from the Village Master Plan;
- b) To develop a more attractive, safe, accessible and efficient community for existing and future residents.
- c) To provide for the continued social and economic development of the Township;
- d) To provide an environment that is attractive to new investment in the Township;
- e) To encourage the ongoing maintenance, rehabilitation, redevelopment, upgrading and improvement of external public and private space.

6.16.3 Criteria For Delineating Community Improvement Project Areas

Areas identified, as Community Improvement Project Areas shall be determined according to the following criteria:

- a) areas that show deficiencies in public services including:
 - i) deficiencies in sewer and water services;
 - ii) deficiencies in storm drainage;
 - iii) deficiencies in roads, sidewalks, street-lighting, and fire hydrants;
 - iv) desired streetscape improvements – boulevard conditions;
 - v) streetscape definition; and,
 - vi) impediments to pedestrian and bicycle movement.
- b) areas that are deficient in social or recreational services including:
 - i) lack of recreational facilities, including parks, open space and public facilities, playgrounds;
 - ii) under utilized public recreational facilities;
 - iii) architectural or historical significance of sites/areas;
 - iv) lack of a range of housing types.
- c) contaminated lands or brownfields which remain undeveloped but which could provide significant opportunity for infill and intensification;
- d) land, building and structures which possess barriers to accessibility and active forms of transportation;

- e) areas having inappropriate uses in a particular area, and that exhibit any of the following features:
 - i) presence of conflicting/encroaching land use;
 - ii) general aesthetics of the use/area;
 - iii) availability and suitability of parking facilities (may also be viewed as a public service);
 - iv) under utilization of land, blocks; and,
 - v) building condition; need for upgrading to meet current standards – availability of land and areas for reasonable expansion of uses in the area.

6.16.4 Potential Incentives and Methods of Implementation

The following highlights a number of methods that may be used by Council to implement various Community Improvement objectives. Ultimately, it shall be the role of the Community Improvement Plan to develop incentives and methods of implementation that are suited to the Community Improvement Area.

a) Participation in Government or Agency Funding Programs

There are many programs which have been established at all levels of Government which can assist in achieving the Township's Community Improvement objectives. These include grant or loan programs, geared both to the private and public sectors. Where recommended through a CIP process, Council supports the use of local grant or loan programs to support CIP objectives, provided such funding is available.

While some programs are tailored to specific types of improvements, others are of general application or apply to a specific type of use. While these programs generally reflect the Provincial or Federal Governments' perception of priorities, they can still be used to advantage by the Township when its priorities match those of the program.

b) Use of Full Range of Legislative Authority

The Township may be able to take advantage of powers given to it through a multitude of Provincial statutes. The full use of the *Planning Act*, *Municipal Act*, *Heritage Act*, *Ontario Water Resources Act*, and many others can all be used to further the Township's objectives.

c) Acquisition

In designated Community Improvement Areas, the Township may acquire, assemble, clear and dispose of lands for purposes which conform to the intent of the Community Improvement Plan. This is a very powerful tool which permits the Township to become involved and assist in encouraging redevelopment where private investment may not initially have been interested. This tool is also beneficial in acquiring lands that are incompatible with surrounding land uses, and that may be better located elsewhere in the community.

d) Property Standards By-law

The enforcement of a maintenance and occupancy (Property Standards) By-law is important in encouraging private property owners to maintain and improve their property to the level deemed appropriate by the Township.

e) Modification of Zoning Regulations

In particular areas, zoning provisions can be used to develop a character and/or to encourage private infill development that would add to the tax base of the community while protecting and improving the existing development. Temporary Use By-laws, provisions for Holding By-laws and bonusing provisions can all be used to achieve stated objectives.

f) Site Plan Control

Site plan control can be an effective tool in encouraging and requiring private development to meet certain municipal objectives (e.g. streetscape improvements, better property access, naturalization, etc.).

g) Community Groups

Working with community groups may provide a variety of means of expanding and maintaining a range of public facilities, such as affordable housing or housing geared to seniors.

h) Heritage Committee

A local Heritage Committee can play an active role in identifying sites and buildings that contribute to or are representative of the built heritage and character of a community. With the advice of the Committee, Council may identify sites and areas that may be redeveloped with a particular emphasis on heritage preservation in the Community.

6.17 Date of Approval

Where the policies of this Plan refer to the date of approval of this Official Plan, the effective date shall be March 17, 2005.